

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL
DOCUMENTS NECESSARY AND PROPER FOR THE
MODIFICATION OF A SANITARY SEWER EASEMENT

WHEREAS, there is an existing sanitary sewer easement that is located on the unimproved property owned by Richard and Sheila Lane, being more particularly described as Lot 18, Block 249 of the Tellico Hills subdivision; and

WHEREAS, this easement was dedicated to the city via a plat of record recorded at Plat Book 26, Page 20, in the Register of Deeds Office for Sullivan County in Blountville on October 23, 1987; and

WHEREAS, the property owners have been working towards building a single family home on the property when it was discovered that the actual sanitary sewer line is not located as described on the above referenced plat; and

WHEREAS, in order to proceed with the desired development, the owners of the property have requested the easement be aligned with the existing sanitary sewer line, as installed, which would provide a more suitable site for construction of a home without any encumbrances; and

WHEREAS, the city desires to align the easement with the actual sanitary sewer line to eliminate confusion with its placement or the right of city to access the sanitary sewer line for purposes of maintenance, repair, or replacement; and

WHEREAS, to effectuate the abandonment of the existing easement and dedication of a new easement it is recommended that a Deed of Amendment be executed.

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN as follows:

SECTION I. That the board approves and authorizes the mayor, or in his absence, incapacity, or failure to act, the Vice Mayor, to execute, in a form approved by the City Attorney, a Deed of Amendment effectuating the abandonment and reestablishment of an easement on Lot 18, Block 249 of the Tellico Hills subdivision, said Deed of Amendment being substantially as set forth herein:

DEED OF AMENDMENT

This deed of amendment effective as of September 2nd, 2026 by and between RICHARD L. LANE and wife, SHEILA W. LANE, (the "Owners") and the CITY OF KINGSPORT, TENNESSEE, a municipal corporation of the State of Tennessee (the "City").

RECITALS

WHEREAS, Owners hold fee simple title to Lot 18, Block 249 of the Tellico Hills subdivision (the "Property") having obtained the same by a deed of record in the Register's Office for Sullivan County at Blountville, Tennessee, in Deed Book 3625 at Page 26433, and;

WHEREAS, presently the property is encumbered by a fifteen (15) foot permanent sewer easement which was dedicated to City as shown by the plat of record in the Register's Office for Sullivan County at Blountville, Tennessee, at Plat Book 26, Page 20; and

WHEREAS, City did install a sanitary sewer across the Property though situated outside of the dedicated easement; and

WHEREAS, Owners now desire to develop the Property however the dedicated easement is

an impediment to Owner's ability to develop the Property as desired; and

WHEREAS, simultaneously City desires that its sanitary sewer infrastructure and right of access thereto for the purposes of maintenance, repair, or replacement lie squarely within the confines of a dedicated easement; and

WHEREAS, Owners and City hereby agree that it is of mutual benefit to enter into this Deed of Amendment for the purpose of modifying the description of the dedicated sanitary sewer easement as shown on the plat of record in the Register's Office for Sullivan County at Blountville, Tennessee, at Plat Book 26, Page 20.

NOW THEREFORE,

That for and in consideration of the sum of ONE DOLLAR AND 00/100th's (\$1.00) cash in hand paid, and other good and valuable consideration as more particularly described herein above, the receipt of all of which is hereby acknowledged, Owners and City hereby agree to modify the described permanent sanitary sewer easement as follows:

COMMENCING AT A 3/8" IRON ROD FOUND, SAID ROD BEING LOCATED IN THE NORTHELY SIDELINE OF SPRINGFIELD AVENUE AND A CORNER TO LOT 17 AND 18, BLOCK 249, TELLICO HILLS (PLAT BOOK 26, PAGE 20. THENCE ALONG THE SIDELINE OF SPRINGFIELD AVENUE, SOUTH 58°40' 13" EAST, A DISTANCE OF 115.78 FEET TO THE POINT OF BEGINNING. THENCE LEAVING THE SIDELINE OF SPRINGFIELD AVENUE AND THROUGH LOT 18 THE FOLLOWING TWO CALLS: NORTH 31°54'54" EAST, A DISTANCE OF 90.08 FEET TO A POINT, AND NORTH 30°05'11" EAST, A DISTANCE OF 28.34 FEET TO A POINT IN THE SOUTHERLY SIDELINE OF LAMONT STREET. THENCE WITH SAID SIDELINE OF LAMONT STREET WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 15.82 FEET, AND A CHORD OF SOUTH 42°08'21" EAST, A DISTANCE OF 15.75 FEET TO A POINT. THENCE LEAVING SAID SIDELINE THE FOLLOWING TWO CALLS: SOUTH 30°05'11" WEST, A DISTANCE OF 23.77 FEET TO A POINT AND SOUTH 31°54'54" WEST, A DISTANCE OF 90.17 FEET TO A POINT IN THE NORTHERLY SIDELINE OF SPRINGFIELD AVENUE. THENCE WITH THE SAID SIDELINE NORTH 58°40'13" WEST, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 0.040 ACRES MORE OR LESS.

That Owners covenant with City, its successors and assigns, that they are lawfully seized and possessed of said property; that they have a good and lawful right to convey any interest in the Property and therefore enter into this Amendment and modify the described sanitary sewer easement, and that they will forever warrant and defend City's interest in the easement as described herein against the good and lawful claims of all persons whomsoever.

That Owners, their successors and assigns, grant City a permanent right of entry and easement to maintain and operate a sanitary sewer line or lines within the area more particularly described herein, and shall have no claim against city to the remainder of the Property under eminent domain or inverse condemnation, and that Owners, their heirs and assigns shall not build or allow a building or structure to be constructed over the easement.

That City hereby releases and waives any right, title, or interest to the area of the easement as dedicated by that plat of record hereinabove referenced and acknowledges and agrees its rights or interest shall only be within that area specifically described herein which shall be a substitute for the previously dedicated easement.

WITNESS the signatures of the parties hereto as of the date first above written.

[Acknowledgments omitted for inclusion in this resolution.]

SECTION II. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement set out herein that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION III That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort, and prosperity of the citizens of the city.

SECTION IV. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 1st day of September, 2026.

PAUL W. MONTGOMERY, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY