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CA, Oct. 5, 1977

# Delays Bring Lawyer Fees Of \$141,430

Since he was hired as special counsel in the Overton Park expressway case, Memphis lawyer J. Alan Hanover has been paid \$141,430, a state Transportation Department spokesman said yesterday.

Hanover was retained as special counsel Feb. 5, 1968, and has done much of the legal work involved in the controversial case, which promises to continue dragging on after 22 years of litigation and administrative action.

Meanwhile, a federal highway official said yesterday that if Interstate 40 or another transportation project is not built through Overton Park, the state may have to reimburse the federal government for part of the \$14-million spent to plan and purchase the controversial 3.7-mile right-of-way.

The spokesman for the state Transportation Department said Hanover is paid on the basis of the number of hours worked on the case and the expenses involved.

Until 1973, he said, Hanover's fees were paid from federal funds. But that year national officials called a halt to that practice because the state's efforts were directed against the federal government.

The spokesman said Hanover will continue as special counsel, with his pay and expenses being borne by the state.

Charles F. Newman, attorney for oppo-

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# 3 Options Open On I-40 Payback

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nents of the park route, declined to say how much his legal fees were.

Dr. David Levin, director of the Federal Highway Administration's right-of-way office, said the government has no policy on "payback" of federal highway funds, but rules under consideration would require the state to return about 90 per cent of the cost of acquiring the property.

**State Transportation Commissioner Eddie Shaw said the state is going ahead with plans for the Overton Park expressway link and is not considering any other use.**

Levin said tentative rules call for a state to pay back the government's share of money spent to purchase land and buildings in the right-of-way. A state would not be responsible for the government's share of money spent for planning, relocation of residents and other incidental expenses.

Tennessee spent \$12 million to purchase 100 acres along the 3.7-mile segment. The federal government provided 90 per cent of the money.

Under the tentative rules, Levin said, Tennessee could either return 90 per cent of the \$12 million, have the property appraised and pay 90 per cent of the appraised value, or sell the land and return 90 per cent of the sale value.

**The right-of-way averages about 250 feet in width, but is wider at the three intersections.**

Two Memphis architects yesterday proposed that the right-of-way be developed as an extension of Overton Park or for housing.

Jim Williamson said the strip could be developed into a meandering park lined with housing, public buildings and stores.

Carl Awsumb suggested that townhouses or apartments be built around bicycle trails and rights-of-way for minibuses or other mass transit. The land could also be divided into its original lots, he said, and sold to developers.

Bob Schuyler, superintendent of business affairs for the Park Commission, said the commission was paid \$2 million for the 26-acre right-of-way through Overton Park.

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