

November 8, 2004

Mayor Gary Lawson
Town of Mount Carmel
P.O. Box 1421
Mount Carmel, Tennessee 37645-1421

Dear Mayor Lawson,

You have asked about a situation related to a property-line “pin” which was covered in a recent street paving. Specifically you want to know if the Town is responsible to keep this pin visible. You also want to know about ownership and use of the portion of a paved road which may be owned by an abutting property owner.

First of all, the Town is not responsible to keep the pin visible. But the Town is responsible to keep the streets paved and in decent condition, and keeping property pins visible might in fact cause an unsafe condition (if the pin were to protrude for example). Most surveyors place a person’s property pin on a part of their property and note that the property line is located X number of feet into the street from that point. In this way no pins are actually located on a street.

Regarding your other questions, the property owner may own a part of the land on which is street is constructed. This is normal. But the Town usually has a right-of-way which allows them to construct a street on the property and use it for public purposes.

I hope this answers your question. If not, or if I can be of any further assistance please feel free to call.

Sincerely,

Patrick Hardy
Municipal Management Consultant