

**CITY OF SPRINGVILLE  
PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission of the City of Springville (the "Commission") held a Special Called meeting at 6:00 P.M. on June 28, 2012.

**ROLL CALL:**

Present: Chairman, Doug Connell; Members, Laura Cheney, Chester Harris, Billy Joe Green, Frank Agnew, Hugh Marlin, Stephen Graham, William Isley and Jennifer Disker.

Also Present: James Hill, City Attorney and Earl Peoples, Director of Public Works.

Chairman, Doug Connell called the meeting to order and stated the purpose for the Special Called meeting was to consider a proposed resurvey known as Rhodes Place, located at the corner of Hickory Lane and Murphrees Valley Road. He opened the public hearing and asked for any comments. Petitioners, Crit and Jean Rhodes, stated that the surveyor had added a temporary easement from Hickory Lane to the second lot on the survey. James Hill expressed concerns about the temporary easement. He said that temporary is not acceptable for this application. He also stated that Hickory Lane could not be used as an easement, because the prior court documents are not descriptive enough to define the length of the easement. Chester Harris presented an aerial photo of the property and the adjoining properties. There was discussion on accessibility and possible present litigation on this matter. Mr. Dale Adams, the buyer of the second lot, asked if a court document was necessary to use Hickory Lane as an easement. Chester Harris responded that a signed agreement could be accepted in lieu of court documents. Mr. Connell asked if anyone had anything further to add to the discussion. Being none, Chester Harris motioned to close the public hearing. Billy Joe Green seconded the motion, which carried unanimously.

**Resurvey known as Rhodes Place**

Chester Harris motioned to reconvene the special called meeting. Frank Agnew seconded the motion, which carried unanimously. Chester Harris stated that he believes there is an existing easement shown on the subdivision of Ricole Estates to lot 11. He also explained he felt that there was a prescriptive easement by use. James Hill added that a prescriptive easement must be in use for at least 20 years and only a court determines if it is a prescriptive easement. Doug Connell stated that the survey that Mr. Boatwright revised does not reflect what was discussed at the work session, and feels that the easement needs to be from the Rhodes' property instead of from Hickory Lane. Chester Harris agreed and said he felt the temporary easement needs to be removed from the survey and a 15 foot easement, running parallel with Hickory Lane, from Murphrees Valley Road, should be added. James Hill stated that if an easement is shown on the plat, it will be a legal easement. This easement would be for use by current and any future owners, but could possibly be dissolved if the accessibility dispute gets settled. There was discussion on whether it was appropriate to approve with contingencies or table the matter.

Laura Cheney motioned to table the resurvey until the next meeting. Motion died for lack of a second.

Chester Harris motioned to table the resurvey until a 15 foot easement northwest of the southwest property line to the division of property and remove the temporary easement. Motion died for lack of a second.

Laura Cheney motioned to table the resurvey until revisions are complete that complies with the subdivision regulations. Chester Harris seconded the motion. William Isley asked the petitioners to be mindful that a special called meeting was held in order to consider this, but the responsibility lies with the petitioner to be fully prepared. Mrs. Dayle Adams, buyer of the second lot, asked Mr. Hill if he had all of the affidavits signed, acknowledging that no further division of land would occur without complying with the Subdivision Regulations. Mr. Hill affirmed that he had these in his file. Jennifer Disker added that since a public hearing was held, action must be taken on this application within 30 days or it would be automatically approved. Mr. Connell asked if it could be tabled again. Mrs. Disker replied only the petitioner could request that it be tabled further. Mr. Connell asked that it be added to the agenda for next month's regular meeting. Motion carried by unanimous vote.

Motion to adjourn was made by William Isley, seconded by Stephen Graham. Meeting adjourned at 6:55 PM.

Attest:

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Jennifer Disker, Secretary  
Or Another member of the  
Planning & Zoning Commission

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Doug Connell, Chairman

Minutes transcribed and typed by Jennifer Disker.