

Tom Costa  
106 Church Street  
Dickson, TN 37055  
[TomCosta615@gmail.com](mailto:TomCosta615@gmail.com)  
(615) 326-8957

Date: April 1, 2025

Director Jason Pilkinton  
Planning and Zoning Department  
City of Dickson  
600 E. Walnut St.  
Dickson, TN 37055  
Email: [jpilkinton@cityofdickson.com](mailto:jpilkinton@cityofdickson.com)

CC: Dave Travis, Acting City Administrator  
Mayor Don L. Weiss, Jr., O.D.

Subject: Notification of Potential Easement Issue at 108 E College Affecting Handicap Access and Electrical Utilities

Dear Director Pilkinton,

I am writing to inform you of a potential easement issue that may arise from proposed construction on the property at 108 E College, Dickson, TN, adjacent to my family's commercial property, located at 106 Church Street where we currently operate Katie's Ice Cream. We understand the property at 108 E College is currently owned by Eric Thornton, who purchased it in 2023 from Carol Mercer. From 2015 until June 30, 2025, the property has been leased to the City of Dickson for use as a parking lot. We understand that the city may not yet have received plans from Mr. Thornton's architect for new construction on this site, but we wish to proactively address concerns regarding our historical access rights.

Our property includes a commercial building with an adjacent playground and patio, serving our customers and community. For over 70 years, we and prior owners have had unobstructed access from the area that is now a parking lot. As requested by the City of Dickson, we created a handicap entry to the playground and patio as part of our build-out in 2019, ensuring ADA-compliant access for individuals with disabilities. Additionally, our electrical utilities, specifically the electrical panel and overhead electrical lines located on the north wall of our building, have been accessed via this property for at least 70 years, if not longer. We have owned the building since 2016 and can easily document this long-standing use.

We are concerned that new construction at 108 E College may obstruct this historical access, potentially violating our easement rights under Tennessee law. The 70+ years of continuous, open use suggests a prescriptive or implied easement, as Tennessee law recognizes prescriptive easements after 20 years of adverse use. Blocking the handicap access could also violate ADA requirements for accessible playgrounds and patios under the 2010 ADA Standards for Accessible Design, impacting our customers' ability to safely use these amenities and affecting our business operations. Furthermore, any obstruction to the electrical panel and overhead lines could disrupt our utility services, necessitating costly relocation and downtime.

As the City of Dickson oversees construction permits and zoning, I respectfully request that you ensure any proposed plans for 108 E College account for our historical easement rights, maintain ADA-compliant handicap access, and preserve access to our electrical utilities. I am prepared to provide documentation, including property surveys, utility records, and evidence of 70 years of use, to support our claim. Please let me know how we can collaborate to address this issue and protect our property rights.

Thank you for your attention to this matter. I look forward to your response and am available at (615) 326-8957 or TomCosta615@gmail.com for further discussion.

Sincerely,

A handwritten signature in black ink that reads "Tom Costa". The signature is written in a cursive style with a long, sweeping horizontal line extending from the end of the name.

Tom Costa  
Owner, Katie's Ice Cream  
JAMK Investments, LLC



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106 Church Street  
Dickson, TN 37055  
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David Travis  
Acting City Administrator  
City of Dickson  
600 E. Walnut St.  
Dickson, TN 37055

Subject: Notification of Potential Easement Issue at 108 E College Affecting Handicap Access and Electrical Utilities

Dear Mr. Travis,

I am writing to inform you of a potential easement issue that may arise from proposed construction on the property at 108 E College, Dickson, TN, adjacent to my family's commercial property at 106 Church Street, where we currently operate Katie's Ice Cream. The property at 108 E College is currently owned by Eric Thornton, who purchased it in 2023 from Carol Mercer. From 2015 until June 30, 2025, the property has been leased to the City of Dickson for use as a parking lot. We understand that the city may not yet have received plans from Mr. Thornton's architect for new construction on this site, but we wish to proactively address concerns regarding our historical access rights.

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access could also violate ADA requirements for accessible playgrounds and patios under the 2010 ADA Standards for Accessible Design, impacting our customers' ability to safely use these amenities and affecting our business operations. Furthermore, any obstruction to the electrical panel and overhead lines could disrupt our utility services, necessitating costly relocation and downtime.

As the Acting City Administrator, you oversee the city's operations and coordination across departments. I respectfully request your support in ensuring that any proposed construction at 108 E College does not disrupt our business operations by obstructing access to our electrical utilities or handicap entry. I am prepared to provide documentation, including property surveys, utility records, and evidence of 70 years of use, to support our claim. I have attached an aerial image of the properties for your reference. Please let me know how we can work together to address this issue and protect our property rights.

Thank you for your attention to this matter. I look forward to your response and am available at (615) 326-8957 or TomCosta615@gmail.com for further discussion.

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Subject: Notification of Potential Easement Issue at 108 E College Affecting Handicap Access and Electrical Utilities

Dear Mayor Weiss,

I am writing to inform you of a potential easement issue that may arise from proposed construction on the property at 108 E College, Dickson, TN, adjacent to my family's commercial property at 106 Church Street, where we currently operate Katie's Ice Cream. The property at 108 E College is currently owned by Eric Thornton, who purchased it in 2023 from Carol Mercer. From 2015 until June 30, 2025, the property has been leased to the City of Dickson for use as a parking lot. We understand that the city may not yet have received plans from Mr. Thornton's architect for new construction on this site, but we wish to proactively address concerns regarding our historical access rights.

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the 2010 ADA Standards for Accessible Design, impacting our customers' ability to safely use these amenities and affecting our business operations. Furthermore, any obstruction to the electrical panel and overhead lines could disrupt our utility services, necessitating costly relocation and downtime.

As the Mayor of Dickson, you play a vital role in representing our community and supporting local businesses like Katie's Ice Cream. I am concerned that obstructing access to our playground and patio could limit opportunities for families, especially those with disabilities, to enjoy a safe and accessible space in our downtown area, potentially affecting the city's reputation as a welcoming community. I respectfully request your support in ensuring that any proposed construction at 108 E College preserves our historical access rights and maintains ADA compliance. I am prepared to provide documentation, including property surveys, utility records, and evidence of 70 years of use, to support our claim. I have attached an aerial image of the properties for your reference. Please let me know how we can collaborate to address this issue and protect our property rights.

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