

TENNESSEE VALLEY AUTHORITY
WARRANTY DEED

STATE OF NORTH CAROLINA)
COUNTY OF SWAIN)

Tracts Nos. FR-505, -912,
-1177, -1220,
-1223
Maps Nos. 13 R.1, 13 R.6,
6 R.7, 32 R.1,
5 R.11

THIS DEED, Made this 19th day of January, 1944, by and between THE BOARD OF EDUCATION OF SWAIN COUNTY, a corporation organized and existing under and by virtue of the laws of the State of North Carolina, 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, WHEREAS, at a meeting of THE BOARD OF EDUCATION OF SWAIN COUNTY duly called and held on the 29th day of November, 1943, a resolution was unanimously passed and adopted, finding that the school properties hereinafter described and conveyed, by reason of the construction of Fontana Dam by the Tennessee Valley Authority; and that said school properties, hereinafter fully described, would therefore become unnecessary for school purposes, and authorizing S. W. Black, Chairman of said Board, to advertise and sell said properties pursuant to the requirements and provisions of Section 5470 (a) of the North Carolina Code of 1939; and

WHEREAS, in accordance with said resolution, the said S. W. Black, Chairman as aforesaid, did advertise said lands for sale pursuant to said resolution and to the requirements of law, and offered the same for sale at public auction at the courthouse door in Bryson City, North Carolina, on Monday, the 3rd day of January, 1944, at 12 o'clock noon, being the time and place fixed in said advertisement, where and when the Tennessee Valley Authority, acting for and on behalf of the United States of America, became the last and highest bidder for said properties at the price of Ten Thousand Seventy-Five and no/100 Dollars (\$10,075.00); and

WHEREAS, said sale was duly reported into the office of the Clerk of the Superior Court of Swain County, North Carolina, on the 3rd day of January, 1944, as provided by law; and

WHEREAS, no raise or advanced bid was made or filed within the time allowed by law therefor; and

WHEREAS, by resolution of THE BOARD OF EDUCATION OF SWAIN COUNTY duly passed and adopted at a meeting duly called and held on the 13th day of January, 1944, said price of Ten Thousand Seventy-Five and no/100 Dollars (\$10,075.00) was accepted, and said sale was approved in accordance with the terms and provisions of certain contracts and agreements presented to THE BOARD OF EDUCATION OF SWAIN COUNTY, which contracts were executed by THE BOARD OF EDUCATION OF SWAIN COUNTY on the 11th day of August, 1943, and on the 30th day of November, 1943; and

WHEREAS, S. W. Black, Chairman of said Board as aforesaid, and W. L. Lathan, Secretary to THE BOARD OF EDUCATION OF SWAIN COUNTY, were, by said resolution, authorized and directed to execute and deliver to the United States of America, a good and sufficient warranty deed, conveying to said United States of America said lands hereinafter described in fee upon the payment to the said THE BOARD OF EDUCATION OF SWAIN COUNTY, the purchase price provided for in said contracts.

NOW, THEREFORE, in consideration of the premises and pursuant to the authority of Section 5470 (a) of the North Carolina Code of 1939, and in consideration of said sum of Ten Thousand Seventy-Five and no/100 Dollars (\$10,075.00) cash to it in hand paid by the said party of the second part, receipt of which is hereby acknowledged, the party of the first part by these presents does grant, bargain, sell and convey unto the UNITED STATES OF AMERICA, its successors and assigns, certain tracts or parcels of land situate lying and being in Swain County, State of North Carolina, and more particularly described as follows, to wit:

FIRST TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-505)

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 1/2 mile west of the Bushnell Depot, and more particularly described as follows:

Beginning at a point in the center line of a road, a corner of the lands of the Nantahala Power & Light Company, and the Bushnell Baptist Church; thence with the said Church's, and Elizabeth Welch's line N. 66° 00' E., 119 feet, passing an iron pipe at 31 feet, to a point in the center line of the Pound Mill Branch witnessed by an iron pipe, a corner of the lands of Elizabeth Welch, A. I. Calhoun et ux, and the Nantahala Power & Light Company; thence with the said Company's line due east, 120 feet to a point (prev. desc. as a stake); thence S. 26° 00' W., 261 feet to a point in the center line of a road; thence with the center line of the road as it meanders approximately along a bearing and distance of N. 30° 00' W., 213 feet, to the point of beginning, and containing 0.6 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.

SECOND TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-912)

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 1 3/4 miles west of the Bushnell Depot, and more particularly described as follows:

Beginning at a point in the center line of Jackson Branch witnessed by a 24 inch poplar tree, a corner of the lands of Roxie McClure, and the J. H. Sizemore Heirs; thence with the J. H. Sizemore Heirs' line and the center line of the branch as it meanders downstream approximately 210 feet to a point in the center line of Chambers Creek; thence N. 38° 00' W., 25 feet to a point; thence N. 36° 00' E., 275 feet to a white oak tree, a corner of the lands of the J. H. Sizemore Heirs, Roxie McClure, and the Chambers Creek Baptist Church; thence with the Church's line S. 56° 00' E., 222 feet, crossing Chambers Creek at approximately 30 feet and a public road at approximately 120 feet, to a point, a corner of the lands of the Chambers Creek Baptist Church, and Roxie McClure; thence with Roxie McClure's line S. 39° 00' W. 202 feet to the point of beginning, and containing 1.2 acres, more or less, subject to such rights as may be vested in the county or state to a road which affects approximately 0.4 acre..

THIRD TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-1177)

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 1/2 mile north of the downstream tip of Calhoun Island, and more particularly described as follows:

Beginning at a chestnut stump, a corner to the land of W. O. Calhoun, and the most southerly point of the tract herein described; thence with W. O. Calhoun's line along the following bearings and distances: N. 44° 00' W., 140 feet to a stake; N. 9° 00' E., 74 feet to a white oak stump; S. 85° 00' E., 200 feet to a stone; S. 18° 00' E., 129 feet to a chestnut stump; S. 78° 00' W., 156 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 right of way for a public road.

FOURTH TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-1220)

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Little Tennessee River, approximately 1 1/2 miles north of the mouth of Stecoah Creek, and more particularly described as follows:

Beginning at a 20 inch walnut tree, a corner to the land of A. J. Posey et ux; thence with A. J. Posey's line S. 85° 00' E., 157 feet to a stake; thence S. 8° 00' E., 181 feet to a stake; thence S. 82° 00' W., 198 feet to a cross mark on a rock; thence N. 8° 00' E., 225 feet to the point of beginning, and containing 0.8 acre, more or less.

FIFTH TRACT: (Designated by the Tennessee Valley Authority on its maps as FR-1223)

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the left side of Hazel Creek, approximately 1 1/4 miles northeast 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 a public road, a corner to the land of J. G. Stikeleather et al, and the most northwesterly point of the tract herein described; thence with J. G. Stikeleather's line S. 81° 00' E., 270 feet to a point; thence with a hedge row for the first approximate 60 feet S. 12° 00' W., 281 feet to a point; thence N. 79° 00' W., 288 feet to a point in the center line of a public road; thence with the center line of the road as it meanders approximately along the following bearings and distances: N. 44° 00' E., 100 feet, N. 1° 00' E., 190 feet to the point of beginning, and containing 1.7 acres, 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 descriptions 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.

Being the property conveyed to the party of the first part by the following deeds of record in the Register's Office of Swain County, North Carolina:

- (1) Deed executed by E. C. Monteith et al, dated July 8, 1904, recorded in Deed Book 20, page 518;
- (2) Deed executed by E. C. Monteith et ux, dated July 30, 1925, recorded in Deed Book 60, page 270;
- (3) Deed executed by M. A. Anthony et ux, dated July 26, 1905, recorded in Deed Book 28, page 240;
- (4) Deed executed by J. B. Stiles et ux, dated December 10, 1906, recorded in Deed Book 28, page 507;
- (5) Deed executed by A. J. Posey et ux, dated April 15, 1940, recorded in Deed Book 63, page 179;
- (6) Deed executed by W. M. Ritter Lumber Co., dated March 30, 1943, recorded in Deed Book 66, page 389.

TO HAVE AND TO HOLD the aforesaid tracts or parcels 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 itself, its successors and assigns, covenant with the said party of the second part, its successors and assigns that it is seized of said land and premises in fee, and has a right to convey the same in fee simple; that the same are free and clear from all encumbrances and that it will warrant and defend the title to same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has caused this instrument to be executed in its corporate name and its corporate seal to be hereunto affixed by its chairman, attested by its secretary, all by authority of said Board duly had and given on the day, month, and year first above written.

ATTEST:

THE BOARD OF EDUCATION OF SWAIN COUNTY

W. L. Lathan (SEAL)
W. L. Lathan, Secretary

BY S. W. Black (SEAL)
S. W. Black, Chairman

(SEAL AFFIXED)

STATE OF NORTH CAROLINA

SWAIN COUNTY

This 19th day of January, 1944, personally came before me, H. J. Truett, Clerk Superior Court for the State and County aforesaid, S. W. BLACK, Chairman of THE BOARD OF EDUCATION OF SWAIN COUNTY, who, being by me duly sworn, says that he is the Chairman of THE BOARD OF EDUCATION OF SWAIN COUNTY, and that the seal affixed to the foregoing instrument in writing is the corporate seal of the Corporation, and that said writing was signed and sealed by him, in behalf of said Corporation by its authority duly given. And the said S. W. BLACK, acknowledged the said writing to be the act and deed of said Corporation.

WITNESS my hand and official seal this 19th day of January, A.D., 1944.

(SEAL AFFIXED)

s/ H. J. Truett, Clerk Superior Court Swain County
North Carolina

STATE OF NORTH CAROLINA


SWAIN COUNTY

The foregoing certificate of H. J. Truett, Clerk Superior Court of Swain County, attested by his official seal, is adjudged to be correct. Let the instrument, and the certificate, be registered.

WITNESS my hand this 19th day of January, 1944.

s/ H. J. Truett, Clerk of the Superior Court
Swain County, North Carolina

Filed for registration on the 19 day of Jan., 1944, at 11:45 o'clock, A. M., and registered in the office of the Register of Deeds for Swain County, N.C., 20 day of January 1944, at 9:30 o'clock, in Book 68 of Deeds, and Page 369, etc.


Deputy Register of Deeds
Swain County, North Carolina