

TRACTS DESIGNATED HEREIN AS FR-507 AND FR-805

This cause came on to be finally heard as to tracts FR-507 and FR-805 upon the petition for condemnation; declaration of taking; agreement between the petitioner and the respondent Jessie Calvin Welch, the owner of said tracts, as to the compensation to be paid therefor, and the entire record in this cause from all of which it appears that:

I. The Tennessee Valley Authority is a corporation created by and duly incorporated pursuant to an act of Congress approved May 18, 1933, and is authorized to exercise in the name of the United States of America the right of eminent domain and to condemn all real estate, and rights and interests therein, deemed necessary by it for carrying out the purposes of the Tennessee Valley Authority Act, and the property herein condemned is necessary for such purposes.

II. All the parties interested directly or indirectly in the land hereinafter described have been served with process personally or by publication and the said land and all claimants and parties interested therein are within the jurisdiction of this Court, which has power and authority to enter this judgment.

III. At the time of the filing of the declaration of taking in this cause the property hereinafter described, designated as tracts FR-507 and FR-805, was owned by Jessie Calvin Welch in fee simple by virtue of deeds recorded in Deed Book 31, page 153, Deed Book 28, page 501, Deed Book 14, page 469, and Deed Book 33, page 515, in the Register's Office of Swain County, North Carolina. Taxes due Swain County for the years 1943 and 1944, which constitute liens against the said tracts, are hereinafter ordered paid out of the funds on deposit in the registry of the Court in this cause.

IV. The petitioner, upon filing the declaration of taking in this cause, deposited the sum of Three Thousand Dollars (\$3,000) as its estimate of the value of tracts FR-507 and FR-805. Thereafter, on March 30, 1944, an agreement was reached between the petitioner and the respondent Jessie Calvin Welch, owner of said property, under the terms of which petitioner will pay and the said respondent will accept the sum of Three Thousand Five Hundred Thirty Dollars (\$3,530), interest being expressly waived, as the true value of and as just compensation for the said property. This agreement has been filed in these proceedings. Pursuant to said agreement petitioner has deposited the additional sum of Five Hundred Thirty Dollars (\$530) in the registry of the Court in this cause.

It is, therefore, ordered, adjudged, and decreed that:

1. The divestiture of title as evidenced by the declaration of taking filed on March 20, 1944, by virtue of which all right, title, claim, and interest of every kind, nature, and character in and to the following described property, to-wit:

Tract No. FR-507

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 $3\frac{1}{4}$ mile northwest of the Bushnell Depot, and more particularly described as follows:

BEGINNING at a stone in the center line of Welch Branch, a corner of the lands of R. E. Cable et ux, and S. C. Welch; thence with S. C. Welch's line N. $1^{\circ} 00'$ W., 100 feet to a point in a public road and at the top of a ridge; thence with the top of the ridge as it meanders in a general northerly direction approximately along the following bearings and distances:

N. $1^{\circ} 00'$ W., 185 feet; N. $13^{\circ} 00'$ E., 450 feet; N. $15^{\circ} 00'$ E., 300 feet; N. $29^{\circ} 00'$ E., 275 feet; N. $35^{\circ} 00'$ W., 190 feet; N. $36^{\circ} 00'$ E., 240 feet; N. $1^{\circ} 00'$ W., 260 feet; N. $48^{\circ} 00'$ E., 310 feet; N. $12^{\circ} 00'$ W., 300 feet; N. $42^{\circ} 00'$ E., 490 feet; S. $73^{\circ} 00'$ E., 200 feet; to a point, a corner of the lands of S. C. Welch, and the J. E. T. Welch Heirs; thence with the J. E. T. Welch Heirs' line and the top of a ridge as it meanders approximately along a bearing and distance of S. $76^{\circ} 00'$ E., 365 feet, to a fallen black oak tree, a corner of the lands of the J. E. T. Welch Heirs, and R. E. Cable et ux; thence with R. E. Cable's line and the top of a ridge as it meanders in a southerly direction approximately along the following bearings and distances:

S. $10^{\circ} 00'$ E., 240 feet; S. $9^{\circ} 00'$ W., 420 feet; S. $4^{\circ} 00'$ E., 490 feet; S. $37^{\circ} 00'$ W., 575 feet; S. $12^{\circ} 00'$ W., 250 feet; S. $40^{\circ} 00'$ W., 320 feet; S. $15^{\circ} 00'$ E., 160 feet; S. $35^{\circ} 00'$ W., 200 feet; to a

post oak tree; thence with a line marked by a fence and the top of Saw Stock Ridge S. $79^{\circ} 00' W.$, 650 feet to a fence corner; thence S. $56^{\circ} 00' W.$, 60 feet, crossing a public road, to the point of beginning, and containing 52 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 $79^{\circ} 00' W.$

An undivided one-half (1/2) interest in the mineral rights in that portion of the above tract carved out of Grant 2918, reserved in deed recorded in Book 31, page 397, records of Swain County, North Carolina; and an undivided one-half (1/2) interest in the mineral rights in that portion of the above tract carved out of Grant 11532, reserved in deed recorded in Book 33, page 515, records of Swain County, North Carolina; and an undivided one-half (1/2) interest in the mineral rights in the above tract reserved in deed recorded in Book 31, page 153, records of Swain County, North Carolina, are not sought to be condemned in this proceeding.

Tract No. FR-805

A tract of land lying in Forneys Creek Township of Swain County, State of North Carolina, on the right side of the Tuckasegee River, approximately 1800 feet west of the Bushnell Depot, and more particularly described as follows:

Beginning at a point in a fence line, a corner of the lands of the Carolina-Tennessee Southern Railway Company, and the Georgia Industrial Realty Company; thence with the Georgia Industrial Realty Company's line and the fence line N. $19^{\circ} 00' W.$, 45 feet to a point; thence, leaving the fence line, N. $49^{\circ} 00' E.$, 41 feet to a point (previously described as a bolt), a corner of the lands of the Georgia Industrial Realty Company, and the Nantahala Power & Light Company; thence with the Nantahala Power & Light Company's line S. $18^{\circ} 00' E.$, 62 feet to a point (previously described as a cross on a rock and at a pipe), a corner of the lands of the Nantahala Power & Light Company, and the Carolina-Tennessee Southern Railway Company; thence with the Carolina-Tennessee Southern Railway Company's line S. $72^{\circ} 30' W.$, 40 feet to the point of beginning, and containing .05 acre, 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 $79^{\circ} 00' W.$

and every part thereof, was divested out of respondent owner in this cause, Jessie Calvin Welch, and was vested in the United States of America in fee simple, free of all liens, claims, and encumbrances, except as hereinabove shown, is hereby fully and finally confirmed.

2. The Clerk of this Court is hereby authorized and directed to issue and deliver a check on the funds on deposit in this cause in the sum of Thirty-one Dollars Forty-two Cents (\$31.42) payable to the County Accountant for Swain County, North Carolina, in payment of taxes assessed against the said property for the year 1943.

3. The Clerk of this Court is further authorized and directed to retain in the registry of this Court in this cause the sum of Thirty-four Dollars Fifty-six Cents (\$34.56), and on October 1, 1944, to issue and deliver a check for that amount payable to the County Accountant for Swain County, North Carolina, in payment of taxes assessed against the said property for the year 1944.

4. The Clerk of this Court is further authorized and directed to issue and deliver a check on the funds on deposit in this cause in the sum of Three Thousand Four Hundred Sixty-four Dollars Two Cents (\$3,464.02) payable to Jessie Calvin Welch in full payment of and as just compensation for the property herein condemned designated as tracts FR-507 and FR-805.

5. This cause is reserved for further orders of this Court with respect to tracts therein designated as FR-345 and FR-675.

6. The Clerk of this Court shall furnish to the petitioner a certified copy of this decree which shall serve as a muniment of title.

Done this 21 day of April, 1944.

/s/ E. Y. Webb, Judge

CX-583
THE UNITED STATES OF AMERICA
WESTERN DISTRICT OF NORTH CAROLINA) SS

I, J. Y. Jordan, Clerk of the District Court of the United States, within and for the District aforesaid, do hereby certify that the foregoing printing and typewriting is a true, full, correct, and complete copy of the