

Inquiry on MPC File No. 4-SH-18-F

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Jennifer <doncald@hotmail.com>

Apr 13, 2018 6:09 AM

Posted in group: Commission

Dear Knoxville-Knox County MPC:

Attached are deed restrictions that I believe apply to this April 12th MPC agenda item:

1. COWARD MILL FOREST

Northwest side of Coward Mill Rd, southwest of Hawk Haven Ln,  
Commission District 6.

MPC File No. 4-SH-18-F

if above pertains to the land parcel across the road from 10510 Coward Mill Rd. Knox County 37931.

Please advise on the details of this item as I could find no information connected to the agenda item.

Please also advise what entity enforces attached deed restriction stipulations (including contact information, etc.).

J. Caldwell

PS. In February, 2018 a Coward Mill Rd. neighbor stated that Greg & Wendy Hodge are building 3 single family units on the 12 acre parcel they purchased from my family last fall.

Bailey realtors reported that the Hodges merely wanted to build 1 four bedroom home for themselves.

If they intend to build 3 or more units, have the Hodges they been through rezoning? I ask this because Knox County told me that the 12 acre land parcel allows for only 2 units as is (or was?) currently zoned = agricultural.

So, has there already been a rezoning of the land? IF so, when was this determination made and by what entity (please provide details, date, documents, etc)?

THIS INSTRUMENT PREPARED BY:  
BEN H. DAVIDSON, ATTORNEY  
CROLEY, DAVIDSON & HUIE  
2210 Plaza Tower  
Knoxville, TN 37929  
#40708

DECLARATION OF COVENANTS

THIS DECLARATION is made and entered into by DONALD CALDWELL and wife, MARJORIE M. CALDWELL, hereinafter referred to as Declarants as of March 9, 1993.

W I T N E S S E T H:

WHEREAS, Declarants are the owners of certain real property in Knox County, Tennessee, being more particularly bounded and described in Deed Book 1362, page 204, in the records of the Knox County Register's Office, being Parcel 239 on Tax Map 89 hereinafter referred to as "Declarants' Property"; and

WHEREAS, certain property in Knox County adjoining the property of Declarants has been developed into a Subdivision known as Sonja Heights as shown on map of record in Map Cabinet N, Slide 347D, by Coward Mill Development Company, a Tennessee General partnership, of which Declarants are partners; and

WHEREAS, Declarants for and in consideration of the benefit derived by Declarants from the development of Sonja Heights by reason of their partnership interests in Coward Mill Development Company and the enhanced value of Declarants' property, agree to restrict their property as set forth herein.

NOW, THEREFORE, for and in consideration of the matters recited above, the Declarants hereby declare and agree that Declarants Property, as described in the Deed referenced above, to which Deed specific reference is hereby made for a more particular description, shall not be subdivided into tracts of less than four acres. Any portion of Declarants Property so subdivided or remaining unsubdivided shall be used for Single Family Residential Property and/or the following Agricultural uses: Farming, including all forms of agriculture, the growing of crops in the open, dairying, grazing, the raising and maintaining of cattle and horses, horticulture, viticulture, floriculture, forests, and woods. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall commercial feed lots, the raising and maintaining of poultry for commercial purposes, the raising of fur-bearing animals, fish or minnow hatcheries, or dog kennels be so considered. These restrictions shall run with the title of Declarants' Property for a period of fifty (50) years from the date hereof and shall run to the benefit of lot owners in Sonja Heights and any owner of any portion of Declarants' Property.

IN WITNESS WHEREOF, Declarants have executed this Declaration as of March 9, 1993.

Donald Caldwell  
DONALD CALDWELL  
Marjorie M. Caldwell  
MARJORIE M. CALDWELL

INST: 54531 DB 2129 PG: 1170 01/26/1994 13:51:52

  
Instr: 199301200051012  
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CROSS Ref: DB 2129/1170  
Book File Relocation

DB 2129 / 1170

STATE OF TENNESSEE )  
COUNTY OF KNOX ) SS:

PERSONALLY appeared before me, the undersigned authority, a Notary Public in and for said County and State, DONALD CALDWELL and wife, MARJORIE M. CALDWELL, the within named bargainers, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that they executed the within instrument for the purposes therein contained.

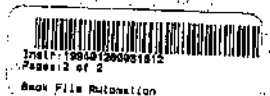
WITNESS my hand and official seal, this 10 day of Jan, 1994.

Donald Caldwell  
NOTARY PUBLIC

My Commission Expires: 9-24-95



Av10@procom.net



INST: 54538 NB 2129 PG: 1171 01/26/1994 13:51:52