

FR-459

Vou. No. 45-28715

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISIONUNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY

Petitioner

v.

ANDREW C. HALL, a non compos mentis
OLLIE MOORE HALL, his wife

Respondents

FILED OCT 14 1944

CLERK, U. S. DIST COURT

DECLARATION OF TAKING

Tennessee Valley Authority, the authority empowered by law to acquire in the name of the United States of America the property described in the petition of similar title filed in this Court, hereby files this declaration of taking pursuant to the provisions of an act of Congress approved February 26, 1931, 46 Stat. 1421, c. 307, 40 U.S.C.A. 258a, and declares that said property is hereby taken for the use of the United States of America acting by and through its corporate creature and agent, the Tennessee Valley Authority, and further declares that:

1. The estate or interest hereby taken for the said public use is the fee simple title, free of all liens, claims, and encumbrances, except as hereinafter shown.
2. The property taken is described as follows:

Tract FR-459

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the left bank of Hazel Creek, approximately 7/8 mile east of the State Highway No. 288 bridge across Hazel Creek, and more particularly described as follows:

Beginning at a point in the center line of Hazel Creek at a bridge and at the mouth of Laurel Branch, a corner of the lands of Dillard Hall, and W. D. Hall; thence with W. D. Hall's, G. W. Higdon's, and the Elvira Welch Heirs' line and the center line of Laurel Branch and subsequently of Sawyer Branch as it meanders upstream approximately 1880 feet to a point in the prolongation of a fence line, a corner of the lands of the Elvira Welch Heirs, and the J. E. Coburn Heirs; thence with the J. E. Coburn Heirs' line and the fence line S. 18° 00' W., 535 feet to a fence angle; thence S. 12° 00' E., 225 feet to a black oak stump at a fence angle; thence S. 46° 00' E., 315 feet to a 36 inch white oak tree; thence, leaving the fence line, N. 80° 00' W., 240 feet to a 12 inch oak tree; thence S. 87° 00' W., 290 feet to a 16 inch hickory tree; thence due west 133 feet to a point in the center line of a branch witnessed by a fallen 6 inch poplar tree; thence with the J. E. Coburn Heirs', and the J. E. Coburn Heirs & Hazel Creek Land Company's line and the center line of the branch as it meanders downstream approximately along the following bearings and distances: N. 44° 00' W., 350 feet; N. 72° 00' W., 380 feet; N. 38° 00' W., 340 feet; N. 32° 00' W., 35 feet to a point in the center line of Hazel Creek, a corner of the lands of the J. E. Coburn Heirs & the Hazel Creek Land Company, and Dillard Hall; thence with Dillard Hall's line and the center line of the creek as it meanders upstream approximately 370 feet to the point of beginning, and containing 32.8 acres, more or less, subject to such rights as may be vested in the county or state to rights of way for public roads.

NOTE: 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' W.

The petitioner has heretofore acquired by voluntary purchase flowage easement over 7.7 acres of the property above described and the respondents' interests therein are therefore subject to said easement.

3. Two Hundred Dollars and Forty Cents (\$200.40) is the amount estimated by the Tennessee Valley Authority to be just compensation for the property taken. This amount is herewith tendered into Court for the use of the persons entitled thereto.

4. Tract plat showing the property taken is hereto attached.