

# Administrative notice

## Affidavit on right of ingress, egress from abode, soil in Tennessee

“This right of ingress and egress attaches to the land. It is a property right, as complete as ownership of the land itself.” City of Memphis v. Hood, 208 Tenn. 319, 324, 345 S.W.2d 887, 889 (1961).

Landowners abutting a public highway have a right of ingress and egress to the highway where the condemning authority does not designate the highway as a limited or controlled access highway at the time of acquisition. Pack v. Belcher, 62 Tenn. App. 23, 34, 458 S.W.2d 18, 23 (1969) In Pack, Mr. and Mrs. Belcher defend their interest in properties abutting a public road. “Insofar as we are able to determine from this record, the order of taking and the plans of the Highway Department do not contemplate any substantial interference with the landowner's present right of access to the highway along the borders of Parcel No. 1, and yet no distinction was made during the trial or in the charge of the Court so as to enable the jury to make a proper distinction between the taking as between Parcel No. 1 where an easement for general highway purposes was acquired, and the other two parcels that were acquired in fee simple with access cut off.” Pack at 23

A “limited-access highway” is designed particularly for movement of through traffic, upon which cross traffic must be eliminated or severely curtailed, and entrances and exits must be strictly controlled so that abutting landowners have no easement or right of access different from that enjoyed by public in general. T.C.A. § 54-2003. State ex rel. Moulton v. Williams, 1961, 343 S.W.2d 857.

Private property rights inhere in the streets, roads, boulevards, lanes and highways used by members of the traveling public, as each person on land has ingress/egress rights to that person's abode. “Each abutting lot owner has an easement of way in the public street which the law recognizes as his private property. Anderson v. Turbeville, 6 Cold. 158.’ Again it is said: ‘**Her only private property in the street is her right of ingress and egress.** She has no other right or interest in the street which is not to be enjoyed equally by each and every member of the community and the public generally.’ In the case of Anderson v. Turbeville, wherein the court was considering the power of a city to close a street previously established, after conceding that the city had the power to abandon the public use of it, and to be exonerated from the obligation to keep it in repair and otherwise in a condition suitable for public use, it was added: ‘**But the owners of lots**

**bordering upon a public street have an easement of way in the street, in addition to the use of it in common with the people generally.** This additional right of way is private property, within the protection of the law, as much as if it were corporeal property, and cannot be taken for public use without compensation. Like any other property, it may be taken for public use, upon compensation [citing authorities]. As to the easement of private way, the municipal corporation does not represent the owners of it. A decree wherein those owners are not parties or privies is not binding upon them, and does not deprive them of their rights of property.” Coyne v. City of Memphis, 118 Tenn. 651, 102 S.W. 355, 359 (1907) (emphasis added)

## Right of ingress, egress

The right of ingress and egress – of movement on the public way of one’s person and property – has source in the land itself. State law indicates one important condition on the right. That occurs in presence of “controlled access facility” highway the access to which authorities may “ regulate, restrict, or prohibit access to best serve the traffic for which the facility is intended,” namely bypass and through-traffic. § 54-16-103. Design; separate roadways; ingress or egress. “(b) No person shall have any right of ingress or egress to, from or across controlled-access facilities to or from abutting lands, except at designated points at which access may be permitted,” § 54-16-103(b).

Varied parties have in-and-out rights upon land. Weed inspectors “shall have the right of ingress or egress upon all lands in the county” in their jobs. § 43-6-205. A jury can supervise a special jury overseeing a right-of-way dispute involving a landlocked party. “The jury must either affirm the finding of the jury of view or set apart a different quantity of land or property for ingress or egress to the land of the petitioner; but, in no event, shall the party petitioning for a right of way pursuant to this part be left without a sufficient outlet **of ingress and egress.**” § 54-14-114. Appeal and review; jury (emphasis added)

An act blocking right to ingress and egress is a compensable taking. “In the opinion of this court, there is absolutely no question but that the undisputed evidence shows that the plaintiff for many years had a private way of necessity from Spruce Road to his land; that it was his only means of ingress and egress; that the defendant, by the construction of its toll road, destroyed plaintiff’s only means of ingress and egress; that the plaintiff now has no means of ingress and egress whatsoever, and justice demands that the plaintiff be compensated.” Bickel v. Indiana Toll Rd. Comm'n, 145 F. Supp. 257, 257 (N.D. Ind. 1956)

A property owner has the right of ingress and egress to his property and if this is taken away or if it is impaired or encumbered without his consent it amounts to a taking of his property for public purposes for which he is entitled to compensation. Where county constructed a highway which impaired the right of ingress and egress to defendant's property from a certain road, held that the defendant was entitled to damages therefor regardless of the fact that he might have another way to reach his property. Shelby Cnty. v. Dodson, 13 Tenn. App. 392 (1930)

## Not conditional easement

A user of the road is on a public right of way, not on a conditional easement subject to stop or obstruction. Respondents and their law enforcement agency enforcers pretend the public road is an easement. A landowner with a *private road* may let family members use his land – but can bar others, in contradistinction to public ownership of public space and public roads.

“While a private way may not be used by the public generally or by any one having no better right than the general public, the owner of such a way is not limited to its use by himself, but it may be used by his family, by pets, by tenants occupying the land with his authority, by his servants, agents, or employees in conducting his business, by persons transacting business with him, or by guests for social purposes, except in cases where the right of way is created by express agreement and the user is restricted by the terms of the agreement.” Shell v. Williams, No. M2013-00711-COA-R3CV, 2014 WL 118376, at \*5 (Tenn. Ct. App. Jan. 14, 2014).

If affiant has only easement use, it would be conditionable and his liberty of purpose and use infringed. “[T]he easement holder's use of the easement must be confined to the purpose stated in the grant of the easement.” *Columbia Gulf Transmission Co. v. The Governors Club Prop. Owners Ass'n.*, No. M2005-01193-COA-R3-CV, 2006 WL 2449909, at \*3 (Tenn. Ct.App. M.S., filed August 21, 2006). Shell at 6.

In a case disputing use of an easement, the court concludes, under these circumstances “that because the purpose of easement is for ingress and egress, recreational use of the easement that involves more than mere ingress and egress from the road to the other parcels of land is not authorized.” Shell at 8. Easements maintain the right of ingress and egress as an irreducible minimum.

An easement is a grant by a property holder to one who effectively has a joint ownership interest in the easement and the rights thereto. “In Tennessee, the rights of the owner of the easement are paramount to those of the landowner, at least to the extent of the

easement. *Cox v. East Tennessee Natural Gas Co.*, 136 S.W.3d 626, 627–28 (Tenn.Ct.App.2003); *Carroll v. Belcher*, 1999 WL 58597, at \*3. Shell at 9.

So, whether one refers to ownership of land, or to easement for access to landlocked piece of the earth, the jurisprudence shows a property right in ingress and egress.

## Access to highway a ‘property right’

“It is well-settled that the right of access to and from a public highway is a property right, which may not be taken away, impaired or encumbered without payment of just compensation to the owner of the property, whether the fee to the way is in the public or abutter.” State ex rel. Shaw v. Gorman, 596 S.W.2d 796, 797 (Tenn. 1980)

As against claims by the state or state actors to authority to manage the roads as state property, *the people own the fee to the center of the street or road.*

The owner of a lot abutting on a public road or street is presumed, in the absence of something to indicate the contrary, to be owner of the fee to the center of the street or road, and the public easement in the land covered by the right of way is limited to street and road purposes only.

Hamilton Cnty. v. Rape, 101 Tenn. 222, 47 S.W. 416 (1898)

That the public abutter has an ownership claim to the center of the road indicates an interest in the free use of the roadway by right.

Whatever may be the law of other states, or where there is a statutory dedication, we do not think such is the law generally, nor of this state; and, unless there is something to indicate to the contrary, the abutting lot owners own the fee to the center of the street, and **the public has an easement \*417 for road or street purposes only so long as it is used for such purposes.** The argument, therefore, that, when the county changed the grade of the road, it was only dealing with its own property, in which the abutting owner had only the right of other citizens, is not sound. The abutting lot owner is **presumed to own to the center of the street.** Elliott, Roads & S. p. 519. He has a right of ingress and egress to his property, or, as it is called, **an easement of access**; and if this is taken away, or if it is impaired or incumbered, without his consent, it is a taking of his property for public purposes, for which he is entitled to compensation.

Hamilton Cnty. v. Rape at 416–17 (emphasis added)

A right of movement gets one as far as the next intersection in what's called an easement of way. "Right of an abutting landowner to ingress and egress exists not only to and from property to street but also over and on street to next intersecting street, and such is called an easement of way or an easement of access and is clearly a property right which cannot be taken or impaired without compensation to owner." Tate v. Monroe Cnty., 578 S.W.2d 642 (Tenn. Ct. App. 1978)

"In all these cases it was distinctly held that the destruction or serious impairment of the landowner's right of ingress and egress was a taking of his property — a taking of his easement of access or easement of way in the adjacent street. This being so, compensation is secured to the landowner by the provisions of the Constitution, art. 1, § 21." Illinois Cent. R. Co. v. Moriarity, 135 Tenn. 446, 186 S.W. 1053, 1054 (1916)

The right of ingress and egress is not implicated by highway changes that affect traffic flow and make some trips longer or more circuitous. "Defendants are not entitled to recover compensation for a loss unless they can show that the type of loss is peculiar to those owning land as distinct from the loss suffered by the general public." State Highway Comm'n v. Cent. Paving Co., 240 Or. 71, 75, 399 P.2d 1019, 1022 (1965)

## Public travel

The roads in Tennessee are for public travel and for transportation. "Public highway" means every public street, alley, road, highway, or thoroughfare of every kind in this state used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise;" Tenn. Code Ann. § 65-15-102(16).

David Jonathan Tulis

David Jonathan Tulis

STATE OF TENNESSEE, COUNTY OF HAMILTON — I, the undersigned Notary Public, do hereby affirm that David Jonathan Tulis personally appeared before me on the 3rd day of February, 2025, and signed this affidavit as his free and voluntary act and deed.



Doris J. Thompson  
Notary Public

# Affidavit of service

## Putting city of Chattanooga on administrative notice

I, David Jonathan Tulis, being of sound mind and body, testify that I live in Hamilton County, Tenn., at 10520 Brickhill Lane, Soddy-Daisy. I testify to having served city of Chattanooga three administrative notices pertaining to activities of employees of Chattanooga police department.

1. On Jan. 29, 2025, affiant meets city attorney Phil Noblett in the city attorney's office on the second floor of the city hall annex.
2. He is accompanied by Kathryn C. McDonald, assistant city attorney, as witness.
3. Affiant hands Mr. Noblett a document styled "Administrative notice[;] Affidavit on right of ingress, egress from abode, soil in Tennessee," 5 pp., citing law and 15 Tennessee court cases on rights of way, free movement and free communication.
4. Affiant hands Mr. Noblett a second document styled "Administrative Notice [o]n Authority to Regulate Transportation, Travel on Tennessee Public Highways," 21 pp., citing law and court cases on police power as regards "traffic stops."
5. Affiant hands Mr. Noblett a third document styled "Administrative Notice [o]n limits of arrest power in Tennessee under 'public offense' rule," 9 pp., citing law and court cases on authority to make arrest without arrest warrant.

Further affiant sayeth naught.

*David Jonathan Tulis*

David Jonathan Tulis

STATE OF TENNESSEE, COUNTY OF HAMILTON — I, the undersigned Notary Public, do hereby affirm that David Jonathan Tulis personally appeared before me on the 3rd day of ~~January~~ February, 2025, and signed this affidavit as his free and voluntary act and deed.

*Doris J. Thompson*  
Notary Public

My commission expires 03/16/2027

