



## Widths of Streets Based on Plats, Deeds, Etc.

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Sometimes the width of street easements can easily be ascertained from a plat, deed, or other allied documents. That is probably most true of streets established by formal dedication and acceptance, by formal dedication and implied acceptance, and by eminent domain. However, often no such documents exist with respect to many street easements, particularly in the cases of implied dedication and acceptance and of prescription. Such documents as can be found in other cases do not usually specify the width of the easement.

The heavy weight of authority in the United States is that where there is an express grant of a street easement that does not specify its width, the width is determined by the intention of the parties to the grant, and that intention is determined from the facts and circumstances, sometimes including the use of the easement. Generally, the width determined by the courts is what is reasonable, convenient, and suitable [28 A.L.R.2d 253].

That also appears to be the rule in Tennessee. With respect to streets created by formal dedication and acceptance, it was said in *Town of Benton v. Peoples Bank of Polk County*, 904 S.W.2d 598 (Tenn. App. 1995), that "the object in all boundary cases is to find, as nearly as may be, certain evidence of what particular land was meant to be included for conveyance" [At 601]. It was also said in *Doyle v. Chattanooga*, 128 Tenn. 433 (1913), that

The execution of an official map by the city, showing the street offered to be dedicated to be such, has also been held to be evidence of an acceptance. [Citation omitted.] Where the dedication is clearly defined, as in this case by a registered map, *and the public user is of the whole*, practically speaking, the presumption is that an act of acceptance of a part thereof is an acceptance of the whole [Citations omitted] [At 441].

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