

EXHIBIT B  
AGREEMENT OF TRANSFER

Between

TENNESSEE VALLEY AUTHORITY

And

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Relating To

LANDS IN SWAIN COUNTY, NORTH CAROLINA

THIS AGREEMENT OF TRANSFER, made and entered into this 31<sup>st</sup> day of March, 1948, by and between TENNESSEE VALLEY AUTHORITY, a corporation organized and existing under and by virtue of an Act of Congress known as the Tennessee Valley Authority Act of 1933 (hereinafter called "TVA"), and UNITED STATES DEPARTMENT OF THE INTERIOR, for the use and benefit of the National Park Service of the United States Department of the Interior (hereinafter called "Department"),

W I T N E S S E T H:

That for the purposes and considerations expressed in an agreement made and entered into as of the 30<sup>th</sup> day of July 1943, by TVA, the Department, the State of North Carolina, and Swain County, North Carolina, said agreement being identified by Contract No. TV-80454, but subject to the approval of the President of the United States as

provided by section 4(k) (c) of the Tennessee Valley Authority Act of 1933 as amended, TVA and the Department hereby covenant and agree as follows:

1. TVA, subject to the conditions, exceptions and reservations hereinafter contained, hereby assigns and transfers to the Department for the use and benefit of the National Park Service as part of the Great Smoky Mountains National Park the right of possession and control of an all other right, title, and interest which TVA may have in and to the following described lands:

Approximately 44,170 acres of land situated on the north side of Fontana Reservoir, in Swain County, North Carolina, said land being particularly described in the schedule which is attached to and hereby made a part of this agreement as Appendix A, and being shown colored in cross-hatched yellow on Map 19 MS 453 K 505 R1 attached and made a part of this agreement as Appendix B.

2. In addition to the interests assigned and transferred under section 1, TVA shall and does hereby give and grant to the Department, its agents, servants and invitees the right of access to and use of all lands of the United States in TVA's custody lying upstream from US TVA corner 2-4A W.C. (the coordinates of which are N. 656,154 and E. 568,716) between the 1710 ft. contour of the non-insular land covered by said section 1 and low watermark on Fontana Lake, for the purpose of constructing and maintainin g thereon

boating and recreational facilities, piers, docks and related equipment, and of performing all other acts which may be reasonably necessary to the administration and use, as a part of the Great Smoky Mountains National Park, of the lands TVA's interest in which assigned and transferred to the Department under section 1.

3. All of the interests and rights assigned, transferred, and granted by TVA to the Department under sections 1 and 2 hereof are assigned, transferred, and granted subject to:

(a) The following rights which are hereby expressly reserved to and retained by TVA for itself, its successors, and assigns: (1) the unrestricted right in perpetuity to make whatever changes may be necessary or desirable in facilities for the storage, use or distribution of water, and to construct, maintain, and operate such additional structures and facilities and carry on such activities as it may deem necessary to carry out its program of flood control, navigation, and incidental generation of power, as authorized by the Tennessee Valley Authority Act of 1933 as amended; (2) the right of ingress and egress at all times to and from any point; (3) the right to operate Fontana Reservoir and fluctuate the water level thereof at any time or to any height; (4) the right to enter upon any part of the land affected hereby and perform any acts which it may deem necessary for the furtherance of malaria control and shoreline sanitation, with due consideration being given to the National Park Service's program; (5) the

right to maintain and operate any electric power transmission and distribution lines, telephone and telegraph lines, and water flumes and railways, and other facilities now located on said land, together with the right to construct, operate and maintain such additional transmission, distribution, telephone and electric lines, water flumes and railways, and other facilities on said land as it may hereafter deem necessary for the exercise and accomplishment of its statutory powers and purposes; (6) the right at all times without limitation or restriction to flood, or to suffer, permit, agree upon or cause the flooding of, by the waters of any present or future reservoir located below Fontana Dam, any lands affected by this agreement located west of a line extending due north and south from the center of Fontana Dam, to an elevation of 1279 feet above mean sea level, and to flood or suffer, permit, agree upon or cause the flooding of said lands to such additional elevations as may result from wave action, floods, and other high water conditions; and (7) the right in its discretion to remove from the shore of any present or future reservoir located below Fontana Dam and the land under such reservoir and to destroy or otherwise dispose of silt, drift, timber, vegetation, and other matter, and to use said shore and land for such purposes and any other purpose reasonably connected with the maintenance and operation of such reservoir or the dam associated therewith, together with the right of ingress, egress, and regress for such purpose with tools, vehicles and equipment across any of the properties affected by the agreement. It is

understood that any and all of the rights reserved under this subparagraph (a) may be exercised directly by TVA or by and through agents or contractors, and that TVA may grant to or permit the exercise by others of rights of the class or character described in subdivision (5) of this subparagraph, as well as the rights described in subdivisions (6) and (7) of this subparagraph, either by agreement, sufferance, through execution and delivery of perpetual easements, or otherwise; provided, however, that any formal agreement, grant or permit concerning the exercise of such rights by others shall, at the time when made or issued, in TVA's judgment, have a relationship to its statutory program, purposes and objectives.

(b) To such rights of way and other rights, if any, which the Aluminum Company of America or its subsidiaries may be obligated under an agreement dated July 1, 1915, as amended by an agreement dated March 10, 1921, between the Aluminum Company of America, et al. and Southern Railway Company, et al., to grant and convey to Southern Railway Company, its successors, assigns, or nominees; and to rights of way of 150-foot width for any transmission lines of the Aluminum Company of America or its subsidiaries which may be constructed to interconnect its or their plants with the power system of TVA, the location of such rights of way to be mutually agreed upon between the Aluminum Company of America and TVA. The rights referred to in this subparagraph (b) are the same as those described in paragraphs 1 and 2 of

Article III or Exhibit B to an agreement between TVA and the Aluminum Company of America dated August 14, 1941, recorded in the office of the Register of Deeds of Swain County, North Carolina, in Deed Book 63, page 398, et seq., and may affect TVA land tracts Nos. FR-17, 25, 27, 28, 29, 80, 82, 87, 88, 91, 92, 93, 96, 97, 98, 101, 103, 105, 106, 125, 127, 134, 138, 141, 142, 144, 147, 149, 150, 154, 156, 157, 158, 160, 161, 162, 163, 169, 170, 171, 172, 174, 175, 176, 177, 178, 179, 180, 248, 249, 250, 254, 258, 259, 260, 261, 262, 264, and 1293.

- (c) To such exceptions and reservations contained in a deed from Carolina Aluminum Company to the United States of America dated December 17, 1943, recorded in the office of the Register of Deeds of Swain County, North Carolina, in Deed Book 68, page 270, et seq., as may affect TVA land tract No. FR-1255, including (1) such rights of way as may be vested in the State of North Carolina to State Highway 288; (2) such rights of way as may be vested in third parties to a telephone or telegraph line; (3) such burial rights in an existing cemetery and rights of ingress and egress in connection therewith as may now be outstanding in third parties; and (4) rights of way for transmission lines to be constructed by Carolina Aluminum Company or its associated companies to interconnect with the TVA power system.
- (d) To such right of way interests as may be vested in the Southern Railway Company with respect to TVA land tracts Nos. FR-19, 179, 249, 250, 254, 259, 261, 262, 264 and 1293, and to a fee simple interest outstanding

in the Southern Railway Company in TVA land tract No. FR-928, all of which interests are now in the process of acquisition by TVA in the name of the United States.

- (e) To such rights or easements as were reserved to the Harris-Woodbury Lumber Company by deeds of record in Book 34, page 36; Book 44, pages 263 and 265; Book 46, page 306 and Book 49, pages 440, 466, 473, 475, and 567 in the Register's office of Swain County, North Carolina, affecting TVA land tracts Nos. FR-378, 1001, 1018, 1020, 1021, 1023, 1024, 1032, 1227, 1230, 1234, 1235, and 1292.
- (f) To such burial rights and rights of ingress and egress in connection therewith as may be outstanding in third parties in TVA land tracts Nos. FR-494, 712, 1018, 1019, 1020, 1026, 1081, 1135, 1175, 1178, 1185, 1202, 1206, 1210, 1216, 1222, 1245, 1276, 1279, 1281, and 1282.
- (g) To such rights as may be vested in the State of North Carolina and the public to rights of way for public roads, affecting TVA land tracts Nos. FR-17, 18, 25, 27, 28, 29, 80, 82, 87, 96, 101, 103, 381, 443, 445, 446, 452, 454, 456, 463, 465, 466, 467, 468, 470, 471, 478, 480, 494, 495, 496, 497, 506, 510, 515, 516, 517, 518, 547, 550, 556, 563, 566, 672, 711, 712, 713, 714, 721, 722, 723, 727, 728, 729, 730, 731, 750, 751, 894, 900, 901, 913, 1085, 1086, 1087, 1090, 1092, 1093, 1095, 1160, 1223, 1255, 1265, 1266, and 1293, all of which rights of way are now in the process of acquisition by TVA in the name of the United States.

- (h) To such rights as may be vested in third parties to telephone and transmission line rights of way affecting TVA land tract No. FR-1283.
  - (i) To such water rights as may be outstanding in D. G. Fisher or his successors in title in TVA land tract No. FR-138 by virtue of his deed dated October 27, 1907, recorded in Deed Book 31, page 448, in the Register's office of Swain County, North Carolina.
  - (j) To the undivided 56/1440 interests each of Wallace O. Westfeldt and Jane Westfeldt Smith in tract FR-1349, which interests are in the process of acquisition by TVA in the name of the United States.
  - (k) To such rights as may be vested in third parties to minerals and mining rights in the TVA land tracts Nos. FR-29, 80, 106, 127, 128, 134, 141, 162, 163, 169, 170, 172, 174, 248, 249, 250, 254, 258, 264, 345, 379, 380, 446, 478, 490, 498, 502, 503, 506, 507, 508, 509, 510, 515, 560, 673, 675, 717, 719, 913, 1006, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1024, 1025, 1026, 1030, 1031, 1032, 1034, 1035, 1036, 1062, 1063, 1071, 1072, 1084, 1086, 1087, 1090, 1092, 1095, 1121, 1122, 1139, 1143, 1154, 1155, 1156, 1157, 1158, 1162, 1172, 1174, 1175, 1184, 1185, 1226, 1229, 1232, 1233, 1260, 1274, 1276, 1290, 1293, 1296, and 1302.
4. TVA in no way warrants the extent of its interest in the property assigned and transferred under section 1 hereof provided, however, that any interest which may hereafter be acquired by TVA in and to any of said lands shall pass to Department, subject to the terms and conditions hereof, automatically and



without the necessity of any new and separate transfers or assignments thereof; and provided further that, anything herein to the contrary notwithstanding, TVA shall and hereby agrees to indemnify the Department against and save it forever harmless from any obligations and liability and any loss, damage, or expense arising out of the claims and demands of, or the actual or threatened mining of said property or any part thereof by, any party or parties owning or holding title to any minerals contained in said land or owning or holding the right to mine any such minerals, it being the intention hereof that TVA shall at all times protect the Department from any interference with or restriction upon the Department's use of said lands for park purposes where such interference or restriction arises out of the exercise or assertion of outstanding mineral rights or interests. It is understood and agreed, however, that TVA shall at all times have and exercise full control over the handling, defense, settlement, and disposition of all claims, demands, suits, and actions filed with or against the Department, TVA, or the United States based upon outstanding mineral rights or interests; that TVA may compromise, settle, or dispose of any and all such claims, demands, suits, and actions in any manner or by any method or procedure which it may see fit to adopt in its sole discretion; that the Department shall promptly notify TVA in writing concerning any such claims, demands, suits, or actions filed with or against the Department or the United States, and concerning any mining or threatened mining of any of said land by the holder of any mineral rights or interests therein; and that the Department shall not, except pursuant to judicial

judgment or decree, pay compromise, settle, or otherwise dispose of any such claim, demand, suit, or action without the written consent of TVA.

5. The Department agrees to administer and operate the lands, TVA's interest in which is transferred by section 1 hereof, as a part of the Great Smoky Mountains National Park in a manner designed to afford maximum watershed protection. None of said lands shall be resold or exchanged or opened to entry.
6. It is agreed that in the performance of any acts or functions or the exercise of any rights or privileges upon or affecting the land described in section 1 hereof, due consideration shall be given by each party to the rights, interests, and program of the other, it being the intention of the parties that they shall, by consultation and otherwise, at all times cooperate to the fullest possible extent in the promotion of their separate as well as their common interest with respect to said land, and in the accomplishment of their respective programs and objectives in the area.
7. Nothing herein contained shall be construed to constitute a waiver of or compliance with any of the provisions of section 26a of the Tennessee Valley Authority Act of 1933, as amended, or to affect or limit in any way the powers and duties given to and imposed upon TVA by said section 26a.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed  
by their duly authorized officers, the day and year first above written.

TENNESSEE VALLEY AUTHORITY

ATTEST:

By s/ George F. Gant (Seal)  
General Manager

s/ Leona Leroy  
Assistant Secretary

UNITED STATES DEPARTMENT OF THE INTERIOR  
Jan. 10, 1949

APPROVED: By s/ J. A. Krug (Seal)  
Secretary

s/ Harry S. Truman  
President of the United States

The White House

November 15, 1949

Approved by TVA  
Board of Directors  
March 31, 1948  
L.L.  
Assistant Secretary

APPENDIX A

FONTANA RESERVOIR AREA  
LAND PROPOSED FOR TRANSFER TO U.S. DEPARTMENT OF  
INTERIOR (NATIONAL PARK SERVICE)

A tract of land (except those parcels herein after excluded) lying in Forneys Creek and Charleston Townships of Swain County, State of North Carolina, on the north shore of Fontana Lake, between Mountain Branch (which is approximately 1-1/4 miles northwest of the northwest Corporation Line of Bryson City) and Twenty Mile Ridge; the said tract being bounded as follows:

BOUNDED ON THE NORTH AND WEST:

By the present boundary of the Great Smoky Mountains National Park;

BOUNDED ON THE EAST:

By the said park boundary and a line described as follows:

Beginning at an angle iron the coordinates of which are N. 660,658 and E. 665,571 at the intersection of the present boundary of the Great Smoky Mountains National Park and the top of the divide between Noland and Peachtree Creeks.

From the initial point easterly along the meanders of the top of the divide between Peachtree and Lands Creek along the following approximate bearings and distances,

S. 77° 42' ., 620 ft.;

S. 6° 42, E., 570 ft.;

S. 34° 42' E. 2320 ft.;

S. 6° 42' E., 900 ft.;

- S. 31° 18' W., 480 ft.;
- S. 12° 18' W., 470 ft.;
- S. 15° 42' E. 1150 ft.;
- S. 30° 42' E., 820 ft.;
- S. 28° 18' w., 560 ft.;
- S. 2° 42' E., 300 ft.;
- S. 39 ° 18' W., 570 ft.;
- S. 6° 18' W., 350 ft.;
- S. 6° 13' W., 350 ft.;
- S. 25° 48' W., 465 ft.;
- S. 59° 37' E., 305 ft.;
- S. 60° 37' E., 495 ft. to a point the coordinates of which are N. 651,730 and  
E. 667,855;

Leaving the top of the divide, by bearings and distances,

- S. 24° 19' W., 1948 ft. to a black oak stump;
- S. 20° 52' E., 491 ft. to a 30 in. spanish oak tree the coordinates of which are  
N. 649,496 and E. 667, 228 at the top of the divide between Peachtree and Lands Creeks;

Southwesterly along the meanders of the top of the divide along the following the  
approximate bearings and distances,

- S. 23° 54' E., 126 ft.;
- S. 54° 55' W., 200 ft.;
- S. 78° 00' W., 245 ft.;

S. 6° 41' W., 851 ft.;

S. 80° 35' W., 443 ft.;

S. 14° 35' W., 493 ft.;

S. 51° 35' W., 257 ft.;

N. 66° 25' W., 287 ft.;

S. 29° 05' W., 473 ft.;

S. 69° 05' W., 300 ft.;

S. 88° 37' W., 166 ft.;

N. 88° 41' W., 389 ft.;

S. 77° 16' W., 585 ft. to an 8 in. post oak tree;

Leaving the top of the divide, by bearings and distances,

S. 3° 59' E., 912 ft.;

S. 31° 31' W., 649 ft.;

S. 24° 57' E., 245 ft.;

S. 1° 16' E., 156 ft. to a 24 in. pine tree;

S. 11° 31' E., 276 ft. to a 10 in. chestnut tree;

N. 88° 05' E., 300 ft.;

N. 77° 49' E., 639 ft., crossing Lands Creek at 260 ft., more or less;

S. 20° 58' W., 825 ft. to a 15 in. beech tree;

S. 57° 46' W., 262 ft. to an 18 in. maple tree the coordinates of which are

N. 644,250 and E. 664,398 on the left bank of Lands Creek;

S. 38° 40' E., 403 ft.;

S. 28° 56' W., 434 ft.;

S. 65° 23' W., 132 ft.;

S. 30° 50' E., 361 ft. to the center of Mountain Branch;

Southwesterly downstream along the meanders of the center of the branch 975 ft., more or less, to the 1710 ft. contour on the north shore of Fontana Lake;

**BOUNDED ON THE SOUTH:**

By the north shore of Fontana Lake at elevation 1710 from the center of Mountain Branch to the north boundary of State Grant 1387 (which is the north boundary of a tract of land acquired by the Tennessee Valley Authority in the name of the United States of America from the Nantahala Power & Light Company under the designation of Tract No. FR-438); the intersection of the 1710 ft. contour and the north boundary of State Grant 1387 being located 3600 ft., more or less, as measured along the shore of Fontana Lake in a northerly direction from Fontana Dam;

Thence by a line described as follows:

Beginning at the intersection of the 1710 ft. contour and the north boundary of State Grant 1387 from which US TVA Corner 2-4A W.C. (the coordinates of which are N. 656,154 and E. 568, 716) bears N. 73° 30' W., 25 ft.

From the initial point (intersection of the 1710 ft. contour and the north boundary of State Grant 1387) by bearings and distances,

N. 73° 30' W., 322 ft., passing US TVA Corner 2-4A W.C. at 25 ft., to US TVA Corner 2-4;

S. 6° 30' W., 2890 ft., passing US TVA Corner 1-4 at 1372 ft., to US TVA Corner 1-3;

N. 89° 05' W., 250 ft. to US TVA Corner 1-2;

S. 2° 47' W., 1063 ft. to US TVA Corner 1-1 the coordinates of which are N. 654,026 and E. 565,481 at the intersection of the west boundary of a tract of land acquired by the Tennessee Valley Authority in the name of the United States of America from the Carolina Aluminum Company under the designation of Tract No. FR-16 and a line 150 ft. north of and parallel to the center of the access road to Fontana Dam;

Thence westerly along the meanders of the line 150 ft. north of and parallel to the center of the access road to Fontana Dam 3 miles, more or less, to the present boundary of the Great Smoky Mountains National Park at the top of Twenty Mile Ridge.

EXCEPING AND EXCLUDING from the above-described tract three parcels of land owned by the North Carolina Exploration Company described as follows:

Parcel 1

Those portions lying above elevation 1710 of a parcel of land described as follows:

Beginning at a point the coordinates of which are N. 671,005 and E. 584,997 at the intersection of the center of Pinnacle Creek and the present south boundary of the Great Smoky Mountains National Park.

From the initial point by bearings and distances,

N. 68° 54' E., along the park boundary, 440 ft., more or less, to the center of Pinnacle Creek;

Easterly upstream along the meanders of the center of the creek 560 ft., more or less, to the present south boundary of the Great Smoky Mountains National Park;

N. 68° 54' E., along the park boundary, 140 ft., more or less, to the center



of Pinnacle Creek;

Easterly upstream along the meanders of the center of the creek 1560 ft.,  
more or less;

S. 2° 56' W., 196 ft.;

S. 88° 13' E., 650 ft. to a point the coordinates of which are N. 671, 306  
and E. 588,194;

S. 27° 05' E., 2442 ft. to a dead 20 in. chestnut tree the coordinates of  
which are N. 669,132 and E. 589,306;

S. 78° 58' W., 3178 ft.;

S. 53° 58' W., 523 ft.;

S. 75° 58' W., 1659 ft.;

S. 32° 21' W., 368 ft. to a 22 in. hemlock tree;

S. 28° 49' W., 409 ft. to a pine stump;

S. 25° 18' W., 1116 ft.;

S. 81° 48' W., 688 ft.;

S. 6° 46' W., 642 ft., passing a 14 in. hemlock tree at 200 ft., to a stake;

S. 4° 17' W., 1876 ft. to a black oak stump;

S. 50° 48' W., 1139 ft. to an iron pin;

S. 28° 18' E., 578 ft. to an iron pipe;

N. 69° 01' E., 2126 ft. to a dogwood stump;

N. 27° 27' E., 1009 ft. to a 24 in. chestnut snag;

N. 78° 06' E., 1160 ft. to a chestnut stump at the top of Pinnacle Ridge;

S. 6° 01' W., 1671 ft.;

S. 85° 59' E., 767 ft to a 36 in. oak tree the coordinates of which are  
N. 662,477 and E. 585,953 at the top of the divide between Hazel and Eagle  
Creeks;

Southerly along the meanders of the top of the divide along the following  
approximate bearings and distances:

S. 22° 37' W., 570 ft.;

S. 16° 23' E., 870 ft.;

N. 86° 23' W., 770 ft.;

S. 68° 37' W., 800 ft.;

S. 39° 37' W., 620 ft.;

S. 43° 37' W., 350 ft.;

N. 89° 23' W., 1130 ft.;

S. 22° 37' W., 420 ft.;

S. 61° 37' W., 320 ft., crossing a saddle at the head of Cable Branch;

S. 37° 37' W., 400 ft.;

S. 73° 37' N., 260 ft.;

S. 28° 37' W., 560 ft.;

S. 0° 23' E., 750 ft.;

S. 5° 07' W., 1060 ft.;

S. 74° 37' W., 590 ft.;

S. 2° 37' W., 1830 ft.;

S. 45° 37' W. 400 ft.;

S. 37° 37' W., 515 ft.;

S. 50° 37' W., 370 ft.;

S. 39° 37' W., 360 ft.;

S. 41° 37' W., 200 ft.;

S. 3° 23' E., 350 ft.;

S. 2° 07' W., 300 ft. to a hub the coordinates of which are N. 652,942 and

E. 579,516;

Leaving the top of the divide, by bearings and distances,

S. 54° 19' W., 2136 ft., crossing the 1710 ft. contour at 1815 ft.,

more or less;

N. 53° 12' W., 1084 ft., to the center of the former location of the channel  
of Myers Branch,

Southwesterly downstream along the meanders of the center of the former  
location of the channel of the branch 160 ft., more or less;

N. 86° 46' W., 244 ft.;

S. 35° 15' W., 70 ft. to the former location of the northeast right of way  
line of the Carolina and Tennessee Southern Railway;

Northwesterly along the former location of the right of way line 2390  
ft., more or less;

N. 19° W., 215 ft. to a line 300 ft. north of and parallel to the former right  
bank of the Little Tennessee River;

N. 64° W., along the line 300 ft. north of and parallel to the former right

bank of the Little Tennessee River, 90 ft., more or less, to Shuckstack Ridge;

Northerly along the meanders of the top of the ridge along the following approximate bearings and distances;

N. 47° W., 670 ft.;

N. 23° W., 420 ft. to the intersection of the 1710 ft. contour and the top of Shuckstack Ridge;

Continuing along the meanders of the top of the ridge along the following approximate bearings and distances:

N. 11° 50' W., 151 ft.;

N. 9° 10' E., 693 ft.;

N. 27° 50' W., 361 ft.;

N. 17° 10' E., 723 ft.;

N. 29° 50' W., 251 ft.;

N. 29° 10' E., 261 ft.;

N. 36° 50' W., 472 ft.;

S. 84° 10' W., 492 ft.;

N. 45° 50' W., 201 ft. to the center of State Highway 288;

Leaving the ridge, by bearings and distances,

N. 65° 34' E., 6666 ft.;

N. 24° 26' W., 5079 ft. to a chestnut stump and an iron pin the coordinates of which are N. 664,647 and E. 576,857;

N. 67° 16' E., 986 ft. to a stake;

N. 76° 01' E., 918 ft. to a point the coordinates of which are

N. 665,250 and E. 578,657 in the center of Eagle Creek at the mouth of Lost Cove Branch;

Easterly upstream along the meanders of the center of Eagle Creek 6640 ft., more or less, to the mouth of Pinnacle Creek;

Northeasterly upstream along the meanders of the center of Pinnacle Creek 6500 ft., more or less, to the point of beginning. Except, therefrom, approximately 87 acres, lying within the boundaries of Parcel 1 which were not owned by the North Carolina Exploration Company and were acquired by the Tennessee Valley Authority in the name of the United States of America, the 87 acres being expressly included in this transfer and being described as follows:

That portion lying above elevation 1710 of the following described tract of land:

Beginning at a 30 in. black oak tree the coordinates of which are N. 656,480 and E. 579,629.

From the initial point by bearings and distances,

S.  $11^{\circ} 45'$  E., 276 ft. to a 10 in. dogwood stump;

S.  $36^{\circ} 02'$  W., 740 ft.;

S.  $15^{\circ} 02'$  W., 2103 ft. to a 20 in. oak tree from which the hub the coordinates of which are N. 652,942 and E. 579,516 in the boundary of Parcel 1 bears S.  $51^{\circ} 49'$  E., 1032 ft.;

S.  $52^{\circ} 21'$  W., 1568 ft., crossing the 1710 ft. contour at 1225, 1400 and 1450 ft., more or less;

S.  $89^{\circ} 51'$  W., 956 ft.;

N. 30° 51' E., 623 ft., crossing the 1710 ft. contour at 370 ft.;

more or less;

N. 50° 03' W., 321 ft.;

N. 24° 06' W., 416 ft., crossing the 1710 ft. contour at 260 ft.,

more or less;

N. 70° 34' E., 180 ft., crossing the 1710 ft. contour at 25 ft.;

more or less, to the northeast edge of State Highway 288;

S. 62° 36' E., 304 ft.;

N. 30° 15' E., 278 ft.;

S. 53° 22' E., 243 ft.;

N. 30° 51' E., 977 ft.;

N. 45° 51' E., 2708 ft. to the 30 in. black oak tree, the place of beginning.

## Parcel 2

Beginning at a chestnut stump the coordinates of which are N. 671,225 and E. 590,773 from which the corner in the boundary of Parcel 1 the coordinates of which are N. 671,306 and E. 588,194 bears N. 88° 13' W., 2580 ft.

From the initial point by bearings and distances,

S. 88° 13' E., 2180 ft.;

S. 6° 35' W., 1331 ft.;

S. 82° 55' E., 993 ft. to a stake the coordinates of which are N. 669,712

and E. 593,785 at the top of Pinnacle Ridge;

Westerly along the meanders of the top of the ridge 2250 ft., more or less, to a point from which the point of beginning bears N. 21° 18' W., 2442 ft.;

N. 21° 18' W., 2442 ft. to the chestnut stump, the place of beginning.

### Parcel 3

Beginning at a stake the coordinates of which are N. 667,865 and E. 589,582 at the top of Pinnacle Ridge from which the dead 20 in. chestnut tree (the coordinates of which are N. 669,132 and E. 589,306) in the boundary of Parcel 1 bears N. 12° 17' W., 1297 ft.

From the initial point by bearings and distances,

Southwesterly along the meanders of the top of the ridge 1400 ft., more or less;

S. 70° 57' W., 735 ft.;

S. 39° 08' W., 678 ft. to a stake the coordinates of which are N. 666,234 and E. 587,392 at the top of Pinnacle Ridge;

Southwesterly along the meanders of the top of ridge 2750 ft., more or less, to a 24 in. black oak tree;

N. 47° 46' W., 1312 ft. to a stake;

S. 66° 25' W., 860 ft.;

S. 7° 13' W., 876 ft. to the top of the ridge on the west side of Ecoah

Branch;

N. 48° 11' W., 644 ft.;

N. 8° 55' W., 451 ft.;

N. 63° 38' E., 1715 ft., passing a double pine stump at 1435 ft.;

S. 73° 00' E., 540 ft. to a point the coordinates of which are N. 665,960  
and E. 585,143;

S. 73° 17' E., 607 ft.;

N. 42° 37' E., 1107 ft.;

N. 74° 43' E., 778 ft.;

N. 14° 23' W., 604 ft.;

N. 79° 16' E., 2552 ft. to a stake at the top of Pinnacle Ridge, the place of  
beginning.

ALSO EXCLUDING from the land to be transferred all islands lying in Fontana  
Lake.

The tract as described contains approximately 44,170 acres.

The positions of corners and directions of lines are referred to the North  
Carolina State Coordinate System. The elevation is based on Mean Sea Level  
Datum as established by the U.S. Coast and Geodetic Survey's Southeastern  
Supplementary Adjustment of 1936. The corners designated "US TVA Corner"  
above are angle irons witnessed or to be witnessed by fence posts on which the  
numbers and letters given are stamped.