

STORM AFTERMATH

Protecting Clarksville's past



Building owner Reese Bagwell is upset over the demolition done by the city of Clarksville, Tenn., to his downtown property

after the recent tornado. Many fear historic buildings will be knocked down instead of salvaged.

PHOTOS BY ERIC PARSONS / STAFF

Preservationists fear city will demolish what tornado didn't

By **ELIZABETH BETTS**

and **JAY HAMBURG**

Staff Writers

CLARKSVILLE, Tenn. — Some of downtown Clarksville's storm-damaged historic buildings are in danger of being demolished in the rush to clean up after the recent tornado, even though they may be salvageable, preservationists claim.

Some property owners also believe the city has moved too quickly to tear down sections of their buildings in the interest of public safety, even though privately hired structural engineers have deemed some of the buildings sound.

The concern over the preservation of the historic character of Clarksville has been growing since the Jan. 22 tornado ravaged parts of the Montgomery County town.

"I'm afraid we'll lose the 'historic' in historic Clarksville," said Allen Henderson, who is on the historical preservation subcommittee of the Downtown Clarksville Redevelopment Task Force.

Government officials have set up task forces and subcommittees to try to sort out the problems left by the tornado as well as the variety of opinions on how to rebuild.

"I'm trying to find a way to balance the historic concerns with what our present and future needs are," said Montgomery County Executive Doug Weiland.

The large growth projected for the county may mean that the courthouse could ex-



Workers use a lift crane to fasten tarps on a Clarksville building. The owner says the city damaged it unnecessarily.

pand into the nearby heavily damaged areas, said Weiland, who is on the rebuilding task force and the Montgomery County Courthouse Restoration Advisory Council.

But he cautioned that the county will hold public hearings before making any decision.

Yet some downtown property owners believe the city moved too quickly.

"All we were told by the mayor was that they were doing everything they could to protect public safety, which was pretty ludicrous because the property owners themselves could barely get down here, much less the public," said Reese Bagwell, a retired attorney who owns a three-story brick building at 116 S. Second St., near the courthouse.

Bagwell contends the city removed the third-floor facade of his building unnecessarily, when only a small portion at the top appeared to have loose bricks.

In an effort to speed the process of getting back to normal, several community leaders want to form a Central Business Improvement District that would have the authority to modify some existing zoning regulations such as building heights.

That worries some citizens and preservationists who feel the city may be overlooking ways to renovate damaged historic structures.

"They're trying to get things back to normal too fast," said Nancy Jane Baker of the Tennessee Historical Commission.

"It's not going to happen overnight, and trying to make it happen overnight is detrimental to the historic structures.

"The city has certain rights in emergencies, and public safety is one of them, but they took off a great deal too much."

But Jeff Bibb, co-chairman of the redevelopment task force, said the group will follow common-sense principles during the rebuilding.

"I would fight tooth and nail to keep anything from blocking the view of the clock tower of courthouse," Bibb said.

Those issues will continue to be debated at a meeting of the redevelopment task force at 3 p.m. today. ■







Building owner fights demolition

By JILL NOELLE CECIL
The Leaf-Chronicle

Demolition of Second Street buildings damaged in the Jan. 22 tornado is ready to go and awaiting the nod from the Federal Emergency Management Agency.

Now, one of the property owners on the block between Commerce and Franklin streets said he will sue the city if it proceeds, claiming he was not properly notified.

"We have a right to have our city's history preserved."

Reese Bagwell
property owner

Reese Bagwell sent a letter to Mayor Johnny Piper Wednesday demanding the city not demolish his centu-

ry-old building.

"We have a right to have our city's history preserved," he said. "Nobody's getting

it. It's buzzing over everybody's heads. ... All of this hinges on FEMA's approval. I can guarantee you that FEMA will not approve this."

The buildings now are safety hazards and need to come down or be repaired, Hadley said.

City Attorney David Haines said Bagwell doesn't

► See Building, B3

have a case.

"He was notified same as all the other property owners," Haines said.

"I don't think we'd be ready to tear it down if we had any liabilities. I think we've dotted our i's and crossed our t's."

Bagwell, however, insists the city owes him an engineer's report and notice of the bid for the demolition.

Building and Codes Director Ed Hadley said Bagwell was given a notice of unsafe structure April 13. Building Official Les Crocker said he hand delivered it, but Bagwell refused to sign it.

~~Property owners had 30 days~~ after that notice to appeal demolition. Owners had 60 days from the notice to present plans for their own demolition or repairs, Hadley said.

Robert Marks, who owns a building at 112 South Second St., followed the appeal procedure and his building will not be demolished. He said he believes the city was responsible in notifying him, but he does not know about other owners.

"They posted the notices on the building with a stapler," Marks said. "In fact some of them are still there."

Bagwell said he intends to sell the building, which was valued for tax purposes at ~~\$108,300~~ before the tornado by the Montgomery County Property Assessor. It was reappraised after the tornado at \$11,700.

The county appraisal is not fair

market value.

Bagwell would not name the buyer, but said plans are to restore the building and lease the space.

The IRS holds a lien on Bagwell's properties. Also, he owes the city \$1,914.85 and the county \$4,469.30 in back taxes on 116 South Second St., according to city and county tax offices.

Bagwell said the sale "could resolve those issues."

Melton Construction will be awarded the bid for demolition of the South Second Street buildings for \$390,000 once FEMA officials give an order to proceed with the demolition. Hadley said he expects it any day. Once started, the lots would be cleared in 42 days.

Hadley said the building at the corner of South Second and Franklin will be torn down first to clear the lot, he hopes, before the Streetscape project is completed Nov. 9 and Franklin Street is reopened.

Hadley said the demolition might close Black Horse Pub & Brewery temporarily as the first building is taken down. Pub Brewmaster Travis McGee said the owner in Knoxville has been working with codes officials to see if some of that work can be done on their slower days, Sunday and Monday.

"We originally we thought it was going to be a friggin' fiasco," McGee said.

"We pretty much just want to have it done and over with."

IT'S TIME

TO-STOP THIS CBID- CBD-DDP CORPORATION – FRAUDULENT-ORDINANCE'S MUST BE ABOLISHED FOR SUPERCEDING A FEDERAL DISCRIMINATORY STATUTE

Co-Chairman Jeff Bibb...stated back in 1999 to the City council that the city would become urban blight, producing vacant building, lots, and erosion of the Tax Base...without the efforts to control the rebuilt process from the tornado by reinvesting at least \$150 million...

2/4/99 RESOLUTION 56-1998-99 initiating the establishment of the Clarksville Central Business Improvement and Redevelopment District...that took advantages and OVER TURNED all disaster protected victims like Elinor Thurman at 202 Madison Street in Clarksville TN being a prompt taxpayer all her life, under federal protection...lost her rights, defrauded by locals Governments that stopped her to restore this historical property...which she was totally discriminated against by the City Council...for approving ORDINANCE...2004-05 to pay certain disaster victim like Patrick for just a complaint in the amount of \$152,000.00...

RESOLUTION 57-1998-99 was to wave certain purchasing rights to selected new DDP property investors for the Downtown Clarksville Redevelopment Task Force...David Riggins...

ORDINANCE 41-1998-99...is a restricting 14 MEMBERS APPOINTED IN ACCORDANCE WITH 41-1998-99 (Apr. 1, 1999) and Ordinance 87-2002 (July 2, 2003); three year terms: two term limit, that powered the DDP to be extended through June for re-appointment or replaced in July (ORDINANCE 108-2004-05...is a conflict-of-interest...for Members to restrict, take and reinvest from property owners for personal interest...destroyed on January 22, 1999...

ORDINANCE...43-2004-05

Another ordinance was established...for Patrick's personal benefits... the 2004-05 Budgets for this Extraordinary/Emergency...Funding... accounts to pay for certain damage... John Branham, being the attorney for Herbert Patrick...said this \$152K amount appropriated by this ordinance would be a full settlement for Damages that Contractor Ronnie Lewis was blamed for...an illegal dispute from the 1999 tornado...being another unjust settlement caused by the City of Clarksville officials...

On March 3, 2005...Joe Pitts informed the council that Mayor Don Trotter was hospitalized with severe stomach pains... NOTE...Gabriel Segovia... Ward 3... RESIGNED...imagine that...!!!

Attorney...David Haines...resigned in 2007...lied on several issues...one by saying that this ordinance in 2005, would appropriate funds from a (still-disputed-unjust-settlement), filed by Ronnie Lewis, blamed for bidding negligent, was an is wrong-doing on the behalf of the City... that affected and damaged Lewis to the point of filing bankruptcy in 2004, that never recovered or ever had a contract agreement to work on / Herbert Patrick's building... which Patrick's was paid money for damages caused by Lewis, which was condemned by several engineers, reports...

Back in 1999 several reports were filed, by several different certified engineers reports, on this Patrick building, was an still is unsafe, 75% burn-up during the tornado...bridged or sandwiched in a alley later in years, being a very short in original depth, extended back from the sidewalk... The know records, said it was built in 1917...later, scabbed or extended the floor-plan an roof over a existing breeze way or court-yard, between two free standing building, over a period of time, yet these CBID boards allowed Patrick a faulty unsafe stay, in a still dangerous, grid-locked situation with Gary Hodges property today, yet the City prematurely condemned and demolished 56 other historical building in the downtown area before proper valuation or assessments were completed...is Criminal FRAUD...

Herbert Patrick...is the only one out of 515 dwelling received un-useable funds that benefited, himself, allowed by a illegal discriminatory action...being a illegal stay in a condemned dwelling, by these District authorities, over ruled by this Board of Adjustments & Appeals,... being a conflict, that superseded, the overturning of the Southern Building Code & Standard... that David Haines knew was wrong, quoted to the council that Herbert Patrick... DID_NOT_SIGN... a RIGHT TO ENTER...RELEASE OF LIABIBITY, agreement... therefore Haines said the City was responsible to pay PATRICK \$152,000.00 ... is statutory CIVIL-FRAUD...

IT'S TIME TO WAKE-UP-CLARKSVILLE

Especially the BLIGHTED DISTRICT...CITIZENS...Population...1800...

NOTICE TO TAXPAYERS...*TO BECOME A PETITIONER... VOTER...*

TENNESSEEPETITIONS.COM... needs your HELP TO solicit in helping get the affected citizens, to sign a petition, to spearhead this CBID Corporation corruption... for good...!!! Prosecuting those responsible for occurring civil damages...!!!

We need, the general public, within the affected people who own property, become a registered voter an get a Voter's card number, for signing this upcoming petition soon to abolish this *illegally* form District...that superceded a Declared Federal Disaster Area, unjustly created back in 1999...shortly after the Tornado...

Please...sign...the Guest Sheet...to receive more details, getting involved to help your community get the endorsements...needed...

THANK-YOU

Robert H. Melton

Hosting Tennesseepetitions.com...



STRUCTURAL ENGINEERS, P.C.

1525 Trousdale Drive
Nashville, Tennessee 37204
(615) 781-8199
Fax 781-4088
emc@emcnashville.com

January 28, 1999

Mr. Don Woods
Great River Insurance Company
c/o Union Standard Insurance Company
219 Cayuga Trail North
Gainesville, Texas 76240

RE: RAPID RESPONSE STRUCTURAL ASSESSMENT
112 and 114 South Second Street / Clarksville, Tennessee
Insureds: Mr. Albert T. Marks and Mr. Robert C. Marks
Claim No. 27743RK, Policy No. BO1013617
EMC Project No. 99620

Dear Mr. Woods:

At your request and in your presence, the writer viewed the referenced structures on January 27, 1999. The purpose of this review was to observe the structural elements of the buildings and to comment upon possible repair of the structures following the tornadic wind forces occurring on January 22, 1999. The following is a brief description of the two structures as well as a recommended plan to fully assess the structural and economic feasibility of repairing these buildings to their pre-storm condition.

A unique condition exists at 114 South Second Street. This condition can be seen on the attached sheet 1. At this location, the wood roof trusses bear on the right side wall of space 114; however, the left bearing for the wood roof trusses bear on 116 South Second Street, which is owned by a different property owner. The interior wall separating these two spaces is not continuous; therefore, both the roof structure and the floor structure are co-mingled between these two buildings. From the cursory review that I performed, the following recommendations and observations are offered for your consideration.

The front and rear walls of the building are approximately twenty feet in length. The interior walls, which run front to rear for the most part, appear to be unaffected. With minor exceptions due to falling debris, the floor systems of the building appear to be undamaged structurally. The roof system has been severely compromised over space 114 due to the post-storm demolition of the left wall of space 116, which supports the left side of the roof trusses.

Mr. Don Woods
EMC Project No. 99620
January 28, 1999
Page 2

The interior of the space has been damaged due to water infiltration; however, only minor structural damage was observed. Therefore, I suggest shoring the existing roof trusses and securing the front and rear walls to the existing wood-framed floors to prevent any future movements, please see the attached sheet 2. It should be noted that I did not observe any movements of the front and rear walls common to the wood floor system where the walls have remained in tact.

Once this temporary bracing and stabilization has been installed, a temporary roof covering could be added to help protect the interior of the space. Once this has been accomplished, the ceilings should be removed, the wet carpeting should be removed, and a final assessment should then be made as to the overall economic feasibility of returning the buildings to a pre-storm condition. Based on the limited observations during my January 27, 1999 review, it appears that the structural issues concerning this space is primarily limited to the front walls of the structure and the roof structure encapsulating these spaces. Minor floor damage may have occurred due to falling debris; however, this would most likely be limited to the front of the structure common to the displaced masonry.

In closing, I suggest providing this temporary shoring of the roof structure so that a full structural assessment can be made. As previously stated, since the roof structure of the 114 space bears on an adjacent property owner's wall, I suggest contacting Mr. Reese Bagwell at 1721 Marywood Drive, Clarksville, Tennessee 37073 to receive his permission for this temporary shoring process.

Please call if you have any questions or if I can be of additional assistance.

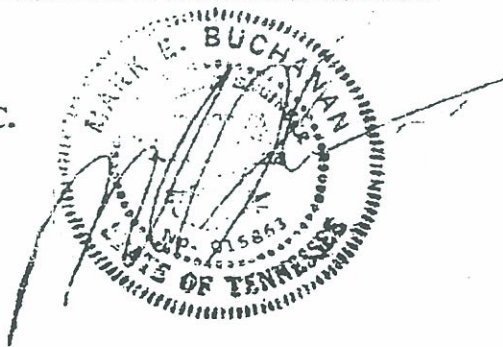
Sincerely,

EMC Structural Engineers, P.C.

Mark E. Buchanan, P.E.
Principal

MEB/jmm

cc: Ms. Dana Dewberry - Dunn Insurance Agency



EMC

STRUCTURAL ENGINEERS P.C.

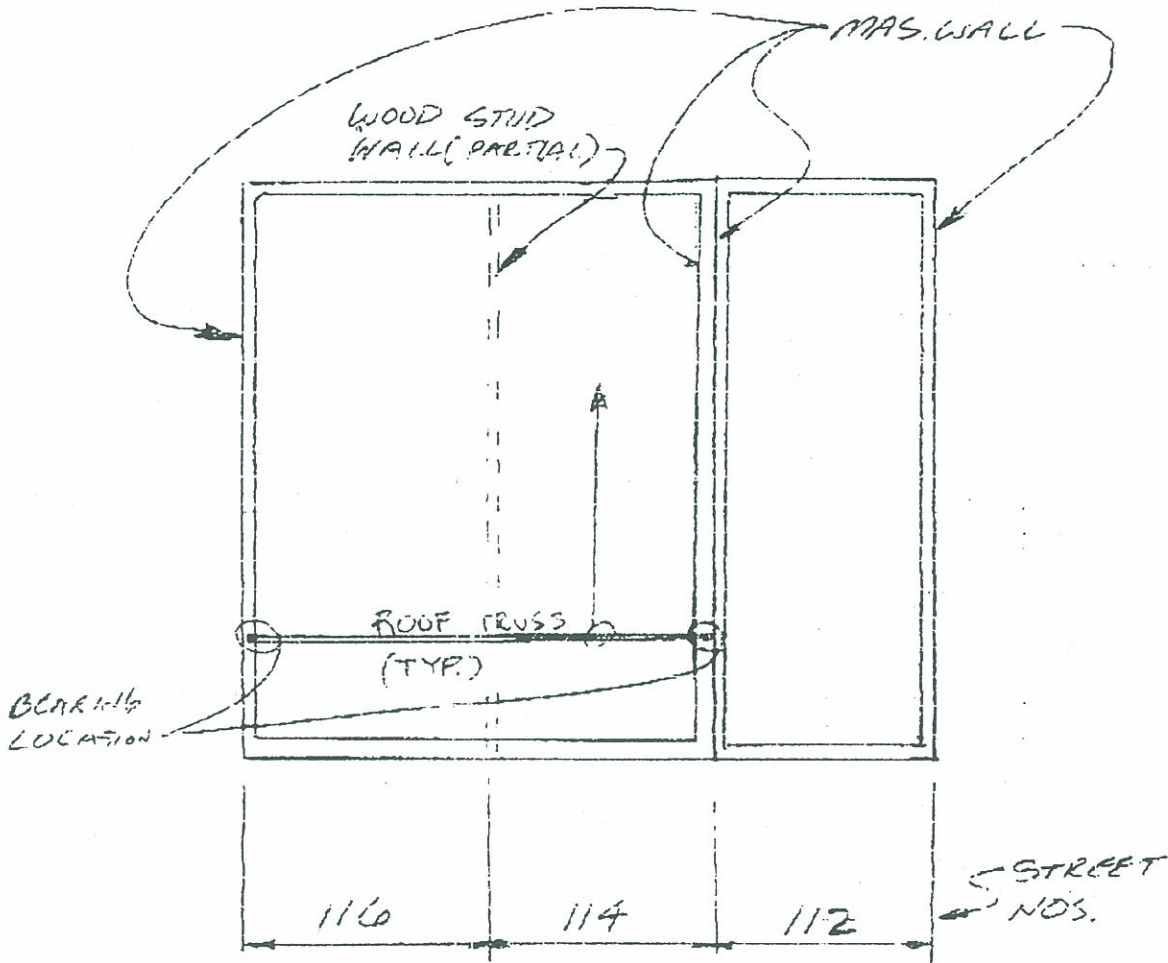
PROJECT: 112 / 114 SOUTH 2ND ST.

JOB NO: 99627

BY: MBS

DATE: 1-28-99

SHEET: 1



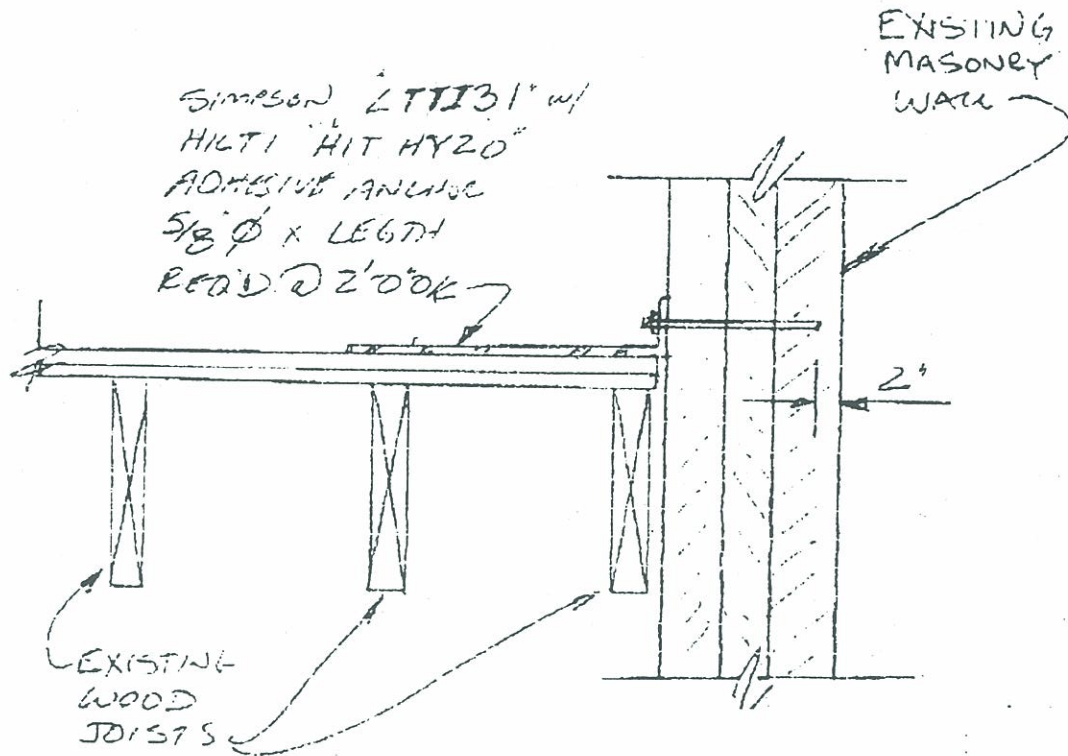
SCHEMATIC ROOF PLAN

- NOTES:
- 1) INTERIOR WALL BETWEEN BUILDING 116 & 114 DOES NOT SUPPORT THE ROOF STRUCTURE.
 - 2) STUD WALL BETWEEN 116 & 114 IS NOT CONTINUOUS & CAN NOT BE USED AS AN EXTERIOR WALL (P.S. 15).

TOTAL P.05

EMC
STRUCTURAL ENGINEERS, P.C.

PROJECT: 112 / 114 SOUTH 2 ND ST.	JOB NO: 99620
BY: MB	DATE: 1-28-99
	SHEET: 2



CROSS SECTION @ FRONT & REAR
WALL

NOTES: 1) LENGTH OF 5/8" THREAD ROD TO BE WALL THICKNESS - 2"

OWNER(S) OF RECORD	ADDRESS OF PROPERTY	DATE OF DEMOLITION	COST OF DEMOLITION	DEMOLITION INSURANCE (Debris Removal)	AMOUNT OF INSURANCE RECEIVED ACCT. 39300	DATE PAID
George Bradley	410 Bailey Street	2000	No Charge	NONE		
Paul Whitlow	307 Commerce Street	2000 1999		NONE		
Sam Collins	311 Commerce Street	04/05/99	\$ 4,500.00	NONE		
Sam Collins	315 Commerce Street	04/14/99	\$ 21,000.00	\$ 5,000.00	\$ 5,000.00	04/06/99
Paul Whitlow	317 Commerce Street	04/14/99	\$ 2,100.00	\$ 2,100.00		
Paul Whitlow	319/321 Commerce Street	04/14/99	\$ 8,890.00	\$ 7,900.00		
Lawrence C. & Doris J. Douglas	943 Ford Street (Demolished by Street Department)	04/28/99	Street Dept.	NONE		
Deborah Evans	136 Franklin Street	2000	10,000	\$ 5,000.00		
Trinity Episcopal Parish House	317 Franklin Street	2000		10,000.00	\$ 10,000.00	
Vernon McGaw	318 Franklin Street	2000 7/14-99		\$ 875.00	\$ 875.00	05/10/99
Hugh & Bill Poland (Fly By Nite)	408 Franklin Street	06/17/99	\$ 18,880.00	\$ 5,000.00	\$ 5,000.00	
Oscar L. Hearn	40 High Street	1999	Street Dept.	\$ 10,000.00		
Kay & Dwayne Mann	65 High Street (Demolished by Street Department)	05/05/99	Street Dept.	NONE		
Glen & Judith Castleberry	515 Main Street	Demolished	by S&H	NONE		
Rebecca H. Baggett	532 Main Street	Demolished 7/99		NONE*		
Rebecca H. Baggett	538 Main Street	Demolished 7/99		NONE*		
Greater Faith Temple Church	618 Ninth Street	Demolished 7/99		\$ 2,700.00		
Donis Yarbro & Joetta Dinsmore	930 Roman Street (Demolished by Street Department)	04/28/99	Street Dept.	NONE		
Willie Ernest Cross	932 Roman Street	2000		NONE		
Peter Martin	108 Second Street	2000		\$ 5,000.00		
Albert Marks	110 Second Street	2000		\$ 5,000.00		
Albert Marks & Robert Marks	114 Second Street	2000		\$ 10,000.00		
Alice Butts or John Butts	903 Shearor Street (Demolished by Street Dept.)	06/21/99		NONE		
Frank Rush	906 Shearor Street	Demolished		NONE		
Thomas Stamper	103 South Third Street	Demolished		\$ 10,000.00		
Stacy Turner	105 South Third Street	Demolished		\$ 10,000.00		
Julia Smith	113 South Third Street	Demolished		\$ 10,000.00		
Kevin Kennedy (The Kennedy Law Firm)	127 South Third Street	04/05/99	\$ 9,500.00	\$ 10,000.00	\$ 10,000.00	05/03/99
Charles W. Smith	129 South Third Street	04/05/99	\$ 22,000.00	\$ 5,000.00	\$ 5,000.00	05/07/99
Sam Collins	131 South Third Street	04/05/99	\$ 9,100.00	\$ 5,000.00	\$ 5,000.00	04/06/99
Sam Collins	135/137 South Third Street	04/05/99	\$ 9,100.00	\$ 10,000.00	\$ 10,000.00	04/06/99
Sam Collins	139 South Third Street	04/05/99	\$ 4,500.00	NONE		
List updated July 1, 1999	427 Franklin	7-28-99				

5,000

7-30-99

109 S. Third

Aldred, Wm.

OWNER(S) OF RECORD	ADDRESS OF PROPERTY	DATE OF DEMOLITION	COST OF DEMOLITION	DEMOLITION INSURANCE	AMOUNT OF INSURANCE RECEIVED	DATE PAID
Structures that were damaged by the January 22, 1999 tornado. (Right of entry has not been signed on these structures.)					ACCT. 39300	
Robert C. Marks & Albert Marks	112 South Second Street	Not	Demolished	Demolished		
Reece Bagwell, Jr.	116 South Second Street	12-13-99		None		
Herbert Patrick	111 South Third Street	Not	Demolished	Demolished		
George Terrell	401 Franklin Street	Not	Demolished	Demolished		
Structures that were damaged by the January 22, 1999 tornado. (Plan of Action is to rebuild/repair)						
Trinity Episcopal Church (Church only)	317 Franklin Street	N/A				
Howell School	501 Franklin Street	N/A				
Hazel Thurman	202 Madison Street	N/A				
Madison United Methodist Church	319 Madison Street	N/A				
Donald Dennis	907 Shearor Street	N/A				
List updated July 1, 1999						

**CITY OF CLARKSVILLE TENNESSEE
RIGHT-OF-ENTRY AND RELEASE AGREEMENT**

DATE: APRIL 13, 1999

The undersigned hereby certifies and warrants that he/she is the title owner or the authorized agent of said owner of the property described herein, and the undersigned hereby authorizes The City of Clarksville Tennessee, its successors and assigns, including its contractors, subcontractors, agents, employees, the authority and permission to enter in and onto the premises located within The City of Clarksville more commonly identified as:

Street Address: 116 SOUTH SECOND STREET

SEE EXHIBIT "A" ATTACHED FOR LEGAL DESCRIPTION, IF AVAILABLE

and demolish the existing unsafe structure and remove any and all storm-generated debris, resulting from the tornado and weather activity which occurred on or about January 22, 1999, from the above described property of the undersigned or his authorized agent. Said removal and cleanup is being undertaken by The City of Clarksville, to facilitate the prompt and expedient reconstruction and redevelopment of the above-described property and to abate a safety or health hazard to the citizens of The City of Clarksville, and the general public. For purposes of this document, the term "Storm Generated Debris" means construction and demolition debris, building materials, roofing materials, yard trash, vegetation waste, storm damaged trees, wires, cables, and metal material that are located within the properties boundaries.

The undersigned agrees that all items not to be removed from the above described property shall be boldly marked "DO NOT REMOVE"

In consideration of the services to be performed by The City of Clarksville, its contractors and subcontractors, the undersigned further agrees and warrants that it will hold harmless and indemnify The City of Clarksville, its contractors and subcontractors, from any and all claims for damages of any type whatsoever, either to above described property or persons situated thereon, or the adjoining properties, and hereby releases, discharges and waives any and all actions, either legal or equitable, which the undersigned has or may have now or in the future by reason of action of The City of Clarksville, its contractors and subcontractors, while removing Storm Generated Debris from the above property.

All terms and conditions with respect to this right of entry are expressly contained herein and the undersigned agrees that no representative of The City of Clarksville, its contractors or subcontractors, has made any representation or promise with respect to this right of entry that is not expressly contained herein.

I / we (have _____, have not _____) (will _____, will not _____) receive any compensation for debris removal from any other source including SBA, ASCS, private insurance, individual and family grant program or any other public assistance program. All benefits from any insurance policy for demolition or debris removal are hereby assigned to The City of Clarksville. I am fully aware that an individual who fraudulently or willfully misstates any fact in connection with this agreement shall be subject to a fine of not more than \$10,000.00 or imprisoned for not more than one year or both.

I currently have no known physical or mental condition that would impair my capability for full participation as intended or expected of me. Further, I have carefully read the foregoing right of entry and release and understand the contents thereof and sign this as my own free act.

For consideration and purposes set forth herein. I hereby set my hand and seal this _____ day
of _____ 1999.

Street Address: 116 SOUTH SECOND STREET

SEE EXHIBIT "A" ATTACHED FOR LEGAL DESCRIPTION, IF AVAILABLE

and demolish the existing unsafe structure and remove any and all storm-generated debris, resulting from the tornado and weather activity which occurred on or about January 22, 1999, from the above described property of the undersigned or his authorized agent. Said removal and cleanup is being undertaken by The City of Clarksville, to facilitate the prompt and expedient reconstruction and redevelopment of the above-described property and to abate a safety or health hazard to the citizens of The City of Clarksville, and the general public. For purposes of this document, the term "Storm Generated Debris" means construction and demolition debris, building materials, roofing materials, yard trash, vegetation waste, storm damaged trees, wires, cables, and metal material that are located within the properties boundaries.

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I currently have no known physical or mental condition that would impair my capability for full participation as intended or expected of me. Further, I have carefully read the foregoing right of entry and release and understand the contents thereof and sign this as my own free act.

For consideration and purposes set forth herein. I hereby set my hand and seal this _____ day of _____ 1999.

Witnessed by:

Property Owner(s) or Property Owner
Authorized Agent

Current Telephone No. _____

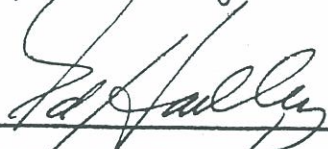
TO WHOM IT MAY CONCERN:

In accordance with the 1985 Standard Unsafe Building Abatement Code the above referenced structure was inspected on the 13TH day of APRIL 1999 at which time the structure was determined to be unsafe, unsanitary, unfit for human habitation, and poses an immediate health and safety hazard to the citizens of the City of Clarksville. The building has been posted as an unsafe structure and shall be repaired in accordance with the 1997 Standard Building Code or demolished (see attached report on the condition of the structure). The structure is to be repaired or demolished and all necessary permits must be secured and the work commenced within 60 days of this notice, or and approved plan of action submitted within 60 days. Failure to obtain the required permits within the stated time will cause the building official to order the demolition to be done and all cost incurred charged against the property or the owner of record.

Any person having any legal interest in the property may appeal this notice to the Board of Adjustments and Appeals; such appeal shall be in writing in the form specified in Section 401 of the 1985 Unsafe Building Abatement Code and shall be filed with the building official within 30 days of the date of the notice. Failure to appeal in the time specified will constitute a waiver of all rights to an administrative hearing.

If you have any questions in regard to this notice feel free to contact me at this office.

Prepared By:



Ed Hadley, Building Official

931-645-7461

100 South Spring Street

Clarksville, Tennessee 37040

CC: INTERNAL REVENUE SERVICE
SAMMY STUART, FARMERS & MERCHANTS BANK

175544



JOYCE B. NORFLEET
REGISTER OF DEEDS
MONTGOMERY, CO TN

11- 4-1999 9:49

SATX _____ CF _____
SBTX _____ CF _____
COMPUTER FEE 200
RECORDING FEE 800
RECEIPT NO. 635-005

6352

VOL. 723 PAGE 1670

NOTICE OF UNSAFE STRUCTURE

OWNER OF RECORD: REECE N. BAGWELL, JR.

ADDRESS: 116 SOUTH SECOND STREET TAX MAP NO. 66-G PARCEL K-22

S / D & LOT NO. OR NAME OF BUSINESS: LAW OFFICE

DATE OF NOTICE: APRIL 13, 1999


TO WHOM IT MAY CONCERN:

In accordance with the 1985 Standard Unsafe Building Abatement Code the above referenced structure was inspected on the 13TH day of APRIL 1999 at which time the structure was determined to be unsafe, unsanitary, unfit for human habitation, and poses an immediate health and safety hazard to the citizens of the City of Clarksville. The building has been posted as an unsafe structure and shall be repaired in accordance with the 1997 Standard Building Code or demolished (see attached report on the condition of the structure). The structure is to be repaired or demolished and all necessary permits must be secured and the work commenced within 60 days of this notice, or and approved plan of action submitted within 60 days. Failure to obtain the required permits within the stated time will cause the building official to order the demolition to be done and all cost incurred charged against the property or the owner of record.

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If you have any questions in regard to this notice feel free to contact me at this office.

Prepared By:



Ed Hadley, Building Official



JOYCE B. NORFLEET
REGISTER OF DEEDS
MONTGOMERY, CO TN

RETURN

Executed by delivering to REECE N. BAGWELL, JR. on 13TH day of APRIL, 1999



Codes Official

Receipt Acknowledged by:

_____ *about 1:30*

RETURN

I certify that I served this Notice, by sending a copy of the same by certified mail, return receipt requested this the _____ day of _____, 1999.

Codes Official



Jack M. Rudolph
R. Mitchell Ross
Mart G. Fendley †
Cleo G. Hogan
Robert H. Moyer
Phillip R. Sykes

F. Evans Harvill
of Counsel

PRELIMINARY CERTIFICATE OF TITLE EXAMINATION

EFFECTIVE DATE & TIME: March 23, 1999 @ 8:21 a.m.
FOR WHOM CERTIFICATE IS PREPARED: Ed Hadley
LOAN AMOUNT OR FMV: \$0
PROPERTY DESCRIPTION: 116 S. Second Street
FILE NUMBER: CD12:Misc."BAGWELL"
MORTGAGOR: N. Reese Bagwell, Jr.
BORROWER: Same

1. PURPOSE OF CERTIFICATE. THIS CERTIFICATE OF TITLE EXAMINATION has been prepared at the request of and for the sole use and benefit of Ed Hadley for the purpose of informing such person or entity of the status of the title of the Real Estate, as such is later in this Certificate defined.

2. ABBREVIATIONS AND DEFINITIONS. For the purpose of this Certificate, the following abbreviations and definitions are used:

- (a) DB Deed Book.
- (b) EFFECTIVE DATE & TIME The day and time up to which this Certificate covers.
- (c) FMV Fair Market Value of the Real Estate as disclosed by the person or entity for which this Certificate is prepared.
- (d) LM Land Mortgage Book.
- (e) ORBV Official Record Book Volume.
- (f) REAL ESTATE The real estate described in Schedule A which is the subject of this Certificate.
- (g) ROMCT Register's Office for Montgomery County, TN.

3. REAL ESTATE. The Real Estate is situated in the Twelfth Civil District of Montgomery County, Tennessee, and is described according to Schedule "A".

4. TITLE TO REAL ESTATE. The title to the Real Estate as of the Effective Date and Time is vested in N. Reese Bagwell, Jr. by virtue of deed of record in ORBV 312, Page 877, ROMCT, with reference to ORBV 313, Page 1218, ROMCT.

5. INSTRUMENTS NECESSARY TO VEST TITLE OR INTEREST. The instruments which must be properly drawn, duly executed as directed, delivered and filed for record as directed creating the estate or interest in the Real Estate in the person or entity for which this Certificate is prepared are:

†Board Certified as a Civil Trial Specialist by the National Board of Trial Advocacy and the Tennessee Commission on Continuing Legal Education & Specialization

6. **REAL ESTATE AD VALOREM TAXES.** The State/County and City of Clarksville real estate ad valorem taxes assessed on the Real Estate have been paid to and including 1994 [# 66G-K-22]. The following taxes constitute a lien on the Real Estate and must be paid:

<u>YEAR</u>	<u>COUNTY</u>	<u>CITY</u>
1995-Personal	\$ 500.18 thru 3-99	PAID
1996-Personal	\$ 420.38 thru 3-99	PAID
1997-Personal	\$ 386.42 thru 3-99	\$114.98 #1438
1998-Personal	\$ 336.98 thru 3-99	\$119.86 #1614
1995	\$2,125.31 thru 3-99	PAID
1996	\$1,896.47 thru 3-99	\$659.47 thru 3-99
1997	\$1,708.85 thru 3-99	\$592.91 #1444
1998	\$1,451.45 thru 3-99	\$515.51 #1621

7. **DEEDS OF TRUST AND OTHER LIENS.** The Real Estate must be released of record from the following deeds of trust or other liens:

Deed of trust of record in ORBV 484, Page 1615, ROMCT executed by N. Reese Bagwell, Jr., et ux, dated July 17, 1992, conveying the property therein described to William S. Stuard, Trustee, to secure a note in the original principal amount of \$350,556.08 payable to Farmers and Merchants Bank.

Judgment rendered in the General Sessions Court in the matter of Clarksville Memorial Hospital., Plaintiff, vs. N. Reese Bagwell, Jr., Defendant, Docket No. 98-03-260, in favor of Plaintiff against Defendant in the amount of \$1,227.50, a certified copy of which is of record in ORBV 664, Page 833, ROMCT.

Judgment rendered in the General Sessions Court in the matter of Ruth Odom d/b/a Metro Reporting Service on behalf of Deb Aldrich., Plaintiff, vs. N. Reese Bagwell, Jr., Defendant, Docket No. 96GC17727, in favor of Plaintiff against Defendant in the amount of \$1,846.94, a certified copy of which is of record in ORBV 611, Page 2478, ROMCT.

Judgment rendered in the General Sessions Court in the matter of The Michie Company, Plaintiff, vs. N. Reese Bagwell, Jr., Individually and d/b/a The Bagwell Law Firm, Defendant, Docket No. G97-02-062, in favor of Plaintiff against Defendant in the amount of \$3,126.67, a certified copy of which is of record in ORBV 630, Page 1250, ROMCT.

State Tax Lien of record in ORBV 636, Page 1149, ROMCT, to secure the obligations in the amount of \$671.66 of Bagwell, Bagwell, Parker, each individually and d/b/a Bagwell, Bagwell, Parker, Riggins and Kennedy, to Department of Employment Security, dated September 16, 1997.

Federal Tax Lien of record in ORBV 636, Page 1993, ROMCT, to secure the obligations in the amount of \$9,925.43 of Bagwell, Bagwell, Parker & Riggins, Noel Reese Bagwell, Jr., a Partnership, to Internal Revenue Services, dated September 22, 1997.

Federal Tax Lien of record in ORBV 680, Page 1303, ROMCT, to secure the obligations in the amount of \$42,952.13 of Bagwell, Bagwell, Parker & Riggins, Noel Reese Bagwell, Jr., a Partner, to Internal Revenue Services, dated October 19, 1998.

Federal Tax Lien of record in ORBV 608, Page 1262, ROMCT, to secure the obligations in the amount of \$19,416.58 of Noel Reese Bagwell, Jr. and Susan P. Bagwell, to Internal Revenue Services, dated November 5, 1996.

Federal Tax Lien of record in ORBV 613, Page 2461, ROMCT, to secure the obligations in the amount of \$141,034.44 of Bagwell, Bagwell, Parker & Riggins, Noel Reese Bagwell, Jr., a Partner, to Internal Revenue Services, dated January 16, 1997.

Federal Tax Lien of record in ORBV 622, Page 1198, ROMCT, to secure the obligations in the amount of \$7,557.75 of Bagwell, Bagwell, Parker & Riggins, Noel Reese Bagwell, Jr., a Partner, to Internal Revenue Services, dated April 23, 1997.

Order rendered on October 31, 1997, in the Chancery Court for Montgomery County, Tennessee in the matter of the Leaf Chronicle Company, Plaintiff, vs. N. Reese Bagwell, Jr., d/b/a The Bagwell Law Firm, Defendant, Docket No. 97-06-0026, in favor of Plaintiff against Defendant in the amount of \$16,866.55, a certified copy of which is of record in ORBV 648, Page 2054, ROMCT.

Order rendered on February 14, 1997, in the Sixth Circuit Court for Davidson County, Tennessee in the matter of Bill Heard Chevrolet Corporation, Nashville, Plaintiff, vs. N. Reese Bagwell, Jr., Defendant, Docket No. 94C-2811, in favor of Plaintiff against Defendant in the amount of \$350.00, a certified copy of which is of record in ORBV 619, Page 2028, ROMCT.

8. **RESTRICTIONS, CONDITIONS AND EASEMENTS.** The Real Estate is or may be affected by the following restrictions, conditions, and/or easements:

Restrictive covenants of record in ORBV 84, Page 415 and ORBV 312, Page 877, ROMCT.

Subject to any and all matters which an accurate survey may reveal.

9. **MATTERS WHICH ARE NOT CERTIFIED HEREBY.** This Certificate does not make any representation with regard to (a) any parties in possession of the Real Estate; (b) deficiencies in quantities of land; (c) boundary line disputes; (d) roadways; (e) unrecorded easements; (f) unrecorded liens; (g) accuracy of the index books of the public records of Montgomery County, Tennessee; (h) any matter not of public record which should be disclosed by an accurate, detailed, closing survey and personal inspection of the Real Estate; (i) undisclosed heirs; (j) fraud or forgery in connection with any of the instruments in the chain of title; (k) mental incompetence; (l) confusion with regard to the name or proper identity of parties; (m) improprieties with regard to delivery of deed; (n) marital rights (spouse or former spouse of past owners not revealed in this instrument); (o) any instrument executed by a minor; (p) lack of corporate capacity in the event a corporation is in the chain of title; (q) facts that would be revealed by an examination of the records of the State Courts, Federal District Court, and Federal Bankruptcy Court; (r) consequences of attack on the estate or interest certified by this Certificate under any federal or state law dealing with bankruptcy, insolvency or creditor's rights; (s) laws, ordinances or governmental regulations (including but not limited to building and zoning ordinances) restricting, regulating or prohibiting the occupancy, use or enjoyment of the Real Estate or regulating the character, dimensions or location of any improvement now or

hereafter erected on the **Real Estate**, or prohibiting a separation in ownership or a reduction in the dimensions or area of the **Real Estate** or the effect of any violation of any such law, ordinance or government regulation; and, (t) the previous or present use of the **Real Estate**, especially as to whether or not such use violates the Tennessee Hazardous Waste Management Act of 1983 (Tennessee Code Annotated Sections 68-46-201, et seq.), the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 USC Sections 9601, et seq.) or any other federal, state or local laws, ordinances and regulations relating to environmental protection or which would impose a lien against the **Real Estate** for uses or operations conducted thereon prohibited by such laws, ordinances or regulations or uses or operations conducted on or at other sites prohibited by such laws, ordinances or regulations which may affect the **Real Estate**.

The items listed under the preceding paragraph are matters which would not be revealed by an examination of the public records of Montgomery County, Tennessee, and, therefore, matters of which the preparer hereof has no means of securing the necessary information. The matters under (a), (b), (c), (d), and (e) could be protected against by an accurate, detailed closing survey by a qualified licensed surveyor and a personal inspection of the **Real Estate**. Item (f), unrecorded liens, could be guarded against by a personal inspection of the **Real Estate** for new improvements, and, if such are present, the recording in the Office of the Register of Deeds for the county in which the **Real Estate** is located of a Notice of Completion pursuant to Tennessee Code Annotated Section 66-11-143. Items listed under Items (g) through (r) may be insured against by the utilization of title insurance, and should more information be desired in that regard, the preparer hereof would be pleased to discuss same.

10. **LIMITATION OF RELIANCE.** This Certificate is issued at the request of and for the sole use and benefit of the person or entity for which it has been prepared.

RUDOLPH, ROSS, FENDLEY,
HOGAN, MOYER & SYKES, P.L.L.C.

By:



Phillip R. Sykes

SCHEDULE "A"

The south 20.25 feet of that certain lot of ground with building thereon situated between Franklin and Commerce Street in Clarksville, Tennessee, fronting 40 1/2 feet on South Second Street, and running back 176 feet.

H:\COMMON\WPDATA\BARBARA\BAGWELL.COT



Jack M. Rudolph
R. Mitchell Ross
Mart G. Fendley †
Cleo G. Hogan
Robert H. Moyer
Phillip R. Sykes

F. Evans Harvill
of Counsel

April 2, 1999

Ed Hadley
City of Clarksville Building Codes
Clarksville, TN 37040

BORROWER: N. Reese Bagwell, Jr.
LOAN AMOUNT: \$0
SECURITY: Real estate situated in the Twelfth Civil District of Montgomery
County, Tennessee known as 116 S. Second Street
FILE NO.: CD12:Misc."BAGWELL"

STATEMENT

FOR LEGAL SERVICES RENDERED:

Search and examination of the title
to the real estate given as security
for the loan and preparation of the
Preliminary Certificate of Title
Examination \$190.00

TOTAL \$190.00

Phillip R. Sykes
/bac

†Board Certified as a Civil Trial Specialist by the National Board of Trial Advocacy and the Tennessee Commission on Continuing Legal Education & Specialization



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

June 18, 1999

Mr. Glenn C. Woodard
FEMA/Region IV
3003 Chamblee-Tucker Rd.
Atlanta, Georgia 39341

RE: FEMA, FEMA NON-UNDERTAKINGS, CLARKSVILLE, MONTGOMERY COUNTY

Dear Mr. Woodard:

Pursuant to your request, this office has reviewed your notice relative to the above-referenced undertaking received on Thursday, June 17, 1999. Considering available information, we acknowledge that the following projects previously stated for FEMA action are no longer under consideration by your agency:

401 Franklin Street
301 Welchwood Drive
618 Ninth Street
319 Madison street
202 Madison Street
943 Ford Street
407 South Second Street
402 South Second Street
318 Franklin Street
Corner of South First and Munford Streets
515 Main Street
116 Hiter Street
119 West Washington Street
930 Roman Street
928 Roman Street
610 Ford Street
941 Ford Street

Should project plans change, please contact this office to determine what additional steps, if any, compliance with Section 106 requires. You may direct questions and comments to Joe Garrison (615)532-1559. This office appreciates your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg

ENCLOSURE 2 to June 25, 1999 Letter to John D. White, Tennessee Emergency Management Agency; FEMA-1262-DR-TN.

RE: Clarksville, TN properties deemed unsafe by the City for which FEMA and the SHPO have determined that the those listed below are "Not Eligible" for inclusion on the National Register of Historic Places. No additional action is necessary to comply with Section 106 of the National Historic Preservation Act.

Address

206 South First Street (Montgomery County)
224 South Second Street (Montgomery County)
103 South Third Street
111 South Third Street
113 South Third Street
127 South Third Street
129 South Third Street
131 South Third Street
135/137 South Third Street
524 Ford Street/410 Bailey Street
932 Roman Street
903 Shearor Street
906 Shearor Street
907 Shearor Street
58 Union Street
118 Munford Street (Montgomery County)
126 Munford Street (Montgomery County)
65 West High Street
408 Franklin Street
307 Commerce Street
311 Commerce Street/139 South Third Street
315 Commerce Street
317 Commerce Street
319 Commerce Street
321 Commerce Street
515 Main Street
538 Main Street
200 South First Street; Corner of Commerce and South First Streets (Montgomery County)
427 Franklin Street
40 West High Street
105 South Third Street
139 South Third Street
532 Main Street
501 Franklin Street
109 South Third Street



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

June 18, 1999

Mr. Glenn C. Woodard
FEMA/Region IV
3003 Chamblee-Tucker Rd.
Atlanta, Georgia 39341

RE: FEMA, 206 SOUTH FIRST STREET, CLARKSVILLE, MONTGOMERY COUNTY

Dear Mr. Woodard:

Pursuant to your request, this office has reviewed documentation concerning the above-referenced undertaking received Thursday, June 17, 1999. This is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (64 FR 27044, May 18, 1999).

Based on available information, we find that the above-referenced property does not appear to be eligible for listing in the National Register of Historic Places as it is not associated with events which have made a significant contribution to the broad patterns of our history; nor is it associated with the lives of persons significant to our past; nor does it embody a distinctive characteristic of a type, period or method of construction; nor does it represent the work of a master; nor does it possess high artistic values; nor does it represent a significant and distinguishable entity whose components may lack individual distinction; nor has it yielded, nor is it likely to yield information important in prehistory or history. Therefore, unless project plans change, no additional action is necessary to comply with Section 106 of the National Historic Preservation Act relative to this property.

Questions and comments may be directed to Joe Garrison (615)532-1559. Your cooperation is appreciated.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg

Sample Letter

ENCLOSURE 3 to June 25, 1999 Letter to John D. White, Tennessee Emergency Management Agency; FEMA-1262-DR-TN.

RE: Clarksville, TN properties, eligible for listing in the National Register of Historic Places and deemed unsafe by the City, for which FEMA and the SHPO have determined that the project as proposed will have adverse affects. Those listed below require additional evaluation and/or consultation, for the following reasons:

<u>Address</u>	<u>Reason</u>
136 Franklin Street	Architectural District, follow-up evaluation scheduled
317 Franklin Street	Parish House on National Register, follow-up evaluation scheduled
108 South Second Street	Architectural District, follow-up evaluation scheduled
110 South Second Street	Architectural District, follow-up evaluation scheduled
112 South Second Street	Architectural District, follow-up evaluation scheduled
114-116 South Second Street	Architectural District, follow-up evaluation scheduled



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

June 18, 1999

Mr. Glenn C. Woodard
FEMA/Region IV
3003 Chamblee-Tucker Rd.
Atlanta, Georgia 39341

RE: FEMA, 112 SOUTH SECOND STREET, CLARKSVILLE, MONTGOMERY COUNTY

Dear Mr. Woodard:

Pursuant to your request received by this office on Thursday, June 17, 1999, this office has reviewed documentation concerning the above-referenced undertaking. This review is a requirement of Section 106 of the National Historic Preservation Act for compliance by the participating federal agency or applicant for federal assistance. Procedures for implementing Section 106 of the Act are codified at 36 CFR 800 (RIN3010-AA04: June 17, 1999).

Considering available information, we find, after applying the Criteria of Effect and Adverse Effect codified at 36 CFR Part 800, that the project as currently proposed will adversely affect properties that are eligible for listing in the National Register of Historic Places. Therefore, this office has an objection to the implementation of this project. You should now inform the Advisory Council on Historic Preservation of this adverse effect determination and begin immediate consultation with our office. Please enclose a copy of this determination in your notification to the Council as delineated at 36 CFR Part 800. Until you have received a final comment on this project from this office and the Council, you have not completed the Section 106 review process. Please direct questions and comments to Joe Garrison (615)532-1559. We appreciate your cooperation.

Sincerely,

Herbert L. Harper
Executive Director and
Deputy State Historic
Preservation Officer

HLH/jyg

Sample letter
consultation



Federal Emergency Management Agency

Region IV
3003 Chamblee-Tucker Rd
Atlanta, GA 30341

RECEIVED

AUG 16 1999

August 5, 1999

Mr. Herbert L. Harper, Executive Director
Tennessee Historical Commission
State Historic Preservation Office
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Attention: Joseph Y. Garrison

Reference: FEMA-1262-DR-TN
PA ID #125-15160-00, City of Clarksville
Montgomery County, Tennessee
Resolution of Adverse Effect
110 South Second Street

Dear Mr. Harper:

The Federal Emergency Management Agency (FEMA) is providing Public Assistance funding for the demolition of, and debris removal from, damaged property in downtown Clarksville. These structures were severely damaged in late January 1999, by tornado activity in the city and its surrounding area. FEMA's authority to undertake this mission is provided in the law, regulations, and program guidance, as shown in the marked copies enclosed.

Originally the City deemed 56 damaged properties with structures as immediate health and safety threats and proposed them for demolition. FEMA, in cooperative review with your office, has determined that 5 of the 56 structures proposed for demolition are eligible for, or are listed on, the National Register of Historic Places. The Tennessee State Historic Preservation Office (SHPO) has concurred with FEMA's eligibility determination for these properties (SHPO letter, June 18, 1999, copy enclosed).

The five structures are either in, or within one block of, the Clarksville Architectural District. The extent of damage to each of these structures, as described in the accompanying materials, makes demolition the only feasible solution. Although four of the five structures are in close proximity to one another, FEMA has determined that the areas of potential effects of these proposed urban-lot demolitions, in an area where other tornado-damaged buildings have been cleared with private initiatives, are limited to the individual sites.

In further consultation with the Tennessee SHPO, FEMA has applied to these undertakings the Criteria of Effect and Adverse Effect found in the Advisory Council's implementing regulations (36 CFR 800.5). FEMA and the SHPO have concurred in the determination that the proposed demolition of the referenced structure will have an adverse effect on a historic property in accordance with 36 CFR §800.5(a)(2)(i). We are requesting the SHPO's further review and consultation on this finding, based on the enclosures

Descriptions of the damage to 110 South Second Street are contained in three accompanying documents. These are: the Review of Historic Properties, prepared by Ray Novitske, AIA, FEMA Historical Architectural Consultant; the Report on Site Inspection, prepared by Brenda I. Wildrick, PE, FEMA Historical Structural Engineering Consultant; and, a copy of the City's signed Notice of Unsafe Structure form.

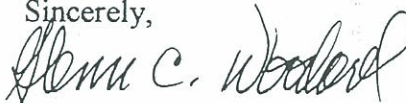
File? FEMA has determined that the adverse effect of demolition cannot be avoided because replacing the missing historic facade would be a new reconstruction rather than a historic structure. The support for this finding is contained in the above-referenced damage surveys and in the accompanying copy of the letter from Mr. Novitske to Mr. Beers of this office, dated July 26, 1999. Also included is a copy of the property-owner's signed Right-of-Entry and Release Agreement,

After your office's review, a Memorandum of Agreement can be initiated between FEMA, the SHPO, the Tennessee Emergency Management Agency (TEMA) and other possibly interested parties. The Agreement would include FEMA's intent to carry out the following standard mitigation measures in regard to this structure, if these do not already exist in SHPO files:

FEMA will photographically record it to archival quality standards using large format (4"X 5"), black and white photographs on acid-free paper and in acid-free envelopes. The photographic recordation will include exterior elevations and details and significant interior spaces and details. Exterior views will be keyed to a simple site plan and interior views to a simple floor plan. Photos will be indexed according to subject, date photographed, and photographer's name. All photographs will be submitted to the SHPO for acceptance and retention prior to demolition of the structure. A brief narrative on the historical background of the structure will also be included in the final report.

If you have any questions, please contact Mike Polny, Chief, Infrastructure Branch, at (770) 220-5308.

Sincerely,



Glenn C. Woodard
Director

Response and Recovery Division

Enclosures (6)

cc: Louis Friedmann, TEMA



Federal Emergency Management Agency

Region IV
3003 Chamblee-Tucker Rd
Atlanta, GA 30341

June 25, 1999

Mr. John D. White, Director
Tennessee Emergency Management Agency
3401 Sidco Drive
Nashville, Tennessee 37024

Attention: Kevin Lawrence

Reference: FEMA-1262-DR-TN
PA ID #125-15160-00, City of Clarksville
PA ID #125-00000, Montgomery County
Results of SHPO's Section 106 Review of Properties Deemed Unsafe by
the Subgrantees. as Requested by FEMA

Dear Mr. White:

The Federal Emergency Management Agency (FEMA) is enclosing the results of the Tennessee State Historic Preservation Office's (SHPO's) Section 106 review under the National Historic Preservation Act. FEMA requested the review of specific properties that the above subgrantees have identified to FEMA as unsafe due to damages to public and private property sustained during the tornado of January 22, 1999. The SHPO and FEMA concur at this time on the enclosed results. However, please note some minor changes, below, and that some properties are still in joint consultation.

The enclosed copy of the SHPO's letter (Enclosure 1) referenced as "FEMA, FEMA Non-undertakings, Clarksville, Montgomery County" lists properties that are all privately-owned and within the City's jurisdiction. FEMA is not considering further action (therefore funding) in the demolition or debris removal on these "health and safety hazard" properties for reasons such as private repair or demolition, or public demolition before SHPO review. Please note that 618 Ninth Street is being further reviewed by FEMA at this time. Also, 515 Main Street has been removed from this listing and has been designated as "not eligible" for the National Register of Historic Places, see below. The SHPO is preparing a new letter reflecting that change on 515 Main Street.

The SHPO has found that the properties in Enclosure 2 appear not to be eligible for listing in the National Register of Historic Places, and "... no additional action is necessary to comply with Section 106 of the National Historic Preservation Act relative to..." these properties. The SHPO has prepared individual letters (sample attached) to that effect for each Enclosure 2 listed property. The original of each letter is included, or will be included, with the appropriate Project Worksheet file. Copies of all the enclosed material will be placed in the applicants' files. Five of the properties on Enclosure 2 are shown as owned by Montgomery County, the remainder are privately-owned and within the City's jurisdiction.

Enclosure 3 is a listing of privately-owned properties within the City's jurisdiction that possible demolition "... as currently proposed will adversely affect properties that are eligible for listing in the National Register of Historic Places". FEMA is now engaged in additional evaluation of these properties and consultation with the SHPO prior to any further actions. As above, letter copies will be placed in the proper files. A sample letter is attached to the enclosure.

This letter and the enclosures are being submitted for your information and dissemination to the subgrantees, as your office deems appropriate.

If you have any questions, please contact Mike Polny, Chief Infrastructure Branch, at 770-220-5308.

Sincerely,



Glenn C. Woodard
Director

Response and Recovery Division

Enclosures (3):

Tennessee State Historical Preservation Office Letter Dated June 18, 1999
Listing of Properties Not Eligible for National Register of Historic Places
Listing of Properties in Evaluation and Consultation



Federal Emergency Management Agency

Region IV
3003 Chamblee-Tucker Rd
Atlanta, GA 30341

July 30, 1999

Mr. John D. White, Jr., Director
Tennessee Emergency Management Agency
3041 Sidco Drive
Nashville, TN 37204-1502

Attention: Louis Friedmann

Reference: FEMA-1262-DR-TN
City of Clarksville, PA ID #125-15160-00
Status of Historic Property Undertakings (Section 106)

Dear Mr. White:

This letter is to confirm the Federal Emergency Management Agency's (FEMA's) recent telephoned status reports on historical reviews given to Les Crocker of Clarksville's Building and Codes Department by Paul Beers, FEMA Historic Specialist. As you know, a federal agency such as FEMA can provide funding for actions on potentially historic properties, only after the proposed action has been reviewed by the State Historic Preservation Office (SHPO). This is provided for in Section 106 of the National Historic Preservation Act.

Based on the updated list of unsafe properties originally provided by the Building and Codes Department, 56 properties were submitted on June 10, 1999, for SHPO review. The City and FEMA had reviewed the original list on-site in late May and in multiple telephone calls before and after that time. The SHPO responded to the June 10 letter on June 18, 1999. The results of the SHPO review were sent to Tennessee Emergency Management Agency (TEMA) with FEMA's letter of June 25, 1999. This information should help guide the City's future actions on historic and non-historic properties. However, there may be other necessary clearances before a project can proceed.

There are several changes that have occurred since the letter to TEMA on June 25. Regarding the non-undertakings list, the following are the updates to Enclosure 1 of that letter:

618 Ninth Street- Church officials have since requested demolition and this action has been included in a FEMA Project Worksheet (PW), FEMA has determined that this property is not eligible for inclusion on the National Register of Historic Places. This determination has been forwarded to the SHPO for review. The PW is being held for SHPO response, due this week.

515 Main Street- The SHPO determination letter of "not eligible" for the National Register, which concurred with FEMA's determination, has been received in this office and has been filed with its PW.

Enclosure 2 to the June 25 letter includes all the other properties not eligible for inclusion on the National Register of Historic Places. Therefore, they are generally eligible for FEMA funding assistance for demolition and debris removal. Previously known exceptions to this list from conversations between the City and FEMA are:

906 Shearor Street- Structure was demolished on City's initiative. No documentation presented to FEMA at this time.

907 Shearor Street- Owner is rebuilding.

58 Union Street- Owner did not respond prior to deadline for submittal of demolition request.

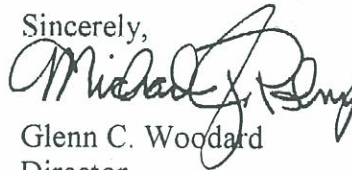
On June 29, FEMA's historical architectural and structural engineering consultants inspected the properties at 108, 110, and 114-116 South Second Street, and those at 136 and 317 Franklin Street. These properties are listed on Enclosure 3 to the June 25 letter to TEMA. The property at 112 South Second Street is no longer scheduled for demolition according to the City and was not inspected. Four of these inspected properties are contributory to the Downtown Clarksville Architectural District and 317 Franklin Street is on the National Register of Historic Places. The consultants have completed their preliminary reports.

FEMA will then have to submit the necessary additional information on these five properties to the SHPO for further consultation and likely execution of an agreement to undertake recordation prior to demolition. If an owner chooses/needs to demolish with other resources, FEMA strongly advises that the City contact the SHPO prior to issuing a permit. Anticipatory demolition where FEMA assistance is still desired will be addressed in the executed agreement between all of the parties of interest.

To expedite processing the submittal to the SHPO the City has furnished copies of the "Notice of Unsafe Structure" and "Right-of-Entry and Release" forms for each of the five inspected properties noted above to FEMA.

If you have any questions, please contact Mike Polny, Chief Infrastructure Branch, at 770-220-5308.

Sincerely,



Glenn C. Woodard
Director

For
Response and Recovery Division

cc: Wilbur M. Berry, Jr., City of Clarksville, w/ copy of referenced June 25 letter
Ed Hadley, City of Clarksville, w/ copy of referenced June 25 letter



Federal Emergency Management Agency

Region IV
3003 Chamblee-Tucker Rd
Atlanta, GA 30341

RECEIVED

AUG 16 1999

August 5, 1999

Mr. Herbert L. Harper, Executive Director
Tennessee Historical Commission
State Historic Preservation Office
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Attention: Joseph Y. Garrison

Reference: FEMA-1262-DR-TN
PA ID #125-15160-00, City of Clarksville
Montgomery County, Tennessee
Resolution of Adverse Effect
108 South Second Street

Dear Mr. Harper:

The Federal Emergency Management Agency (FEMA) is providing Public Assistance funding for the demolition of, and debris removal from, damaged property in downtown Clarksville. These structures were severely damaged in late January 1999, by tornado activity in the city and its surrounding area. FEMA's authority to undertake this mission is provided in the law, regulations, and program guidance, as shown in the marked copies enclosed.

Originally the City deemed 56 damaged properties with structures as immediate health and safety threats and proposed them for demolition. FEMA, in cooperative review with your office, has determined that 5 of the 56 structures proposed for demolition are eligible for, or are listed on, the National Register of Historic Places. The Tennessee State Historic Preservation Office (SHPO) has concurred with FEMA's eligibility determination for these properties (SHPO letter, June 18, 1999, copy enclosed).

The five structures are either in, or within one block of, the Clarksville Architectural District. The extent of damage to each of these structures, as described in the accompanying materials, makes demolition the only feasible solution. Although four of the five structures are in close proximity to one another, FEMA has determined that the areas of potential effects of these proposed urban-lot demolitions, in an area where other tornado-damaged buildings have been cleared with private initiatives, are limited to the individual sites.

In further consultation with the Tennessee SHPO, FEMA has applied to these undertakings the Criteria of Effect and Adverse Effect found in the Advisory Council's implementing regulations (36 CFR 800.5). FEMA and the SHPO have concurred in the determination that the proposed demolition of the referenced structure will have an adverse effect on a historic property in accordance with 36 CFR §800.5(a)(2)(i). We are requesting the SHPO's further review and consultation on this finding, based on the enclosures.

Descriptions of the damage to 108 South Second Street are contained in three accompanying documents. These are: the Review of Historic Properties, prepared by Ray Novitske, AIA, FEMA Historical Architectural Consultant; the Report on Site Inspection, prepared by Brenda I. Wildrick, PE, FEMA Historical Structural Engineering Consultant; and, a copy of the City's signed Notice of Unsafe Structure form.

FEMA has determined that the adverse effect of demolition cannot be avoided because repairs would leave more of a reconstruction than a historic structure. The support for this finding is contained in the above-referenced damage surveys and in the accompanying copy of the letter from Mr. Novitske to Mr. Beers of this office, dated July 26, 1999. Also included is a copy of the property-owner's signed Right-of-Entry and Release Agreement.

After your office's review, a Memorandum of Agreement can be initiated between FEMA, the SHPO, the Tennessee Emergency Management Agency (TEMA) and other possibly interested parties. The Agreement would include FEMA's intent to carry out the following standard mitigation measures in regard to this structure, if these do not already exist in SHPO files:

FEMA will photographically record it to archival quality standards using large format (4"X 5"), black and white photographs on acid-free paper and in acid-free envelopes. The photographic recordation will include exterior elevations and details and significant interior spaces and details. Exterior views will be keyed to a simple site plan and interior views to a simple floor plan. Photos will be indexed according to subject, date photographed, and photographer's name. All photographs will be submitted to the SHPO for acceptance and retention prior to demolition of the structure. A brief narrative on the historical background of the structure will also be included in the final report.

If you have any questions, please contact Mike Polny, Chief, Infrastructure Branch, at (770) 220-5308.

Sincerely,



Glenn C. Woodard
Director
Response and Recovery Division

Enclosures (6)

cc: Louis Friedmann, TEMA



Federal Emergency Management Agency

Region IV
3003 Chamblee-Tucker Rd
Atlanta, GA 30341

RECEIVED

AUG 16 1999

August 5, 1999

Mr. Herbert L. Harper, Executive Director
Tennessee Historical Commission
State Historic Preservation Office
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Attention: Joseph Y. Garrison

Reference: FEMA-1262-DR-TN
PA ID #125-15160-00, City of Clarksville
Montgomery County, Tennessee
Resolution of Adverse Effect
317 Franklin Street, Trinity Church Rectory

Dear Mr. Harper:

The Federal Emergency Management Agency (FEMA) is providing Public Assistance funding for the demolition of, and debris removal from, damaged property in downtown Clarksville. These structures were severely damaged in late January 1999, by tornado activity in the city and its surrounding area. FEMA's authority to undertake this mission is provided in the law, regulations, and program guidance, as shown in the marked copies enclosed.

Originally the City deemed 56 damaged properties with structures as immediate health and safety threats and proposed them for demolition. FEMA, in cooperative review with your office, has determined that 5 of the 56 structures proposed for demolition are eligible for, or are listed on, the National Register of Historic Places. The Tennessee State Historic Preservation Office (SHPO) has concurred with FEMA's eligibility determination for these properties (SHPO letter, June 18, 1999, copy enclosed).

The five structures are either in, or within one block of, the Clarksville Architectural District. The extent of damage to each of these structures, as described in the accompanying materials, makes demolition the only feasible solution. Although four of the five structures are in close proximity to one another, FEMA has determined that the areas of potential effects of these proposed urban-lot demolitions, in an area where other tornado-damaged buildings have been cleared with private initiatives, are limited to the individual sites.

In further consultation with the Tennessee SHPO, FEMA has applied to these undertakings the Criteria of Effect and Adverse Effect found in the Advisory Council's implementing regulations (36 CFR 800.5). FEMA and the SHPO have concurred in the determination that the proposed demolition of the referenced structure will have an adverse effect on a historic property in accordance with 36 CFR §800.5(a)(2)(i). We are requesting the SHPO's further review and consultation on this finding, based on the enclosures.

Descriptions of the damage to 317 Franklin Street are contained in three accompanying documents. These are: the Review of Historic Properties, prepared by Ray Novitske, AIA, FEMA Historical Architectural Consultant; the Report on Site Inspection, prepared by Brenda I. Wildrick, PE, FEMA Historical Structural Engineering Consultant; and, a copy of the City's signed Notice of Unsafe Structure form.

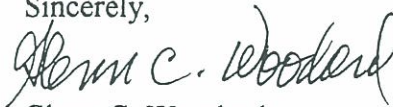
Together with Trinity Church, the Rectory is listed on the National Register of Historic Places, number 82004035. FEMA has determined that the adverse effect of demolition cannot be avoided because of the extensive repairs necessary to reconstruct this historic structure. The support for this finding is contained in the above-referenced damage surveys and in the accompanying copy of the letter from Mr. Novitske to Mr. Beers of this office, dated July 26, 1999. Also included is a copy of the property-owner's signed Right-of-Entry and Release Agreement. The City has reported that the property owner, Trinity Church, has obtained repair estimates and has chosen to demolish (see form) due to the excessive cost of repair.

After your office's review, a Memorandum of Agreement can be initiated between FEMA, the SHPO, the Tennessee Emergency Management Agency (TEMA) and other possibly interested parties. The Agreement would include FEMA's intent to carry out the following standard mitigation measures in regard to this structure if these do not already exist in SHPO files:

FEMA will photographically record it to archival quality standards using large format (4"X 5"), black and white photographs on acid-free paper and in acid-free envelopes. The photographic recordation will include exterior elevations and details and significant interior spaces and details. Exterior views will be keyed to a simple site plan and interior views to a simple floor plan. Photos will be indexed according to subject, date photographed, and photographer's name. All photographs will be submitted to the SHPO for acceptance and retention prior to demolition of the structure. A brief narrative on the historical background of the structure will also be included in the final report.

If you have any questions, please contact Mike Polny, Chief, Infrastructure Branch, at (770) 220-5308.

Sincerely,



Glenn C. Woodard

Director

Response and Recovery Division

Enclosures (6)

cc: Louis Friedmann, TEMA



Federal Emergency Management Agency

Region IV
3003 Chamblee-Tucker Rd
Atlanta, GA 30341

RECEIVED

AUG 16 1999

August 5, 1999

Mr. Herbert L. Harper, Executive Director
Tennessee Historical Commission
State Historic Preservation Office
2941 Lebanon Road
Nashville, Tennessee 37243-0442

Attention: Joseph Y. Garrison

Reference: FEMA-1262-DR-TN
PA ID #125-15160-00, City of Clarksville
Montgomery County, Tennessee
Resolution of Adverse Effect
114-116 South Second Street

Dear Mr. Harper:

The Federal Emergency Management Agency (FEMA) is providing Public Assistance funding for the demolition of, and debris removal from, damaged property in downtown Clarksville. These structures were severely damaged in late January 1999, by tornado activity in the city and its surrounding area. FEMA's authority to undertake this mission is provided in the law, regulations, and program guidance, as shown in the marked copies enclosed.

Originally the City deemed 56 damaged properties with structures as immediate health and safety threats and proposed them for demolition. FEMA, in cooperative review with your office, has determined that 5 of the 56 structures proposed for demolition are eligible for, or are listed on, the National Register of Historic Places. The Tennessee State Historic Preservation Office (SHPO) has concurred with FEMA's eligibility determination for these properties (SHPO letter, June 18, 1999, copy enclosed).

The five structures are either in, or within one block of, the Clarksville Architectural District. The extent of damage to each of these structures, as described in the accompanying materials, makes demolition the only feasible solution. Although four of the five structures are in close proximity to one another, FEMA has determined that the areas of potential effects of these proposed urban-lot demolitions, in an area where other tornado-damaged buildings have been cleared with private initiatives, are limited to the individual sites.

In further consultation with the Tennessee SHPO, FEMA has applied to these undertakings the Criteria of Effect and Adverse Effect found in the Advisory Council's implementing regulations (36 CFR 800.5). FEMA and the SHPO have concurred in the determination that the proposed demolition of the referenced structure will have an adverse effect on a historic property in accordance with 36 CFR §800.5(a)(2)(i). We are requesting the SHPO's further review and consultation on this finding, based on the enclosures.

Descriptions of the damage to 114-116 South Second Street are contained in three accompanying documents. These are: the Review of Historic Properties, prepared by Ray Novitske, AIA, FEMA Historical Architectural Consultant; the Report on Site Inspection, prepared by Brenda I. Wildrick, PE, FEMA Historical Structural Engineering Consultant; and, a copy of the City's signed Notice of Unsafe Structure form.

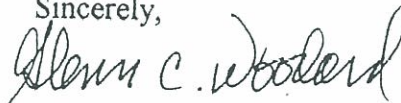
FEMA has determined that the adverse effect of demolition cannot be avoided because of the extensive repairs necessary to reconstruct this historic structure. The support for this finding is contained in the above-referenced damage surveys and in the accompanying copy of the letter from Mr. Novitske to Mr. Beers of this office, dated July 26, 1999. Also included is a copy of the property-owner's signed Right-of-Entry and Release Agreement. Note that 114 and 116 South Second Street have separate owners but the structures have to be treated as one because of common construction. The included forms for 114 are the as described above, but for 116 the City will likely exercise its power under its Unsafe Building Abatement Code, letter enclosed.

After your office's review, a Memorandum of Agreement can be initiated between FEMA, the SHPO, the Tennessee Emergency Management Agency (TEMA) and other possibly interested parties. The Agreement would include FEMA's intent to carry out the following standard mitigation measures in regard to this structure, if these do not already exist in SHPO files:

FEMA will photographically record it to archival quality standards using large format (4"X 5"), black and white photographs on acid-free paper and in acid-free envelopes. The photographic recordation will include exterior elevations and details and significant interior spaces and details. Exterior views will be keyed to a simple site plan and interior views to a simple floor plan. Photos will be indexed according to subject, date photographed, and photographer's name. All photographs will be submitted to the SHPO for acceptance and retention prior to demolition of the structure. A brief narrative on the historical background of the structure will also be included in the final report.

If you have any questions, please contact Mike Polny, Chief, Infrastructure Branch, at (770) 220-5308.

Sincerely,



Glenn C. Woodard

Director

Response and Recovery Division

Enclosures (8)

cc: Louis Friedmann, TEMA

Mayor Johnny Piper
Mayor's Office
Public Square
Clarksville, TN 37043

November 2, 1999

Dear Mayor Piper,

It is with a great deal of disappointment that I feel I must forward this communication to your attention; however, I am in a position which leaves me no other alternative. From the outset of the onslaught of the most devastating disaster this city has known in this century and certainly within forty-eight hours thereof, I believe you have had no doubt that I, as have all property owners who were the subject of serious damage to their property, have requested and had a right to expect at least some communication from your office in regard to their property as it related to any action affecting those properties.

Yet we have - or at least those property owners I have discussed this matter with - not only had virtually no communication as to their city government's intentions in this regard; but some have even experienced what they have felt to be a purposeful lack of communication. Further, you are aware that some citizens, irrespective of seeking and receiving protection from the judicial system to whom they turned as a last resort, have experienced dodging actions or even purposeful avoidance of them in their quest for meaningful discussions in regard to their property.

It should be obvious to you that, in our country, property rights are among the three most important rights known to man: life, liberty and the protection of property, the latter of which was equal to part of the pursuit of happiness. We either believe this or we don't. If we (you) don't, we have no business governing our fellows. In this regard, it is absolutely incumbent upon a government, in seeking to govern under a system of laws, that the government respect the due process rights of property owners and, in so doing, making the maximum effort to communicate with the property owners from whom they collect taxes, from whom they rely to bring business and enhance the quality of life and from whom they owe their right to govern. I am certain that if you reread this particular paragraph and apply these foundational constitutional principals to your vast holdings of property, you will agree. I am not equally certain, unfortunately, that if you apply these principals to the property of others (you know- the "Golden Rule") that you will be equally agreeable; however, that is what true, honest and constitutional governance requires whether you choose to follow these principles or not.

In this respect, the ONLY communication I have had initiated by your office since this disaster has been the couple of general informational meetings at the chamber, a meeting of the "Second Street property owners" (which I am not certain was initiated by your office inasmuch as I have been told that that meeting was the result of the insistence of a property owner who was in communication with us after learning of the "Third Street Property owners meeting"), and, finally, a call to meet certain members of your staff at Codes. This dearth of communication is especially offensive given the numerous attempts I have made to speak with you not to mention your public commitment on the morning "drive time" a.m. radio talk show hosted by Mr. Hank Bonecutter to "get back with me". Needless to say that never happened.

Mr. Mayor, your electorate (slim majority though it was) wants, needs, and deserves direct communication from you in regard to matters affecting their property rights for the above referenced reasons and others to numerous to mention here. As with regard to matters affecting property which is not subject or potentially subject to taking by demolition or city demolition for whatever reason, I realize, of course that your time is limited and you cannot meet with each and every property owner; however, when such drastic action is possible and certainly when, in the city's view, it becomes probable, how could a leader of a city government not know that personal communication is essential as a matter of common decency irrespective of due process rights

which make such communication, notification, etc. absolutely indispensable to the governing of a free people.

I can understand your need to leave a meeting of property owners to be with your family; however, when you commit to "get back with" these constituents and do not, that inaction is inconceivable. These are the actions of what many of the electorate who opposed you were referring to in relating that you were a "developer and Clarksville does not need a developer as a mayor." As you know, I supported you in every election in which you have run. My response to the foregoing and oft-quoted statement when it was proffered to me was that I felt you, as a developer could offer progressive, yet sensitive leadership inasmuch as you, as a small business owner had to deal with the largess of government, its agencies and regulations and would be empathetic with any concerns a citizen may have in this respect. Obviously, I was wrong. We as property owners and citizens have received nothing even resembling empathy. Please let me make it clear, We/I who supported you deserve no greater right or attention than those who opposed you; however, it appears they may have been correct in their assessment referred to above.

I am also very disturbed by the actions of the city's agents, employees, etc. in regard to the above referenced meeting with me at my property at 116 S. Second Street. The purpose of this meeting, as it was explained to me, was to give the representatives from Codes the access to my building to make structural assessments of the building. My response was one of complete cooperation. Upon arriving, I was told that the purpose of the document presented to me at that time was for my permission to allow them to enter the premises. I enquired and was assured that no action would be taken until they made their assessment and let me know the result thereof. Upon entering the building, my first concern was that the principal Codes agent, Mr. Hadley left before we entered the building and the newly appointed Code agent, Mr. Crocker left early and did not accompany us throughout the building. I now know why; however, we will address that on another day. My second concern was that I tried to make numerous observations in regard to the construction of the building and the portions thereof which were not exposed- the very structural nature of the building all of which were not noted. I was also concerned that the engineer was in the building - or at least the part thereof owned by me- for, at most, twenty minutes before already making comments inconsistent with rehabilitation of the building as a viable alternative, although I told him that the herein referenced structural engineer who has had extensive experience with catastrophic trauma to such buildings on a nationwide basis and in some very high profile geographic sites and cities throughout the Nation. (However, I will agree that he did confirm that the vast majority of the damage was from post-tornado destruction and not the tornado itself.)

Finally, and probably most disconcertingly, I was most concerned that I have not, to this day, received the report that Mr. Hadley, Mr. Crocker and the engineer assured me I would be provided even though I understand other property owners who have agreed to destruction of the building and others have. I am concerned in this respect in at least three areas: (A) This misrepresentation was contrary to a commitment that was made to me not only by two agents of my city government but two people I have known and respected for 25 years or more; (B) It left me in a state of rehabilitational limbo, i. e. I was without any direction from the city as with respect to what would be expected of me in regard to that major rehabilitation process; and, (C) It deprived me of any knowledge of what the City's real intentions were in regard to my building.

Moreover, after this lengthy period of time, I have had no further contact from the City and I, therefore assumed until late last week what the City's intentions were, I believe I was within all reasonable bounds of understanding that the City had yet to make a decision and that I would be provided with the engineer's report prior to action detrimental to my property rights. Now I learn through no official channels of communication but from "street talk, innuendo and rumour" that the City may be letting bids in re: the destruction of the rest of my building.

For the foregoing reasons, in addition to the fact that I have not received any form of Due Process in this entire matter and that destruction of my property is in violation of State and Federal Law and Regulations governing both Historical and non-Historical property, please be hereby informed that

I HEREBY REVOKE ANY AND ALL PERMISSION GRANTED OR ALLEGED OR APPARENT AUTHORITY PROFFERED OR THOUGHT TO BE PROFFERED TO THE CITY OF CLARKSVILLE IN RELATION TO 116 S. SECOND STREET AS WELL AS ANY OTHER GRANTS ALLOWING ANY OTHER ACTION IN REGARD THERETO AND DO HEREBY FURTHER DEMAND THAT THE CITY OF CLARKSVILLE CEASE AND DESIST FROM ANY ACTION ON BEHALF OF THE CITY OF CLARKSVILLE, IT'S AGENTS, SERVANTS, EMPLOYEES AND/OR CONTRACTORS OF OR WITH THE CITY IN REGARD TO DEMOLITION, DESTRUCTION, TAKING, PARTIAL TAKING OR OTHER ACTIONS CONSTITUTING THE ALTERATION OF THE FORGOING DESCRIBED PROPERTY AS IT CURRENTLY EXISTS AND STANDS AT 12:00 NOON ON THIS THE THIRD (3RD) DAY OF NOVEMBER, 1999,

Please allow me to reiterate that not only have I received no communications - formal or informal - whatsoever from the city in regard to their present or future intentions, I have not received the engineering study relating to my own property, was not informed that my building was being put up for bids for destruction and have generally been kept from any knowledge concerning my own property. I further want to inform you that the past damage to my building was in the main and vastly done to the building by your agencies' or contractors after the tornado and this will, if necessary be proven by experts with whom I have consulted and confirmed. In fact, I have a letter and opinions by experts whose credentials are impeccable that state that my building can be realistically and feasibly preserved through rehabilitation efforts. I have let you know this long ago (on the above referenced radio program), as I have your employees from Codes of this fact and have no interest from you or them in regard to this letter from an eminently qualified structural engineer and his firm.

Let there be no mistake, Mr. Mayor, 116 S. Second Street belongs to me and will belong to me irrespective of any action the City takes. It is simply a matter of whether the City now limits it's damages to those related to the extreme destruction days after the tornado over my extensive objections and in the face of a representative of the city's misrepresentation that no destructive action would be taken before all property owners on South Second were consulted. That eventuality obviously never occurred. In fact, this commitment was clearly presented to me as a prerequisite to any such destructive acts was in the presence of a county official and other witnesses whose credibility is, with no uncertainty, without stain or blemish much less any interest in this matter. This promise from my governments agents, it can and will be truthfully attested, came about even as they consulted with the city's agents who were directing the destruction of (clearing of debris in and about) the Courthouse and whom (I had been informed by these same witnesses) were on the verge of beginning destruction on South Second Street (including my property). This representation was to be an agreement by which no such destructive action would be forthcoming if I would leave the property. I felt this to be odd but complied at approximately 11:30 p.m. Subsequently, at approximately 1:30 a.m., the destruction which I was assured would be withheld, began and I (and other witnesses) watched as the entire third floor of my building was destroyed without a permit, without due process and in violation of the assurances given me (and those present),

It should be clear to you that the resulting destruction clearly subjected my property to theretofore unnecessary requirements for compliance with the 1987 Codes which include (according to your codes people in their initial oral, subjective and unofficial opinion which was to be addressed in the never forthcoming engineering report) the projected necessity of seismographic structural protections which would not have been otherwise required absent the

much greater percentage of damage caused by or at the City's direction. I have no choice, given the investment I have made in my property (over \$450,000.00), but to hold the City responsible for any necessary and/or required code or reg. compliance necessitated by this destruction. Of course this damage -wholly unnecessary- will be either in the form of whatever damages are caused by much more expensive rehabilitation, should their be no further destruction, or, should the building ever be destroyed, the cost for the unnecessary destruction and the value of the building for rental or other functional use all of which damages were proximately caused by the City's unnecessary actions in the destruction of the third floor walls, the subsequent and consequential water damage to the interior of the structure and any other consequential damages applicable thereto.

In this respect, you should be advised that I have a pending submitted Letter of Intent from an anchor tenant for 6400 square feet and, based thereon, a tentative agreement being negotiated for the purchase of this building. The rental of ALL of the space available in the building is at a rate of \$12.00 per square ft. You can have your people compute the value of this property based upon these figures alone and determine the value of this property. And lest there be any doubt about the viability of this contingency, please consider that the potential purchaser is a company which has rehabilitated a number of buildings in Clarksville, more than one of which was determined to be doomed to destruction due to the damage alleged to be irreparable and the tenant a tenant who has both an established history of leasing and need to lease property in the downtown district.

It is my further intent to inform you that it is my personal position as a citizen and property owner that Local, State and Federal Regulations have not been complied with in the matter of the past and any future destruction of this building. Moreover, I can assure you that I will avail myself of all available legal resources available and applicable to thany such destruction. THEREFORE, AND IN LIGHT OF THE FOREGOING, YOU WILL WANT TO CONSULT WITH YOUR COUNSEL AS TO THE EFFECT OF DESTRUCTION OF POTENTIAL EVIDENCE BY A POTENTIAL PARTY ON NOTICE .THAT SUCH DESTRUCTION MAY DESTROY WITH IT POTENTIAL EVIDENCE (i.e. that such destruction results in the trier of fact being instructed that said destruction is presumed to have destroyed evidence favorable to the non-destroying party). I believe this is referred to as spoliation of evidence.

What I don't think has been fully understood by the "powers that be" is that I could have rehabilitated this structure (at a point in time when rehabilitation of downtown Clarksville was a primary objective for the future of the City's downtown viability)at a minimal sum; however, I chose to comply with the strict requirements of the Tennessee Historic Commission and the IRS at the cost of approximately \$400,000.00 utilizing the finest of materials consistent with the Historical integrity of the buildings' past when many rehabbed properties with just enough enough to pass codes. However, that investment has not been considered or even mentioned in the decision-making process (whatever that is/was) when determining whether to allow rehabilitation or destruction. The whole purpose of the provision in the codes allowing for deviation from certain requirements (such as the seismographic structural support provisions) of the building codes is to recognize and respect sacrificial efforts that benefit not only the property owner but the City. The actions committed by my City Government and which I have experienced, as set out above, will serve in the future to deter rather than encourage such sacrificial and costly benefits to the entire city rehab programs. Of course, should we continue to be shortsighted, have shortsighted goals and destroy the Historical and Structural treasures, irreplaceable as they are, we will not need to have any such concerns of respect for our history such as leaving a legacy of architectural integrity for our children and maintaining one of the states largest contiguous Historical Districts as the true core of the charm of Clarksville that is the REAL REASON PEOPLE ARE IN AWE OF AND LOVE TO VISIT AND LIVE IN OUR COMMUNITY.

Mr. Mayor, I plead with you to consider all of the points stated above. The only good which came from the Tornado has been people pulling together, working together and determining that this City would be better rather than worse as a result of our response to the destruction of the Tornado. Likewise, as one much wiser, bolder and more sensitive to individual rights and personal liberties than I once said, "All that must be done for evil to prevail is for good men to do nothing". It is a shame that miscommunication and even misrepresentation between the City and it's Citizenry Property Owners is an exception to this essential paradygm and governmental imperitive.

Thank you for your consideration of this communication and please accept this as your notice and notice to the City of the above referenced position which I feel to be necessary under the present state of the law for all applicable purposes. Of course, as always, should you have any questions, comments or in the unlikely event you would wish to meet with me at any time, please feel free to call me any time. My number is, as it always has been, in the telephone directory, as is my address.

Sincerely,

A handwritten signature in black ink that reads "N. Reese Bagwell". The signature is written in a cursive, somewhat stylized font.

N. Reese Bagwell

CITY of CLARKSVILLE



David Haines
City Attorney
102 Public Square
Clarksville, Tennessee 37040
(931) 645-7444
Fax: (931) 552-7479

November 9, 1999

N. Reese Bagwell
1721 Merrywood Drive
Clarksville, TN 37043

RE: 116 South Second Street

Dear Reese:

I am in receipt of a copy of correspondence from you to Mayor Johnny Piper dated November 2, 1999. I wish to correct a factual inaccuracy contained in that correspondence so that there is no misunderstanding from this point forward.

You did receive notice of the City of Clarksville's determination that the subject property was unsafe and subject to demolition or repair pursuant to the 1985 Unsafe Building Abatement Code, which has been adopted by reference by the City of Clarksville at Clarksville City Code Section 4-619. You were personally served with a copy of this notice on April 13, 1999, by Les Crocker, Codes Official.

The City of Clarksville is proceeding in accordance with the provisions of the Unsafe Building Abatement Code as a result of your failure to comply with this notice, or to request a hearing to contest the building official's determination that the structure is unsafe.

I hope this information clears up any misunderstanding you may have concerning this situation. I too regret that a building of substantial historical significance faces demolition. However, Mr. Hadley's determination that demolition is necessary has been confirmed by FEMA/TEMA officials in an independent investigation. I will be happy to provide you with any documents concerning this determination that you may wish to review.

Mr. N. Reese Bagwell
November 9, 1999
Page -2-

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Haines", written in a cursive style.

David Haines

DH:ch

xc: Mayor Piper
Ed Hadley
Sammy Stuard

MARKS, SHELL & MANESS
ATTORNEYS AT LAW
EST. 1923

ROBERT L. McREYNOLDS (1899-1951)
ALBERT P. MARKS
CARMACK C. SHELL
ROGER A. MANESS**

FIRST UNION NATIONAL BANK BLDG.
ONE PUBLIC SQUARE, SUITE 205
CLARKSVILLE, TN 37040

POST OFFICE BOX 1149
CLARKSVILLE, TN 37041-1149

TELEPHONE 931/552-6000
FAX 931/645-1890

*ALSO LICENSED IN KENTUCKY

+CERTIFIED AS CIVIL TRIAL SPECIALIST
BY THE TENNESSEE COMMISSION ON
CONTINUING LEGAL EDUCATION AND SPECIALIZATION

November 18, 1999

Mr. Ed Hadley, Building Official
100 South Spring Street
Clarksville, TN 37040

RE: Foreclosure: N. REESE BAGWELL and wife, SUSAN P. BAGWELL
Property: TRACT I: 1721 Merrywood Drive, Clarksville, Tennessee
11th Civil District, Montgomery County
Tax Map and Parcel No. 65B-B-2
TRACT II: 116 South Second Street, Clarksville, Tennessee
12th Civil District, Montgomery County
Tax Map and Parcel No. 66G-K-22
Loan No: 62031985

Dear Mr. Hadley:

This letter is to advise that we represent Farmers and Merchants Bank in the above captioned foreclosure. In checking the title, we found a Notice of Unsafe Structure which you filed on behalf of the City of Clarksville (ORBV 723, page 1670, ROMCT) in connection with the property described as Tract II above; therefore, I am enclosing herewith a copy of the Notice of Foreclosure Sale to be published in The Leaf-Chronicle on December 13, 20 and 27, 1999, advertising the sale to be held on Wednesday, January 5, 2000, at 11:00 a.m.

Should you have any questions regarding this foreclosure, you may contact William S. Stuard, Jr., at Farmers and Merchants Bank, 322 Main Street, Clarksville, TN 37040, 931/553-2027.

Sincerely,


Albert P. Marks

APM:cc

Enclosure

payment of an indebtedness as described therein, made payable to Farmers and Merchants Bank, Clarksville, Tennessee, Loan No. 62031985; ar.

WHEREAS, by instrument of record in Official Record Book Volume 724, page 1950, of said Register's Office, ALBERT P. MARKS was appointed Successor Trustee therein; and

WHEREAS, default has occurred in the performances of the terms, conditions, provisions and payment provided for in the said note and deed of trust; and

WHEREAS, Farmers and Merchants Bank, the lawful owner and holder of the aforesaid indebtedness has declared the entire balance due and payable as provided in the aforesaid described Deed of Trust in accordance with the terms thereof, and the Successor Trustee having been directed to foreclose the aforesaid deed of trust as authorized therein, the public is hereby notified that the undersigned, Albert P. Marks, Successor Trustee, will sell the hereinafter described real estate at public outcry to the highest and best bidder, for cash, at the front (north) door of the Criminal Justice Complex located at 120 Commerce Street in Clarksville, Montgomery County, Tennessee, on

**WEDNESDAY, JANUARY 5, 2000,
AT 11:00 A.M., PREVAILING TIME**

Said sale shall be free from all right of homestead exemption in and equitable and statutory redemption of the property, and all marital rights of any type, nature or kind, all of which were expressly waived in the aforesaid Deed of Trust, said real estate being situated in Montgomery County, Tennessee, and being designated as Tax Map & Parcel Nos. 65B-B-2 (TRACT I) and 66G-K-22 (TRACT II) on the maps of the Assessor of Property for Montgomery County, Tennessee, to-wit:

TRACT I: SITUATED in the Eleventh (11th) Civil District of Montgomery County, Tennessee, to-wit:

BEGINNING at a concrete monument 762.76 feet South 86 degrees 14 minutes 33 seconds East of the east margin of Ussery Road, said monument being in the north margin of a new road; thence South 86 degrees 58 minutes 47 seconds East 264.76 feet to a concrete monument; thence South 1 degree 20 minutes 10 seconds East 37.5 feet, more or less, to the south margin of a private drive; thence with the south margin of said private drive, as said private drive exists on the date of this deed, to the point where said private drive crosses the west line of Kathleen G. King property; thence with Kathleen G. King's line North 2 degrees 11 minutes 22 seconds West 1249.24 feet, more or less, to a concrete monument; thence South 80 degrees 22 minutes 17 seconds East 776.00 feet to a concrete monument; thence North 2 degrees 17

beginning, containing approximately 42.0 acres, more or less, according to survey of Batts & Kennedy, Land Surveyors, dated September 23, 1965. This conveyance does not contain approximately 3 acres of land situated south of the private drive as shown by said survey dated September 23, 1965, said parcel being retained by the Grantor herein.

TRACT II: SITUATED in the Twelfth (12th) Civil District of Montgomery County, Tennessee, to-wit:

The south 20.25 feet of that certain lot of ground with building thereon situated between Franklin and Commerce Street in Clarksville, Tennessee, fronting 40 ½ feet on South Second Street, and running back 176 feet.

Said property is improved and is known as 1721 Merrywood Drive, Clarksville, Tennessee 37043 (TRACT I), and 116 South Second Street, Clarksville, Tennessee 37040 (TRACT II).

Said sale is subject to the following:

1. Any accrued taxes;
2. Two (2) TVA transmission line easements which cross said property, same being of record in Deed Book 95, page 67, ROMCT; flowage easement in favor of the United States of America of record in Deed Book 145, page 313, ROMCT; permanent easement for right of way purposes over the private drive as set forth in the deeds of record in ORBV 11, page 209, ORBV 531, page 1834, and easement for ingress/egress as described in the deed of record in ORBV 592, page 1891, ROMCT; a reservation by LaNelle D. Norman of the right to use the private drive referred to in the description herein which commences at the eastern tip of the public road to where said private drive crosses the west boundary line of the property owned by Kathleen G. King, said reservation and use to be for the benefit of the property retained by LaNelle D. Norman to the south of said private drive, and said reservation being a reservation running with the land situated to the south of said private drive, as set forth in the deed of record in ORBV 325, page 486, ROMCT, as pertains to TRACT I herein.
3. Covenants and conditions as set forth in ORBV 84, page 415, in ORBV 312, page 877, and in ORBV 313, page 1218, all of said Register's Office, as pertains to TRACT II herein.
4. The right of redemption of the DEPARTMENT OF THE TREASURY – INTERNAL REVENUE SERVICE, pursuant to 26 USCA Section 7425(d)(1), by reason of tax liens filed against Noel Reese Bagwell, Jr., & Susan P. Bagwell of record in ORBV 608, page 1262, and against Noel Reese Bagwell, Jr., a partner of Bagwell, Bagwell, Parker & Riggins, a partnership, of record in ORBV 613, page 2461, ORBV 622, page 1198, ORBV 636, page 1993, and in ORBV 680, page 1303, all of said Register's Office. Notice as required by 26 USCA Section 7425(c)(1) has been timely given to the Department of Treasury – Internal Revenue Service.

of Tennessee – Department of Employment Security; Clarksville Department of Electricity (TRACT I); Ruth Odom d/b/a Metro Reporting Service; James D. Kay, Jr., Attorney; The Michie Company; Leaf-Chronicle Company; Clarksville Memorial Hospital; Farmers and Merchants Bank; and City of Clarksville.

Dated this 18th day of November, 1999.

/s/ Albert P. Marks

ALBERT P. MARKS, SUCCESSOR TRUSTEE

MARKS, SHELL & MANESS
Attorneys at Law
One Public Square, Suite 205
Clarksville, TN 37040

Dates of Publication:

DEC 13, 1999

DEC 20, 1999

DEC 27, 1999

"EXHIBIT C"

MARKS, SHELL & MANESS
ATTORNEYS AT LAW
EST. 1923

ROBERT L. McREYNOLDS (1899-1951)
ALBERT P. MARKS
CARMACK C. SHELL
ROGER A. MANESS**

FIRST UNION NATIONAL BANK BLDG.
ONE PUBLIC SQUARE, SUITE 205
CLARKSVILLE, TN 37040

*ALSO LICENSED IN KENTUCKY

POST OFFICE BOX 1149
CLARKSVILLE, TN 37041-1149

+CERTIFIED AS CIVIL TRIAL SPECIALIST
BY THE TENNESSEE COMMISSION ON
CONTINUING LEGAL EDUCATION AND SPECIALIZATION

TELEPHONE 931/552-6000
FAX 931/645-1890

November 18, 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Receipt No. Z 458 231 136

State of Tennessee
Commissioner of Employment Security
12th Floor, Davy Crockett Tower
500 James Robertson Parkway
Nashville, TN 37245

RE: Notice of Foreclosure Sale
Taxpayer: Bagwell/Bagwell/Parker each individually and as
partners d/b/a Bagwell/Bagwell/Parker/Riggins/Kennedy
Property: TRACT I: 1721 Merrywood Drive, Clarksville, Tennessee
11th Civil District, Montgomery County
Tax Map and Parcel No. 65B-B-2
TRACT II: 116 South Second Street, Clarksville, Tennessee
12th Civil District, Montgomery County
Tax Map and Parcel No. 66G-K-22

Madam:

Pursuant to T.C.A. 50-7-404(j)(2)(B) and applicable Tennessee statutes, as attorney for Farmers and Merchants Bank, I am submitting this as formal notice of the foreclosure proceedings on the property described in the attached foreclosure notice.

1. This notice is submitted by Farmers and Merchants Bank, 322 Main Street, Clarksville, Tennessee 37040.

2. A copy of the Notice of Tax Lien, State of Tennessee, Lien Number 7-4072 (Account No. 286-024), dated September 16, 1997, and filed for record on September 22, 1997, in Official Record Book

Volume 636; page 1149, Register's Office, Montgomery County, Tennessee, is attached hereto and contains the name of the taxpayer.

3. The street addresses of the property affected by this notice is 1721 Merrywood Drive, Clarksville, TN 37043 (TRACT I), and 116 South Second Street, Clarksville, TN 37040 (TRACT II), said property being more particularly described as that certain real property situated in the City of Clarksville, 11th and 12th Civil Districts, respectively, of Montgomery County, Tennessee, and being designated as Tax Map & Parcel Nos. 65B-B-2 (TRACT I) and 66G-K-22 (TRACT II) as shown on the maps of the Assessor of Property for Montgomery County, Tennessee, to-wit:

TRACT I: SITUATED in the Eleventh (11th) Civil District of Montgomery County, Tennessee, to-wit:

BEGINNING at a concrete monument 762.76 feet South 86 degrees 14 minutes 33 seconds East of the east margin of Ussery Road, said monument being in the north margin of a new road; thence South 86 degrees 58 minutes 47 seconds East 264.76 feet to a concrete monument; thence South 1 degree 20 minutes 10 seconds East 37.5 feet, more or less, to the south margin of a private drive; thence with the south margin of said private drive, as said private drive exists on the date of this deed, to the point where said private drive crosses the west line of Kathleen G. King property; thence with Kathleen G. King's line North 2 degrees 11 minutes 22 seconds West 1249.24 feet, more or less, to a concrete monument; thence South 80 degrees 22 minutes 17 seconds East 776.00 feet to a concrete monument; thence North 2 degrees 17 minutes 53 seconds East 187.82 feet to an iron pin; thence North 37 degrees 39 minutes 29 seconds West 33.40 feet to an iron pin; thence North 23 degrees 43 minutes 01 seconds East 122.47 feet to a concrete monument; thence North 23 degrees 38 minutes 31 seconds East 270.73 feet to a deflection point in property line, the south bank of Red River; thence with said River as follows: South 87 degrees 17 minutes 14 seconds West 705.81 feet to a deflection point in property line; South 87 degrees 20 minutes 46 seconds West 494.05 feet to a deflection point in property line; North 86 degrees 27 minutes 18 seconds West 329.31 feet to a concrete monument; thence South 50 degrees 14 minutes 09 seconds West 2030.87 feet to a concrete monument, the point of beginning, containing approximately 42.0 acres, more or less, according to survey of Batts & Kennedy, Land Surveyors, dated September 23, 1965. This conveyance does not contain approximately 3 acres of land situated south of the private drive as shown by said survey dated September 23, 1965, said parcel being retained by the Grantor herein.

TRACT II: SITUATED in the Twelfth (12th) Civil District of Montgomery County, Tennessee, to-wit:

The south 20.25 feet of that certain lot of ground with building thereon situated between Franklin and Commerce Street in Clarksville, Tennessee, fronting 40 ½ feet on South Second Street, and running back 176 feet.

4. The real property described in the attached foreclosure notice will be sold at public auction for cash on WEDNESDAY, JANUARY 5, 2000, AT 11:00 A.M., at the front (north) door of the Criminal Justice Complex located at 120 Commerce Street in Clarksville, Montgomery County, Tennessee.

5. The approximate amount of the principal obligation secured by the Deed of Trust being foreclosed upon, including interest, is \$205,959.53, as of November 15, 1999. The per diem rate of interest for every day after that date is \$51.9802. Foreclosure expenses including advertising expenses and legal expenses are estimated to be approximately \$2,600.00.

6. The Instrument being foreclosed is a Deed of Trust dated the 17th day of July, 1992, and filed for record on July 22, 1992, in Official Record Book Volume 484, page 1615, Register's Office, Montgomery County, Tennessee, which secures the payment of a note in the original amount of \$350,556.08. A copy of the Deed of Trust is enclosed.

The property herein described is also subject to the following encumbrances:

1. As pertains to TRACT I, State and County taxes have been paid to and including the year 1994. State and County taxes are presently delinquent for the years 1995 in the amount of \$2,790.15; 1996 in the amount of \$2,535.41; 1997 in the amount of \$3,602.38, and 1998 in the amount of \$2,682.01, which amounts include penalty and interest computed through November 30, 1999. The 1999 State and County taxes are presently due and payable in the amount of \$2,363.00.
2. As pertains to TRACT I, City of Clarksville taxes have been paid to and including the year 1995. City taxes are presently delinquent for the years 1996 in the amount of \$876.92, 1997 in the amount of \$1,274.92, and 1998 in the amount of \$928.72, which amounts include penalty and interest computed through November 30, 1999. The 1999 City taxes are presently due and payable in the amount of \$1,439.16.
3. As pertains to TRACT II, State and County taxes have been paid to and including the year 1994. State and County taxes are presently delinquent for the years 1995 in the amount of \$2,278.21, 1996 in the amount of \$2,044.27, 1997 in the amount of \$2,188.88, and 1998 in the amount of \$1,623.05, which amounts include penalty and interest computed through November 30, 1999. The 1999 State and County taxes are presently due and payable in the amount of \$154.00.
4. As pertains to TRACT II, City of Clarksville taxes have been paid to and including the year 1995. City taxes are presently delinquent for the years 1996 in the amount of \$714.45, 1997 in the amount of \$780.23, and 1998 in the amount of \$561.95, which amounts include penalty and interest computed through November 30, 1999. The 1999 City taxes are presently due and payable in the amount of \$94.07.

Please accept this letter as the twenty-five (25) day notice required by T.C.A. 50-7-404(j)(2)(B). Please advise me immediately of any deficiency in this notice.

Sincerely,



Albert P. Marks

APM:cc
Enclosures as noted

VOL. 729 PAGE 2122

Is your RETURN ADDRESS completed on the reverse side? SENDER: <input type="checkbox"/> Complete items 1 and/or 2 for additional services. <input type="checkbox"/> Complete items 3, 4a, and 4b. <input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you. <input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit. <input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number. <input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.	I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to: State of Tennessee Commissioner of Employment Security 12th Floor, Davy Crockett Tower 500 James Robertson Parkway Nashville, TN 37245	4a. Article Number Z 458 231 136
5. Received By: (Print Name) JAN Smith	4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
6. Signature: (Addressee or Agent) X	7. Date of Delivery 11/22/99	8. Addressee's Address (Only if requested and fee is paid)
PS Form 3811, December 1994		102568-87-R-0178 Domestic Return Receipt

Exhibit #
11/24/99

"EXHIBIT D"



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
EMPLOYMENT SECURITY DIVISION

Legal Office
William R. Snodgrass Bldg., 25th Floor
312 8th Avenue North
Nashville, Tennessee 37243-0100
(615) 741-3170
(615) 532-7386 FAX

November 24, 1999

Mr. Albert P. Marks
Marks, Shell & Maness
Attorneys at Law
P. O. Box 1149
Clarksville, TN 37041-1149

RE: Property of Bagwell Law Firm
TDLWD Acct. #240-854
TDLWD Lien #7-4072 (Montgomery County)
Notice of Foreclosure Sale

Dear Mr. Marks:


Your letter of November 18, 1999, is acknowledged, along with the attendant Notice of Foreclosure, and this will respectfully advise:

1. That said Notice is accepted as being timely and adequate; and,
2. That the amount of delinquent unemployment taxes, penalty and interest computed to date of sale is \$1,567.45.

It is requested that you further advise us after the sale regarding: (i) actual proceeds of sale; (ii) net mortgage balance owed to the foreclosing creditor; (iii) sale costs; (iv) other liens, and this Agency's apparent position of priority with respect to same; and, (v) your proposed distribution of sale proceeds.

Should you have further questions regarding this matter, please let us know.

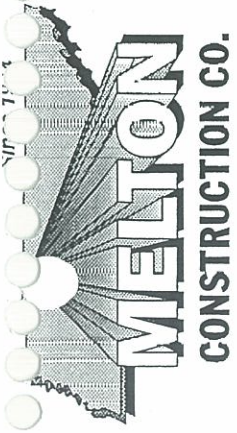
Sincerely,


Michael D. Fort
Counsel to Commissioner

MDF:PDR

cc: James A. Mathoney, Central Office

VOL. 729 PAGE 2123



Robby Melton, General Contractor
 P.O. Box 951 • Clarksville, TN 37041-0951
 Office (615) 647-0094 or (800) 303-9829
 Fax (615) 552-4998 • Pager (615) 553-3830 • Shop (502) 466-7791

Construction Managers

(1)

JOB PROGRESS REPORT FOR:		JOB PH.	
SUPERINTENDENT:		WEEK NO.	
WEEK ENDING:		TRADE	
TIME/WEATHER	DATE	ACTUAL WORK	
Cloudy	12/10	Receive Verbal To Start Les Crocker 3:40 PM	
Rain	12/12		
Rain	12/13		
Cloudy Cool	12/14	Install Baricade 2nd & Franklin Disconnect & Move 4 men Receive Notice To Proceed - Steve Yaabrought 12:30 PM	
Cloudy Cold	12/15	Reposition Baricade For City Hall - Les Crocker	
Partly Cloudy Cold	12/16	Start Partial Demo 4 men	
" " Cool	12/17	Start Demo 116 2nd	
" " "	12/18	Remove 116 - 114 & 110 2nd St.	
Rain Cold Rain	12/19	Repair Eqipt. Walk Debris	
Cloudy Cold	12/20	Sure Manks Bldg - 2 Cranes Arrive Haulout Debris Meet with Ed Neely	
Cloudy Cold	12/21	Sure Up Manks Bldg. Remove Debris 116 & 114 Work Stopped By City - Meet with Rodger Bowman Work Resumes	
Sunny Cold	12/22	Sure Up Manks Bldg Clean Franklin St Wall Scaffold Commence St Wall - Remove Debris	
Cloudy Cold	12/23	Continue work Manks Bldg Start Demo 110	
" " "	12/24	Work Manks Bldg Demo 110	
" " "	12/27	Work Manks Bldg Finish 110	
Partly Sunny Mild	12/28	Work Manks Bldg Start Demo 108	

THE LEAF-CHRONICLE

B

Saturday, December 11, 1999

CITY UPDATE

City gets demolition OK along Second St.

By MARDEE ROBERTS
and JILL NOELLE CECIL
The Leaf-Chronicle

Demolition of Second Street buildings damaged in the Jan. 22 tornado could happen at any time now that the city has received the nod from the Federal Emergency Management Agency.

Clarksville Building and Codes Director Ed Hadley said FEMA signed off on the demolition Friday afternoon.

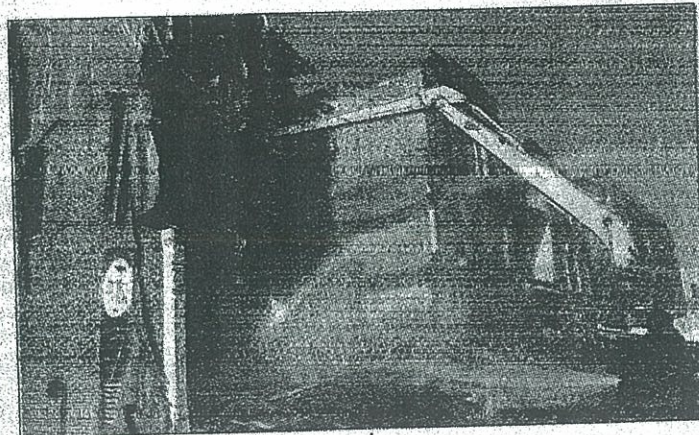
When the demolition starts will be up to the contractor, Hadley said. He was awaiting a call from the contractor.

He expects demolition to proceed quickly to minimize the impact in the downtown business district.

Cleanup continues



Robert Smith/The Leaf-Chronicle



Water spray formed a rainbow, left, as Melton construction company tore down the Bagwell building on South Second Street Friday. Above, debris piles up along the street as demolition of tornado-damaged buildings continues. Crews from Melton construction expect to take six weeks to complete the project.

1721 Merrywood Dr. 729/2348

This instrument was prepared by Albert P. Marks, Marks, Shell & Maness, First Union National Bank Bldg., One Public Square, Suite 205, Clarksville, TN 37040.

wjw

NAME & ADDRESS OF PROPERTY OWNER:
Ms. Jill T. Crow

*1721 Merrywood Drive
Clarksville TN
37043*

ALBERT P. MARKS, SUCCESSOR TRUSTEE

TO: FORECLOSURE DEED

JILL T. CROW \$306,000.00

Loan No.: 62031985

WHEREAS, by deed of trust dated July 17, 1992, of record in Official Record Book Volume 484, page 1615, Register's Office for Montgomery County, Tennessee, N. REESE BAGWELL, JR., and wife, SUSAN P. BAGWELL, conveyed to William S. Stuard, Trustee, the hereinafter described real estate for the purpose of securing the payment of an indebtedness made payable to Farmers and Merchants Bank, and performance of the obligations therein mentioned and set forth; and

WHEREAS, by instrument of record in Official Record Book Volume 724, page 1950, of said Register's Office, ALBERT P. MARKS was appointed Successor Trustee therein; and

WHEREAS, default was made in the terms and conditions of said deed of trust, and Farmers and Merchants Bank, as the lawful owner and holder of the obligations secured by the aforesaid deed of trust did declare that the same was in default and instructed the Successor Trustee to advertise and sell the real estate subject thereto in accordance with the terms, conditions and provisions of the deed of trust and state law; and

WHEREAS, pursuant to the instructions of the holder of the obligation, the Successor Trustee did advertise by notice in The Leaf-Chronicle, a newspaper with general circulation in Montgomery County, Tennessee, with publication notices on December 13, 20 and 27, 1999, that the Successor Trustee would sell such real estate on Wednesday, January 5, 2000, at 11:00 a.m. prevailing time, at the front (north) door

This instrument was prepared by Albert P. Marks, Marks, Shell & Maness, First Union National Bank Bldg., One Public Square, Suite 205, Clarksville, TN 37040.

NAME & ADDRESS OF PROPERTY OWNER:
Mr. Wayne Wilkinson

308 Franklin St
Clarksville, TN 37040

ALBERT P. MARKS, SUCCESSOR TRUSTEE

TO: FORECLOSURE DEED

WAYNE WILKINSON

Loan No.: 62031985

WHEREAS, by deed of trust dated July 17, 1992, of record in Official Record Book Volume 484, page 1615, Register's Office for Montgomery County, Tennessee, N. REESE BAGWELL, JR., and wife, SUSAN P. BAGWELL, conveyed to William S. Stuard, Trustee, the hereinafter described real estate for the purpose of securing the payment of an indebtedness made payable to Farmers and Merchants Bank, and performance of the obligations therein mentioned and set forth; and

WHEREAS, by instrument of record in Official Record Book Volume 724, page 1950, of said Register's Office, ALBERT P. MARKS was appointed Successor Trustee therein; and

WHEREAS, default was made in the terms and conditions of said deed of trust, and Farmers and Merchants Bank, as the lawful owner and holder of the obligations secured by the aforesaid deed of trust did declare that the same was in default and instructed the Successor Trustee to advertise and sell the real estate subject thereto in accordance with the terms, conditions and provisions of the deed of trust and state law; and

WHEREAS, pursuant to the instructions of the holder of the obligation, the Successor Trustee did advertise by notice in The Leaf-Chronicle, a newspaper with general circulation in Montgomery County, Tennessee, with publication notices on December 13, 20 and 27, 1999, that the Successor Trustee would sell such real estate on Wednesday, January 5, 2000, at 11:00 a.m., prevailing time, at the front (north) door of the Criminal Justice Complex located 120 Commerce Street in Clarksville, Montgomery County, Tennessee; and

WHEREAS, such sale was held at the time and place as designated in said notice, and WAYNE WILKINSON, GRANTEE herein, was the highest and best bidder, bidding the sum of \$76,000.00.

NOW THEREFORE, in consideration of the foregoing premises, GRANTOR, ALBERT P. MARKS, SUCCESSOR TRUSTEE, does hereby transfer and convey, bargain and sell unto GRANTEE, WAYNE WILKINSON, his heirs and assigns forever,

This instrument was prepared by Albert P. Marks, Marks, Shell & Maness, First Union National Bank Bldg., One Public Square, Suite 205, Clarksville, TN 37040.

NAME & ADDRESS OF PROPERTY OWNER:
Mr. Wayne Wilkinson

308 Franklin St
Clarksville, TN 37040

ALBERT P. MARKS, SUCCESSOR TRUSTEE

TO: FORECLOSURE DEED

WAYNE WILKINSON

Loan No.: 62031985

WHEREAS, by deed of trust dated July 17, 1992, of record in Official Record Book Volume 484, page 1615, Register's Office for Montgomery County, Tennessee, N. REESE BAGWELL, JR., and wife, SUSAN P. BAGWELL, conveyed to William S. Stuard, Trustee, the hereinafter described real estate for the purpose of securing the payment of an indebtedness made payable to Farmers and Merchants Bank, and performance of the obligations therein mentioned and set forth; and

WHEREAS, by instrument of record in Official Record Book Volume 724, page 1950, of said Register's Office, ALBERT P. MARKS was appointed Successor Trustee therein; and

WHEREAS, default was made in the terms and conditions of said deed of trust, and Farmers and Merchants Bank, as the lawful owner and holder of the obligations secured by the aforesaid deed of trust did declare that the same was in default and instructed the Successor Trustee to advertise and sell the real estate subject thereto in accordance with the terms, conditions and provisions of the deed of trust and state law; and

WHEREAS, pursuant to the instructions of the holder of the obligation, the Successor Trustee did advertise by notice in The Leaf-Chronicle, a newspaper with general circulation in Montgomery County, Tennessee, with publication notices on December 13, 20 and 27, 1999, that the Successor Trustee would sell such real estate on Wednesday, January 5, 2000, at 11:00 a.m., prevailing time, at the front (north) door of the Criminal Justice Complex located 120 Commerce Street in Clarksville, Montgomery County, Tennessee; and

WHEREAS, such sale was held at the time and place as designated in said notice, and WAYNE WILKINSON, GRANTEE herein, was the highest and best bidder, bidding the sum of \$76,000.00.

NOW THEREFORE, in consideration of the foregoing premises, GRANTOR, ALBERT P. MARKS, SUCCESSOR TRUSTEE, does hereby transfer and convey, bargain and sell unto GRANTEE, WAYNE WILKINSON, his heirs and assigns forever,

in fee simple forever, the following described real estate situated in the 12th Civil District of Montgomery County, Tennessee, and being designated as Tax Map and Parcel No. 66G-K-22 on the maps of the Assessor of Property for Montgomery County, Tennessee, to-wit:

The south 20.25 feet of that certain lot of ground situated between Franklin and Commerce Street in Clarksville, Tennessee, fronting 40 ½ feet on South Second Street, and running back 176 feet.

This being the same property conveyed to N. Reese Bagwell, Jr., by deed of record in Official Record Book Volume 312, page 877, Register's Office, Montgomery County, Tennessee.

Reference is made to a partition deed of record in ORBV 84, page 415, of said Register's Office.

The above described real estate is subject to the following: (1) the covenants and conditions as set forth in ORBV 84, page 415, in ORBV 312, page 877, and in ORBV 313, page 1218, all of said Register's Office; and (2) an easement of ingress and egress approximately 20 feet in width located at rear or west end of the above property, which easement has been and is currently used by property owners, tenants, and employees on properties located to the north of the herein described real estate.

TO HAVE AND TO HOLD the real property above described, together with the privileges and appurtenances thereunto belonging unto the GRANTEE, WAYNE WILKINSON, his heirs and assigns in fee simple, to whom the said GRANTOR, as Successor Trustee, warrants the title to the aforesaid real estate against the lawful claims of all persons claiming by, through or under him, as such Successor Trustee, but no further or otherwise.

The real estate described herein is conveyed subject to the right of the DEPARTMENT OF THE TREASURY – INTERNAL REVENUE SERVICE to redeem the land as provided in 26 USCA Section 7425(d)(1). Notice was given to the DEPARTMENT OF THE TREASURY – INTERNAL REVENUE SERVICE as required by 26 USCA Section 7425(c)(1), a copy of such notice being attached hereto as "EXHIBIT A" and made a part hereof, and a copy of a written response to the notice from the DEPARTMENT OF THE TREASURY – INTERNAL REVENUE SERVICE dated November 23, 1999, is also attached hereto marked "EXHIBIT B" and made a part hereof.

The real estate described herein is further conveyed subject to the right of the STATE OF TENNESSEE – DEPARTMENT OF EMPLOYMENT SECURITY to redeem the land as provided for in T.C.A. 50-7-404(j)(3)(A). Notice was given to the STATE OF TENNESSEE – DEPARTMENT OF EMPLOYMENT SECURITY as required by T.C.A. 50-7-404(j)(2)(B), a copy of such notice being attached hereto as "EXHIBIT C" and made a part hereof, and a copy of a written response to the notice from the STATE OF TENNESSEE – DEPARTMENT OF EMPLOYMENT SECURITY dated November 24, 1999, is also attached hereto marked "EXHIBIT D" and made a part hereof.

IN WITNESS WHEREOF, the said Albert P. Marks, Successor Trustee, has hereunto set his hand and seal this 6th day of January, 2000. VOL. 729 PAGE 2113

Albert P. Marks
ALBERT P. MARKS, SUCCESSOR TRUSTEE

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

Personally appeared before me, Carol L. Canady print name of Notary Public) a Notary Public in and for said County and State, ALBERT P. MARKS, SUCCESSOR TRUSTEE, the within named bargainor, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and seal, at office, on this the 6th day of January, 2000

Carol L. Canady



My Commission Expires: 5/14/2002

STATE OF TENNESSEE
COUNTY OF MONTGOMERY

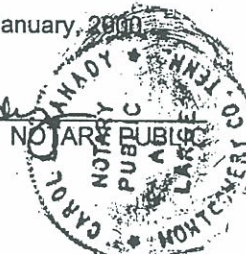
Pursuant to Tennessee Code Annotated Section 67-4-409 (a)(6)(A), the undersigned being the GRANTEE, the GRANTEE'S AGENT or a TRUSTEE acting for the GRANTEE, after being duly sworn, makes OATH that the actual consideration for this transfer or the value of the property transferred, whichever is greater, is \$76,000.00.

Wage P. Williams

AFFIANT

Sworn and subscribed to before me on this the 6th day of January, 2000

Carol L. Canady



My Commission Expires: 5/14/2002

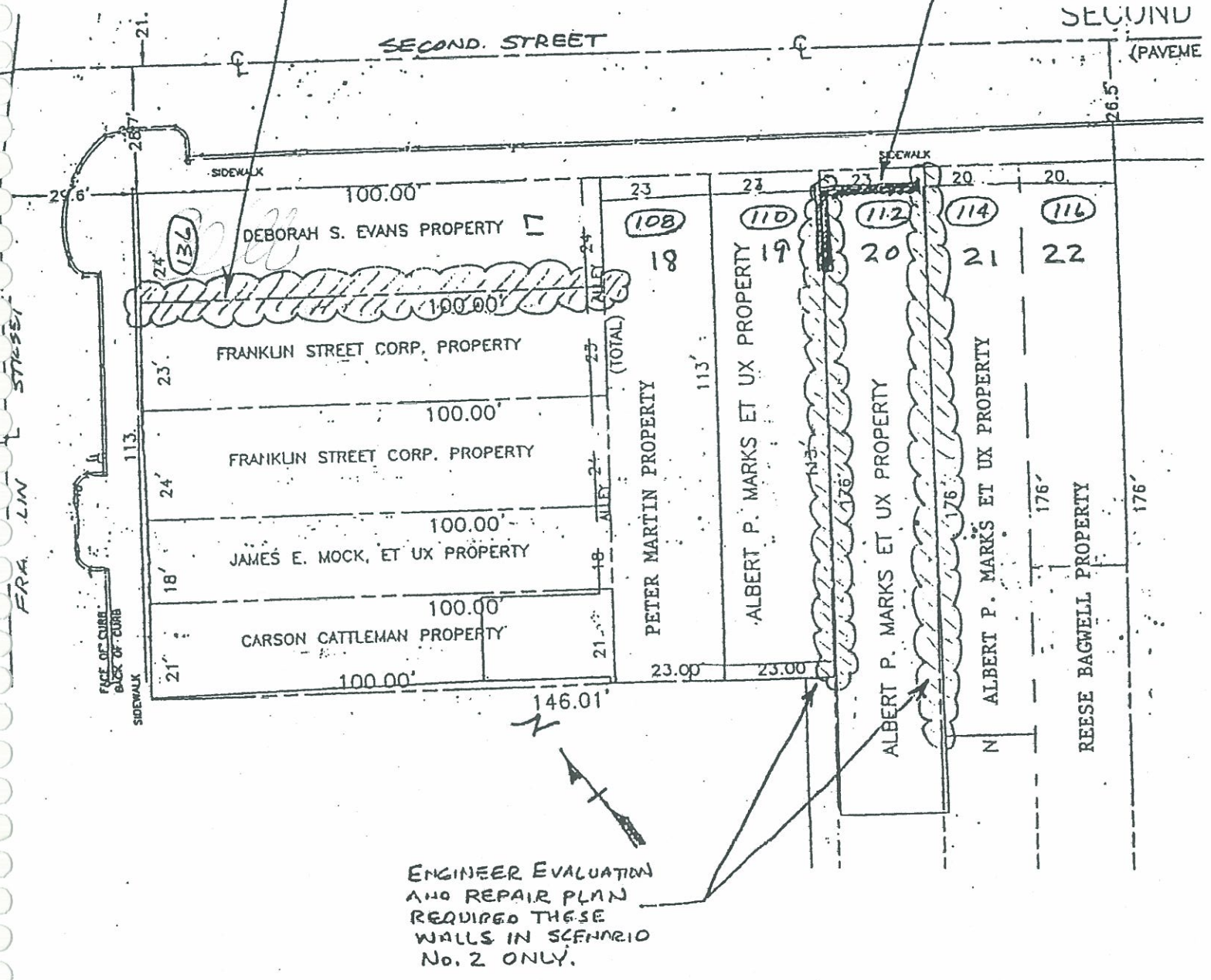
JOYCE B. WORTLETT
REGISTER OF DEEDS
MONTGOMERY, TENN.

1-10-2000 \$:00
291.20 1.00
2.00
RECORDING FEE 48.00
555-664

NOTE: SUBMIT THIS SHEET OR SIMILAR PLAN VIEW WITH YOUR BID AS PART OF YOUR GENERAL DEMO PLAN.

MAY WANT TO HIGHLIGHT THIS
ENGINEER'S EVALUATION AND PLAN REQUIRED THIS PARTY WALL FOR SCENARIOS NO. 1 AND 2.

FRONT AND LEFT SIDE WEAK WALL SECTIONS @ 112. TO BE ADDRESSED BY OTHERS/OWNER UNDER RECONSTRUCTION PLAN



INDICATE THE FOLLOWING ITEMS/FEATURES ON THIS PLAN OR IN WRITING:

- ORDER OF PLANNED DEMOLITION (i.e. [1] FOR FIRST, [2] FOR SECOND,)
- ANY REQUIRED RELOCATION OF UTILITIES AS REQUIRED FOR DEMO.
- LIST OF EQUIPMENT TO BE UTILIZED DURING DEMO.
- LIST OF PERSONNEL REQUIRED.
- ANY JOB SITE SAFETY CONTROL MEASURES.

