

Resolution 1956-06

The Mayor announced that the first matter for consideration by the Board of Commissioners was a report by Special Counsel, Louis Farrell Jr., and by the City Attorney, Morton B. Howell, Jr., on the present status of the proposed new Davidson County School which the Board of Education has announced its intention to erect on the easterly margin of and within the City of Belle Meade. The City Attorney reviewed the events of the year thus far including the recent decision of the Circuit Court of Davidson County, Byrd Douglas, Judge, wherein the plea of the property owners that the erection of a school within the limits of the City of Belle Meade was beyond the authority of Davidson County Board of Education was rejected and the right of the Davidson County Board of Education to condemn property within the City of Belle Meade for school purposes was upheld by the Court. The City Attorney further announced that Mr. William Waller, Counsel for the property owners, had announced his intention to appeal the decision of the Circuit Court to the next term of the Court of Appeals at Nashville, and had been allowed a period of sixty days within which to effect said appeal.

Special Counsel Louis Farrell, Jr., then stated that, in his opinion, in order to make sure that the action of the Court of Appeals in the case involving the property owners might not establish a position for the Court which would be adverse to the City of Belle Meade, without the City of Belle Meade being before the Court as a party, it was his opinion that suit should be instituted within a very short time seeking an injunction against Davidson County Board of Education's proposal to erect a school within the limits of the City of Belle Meade. After further discussion the Mayor stated that the Board of Commissioners had already adopted a resolution, in a meeting of the Board held on February 2, 1956 which reso-

lution granted full authority to the City Attorney and the Special Counsel to institute suit whenever necessary to protect the City's interest. Commissioner Bell then moved, and it was seconded by Vice-Mayor Warfield, and upon vote it was unanimously

RESOLVED, that the authority heretofore granted to the City Attorney, Morton B. Howell, Jr., and Louis Farrell, Jr., as Special Counsel for the City, be and is hereby ratified and in all things confirmed, to the end that litigation may be promptly begun on behalf of the City to protect the City's interest with regard to the threatened violation of the sanitary and zoning ordinance of the City of Belle Meade by the Board of Education of Davidson County.

W. T. Mallison
CITY RECORDER

Jo E. Brown
MAYOR

Date of Adoption:
September 11, 1956

**Original Resolution not found. Copied from minute book March 24, 2009
by City Recorder Linda Berner.