

Easement from A.D. Galbraith & wife, to United States of America.

State of Tennessee)
County of Loudon)

Tract No. FL89-F

THIS INDENTURE, made and entered into this 2nd day of March, 1942, by and between A. D. Galbraith and wife Nadine M. Galbraith hereinafter called the "Grantors," and the UNITED STATES OF AMERICA, hereinafter called the "Grantee;"

WITNESSETH:

That for and in consideration of the sum of Fifteen Thousand Two Hundred Sixty-three and No/100 Dollars (\$15,263.00), 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, permanent easement rights in and over the land hereinafter designated for the following uses and purposes: (a) The right to permanently overflow, flood, and/or cover said land with the flood, slack, or backwater created by the erection and operation of a dam or dams across the Tennessee River; (b) The right to enter upon said land, from time to time, 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 of 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, sewerage, or other material which might tend to pollute the same; (c) The right to enter upon said land and 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 excavate, erect structures, and do such other work as is desirable in connection with the needs of navigation.

The land affected by the above described easement rights is that portion of the following described tract of land which lies below elevation 820, Mean Sea Level (as established by the Southeastern Supplementary Adjustment of 1936, U.S.C. & G. S.), and is located in the Second Civil District of Loudon County, State of Tennessee, on the right bank of the Tennessee River, approximately 1-1/2 miles southwest of the downstream tip of Big Island, the said tract being more particularly described as follows:

Beginning at a fence intersection, a corner of the lands of Dardis E. Queener, and James M. Graves, and the most northerly point of the tract herein described; thence with S. 10° 00' W., 575 feet to a fence angle, a corner of the lands of James M. Graves, and Otha Gardner et ux; thence with Otha Gardner's line and a fence line S. 27° 30' W., 1770 feet to a point in the center line of a county road; thence with the center line of the road in an easterly direction approximately 460 feet to a point in the prolongation of a fence line; thence, leaving the road, with the fence line S. 27° 00' W., 1384 feet to an iron pin at approximately 10 feet, to a fence intersection, a corner of the lands of Otha Gardner et ux, and H. M. Milligan; thence with H. M. Milligan's line and a fence line S. 28° 00' W., 1624 feet to a point in the low water line of the Tennessee River; thence with the low water line of the river as it meanders downstream approximately 4500 feet to a point in a fence line, a corner to the land of R. W. & J. A. Bailey; thence with R. W. & J. A. Bailey's line and the fence line, N. 48° 30' E., 3090 feet, crossing a county road at approximately 2110 feet, to a pile of stones at a fence corner, a corner of the lands of R. W. & J. A. Bailey, and Dardis E. Queener; thence with Dardis E. Queener's line and a fence line S. 50° 00' E., 476 feet to a stake at a fence intersection; thence N. 45° 30' E., 1419 feet to a fence corner; thence S. 32° 00' E., 83 feet to a fence corner; thence N. 51° 00' E., 422 feet to the point of beginning, and containing a total of 270 acres, more or less, of which 123 acres, more or less, lie below elevation 820 MSL (as established by the Southeastern Supplementary Adjustment of 1936) and is shown on Tennessee Valley Authority Land Map 10 MS421 K 5 for Fort Loudon Reservoir, a copy of which will be filed in the Recorder's office of Loudon County, Tennessee, the said 123 acres being subject to such rights as may be vested in the county to a road which affects approximately 0.5 acres, and to such rights as may be vested in the county or state to any other rights of way for public roads traversing the described land.

Furthermore, the right to construct a tertiary road to serve the described land, the said road to extend in a general northerly direction from a point in the existing county road in the vicinity of the one story frame house to a point in the relocated county road.

NOTE: The bearings given in the above description are based on the Tennessee 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 86° 00' W.

All improvements located below or partially below the 815 foot contour are to be removed.

Being a portion of the same tract of land described in a deed from John A. Graves and wife to A. D. Galbraith dated November 26, 1930, recorded in Book 36, page 495, Register's Office of Loudon County, Tennessee.

TO HAVE AND TO HOLD the aforescribed 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 described tract of land; that they have a good and lawful right to sell and convey the above described easement rights therein; that said land tract is clear of all encumbrances; and that they will forever warrant and defend the title thereof against the lawful claims of all persons whomsoever.

In further consideration of the payment of the purchase price above stated and of the promotion of public health and sanitation for the benefit and protection of the above described land and the remainder of their adjoining land, the Grantors, for themselves, their heirs, administrators, executors, successors, and assigns, do likewise covenant and agree, to and with the Grantee, that they will not use said adjoining land for any purpose which will result in the draining or dumping into any reservoir created by the above mentioned dam or dams, of any refuse, sewerage, or other material which might tend to pollute the waters of such reservoir; and Grantors further agree that this shall be a binding covenant which shall attach to and run with said adjoining land, and which shall be purchased, devise, descent, or succession.

Wherever the context hereof requires, the plural number, as used herein, shall be read as singular, and the masculine gender as feminine or as neuter.

IN WITNESS WHEREOF we have hereto affixed our signatures on the day, month and year first above written.

A. D. Galbraith (SEAL)
Nadine M. Galbraith (SEAL)

ALPS
for A. D. Galbraith & Nadine M. Galbraith
Attached to this instrument

State of Tennessee
County of Knox }

On this 2nd day of March 1942, before me personally appeared A. D. Galbraith and Nadine M. Galbraith his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

WITNESS my hand, at office, this 2nd day of March, 1942.

(Notary) (Seal) My commission expires: Nov. 14, 1942.

Qualified as Notary Public Knox County, Under Chapter 193 Public Acts 1935.

REGISTER'S OFFICE

Received for record the 2 day of March 1942 at 1:45 P.M. Noted in Note Book D page 146 and Recorded in Deed Book No. 43 pages 122 & 123.

Witness my hand.

R. M. Brooks Register

Deed from E. W. Waller and wife, to Bess W. Greer.

THIS INDENTURE, Made this 2nd day of March, A.D. 1942, between E. W. Waller and wife, Marion Waller of Loudon County, in the State of Tennessee of the first part, and Bess W. Greer of Loudon County, Tennessee, of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Fifteen Hundred & No/100 (\$1,500.00) Dollars to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, have granted, bargained, sold, and conveyed, and do hereby grant, bargain, sell, and convey unto the said party of the second part, the following described premises, to wit, situate in District No.: One (1) of Loudon County, Tennessee, and on what is known as "Fort Hill" and more particularly described as follows:

TRACT NO. 1: Beginning on a corner with Chas. Joslin and J. C. Greer, thence in a North-easterly direction with line of Greer 729 feet to a corner in the right-of-way of the "Newmore road" (sometimes called the Mabry Ferry road); thence with said road in an Easterly direction 25 links to a corner with Duff; thence leaving said road and running with Duff 368 feet to a corner with Lot No. 31 in the Sams Addition to the town of Loudon, Tenn; thence with Lots No. 31 and 30 in said Sams Addition 345 feet to a corner at a Street or road; thence with said Street or road 89 feet to a corner with Chas. Joslin, thence in the same direction with the line of Joslin 147 feet to the point of beginning.

And being a part of the same property conveyed to E. W. Waller by Deed dated April 6th, 1911, and duly recorded in the Register's Office of Loudon County, Tennessee, in Deed Book No. 18 pages 311 and 312.

SECOND TRACT: Lying and being in the same District and County and adjoining the first tract, and described as follows: Being Lot No. 31 in the Sams Addition to the town of Loudon, Tennessee, in the North part of the Town of Loudon, being fully described in a map of said Sub-division of record in the Register's Office of Loudon County, Tennessee, in Deed Book No. 38, page 458 to which specific reference is here made for a more detailed and perfect description.

And being the property conveyed to the party of the first part by deed dated June 4, 1925, and duly recorded in the Register's office of Loudon County, Tennessee, in Deed Book No. 33, page 453. With the hereditaments and appurtenances thereto appertaining, hereby releasing all claim to homestead and dower therein; TO HAVE AND TO HOLD said premises to the party of the second part, her heirs and assigns, forever.

And the said parties of the first part, for themselves and for their heirs, executors, and administrators, do hereby covenant with the said party of the second part, that they will lawfully seize in fee-simple of the premises above conveyed, and have full power, authority, and right to convey the same; that said premises are free from all encumbrances and that they will forever warrant and defend the said premises and the title thereto against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the said parties of the first part have hereunto set their hands and seals the day and year first above written.

E. W. Waller (L.S.)
Marion Waller (L.S.)

State of Tennessee
Loudon County ss.

Personally appeared before me, Hattie May Penland, a Notary Public in and for said County, the within named bargainers, E. W. Waller and wife Marion Waller with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained. And Marion Waller, wife of the said E. W. Waller, having appeared before me privately and apart from her husband the said Marion Waller, acknowledged the execution of the said Deed to have been done by her freely, voluntarily, and understandingly, without compulsion or constraint from her said husband and for the purposes therein expressed.

Witness my hand and official seal at office this 2nd day of March, A.D. 1942.

(Notary) (Seal) My commission Expires April 8, 1943.

Hattie May Penland, Notary Public
My commission Expires April 8, 1943

State of Tennessee
Loudon County,

REGISTER'S OFFICE

Received for record the 3 day of March, A.D. 1942, at 9:00 o'clock A.M. Noted in Note Book D, page 146, and recorded in Book of Deeds 53, page 123.

Witness my hand,

R. M. Brooks Register

U. S. REVENUE STAMPS
for 1- and 65 cent
Attached to this instrument