



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

[MPC Comment] MPC file # 9-D-18-RZ

1 message

artbykristi.tn@gmail.com <artbykristi.tn@gmail.com>

Wed, Sep 5, 2018 at 12:09 PM

Reply-To: artbykristi.tn@gmail.com

To: commission@knoxmpc.org

Dear Metropolitan Planning Commission,

I just wanted to bring to your attention to File # 9-D-18-RZ scheduled on the agenda for the MPC meeting on Thursday Sept. 13th @ 11:30am.

The property 312 South David Ln. Knoxville, TN 37922 that has been submitted to be rezone from Agricultural/Low Density Residential to Planned Residential. This property is already in an established subdivision. It is Lot 1 of Farragut Hills Estates that was established in 1954. For your convenience I have attached a copy of the original Farragut Hills Estates Restrictive Covenants that are in place. Included is amendments that were added in 1985 which has more details about property size and use. I have also included a copy of the map of Farragut Hills Estates subdivision.

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This message was directed to commission@knoxmpc.org

This is page 5 that is missing from the PDF above.

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This message was directed to commission@knoxmpc.org

This is a better picture of the Farragut Hills Estates subdivision map.

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This message was directed to commission@knoxmpc.org

Thank you very much in advance for your time!

Sincerely,
Kristi Lynch

326 S. David Ln.
Knoxville, Tn 37922
(865)680-8388

Sent from my iPhone

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This message was directed to commission@knoxmpc.org

3 attachments

image1.jpeg
2144K



image2.jpeg
1881K

 **Farragut Hills Estates -- Declaration of Protective Covenants (1956) and Amendment (1984).pdf**
1929K

416

Received the 20 day of Aug, 1954 at 3:35 o'clock P.M.

Reliff White
REGISTER

FARRAGUT HILLS ESTATES, FRED H. DAVID OWNER

WHEREAS, FRED H. DAVID and wife, REGINA B. DAVID, have caused to be subdivided a tract of land located in the SIXTH Civil District of Knox County, Tennessee, and without the corporate limits of the City of Knoxville, Tennessee, which tract of land was conveyed to Fred H. David and wife, Regina B. David, by J. K. Bondurant and wife, Evelyn B. Bondurant, by Warranty Deed dated July 30, 1951, of record in Book of Deeds 868, Page 428, in the Register's Office of Knox County, Tennessee; and

WHEREAS, said property has been subdivided and said Subdivision is known as FARRAGUT HILLS ESTATES FRED H. DAVID OWNER, a map of said subdivision being of record in Map Book 20, Page 162, in the Register's Office of Knox County, Tennessee; and

WHEREAS, it is now desired for the benefit and protection of the purchasers of all of the lots in said Subdivision, and in order to establish a sound value of these lots, to record these building restrictions so that they may be of public record;

NOW, THEREFORE, in consideration of the premises, the said Fred H. David and wife, Regina B. David, bind themselves, their heirs, executors, administrators, successors and assigns, to impose, and they do hereby impose the following restrictive covenants which shall run with the land on all of the lots in said Subdivision, said covenants and agreements to take effect immediately:

1. EFFECTIVE DATE. These covenants are to take effect immediately and shall be binding on all parties and all persons claiming under them until July 30, 1979, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by vote of the majority of the then owners of the lots, it is agreed to change said covenants in whole or in part.
2. PROCEEDINGS FOR VIOLATIONS. If the parties hereto, or any of them or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property situated in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either to prevent him or them from so doing or to recover damage or other dues for such violations.
3. COURT ORDERS. Invalidation of any one of these covenants by judgment or court order shall in no wise effect any of the other provisions which shall remain in full force and effect.

THE FOLLOWING RESTRICTIONS TO APPLY

1. LAND USE AND BUILDING TYPE. No structure shall be erected, altered, placed or permitted to remain on any lot other than a one-family or a two-family dwelling and a private garage and usual domestic servants' quarters. No structure shall be more than two and one-half (2½) stories in height. No buildings shall be erected on any lot except placed upon solid non-combustible foundations. Buildings shall be framed, weatherboarded, painted, or better, which means that no cheap buildings shall be erected, and the buildings can be built from stone, brick or masonry, and

no residence shall have less than 1200 square feet, not including porches and garages.

2. BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or to a side street line than 35 feet. No building shall be located nearer than 10 feet to any interior lot line except that no side yard shall be required for a garage or other permitted accessory buildings located 50 feet or more from the front line or side street line.

3. LOT AREA AND WIDTH. No residential structure shall be erected or placed on any building plot which plot is less than 100 feet in width at the front line.

4. EASEMENTS. Such easements are reserved along the property lines as may be necessary for the proper installation of public utilities.

5. NUISANCES. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

6. TEMPORARY STRUCTURES. No trailer, basement, tent, shack, garage, barn, "flat top" or other outbuildings erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

7. SIZE OF DWELLING. No dwelling shall be permitted on any lot in the tract, the ground floor area of the main structure of which, exclusive of one-story open porches and garages, shall be not less than 1200 square feet in the case of a one-story structure, nor less than 850 square feet in the case of a dwelling of more than one story.

8. SIGNS. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale, or rent, or signs used by a builder to advertise the property during the construction and sales period.

9. LIVESTOCK. No hogs shall be raised, bred, or kept on any lot in subject subdivision.

10. GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition.

11. SEPTIC TANK. Until such a time as a sanitary sewer system shall have been installed to serve this subdivision, a sewage disposal system constructed in accordance with the requirements of the State Board of Health shall be installed to serve each dwelling. The effluene from septic tank shall not be permitted to discharge into a stream, storm sewer, open ditch or drain unless it has first been passed through an absorption field approved by the health authority.

IN WITNESS WHEREOF, the said FRED H. DAVID and wife, REGENA B. DAVID, the above named parties, have executed this instrument on this, the 12th day of August, 1954.

Fred H. David
Fred H. David

Regena B. David
Regena B. David

STATE OF TENNESSEE

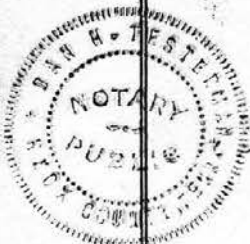
Knox County

Personally appeared before me, Frank Lesterman, a Notary Public in and for said State and County aforesaid, the within named bargainors, FRED H. DAVID and wife, REGENA B. DAVID, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at office, this 12th day of August, 1954.

Frank Lesterman
Notary Public

My commission expires July 26, 1956



THIS INSTRUMENT WAS PREPARED BY
BILL W. PERRY KNOX, TN
NAME ADDRESS

INSTRUMENT NO. 20355

01* *600

MODIFICATION AND AMENDMENTS OF RESTRICTIVE COVENANTS OF
FARRAGUT HILLS ESTATES

WHEREAS, the Farragut Hills Estates Subdivision is recorded in Map Book 20, at Page 162, as amended, in the Knox County Register of Deeds' Office; and

WHEREAS, it is the desire of the undersigned, being the majority of the owners of the land constituting the Farragut Hills Estates to modify the restrictive covenants heretofore recorded in Deed Book 955, at Page 416; and

WHEREAS, the restrictive covenants heretofore recorded provide for an automatic extension of the provisions heretofore recorded which are now in full force and effect; and

WHEREAS, conditions have changed with regard to the economy and the modification of the aforesaid restrictions and covenants are needed; and

WHEREAS, as provided in the original covenants and restrictions, the same can be changed in whole or in part by a majority of the owners.

NOW THEREFORE, the undersigned, representing a majority of the owners of the lots in the Farragut Hills Estates, do hereby amend the restrictive covenants applicable to all rights of the Farragut Hills Estates as shown by Map Book 20, Page 162, as amended, in the Office of the Register of Deeds for Knox County, Tennessee, acting under the authority of that certain declaration of restrictive covenants, Farragut Hills Estates dated August 12, 1954, executed by Fred H. Davis and Regena B. Davis and recorded August 20, 1954, in Deed Book 955, Page 416, in the Office of the Register of Deeds of Knox County, Tennessee, do amend said restrictions by adding thereto Sections 12, 13 and 14, as follows:

12. EASEMENTS IN VIOLATION OF EXISTING RESIDENTIAL USE.

No easements, rights of way, roads or rights of access shall be deeded, granted or in any way given to any person, company, or municipality through, over, or across any property in this subdivision to any adjoining lands except for Doyle Lane, which accesses large, residential, single-family lots. No subdivision of any of lots shall result in significant increase in existing road usage.

13. DIVISION OF LOTS.

No lot may be subdivided or reduced in size by any method, voluntary alienation, partition, judicial sale or other process, or process of any other kind, resulting in a lot size of less than .88 acres, except for the explicit purpose of increasing the size of another lot in which case, no remaining portion shall result in a lot size of less than .88 acres.

14. SPECIFIC USE RESTRICTIONS.

All lots in the subdivision shall be residential lots and shall be used for no other purpose. No mor-

RECEIVED
KNOX COUNTY
MAY 15 4
DEED BOOK
STEVE

BOOK 1846 PAGE 776

Instr: 198504100012698
Pages: 1 of 2
Cross Ref: KB 1846/776
Track File Automation

THIS INSTRUMENT PREPARED BY:
Robert H. Leonard, Attorney
Suite 1219
First American Center
507 Gay Street SW
Knoxville, Tennessee 37902

276

INSTRUMENT NO. _____

AMENDMENT TO RESTRICTIVE COVENANTS
FARRAGUT HILLS ESTATES

We, the undersigned, comprising a majority of the owners of lots in Farragut Hills Estates, a subdivision in Knox County, Tennessee, a map of which subdivision is of record in Map Book 20, page 162, in the Office of the Register of Deeds for Knox County, Tennessee (including lot owners of certain resubdivided lots therein and in Volwood Subdivision, a resubdivision of certain portions thereof), acting under the authority of that certain Declaration of Restrictive Covenants, Farragut Hills Estates, dated August 12, 1954, executed by Fred H. David and Regena B. David, and recorded August 20, 1954, in Deed Book 955, page 416, in the Office of the Register of Deeds for Knox County, Tennessee, do hereby amend said restrictions by adding thereto a section 12 as follows:

471.2 \$31.00

12. CONSTRUCTION, OPERATION AND MAINTENANCE OF WATER RESERVOIR SPECIFICALLY ALLOWED. It is hereby understood and agreed that the construction of a Water Reservoir, together with appurtenant pipes, fences and accessories, is hereby specifically allowed on Lots 6 and 7 or any portion of Lots 6 and 7 of Farragut Hills Estates, as shown upon map of same, of record in Map Book 20, page 162, in the Office of the Register of Deeds for Knox County, Tennessee; and nothing in the foregoing Declaration of Restrictive Covenants as recorded in Deed Book 955, page 416, in the Office of the Register of Deeds for Knox County, Tennessee, shall be hereafter deemed to prevent the same, it being understood and agreed that as to said Lots 6 and 7, a Water Reservoir is a permitted structure.

IN WITNESS WHEREOF, we have hereunto affixed our signatures on or as of May 14, 1984, to one of several originals, which are to be collectively considered as one.

John H. Wallace

Gene W. Crawford

Gene B. Crawford

Y. Annette W. Bailey

James C. Moore


Thomas H. Moore

Nancy R. Hurley

Rosa Lee Brumby

ROBERT H. LEONARD
ATTORNEY AT LAW
PARK NAT'L BANK TOWER
KNOXVILLE, TENN. 37902
615/549-2441

BOOK 1829 PAGE 410


Instr: 1984182901773
Pages: 1 of 7
Cross Ref: US 1829/446
Book File Automation



Instr: 188410020017773
Pages: 2 of 7

Back File Automation

Emma A. Garner

Eugene M. Garner

Ray Idell

Edward Idell

James H. Idell

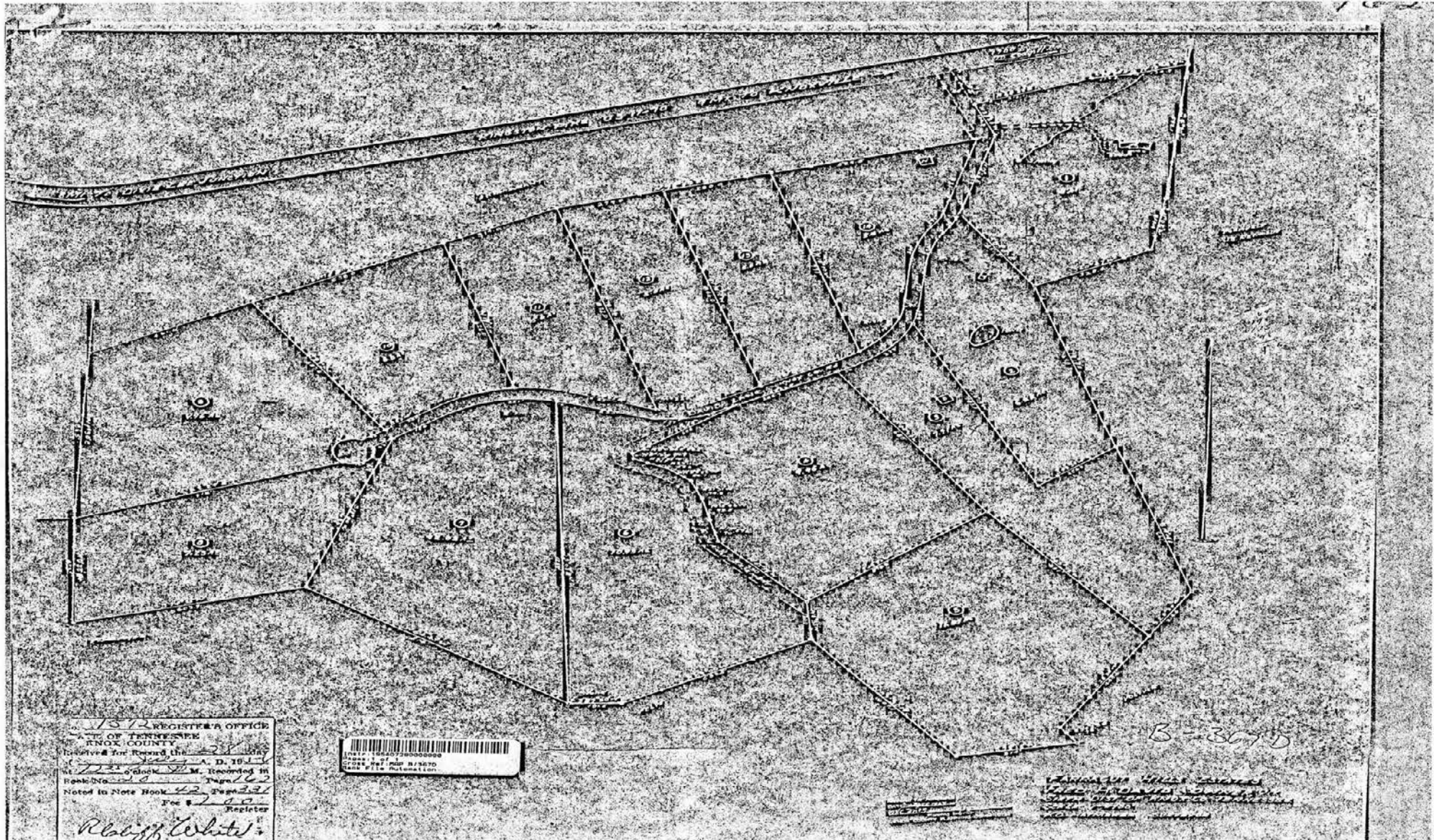
William H. Idell

Charles W. Idell

ROBERT H. LEONARD
ATTORNEY AT LAW
PARK NAT'L BANK TOWER
KNOXVILLE, TENN. 37902

BOOK 1829 PAGE 447

(615) 544-5401



1572 REGISTER'S OFFICE
 STATE OF TENNESSEE
 KNOX COUNTY
 Received for Record the 31 day
 of July A. D. 1911
 at 12 o'clock P.M. Recorded in
 Book No. 42 Page 62
 Notes in Note Book 42 Page 62
 Fee \$ 1.00
 Register
R. L. White



B-367D

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