

January 7, 2005

Honorable Jeanne Higdon, Mayor
City of Jacksboro
P.O. Box 75
Jacksboro, Tennessee 37757

Re: Street Closure

Dear Mayor Higdon

You have asked MTAS about the request from Campbell County to the City of Jacksboro to close a public street or to relocate a public street for the purpose of the county constructing a jail facility at or near the present street location.

The city council has a lot of discretion in the matter of opening and closing public streets. State law requires that the closure of a public street and the construction or relocation of streets be reviewed by the local planning commission. It requires that the closure be approved by ordinance of the city council.

Your attorney should ascertain whether the city owns the deed to the street or if the city merely has a street right-of-way. If the city owns the street by deed it can dispose of it as it would other city surplus property. If the street is merely a right-of-way, upon closure, the street property reverts to the original owners. The city attorney should verify the status of the street and advise the council accordingly.

While it is not required, MTAS recommends that a public hearing be conducted prior to the closure of the street. After receiving the planning commission's recommendation, the city council may take action to close or not close the public street.

Please call me if you have comments or questions.

Respectfully Yours

Ron Darden
Municipal Management Consultant

Cc. MTAS Legal Consultant Dennis Huffer