



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2024-259, **Version:** 1

An ordinance authorizing the director of the Metropolitan Planning Department, or her designee, to terminate the declaration of restrictive covenants for Bowen House and 2830 Donelson.

WHEREAS, a Declaration of Restrictive Covenants for Bowen House ("Declaration 1") was recorded in the Register's Office for Davidson County, Tennessee at Instrument Number 20211109-0149450 on November 9, 2021, a copy of which is attached hereto as Exhibit A; and,

WHEREAS, Declaration 1 can only be amended by a written and recorded instrument signed by the declarant of Declaration 1 and the Metropolitan Government of Nashville and Davidson County ("Metro"); and,

WHEREAS, Metro has been asked to execute a termination of Declaration 1, a copy of which is attached hereto as Exhibit B; and,

WHEREAS, Metro was not involved in the drafting of Declaration 1 and takes no position on the contents of Declaration 1; and,

WHEREAS, a Declaration of Restrictive Covenants for 2830 Donelson ("Declaration 2") was recorded in the Register's Office for Davidson County, Tennessee at Instrument Number 20211112-0151009 on November 12, 2021, a copy of which is attached hereto as Exhibit C; and,

WHEREAS, Declaration 2 can only be amended by a written and recorded instrument signed by the declarant of Declaration 2 and the Metropolitan Government of Nashville and Davidson County ("Metro"); and,

WHEREAS, Metro has been asked to execute a termination of Declaration 2, a copy of which is attached hereto as Exhibit D; and,

WHEREAS, Metro was not involved in the drafting of Declaration 2 and takes no position on the contents of Declaration 2.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Director of the Metropolitan Planning Department, or her designee, is authorized to terminate the declaration of restrictive covenants for Bowen House and 2830 Donelson, by executing terminations of declaration of restrictive covenants, attached hereto as Exhibits B and D.

Section 2. That amendments to this legislation shall be approved by resolution.

Section 3. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance authorizes the Director of the Metropolitan Planning Department, or her designee, to execute terminations of declarations of restrictive covenants for Bowen House and 2830 Donelson.

In November 2021, a Declaration of Restrictive Covenants for Bowen House and a Declaration of Restrictive

Covenants for 2830 Donelson (the “Declarations”) were recorded with the Register of Deeds Office for Davidson County. Each Declaration states that it can only be amended by a written and recorded instrument signed by the declarant and the Metropolitan Government.

Metro was not involved in the drafting of either Declaration and takes no position on the contents of the Declarations. The Declarations include restrictions on how many units an owner within the development property may own and requirements related to leases within the development property. Metro has been asked to execute a termination of each Declaration.

The ordinance under consideration authorizes the Director of the Metropolitan Planning Department, or her designee, to terminate the Declarations for Bowen House and 2830 Donelson. Future amendments to this legislation may be approved by resolution.