

IN THE CHANCERY COURT FOR LOUDON COUNTY, TENNESSEE

TOWN OF GREENBACK,  
TENNESSEE and LOUDON  
COUNTY REGIONAL PLANNING  
COMMISSION,

Plaintiffs,

v.

M&M STONE FARMS, LLC,  
a Tennessee Limited Liability Company,  
and TRI-COUNTY CRUSHED STONE, LLC,  
a Tennessee Limited Liability Company,

Defendants.

Docket No. 13237

M&M STONE FARMS, LLC and  
TRI-COUNTY CRUSHED STONE, LLC,

Plaintiffs,

v.

THE TOWN OF GREENBACK, TENNESSEE and  
THE REGIONAL PLANNING COMMISSION OF  
LOUDON COUNTY, TENNESSEE,

Defendants.

FILED 28<sup>th</sup> DAY OF Aug 2024  
AT 3:00 P M  
Lisa Scott JG  
LOUDON CO. CLERK & MASTER

**MOTION FOR SUMMARY JUDGMENT AND MOTION FOR PERMANENT  
INJUNCTIVE RELIEF**

The Town of Greenback, Tennessee and the Regional Planning Commission of Loudon County, Tennessee hereby appear, by and through counsel, and move this Court for entry of Summary Judgment pursuant to Rule 56 of the Tennessee Rules of Civil Procedure. There are no genuine issues of material fact in dispute, and the Defendants are entitled to judgment as a matter of law on all claims brought against them by Plaintiffs M&M Stone Farms, LLC and Tri-County Crushed Stone, LLC, as well as on all claims they have maintained in their action brought against the Plaintiffs.

The question to be decided in this case is whether the property in question, which is owned by the Plaintiffs and is proposed to be used as a quarry, is part of the M-1 zoning district of the Town of Greenback, Tennessee. There can be no dispute that, if the property is part of the M-1 zoning district, the Town of Greenback's zoning ordinance would prohibit its use as a quarry. The undisputed facts conclusively establish that the zoning map of the Town of Greenback, Tennessee was amended to include the property in question in the M-1 zoning district subsequent to the annexation of this tract into the Town of Greenback in 1998. The zoning map was amended to include the property in question in the M-1 zoning district no later than 2001. Further, multiple subsequent amendments to the Town of Greenbank zoning ordinance and zoning map have confirmed and ratified the original adoption of M-1 zoning for the property in question. The official zoning map of the Town of Greenback, Tennessee currently reflects that the property in question is part of the M-1 zoning district.


Pursuant to the provisions of Tenn. Code Ann. § 13-7-212, the promulgation of a comprehensive zoning ordinance and zoning map creates a presumption that a property is properly zoned. The burden rests with the Plaintiffs to establish, by clear and convincing evidence, that the comprehensive zoning ordinance and zoning map of the Town of Greenback are inaccurate. Because the property in question is subject to M-1 zoning, a quarry is not a permitted use. The Defendants are therefore entitled to entry of a permanent injunction and declaratory judgment prohibiting any operation of a quarry on the property in question.

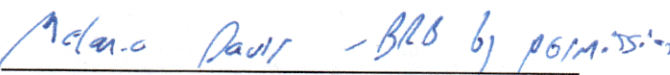
For all the reasons set out herein, in the Statement of Undisputed Material Fact and Memorandum in Support filed contemporaneously herewith and in the attached affidavits, exhibits, and deposition transcripts, the Defendants, Town of Greenback, Tennessee and the Regional Planning Commission of Loudon County, Tennessee, are entitled to judgment as a matter

of law on all issues interposed in this consolidated action. The Defendants' Motion for Summary Judgment and Motion for Permanent Injunctive Relief should therefore be granted, and an appropriate Order entering a permanent injunction, granting an appropriate declaratory judgment, and dismissing all claims brought by Plaintiffs M&M Stone Farms, LLC and Tri-County Crushed Stone, LLC should be entered.


RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of August, 2024.

TOWN OF GREENBACK, TENNESSEE

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been served upon parties, or counsel for the parties in interest herein by delivery of the same to the offices of said party or parties' counsel, or by mailing the same to said offices by United States Mail, with sufficient postage thereon to carry the same to its destination:

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Dated this 28<sup>th</sup> day of August, 2024.



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