BILL GARRETT, Davidson County
Trans:T20130073462 AFFIDAVIT
Recvd: 08/26/13 11:38 6 pgs
Fees:32.00 Taxes:0.00
20130826-0089662

This Instrument Prepared By and Return to:

Rudy Title & Escrow
2012 21st Avenue South
Nashville, TN 37212

AFFIDAVIT

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Comes now, Megan Paulus, hereinafter referred to as Affiant, on this 21st day of August, 2013, and after first being duly sworn according to law, does state the following as true and correct to the best of her knowledge, information and belief:

1. The Affiant presently works at:
   Rudy Title and Escrow, LLC
   2012 21st Ave S
   Nashville, TN 37212

2. That Rudy Title and Escrow, LLC conducted a closing on July 26, 2013 wherein **Betty J. Veach, Mary E. Pelham, Jonnye L. Pulley and William S. Davis, as the heirs of Retha L. Davis** conveyed the property known as 5001 Tennessee Avenue, Nashville, TN 37209 to **West Nashville Development Co., LLC**, said property being further described as follows:

   > Land in Davidson County, Tennessee, being Lot Nos. 902 and 904 in Block 142 on the No. I Plan of West Nashville, of record in Plat Book 57, pages 74 and 75, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a more complete description.

3. That said conveyance is evidenced by a Warranty Deed dated July 26th, 2013 from **Betty J. Veach, Mary E. Pelham, Jonnye L. Pulley and William S. Davis, as the heirs of Retha L. Davis** to **West Nashville Development Co., LLC** of record in **Instrument No. 20130801-0080272, Register's Office for Davidson County, Tennessee** and that on the same date, **West Nashville Development Co., LLC** as Grantor, executed a Construction Deed of Trust in favor of Volunteer State Bank, as Lender, and Matthew D. Ricker, as Trustee, of record in **Instrument No. 20130801-0080273, said Register's Office**, secured by the referenced property;

4. That subsequently, **West Nashville Development Co., LLC** executed a Quitclaim Deed for said property from **West Nashville Development Co., LLC** as Grantor to **West Nashville Development Co., LLC** as Grantee of record in **Instrument No. 20130813-0084761, said Register's Office** for the purpose of obtaining separate map and parcel numbers for the aforesaid lots.

5. That included in said property as referenced in the aforementioned deeds and deed of trust is a portion of the closed 50th Avenue North running between Tennessee Avenue and Kentucky Avenue as evidenced in Ordinance No. BL2004-176 attached hereto as Exhibit A and as further amended by Ordinance No. BL2013-441 attached hereto as Exhibit B;

6. That said portion of 50th Avenue North made part of the aforementioned conveyances is evidenced in the site plan attached hereto as Exhibit C;

7. That Affiant makes this Affidavit for the purpose of evidencing and recording the aforesaid Ordinances as they relate to said property.

Megan Paulus

Megan Paulus, Affiant

State of Tennessee
County of Davidson

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State aforesaid, Megan Paulus, the within named bargainor, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence and who acknowledged that she executed the within instrument for the purposes therein contained.

Witness my hand and official seal this 21st day of August, 2013.

Notary Public

My Commission Expires:

11/18/16

DANA DELWORTH
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY

ORDINANCE NO. BL2004-176

An ordinance to amend the Official Street and Alley Acceptance and Maintenance closing a portion of 50th Avenue North between Tennessee Avenue and Kentucky Avenue, approximately 322 feet in length (Proposal No. 2003M-065U-07).

WHEREAS, It is the desire of all the abutting property owners that said closures be accomplished; and

WHEREAS, The closure has been requested by Donna Pollock, for the Alice W. Jew Foundation, Marie Elkins, and John A. Davis, other abutting property owners; and

WHEREAS, There is no future need for said portion of said street for Metropolitan Government purposes.

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

SECTION 1. That the Official Street and Alley Acceptance and Maintenance Map for The Metropolitan Government of Nashville and Davidson County, as enacted by Ordinance No. BL2003-63, be and is hereby amended, as follows:

That a portion of 50th Avenue North between Tennessee Avenue and Kentucky Avenue, approximately 322 feet in length, all of which is more particularly described by lines, words and figures on the sketch which is attached to and made a part of this ordinance as though copied herein, is hereby closed.

SECTION 2. BE IT FURTHER ENACTED, That easements are herein retained by The Metropolitan Government of Nashville and Davidson County, its agents, servants, and/or contractors and utility companies operating under franchise from The Metropolitan Government for the right to enter, construct, operate, maintain, repair, rebuild, enlarge, and patrol its now existing or future utilities, including drainage facilities, together with their appurtenances, and to do any and all things necessary and incidental thereto.

SECTION 3. BE IT FURTHER ENACTED, That in the event there is proposed any construction over, above, or under said existing utilities that said construction shall have the approval of the Director of Public Works and/or the Director of Water and Sewerage Services, together with the approval of any other pertinent departments of The Metropolitan Government or other governmental agency, including the Nashville Electric Service.

SECTION 4. BE IT FURTHER ENACTED, That the Director of the Department of Public Works be and is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause said change to be made on said Map as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

SECTION 5. BE IT FURTHER ENACTED, That this ordinance take effect immediately after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Billy Walls

View Sketch

LEGISLATIVE HISTORY	
Introduced:	March 2, 2004
Passed First Reading:	March 2, 2004
Referred to:	Planning Commission – Approved 7-0 (June 12, 2003) Traffic & Parking Commission – Approved 5-0 (June 9, 2003) Public Works Committee Traffic & Parking Committee Planning & Zoning Committee
Passed Second Reading:	March 16, 2004
Deferred:	April 6, 2004
Passed Third Reading:	April 20, 2004

Approved:	April 21, 2004
By:	

ORDINANCE NO. BL2013-441

An ordinance authorizing The Metropolitan Government of Nashville and Davidson County to abandon easement rights that were previously retained by Council Bill BL2004-176, within a portion of the former right of way of 5001 Tennessee Avenue (Proposal No. 2013M-001ES-001).

WHEREAS, the abandonment of the existing easement rights that were previously retained by Metro Council Bill BL2004-176 within a portion of the former right of way of 5001 Tennessee Avenue has been requested by the property owner; and,

WHEREAS, there is no future need for said Tennessee Avenue easement for The Metropolitan Government of Nashville and Davidson County purposes; and,

WHEREAS, the Metropolitan Planning Commission approved mandatory referral No. 2013M-001ES-001 on April 12, 2013, for the abandonment of easement rights.

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

Section 1. The Metropolitan Government of Nashville and Davidson County is authorized to abandon easement rights on the property located below as shown on Exhibit 1, which is attached hereto and incorporated by reference:

Map & Parcel: Address:
09100713900 5001 Tennessee Avenue

Section 2. The Directors of Water and Sewerage Services and Public Property Administration are authorized to execute such documents as may be necessary and appropriate to carry out the abandonment authorized by this ordinance.

Section 3. Amendments to this legislation shall be approved by resolution.

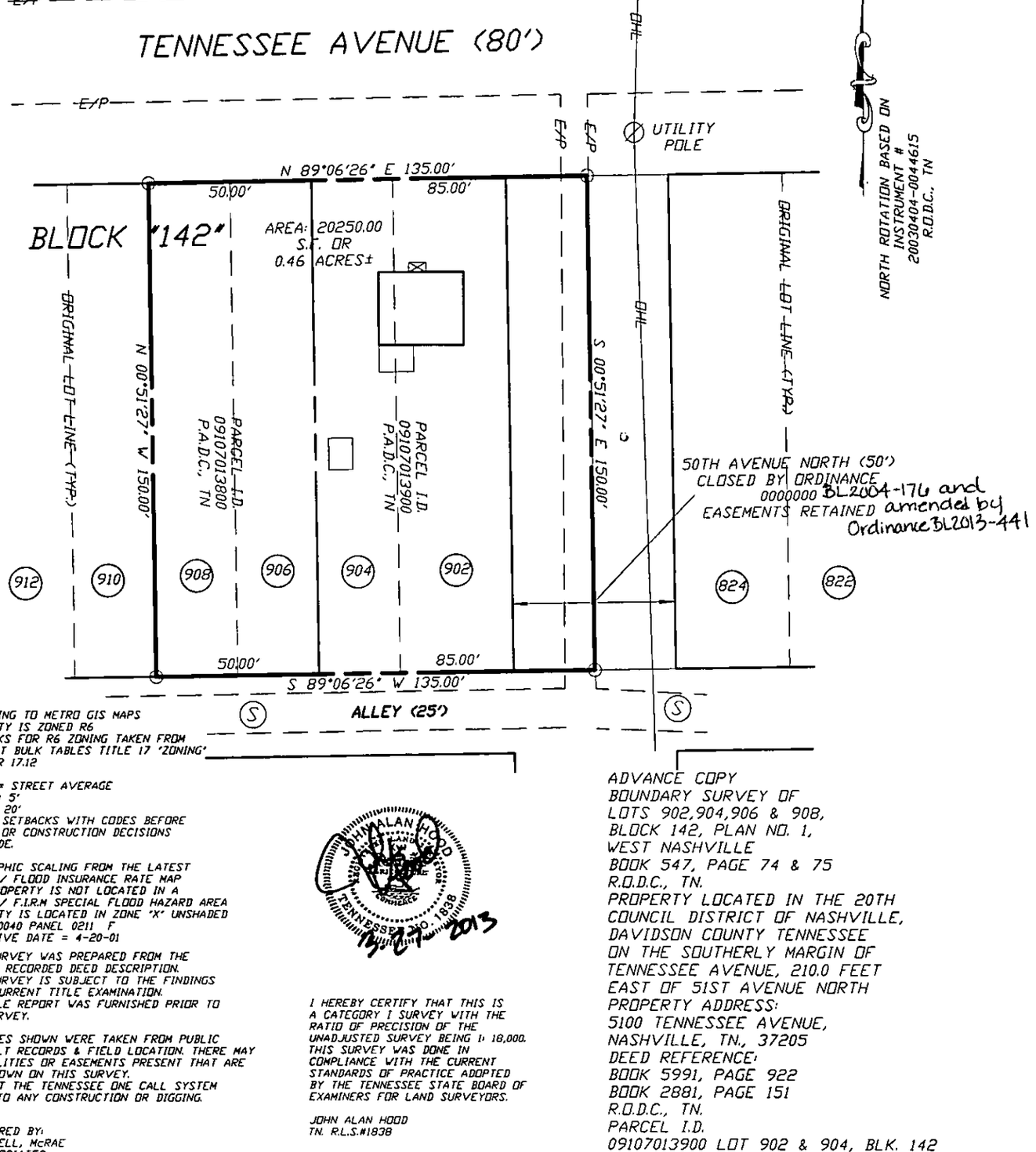
Section 4: This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Buddy Baker, Edith Taylor Langster, Jason Potts, Phil Claiborne

LEGISLATIVE HISTORY	
Introduced:	May 7, 2013
Passed First Reading:	May 7, 2013
Referred to:	Planning Commission - Approved Public Works Committee Planning & Zoning Committee
Passed Second Reading:	May 21, 2013
Passed Third Reading:	June 4, 2013
Approved:	June 6, 2013
By:	Karl E. Dean

Requests for ADA accommodation should be directed to Ana Escobar at 615/862-6770.

Exhibit C



ACCORDING TO METRO GIS MAPS
PROPERTY IS ZONED R6
SETBACKS FOR R6 ZONING TAKEN FROM
DISTRICT BULK TABLES TITLE 17 'ZONING'
CHAPTER 17.12

FRONT = STREET AVERAGE
SIDES = 5'
REAR = 20'
VERIFY SETBACKS WITH CODES BEFORE
DESIGN OR CONSTRUCTION DECISIONS
ARE MADE.

BY GRAPHIC SCALING FROM THE LATEST
F.E.M.A. / FLOOD INSURANCE RATE MAP
THIS PROPERTY IS NOT LOCATED IN A
F.E.M.A. / F.I.R.M SPECIAL FLOOD HAZARD AREA
PROPERTY IS LOCATED IN ZONE "X" UNSHADED
MAP 470040 PANEL 0211 F
EFFECTIVE DATE = 4-20-01

THIS SURVEY WAS PREPARED FROM THE
LATEST RECORDED DEED DESCRIPTION.
THIS SURVEY IS SUBJECT TO THE FINDINGS
OF A CURRENT TITLE EXAMINATION.
NO TITLE REPORT WAS FURNISHED PRIOR TO
THE SURVEY.

UTILITIES SHOWN WERE TAKEN FROM PUBLIC
AS-BUILT RECORDS & FIELD LOCATION. THERE MAY
BE UTILITIES OR EASEMENTS PRESENT THAT ARE
NOT SHOWN ON THIS SURVEY.
CONTACT THE TENNESSEE ONE CALL SYSTEM
PRIOR TO ANY CONSTRUCTION OR DIGGING.

PREPARED BY:
CAMPBELL, McRAE
& ASSOCIATES,
SURVEYING, INC.
2918 BERRY HILL DRIVE
NASHVILLE, TN., 37204
PH. 615-298-2424
FAX 615-297-2828
EMAIL cmas@att.net

JOHN ALAN HOOD
REGISTERED
LAND SURVEYOR
TENNESSEE NO. 1838

3-27-2013

I HEREBY CERTIFY THAT THIS IS
A CATEGORY I SURVEY WITH THE
RATIO OF PRECISION OF THE
UNADJUSTED SURVEY BEING 1: 10,000.
THIS SURVEY WAS DONE IN
COMPLIANCE WITH THE CURRENT
STANDARDS OF PRACTICE ADOPTED
BY THE TENNESSEE STATE BOARD OF
EXAMINERS FOR LAND SURVEYORS.

JOHN ALAN HOOD
TN. R.L.S.#1838

40' 0 40' 80'
GRAPHIC SCALE
(IN FEET)
1"= 40'

ADVANCE COPY
BOUNDARY SURVEY OF
LOTS 902,904,906 & 908,
BLOCK 142, PLAN NO. 1,
WEST NASHVILLE
BOOK 547, PAGE 74 & 75
R.O.D.C., TN.
PROPERTY LOCATED IN THE 20TH
COUNCIL DISTRICT OF NASHVILLE,
DAVIDSON COUNTY TENNESSEE
ON THE SOUTHERLY MARGIN OF
TENNESSEE AVENUE, 210.0 FEET
EAST OF 51ST AVENUE NORTH
PROPERTY ADDRESS:
5100 TENNESSEE AVENUE,
NASHVILLE, TN., 37205
DEED REFERENCE:
BOOK 5991, PAGE 922
BOOK 2881, PAGE 151
R.O.D.C., TN.
PARCEL I.D.
09107013900 LOT 902 & 904, BLK. 142
09107013800 LOT 906 & 908, BLK 142
DATE OF SURVEY 3-27-13
SCALE : 1"=40' ORDER #304-22-2
PREPARED FOR:
MICHAEL KENNER