

# I-40 Study Offered To End Park Impasse

The Memphis Chapter of the American Institute of Architects has offered to assemble urban design experts in an attempt to reach compromise on the 16-year impasse of the Overton Park expressway.

Robert L. Browne, president of the chapter, wrote U.S. Dist. Judge Bailey Brown last week suggesting that an impartial team of urban design experts be assembled to survey the situation and offer a possible compromise.

The architect said yesterday that he wrote to the judge Thursday "only to get a reaction. I knew the case was on appeal, and I didn't want to do anything improper."

Otherwise, he said, "to

heck with the courts. We're tired of waiting for them."

The institute's Memphis chapter last year endorsed the Overton Park route "in principle." Browne said yesterday, "We didn't like the state's proposed design, but we felt there was no better location for the route." He said he still favors the park route. "I just want both ends of that park connected up somehow. Hopefully, we can get the two sides (plaintiffs and defendants) together."

The judge's response was noncommittal. He noted he has no jurisdiction while the case is on appeal and said: "Since all of the lawyers involved are receiving a copy of your letter, it may be that at some future time they or their clients might avail themselves of your offer."

J. Alan Hanover, special counsel for the Tennessee Transportation Department, was not impressed with the AIA offer. "I don't think there's anything to be gained from that sort of thing now. I've been instructed (by the state) to proceed with the lawsuit. Almost anything you do at this stage would add great delay and wouldn't resolve the objections the plaintiffs have to the park route."

Charles F. Newman, attorney for the Citizens to Preserve Overton Park, was more receptive: "There has never been a detailed, objective, professional study of any of the alternates to the use of parkland for Interstate 40, and the plaintiffs would welcome a review of the situation by any objective body which wishes to do so.

"But I think it should be clearly understood on the front end that unless the study focuses on alternatives to the use of parkland, in our opinion, it would be a waste of time."

## Supreme Court Returns Case On Land Rights

From The Commercial Appeal  
Nashville, Tenn., Bureau

NASHVILLE, July 2.—The Tennessee Supreme Court Monday returned to Shelby County Circuit Court a case challenging the right of the city and county to condemn land for the Chickasaw Basin Authority.

Circuit Judge Howard Vorder Bruegge, acting in a case involving Earl Dykema and other property owners in the area, held unconstitutional the Chickasaw Basin Authority Act of 1971.

However, the Supreme Court said Vorder Bruegge made no disposition of Shelby County's contention it had the right to condemn the two tracts of land in question under terms of the state Conservation Act.

Because such a disposition has not been made, the circuit court decree is not final, the tribunal said in remanding the case to Vorder Bruegge. It directed a complete disposition of all the issues from which an appeal can be made.

In addition, the high court said, the enactment of a new, presumably constitutional Chickasaw Basin Authority law by the legislature this year may make the validity of the old statute moot and thus "makes remand even more proper."

The Chickasaw Basin Authority is a flood control and recreation agency that deals with Nonconnah Creek and other West Tennessee streams.

OPE 21-46

CA.  
July 3, 1973