4-1953

Paving Streets Under the Abutting Property Act

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Part 1 The Abutting Property Act

Technical Bulletin

Municipal Technical Advisory Service

Division of University Extension
The University of Tennessee

In cooperation with the Tennessee Municipal League

April 1953
Number 17
Municipalities of Tennessee will receive the proceeds from one cent of the state gasoline tax, on a per capita basis, beginning July 1, 1953. This deserved financial assistance will go far in enabling cities to meet their obligation of providing good streets. However, we believe that the average city will find that the money from this source will be inadequate to pay for all street work. This will be particularly true if permanent-type streets are to be constructed instead of temporary, thin-pavement, poorly-based streets that will look good for awhile but will soon deteriorate and require excessive maintenance expense. The very essential item of curb and gutter will also add to the cost of street construction.

Analysis of the situation in one small city disclosed that to construct about a mile of new streets, estimated to cost $34,000, would take that city's full share of the state gasoline tax for 12 years, leaving nothing for maintenance of other streets. Even by using the abutting property act, under which property owners would pay two-thirds of the cost, it would take all of its state money for four years. Five to six years would be required if allowance is to be made for maintenance of other streets. It is likely that a similar analysis in other cities will indicate a need to use the abutting property act for street construction.

To assist municipalities in constructing streets under the abutting property act, we have prepared the materials in this bulletin. In addition to a copy of the act itself, from Williams Tennessee Code, Annotated (Michie Publishing Company, Charlottesville, Virginia), there is included a sample ordinance and two sample notices. These are intended to be general guides, and each municipality should consult its attorney regarding the particular form of such documents adapted to its charter and needs. If it appears that MTAS can be of further service, we shall be pleased to have municipal officials call on us.

Victor C. Hobday
Executive Director
MTAS
Part 1 The Abutting Property Act

Part 1 The Abutting Property Act

Part 2 Sample Ordinance

Part 3 Notice of the Passage of the Ordinance

Part 4 Sample Notice of Availability of the Assessment List

APRIL 1953
NUMBER IV
and also the time and place, not less than two weeks from the date of first publication of the notice, at which the legislative body of such municipality shall meet to hear reconstramces or protests against the making of such improvement or improvements. (1b.)

3414. 1991A7. PROPERTY OWNERS MAY PROTEST AGAINST SUCH IMPROVEMENT; ORDINANCE MAY BE CONFIRMED, AMENDED, OR DENIED. At the time and place thus appointed, the legislative body shall meet, and at said meeting, or at the time and place to which same may be adjourned from time to time, all owners of property may be affected by such improvement or any part thereof may object to and protest against the making of such improvement or improvements, the material to be used, and the manner of making same; and the said legislative body shall consider such objections and protests, if any, and may confirm, amend, modify, or rescind such original ordinance. (2a.)

3415. 1991A8. FAILURE TO OBJECT OR PROTEST WAIVES SUCH IRREGULARITIES, ETC. Failure to object or protest at the time of confirmation of original ordinance shall constitute a waiver of any and all irregularities, omissions, and defects in the proceedings taken prior to such a time. (2b.)

3416. 1991A9. IMPROVEMENTS MAY BE CONSTRUCTED BY THE CITY, OR BY CONTRACT WITH THE LOWEST AND BEST BIDDER. Upon the confirmation of the ordinance hereinafore referred to, it shall be the duty of said legislative body to proceed to construct the improvements thus authorized, which may be done by contract with the lowest and best responsible bidder, in accordance with the provisions of the charter of such city or town, or it may be done by said municipality as it may elect. (1b, sec. 3.)

3417. 1991A10. BIDS MUST BE ACCOMPANIED WITH CERTIFIED CHECK OR THE REQUIRED BOND TO GUARANTEE THE MAKING OF THE CONTRACT. In case said work is let to the lowest and best responsible bidder, all bids submitted for the construction of such improvement shall be accompanied by a certified check or a suitable bond, with at least two good and solvent sureties, who are citizens or residents of the city or town where the improvement is to be made, or for personal sureties, or in lieu thereof, the bond of some surety company authorized to do business in this state may be given in a penal sum of at least ten per cent. of the entire cost of the work to be done or improvements to be made, computed on the basis of the bid submitted, and conditioned that the contractors named therein shall, in case said work is awarded to them, enter into a contract with said city or town within the time required and for the price named in their respective bids, and in accordance with the plans and specifications of the municipality and the provisions of the ordinance providing for the improvement. (1b.)

3418. 1991A11. ALL BIDS MAY BE REJECTED, AND NEW BIDS ORDERED. Said legislative body shall have the power to reject any and all bids and to order new bids. (1b.)

3419. 1991A12. CONTRACTOR'S BOND FOR PERFORMANCE OF THE CONTRACT. The successful bidder shall execute a bond to said city or town, in an amount equal to fifty per cent. of the entire contract price of said improvement, conditioned that said party shall well and truly perform all of the terms and conditions of the contract, in a good and workmanlike manner, and in accordance with the plans and specifications, which shall form part of

3408. 1991A1. TO WHAT TOWNS AND CITIES APPLICABLE; TWO-THIRDS OF COST OF IMPROVEMENTS TO BE ASSESSED AGAINST ABUTTING OR ADJACENT PROPERTY. The municipalities whose charters do not contain specific provisions to the contrary or otherwise, shall have the power to design, or cause to be designed, contract for, and execute, or cause to be executed, the construction and improvement or the reconstruction or improvement of any street, avenue, alley, public place, by opening, extending, widening, grading, paving, macadamizing, curbing, guttering, draining, or otherwise improving the same in such manner and with such materials and with such culverts and drains as the legislative body of such municipality may prescribe, and to cause not less than two-thirds of the cost or expense of the aforesaid work and improvements to be assessed against the property abutting or adjacent to said street, avenue, alley, or any other public place so improved. (1913, 1st sess., ch. 16, sec. 1.)

3409. 1991A2. IMPROVEMENT ORDINANCE SHALL DESCRIBE THE CHARACTER AND LOCATION OF IMPROVEMENT, AND DIRECT PLANS. When the legislative body of any such municipality shall determine to construct any improvement authorized by the preceding section, it shall adopt an ordinance that such improvement or improvements shall be made, which ordinance shall describe the nature and extent of the work, the character of materials to be used, the location and the terminal points of the proposed improvements, and the streets, alleys, highways, or other public places, or part or parts thereof, on which such improvements are to be made, and which shall direct that full details, drawings, plans, specifications, and surveys of said work and estimates be prepared by the city engineer, or such other person as may be designated in such ordinance; or the said legislative body may adopt plans for such work already prepared. (1b, sec. 2, Modified.)

3410. 1991A3. PLANS, ESTIMATES, ETC., TO BE FILED AND SUBJECT TO EXAMINATION. Such details, drawings, plans, specifications, and estimates shall, when completed, be placed on file in the office of the city engineer, or other official designated in such ordinance, where the property owners who may be affected by such improvement may see and examine same. (1b.)

3411. 1991A4. ORDINANCE TO PUBLISH TO BEHOLD OBJECTIONS TO PROPOSED IMPROVEMENT. The said ordinance shall appoint a time when the legislative body of such municipality shall meet, which shall not be less than two weeks after the date of the first publication of notice of said ordinance, to hear any objections or reconstructions that may be made to said improvement, the manner of making same, or the character of material to be used. (1b.)

3412. 1991A5. NOTICE OF ORDINANCE BY NEWSPAPER PUBLICATION. Notice of the adoption of such ordinance shall be given by publishing a notice once each for two consecutive weeks in some newspaper of general circulation in said municipality. (1b.)

3413. 1991A6. REQUISITES OF PUBLISHED NOTICE OF MEETING TO HEAR OBJECTIONS AGAINST THE IMPROVEMENT. It shall not be necessary to set out in full in such notice said ordinance, but such notice shall state such improvement or improvements, the location and terminal points thereof,
and also the time and place, not less than two weeks from the date of first publication of the notice, at which the legislative body of such municipality shall meet to hear remonstrances or protests against the making of such improvement or improvements. (Tb.)

3414 1991a8. PROPERTY OWNERS MAY PROTEST AGAINST SUCH IMPROVEMENT; ORDINANCE MAY BE CONFIRMED, AMENDED, OR REPEALED. - At the time and place thus appointed, the legislative body shall meet, and at said meeting, or at the time and place to which same may be adjourned from time to time, all persons who are citizens or contractors or town, or any other public place, by opening, extending, widening, grading, paving, macadamizing, curbling, guttering, draining, or otherwise improving the same in such manner and with such materials and with such curvets and drains as the legislative body of such municipality may prescribe, and to cause not less than two-thirds of the cost or expense of the aforesaid work and improvements to be assessed against the property abutting or adjacent to said street, avenue, alley, or any other public place so improved. (1913, 1st ex. ses. ch. 18, sec. 1.)

3415 1991a9. IMPROVEMENTS MAY BE CONSTRUCTED BY THE CITY, OR BY CONTRACT WITH THE LOWEST AND BEST BIDDER. - Upon the confirmation of the ordinance hereinbefore referred to, it shall be the duty of said legislative body to proceed to construct the improvements thus authorized, which may be done by contract with the lowest and best responsible bidder, in accordance with the provisions of the charter of such city or town, or it may be done by said municipality as it may elect. (Tb., sec. 3.)

3416 1991a10. BIDS MUST BE ACCOMPANIED WITH CERTIFIED CHECK OR THE REQUIRED BOND TO GUARANTEE THE MAKING OF THE CONTRACT. - In case said work is let to the lowest and best responsible bidder, all bids submitted for the construction of such improvement shall be accompanied by a certified check or a suitable bond, with at least two good and solvent sureties, who are citizens or residents of the city or town where the improvement is to be made, or such bond or surety, or in lieu of such sureties, the bond or surety company authorized to do business in this state may be given in a penal sum of at least ten per cent. of the entire cost of the work to be done or improvements to be made, computed on the basis of the bid submitted, and conditioned that the contractors named therein shall, in case said work is awarded to them, enter into a contract with said city or town within the time required and for the price named in their respective bids, and in accordance with the plans and specifications of the municipality and the provisions of the ordinance providing for the improvement. (Tb.)

3417 1991a11. ALL BIDS MAY BE REJECTED, AND NEW BIDS ORDERED. - Said legislative body shall have the power to reject any and all bids and to order new bids. (Tb.)

3418 1991a12. CONTRACTOR'S BOND FOR PERFORMANCE OF THE CONTRACT. - The successful bidder shall execute a bond to said city or town, in an amount equal to fifty per cent. of the entire contract price of said improvement, conditioned that said party shall well and truly perform all of the terms and conditions of the contract, in a good and workmanlike manner, and in accordance with the plans and specifications, which shall form part of

3408 1991a1. TO WHAT TOWNS AND CITIES APPLICABLE; TWO-THIRDS OF COST OF IMPROVEMENTS TO BE ASSESSED AGAINST ABUTTING OR ADJACENT PROPERTY. - The municipalities whose charters do not contain specific provisions to the contrary or otherwise, shall have the power to design, or cause to be designed, contract for, and execute, or cause to be executed, the construction and improvement or the reconstruction or reImprovement of any street, avenue, alley, public place, by opening, extending, widening, grading, paving, macadamizing, curbling, guttering, draining, or otherwise improving the same in such manner and with such materials and with such curvets and drains as the legislative body of such municipality may prescribe, and to cause not less than two-thirds of the cost or expense of the aforesaid work and improvements to be assessed against the property abutting or adjacent to said street, avenue, alley, or any other public space so improved. (1913, 1st ex. ses. ch. 18, sec. 1.)
work of paving in accordance with the plans and specifications prepared by such city, or of permitting said city or town to do said work at a price to be paid to said city or town by said company, it shall be the duty of said legislative body, before enacting the ordinance or ordinances providing for the improvement, to ascertain whether said company desires to do its portion of said paving itself or that the same be done by said municipality. (ib., sec. 5.)

3425 1991a18. IF CITY, AMOUNT MUST BE DECREED BEFORE APPORTIONING TWO-THIRDS OF THE BALANCE. - If said company elects to have its portion of said paving done by said municipality, then, and before proceeding to apportion the cost of said improvement upon any lots or parcels of ground abutting on or adjacent to said paving done by said municipality, then, and before proceeding to apportion the cost of said improvement upon any lots or parcels of ground abutting on or adjacent to said highway, said board shall first deduct from the total of said improvement the amount that should be paid by such company, and after deducting the amount that is to be paid by such street or other railway company, said legislative body shall proceed to apportion two-thirds of the balance of the cost of such improvement upon the land abutting on and adjacent to such street, highway, avenue, or alley, as provided. (ib.)

3426 1991a19. PUBLICATION OF NOTICE OF ASSESSMENTS AND DATE OF CONSIDERING OBJECTIONS. - When said legislative body shall have completed such apportionment, the city clerk, or such person as may be designated by the legislative body of said city, shall publish a notice that said assessment list has been completed, and that, on a day named, which shall be not less than ten days after the date of publication of said notice, the city clerk or board will consider any and all objections to said apportionment that have been filed in the office of said city clerk or person designated. (1913, last ex. sess., ch. 18, sec. 6.)

3427 1991a20. NOTICE TO BE GIVEN OF MEETING. - Said notice shall further recite that said lists are in the office of said city clerk or person designated, and may be inspected within business hours and during the time specified by any one interested. Said notice shall also state the general character of the improvement and the terminal points thereof. (ib.)

3428 1991a21. LANDOWNERS MAY FILE WRITTEN OBJECTIONS. - All persons whose property it is proposed to assess for the cost of said improvement may at any time on or before the date named in said notice, and before said meeting of said legislative body, file in writing with the city clerk or person designated any objections or defense to the proposed assessment or to the amount thereof. (ib., Modified.)

3429 1991a22. CONSIDERATION OF ASSESSMENTS AND OBJECTIONS THERETO; ASSESSMENTS TO BE CONFIRMED, MODIFIED, OR SET ASIDE. - On the date named in said notice, or at any day to which said meeting may be adjourned or to which consideration of said assessments and the objections thereto may be postponed, said legislative body shall hear and consider said assessment and objections thereto, and, after so doing, shall confirm, modify, or set aside said assessments as shall be deemed right and proper. (ib.)

3430 1991a23. FOR FAILURE TO FILE OBJECTIONS, ASSESSMENTS SHALL BE CONFIRMED AND MADE FINAL. - If no objection to the pro rate or the amount thereof is filed, or if the property owners fail to appear in person or by attorney and
TWO-THIRDS of ground abutting on or adjacent to said paving done by said municipality, then, and before proceeding to do its portion of said paving itself or that the same be done by said municipality. (ib., sec. 5.)

3425 1991a18. IF CITY, AMOUNT MUST BE DEDUCTED BEFORE APPORTIONING TWO-THIRDS OF THE BALANCE. - If said company elects to have its portion of said paving done by said municipality, then, and before proceeding to apportion the cost of said improvement upon any lots or parcels of ground abutting on or adjacent to said highway, said board shall first deduct from the total of said improvement the amount that is to be paid by such company; and after deducting the amount that is to be paid by such street or other railway company, said legislative body shall proceed to apportion two-thirds of the balance of the cost of such improvement upon the land abutting on and adjacent to such street, highway, avenue, or alley, as provided. (ib.)

3426 1991a19. PUBLICATION OF NOTICE OF ASSESSMENTS AND DATE OF CONSIDERING OBJECTIONS. - When said legislative body shall have completed such apportionment, the city clerk, or such person as may be designated by the legislative body of said city, shall publish a notice that said assessment list has been completed, and that, on a day named, which shall be not less than ten days after the date of publication of said notice, the city clerk, or such person as may be designated by the legislative body of said city, shall consider any and all objections to said apportionment that have been filed in the office of said city clerk or person designated. (1913, lat ex. sess., ch. 18, sec. 6.)

3427 1991a20. WHAT NOTICE SHALL FURTHER RECITE AND STATE. - Said notice shall further recite that said lists are in the office of said city clerk or person designated, and may be inspected within business hours and during the time specified by any one interested. Said notice shall also state the general character of the improvement and the terminal points thereof. (ib.)

3428 1991a21. LANDOWNERS MAY FILE WRITTEN OBJECTIONS. - All persons whose property it is proposed to assess for the cost of said improvement may at any time on or before the date named in said notice, and before said meeting of said legislative body, file in writing with the city clerk or person designated any objections or defense to the proposed assessment or to the amount thereof. (ib., Modified.)

3429 1991a22. CONSIDERATION OF ASSESSMENTS AND OBJECTIONS THERETO; ASSESSMENTS TO BE CONFIRMED, MODIFIED, OR SET ASIDE. - On the date named in said notice, or at any day to which said meeting may be adjourned or to which consideration of said assessments and objections thereto may be postponed, said legislative body shall hear and consider said assessment and objections thereto, and, after so doing, shall confirm, modify, or set aside said assessments as shall be deemed right and proper. (ib.)

3430 1991a23. FOR FAILURE TO FILE OBJECTIONS, ASSESSMENTS SHALL BE CONFIRMED AND MADE FINAL. - If no objection to the pro rate or the amount thereof is filed, or if the property owners fail to appear in person or by attorney and said contract, and shall indemnify and save the city harmless from all losses, costs, and expenses which it may sustain by reason of any negligence or default of such contractor. (ib., Modified.)

3420 1991a13. TWO-THIRDS OF COST OF IMPROVEMENT SHALL BE APPORTIONED AGAINST LAND ACCORDING TO FRONTAGE. - After the completion of the work or improvement, it shall be the duty of said legislative body, in conformity with the requirements of said ordinance, to apportion two-thirds of the cost of such improvement upon the land abutting on or adjacent to said street, highway, avenue, alley, or other public place, which apportionment shall be made against said land, and the several lots or parcels thereof, according to the frontage of said lots or parcels on said street, highway, avenue, or alley. (ib., sec. 4.)

3421 1991a14. TOTAL SHALL NOT EXCEED HALF THE CASH VALUE OF LOT, THE CITY PAY BALANCE. - The aggregate amount of the levy or assessment made against any lot or parcel of land shall not exceed one-half of the cash value of said lot and improvements thereon. By cash value it is the intent of this section to mean the fair sale price of said lot and improvements thereon if sold at a voluntary sale. The city or town shall pay any part of such levy or assessment against any such lot or parcel of land as may be in excess of one-half of said cash value thereof. (1913, lat ex. sess., ch. 18, sec. 4; 1951, ch. 9., sec. 1.)

3422 1991a15. TWO-THIRDS OF IMPROVEMENT AT INTERSECTIONS AGAINST LOTS FOR HALF A BLOCK IN ALL DIRECTIONS, REDUCTION FOR RAILROAD TRACKS. - Where intersections of any street, avenue, or other highway are improved, the municipality shall pay one-third of the cost thereof, and the balance shall be assessed against the property of the street improved and the intersecting street or streets for one-half a block in all directions according to the frontage thereof; provided, however, that the cost to be assessed against railways having tracks within such intersections shall be deducted from the cost of such intersections to be paid by the municipality and property owners. (ib.)

3423 1991a16. WHAT THE COST OF IMPROVEMENT INCLUDES. - The cost of any improvement contemplated in this article shall include the expense of the preliminary and other surveys, the inspection and superintendence of such work, the preparation of plans and specifications, the printing and publishing of notices, resolutions, and ordinances required, including notice of assessment, preparing bonds, interest on bonds, and any other expense necessary for the completion of such improvement; provided, however, that the cost of any guaranty or maintenance of any work constructed under the terms of this article shall not be assessed against the property abutting on or adjacent to street or streets or other ways improved. (ib., Modified.)

3424 1991a17. WHO ALWAYS DO THEIR OWN PAVING, OR THE CITY, UNDER AGREEMENT. - When any street, highway, avenue, or alley to be improved has located therein the track or tracks of any street railway, interurban railway, or commercial railway company which has agreed to pave any portion of such, and by the terms of its said agreement has the option of either doing said
34-37. 1991c.30. CONTRACT FOR PAYMENT IN INSTALLMENTS. - A property owner desiring to impose the privilege of payment by installments shall, before the expiration of the thirty days aforesaid, enter into an agreement in writing with the municipality that, in consideration of such privilege, he will make no objection to any illegality or irregularity with regard to any assessment against his property, and will pay the same as required by law, with the specified interest; that such agreement shall be filed in the office of the said city clerk or person designated by the municipality. (Ib.)

34-38. 1991c.31. WITHOUT SUCH CONTRA, ENTIRE ASSESSMENT IS PAYABLE IN THIRTY DAYS. - In all cases where such agreement has not been signed and filed within the time limited, the entire assessment shall be payable in cash, without interest, before the expiration of said thirty days. (Ib.)

34-39. 1991c.32. INSTALLMENTS MAY BE PAID IN FULL, WITH INTEREST. - Any property owner who shall have elected to pay his assessments in five annual installments shall have the right and privilege of paying the assessment in full at any installment period by paying the full amount of the installments, together with all accrued interest, and an additional sum equal to one-half the annual interest thereon. (Ib.)

34-40. 1991c.33. DEFAULT IN PAYMENT REMOVES ALL INSTALLMENTS DUE. - If any property owner make default in the payment of any installment and interest thereon, all of said installments, with interest, and an additional sum equal to one-half the annual interest, shall become immediately due and payable. (Ib.)

34-41. 1991c.34. ASSESSMENTS TO BE DELIVERED TO CITY TAX COLLECTOR AND ENTERED IN SPECIAL ASSESSMENT BOOK. - After the legislative body shall have levied said assessments against the property坐落于 upon such street, highway, avenue, or alley, the said city clerk or person designated shall deliver such assessments to the tax collector of said city, who shall enter same in a well bound book, styled "Special Assessment Book," which book shall be so ruled as to conveniently show: (1) Name of owner of such property; (2) the number of lot or part of lot and the plan thereof; (3) the area of said lot and the depth thereof; (4) the amount that has been assessed against such lot; and (5) the amount of such installment and the date on which installment shall become due. Said book shall be indexed according to the names of the owners of the property and according to the names of the streets that have been improved. (Ib., sec. 8)

34-42. 1991c.35. PAYMENT OF ASSESSMENTS UPON TAX COLLECTOR'S RECEIPT. - Whenever the said tax collector shall receive his receiptable warrant in the individual or owner desiring to pay any of said assessments, which amount shall be paid to the treasurer of said city as other taxes and revenues of said city are now paid. (Ib.)

34-43. 1991c.36. UNPAID INSTALLMENTS CERTIFIED TO CITY ATTORNEY FOR COLLECTION; RESTRICTION BANNED. - Whenever any installments of any assessments shall become past due for a period of sixty days, it shall be the duty of the tax collector of said city to certify said installment and all other installments of the same assessment to the city attorney whose duty it shall be to immediately enforce the collection of said installment or installations, by attachment levied upon the lot or parcel of ground upon which the assessment is payable and made final. (Ib.)

34-44. 1991c.37. FAILURE TO FILE OBJECTION OR POSTPONED DUE TO FUTURE ATTACK. - Property owners who do not file objection in writing or protest against such assessment shall be held to have consented to the same and forever barred to attack the regularity, validity, or legality of such assessment. (Ib.)

34-45. 1991c.38. CONFIRMATION AND FINAL ACTION. - Such confirmation and final action by said legislative body shall be done at a single meeting of said body; and it is hereby declared that the provisions of the charters of said cities in reference to the passage of ordinances shall not be applicable to the action of said bodies in levying such assessments, except that such levy or assessment shall be approved by the mayor; and in the event he refuses to approve or veto said levies or assessments, which he shall do as a whole, such levies or assessments shall be passed over his veto in like manner as ordinances or resolutions are passed over such vetoes. (Ib.)

34-46. 1991c.39. LIFT OF ASSESSMENTS; SALE FOR TAXES IN SUBMISSION TO SUCH LIFT, WHEN. - All such assessments shall constitute a lien on the respective lots or parcels of land upon which they are levied, superior to all other liens except those of the state and county and city, for taxes. The enforcement by the state, county, and city of their liens for taxes on any lot or parcel of land upon which has been levied an assessment for any improvements authorized by this article, shall not operate to discharge or in any manner affect the city's or town's lien for such assessment; but such purchase at a tax sale by the state, county, or city of any lot or parcel of land upon which said assessment has been levied shall take the same subject to the lien of such assessment; and if brought by the state, county or city, in any conveyance of the title thus acquired or any redemption, shall be subject to the lien of such assessment. (Ib.)

34-47. 1991c.40. CORRECTION OF ERRORS, ETC. - Any error, mistake of name, number of lot, number of area, or other irregularity may at any time be corrected; and no such levy or assessment shall ever be declared void or invalid by reason thereof, but the person aggrieved may have the same corrected by application to the legislative body of said city or town. (Ib.)

34-48. 1991c.41. IF ASSESSMENT BE SET ASIDE FOR IRREGULARITIES, OMISSIONS, OR ERRORS, NEW ASSESSMENT MADE. - If in any court any final assessment made in pursuance of this article is set aside for irregularities, omissions, or defects in the proceedings, then the legislative body of such city may, upon recommendation and notice as required in the making of an original assessment, make a new assessment in accordance with the provisions of this article. (Ib.)

34-49. 1991c.42. ASSESSMENTS TO BE PAID IN THIRTY DAYS, OR IN FIVE ANNUAL INSTALLMENTS, WITH INTEREST. - All assessments levied by virtue of this article shall be due and payable within thirty days after the assessment is made final as aforesaid; but at the election of the property owner, to be expressed by notice as hereinafter provided, said assessment may be paid in five annual installments, and shall bear interest at the rate of six per cent. per annum, interest payable semi-annually. (Ib., sec. 7.)
34:37 1991a30. CONTRACT FOR PAYMENT IN INSTALLMENTS. - A property owner desiring to exercise the privilege of payment by installments shall, before the expiration of the thirty days aforesaid, enter into an agreement in writing with the municipality that, in consideration of such privilege, he will make no objection to any illegality or irregularity with regard to the assessment against his property, and will pay the same as required by law, with the specified interest; that such agreement shall be filed in the office of the said city clerk or person designated by the municipality. (fb.)

34:38 1991a31. WITHOUT SUCH CONTRACT, ENTIRE ASSESSMENT IS PAYABLE IN THIRTY DAYS. - In all cases where such agreement has not been signed and filed within the time limited, the entire assessment shall be payable in cash, without interest, before the expiration of said thirty days. (fb.)

34:39 1991a32. INSTALLMENTS MAY BE PAID IN FULL, WITH INTEREST. - Any property owner who shall have elected to pay his assessments in five annual installments shall have the right and privilege of paying the assessment in full at any installment period by paying the full amount of the installments, together with all accrued interest, and an additional sum equal to one-half the annual interest thereon. (fb.)

34:40 1991a33. DEFAULT IN PAYMENT REQUIRES ALL INSTALLMENTS DUE. - If any property owner make default in the payment of any installment and interest thereon, all of said installments, with interest, and an additional sum equal to one-half the annual interest, shall become immediately due and payable. (fb.)

34:41 1991a34. ASSESSMENTS TO BE DELIVERED TO CITY TAX COLLECTOR AND ENTERED IN SPECIAL ASSESSMENT BOOK. - After the legislative body shall have levied said assessments against the property situating upon such street, highway, avenue, or alley, the said city clerk or person designated shall deliver such assessments to the tax collector of said city, who shall enter same in a well bound book, styled "Special Assessment Book," which book shall be so ruled as to conveniently show: (1) Name of owner of such property; (2) the number of lot or part of lot and the plan thereof; (3) the amount that has been assessed against such lot; and (4) the amount of such installment and the date on which installment shall become due. Said book shall be indexed according to the names of the owners of the property and according to the names of the streets that have been improved. (fb., sec. 8)

34:42 1991a35. PAYMENT OF ASSESSMENTS UPON TAX COLLECTOR'S RECEIVABLE WARRANT. - When the tax collector shall have his receivable warrant to the individual or owner desiring to pay any of said assessments, which amount shall be paid to the treasurer of said city as other taxes and revenues of said city are now paid. (fb.)

34:43 1991a36. UNPAID INSTALLMENTS CERTIFIED TO CITY ATTORNEY FOR COLLECTION; RETENTION BANNED. - Whenever any installments of any assessments shall become past due for a period of sixty days, it shall be the duty of the tax collector of said city to certify said installment and all other installments of the same assessment to the city attorney whose duty it shall be to immediately enforce the collection of said installment or installments, by attachment levied upon the lot or parcel of ground upon

instal upon the same, the assessment shall be confirmed and made final. (fb.)

34:31 1991a34. FAILURE TO FILE VERIFICATION OR FORTHCOMING DUE FUTURE ATTACK. - Property owners who do not file objection in writing or protest against such assessment shall be held to have consented to the same and forever barred to attack the regularity, validity, or legality of such assessment. (fb.)

34:32 1991a35. CONFIRMATION AND FINAL ACTION. - Such confirmation and final action by said legislative body shall be done at a single meeting of said body; and it is hereby declared that the provisions of the charters of said cities in reference to the passage of ordinances shall not be applicable to the action of said bodies in levying such assessments, except that such levy or assessment shall be approved by the mayor; and in the event he refuses to approve or veto said levies or assessments, which he shall all as a whole, such levies or assessments shall be passed over his veto in like manner as ordinances or resolutions are passed over such vetoes. (fb.)

34:33 1991a36. LIEN OF ASSESSMENTS; SALE FOR TAXES IN SUBREN TO SUCH LIEN, WHEN. - All such assessments shall constitute a lien on the respective lots or parcels of land upon which they are levied, superior to all other liens except those of the state and county and city, for taxes. The enforcement by the state, county, and city of their liens for taxes on any lot or parcel of land upon which has been levied an assessment for any improvement authorized by this article, shall not operate to discharge or in any manner affect the city's or town's lien for such assessment; but a purchaser at a sale by the state, county, or city of any lot or parcel of land upon which said assessment has been levied shall take the same subject to the lien of such assessment; and if brought by the state, county, or city on t he assessment and record of the same acquired or any redemption, shall be subject to the lien of such assessment. (fb.)

34:34 1991a37. CORRECTION OF ERRORS, ETC. - Any error, mistake of name, number of lot, amount, or other irregularity may at any time be corrected; and no such levy or assessment shall ever be declared void or invalid by reason thereof, but the person aggrieved may have the same corrected by application to the legislative body of said city or town. (fb.)

34:35 1991a38. IF ASSESSMENT BE SET ASIDE FOR IRREGULARITIES, MISCONC:ERNS, OR DEFECTS, NEW ASSESSMENT MADE. - If in any court any final assessment made in pursuance of this article is set aside for irregularities, omissions, or defects in the proceedings, then the legislative body of such city may, upon recommendation and notice as required in the making of an original assessment, make a new assessment in accordance with the provisions of this article. (fb.)

34:36 1991a39. ASSESSMENTS TO BE PAID IN THIRTY DAYS, OR IN FIVE ANNUAL INSTALLMENTS, WITH INTEREST. - All assessments levied by virtue of this article shall be due and payable within thirty days after the assessment is made final as aforesaid; but at the election of the property owner, to be expressed by notice as hereinafter provided, said assessment may be paid in five annual installments, and shall bear interest at the rate of six per cent. per annum, interest payable semi-annually. (fb., sec. 7)
which such assessment was levied. In case of any such delinquency, attachment shall be sued out and the lien thereunder enforced in the chancery court of the county where said land is located. Any land so attached may be sold in said attachment proceedings in bar of the equity of redemption and all other rights, legal or equitable, belonging to the owners of said land. (ib.)

344 1991a37. CITY BONDS TO PAY THE TWO-THIRDS OF COST OF IMPROVEMENTS NOT CHARGEABLE TO THE CITI. - When the legislative body shall have ordered the construction of any improvement in accordance with the terms of this article, said legislative body shall have the power, for the purpose of providing means to pay that portion of the cost of said improvement not chargeable to the municipality proper, to issue negotiable bonds of the municipality to the amount in par value not exceeding two-thirds of the estimated cost of any such improvement or improvements, which cost shall for this purpose be estimated by the legislative body in the ordinance authorizing the issue of said bonds. (ib., sec. 9.)

345 1991a38. DESCRIPTION AND REQUISITES OF BONDS. - Such bonds shall be payable to the bearer, in lawful money of the United States, either at the office of the treasurer of the municipality or at such other place in the United States as may be designated in the bond, and be in such form and signed by such officers as may be provided in the ordinance directing the issue. Coupons may bear a facsimile signature or signatures. In case any of such officers whose signatures appear on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. The bonds shall run for one, two, three, four, and five years, and bear interest at a rate not exceeding six per cent. per annum, as may be designated in the bonds, payable semiannually, and such bonds shall be of such denomination as the legislative body may direct. (ib.)

346 1991a39. BONDS PAYABLE AT CITY'S OPTION AT ANY INTEREST-BEARING PERIOD. - The municipality may, in its discretion, in such ordinances provide that any bonds shall be payable at the option of the municipality at any interest-bearing period. (ib.)

347 1991a40. BONDS TO HOLDER, WHEN BONDS. - In the event of bonds being thus made payable at the option of the municipality before maturity, and in the event that the municipality shall elect to pay any such bond in full at any interest-bearing period before its maturity, it shall pay as a bonus to the holder thereof a sum equal to one-half of the annual interest thereon for one year. (ib.)

348 1991a41. NEWSPAPER NOTICE OF REDEMPTION; REQUISITES. - The legislative body shall give public notice before any such interest period by publication three times once a week for three consecutive weeks, in a newspaper having general circulation in such municipality, the first publication to be not less than thirty days prior to the interest period at which it is proposed to redeem the bonds, such notice stating the intention to redeem the bonds and describing them by number and series. (ib.)
which such assessment was levied. In case of any such delinquency, 
attachment shall be sued out and the lien thereunder enforced in the 
chancery court of the county where said land is located. Any land so 
attached may be sold in said attachment proceedings in bar of the 
equity of redemption and all other rights, legal or equitable, 
belonging to the owners of said land. (Ib.)

344 1991a37. CITY BONDS TO PAY THE TWO-THIRDS OF COST OF IMPROVEMENTS 
NOT CHARGEABLE TO THE CITIZ. - When the legislative body shall have 
ordered the construction of any improvement in accordance with the terms 
of this article, said legislative body shall have the power, for the purpose 
of providing means to pay that portion of the cost of said improvement 
not chargeable to the municipality proper, to issue negotiable bonds of 
the municipality to the amount in par value not exceeding two-thirds 
of the estimated cost of any such improvement or improvements, which 
may be sold and apply any of the money so obtained to the payment 
of such improvements. (Ib.)

344 1991a38. DESCRIPTION AND REQUISITES OF BONDS. - Such bonds shall be 
payable to the bearer, in lawful money of the United States, either at the 
office of the treasurer of the municipality or at such other place in 
the United States as may be designated in the bond, and be in such form 
and signed by such officers as may be provided in the ordinance directing 
the issue. Coupons may bear a facsimile signature or signatures. In 
case any of such officers whose signatures appear on the bonds or coupons 
shall cease to be such officer before the delivery of such bonds to the 
purchaser, such signature shall, nevertheless, be valid and sufficient for 
all purposes, the same as if they had remained in office until the delivery 
of the bonds. The bonds shall run for one, two, three, four, and five 
years, and bear interest at a rate not exceeding six per cent. per annum, 
as may be designated in the bonds, payable semiannually, and such bonds 
shall be of such denomination as the legislative body may direct. (Ib.)

344 1991a39. BONDS PAYABLE AT CITY'S OPTION AT ANY INTEREST-BEARING 
PERIOD. - The municipality may, in its discretion, in such ordinances 
provide that any bonds shall be payable at the option of the municipality 
at any interest-bearing period. (Ib.)

344 1991a40. BONDS TO HOLDER, WHEN BONDS. - In the event of bonds being 
thus made payable at the option of the municipality before maturity, and 
in the event that the municipality shall elect to pay any such bond in full 
at any interest-bearing period before its maturity, it shall pay as a bonus 
to the holder thereof a sum equal to one-half of the annual interest thereon 
for one year. (Ib.)

344 1991a41. NEWSPAPER NOTICE OF REDEMPTION; REQUISITES. - The legislative 
body shall give public notice before any such interest period by publication 
therein once each week for three consecutive weeks, in a newspaper having 
general circulation in such municipality, the first publication to be not 
less than thirty days prior to the interest period at which it is proposed 
to redeem the bonds, such notice stating the intention to redeem the bonds 
and describing them by number and series. (Ib.)
The city of __________ hereby reserves the right and option to pay off said bonds, or properly substitute for such bonds, whether matured or unmatured, at any time, at its option, at and before maturity, at the par value thereof, together with interest, or to pay such part or parts thereof as are not or will not be fully provided for by the assessments levied and actually collected and in the treasury of the municipality in season for the payment of the principal and interest of such bonds as the same come due. (2d, sec. 10.)

3457 1991a50. PROCEEDINGS OTHER THAN THOSE REQUIRED BY THIS LAW ARE NOT NECESSARY. - No proceedings on the part of any such municipality in respect of the issuance of any such bonds shall be necessary, except such proceedings as are required by this article. (1b.)
The city of ..., hereby reserves the right and option to pay off said bonds before maturity, such right or option shall be expressly reserved in the bonds; and the language of such reservation inserted in such case in the bond may be substantially as follows, or in any other appropriate language:

The city of ..., hereby reserves the right and option to pay off said bonds before maturity; and in the event the city of ..., shall elect to pay off this bond in full at any interest period before maturity, it shall and will pay as a bonus to the holder thereof a sum equal to one-half of the annual interest thereon for one year, provided, however, that the legislative body or said municipality shall give public notice before such interest period by publication three times once a week for three consecutive weeks in a daily newspaper published in the city of ..., the first publication at least ten days but less than thirty days prior to the interest period of this bond, stating its intention to redeem the same, and describing the same by number and series. (1a.)

3460 1991a53. FORM OF COUPONS:

No. ......................................................... $ .........................

On the first day of ............... 19... the city of ............... Tenn., will pay to the bearer, at the office of the city, ......... in ............... Tenn., or at the office of ............... in ............... at the option of the holder, ............... dollars, being six months' interest then due on street improvement bond of said city, dated ............... 19... Series ............... No. .....................

......................................................... Mayor.
City ......................................................... (2b.)

3461 1991a54. TAX LEVY TO PAY PRINCIPAL AND INTEREST WHERE ASSESSMENTS ARE INSUFFICIENT.—In the event of the issuance of bonds as in this article provided, it shall be the duty of the legislative body of the municipality to ascertain, in due season in advance of the time for the payment of the principal or interest, or both, of any and all such bonds, and in advance of the time for the payment of principal or interest, or both, of any such bonds, whether or not there is or will be sufficient monies provided by the assessments levied and actually collected and in the treasury of the municipality set apart for the payment of the principal and interest of such bonds as the same become due and shall be the duty of the legislative body of the municipality, in due season in advance, to levy an ad valorem tax upon all the taxable property in the municipality sufficient to pay the principal and interest of such bonds as they become due from time to time, or to pay such part or parts thereof as are not or will not be fully provided for by the assessments levied and actually collected and in the treasury of the municipality in season for the payment of the principal and interest of such bonds as the same from time to time become due. (2b., sec. 10.)

3457 1991a50. PROCEEDINGS OTHER THAN THOSE REQUIRED BY THIS LAW ARE NOT NECESSARY. — No proceedings on the part of any such municipality in respect of the issuance of any such bonds shall be necessary, except such proceedings as are required by this article. (2b.)

3458 1991a51. FORM OF THE BONDS. — Any such bonds may, in the discretion of the legislative body of the municipality, be issued in substantially the following form or in such other form as the legislative body of the municipality may from time to time prescribe:

United States of America,
State of Tennessee,
City of ......... Street Improvement Bond.

No. .................. Series ............... $ .................

This bond is issued under and in pursuance of and in strict conformity with sections 3456 to 3459 of the Code, and other statutes, and the constitution of said state and the charter of said city, in such cases made and provided, and under and pursuant to ordinances and proceedings of said city, duly adopted and had, to provide means to pay not exceeding two-thirds of the estimated cost of certain street improvements.

It is hereby certified, recited, and declared that all acts, conditions, and things required to be done, or of the performance precedent to and in the issuance of this bond in order to make this bond a legal, valid, and binding obligation of the city of ......... have been done, existing, and been performed in regular and due time, form, and manner as required by law; and that the indebtedness represented by this bond, together with all other indebtedness of said city, does not exceed any limit prescribed by the constitution or statutes of said state or the charter of said city. The full faith and credit of the city of ......... are hereby pledged for the prompt payment of the principal and interest of this bond as the same become due.

In witness whereof, the mayor of said city of ......... and the city ......... of said city have signed this bond and attached the seal of said city, and caused the interest coupons hereeto attached to be signed with the facsimile signature of the said mayor and the said city ........., and this bond to be dated ......... 19....

......................................................... Mayor.
City ......................................................... (2b.)
that authorized and required herein, whereby loss and injury to the bondholders or any of them is caused, shall be jointly and severally liable to such bondholders injured to the extent of such loss or injury. (ib.)

3468. 1919a61. REDEMPTION OF BONDS. - When the amount of the fund arising from the collection of assessments levied for any improvement or improvements shall, with its accumulations, equal the amount of the outstanding bonds and accrued interest entitled to payment out of such fund, the city treasurer shall have authority to redeem any and all bonds that may be presented to him for redemption. (ib., sec. 13.)

3469. 1919a62. RAILWAYS TO PAY FOR WHAT IMPROVEMENTS, OR ACCORDING TO ORDINANCE OR CONTRACT UNDER WHICH OCCUPIED STREETS; LIEN FOR SAME. - Should there be a street, electric, inter-urban or steam railroad track or tracks on any street, alley, or highway improved under this article, the cost of such improvement between the rails and the spaces between such tracks and eighteen inches beyond the outer rail, including switches and turnouts, shall be paid by the owners of such railroad, and shall be assessed and collected from such owner, and shall be a lien upon the railroad and the property used in connection therewith; provided, however, that where any such railroad shall occupy any street, alley, or highway under ordinance or contract with the municipality, it shall pay not improve according to the provisions of such ordinance or contract, as has been provided in section 3468. (ib., sec. 14, modified.)

3470. 1919a63. IMPROVEMENTS UNDER PETITION; ASSESSMENT AND BONDS FOR EVERY IMPROVEMENT IN STREET, ALLEY, OR HIGHWAY. - INVIOLABILITY OF THIS SECTION SHALL NOT AVOID ASSESSMENTS. - In the event a petition be presented to the legislative body of the municipality averring the willingness of each of the signers to pay his or her pro portion of the entire cost of any improvement such as is authorized by this article and relieving the municipality from the payment of any part thereof as to any street, highway, or alley, or part or parts thereof, which petition is signed by the owners of at least seventy-five per cent of the frontage of the lots or parcels of land abutting on such street, highway, or alley, or part or parts thereof, proposed to be improved, such petition may be granted by the legislative body; and thereupon proceedings may be had under this article, the same in all respects as if the improvement had been begun by the legislative body on its own initiative; and bonds may be issued and assessments be made, except that the assessments shall, in such event, be made for the entire cost of the improvement, and bonds may be issued for the entire cost instead of assessment being made and bonds being issued for only two-thirds of the cost thereof; provided that no assessment under this section shall in any event exceed on any lot one-half of the assessed value of such lot for the current year, and all other provisions of this article shall be applicable in respect of any improvement made under this section, except as in this section otherwise expressly provided. This section is hereby declared to be separate from the remainder of this article, the validity or invalidity of this section shall not affect the remainder of the article. (ib., sec. 15.)

3471. 1919a64. ENTRIES IN SPECIAL ASSESSMENT BOOK. - The special assessment book hereofore referred to shall be a book of original entries for any and all purposes, and certified copies thereof shall be competent evidence in all cases in all the courts. (ib., sec. 16.)

3466. 1919a55. COLLECTION OF ASSESSMENTS FOR REIMBURSEMENT, NOTWITHSTANDING TAX LEVY. - In case the municipality shall levy and collect ad valorem taxes for the purpose of paying the principal and interest of any bonds, or any part thereof, the municipality shall, nevertheless, have the power and authority to proceed with the levy and collection of assessments; and such assessments, or part thereof, sufficient for the purpose shall be paid into the treasury of the municipality to reimburse the treasury for the amount thus paid out of such ad valorem taxes; and such monies thus paid into the treasury shall be used, under the direction of the legislative body of the municipality, for any lawful corporate purpose for which ad valorem taxes may legally be levied and collected. (ib.)

3463. 1919a56. BONDS OR ASSESSMENTS NOT INVALIDATED BY CITY'S FAILURE TO COMPLY. - Any failure on the part of any municipality to comply with any of the provisions of this article, and any failure in the existence or performance of any of the conditions precedent to the issuance of any bonds under this article, shall not affect the validity of such bonds or of the assessment made under this article, but the same shall be in all respects valid and binding. (ib., sec. 12.)

3464. 1919a57. ASSESSMENT FUND IS PLACED AS A SEPARATE FUND FOR PAYMENT. - The proceeds arising from the collection of assessments levied for improvements authorized by this article shall be and constitute a separate and distinct fund, and such fund, together with its accumulations, is hereby pledged for the payment of the bonds and interest coupons issued for the improvement or improvements from the assessments of which said fund is derived and shall be applied exclusively to the payment of said bonds and coupons. (ib., sec. 13.)

3465. 1919a58. COLLECTED ASSESSMENTS TO BE DEPOSITED IN BANK. - All proceeds arising from the collection of assessments levied for improvements shall, as soon as collected, be deposited by the city treasurer in some bank to be designated by the legislative body of the municipality; and such collections shall not be deposited in the general fund of the city, but shall be considered a separate deposit to the amount of "Public Improvement," and shall be drawn on checks or orders directing the amount designated therein to be paid out of the "Public Improvement" funds. (ib.)

3466. 1919a59. LIABILITY OF CITY TREASURER AND BONDSMEN. - The city treasurer shall be liable, on his official bond, to any holder of the bonds authorized by this article for any loss or injury to such holder caused by the diversion, by said officer, of any fund or part thereof to the payment of any bond, certificate of indebtedness, or interest coupons or indebtedness of the city other than the bonds and interest coupons and indebtedness herein authorized to be paid out of said fund, or by false use or misappropriation of said bond. In case the city treasurer shall be held liable, on his official bond, to any holder of the bonds authorized by this article for any loss or injury to such holder caused by the diversion, by said officer, of any fund or part thereof to the payment of any bond, certificate of indebtedness, or interest coupons or indebtedness of the city other than the bonds and interest coupons and indebtedness herein authorized to be paid out of said fund, or by false use or misappropriation of said bond. In case the city treasurer shall be held liable, on his official bond, to any holder of the bonds authorized by this article for any loss or injury to such holder caused by the diversion, by said officer, of any fund or part thereof to the payment of any bond, certificate of indebtedness, or interest coupons or indebtedness of the city other than the bonds and interest coupons and indebtedness herein authorized to be paid out of said fund, or by false use or misappropriation of said bond. In case the city treasurer shall be held liable, on his official bond, to any holder of the bonds authorized by this article for any loss or injury to such holder caused by the diversion, by said officer, of any fund or part thereof to the payment of any bond, certificate of indebtedness, or interest coupons or indebtedness of the city other than the bonds and interest coupons and indebtedness herein authorized to be paid out of said fund, or by false use or misappropriation of said bond. (ib.)

3467. 1919a60. LIABILITY OF MEMBERS OF LEGISLATIVE BODY. - Any member of the legislative body, who shall, by his vote, or in any other manner, cause, aid, or encourage any such diversion, use, or misappropriation of said fund out of which the bondholders are entitled to be paid, for any other purpose than
that authorized and required herein, whereby loss and injury to the bondholders or any of them is caused, shall be jointly and severally liable to such bondholders injured to the extent of such loss or injury. (T.)

346: 191a5. REDEEMPTION OF BONDS. - When the amount of the fund arising from the collection of assessments levied for any improvement or improvements shall, with its accumulations, equal the amount of the outstanding bonds and accrued interest entitled to payment out of such fund, the city treasurer shall have authority to redeem any and all bonds that may be presented to him for redemption. (Tb., sec. 15.)

346: 191a50. RAILWAYS TO PAY FOR WHAT IMPROVEMENTS, OR ACCORDING TO ORDINANCE OR CONTRACT UNDER WHICH OCCURS STREET; LENS FOR SAME. - Should there be a street, electric, inter-urban or steam railroad track or tracks on any street, alley, or highway improved under this article, the cost of such improvement between the rails and the spaces between such tracks and eighteen inches beyond the outer rail, including switches and turnouts, shall be paid by the owners of such railroad, and shall be assessed and collected from such owner, and shall be lien upon the railroad and the property used in connection therewith; provided, however, that where any such railroad shall occupy any street, alley, or highway under ordinance or contract with the municipality, it shall pay not improve according to the provisions of such ordinance or contract, as has been provided in section 346: 191a70. (Tb., sec. 1b., Modified.)

346: 191a51. IMPROVEMENTS UNDER PETITION; ASSESSMENT AND BONDS FOR EXHAUSTION OF THESE SECTION SHALL NOT ASSUMED BY ANY OTHER MUNICIPIANITY. - In the event a petition is presented to the legislative body of the municipality avering the willingness of each of the signers to pay his or her pro rata share of the entire cost of any improvement such as is authorized by this article and relieved the municipality from the payment of any part thereof as to any street, highway, or alley, or part or parts thereof, which petition is signed by the owners of at least seventy-five per centum of the frontage of the lots or parcel of land abutting on such street, highway, or part or parts thereof, properly proposed that is to be improved, such petition may be granted by the legislative body; and thereupon proceedings may be had under this article, the same in all respects as if the improvement had been begun by the legislative body on its own initiative; and bonds may be issued and assessments be made, except that the assessments shall, in such event, be made for the entire cost of the improvement, and bonds may be issued for the entire cost instead of assessment being made and bonds being issued for only the interest of the cost thereof; provided that no assessment under this section shall in any event exceed one-half of the assessed value of such lot for the current year, or the current year's assessments, or the current year's assessments for the current year, and all other provisions of this article shall be applicable in respect of any improvement made under this section, except as in this section otherwise expressly provided. This section is hereby declared to be separate from the remainder of this article, the invalidity or invalidity of this section shall not affect the remainder of the article. (Tb., sec. 15.)

346: 191a52. EXCEPTION IN SPECIAL ASSESSMENT BILL. - The special assessment bill hereofore referred to shall be a book of original entries for any and all purposes, and certified copies thereof shall be competent evidence in all cases in all courts. (Tb., sec. 16.)

346: 191a53. GENERAL ASSESSMENT BILL. - The general assessment bill hereofore referred to shall be a book of original entries for any and all purposes, and certified copies thereof shall be competent evidence in all cases in all courts. (Tb., sec. 16.)

346: 191a54. COLLECTION OF ASSESSMENTS FOR REIMBURSEMENT, NOTWITHSTANDING TAX LEVY. - In case the municipality shall levy and collect ad valorem taxes for the purpose of paying the principal and interest of any bonds, or any part thereof, the municipality shall, nevertheless, have the power and authority to proceed with the levy and collection of assessments; and such assessments, or part thereof, sufficient for the purpose shall be paid into the treasury of the municipality to reimburse the treasury for the amount thus paid out of such ad valorem taxes; and such money as is paid into the treasury shall be used, under the direction of the legislative body of the municipality, for any lawful corporate purpose for which ad valorem taxes may legally be levied and collected. (Tb.)

346: 191a56. BONDS OR ASSESSMENTS NOT INVALIDATED BY CITY'S FAILURE TO COMPLY. - Any failure on the part of any municipality to comply with any of the provisions of this article, and any failure in the existence or performance of any of the conditions precedent to the issuance of any bonds under this article, shall not affect the validity of such bonds or of the assessment made under this article, but the same shall be in all respects valid and binding. (Tb., sec. 11.)

346: 191a57. ASSESSMENT FUND TO BE DISTINGUISHED AS A SEPARATE FUND FOR PAYMENT. - The proceeds arising from the collection of assessments levied for improvements authorized by this article shall be and constitute a separate and distinct fund; and such fund, together with its accumulations, is hereby pledged for the payment of the bonds and interest coupons issued for the improvement or improvements from the assessments of which said fund arises, and shall be applied exclusively to the payment of said bonds and coupons. (Tb., sec. 12.)

346: 191a58. COLLATERAL ASSESSMENTS TO BE DEPOSITED IN BANK. - All proceeds arising from the collection of assessments levied for improvements shall, as soon as collected, be deposited by the city treasurer in some bank to be designated by the legislative body of the municipality; and such collections shall not be deposited with the general fund; but the same shall be considered as a separate deposit to the account of "Public Improvement," and shall be drawn on checks or orders directing the amount designated therein to be paid out of the "Public Improvement" funds. (Tb.)

346: 191a59. LIABILITY OF CITY TREASURER AND BONDSMEN. - The city treasurer shall be liable, on his official bond, to any holder of the bonds authorized by this article for any loss or injury to such bondholder caused by the diversion, by said officer, of any fund or part thereof to the payment of any bond, certificate of indebtedness, or interest coupons or indebtedness of the city other than the bonds and interest coupons and indebtedness herein authorized to be paid out of said fund, or by the use or misappropriation of said officer of any part of the funds out of which said bonds are required and contempated herein to be paid, for any other purpose than herein provided for, or for the benefit of the city or others. (Tb.)

346: 191a60. LIABILITY OF MEMBERS OF LEGISLATIVE BODY. - Any member of the legislative body, who shall, by his vote, or in any other manner, cause, aid or encourage any such diversion, use or misappropriation of said fund out of which the bondholders are entitled to be paid, for any other purpose than
and shall not be reviewed by certiorari, injunctions, bills to quiet title or otherwise by any of the courts. (ib., sec. 19.)

3476 191a65. WATERTOWERS MAY BE REQUIRED TO REPLACE RAILS AS PRESCRIBED. - Whenever any of the improvements contemplated in this article shall have been directed to be done by ordinance, as hereinafter provided, the legislative body of such city shall have the power to require any street or other railroad company to replace the rails that such company may have in such streets with other rails of a kind to be specified by said legislative body, when, in the judgment of said legislative body, the rails ordered to be removed are not suitable to be used with paving that is about to be put down by said company. Should said company refuse to comply with the requirements of said notice, said legislative body shall have the right, and it shall be its duty, to institute suitable legal proceedings against said company to compel and require said company to lay and replace said rails as are thus specified; and if successful in such legal proceedings, the city shall be entitled to recover from such company any and all costs, expenses, or losses incurred by it because of such refusal and failure of such company to comply with such order. (ib., sec. 20.)

3476 191a66. CITIES, "GENERAL IMPROVEMENT BONDS," LIMITATION ON AMOUNT. - For the purpose of raising funds with which to pay that portion of the cost of improvements chargeable against the municipalities proper herein authorized, said municipalities shall have the power and authority to issue negotiable bonds, to be termed "General Improvement Bonds," as distinguished from the bonds authorized to be issued under sections 3454 to 3460, to an amount in par value not exceeding one-thirtieth of the estimated cost of any such improvement or improvements, which cost shall be estimated by the legislative body in the ordinance authorizing the issue of said bonds. (ib., sec. 21.)

3477 191a70. BONDS SHALL BE PAYABLE TO BEARER AND WHERE; OTHER REQUIREMENTS. - Such bonds shall be payable to bearer, in lawful money of the United States, either at the office of the treasurer of the municipalities or at such other place in the United States as may be designated in the bonds, and be in such form, signed by such officials as may be provided in the ordinance directing their issuance. (ib.)

3478 191a71. SIGNATURES TO COUPONS MAY BE FACSIMILE. - Coupons may bear a facsimile signature or signatures. (ib.)

3479 191a72. OFFICIAL SIGNATURES TO BONDS AND COUPONS ARE VALID, THOUGH SUCH OFFICIALS HAVE CEASED TO BE SUCH AS DELIVERY. - In case any of such officials whose signatures appear on the bonds or coupons shall cease to be such officials before the delivery of such bonds to the purchaser, such signature shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. (ib.)

3480 191a73. TIME, EXECUTION, AND DENOMINATION OF BONDS. - The bonds shall run for a period not to exceed twenty years, at the discretion of the city, and bear interest at the rate not to exceed six per centum per annum, as
and shall not be reviewed by certiorari, injunctions, bills to quiet title or otherwise by any of the courts. (tb., sec. 19.)

3476 1911a65. LAWSUITS MAY BE REQUIRED TO REPLACE RAILS AS PRESCRIBED. - When any of the improvements authorized by this article shall have been directed to be done by ordinance, as hereinbefore provided, the legislative body of such city shall have the power to require any street or other railroad company to replace the rails that such company may have in such streets with other rails of a kind to be specified by said legislative body, when, in the judgment of said legislative body, the rails ordered to be removed are not suitable to be used with paving that is about to be put down by said body. Should said company refuse to comply with the requirements of said notice, said legislative body shall have the right, and it shall be its duty, to institute suitable legal proceedings against said company to compel and require said company to lay and replace said rails as are thus specified; and if successful in such legal proceedings, the city shall be entitled to recover from such company any and all costs, expenses, and losses incurred by it because of such refusal and failure of such company to comply with such order. (tb., sec. 20.)

3476 1911a69. CITIES, "GENERAL IMPROVEMENT BONDS," LIQUIDATION ON ACCOUNT. - For the purpose of raising funds with which to pay that portion of the cost of improvements chargeable against the municipalities proper herein authorized, said municipalities shall have the power and authority to issue negotiable bonds, to be termed "General Improvement Bonds," as distinguished from the bonds authorized to be issued under sections 3464 to 3460, to an amount in par value not exceeding one-third of the estimated cost of any such improvement or improvements, which cost shall be ascertained and paid for by the legislative body in the ordinance authorizing the issue of said bonds. (tb., sec. 21.)

3477 1911a70. BONDS SHALL BE PAYABLE TO TREASURER AND WHERE; OTHER REQUISITES. - Such bonds shall be payable to bearer, in lawful money of the United States, either at the office of the treasurer of the municipalities or at the office of the clerk of the circuit court of the county in which the city may be seated in the United States, as may be designated in the bonds, and be in such form, signed by such officials as may be provided in the ordinance directing their issuance. (tb.)

3478 1911a71. SIGNATURES TO COUPONS MAY BE FACSIMILE. - Coupons may bear a facsimile signature or signatures. (tb.)

3479 1911a72. OFFICIAL SIGNATURES TO BONDS AND COUPONS ARE VALID, THOUGH SUCH OFFICIALS HAVE CEASED TO BE SUCH AS DELIVERY. - In case any of such officials whose signatures appear on the bonds or coupons shall cease to be such officials before the delivery of such bonds to the purchaser, such signature shall, nevertheless, be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. (tb.)

3480 1911a73. TIME, INTEREST, AND DENOMINATION OF BONDS. - The bonds shall run for a period not to exceed twenty years, at the discretion of the city, and bear interest at the rate not to exceed six per centum per annum, as

3472: 1911a65. WATER CONNECTIONS TO BE MADE BEFORE IMPROVEMENTS. - Before making any of the improvements contemplated in this article, the legislative body shall have the power to order the owners of all existing real estate to connect their several premises with water mains located in the streets or highways adjacent to their several premises; and upon default of the owners for thirty days after such order to make connection, the city may contract for and make the connection, at such distances, under such regulations, and in accordance with such specifications as may be prescribed by the legislative body; and the whole cost of each connection shall be assessed against the premises with which the connection is made. Any number of such connections may be included in one contract, and the cost thereof shall be added to the final levy or assessment made against the property of each lot owner, as hereinbefore provided. (tb., sec. 17.)

3473 1911a66. SALE AND CONVEYANCE OF LAND FOR ASSESSMENTS AND INSTALLMENTS. - Whenever such proceedings are taken by any such city or town as shall result in the sale of any lot of ground to pay any instalments or assessments of any kind due therefor, it shall be lawful for such city or such town, at any time after the right to bid at such sale up to the amount of all the assessments that are outstanding against said property; and if said property is struck off to said mayor, the title thereof shall be taken in the name of the municipality; and said mayor shall thereupon have the power to execute a quitclaim deed of such city to any individual who shall tender in consideration thereof the amount of such special assessments that may have been levied against such property, together with all costs, interest, or charges that may have been incurred in the effort to collect such assessments. (tb., sec. 18.)

3474: 1911a67. PROTECTING LANDOWNER'S APPEAL FROM CONTESTATION; APPEAL NOT TO AFFECT OTHER ASSESSMENTS; APPEAL ONLY REMEDY. - When any owner or part owner of any of the lots of lands abutting on or adjacent to any street, highway, avenue, or alley that is improved or about to be improved as hereinbefore provided, and upon or against which said lots or lands levies or assessments have been made for the purpose of paying for such improvement, as has been hereinbefore provided, shall be aggrieved by the manner in which the improvements have been made or the legality in connection therewith, or the legality of the levies or assessments made by the legislative body as aforesaid, such owner or person shall have right to appeal from the action of such legislative body to the circuit court of the county in which such city or town is located; provided, said owner made objection or protest to said levies or assessments at the time provided for and appointed for objecting thereto, such appeal shall be perfected by filing with the clerk of such circuit court a petition setting forth the facts in regard to such levies and assessments and the irregularities or irregular acts in the making thereof; and such clerk shall thereupon notify such city or town to deliver a copy of such levies or assessments, and all proceedings had in reference thereto, to said clerk of said circuit court; and such copy of such levy, order be treated as other cases for trial as other cases at law; provided, that the appeal of any individual shall in no wise affect the legality of such levy or assessment as to other property involved in such levy or assessment; and provided, further, that such appeal shall be perfected within thirty days after the final action of the legislative body making such levies or assessments; and if not perfected within this time, said levies or assessments shall be regarded as final,
United States of America,
State of Tennessee,
City of .............

General Improvement Bond.

No. .................
Series ............. $ .................

The city of ............., a municipal corporation organized and existing under the laws of the State of Tennessee, for value received hereby acknowledges itself indebted and promises to pay to the bearer the sum of ..................dollars, lawful money of the United States, on the first day of ............, 19..., with interest thereon at the rate of ....... per centum per annum, payable semiannually, on the first day of ............ and ....... of each year until this bond is paid, upon the presentation and surrender of the annexed coupons, as they severally fall due, both principal and interest being payable at the office of the city ............., in ............., Tenn., or at the office of ............., in ............., at the option of the holder.

This bond is issued under and in pursuance of and in strict conformity with sections 3406-3403 et seq., of the Code and other statutes, and the constitution of the State of Tennessee, and the charter of said city, in such cases made and provided, and under and pursuant to ordinance and proceedings of said city duly adopted to provide means to pay not exceeding one-third of the estimated cost of certain street improvements.

It is hereby certified, recited, and declared that all acts, conditions, and things required to be done, exist, and be performed precedent to and in the issuance of this bond in order to make this bond a legal, valid, and binding obligation of this city of ............., have been done, existed, and been performed in regular and due time, form, and manner as required by law, and that the indebtedness represented by this bond, together with all other indebtedness of said city, does not exceed any limit prescribed by the constitution or statute of said state or the charter of said city. The full faith and credit of the city of ............. are hereby pledged to the prompt payment of principal and interest of this bond, as same become due.

In witness whereof, the mayor of the city of ............. and city ............. of said city have signed this bond, and attached the seal of the city, and caused the interest coupons hereto attached to be signed with a facsimile signature of said mayor and said city ............., and this bond to be dated first day of ............., 19...

_____________________________, Mayor

_____________________________, City ............. (Tb.)

3489 1991a82. FORM OF COUPONS:

On the first day of ............., 19..., the city of ............., Tenn., will pay to the bearer, at the office of the city ............., in ............., at the option of the holder, ............. dollars, being six months' interest then due on

may be designated in the bond, payable semiannually; and such bonds shall be of such denominations as the legislative body may direct. (Tb.)

3491 1991a74. PUBLIC OR PRIVATE SALE OF BONDS AT NOT LESS THAN PAR. - Said bonds shall be sold at public or private sale, at not less than par and accrued interest. (Tb.)

3492 1991a75. GENERAL OBLIGATION. - Said bonds shall be an absolute and general obligation of the municipalities. (Tb.)

3493 1991a76. A SPECIAL TAX TO PAY CITY'S PORTION OF IMPROVEMENTS, AND TO CREATE A SINKING FUND. - Said legislative bodies of said cities or towns, notwithstanding any charter provisions, restrictions, or limitations as to tax rate, shall annually levy a sufficient special tax, not exceeding five mills on the dollar, on the assessed valuation of all taxable property in such cities or towns to provide for the payment of that portion of improvements herein authorized chargeable against the city proper, and to provide a fund with which to pay interest on bonds authorized to be issued by sections 3476 to 3489, and to provide a sinking fund for the payment of any bonds that may be issued in anticipation of the collection of such tax, which fund so provided shall not be used or appropriated to any other purpose than the payment of such portions of the cost of such improvements or lands and the interest thereon. (Tb.)

3494 1991a77. ORDEANCE FOR ISSUANCE OF SUCH BONDS TO VALIDLY PASSED, WHEN. - Any ordinance authorizing the issuance of such bonds shall be valid when passed by the legislative body and approved by the mayor, as is now required by the charters of such cities and towns. (Tb.)

3495 1991a78. SUBMISSION OF SUCH BOND ISSUE IS DISPENSED WITH, THOUGH REQUIRED BY CHAPTER. - The provisions of such charters, requiring the submission of ordinances involving the issuance of bonds to a vote of the people, shall not apply to said ordinances authorizing the issuance of bonds provided for in sections 3476 to 3489. (Tb.)

3496 1991a79. PROCEEDINGS FOR ADVERTISEMENT, SALE, OR AWARD OF SUCH BONDS. - After the passage of any ordinance authorizing the issuance of bonds, any proceedings authorizing the advertisement of sale or award of the bonds may be taken by order made at a single session of the legislative body to said cities or towns, and need not be by ordinance. (Tb.)

3497 1991a80. PROCEEDINGS OTHER THAN THOSE REQUIRED BY THIS LAW ARE NOT NECESSARY. - No proceedings on the part of any such municipalities in respect to the issuance of any such bonds shall be necessary, except such proceedings as are required by this article. (Tb.)

3498 1991a81. FORM OF SUCH BONDS. - Any such bonds may, in the discretion of the legislative bodies of the municipalities, be issued in substantially the following form, or in such other form as the legislative body of the municipality may from time to time prescribe:
United States of America,
State of Tennessee,
City of ..................
General Improvement Bond.

No. .................
Series .............  $ ................

The city of ................., a municipal corporation organized and existing under the laws of the State of Tennessee, for value received hereby acknowledges itself indebted and promises to pay to the bearer the sum of ..................dollars, lawful money of the United States, on the first day of ................., 19.., with interest thereon at the rate of ....... per centum per annum, payable semiannually, on the first day of .......... and ..... of each year until this bond is paid, upon the presentation and surrender of the annexed coupons, as they severally fall due, both principal and interest being payable at the office of the city ................., in ............... , Tenn., or at the office of ............... , in ............... , at the option of the holder.

This bond is issued under and in pursuance of and in strict conformity with sections 3486-3493 et seq., of the Code and other statutes, and the constitution of the State of Tennessee, and the charter of said city, in such cases made and provided, and under and pursuant to ordinance and proceedings of said city duly adopted to provide means to pay not exceeding one-third of the estimated cost of certain street improvements.

It is hereby certified, recited, and declared that all acts, conditions, and things required to be done, exist, and be performed precedent to and in the issuance of this bond in order to make this bond a legal, valid, and binding obligation of this city of ................., have been done, existed, and been performed in regular and due time, form, and manner as required by law, and that the indebtedness represented by this bond, together with all other indebtedness of said city, does not exceed any limit prescribed by the constitution or statute of said state or the charter of said city. The full faith and credit of the city of .................. are hereby pledged to the prompt payment of principal and interest of this bond, as same become due.

In witness whereof, the mayor of the city of .................. and city ............... of said city have signed this bond, and attached the seal of the city, and caused the interest coupons hereto attached to be signed with a facsimile signature of said mayor and said city, and this bond to be dated first day of ................., 19.., in .....

................................................... Mayor—

................................................... City ——

3489 1991a72. FORM OF COUPONS:

No. .................

On the first day of ............... , 19.., the city of ............... , Tenn., will pay to the bearer, at the office of the city ............... , in ............... , at the option of the holder, ......... dollars, being six months' interest then due on

may be designated in the bond, payable semiannually; and such bonds shall be of such denominations as the legislative body may direct. (ib.)

3491 1991a74. PUBLIC OR PRIVATE SALE OF BONDS AT NOT LESS THAN PAR. Said bonds shall be sold at public or private sale, at not less than par and accrued interest. (ib.)

3492 1991a75. GENERAL OBLIGATION. Said bonds shall be an absolute and general obligation of the municipalities. (ib.)

3493 1991a76. A SPECIAL TAX TO PAY CITY'S PORTION OF IMPROVEMENTS, AND TO CREATE A SINKING FUND. Said legislative bodies of said cities or towns, notwithstanding any charter provisions, restrictions, or limitations as to tax rate, shall annually levy a sufficient special tax, not exceeding five mills on the dollar, on the assessed valuation of all taxable property in such cities or towns to provide for the payment of that portion of improvements herein authorized chargeable against the city proper, and to provide a fund with which to pay interest on bonds authorized to be issued by sections 3476 to 3491, and to provide a sinking fund for the payment of any bonds that may be issued in anticipation of the collection of such tax, which fund so provided shall not be used or appropriated to any other purpose than the payment of such portions of the cost of such improvements or lands and the interest thereon. (ib.)

3494 1991a77. ORDNANCE FOR ISSUANCE OF SUCH BONDS TO VALIDLY PASSED, WHEN. Any ordinance authorizing the issuance of such bonds shall be valid when passed by the legislative body and approved by the mayor, as is now required by the charters of such cities and towns. (ib.)

3495 1991a78. SUBMISSION OF SUCH BOND ISSUE IS DISPENSED WITH, THOUGH REQUIRED BY CHAPTER. The provisions of such charters, requiring the submission of ordinances involving the issuance of bonds to a vote of the people, shall not apply to said ordinances authorizing the issuance of bonds provided for in sections 3476 to 3489. (ib.)

3496 1991a79. PROCEEDINGS FOR ADVERTISEMENT, SALE, OR AWARD OF SUCH BONDS. After the passage of any ordinance authorizing the issuance of bonds, any proceedings authorizing the advertisement of sale or award of the bonds may be taken by order made at a single session of the legislative body to said cities or towns, and need not be by ordinance. (ib.)

3497 1991a80. PROCEEDINGS OTHER THAN THOSE REQUIRED BY THIS LAW ARE NOT NECESSARY. No proceedings on the part of any such municipalities in respect to the issuance of any such bonds shall be necessary, except such proceedings as are required by this article. (ib.)

3498 1991a81. FORM OF SUCH BONDS. Any such bonds may, in the discretion of the legislative bodies of the municipalities, be issued in substantially the following form, or in such other form as the legislative body of the municipality may from time to time prescribe:
general improvement bond of said city, dated the first day of 19 . . Series ........................ No. .................................................. Mayor. .................................................. City ................................. (ib.)

3407 1991a83. BONDS OR TAX LEYES ARE NOT INVALIDATED BY CITY’S FAILURE TO COMPLY WITH LAW. — Any failure on the part of any municipality to comply with any of the provisions of this article, and any failure in the existence or performance of any conditions precedent to the issuance of any such, general improvement bonds authorized to be issued by above sections shall not affect the validity of said bonds or the levy or tax under authority of said sections, but the same shall be in all respects valid and binding. (ib., sec. 22.)

3408 1991a84. CITY MAY BORROW MONEY TO PAY FOR IMPROVEMENTS, OR MAY PAY FOR SAME OUT OF OTHER FUND ON HAND. — The municipalities affected by this article shall have the authority and power to borrow money for the purpose of making payments for the improvements herein contemplated in anticipation of realization of funds, either by the sale of bonds or special assessments; and such municipalities are further authorized to make payments out of any funds on hand or such funds as may be available for either that portion of the work to be assessed against the abutting property owners or to be paid by the municipality itself; provided, further, that nothing in this article shall be construed to prohibit the municipalities affected hereby from making payment of the entire cost of such improvements out of any funds which may be provided or available for such purposes. (ib., sec. 23.)

3409 1991a85. INVALIDITY OF ANY SECTION SHALL NOT AFFECT VALIDITY OF THE REMAINING SECTIONS. — Each section of this article is declared to be separate and independent from all other sections hereof, and the invalidity of any such section shall not be held to affect the validity of the remaining sections, as such sections would have been passed and enacted by the general assembly if the invalid section, if any, had not been incorporated in the act. (ib., sec. 24.)

3410 1991a86. THIS LAW DOES NOT AFFECT SPECIAL ASSESSMENT OR ABUTTING PROPERTY LAWS. — The provisions of this article shall in no manner repeal, modify, or interfere with the operation of any special or local assessment or abutting property law enacted for the benefit of any particular city or cities; provided, however, that the provisions of this article shall be additional and supplemental to the powers conferred by such local or special law, and any municipality may take advantage of any of the rights, powers, and authority conferred by this article, in addition to those which such cities now possess. (ib., sec. 25; Modified.)
general improvement bond of said city, dated the first day of ..., 19 ..., Series ..., No. ... 

... Part 2 Sample Ordinance ...

3.90 1991a83. BONDS OR TAX LEVIES ARE NOT INVALIDATED BY CITY’S FAILURE TO COMPLY WITH LAW. - Any failure on the part of any municipality to comply with any of the provisions of this article, and any failure in the existence or performance of any conditions precedent to the issuance of any such general improvement bonds authorized to be issued by above sections shall not affect the validity of said bonds or the levy or tax under authority of said sections, but the same shall be in all respects valid and binding. (Ib., sec. 25.)

3.91 1991a84. CITY MAY BORROW MONEY TO PAY FOR IMPROVEMENTS, OR MAY PAY FOR SAME OUT OF OTHER FUND ON HAND. - The municipalities affected by this article shall have the authority and power to borrow money for the purpose of making payments for the improvements herein contemplated in anticipation of realization of funds, either by the sale of bonds or special assessments; and such municipalities are further authorized to make payments out of any funds on hand or such funds as may be available for either that portion of the work to be assessed against the abutting property owners or to be paid by the municipality itself; provided, further, that nothing in this article shall be construed to prohibit the municipalities affected hereby from making payment of the entire cost of such improvements out of any funds which may be provided or available for such purposes. (Ib., sec. 23.)

3.92 1991a85. INVALIDITY OF ANY SECTION SHALL NOT AFFECT VALIDITY OF THE REMAINING SECTIONS. - Each section of this article is declared to be separate and independent from all other sections hereof, and the invalidity of any such section shall not be held to affect the validity of the remaining sections, as such sections would have been passed and enacted by the general assembly if the invalid section, if any, had not been incorporated in the act. (Ib., sec. 24.)

3.93 1991a86. THIS LAW DOES NOT AFFECT SPECIAL ASSESSMENT OR ABUTTING PROPERTY LAWS. - The provisions of this article shall in no manner repeal, modify, or interfere with the operation of any special or local assessment or abutting property law enacted for the benefit of any particular city or cities; provided, however, that the provisions of this article shall be additional and supplemental to the powers conferred by such local or special law, and any municipality may take advantage of any of the rights, powers, and authority conferred by this article, in addition to those which such cities now possess. (Ib., sec. 25, Modified.)
One-third of the entire cost of these improvements shall be borne by the city.

Section 5. The Recorder is hereby directed to publish a notice of the adoption of this ordinance for two consecutive times in the a newspaper of general circulation in the city. The notice shall state that all persons whose property will be affected by the improvements may appear before the Board of Mayor and Aldermen on at p.m. at the city hall and be heard on any objections, protests, or remonstrances which they care to make. Persons affected may appear in person, or by attorney, or by petition in writing and protest against the making of such improvements. After the hearing, which may be adjourned from time to time, the Board may confirm, amend, modify or rescind this ordinance. Failure to object or protest at this meeting shall constitute a waiver of all irregularities, omissions, and defects in the proceedings to such date.

Section 6. The plans and specifications for these improvements may be examined by any interested party at the Office of the City Recorder during regular office hours.

Section 7. The owners of all real estate abutting on the streets to be improved under the provisions of this ordinance shall connect their premises with water and sewer mains located adjacent to their respective premises. If such connections are not made within thirty days after the notice to connect, the city may contract for or make such connections and assess the whole cost thereof against the premises where the connection is made.

Section 8. After the assessments for each property owner have been completed the City Recorder is directed to publish a notice in the City Recorder's Office, a newspaper of general circulation in the city, that the assessment list is complete and on file in the City Recorder's Office, where it may be inspected during regular office hours. The notice shall state a date on which the Board of Mayor and Aldermen will meet to consider objections made to any assessment. After this meeting the Board shall consider any protests which have been made in person, by attorney or by written petition, and shall confirm, modify or set aside the assessments. Those who make no protest shall be held to have consented to the same and to be forever barred to attack the regularity, validity, or legality of such assessment.

Section 9. All assessments levied by authority of this ordinance shall be due and payable within thirty days after assessment is made final, unless the assessee enters into a written agreement with the City to pay the assessment in five annual installments with interest at six percent.

Section 10. Any assessee who has entered into such contract shall have the right and privilege of paying the assessment in full at any installment period together with the accrued interest and an additional sum equal to one-half the annual interest thereon.

Section 11. If any assessee defaults in any payment of principal and interest, all such installments shall become due and payable together with interest and an amount equal to one-half the annual interest.

Section 12. This ordinance shall take effect from and after its passage the welfare of the people requiring it.
One-third of the entire cost of these improvements shall be borne by the city.

Section 5. The Recorder is hereby directed to publish a notice of the adoption of this ordinance for two consecutive times in a newspaper of general circulation in the city. The notice shall state that all persons whose property will be affected by the improvements may appear before the Board of Mayor and Aldermen on , at p.m. at the city hall and be heard on any objections, protests, or remonstrances which they care to make. Persons affected may appear in person, or by attorney, or by petition in writing and protest against the making of such improvements. After the hearing, which may be adjourned from time to time, the Board may confirm, amend, modify or rescind this ordinance. Failure to object or protest at this meeting shall constitute a waiver of all irregularities, omissions, and defects in the proceedings to such date.

Section 6. The plans and specifications for these improvements may be examined by any interested party at the Office of the City Recorder during regular office hours.

Section 7. The owners of all real estate abutting on the streets to be improved under the provisions of this ordinance shall connect their premises with water and sewer mains located adjacent to their respective premises. If such connections are not made within thirty days after the notice to connect, the city may contract for or make such connections and assess the whole cost thereof against the premises where the connection is made.

Section 8. After the assessments for each property owner have been completed the City Recorder is directed to publish a notice in the a newspaper of general circulation in the city, that the assessment list is complete and on file in the City Recorder's Office, where it may be inspected during regular office hours. The notice shall state a date on which the Board of Mayor and Aldermen will meet to consider objections made to any assessment. After this meeting the Board shall consider any protests which have been made in person, by attorney or by written petition, and shall confirm, modify or set aside the assessments. Those who make no protest shall be held to have consented to the same and to be forever barred to attack the regularity, validity, or legality of such assessment.

Section 9. All assessments levied by authority of this ordinance shall be due and payable within thirty days after assessment is made final, unless the assessee enters into a written agreement with the City to pay the assessment in five annual installments with interest at six percent.

Section 10. Any assessee who has entered into such contract shall have the right and privilege of paying the assessment in full at any installment period together with the accrued interest and an additional sum equal to one-half the annual interest thereon.

Section 11. If any assessee defaults in any payment of principal and interest, all such installments shall become due and payable together with interest and an amount equal to one-half the annual interest.

Section 12. This ordinance shall take effect from and after its passage the welfare of the people requiring it.

**Sample Ordinance**

An Ordinance providing for the improvement of certain Streets and Avenues in the City of County, Tennessee, Hereinafter set out in the body of this ordinance, under the authority of the Abutting Property Law of the State of Tennessee.

Section 1. Be it ordained by the Board of Mayor and Aldermen of the City of , Tennessee, that the streets hereinafter designated shall be improved by constructing or improving the present gravel base, the surface to be treated in accordance with the specifications of the Engineer for to be promulgated by the Engineer and which shall be subject to examination in the City Recorder's Office. The work is to be done pursuant to the Abutting Property Law of the State of Tennessee, and is here described as follows:

<table>
<thead>
<tr>
<th>Street</th>
<th>From</th>
<th>to</th>
<th>Width</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y Street</td>
<td>X Street</td>
<td>Z Street</td>
<td>3 feet</td>
<td>1000 feet</td>
</tr>
</tbody>
</table>

All intersections within the above Improvement District will be improved and assessed to the property owner one-half block in each direction, as provided by law.

Section 2. The Board of Mayor and Aldermen reserve the right to have all or any part of said improvement done by City labor forces and materials purchased as other municipal purchases are made, or to have said improvements done by contract as provided in the Abutting Property Law.

Section 3. The designated improvement shall be constructed under and by virtue of the power and authority conferred upon said Board of Mayor and Aldermen by 1932 Code of Tennessee, Sections 3406 to 3493, inclusive and according to the plans and specifications prepared and filed in the City Recorder's Office by the Engineer.

Section 4. The costs of these improvements shall be borne as follows: Two-thirds, exclusive of intersections, shall be borne by the owners of property abutting on the streets to be improved; one-third of the costs of intersection improvements shall be borne by the owners of property abutting on such intersections for one-half block in each direction. These costs shall be in direct proportion to the front footage of the abutting properties within the limits prescribed. A lien is hereby declared to be in effect from and after the date of the confirmation of this ordinance upon the properties abutting on the streets here in question. The lien shall include all costs of engineering, printing, advertising, clerical services, court costs, property damage, grading, draining, paving, curbs, gutters, changes in severs, and water pipes and drains, and all items authorized to be embraced in the cost of constructing streets, as defined by the 1932 Code of Tennessee, Sections 3408 to 3493, inclusive.
Sample Notice of Adoption of Street Assessment Ordinance

CITY OF
NOTICE OF STREET IMPROVEMENTS

LET ALL WHOM IT MAY CONCERN:

TAKE NOTICE that on the ___ day of ___ 19___, the Board of Mayor and Aldermen of the City of ___ duly adopted an ordinance directing the construction within the City of the following street improvements:

Street
LOCATION: [there describe]

NATURE AND EXTENT OF WORK: [there describe] all as indicated on plans and specifications on file in the City Recorder's Office.

TAKE FURTHER NOTICE that one-third of the cost of the improvements of said streets is to be borne by the City and two-thirds is to be assessed against the property abutting on said streets.

TAKE FURTHER NOTICE that said ordinance together with plans and specifications are on file in the City Recorder's Office and may be inspected in person or by attorney during business hours.

TAKE FURTHER NOTICE that the Board of Mayor and Aldermen will meet at City Hall on the ___ day of ___ 19___ at ___ a.m. to hear and consider all remonstrances, objections, protests, and arguments concerning these improvements. The property owner may appear in person, by attorney or by written petition. The Board at this meeting or any adjourned meeting shall confirm, amend, modify, or rescind the ordinance.

This the ___ day of ___ 19___.

Recorder of the City of ___
Sample Notice of Adoption
of
Street Assessment Ordinance

CITY OF
NOTICE OF STREET IMPROVEMENTS

LET ALL WHOM IT MAY CONCERN:

TAKE NOTICE that on the _______ day of ______, 19__, the Board of Mayor and Aldermen of the City of _______ duly adopted an ordinance directing the construction within the City of the following street improvements:

Street
District No. 1
LOCATION: [Here describe]

NATURE AND EXTENT OF WORK: [Here describe] all as indicated on plans and specifications on file in the City Recorder's Office.

TAKE FURTHER NOTICE that one-third of the cost of the improvements of said streets is to borne by the City and two-thirds is to be assessed against the property abutting on said streets.

TAKE FURTHER NOTICE that said ordinance together with plans and specifications are on file in the City Recorder's Office and may be inspected in person or by attorney during business hours.

TAKE FURTHER NOTICE that the Board of Mayor and Aldermen will meet at City Hall on the _______ day of ______, 19__ at ______ a.m. to hear and consider all remonstrances, objections, protests, and arguments concerning these improvements. The property owner may appear in person, by attorney or by written petition. The Board at this meeting or any adjourned meeting shall confirm, amend, modify, or rescind the ordinance.

This the _______ day of ________, 19__.

Recorder of the City of ________

Part 3 Notice of the Passage of the Ordinances
CITY OF
NOTICE OF ASSESSMENT LISTS
PURSUANT TO ORDINANCE NOTICE
OF WHICH WAS GIVEN IN
ON THE
DAY OF __________, 19___.

LET ALL WHOM IT MAY CONCERN take notice that the City of
has completed the apportionment and assessment of two-thirds of the costs
of improving Streets in accordance with the provisions
of a Street Improvement Ordinance, notice of which was given in
the day of __________, 19_. Assessments are made according
to the front footage of lots on or adjacent to the enumerated streets,
except for the costs of intersections which are assessed against owners
of lots for one-half block in each direction.

TAKE FURTHER NOTICE that the assessment list showing the amount assessed
against each assessee is on file in the City Recorder's Office where it may
be examined during office hours by any interested party or his attorney.

TAKE FURTHER NOTICE that on day of __________, 19__
at __________ a.m. in the City Hall the Board of Mayor and Aldermen will
consider any and all objections to apportionment under said list. Assessees' may appear in person, by attorney or by written petition.

This the __________ day of __________, 19__.

Recorder of the City of ____________________________
CITY OF
NOTICE OF ASSESSMENT LISTS
PURSUANT TO ORDNANCE NOTICE
OF WHICH WAS GIVEN IN
ON THE
DAY OF _______ 19____.

LET ALL WHOM IT MAY CONCERN take notice that the City of has completed the apportionment and assessment of two-thirds of the costs of improving Streets in accordance with the provisions of a Street Improvement Ordinance, notice of which was given in on the day of _______, 19____. Assessments are made according to the front footage of lots on or adjacent to the enumerated streets, except for the costs of intersections which are assessed against owners of lots for one-half block in each direction.

TAKE FURTHER NOTICE that the assessment list showing the amount assessed against each assesssee is on file in the City Recorder's Office where it may be examined during office hours by any interested party or his attorney.

TAKE FURTHER NOTICE that on day of _______, 19____ at _______ a.m. in the City Hall the Board of Mayor and Aldermen will consider any and all objections to apportionment under said list. Assessees' may appear in person, by attorney or by written petition.

This the _______ day of _________ 19____.

Recorder of the City of _______