

STATE OF TENNESSEE
HAMILTON COUNTY

This 27 day of July, 1942, personally came before me LeRoy Kington, the undersigned Notary Public for the State and County aforesaid, John I. Snyder, Director of the Land Acquisition Department of the Tennessee Valley Authority, who, being by me duly sworn says that he is the Director of the Land Acquisition Department of the Tennessee Valley Authority, and that said writing was signed by him, in behalf of said Tennessee Valley Authority, by authority duly given. And the said John I. Snyder, acknowledged the said writing to be the act and deed of said Corporation A.D.

Witness my hand and official seal this 27 day of July, 1942

(SEAL)
My commission expires May 2, 1943

Le Roy Kington
Notary Public

STATE OF NORTH CAROLINA
SWAIN COUNTY

I, James Denman, a Notary Public, in and for the State and County aforesaid, do hereby certify that S.W. Black and Will W. Wiggins, Executors of the Will of J.E. Coburn, deceased, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 25 day of July, 1942/ A.D.

(SEAL)

James Denman, Notary Public

STATE OF NORTH CAROLINA
SWAIN COUNTY

The foregoing certificates of James Denman of Clay County, N.C. and LeRoy Kington of Hamilton County, Tennessee, Notary Publics, attested by their official seals, are adjudged to be correct. Let the instrument and the certificates be registered.

Witness my hand this 29 day of July, 1942.

Frank Hyatt
Clerk Superior Court

Filed for registration on the 29 day of July, 1942 at 4:15 o'clock P.M. and registered in the office of the Register of Deeds for Swain County, North Carolina, on the 11 day of August, 1942 in Book 66th page 127.

Register of Deeds.

STATE OF NORTH CAROLINA
SWAIN COUNTY

Tract No. 4R-474
Map No. 5

THIS DEED, made this 31 day of July, 1942, by and between Etta Kirkland, an unmarried woman, of the county of Swain and state of North Carolina, as party of the first part and the UNITED STATES OF AMERICA as party of the second part:

WITNESSETH: that the said party of the first part, in consideration of the sum of Nine Hundred Sixty Five and no/100 Dollars (\$965.00) to her paid by the party of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the UNITED STATES OF AMERICA, its successors and assigns, a certain tract or parcel of land, situate, lying and being in Swain County, state of North Carolina, and more particularly described as follows, to-wit:

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

BEGINNING at a point in the center of a road junction and at the top of a ridge, a corner of the lands of W.S. Calhoun, Grady Hall, and J.P. & Ollie Cable; and the most southerly point of the tract herein described; thence with the J.P. & Ollie Cable's line and the center line of the creek as it meanders approximately along a bearing and distance of North 14° 00' W., 330 feet to a point in the prolongation of a fence line; thence with a line marked by a fence North 86° 00' East, 145 feet to a point in the center line of Hazel Creek, a corner of the lands of J.P. & Ollie Cable, and W.S. Calhoun; thence with W.S. Calhoun's line and the center line of the creek as it meanders downstream approximately 200 feet to a point in the center line of a road; thence, leaving the creek, with the center line of the road as it meanders approximately along a bearing and distance of South 35° 00' West, 160 feet to the point of beginning, and containing 0.7 acre, more or less, subject to such rights as may be vested in the county or state to a road which affects approximately 0.1 acre.

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.

The above described land is the same land conveyed to Etta Kirkland by deed from Garrett Holloway, et ux, dated August 4, 1938, and recorded in Book 62, page 489, in the office of the Register of Deeds of Swain County, North Carolina.

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the UNITED STATES OF AMERICA, its successors and assigns, to its own use and behoof forever,

And the said party of the first part for herself, her heirs, successors, administrators, and assigns, covenants with the said party of the second part, its successors and assigns that she is seized of said land and premises in fee, and has right to convey the same in fee simple, that the same are free and clear from all encumbrances and that she will warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal this the day, month and year above written.

Documentary Revenue Stamps \$1.10 P.S. & Cancelled

Etta Kirkland (SEAL)

STATE OF NORTH CAROLINA
SWAIN COUNTY

I, Joseph L. Auten, a notary public in and for the state and county aforesaid, do hereby certify that Etta Kirkland, an unmarried woman personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 31 day of July, 1942

(Notarial Seal)

My comm. expires 2-6-44

Joseph L. Auten
Notary Public

STATE OF NORTH CAROLINA
SWAIN COUNTY

The foregoing certificate of Joseph L. Auten, a notary public of Graham County, N.C. attested by his official seal, is adjudged to be correct. Let the instrument, and the certificate be registered.

Witness my hand this 31 day of July, 1942.

Frank Hyatt
Clerk Superior Court.

Filed for registration on the 31 day of July, 1942 at 12:22 o'clock P.M. and registered in the office of the Register of Deeds for Swain County, N.C.; 11 day of August, 1942 at 1:00 o'clock P.M. in Book 66, and page 130.

Register of Deeds.

GRANT OF FLOWAGE EASEMENTS Tract No. FR-464-F

THIS INDENTURE, made and entered into this 31 day of July, 1942, by and between, GEORGE W. HIGDON, an unmarried man, of the county of Swain, and state of North Carolina, hereinafter called the "Grantors", and the UNITED STATES OF AMERICA, hereinafter called the "Grantee"

WITNESSETH:

That for and in consideration of the sum of SEVEN HUNDRED THIRTY-EIGHT AND no/100 Dollars (\$738.00), cash in hand paid, 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 1936, U.S.C. & G.S.) and containing 1.4 acres, more or less: (a) The right to permanently overflow, flood, and/or cover said hereinafter designated land with 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, and 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 any 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 0.2 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 left side of Hazel Creek, approximately 1 mile northeast of the State Highway No. 288 bridge across Hazel Creek, the said tract being more particularly described as follows:

Beginning at a point in the confluence of Laurel Branch and Sawyer Branch witnessed by a white oak stump, a corner of the lands of Dock Hall et ux, and W.D. Hall, and the most south-westerly point of the tract herein described; thence with W.D. Hall's line North 11° 00' West, 670 feet to an oak tree at the top of a ridge, a corner of the lands of W.D. Hall, and Bill Crane, thence with Bill Crane's line North 55° 00' East 660 feet to a point, a corner of the lands of Bill Crane, and the J.E. Coburn Heirs; thence South 10° 00' East 880 feet (bearing and distance both approximate) to a point at the top of a ridge in G.W. Welsh's line; thence with G.W. Welsh's line and the top of the ridge as it meanders approximately along a bearing and distance of South 71° 00' West 350 feet to a point; thence, leaving the top of the ridge South 58° 00' West, 35 feet to a point in the center line of Sawyer Branch witnessed by a 6 inch dogwood tree, a corner of the lands of G.W. Welsh, and Dock Hall et ux; thence with Dock Hall's line and the center line of Sawyer Branch as it meanders downstream approximately 245 feet to the point of beginning, and containing a total of 11.3 acres, more or less, of which 1.4 acres, more or less lie below elevation 1715.63 and 0.2 acre, more or less, lies between elevations 1715.63 and 1722.63, giving a total of 1.6 acres, more or less, lying below elevation 1722.63, subject to such rights as may be vested in the county or state to rights of way for public roads. 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.

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 1936.

The above described land is a portion of the land acquired by grantor by deed in which he was named G.W. Higdon, of record in the office of the Register of Deeds for Swain County North Carolina, in Book 57, page 455.