



Policy 08

DECLARATION DOCUMENT PROCESS

Easements are often required in the development of larger industrial, commercial, and residential properties. Typical properties include shopping centers, office parks, large parking areas, factories, schools, and residential complexes. Section 22.5-20 of the Stormwater and Street Ordinance (having an effective date of 12-22-2017) describes when easements may be established by the ***“Declaration Document Process.”***

In the ***“Declaration Document Process,”*** easements are established by a written legal form document, similar to a property deed, with attached survey map and written description exhibits that describe the location and boundaries of the easements. The survey map and written description exhibits must be prepared and certified by a Tennessee Registered Land Surveyor.

Normally, the Law Department provides the Declaration Document legal form portion of the document, to which the survey exhibits are attached. However, if determined that an attorney representing the owner or developer shall prepare it, then it must be approved by the Law Department before being recorded. The combined Declaration Document shall be recorded in the Office of the Knox County Register of Deeds and in the Technical Services/City Engineering Records.

In the ***“Declaration Document Process,”*** only that ***part*** of the property covering the proposed easement area must be surveyed and included on the survey map exhibit. The map shall show the proposed easements relative to existing property boundaries, and depending upon review requirements, other existing easements, roads, buildings, utilities, drainage ways, streams, and any other natural features or man-made structures that could affect the proposed easements may need to be shown.

Declaration Document survey exhibits must be based on actual field surveys that have been conducted in accordance with the Tennessee State Board of Examiners for Land Surveyors Standards of Practice, while also meeting the review requirements of the Engineering Department. It should be noted that the map exhibit is not intended to be a General Property Survey as defined by rule 0820-03-.07 and does not require all mapping items contained under said rule to be shown on the map exhibit. The surveyor is encouraged to add a note to the exhibit stating this to limit his or her liability.

Except in unusual cases approved by the Engineering Department, Declaration Document survey map exhibits shall be referenced to the same north meridian as the pre-existing recorded plat of the property. This expedites the addition of the mapping information to the current City GIS mapping system, in which the previously recorded plat information is already included.

The Declaration Document method involves the property owner, the developer, the surveyor, the City Engineering Department, and the City Law Department. The Law Department shall approve the Declaration Document, and the Engineering Department shall approve the survey exhibits. Exhibits will be reviewed and approved as quickly as possible but on a first-come, first-served basis within a typical ten (10) business day review period, each submittal.

To establish easements by the Declaration Document Process, **first** contact the Technical Services Administrator to verify that it is an option. **Next**, submit a completed application form (attached) and the \$150 fee. Payment may be made by credit card or by a check made payable to “City of Knoxville.”

In developments requiring an engineering design plan, the survey exhibits shall not be approved until the proposed easements have been approved by the Engineering Department as part of the review. The proposed easements shall conform to those approved on the design plan.

In most cases, survey exhibits shall not be approved until the property owner has signed and recorded a “Covenants for Permanent Maintenance of Stormwater Facilities” document with the Knox County Register of Deeds (See Policy 02 in the Land Development Manual).

The following “Owner’s Responsibility Note” shall be included on the drawing exhibit:

“Property owners are responsible for maintaining stormwater facilities on this property. See Covenants Document recorded as Instrument No. _____.”

The following note shall also be included on the drawing exhibit:

“This survey does not subdivide any property.”

At the surveyor’s discretion a note stating “This Survey is not a general property survey as defined by rule 0820-03-.07.” may be added to limit the surveyor’s liability.

If a Special Pollution Abatement Permit (SPAP) is required, the Engineering Department’s SPAP stamp must be include on the drawing exhibit.

Special Pollution Abatement Permit

I, the undersigned, hereby certify that the stormwater quality facilities shown on this plat have been approved by Special Pollution Abatement Permit No. _____, approved by the City of Knoxville's Department of Engineering on the _____ day of _____, 20____.

Signed: _____ Date: _____
Dept.: _____ Title: _____

Before the final document can be recorded, it must be approved by the Engineering Department and must include the Department of Engineering’s approval stamp on map exhibit.

City of Knoxville Engineering Department

The Knoxville Engineering Department hereby approves this plat on this the _____ day of _____, 20____

Engineering Director

The Engineering Stormwater and Street Ordinance can also be found by visiting the City of Knoxville website and searching for “Stormwater and Street Ordinance”. Refer to Chapter 22.5-20 for information about the Declaration Document process.

When the Declaration Document and survey exhibits have been approved, the Engineering Department will determine the Register of Deeds’ recording fee and inform the surveyor, who shall then provide the Engineering Department a check for the determined amount and made payable to the “Knox County Register of Deeds”. The Engineering Department shall then record the final total document and provide notice to the surveyor of the recorded document referencing information.

For more information, call the Technical Services Department at (865) 215-2103.

City of Knoxville
DECLARATION DOCUMENT APPLICATION

Date: _____

To: Director
City of Knoxville Department of Engineering
P.O. Box 1631
Knoxville, TN 37901-1631

For office use only --

Application #: _____

City Block #: _____

Date \$150 fee paid: _____

From: Undersigned Registered Land Surveyor or Property Owner

RE: Declaration Document Process Request

Plat Recording Reference and Lot Number: _____

Property Address and/or Tax Map Parcel Info: _____

I have read and understand Section 22.5-20 of the City's Stormwater and Street Ordinance and Policy 08 (Declaration Document Process) in the Engineering Department's current Land Development Manual.

Surveyor's Printed Name

Property Owner's Printed Name

Company

Address

Address

Telephone No.

Fax No.

Telephone No.

Fax No.

Property Owner's Signature*

Email Address

Surveyor's Signature*

RLS No.

* Either the registered land surveyor or the property owner may sign the application.