

BEFORE THE TENNESSEE HISTORICAL COMMISSION

IN THE MATTER OF:)	
)	
METROPOLITAN BOARD OF PARKS AND RECREATION)	DOCKET NO. 04.47-223160A
<i>Petitioner,</i>)	
)	THC CASE NO. THC22-0010
RE:)	
)	
REQUEST TO CHANGE THE NAME)	
OF HADLEY PARK TO)	
HADLEY-LILLARD PARK)	

FINAL ORDER GRANTING PETITION FOR DECLARATORY ORDER

On July 6, 2021, the Board of Parks and Recreation of the Metropolitan Government of Nashville and Davidson County (“the Board”) voted to approve a request to change the name of Hadley Park to Hadley-Lillard Park (“the Park”). On April 14, 2022, the Metropolitan Government of Nashville and Davidson County (“Metro”) filed a Petition for Waiver requesting that the Tennessee Historical Commission waive subdivision (b)(1) of the Tennessee Heritage Protection Act (the “Act”).¹ On June 17, 2022, the Tennessee Historical Commission (the “Commission”) held an Initial Hearing in this matter. At that meeting, the Commission voted to allow Metro to file a Petition for Declaratory Order within sixty days to determine if the Park is a “Memorial” as defined by the Act. Metro filed its Petition for Declaratory Order on August 12, 2022.

¹Tenn. Code. Ann. § 4-1-412.

FINDINGS OF FACT

1. Hadley Park is a public park owned by Metro. The Board supervises, controls and operates Metro's Park system, including Hadley Park.²
2. It is not clear who the Park was originally named after. Major E.C. Lewis named the site Hadley Park but did not identify the Hadley that he intended to honor. At the time, a local newspaper assumed Lewis intended to honor John L. Hadley, a supporter of freedmen after the civil war, who had lived on the site. However, it is also possible that Lewis intended to honor the African-American physician Dr. W.A. Hadley, with whom Lewis had worked during the 1897 Centennial Exposition.
3. Because the origin of the Park's name is unknown, the Commission cannot determine that the Park was named for a historical conflict, entity, event, figure or organization. Neither John L. Hadley nor Dr. W.A. Hadley are historic figures as defined in the Act. One is a supporter of freedmen and the other is a physician.
4. The Act defines a historic figure as "any individual who has been recognized as having served in any historic conflict, historic event, historic entity, public office, or in public service."³
5. Metro submitted the Petition for Waiver out of an abundance of caution to avoid any adverse consequences resulting from a violation of the Act. Metro wanted to ensure full compliance with the law in the event that the name of the Park was interpreted as being named after a "historic figure" under the provisions of Tenn. Code Ann. § 4-1-412.
6. Resolving the question of whether the Park is a "Memorial" as defined in the Act⁴ is a question of law.
7. The Tennessee Historical Commission is the proper body to answer this question pursuant to Tenn. Code Ann. § 4-5-223 which states "Any affected person may petition an agency for a declaratory order as to the validity or applicability of a statute, rule or order within the primary jurisdiction of the agency."

² Metropolitan Charter, Sections 11.1001,11.1002

³ Tenn. Code. Ann. § 4-1-412 (a)(5).

⁴ Tenn. Code. Ann. § 4-1-412.

CONCLUSIONS OF LAW

1. The Act does not apply to the Park because the Park is not a “Memorial” as defined in the Act.
2. As relevant here, the Act defines “Memorial” as: “(A) Any public real property or park, preserve, or reserve located on public property that has been named or dedicated in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization”⁵ In other words, for the Park to be a “Memorial” two conditions must be satisfied. The first is satisfied because the Park is public property.⁶ Second, it must have been named or dedicated in honor of a historical conflict, historic entity, historic event, historic figure, or historic organization.⁷
3. Based on the above information, the Act does not apply to the Park because the Park is not a “Memorial” that has been named or dedicated in honor of any historic conflict, historic entity, historic event, historic figure, or historic organization.
4. The Park was not named or dedicated in honor of a historical conflict, historic entity, historic event, historic figure, or historic organization as defined in the Act. The origin of the Park’s name is unknown. Therefore, the Commission cannot determine that the Park was named for a historical conflict, entity, event, figure or organization.
5. Based upon consideration of all the pleadings and oral argument in this matter, the Commission determines that the Tennessee Heritage Protection Act is not applicable to the name of the Park. This conclusion of law is based on finding that the Park does not constitute a “Memorial” as defined by the Act.

Policy Reason for this Decision

The Commission finds that further construction of the Act is in the public interest.

**APPROVED BY A MAJORITY OF THE TENNESSEE HISTORICAL COMMISSION
THIS 16TH DAY OF SEPTEMBER 2022.**

TENNESSEE HISTORICAL COMMISSION

BY 

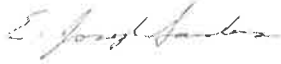
Derita Coleman Williams
Chairperson
Tennessee Historical Commission

⁵ Tenn. Code. Ann. § 4-1-412(a)(7).

⁶ Tenn. Code Ann. § 4-1-412(a)(7)(A).

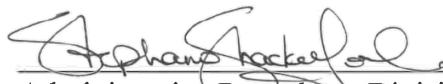
⁷ *Id.*

Approved as to form and legality:
TDEC Office of General Counsel Attorney



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Filed in the Administrative Procedures Division, Office of the Secretary of State this 16
day of September, 2022.



Administrative Procedures Division

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was emailed to
Macy Forrest Amos, Senior Metropolitan Attorney, at: macy.amos@nashville.gov
on this 16th day of September, 2022.



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ATTACHMENT A
NOTICE OF APPEAL PROCEDURES

REVIEW OF FINAL ORDER

1. PETITION FOR STAY – T.C.A. § 4-5-316

A party may submit to the agency a petition for stay of effectiveness of an initial or final order within seven (7) days after its entry unless otherwise provided by statute or stated in the initial or final order. The agency may take action on the petition for stay, either before or after the effective date of the initial or final order.

2. PETITION FOR RECONSIDERATION – T.C.A. § 4-5-317

(a) Any party, within fifteen (15) days after entry of an initial or final order, may file a petition for reconsideration, stating the specific grounds upon which relief is requested. However, the filing of the petition shall not be a prerequisite for seeking administrative or judicial review.

(b) The petition shall be disposed of by the same person or persons who rendered the initial or final order, if available.

(c) The person or persons who rendered the initial or final order that is the subject of the petition, shall, within twenty (20) days of receiving the petition, enter a written order either denying the petition, granting the petition and setting the matter for further proceedings; or granting the petition and issuing a new order, initial or final, in accordance with § 4-5-314. If no action has been taken on the petition within twenty (20) days, the petition shall be deemed to have been denied.

(d) An order granting the petition and setting the matter for further proceedings shall state the extent and scope of the proceedings, which shall be limited to argument upon the existing record, and no new evidence shall be introduced unless the party proposing such evidence shows good cause for such party's failure to introduce the evidence in the original proceeding.

(e) The sixty-day period for a party to file a petition for review of a final order shall be tolled by granting the petition and setting the matter for further proceedings, and a new sixty-day period shall start to run upon disposition of the petition for reconsideration by issuance of a final order by the agency.

3. JUDICIAL REVIEW OF PETITIONS FOR DECLARATORY ORDER – T.C.A. §§ 4-5-223

A person who is aggrieved by a final order on a petition for declaratory order of the Tennessee Historical Commission as is entitled to judicial review under this chapter, which shall be the only available method of judicial review. Proceedings for review are instituted by filing a petition for review. Venue for appeals of final orders on a petition for declaratory order shall be in the chancery court of Davidson County. Petitions seeking judicial review shall be filed within sixty (60) days after the entry of the agency's final order thereon.