# STATE OF TENNESSEE IN THE TENNESSEE HISTORICAL COMMISSION

CITY OF FOREST HILLS, TENNESSEE,	,	
	)	
PETITIONER,	)	
	)	
RE:	)	Case No. 04.47-222480A
	)	
REQUEST TO CHANGE	)	
STREET NAMES	)	

### <u>PETITION FOR DECLARATORY ORDER BEFORE THE TENNESSEE HISTORICAL</u> <u>COMMISSION OF THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION</u>

Pursuant to Tennessee Department of State Rule 1360-04-01.07, Petitioner City of Forest Hills, Tennessee, 6300 Hillsboro Pike, Nashville, Tennessee 37215 (the "City"), submits this Petition for a Declaratory Order.

Specifically, the City requests that the Tennessee Historical Commission declare the provisions of the Tennessee Heritage Protection Act of 2016, T.C.A. § 4-1-412 (the "Act"), are not applicable to the streets in the City of Forest Hills which the City wishes to permit the citizens of the City to rename.

Pursuant to the Act, the City has previously filed a Petition For Waiver with the Tennessee Historical Commission with regard to changing the names of certain streets in the City. The City's Petition has not yet been heard, and is pending.

Before further proceedings are held on the Petition, the City requests that the Commission consider and determine as a threshold matter whether the City is permitted to change the names of the streets without the necessity of a waiver issued by the Commission.

The City respectfully states that the streets in the City are not "Memorials" under the Act because they were not "named" or "dedicated on public property."

In support of this Petition for Declaratory Order, and in compliance with Rule 1360-04-01-.07, the City submits the information below. The City also incorporates all of the information submitted with its Petition for Waiver previously submitted.

### STATEMENT OF FACTS

- 1. The City of Forest Hills was chartered in 1956 pursuant to T.C.A. § 6-18-101 et seq. Forest Hills is within the limits of the Metropolitan Government of Nashville and Davidson County, Tennessee, but preexisted Metro's creation, and thus continues to exist along with other "satellite" cities in Metro.
- 2. Forest Hills is an almost exclusively residential community, save for one small commercial store, a few churches, and a private golf and tennis club.
- 3. When Forest Hills was chartered in 1956, the primary roads leading through Forest Hills were already established. Hillsboro Pike and Old Hickory Boulevard, both State routes, were on or near the City's western and southern boundaries, respectively. Granny White Pike was on the City's eastern boundary. Harding Place generally marked the City's northern boundary. These roads had all been in existence for decades before the City was created.
- 4. Other areas of land comprising the City had yet to be built at the time Forest Hills was chartered. The land was owned by private parties. Private developers would develop the residential communities, and the roadway infrastructure, in Forest Hills. This included naming the newly created streets in Forest Hills.
- 5. The streets in Forest Hills were all named by private developers. The City did not select the street names. Neither did members of the public.
- 6. The only public involvement was the approval of the developer's subdivision plats by the City's Planning Commission. Each plat identified the newly created streets in the subdivisions.

The developers dedicated the streets to the City, and the City accepted the streets. Upon acceptance, the City has an easement in the streets and has agreed to maintain them, but neither the easement nor the maintenance obligation existed at the time the private parties selected the street names.

- 7. The City did not name the streets and did not have any standards for naming the streets when the developers named the streets.
- 8. The City did not dedicate the streets in memory of the persons after whom the streets were named or commemorate the persons or any of their accomplishments. The City held no ceremony to mark the naming of the streets. The City did not publish a proclamation or other document to note the occasion of the approval of the subdivision and the streets located therein.
- 9. The streets which the City desires to rename, the platted subdivisions of which they are a part, and information regarding the developer which named the streets, are:

Street	Subdivision/Section	Developer Naming the Street
Confederate Drive	Tyne Valley Estates/10	H & S Development Company Inc. <sup>1</sup>
Robert E. Lee Drive	Tyne Valley Estates/1,2,5, 9, and 15	Tyne Valley Development Co. (and H & S Development Co. for Section 5), and H & S Development Company for Section 9)
Robert E. Lee Court	Tyne Valley Estates/5	Tyne Valley Development Co. and H & S Development Co.
Jefferson Davis Drive	e Tyne Valley Estates/10	H & S Development Company Inc.
Jefferson Davis Cour	t Tyne Valley Estates/10	H & S Development Company Inc.

<sup>&</sup>lt;sup>1</sup> Signatories for the Tyne Valley Development Company and the H & S Development Company Inc. plats were Nashville Real Estate Developers - Karl E. Haury (1924-2011), Reese Smith Jr. (1922-1991), and Nashville Attorneys Ervin M. Entrekin (1927-1990), and Tom White. Plats and information regarding Messrs. Haury, Smith, and Entrekin are attached as collective Exhibit A.

General Forrest Court Tyne Valley Estates/14 Tyne Valley Development Company

- 10. All of these streets have a common connection. They are named after a "Historic Conflict" the Civil War [ a/k/a "the War Between the States" T.C.A. § 4-1-412(a)(2)] fought in the United States from 1861-1865. Before the War, millions of people of African ancestry were enslaved in the United States. The War resulted in the abolishment of slavery for those African Americans, their descendants, and all persons in the United States.
- 11. The street names in this case all reference matters and persons related to the Civil War and support for the Confederacy.
- 12. The City wants to change the names of the streets listed above, and rename them with names that reflect the plant and animal life in the City of Forest Hills.
- 13. The City brings this petition for a declaratory order asking the Tennessee Historical Commission to hold that the Act does not apply to streets in the City that were owned and named by private parties, and included on plats that were submitted to and approved by the City's Planning Commission. See T.C.A. § 4-1-412(a)(7).

### HOW THE STATUTE AFFECTS THE CITY OF FOREST HILLS

The Tennessee Heritage Protection Act of 2016, T.C.A. § 4-1-412, provides that memorials regarding historic conflicts, historic persons, or historic organizations that are located on public property may not be renamed. T.C.A. § 4-1-412(b)(1). The Act also provides, however, that public entities exercising control over memorials may petition the Tennessee Historical Commission for a waiver allowing the renaming of memorials. The public entity must show that there is a material or substantial need for a waiver based on historical or other compelling public interest. T.C.A. § 4-1-412(c)(1)-(2).

The City has filed a petition asking the Commission to grant the City a waiver to rename the above identified streets in Forest Hills. However, if the streets do not constitute "Memorials" under the Act, it is unnecessary for the City to seek a waiver, and consume the Commission's and the public's time and resources in the waiver process.

The question before the Commission for the purpose of the requested declaratory order involves an interpretation of the Act. The Act identifies a "street" as one of the items qualifying as a memorial, so long as the street is "named, or dedicated on public property..." T.C.A. § 4-1-412(a)(7)(B).

"Public property" is defined as property "owned or maintained" by or under the authority of a municipality. T.C.A. § 4-1-412(a)(8).

These provisions would qualify streets that are named or dedicated in honor of historic conflicts, events, or figures on land that is publicly owned or maintained at the time of the naming or dedication as "Memorials." Examples of such prominent streets in Nashville which the Commission would recognize are Martin Luther King Jr. Boulevard, Rosa Parks Boulevard, and John Lewis Way. All of these streets were public streets at the time of their naming or dedication in memorial to these historic figures. Their prior names being Charlotte Avenue, Eighth Avenue, and Fifth Avenue, respectively.

The streets in Forest Hills identified above which the City wishes to rename were not "public property" at the time of their naming or dedication. At the time of their naming or dedication, the land now within the margins of the streets was undeveloped and unimproved land, and privately owned. There were no streets or lots. The developers drew the lots and streets, and named the streets on plats. The developers then submitted those plats to the City's

Planning Commission, and the subdivisions (lots and streets) were created. The streets were not named or dedicated on public property. The City had not role in naming the streets.

### REQUEST FOR RELIEF

In light of the foregoing, the City of Forest Hills respectfully requests that the Tennessee Historical Commission hold that the provisions of the Tennessee Heritage Protection Act of 2016, T.C.A. § 4-1-412, do not apply to the streets in the City of Forest Hills that were on land owned by private parties and were named by private parties at the time of their submission for subdivision approval to the City of Forest Hills Planning Commission on the basis that such streets were not "Memorials" under that Act.

Respectfully submitted,

PARKER, LAWRENCE, CANTRELL & SMITH

L. Marshall Albritton

201 Fourth Avenue North, Suite 1700

Nashville, TN 37219

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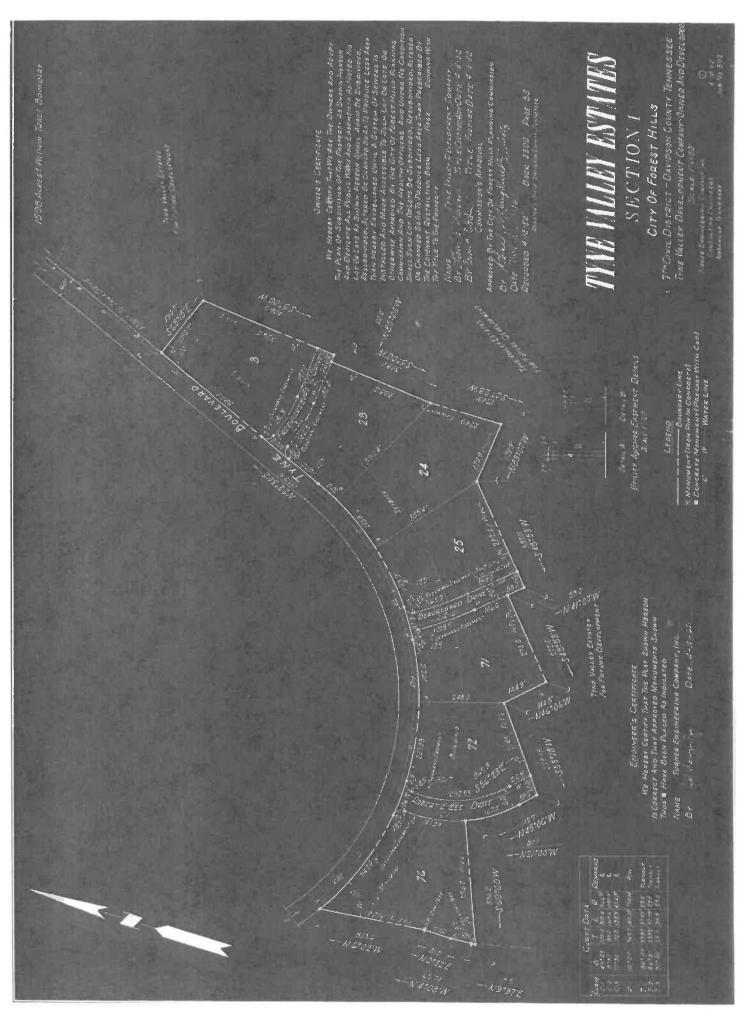
Attorneys for Petitioner City of Forest Hills

CITY OF FOREST HILLS, TENNESSEE

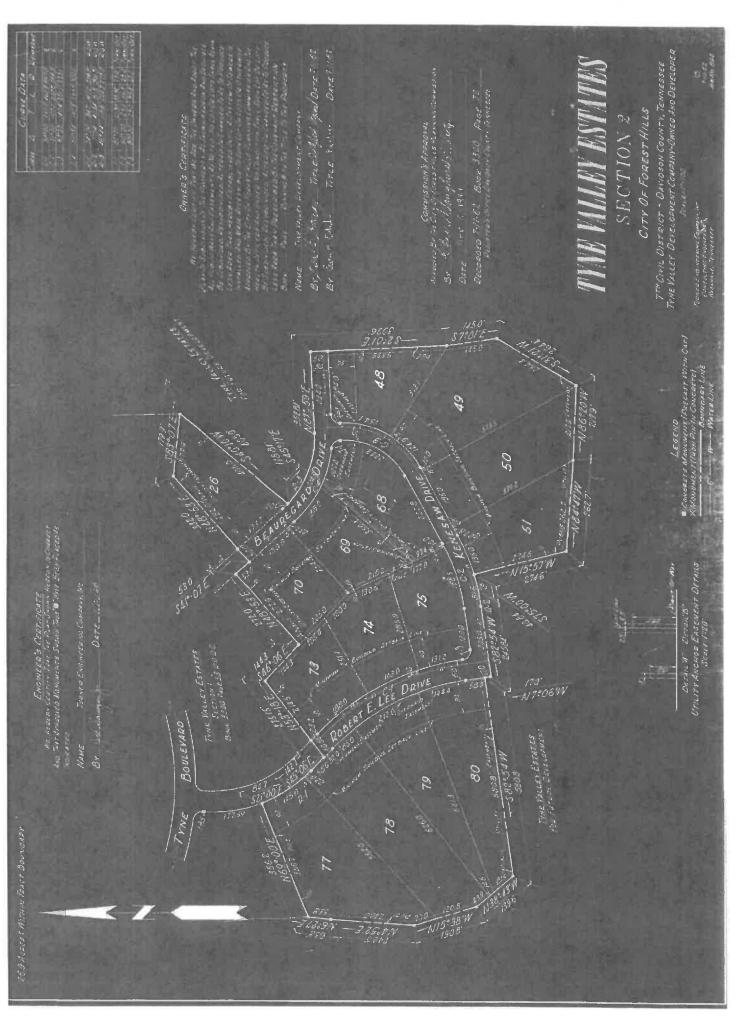
Lanson J. Hyde, Mayor

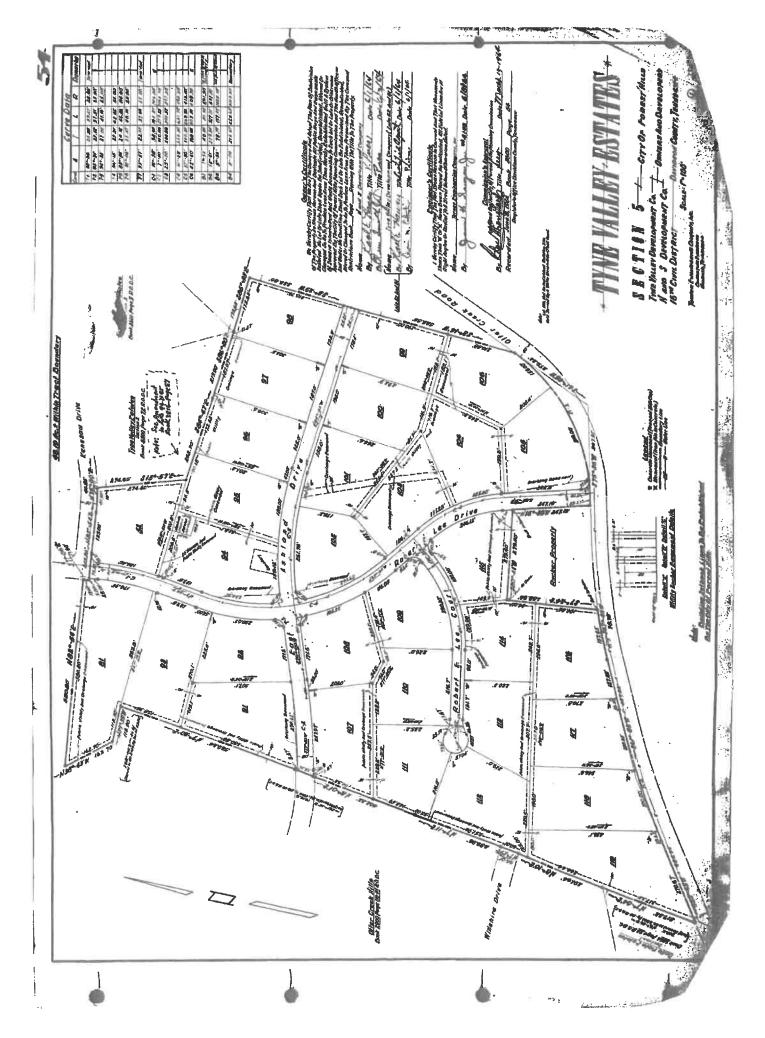
# **EXHIBIT A**

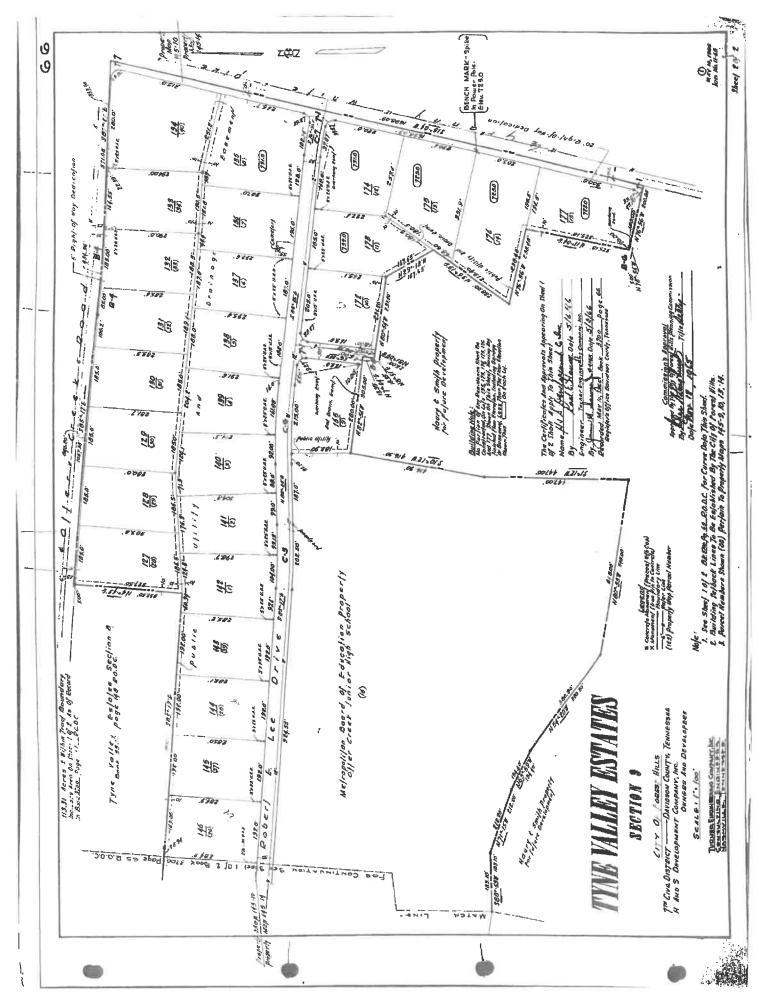
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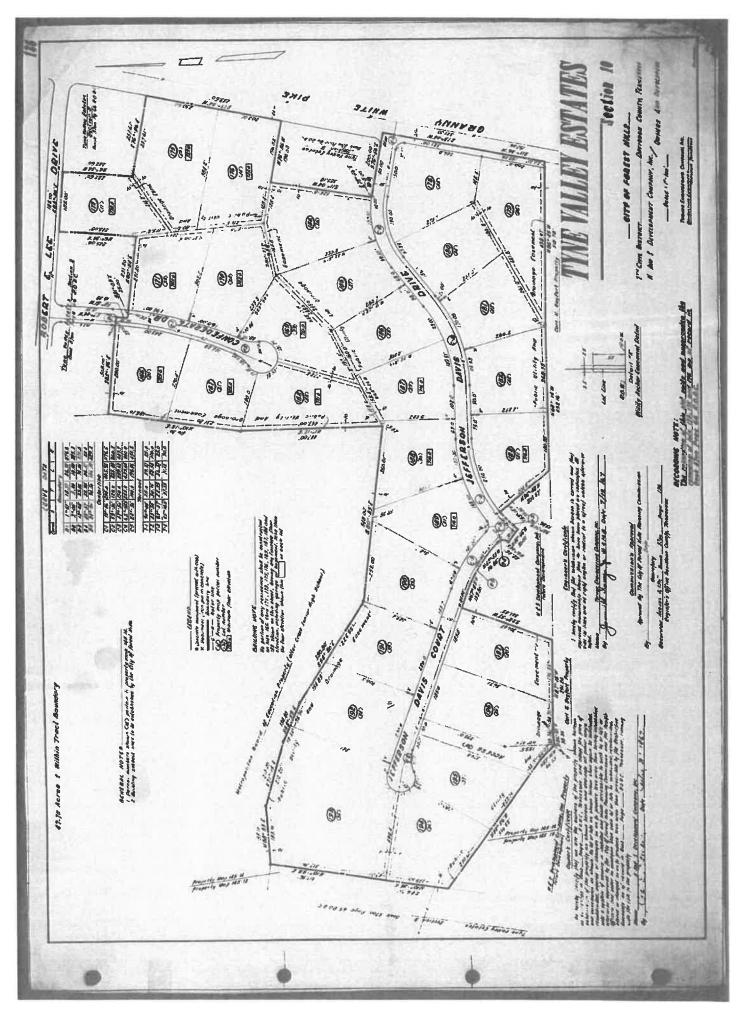


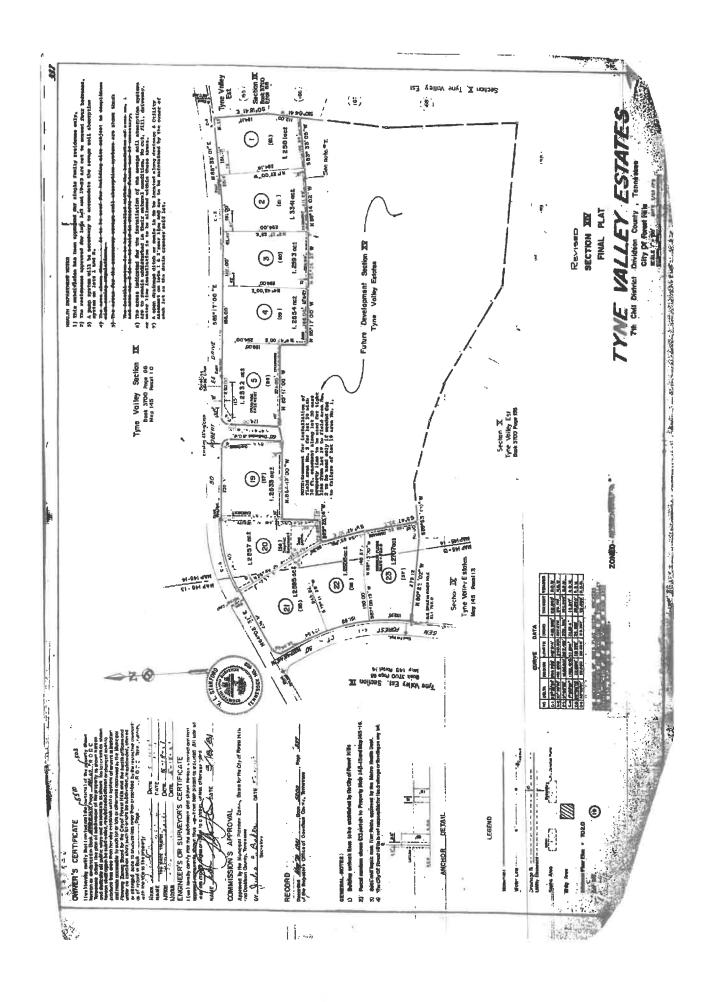
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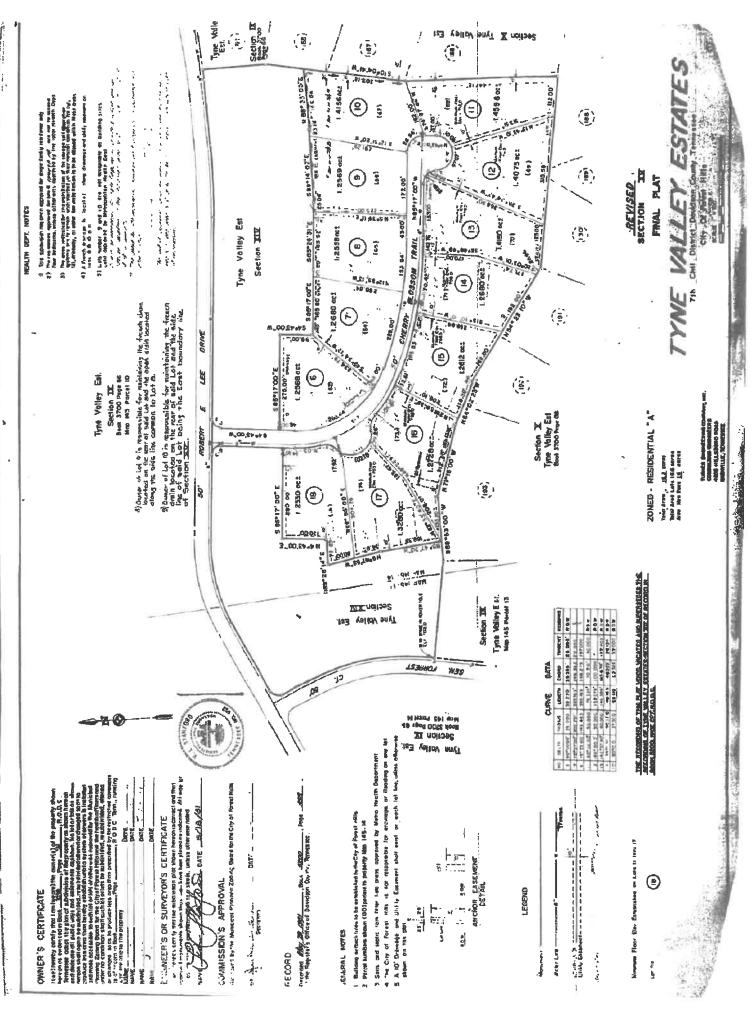








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### IN THE CARE OF

# Woodlawn-Roesch-Patton Funeral Home & Woodlawn Memorial Park



# Karl Edward Haury Sr.

JULY 27, 1924 - JULY 8, 2011



# KARL EDWARD HAURY, SR.

ge 86, a native Nashvillian, he passed away Friday, July 8, 2011. He was born July 27, 1924 to the late Karl O. and Annie Ruth Eubank Haury. After serving in the U.S. Army, he joined his father in the hardwood lumber business for 11 years. In 1953, Karl and Reese Smith, Jr. founded Haury & Smith. Together, they developed land, built residential homes and multi-family developments stressing quality and taking

pride in having satisfied buyers. In the early 1970's, Karl sold his half interest in Haury & Smith and began developing an area in Orlando, Florida known as Bay Hill Golf and Country Club. He never left Nashville, but commuted as he continued to build and develop real estate in Nashville. During his years at Bay Hill, he and his family thoroughly enjoyed

hosting family, friends and various groups from Nashville. A loyal friend to all, he received great pleasure from his family relationships and personal friendships, many of which were with people he came to know through his real estate and development business as well as his association with Vanderbilt University's Athletic Department where he served as President of the National Commodore Club. He was an avid sportsman and traveled extensively to enjoy hunting and fishing and loved being able to share many of those times with his son and grandsons. His accomplishments were many but he will also be remembered as a truly caring, considerate and thoughtful gentleman, loving his family and friends and giving back because he felt he was so fortunate in life. He is predeceased by his wife of 53 years, Mildred Elizabeth Moore Haury. He is survived by wife, Kay Ballenger Haury; son, Karl Edward (Sandy) Haury, Jr. (Judy), daughter, Martha Lynn Haury Hamilton (Craig); grandchildren, Ashley Elizabeth Haury Travis (Josh), Karl Christopher Haury. Clayton Hall Haury, great grandson, Jackson Edward Travis; granddaughter, Ava Brooke Ballenger; stepson, Craig Lee Ballenger (Catherine); sister, Jayne Haury Hagan. He was a lifetime and devoted member of First Lutheran Church where he served on the church council for many years. He was a member of the Commerce Union Board of Trust, the YMCA Board of Trust, a lifetime member of the Sertoma Club, a lifetime founder of the Florida Citrus Bowl in Orlando, Florida and a member of Belle Meade Country Club. Visitation with the family from 4:00 p.m. - 7:00 p.m. on Monday, July 11, 2011 in the Dogwood Room at Woodlawn-Roesch-Patton Funeral Home will follow a private family burial. A memorial service will be held on Tuesday, July 12, 2011 at 1:00 pm at First Evangelical Lutheran Church, 113 Eighth Ave., South. Honorary Pallbearers: John Anderson; Hunter Atkins; Gerald Averbuch; Barry Banker; John E. Cain, III; Charlie Daugherty: John Dillon; Dr. Rick Garman; Homer Gibbs; Don Harrington; Bill Hodde; Terry Hunter; Vaden Lackey; Joe Maddux; Wayne Morrison; Dr. Tom Nesbitt; Bob Nichols: Kimmy Perryman; John Ramsey; John Rich; Jerry Sheridan; Reese Smith, III; Steve Smith: Tom Steele; Kermit Stengel; Lee Steinhouse; Everett Templeton; Bud Zander The family would like to give special thanks to: Dr. Richard Garman; Dr. Thomas Johnston; Mrs. Carolyn Eubank; Mr. Don Harrington. In lieu of flowers, memorial contributions may be made to First Evangelical Lutheran Church; 1138th Ave., S., Nashville, TN 37203; The Ensworth School, 211 Ensworth Ave., Nashville, TN 37205; Alive Hospice, 1718 Patterson St., Nashville, TN 37203. Arrangements by Woodlawn-Roesch-Patton Funeral Home, 660 Thompson Lane, 615/383-4754

SEE LESS



## ₽ Find a GrayE

### Reese Lillard Smith Jr.



Photo added by Tennie Capps Bean

BIRTH 6 Oct 1922

Nashville, Davidson County, Tennessee, USA

DEATH 18 Aug 1991 (aged 68)

Nashville, Davidson County, Tennessee, USA

BURIAL Wilson Cemetery #4

Williamson County, Tennessee, USA

MEMORIAL ID 198918667

Known children: Reese III, Stephen B and Mark W Smith.

Mr Smith was one of the original owners of the Nashville Sounds baseball team. He collapsed with a heart arrhythmia while riding Miss Walking Miracle, his grand champion mare, during the 13th International Grand Championship Walking Horse Show at the MTSU livestock arena in Murfreesboro Tennessee.

Family estate, Ravenswood Farm, in Brentwood Tennessee.

Thanks to contributor bbarnhill (47395133) for interment correction.

### **Family Members**

### Parents Sr



Reese Lillard Smith 1895–1961



Amelia Josie *Welsh* Smith 1897–1982

### Siblings



William Utley Smith 1924–2006



Katherine Ann *Smith* Capps 1930–1985

### Spouse



Marcella Swingley Vivrette Smith 1925~1999 (m. (married) 1945)

### Children



Buford William Smith 1948–1948



Mark Welsh Smith 1958–2018

Created by: Tennie Capps Bean

Added: 6 May 2019

Find a Grave Memorial 198918667

Find a Grave, database and images

(https://www.findagrave.com/memorial/198918667/reese-lillard-smith: accessed 14 April 2022), memorial page for Reese Lillard Smith Jr. (6 Oct 1922–18 Aug 1991), Find a Grave Memorial ID 198918667, citing Wilson Cemetery #4, Williamson County, Tennessee, USA; Maintained by Tennie Capps Bean (contributor 48635685) Burial Details Unknown.



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### SMITH JR., REESE

Category: 1990 - 1999 Inductees

Year Honored: 1994

University: Middle Tennessee State University

### BIOGRAPHY

Reese Smith Jr. exemplifies the consummate sports fan. Be it as player or patron, he always gave his all. Smith played football at Middle Tennessee State University for one year before leaving school to join the infantry during World War II. He never returned to school, forming his own successful construction company instead.

Smith played softball during the 1950s, and his exploits led to his induction into the Nashville Fast Pitch Softball Hall of Fame. He was also inducted into the MTSU Blue Raider Hall of Fame. Because of his support, the baseball complex on the MTSU campus bears his name. So does the athletic complex at David Lipscomb High School and the Bellevue Little League and Babe Ruth Park.

Smith was a founder and part owner of the Nashville Sounds and part owner of half a dozen other minor league clubs. In addition, he was part owner and manager of the Old Nashville Speedway and sponsored numerous racing teams. Smith had a fine career in the Tennessee walking horse industry, winning many trophies and world championships. In recognition of his remarkable record, the Nashville Athletic Club, in 1992, established the Reese Smith Athletic Award which goes to the individual who best exemplifies Smith's dedication, passion, support, and love

Reese Smith died at the age of 68, just nine days after collapsing while competing in the International Grand Championship Walking Horse Show at Murfreesboro. Always a friend to Tennessee sports, Reese Smith Jr. is sorely missed, but his devoted legacy remains.

Credit 1: Haury and Smith Realty Company

GO BACK TO INDUCTEES LIST (HTTP://TSHF.NET/INDUCTEES-LIST/)



content/uploads/2012/11/reese-1.jpg)

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(http://www.goblueraiders.com)

## Find a Grave

## **Ervin Morgan Entrekin**



Carroll County, Georgia, USA

DEATH 13 May 1990 (aged 63)

Nashville, Davidson County, Tennessee, USA

Body donated to medical science, Specifically: His body was donated to BURIAL

Vanderbilt School of Medicine

**MEMORIAL** 188125584

ID

Photo added by Don Sharp

Ervin Morgan Entrekin, 63, a Nashville attorney and patron of the arts, died Sunday at his home of an apparent heart attack. He received his undergraduate and law degrees from Vanderbilt University and began his legal career with the US. Department of Justice in Washington. He began practicing law in Nashville in 1957 and taught tax law at the old YMCA Night Law School for more than 20 years. He was a member of Belle Meade Country Club and the Cumberland Club. Survivors include his wife, Jane Edwards Entrekin; two sons, Hugh W. and Ervin Morgan Entrekin Jr.; two daughters, Jane E Hughart and Mary Hawkins Entrekin; his mother, Azilee M. Entrekin, Atlanta; a sister, Sara E. Edwards, Atlanta, and three grandchildren.

Mr. Entrekin, who was a prominent tax lawyer, was a partner in the firm of Tune Entrekin & White and was chairman of the board of the Tennessee Botanical Gardens and Fine Arts Center at Cheekwood. He also was a member of the Metropolitan Opera Association and the First Presbyterian Church.

His body was donated to the Vanderbilt School of Medicine, and there will be no funeral service. His family will receive friends from 6 to 8 p.m. today at their home at 304 West Bellevue Drive.

### **Family Members**

### **Parents**

Earnest Asbury Entrekin 1896-1980

Sara Azilee Morgan Entrekin 8

1897-1997

# Siblings

Sara Margaret Entrekin Edwards

1918-2005

Hugh A. Entrekin 1920-1927



Jane *Edwards* Entrekin 1929-2017

Created by: Don Sharp Added: 18 Mar 2018 Find a Grave Memorial 188125584

### Find a Grave, database and images

(https://www.findagrave.com/memorial/188125584/ervin-morgan-entrekin: accessed 28 October 2021), memorial page for Ervin Morgan Entrekin (10 Feb 1927–13 May 1990), Find a Grave Memorial ID 188125584,; Maintained by Don Sharp (contributor 48167782) Body donated to medical science, who reports a His body was donated to Vanderbilt School of Medicine.

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