

**RESOLUTION 22-66**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF DEDICATION OF  
ROAD RIGHTS-OF-WAY FOR MITCHUM LANE**

**WHEREAS**, The Mary Polk Mitchum Testamentary Trust dedicated a permanent easement and right-of-way on Mitchum Lane to the City of Spring Hill in July 2003, as recorded with Maury County, Book R1733, Pages 418-420, as attached hereto; and

**WHEREAS**, the original easement agreement contained an error regarding the width of the easement, which was corrected in March 2022 with a Scrivener's Affidavit; and

**WHEREAS**, the dedication established Mitchum Lane as a city road; and

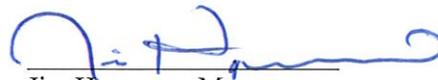
**WHEREAS**, the City's Board of Mayor and Aldermen did not formally accept the dedication to incorporate Mitchum Lane in to the City's roads and infrastructure GIS systems at the time of easement execution; and

**WHEREAS**, future development is planned for the tracts adjacent to Mitchum Lane; and

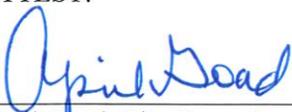
**WHEREAS**, the City needs to formally accept the dedication to reflect this as a City road for future development purposes and deemed to be in the best interest of the citizens of Spring Hill.

**NOW, THEREFORE BE IT RESOLVED**, by the City of Spring Hill Board of Mayor and Aldermen that dedication Road Rights-of Way on Mitchum Lane as recorded in July 2003 is hereby approved.

Passed and adopted this 18<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
Jim Hagaman, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick Carter, City Attorney



**REQUEST:** Approval of Resolution 22-66  
**SUBMITTED BY:** Missy Stahl, CIP Manager  
**DATE:** April 18, 2022  
**RE:** To authorize acceptance dedication of road ROW for Mitchum Lane  
**ATTACHMENTS:** Area map, recorded easement

---

**BACKGROUND:**

The Mary Polk Mitchum Testamentary Trust dedicated a permanent easement and rights-of-way on Mitchum Lane to the City of Spring Hill in July 2003 and was recorded with Maury County. It was determined that the original easement document contained an error in the width of the easement, resulting in the deed not being in compliance with the survey. The City's attorney prepared and recorded a Scrivener's Affidavit to correct the width of the easement from the incorrect of 35' to 30'.

The City did not formally accept the dedication to incorporate the road in to the City's roadway and infrastructure system. Future development is planned for the tracts that abut Mitchum Lane so the dedication needs to occur to reflect this as a City road as deemed in the best interest of the citizens of Spring Hill.

**FINANCIAL IMPACT:**

There is no additional financial impact.

**STAFF RECOMMENDATION:**

Staff recommends approval of Resolution 22-66 to authorize acceptance of dedication of road rights-of-way for Mitchum Lane.

This instrument prepared by:

ANDREW HOOVER & ATTORNEYS, P. C.  
Attorney at Law  
100 Town Center Parkway  
P.O. Box 1743  
Spring Hill, Tennessee 37174

BK/PG:R1733/418-420

03108176

BOOK	
PAGE	
DATE	
TIME	
JOS: AL - EASEMENT	
PARCEL BATCH:	5425
DATE/TIME:	08/01/2003 - 09:50 AM
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	15.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	17.00
STATE OF TENNESSEE, MAURY COUNTY	
L WAYNE WHITE	
REGISTER OF DEEDS	

MILLARD F. MITCHUM, JR and  
ALICE MITHCHUM FITTS each INDIVIDUALLY  
and AS CO-TRUSTEES OF THE MARY POLK MITCHUM  
TESTAMENTARY TRUST

TO . . . . . EASEMENT

CITY OF SPRING HILL

FOR AND IN CONSIDERATION OF THE SUM OF \$10.00, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, We, Millard F. Mitchum, Jr., and Alice Mitchum Fitts, each Individually and as Co-Trustees of the Mary Polk Mitchum Testamentary Trust, have this day bargained and sold and by these presents do transfer and convey to the City of Spring Hill, a municipal corporation organized under the laws of the State of Tennessee, a thirty-five foot wide, permanent easement and right-of-way, including the perpetual right to enter and to erect, maintain, repair, and rebuild, as may be necessary, a road, ditches, bridges, and culverts on and over said ground of such easement to provide the City of Spring Hill, its successors and assigns access to the Waste Water Treatment Plant from John Lunn Road, said easement being described below.

Land lying in the third civil district of Maury County, Tennessee, and more particularly described as follows:

BEGINNING at a point on the south line of property lying 7.41 feet South 65 degrees 59 minutes 39 seconds West of the southwest corner of the property; thence with the south line South 65 degrees 59 minutes 39 seconds West 35.13 feet to a point; thence, leaving the south line of the property, North 07 degrees 20 minutes 26 seconds East 2546.50 feet to a point on the north line of the property, and lying in the right of way of John Lunn Road; thence South 80 degrees 05 minutes 40 seconds east 30.03 feet along the right of way of John Lunn Road to a point, said point lies South 80 degrees 46 minutes 39 seconds West 9.11 feet from a one-half inch iron rebar lying on the west line of the property and in the right of way of John Lunn Road; thence leaving the right of way of John Lunn Road South 07 degrees 20 minutes 26 seconds West 2526.89 feet to the POINT OF BEGINNING.

Being a portion of the property conveyed to Mary Polk Mitchum as recorded in Deed Book 519, Page 319 of the Register's Office of Maury County, Tennessee.

MAP 43

PARCEL 5.00

All of which is more particularly shown by words, figures, signs, and symbols on the exhibit hereto attached and made a part hereof. The City of Spring Hill agrees to require its servants, agents, and/or contractors to protect and restore said property located adjacent to and outside the limits of the easement to a condition similar or equal to that existing at the

commencement of construction of said roadway over and above said easement.

TO HAVE AND TO HOLD the above described real estate unto the said City of Spring Hill, its successors and assigns, in fee simple and forever.

THE UNDERSIGNED COVENANTS with said Grantee, its successors and assigns, that they are lawfully seized and possessed of the above described real estate, that the same is unencumbered, and they have a good and lawful right to sell and convey the same, and they bind themselves, their successors, and assigns to forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

As a part of the consideration of this grant, we hereby release any claim for damages from whatever cause incidental to the exercise of the rights herein granted.

POSSESSION passes with the delivery of this deed.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AS OF THIS  
THE 28th DAY OF JULY, 2003.

*Millard F. Mitchum, Jr.*  
MILLARD F. MITCHUM, JR.  
Individually and Co-Trustee for  
the Mary Polk Mitchum  
Testamentary Trust

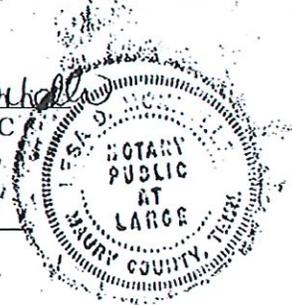
*Alice Mitchum Fits*  
ALICE MITCHUM FITTS  
Individually and as Co-Trustee  
of the Mary Polk Mitchum  
Testamentary Trust

STATE OF TENNESSEE     )  
  )  
COUNTY OF MAURY        )

On this 28th day of July, 2003, before me personally appeared Millard F. Mitchum, Jr., individually and as Co-Trustee of the Mary Polk Mitchum Trust the within named bargainer, to me known, or proved to me on the basis of satisfactory evidence to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed, and on behalf of the Trust being authorized so to do.

Witness my hand and official seal at Spring Hill, TN,  
Tennessee this 28th day of July, 2003.

*Lesa O. Mitchell*  
NOTARY PUBLIC



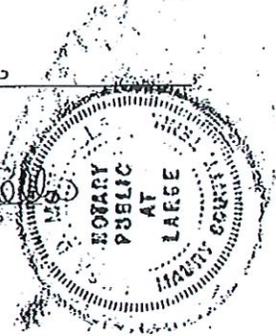
MY COMMISSION EXPIRES: 5-17-04

STATE OF TENNESSEE )  
 )  
COUNTY OF MAURY )

On this 21 day of July, 2003, before me personally appeared Alice Mitchum Fitts individually and as Co-Trustee of the Mary Polk Mitchum Testamentary Trust the within named bargainor, to me known, or proved to me on the basis of satisfactory evidence to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed, and on behalf of the Trust being authorized so to do.

Witness my hand and official seal at Spring Hill, TN  
Tennessee this 21 day of July, 2003.

Jessa O. Marshall  
NOTARY PUBLIC



MY COMMISSION EXPIRES: 5-17-04

STATE OF Tennessee )  
 )  
COUNTY OF Maury )

I hereby swear or affirm that the actual consideration for this transfer is  
\$ 10.00.

Kimberly E. York  
AFFIRANT

SUBSCRIBED AND SWORN to before me this the 21 day of July, 2003.

Jessa O. Marshall  
NOTARY PUBLIC



MY COMMISSION EXPIRES: 5-17-04

MAIL: CITY OF SPRING HILL  
P.O. BOX 789  
SPRING HILL, TN 37174

Exhibit A

Surveyor's Description  
30' Ingress/Egress Easement

Being land in the Third Civil District, Maury County, Spring Hill, Tennessee, located generally south of Saturn Parkway, east of Kedron Road, and just west of Aeon Creek and being more particularly described as follows:

Commencing at a 5/8" rebar found at the southwest corner of Robert F. Kennedy, Jr. as of record in Deed Book 1260, Page 283, R.O.M.C., said corner also being in the northerly line of Riverlinks Golf Course;

THENCE, S65°59'39"W, 7.41 feet to a metal "T" post set, the TRUE POINT OF BEGINNING of the herein described easement;

THENCE, with said northerly line of Riverlinks Golf Course, S65°59'39"W, 35.13 to a metal "T" post set;

THENCE, N07°20'26"E, 2546.50 feet to a metal "T" post set in the southerly right-of-way line of John Lunn Road and fence line;

THENCE, with southerly right-of-way line of John Lunn, S80°05'40"E, 30.03 feet to a metal "T" post set, (N80°46'39"E, 9.11 feet to a 1/2" rebar found in the westerly line of James B. Miller, as of record in Deed Book 601, Page 10, R.O.M.C.);

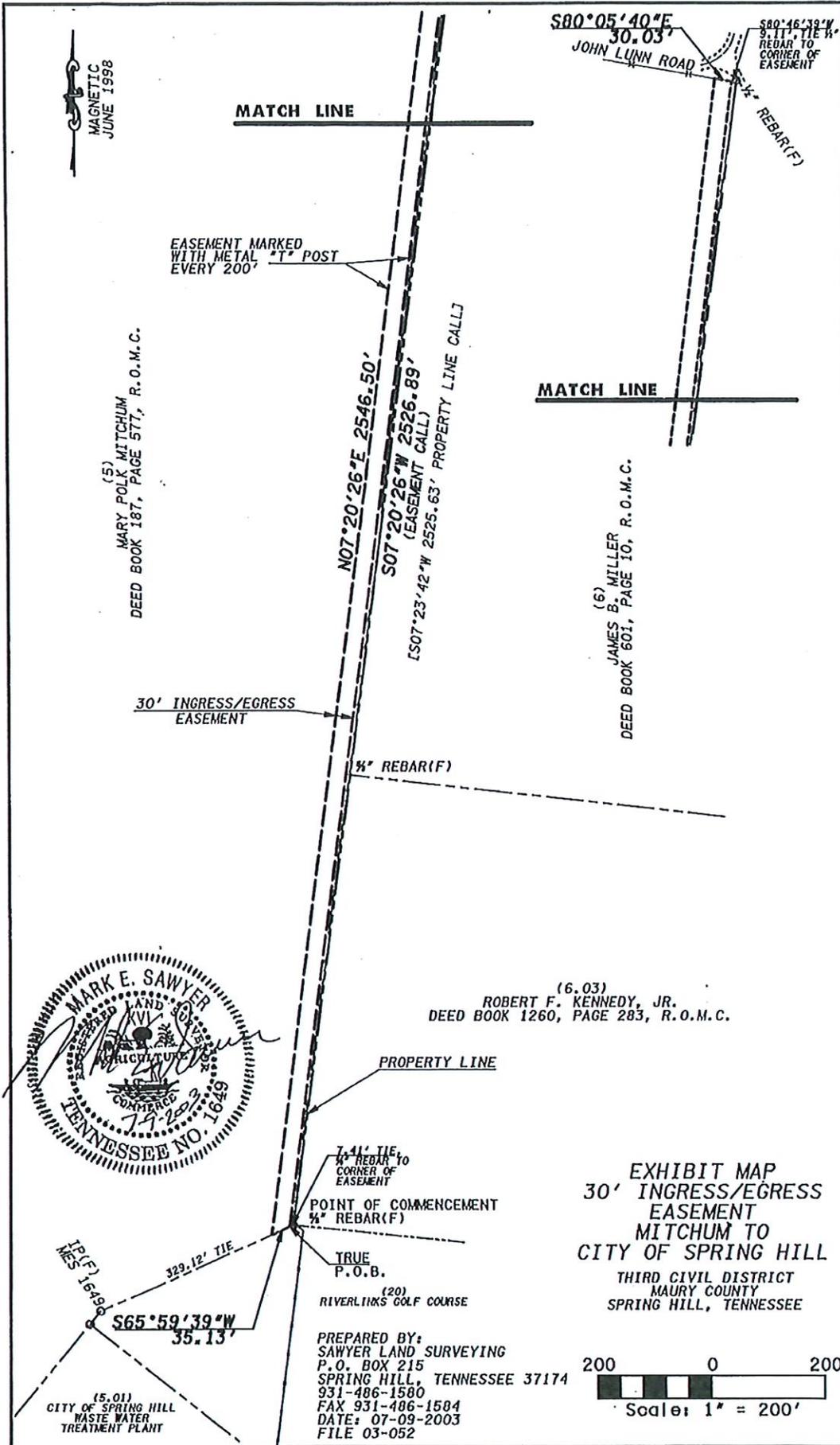
THENCE, S07°20'26"W, 2526.89 feet to the True Point of Beginning.

According to a survey by Sawyer Land Surveying, Mark E. Sawyer, R.L.S., Tennessee License 1649, File 03-052, dated July 9, 2003.

Being a portion of the Mary Polk Mitchum property as of record in Deed Book 187, Page 577, R.O.M.C.



Exhibit B



*file*

This Instrument prepared by Patrick M. Carter, Attorney, MIDDLE TENNESSEE LAW GROUP, PLLC, d/b/a Wolaver, Carter & Heffington, 809 South Main Street, Suite 100, Columbia, TN 38401

**SCRIVENER'S AFFIDAVIT**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned does hereby state and affirm as follows:

1. That I, Andrew Hoover, am an attorney in Spring Hill, Tennessee, and did prepare that certain Easement executed by **Millard F. Mitchum, Jr. and Alice Mitchum Fitts, Individually and as Co-Trustees of the Mary Polk Mitchum Testamentary Trust, to the City of Spring Hill**, dated July 28, 2003, of record in Book R1733, Page 418, Register's Office of Maury County, Tennessee.

2. That a discrepancy was contained in the aforementioned instrument, to wit: In the first paragraph on Page 1 of said Easement, it states “. . . a thirty-five foot wide, permanent easement and right-of-way, . . .”, which should actually read “a thirty foot wide permanent easement and right of way.”. See Surveyor's Description and Plat attached hereto as Exhibit A.

3. That the purpose of this Scrivener's Affidavit is to correct the aforementioned mistake in the said instrument.

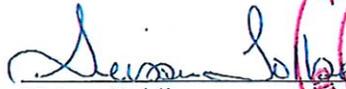
IN WITNESS WHEREOF, the undersigned has set forth his hand March 29<sup>th</sup>, 2022.

  
\_\_\_\_\_  
ANDREW HOOVER

STATE OF TENNESSEE  
COUNTY OF MAURY *GILES*

Personally appeared before me, the undersigned, Andrew Hoover, with whom I am personally acquainted, and who acknowledged under oath that he executed the within instrument for the purposes therein contained.

WITNESS my hand, at office, this 29<sup>th</sup> day of March, 2022.

  
Notary Public



My commission expires: 10-26-24

**BK/PG: R2830/601-604**  
**22006575**

4 PGS:AL-AFFIDAVIT	
JANE BATCH: 274377	03/31/2022 - 03:24 PM
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
ARCHIVE FEE	0.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	22.00

STATE OF TENNESSEE, MAURY COUNTY  
**JOHN FLEMING**  
REGISTER OF DEEDS

Surveyor's Description  
30' Ingress/Egress Easement

Being land in the Third Civil District, Maury County, Spring Hill, Tennessee, located generally south of Saturn Parkway, east of Kedron Road, and just west of Aenon Creek and being more particularly described as follows:

Commencing at a 5/8" rebar found at the southwest corner of Robert F. Kennedy, Jr. as of record in Deed Book 1260, Page 283, R.O.M.C., said corner also being in the northerly line of Riverlinks Golf Course;

THENCE, S65°59'39"W, 7.41 feet to a metal "T" post set, the TRUE POINT OF BEGINNING of the herein described easement;

THENCE, with said northerly line of Riverlinks Golf Course, S65°59'39"W, 35.13 to a metal "T" post set;

THENCE, N07°20'26"E, 2546.50 feet to a metal "T" post set in the southerly right-of-way line of John Lunn Road and fence line;

THENCE, with southerly right-of-way line of John Lunn, S80°05'40"E, 30.03 feet to a metal "T" post set, (N80°46'39"E, 9.11 feet to a 1/2" rebar found in the westerly line of James B. Miller, as of record in Deed Book 601, Page 10, R.O.M.C.);

THENCE, S07°20'26"W, 2526.89 feet to the True Point of Beginning.

According to a survey by Sawyer Land Surveying, Mark E. Sawyer, R.L.S., Tennessee License 1649, File 03-052, dated July 9, 2003.

Being a portion of the Mary Polk Mitchum property as of record in Deed Book 187, Page 577, R.O.M.C.



MAGNETIC  
JUNE 1988

(5)  
MARY POLK MITCHUM  
DEED BOOK 187, PAGE 577, R.O.M.C.

(6)  
JAMES B. MILLER  
DEED BOOK 601, PAGE 10, R.O.M.C.

(6.03)  
ROBERT F. KENNEDY, JR.  
DEED BOOK 1260, PAGE 283, R.O.M.C.

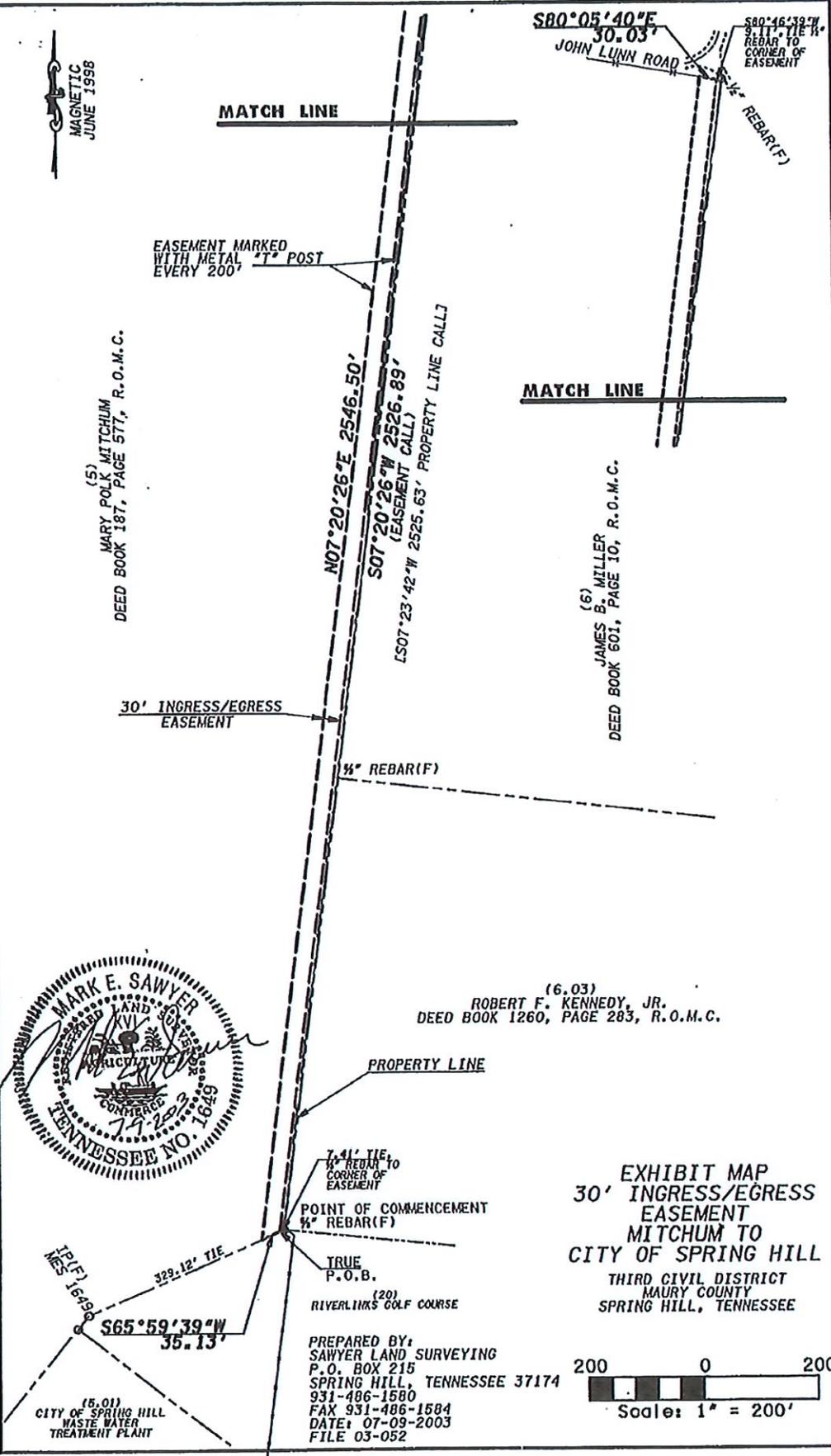
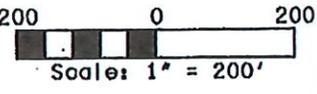


EXHIBIT MAP  
30' INGRESS/EGRESS  
EASEMENT  
MITCHUM TO  
CITY OF SPRING HILL  
THIRD CIVIL DISTRICT  
MAURY COUNTY  
SPRING HILL, TENNESSEE

PREPARED BY:  
SAWYER LAND SURVEYING  
P.O. BOX 215  
SPRING HILL, TENNESSEE 37174  
931-486-1580  
FAX 931-486-1584  
DATE: 07-09-2003  
FILE 03-052



(6.01)  
CITY OF SPRING HILL  
WASTE WATER  
TREATMENT PLANT

