

This instrument was prepared by:  
Tennessee Department of Environment and Conservation  
Division of Water Pollution Control  
7th Floor Annex, 401 Church Street  
Nashville, TN 37243-1538

### **NOTICE OF LAND USE RESTRICTIONS**

Notice is hereby given that pursuant to Tennessee Code Annotated (T.C.A.) Section 68-212-225, the Commissioner of the Tennessee Department of Environment and Conservation ("TDEC") has determined that land use restrictions are an appropriate remedial action at the below-described property. Pursuant to T.C.A. Section 68-212-225(d) the register of deeds shall record this Notice and index it in the grantor index under the names of the owners of the property.

#### **WITNESSETH:**

**WHEREAS, City of Kingsport (Grantor), is the owner of the real property described in a Deed of record with the Sullivan County Register of Deeds, Book 2728C, Page 779, herein after referred to as the "Property"; and,**

**WHEREAS,** on or about August 16, 2010, the Commissioner of the Department of Environment and Conservation (TDEC) issued Aquatic Resource Alteration Permit (ARAP) Number NRS10.165 to Grantor; and,

**WHEREAS,** the referenced ARAP requires that certain uses of the Property be restricted.

**NOW, THEREFORE,** in consideration of the foregoing, the Grantor hereby declares that the Property should be held, sold, and conveyed subject to the following land use restrictions. Said land use restrictions shall run with the land and shall be binding on all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each owner thereof and to TDEC and the respective successors and assigns of such parties:

#### **Land Use Restrictions:**

- A. (Vegetation) There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation, nor any disturbance or change in the natural habitat in any manner. There shall be no planting or introduction any vegetation other than that described in the Aquatic Resource Alteration Permit NRS 10.165 for this project.
- B. (Uses) There shall be no agricultural, commercial, or industrial activity undertaken or allowed; nor shall any right of passage across or upon the Protected Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial activity.
- C. (Animals) No dogs, cats, or other domestic or exotic animals be raised on the Protected Property.

- D. (Topography) There shall be no filling, excavating, dredging, mining, or drilling; no removal of topsoil, sand, gravel, rock, minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land in any manner.
- E. (Building) There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other structures.
- F. (Roads) There shall be no building of new roads or any other rights of way nor widening of existing roads.
- G. (Waters) There shall be no disruption of flow pattern by damming, dredging or construction in any free flowing water body, nor construction of any weirs, groins nor dikes in any marshland, nor any manipulation or alteration of natural water courses, fresh water lake and pond shores, marshes, or other water bodies nor any activities or uses detrimental to water purity.
- H. (Vehicles) There shall be no operation of dune buggies, motorcycles, all-terrain vehicles, or any other types of motorized vehicles.
- I. (Construction) There shall be no construction or placing of temporary or permanent buildings, docks, bridges, piers or other structures.

**Enforcement:**

Any owner of the land or any unit of local government having jurisdiction over any part of the subject property may enforce this Notice of Land Use Restrictions by means of a civil action. The Commissioner of TDEC may enforce this Notice of Land Use Restrictions through the issuance of an Administrative Order or by means of a civil action, including one to obtain an injunction against present or threatened violations of the restriction. Pursuant to T.C.A. Section 68-212-213, any person who fails, neglects or refuses to comply with a land use restriction commits a Class B misdemeanor and is subject to the assessment of a civil penalty of up to ten thousand dollars (\$10,000) per day.

**Term:**

This Notice of Land Use Restrictions shall run with and bind the Property unless/until this Declaration shall be made less stringent or canceled as set forth under the paragraph entitled "Amendment and Termination."

**Amendment and Termination:**

This Notice of Land Use Restrictions may be waived, amended, modified, or terminated at any time by the Commissioner of TDEC for cause. No amendment to of this Notice of Land Use Restrictions shall be effective until such amendment or instrument terminating this Notice of Land Use Restrictions is recorded in the Register's Office for Sullivan County, Tennessee.

**Severability:**

Invalidation of any of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

**IN WITNESS WHEREOF**, the undersigned has executed this instrument this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Grantor

STATE OF TENNESSEE

COUNTY OF SULLIVAN

Personally appeared before me, the undersigned, a Notary Public having authority within the State aforesaid, \_\_\_\_\_, with whom I am personally acquainted, and who acknowledged that he executed this instrument for the purposes herein contained, and that he is authorized to execute this instrument.

WITNESS my hand, at office, this the \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_