

Beat: Local

Shelbyville Neighborhood Battle Updates

Restrictive Covenants Found

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USPA NEWS - After many of the "Vote No On Nine" Organization members spoke with area Realtors, Property Attorneys, and other Tennessee Realtors, a few were given information that may save their beloved neighborhood from destruction.

Neighborhood Preservation Battle Update

SHELBYVILLE, TN, APRIL 8, 2015- After many of the "Vote No On Nine" Organization members spoke with area Realtors, Property Attorneys, and other Tennessee Realtors, a few were given information that may save their beloved neighborhood from destruction.

After researching the tips they received, it was discovered that when the Kingsley Subdivision was created, in 1946, a covenant was added to the original deed that stated: "It is understood and agreed that said Kingsley Addition No. 2 to the town of Shelbyville is to be used as residence purposes only except lots 1 to 7 inclusive block A" it goes on to state that "and it is specifically understood and agreed that all of these conditions, provisions, and restrictions

are covenants running with the land and are binding and applicable to all future owners of the property." (Bedford County Deed Book 54, Page 507, Bedford County Deed Book 54 page 161, and Subdivision Map Bedford County Deed Book 54, Page 47).

Covenants have been used for well over a century, and in recent years are used in Subdivision planning, mainly in the organization and rules for Home Owners Associations, and the like. These covenants are a way to protect the value and integrity of a neighborhood in perpetuity, and are enforceable and automatically transfer with each sale of the property.

In this case, these covenants would directly affect three of the proposed properties (Including Dr. Barbee's 705 Alton Avenue), which equals almost exactly half of the land area being considered by the City Council on Second Reading Tomorrow night at 6pm. These Covenants are binding and can only be removed two ways, by located ever single living heir of the original Deed Holder and getting their permission to remove the Covenant, or by getting a majority of more than 50% of every homeowner in the entire Subdivision to agree to its removal, both of which are highly improbable to happen.

Many decades ago, Kentucky Fried Chicken had proposed to build on Madison Street in the Kingsley Subdivision, but the Covenant prevented them from adding property at the rear of the Commercial Lots for commercial use, so instead they located at Main and Madison.

So, what's next? The City Council, Planning Commission, and City Officials have been sent this new information as well as the contact for the still "un-named" Nationwide Grocery Chain. Tomorrow night at 6pm, the City of Shelbyville City Council meets in the Municipal Courtroom, and this rezoning issue is up for second reading. Opponents and Supporters are expected to be present to voice their concerns.

To read the original Deeds please visit: <http://bit.ly/1FyaesY>

Article online:

<https://www.uspa24.com/bericht-3809/shelbyville-neighborhood-battle-updates.html>

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Editorial program service of General News Agency:

United Press Association, Inc.
3651 Lindell Road, Suite D168
Las Vegas, NV 89103, USA
(702) 943.0321 Local
(702) 943.0233 Facsimile
info@unitedpressassociation.org
info@gna24.com
www.gna24.com