

Filed for Registration on the 3 day of August 1942, at 12:15 O'clock P.M. And registered in the office of the Register of Deeds of Swain County, N.C. 7, day of August 1942 at 9:00 O'clock A.M. in Book 66 at page 112

W. C. Jones
Register of Deeds

NORTH CAROLINA
SWAIN COUNTY

Tract No. FR-452-F

Grant of Flowage Easements

THIS INDENTURE, made and entered into this 6 day of August, 1942 by and between Minnie Jones ~~and~~ and husband, William Cable of Swain County, North Carolina, hereinafter called "the Grantors", and the United States of America, hereinafter called "Grantee";

WITNESSETH:

That for and in consideration of the sum of One Thousand Five Hundred Eighty Four and 15/100---Dollars (\$1,584.15) cash in hand paid and other considerations, the receipt whereof is hereby acknowledged, the Grantors have this day bargained and sold, and do hereby grant, bargain, sell, transfer, and convey unto the Grantee, and its assigns, easement rights in and over the land hereinafter described, for the following uses and purposes: (1) Over that portion of the following described land which lies below contour elevation 1715.63, Mean Sea Level (all elevations referred to herein being based upon Mean Sea Level as established by the Southeastern Supplementary Adjustment of 1930, U.S.C. & G.S.) and containing 7.1 acres, more or less: (a) The right to premanently overflow, flood, and/or cover said hereinafter designated land with the flood, slack, or backwater created by the erection and operation of a dam or dams across the Little Tennessee River; (b) The right to enter upon said land, from time to time and prepare the reservoir area for impoundage of the water, clear and remove therefrom any timber or other natural growth and any obstructions, accumulations, trash, filth, or any other thing which would in any way interfere with navigation or flood control, or tend to render inaccessible, unsafe, or insanitary either the reservoir created by said dam or dams or the margin thereof, together with the right to prevent the draining or dumping into said reservoir of any refuse, sewage, or other material which might tend to pollute the same; (c) The right to enter upon said land and do such drainage and other work as, in the discretion of the Authority, may be necessary to carry out an adequate program of malaria control, including the maintenance of necessary patrols and the application of larvicides; (d) The right to enter upon said land and do such dredging, excavating, and other channel improvement work as, in the discretion of the Authority, may be necessary, together with the right to erect and maintain beacons or other signal structures as aids to navigation. (2) Over that portion of the following described land which lies between contour elevation 1715.63 and elevation 1722.63 and containing 0.3 acres, more or less, the right to temporarily overflow the land and store water during flood periods.

The land affected by the easement rights above set forth is located and described as follows:

The land affected by the above described easement rights is that portion of the following described tract of land which lies below elevation 1722.63 MSL and is located in Forneys Creek Township of Swain County, state of North Carolina, on the right side of Hazel Creek, approximately 3/8 mile northeast of the state highway No. 288 bridge across Hazel Creek, the said tract being more particularly described as follows:

Beginning at a stake in a fence line, a corner of the lands of H.N. Ballew et ux, the J.E. Coburn Heirs, Grady Hall, and Ollie Hall and the Hazel Creek Land Company; thence with Ollie Hall & the Hazel Creek Land Company's line South 73° 00' East 210 feet to a point; thence North 83° 00' East 380 feet crossing a road at approximately 270 feet, the corner of the lands of Ollie Hall & the Hazel Creek Land Company, and the Hazel Creek Land Company; thence with the Hazel Creek Land Company's line and the said right of way line as it meanders in a general southwesterly direction approximately 1320 feet to a point, a corner of the lands of the Hazel Creek Land Company, and H.N. Ballew et ux; thence, leaving the right of way line, with H.N. Ballew's line North 26° 00' West 205 feet, crossing a road at approximately 60 feet to a point in a fence line; thence with the fence line North 73° 00' East, 100 feet to a fence angle; thence North 7° 00' East 605 feet to the point of beginning, and containing a total of 9.5 acres, more or less, of which 7.1 acres, more or less, lie below elevation 1715.63 and 0.3 acres, more or less, lie between elevations 1715.63 and 1722.63 giving a total of 7.4 acres, more or less lying below elevation 1722.63, subject to such rights as may be vested in the county or state to a road which affects approximately 0.4 acres. The above described tract of land is shown on Tennessee Valley Authority Land Map 19MS 421K 504-5, Fontana Reservoir, a copy of which will be filed in the Office of the Register of Deeds of Swain County, North Carolina.

Being a portion of the land described in the deed from A.J. Jones and wife L.J. Jones dated January 18, 1935, and recorded in Book 57, page 614, Swain County Register's Office.

It is understood and agreed that the bearings given in the above description are based on the North Carolina State Coordinate System, Lambert Projection, as established by the U.S. Coast and Geodetic Survey. The central meridian for this coordinate system is located at Longitude 79° 00' West and the elevations given therein refer to Mean Sea Level Datum and are based on the U.S. Coast and Geodetic Survey's Southeastern Supplementary Adjustment of 1930.

Minnie Jones Cable, one of the Grantors herein, is one and the same person as Minnie Cable, one of the Grantees named in the deed recorded in Book 57, page 614, Swain County Register's Office.

William Cable, one of the grantors herein, is one and the same person as Bill Cable, one of the grantees named in the deed above referred to.

TO HAVE AND TO HOLD the aforesaid described easement rights unto the Grantee and unto its assigns forever.

The Grantors, for themselves, their heirs, executors, administrators, successors, and assigns, do hereby covenant to and with the Grantee that they are lawfully seized and possessed of the above tract of land; that they have a good and lawful right to sell and convey the above described easement rights therein; that said land is free and clear of all encumbrances; and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.