

**TENNESSEE VALLEY AUTHORITY  
NOTICE OF PUBLIC AUCTION**

**YELLOW CREEK PORT INDUSTRIAL PARK  
TVA TRACT NO. XYECR-17**

WHEREAS, in accordance with Section 31 of the Tennessee Valley Authority ("TVA") Act of 1933, as amended, the TVA Board of Directors has approved the sale of a tract of land, excluding any fixtures, buildings, improvements, or facilities located thereon, to be used for industrial purposes only, containing approximately 35 acres, more or less, located in the Yellow Creek Port Industrial Park in Tishomingo County, Mississippi, specifically described in Exhibit B and shown on Exhibit C, both of which are attached hereto and made a part hereof, and identified in TVA land records as TVA Tract No. XYECR-17 (the "Property");

NOW, THEREFORE, notice is hereby given that TVA, as legal agent of the United States of America, will sell the Property at public auction in accordance with the Terms of Public Auction contained in Exhibit A, which is attached hereto and made a part hereof.

The auction will be held at the Tishomingo County Courthouse on June 27, 2008, at 10:00 a.m. CDT.


The Property will be sold to the qualified bidder offering the highest bid for cash (certified cashier's check or wire transfer of immediately available funds accepted).

In order to qualify to bid, TVA must receive from each prospective bidder no later than 12 noon EDT on June 13, 2008, (1) a letter of intent to bid and (2) credentials, satisfactory to TVA in its sole discretion, evidencing the ability of the prospective bidder to close the sale. The letter of intent to bid and credentials must be sent by United States certified mail or by a recognized overnight courier service that provides a receipt of delivery. Prospective bidders who fail to qualify will be notified prior to the auction.

The Property will be conveyed by Special Warranty Deed subject to such terms and conditions, covenants, restrictions, reservations, exceptions, and/or limitations as are specifically set forth in said Exhibit A and as may be announced on the day of the auction. The Property will be sold subject to an existing permanent industrial easement dated July 3, 1974, of record in Deed Book B77, page 48, and filed in the office of the Chancery Court Clerk of Tishomingo County, Mississippi.

Signed this 27<sup>th</sup> day of May, 2008.

TENNESSEE VALLEY AUTHORITY  
legal agent of the  
UNITED STATES OF AMERICA

  
\_\_\_\_\_  
DAISY A. SNIPES, Manager, Realty Services

The Notice of Public Auction can be obtained from the TVA website at [www.tva.gov/surplus/realestate.htm](http://www.tva.gov/surplus/realestate.htm). For further information regarding the sale and bid requirements, to inspect the Property, or to submit bid qualifications, contact: William E. Wasdin, TVA Realty Services, SP3L-C, 1101 Market Street, Chattanooga, TN 37402-2801. Telephone: 423.751.8068 or Toll Free: 1.888.817.5201 Fax: 423.751.9450 [wewasdin@tva.gov](mailto:wewasdin@tva.gov)

**EXHIBIT A  
TO  
TENNESSEE VALLEY AUTHORITY  
NOTICE OF PUBLIC AUCTION**

**YELLOW CREEK PORT INDUSTRIAL PARK  
TVA TRACT NO. XYECR-17**

**TERMS OF PUBLIC AUCTION**

In case of dispute, the decision of the auctioneer will govern. The Tennessee Valley Authority (sometimes hereinafter referred to as "TVA"), as legal agent of the United States of America (sometimes hereinafter collectively referred to as "Grantor"), reserves the right to terminate, cancel, and/or postpone the auction at any time and reserves the right to reject any and all bids.

In the absence of a dispute requiring the decision of the auctioneer, the sale is final and after the auction there will be no opportunity to raise the bid as permitted in court sales.

**The minimum acceptable bid is \$42,042.00.**

The Property will be sold to the highest qualified bidder.

On the day of the auction, the successful bidder (sometimes hereinafter referred to as "Purchaser" and sometimes hereinafter referred to as the "Grantee") must make settlement with the clerk of the sale and either sign an agreement of purchase and sale or accept delivery of the conveyance document.

The Purchaser will be required to make full payment of the purchase price on the day of the auction. Certified cashier's checks or wire transfers are accepted.

In the event the high bidder is unable to make the payment required hereunder, the Property may be re-auctioned at TVA's sole option. In the event the Purchaser does not pay the full purchase price, TVA will retain ten percent (10%) of the high bid as liquidated damages due to Purchaser's default in payment.

Fraudulent bidders may be subject to prosecution under applicable federal statutes.

The acreage is believed to be correctly stated; however, the tract is not sold on an acreage basis and no warranty as to acreage is made.

The conveyance document will be delivered to the Purchaser within five (5) days of the date of the auction.

The deed will contain special warranties of title. Title to the land was examined by TVA prior to purchase and is believed to be good, but no further warranties or insurance will be furnished by TVA. The land is sold "AS IS, WHERE IS" with no representations or warranties of any kind.

TVA does not represent that the Property will be acceptable as security for loans of money or that it will not be rendered unacceptable as such security by reason of the deed provisions and restrictions applicable thereto. While TVA may have suggested or recommended in its advertising or otherwise what it believes to be the highest and best use of the Property, it does not represent or warrant that the same is safe or suitable in any respect for such use.

**EXHIBIT A  
TO  
TENNESSEE VALLEY AUTHORITY  
NOTICE OF PUBLIC AUCTION  
CONTINUED**

**YELLOW CREEK PORT INDUSTRIAL PARK  
TVA TRACT NO. XYECR-17**

The Property was acquired by the United States of America by virtue of the following deeds of record in the office of the Chancery Court Clerk of Tishomingo County, Mississippi, as indicated: Warranty Deed from Mary Johnson, widow, et al., for TVA Tract No. PR-378, dated September 5, 1935, of record in Deed Book B-25, page 46, and Warranty Deed from R. A. Johnson, et al., for TVA Tract No. PR-981, dated March 27, 1937, of record in Deed Book B-26, page 75.

The Property is subject to a Grant of Easement dated July 3, 1974, of record in Deed Book B77, page 48, and filed in the office of the Chancery Court Clerk of Tishomingo County, Mississippi, which is attached hereto and made a part hereof as Exhibit D.

The Property will be conveyed subject to 1) such rights as may be vested in the general public or adjoining owners in any public road running through the Property; 2) such rights as may be vested in a railroad right-of-way; 3) such rights of third parties as would be revealed by a physical inspection or survey of the premises; 4) such rights of third parties as would be revealed by an examination of the public records of Tishomingo County, Mississippi; and 5) any known or unknown encroachments located on the Property. TVA has knowledge of two existing encroachments, which are shown on Exhibit C.

The sale of the Property includes only the land. Any fixtures, buildings, improvements, or facilities located on the Property shall be considered personal property of third parties and shall not be subject to the sale.

Grantee, by acceptance of the special warranty deed, will covenant and agree on behalf of itself and its successors and assigns that the following shall constitute real covenants which shall attach to and run with the land and shall be binding upon anyone who may hereafter come into ownership thereof, whether by purchase, devise, descent, or succession:

- (a) Use of said land shall be limited to industrial purposes only.
- (b) Grantee shall control all emissions of pollutants that might be discharged directly or indirectly into the atmosphere, into any stream, lake, reservoir, watercourse, or surface or subterranean waters, or into or on the ground from any part of said land, in full compliance with all applicable standards and requirements relating to pollution control of any kind now in effect or hereafter established by or pursuant to federal, state, or local statutes, ordinances, codes, or regulations.
- (c) Grantee shall conduct all land-disturbing activities on said land in accordance with the best management practices as defined by Section 208 of the Clean Water Act and implementing regulations to control erosion and sedimentation so as to prevent adverse impact on water quality and related aquatic interests.
- (d) Any other terms, conditions, and/or requirements TVA finds necessary to protect its statutory obligations, program requirements, and other interests.

**EXHIBIT B  
TO  
TENNESSEE VALLEY AUTHORITY  
NOTICE OF PUBLIC AUCTION**

**YELLOW CREEK PORT INDUSTRIAL PARK  
TVA TRACT NO. XYECR-17**

A parcel of land lying in the NW1/4 of Section 27 and also part of the SW1/4 of Section 22, Township 1 South, Range 10 East, Tishomingo County, State of Mississippi, also being on the west bank of the Yellow Creek embayment of the Pickwick Reservoir and Tennessee-Tombigbee Waterway River Mile 447.8R and Tennessee River Mile 215L, as shown on US-TVA Drawing No. 87 MS 422 G 512 (D) R.0 and being more particularly described as follows:

Commencing at a (found) concrete monument at the SW1/4 corner of said Section 22 (Coordinates: N. 1,930,391.3, E. 677,610.5) and being on the TVA Pickwick Reservation Boundary Line, being TVA Corner No. 24 (9); thence N00°03'30"W, 1080.06 feet to an angle iron (set) on the TVA Pickwick Reservation Boundary Line and westerly right of way of County Road #351, being Corner No. 9-200 and the Point of Beginning.

Thence leaving the point of beginning and said TVA Pickwick Reservation Boundary Line, along a curve concave to the northeast having a radius of 500.00 ft, an arc length of 787.29 ft, and forming a chord of S45°01'04"E, 708.44 feet to an angle iron (set) on the bank in front of the Roll Form Group building and southerly right of way of County Road #351, being Corner No. 9-201; thence with said southerly right of way N89°57'33"E, 602.93 feet to an angle iron (set) on a bank in front of the east end of Roll Form Group building and on the westerly right of way of Yellow Creek Port Access Railroad, being Corner No. 9-202; thence leaving said right of way of County Road #351 and with the westerly right of way of access railroad S16°50'28"E, 360.78 feet to a cotton picker spindle (set) on the southeast side of Roll Form Group building in gravel loading area, being Corner No. 9-203; thence continuing with said right of way of the access railroad and 140' parallel with the centerline of access railroad along a curve concave to the west and having a radius of 578.79 feet, an arc length of 572.36 feet, and forming a chord of S18°25'01"W, 549.34 feet to an angle iron (set), being Corner No. 9-204; thence leaving said parallel line S54°29'50"W, 808.84 feet to an angle iron (set) 170 feet parallel to the centerline of access railroad, being Corner No. 9-205; thence parallel with and 170 feet from said centerline of access railroad with a curve concave to the southeast having a radius of 1,386.60 feet, an arc length of 664.21 feet, and forming a chord of S26°29'03"W, 657.88 feet to an angle iron (found) near the base of a metal post, being Corner No. 9-206; thence leaving said parallel line S22°33'46"E, 188.38 feet to an angle iron (found) at the bottom of a metal T-post located 70 feet west of centerline of said access railroad, being Corner 9-207; thence S19°26'59"W, 404.62 feet to a concrete monument (found) on the TVA Pickwick Reservation Boundary line and the west line of said NW1/4 of Section 27, being Corner No. 6A (9); thence leaving said right of way of access railroad and continuing with said TVA Pickwick Reservation Boundary line and the west line of said NW1/4 N00°35'27"W, 1900.95 feet to a concrete monument (found), being the point of commencement and TVA corner No. 24 (9); thence continuing with TVA

4/07/08  
Checked GDB 4/17/2008  
Checked WEW 4/17/2008

**EXHIBIT B  
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CONTINUED**

**YELLOW CREEK PORT INDUSTRIAL PARK  
TVA TRACT NO. XYECR-17**

Pickwick Reservation Boundary Line and west line of said NW1/4 of Section 27  
N00°03'30"W, 1080.06 feet to the point of beginning and containing 35.478 acres.

Located on VTM Quad YELLOW CREEK, MS-AL-TN-25NW.

The above described parcel of land is lying entirely within the SW-1/4 of Section 22 and the NW-1/4 of Section 27, Township 1 South, Range 10 East, Tishomingo County, and State of Mississippi.

Positions of corners and directions of lines are referred the Mississippi (East) Coordinate System and NAD 27 Horizontal Datum. The elevations for establishing the contours are based on NGVD 1929.

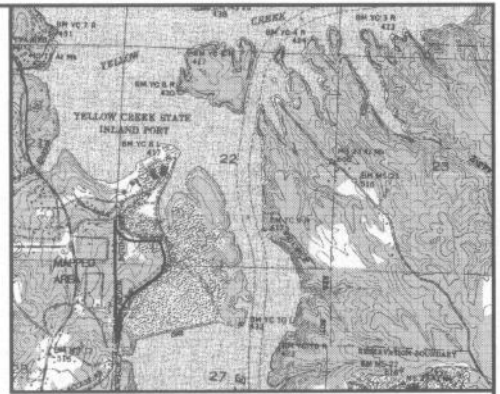
This description was prepared from Reservation Map 04 MS 421 B 514-D-9, Land Sale Maps 87 MS 422 K 502 R.0, 87 MS 422 G 511 (D) R.1, a survey dated April 7, 2008, and the maps and records of:

Tennessee Valley Authority  
1101 Market Street  
MR 4B-C  
Chattanooga, TN 37402-2801

4/07/08  
Checked GDB 4/17/2008  
Checked WEW 4/17/2008

SURVEYED EAD521 DATE 04-07-2008  
 COMPILED LLM DATE 04-14-2008  
 CHECKED DPS DATE 04-18-2008

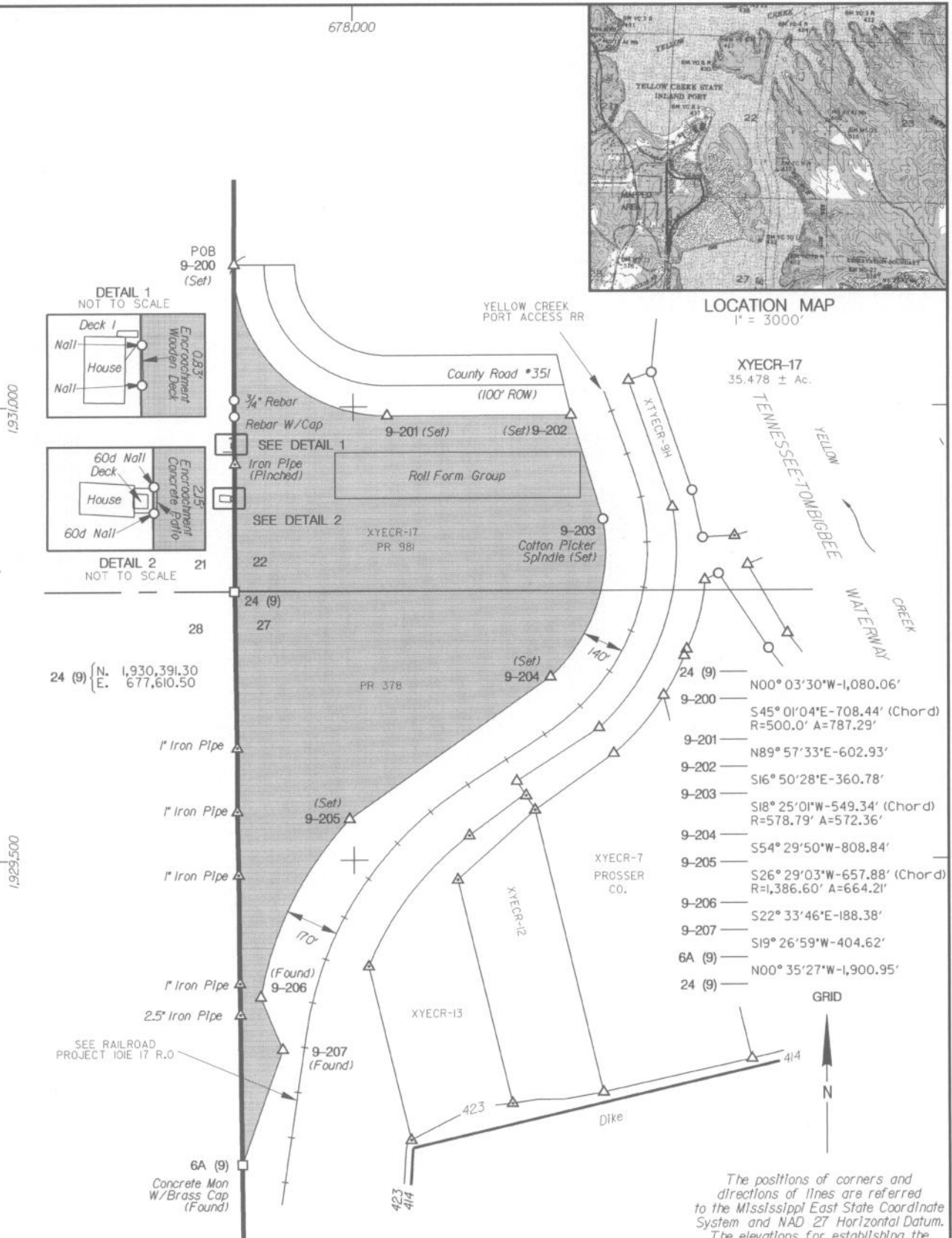
676,000



LOCATION MAP  
1" = 3000'

XYECR-17  
35.478 ± Ac.

EXHIBIT C  
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YELLOW CREEK PORT INDUSTRIAL PARK  
TVA TRACT NO. XYECR-17



LEGEND

- Corner as described
- Concrete Monument
- ▲ Metal Marker
- △ Angle Iron
- Reservation Boundary
- 4/4 Normal Pool Contour
- ▨ Limits of Land Sale

Located on VTM Quad YELLOW CREEK, MS-AL-TN. 25-NW.

Compiled from Reservation Map 04 MS 421 B 514-D-9 R.O.,  
 Land Sale Maps 87 MS 422 K 502 R.2; 87 MS 422 G 51(K) R.1  
 and a survey dated 04-07-2008 by TVA, Chattanooga, TN.

Basis For Coordinates: 24 (9)  
 Basis For Azimuth: 24 (9) To 6A (9)

The positions of corners and directions of lines are referred to the Mississippi East State Coordinate System and NAD 27 Horizontal Datum. The elevations for establishing the contours are based on NGVD 1929.

LAND CONVEYANCE	
LAND MAP	
TISHOMINGO COUNTY, MISSISSIPPI	
SECTION 22 & 27, T15 R10E	
YELLOW CREEK PORT	
TENNESSEE VALLEY AUTHORITY	
SURVEYING SERVICES	
CHATTANOOGA	87[MS]422 B 512(D) R.O APR 2008 DIGITAL NO. 87009008r0

**EXHIBIT D**  
**TO**  
**TENNESSEE VALLEY AUTHORITY**  
**NOTICE OF PUBLIC AUCTION**

This instrument prepared by

*Patrick M. Dooley*  
Patrick M. Dooley, Attorney  
519 Lupton Building  
Chattanooga, Tennessee 37401

**YELLOW CREEK PORT INDUSTRIAL PARK**  
**TVA TRACT NO. XYECR-17**

TRACT NO. XYECR-1-IE

GRANT OF EASEMENT

THIS INDENTURE, made and entered into by and between the United States of America (hereinafter sometimes referred to as the "Grantor"), acting herein by and through its legal agent, the Tennessee Valley Authority (hereinafter sometimes referred to as the "Authority"), a corporation created and existing under an Act of Congress, known as the "Tennessee Valley Authority Act of 1933," as amended, and STATE OF MISSISSIPPI FOR USE OF MISSISSIPPI AGRICULTURAL AND INDUSTRIAL BOARD, hereinafter called the "Grantee,"

WITNESSETH:

WHEREAS, the Authority is authorized by Public Law 87-852 to grant to an applicant, on behalf of the United States of America, such easement affecting Federal property in its custody and control as the Authority's Board of Directors determines will not be adverse to the interests of the Grantor; and

WHEREAS, in considering Grantee's application, the Board of Directors of the Authority has determined that the use of the land hereinafter described for the purposes hereinafter defined, and subject to the exceptions, reservations, covenants, or conditions hereinafter set forth, will not be adverse to the interests of the Grantor;

NOW, THEREFORE, in consideration of the sum of ONE HUNDRED NINETY-FOUR THOUSAND AND NO/100 Dollars (\$194,000.00) to be added to the Authority's investment in the project and repaid on the same terms as other items included in such investment under contract TV-34832A and supplements thereto, the United States of America acting by and through the Authority, does hereby bargain, sell, transfer, and convey unto the Grantee:

A permanent easement for industrial purposes, subject to the exceptions, reservations, covenants, and conditions hereinafter set out, on, over, and across four parcels of land lying in Tishomingo County, State of Mississippi, in the E1/2 sec. 21, the W1/2 sec. 22, and the W1/2NW1/4 sec. 27, T. 1 S., R. 10 E., on the west shores of the Yellow Creek Embayment of Pickwick Landing Lake, immediately southeast of the Tanyard Branch Inlet, the said parcels lying along the west side of the Yellow Creek Port Access Railroad, along both sides of the Yellow Creek Port Access Highway, and along the northeast side of State Highway 25, the surveyed center line for the access railroad, the access highway, and State Highway 25, together with the perimeter of each of the four parcels of land being separately and more particularly described as follows:

*214*

CENTER LINE DESCRIPTIONS

Access Railroad - Beginning at a point on the surveyed center line for the access railroad at survey station 510 + 73.4, said point being 149 feet east of and opposite US-TVA Monument 6A (Coordinates: N. 1,928,491; E. 677,630) in the west line of sec. 27 at the corner of the lands of the United States of America, Bill Robertson, and O. W. Pittman; thence N. 8 deg. 11' 30" E., 397.5 feet to the T. S. of a 150 foot cubic spiral for a 5 degree curve to the right at survey station 514 + 70.9; thence with the spiral in a northerly direction 150.0 feet to the S. C. of the curve at survey station 516 + 20.9; thence with the curve in a northeasterly direction 825.3 feet to the C. S. of a 150 foot cubic spiral for the curve at survey station 524 + 46.2; thence with the spiral in a northeasterly direction 150.0 feet to the S. T. of the spiral at survey station 525 + 96.2; thence N. 56 deg. 57' 30" E., 144.2 feet to the T. S. of a 250 foot cubic spiral for an 8 degree curve to the left at survey station 527 + 40.4; thence with the spiral in a northeasterly direction 250.0 feet to the S. C. of the curve at survey station 529 + 90.4; thence with the curve in a northerly direction 712.6 feet to the C. S. of a 250 foot cubic spiral for the curve at survey station 537 + 03.0; thence with the spiral in a northerly direction 250.0 feet to the S. T. of the spiral at survey station 539 + 53.0; thence N. 20 deg. 03' 00" W., 432.6 feet to the T. S. of a 150 foot cubic spiral for a 5 degree curve to the right at survey station 543 + 85.6; thence with the spiral in a northerly direction 150.0 feet to the S. C. of the curve at survey station 545 + 35.6; thence with the curve in a northerly direction 693.3 feet to the C. S. of a 150 foot cubic spiral for the curve at survey station 552 + 28.9; thence with the spiral in a northerly direction 150.0 feet to the S. T. of the spiral at survey station 553 + 78.9; thence N. 22 deg. 07' 00" E.

Access Highway - Beginning at a point (Coordinates: N. 1,931,785; E. 676,289) in the center of the junction with State Highway 25 at survey station 20 + 00 on the surveyed center line for the access highway; thence N. 71 deg. 13' E., 546.7 feet, entering the United States of America's land where the surveyed center line of the access highway crosses the center line of an old road at 426.4 feet and at survey station 24 + 26.4, to the P. C. of a 12 degree curve to the right at survey station 25 + 46.7; thence with the curve in an easterly direction, 253.6 feet to the P. T. of the curve at survey station 28 + 00.3; thence S. 78 deg. 21' E., 290.0 feet to the P. C. of a 6 degree curve to the left at survey station 30 + 90.3; thence with the curve in an easterly direction 539.8 feet to the P. T. of the curve at survey station 36 + 30.1; thence N. 69 deg. 16' E., 581.3 feet to the P. C. of a

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15 degree curve to the left at survey station 42 + 11.4; thence with the curve in a northeasterly direction, 318.3 feet to the P. T. of the curve at survey station 45 + 29.7.

State Highway 25 - Beginning at a point on the surveyed center line of State Highway 25 at a corner in the boundary of the United States of America's land at survey station 706 + 31.0, said point being N. 88 deg. 59' W., 439 feet from US-TVA Monument 22 (Coordinates: N. 1,932,067; E. 676,538) at an angle in the said boundary; thence with the United States of America's boundary and with a 3 degree curve on the surveyed center line as it curves to the left in a northwesterly direction 73.3 feet to the C. S. of a 200 foot cubic spiral for the curve at survey station 707 + 04.3; thence with the spiral in a northwesterly direction 200.0 feet to the S. T. of the spiral at survey station 709 + 04.3; thence N. 43 deg. 06' W., 123.2 feet to the T. S. of a 200.0 foot cubic spiral for a 3 degree and 30 minute curve to the right at survey station 710 + 27.5; thence with the spiral in a northwesterly direction, 200.0 feet to the S. C. of the curve at survey station 712 + 27.5.

PERIMETER DESCRIPTIONS

PARCEL NO. 1

Beginning at US-TVA Monument 6A (Coordinates: N. 1,928,491; E. 677,630) in the west line of the right of way of the access railroad, in the west line of sec. 27, and in the boundary of the United States of America's land at a corner of the lands of Bill Robertson and O. W. Pittman, said monument being 149 feet west of and opposite survey station 510 + 73.4 on the surveyed center line for the access railroad; thence with the United States of America's boundary N. 0 deg. 35' W., 1900 feet to US-TVA Monument 24 at a common corner of secs. 21, 22, 27, and 28, T. 1 S., R. 10 E.; thence with the west line of sec. 22 N. 0 deg. 03' W., 1080 feet to a metal marker in the west line of the right of way for a proposed road at the tangent point of a curve having a radius of 500 feet; thence leaving the United States of America's boundary and with the said curve on the right of way line for the proposed road as it curves to the left in a southeasterly direction 785 feet to a metal marker at the tangent point of the curve; thence N. 89 deg. 57' E., 603 feet to a metal marker on the west line of the right of way for the access railroad; thence with the right of way line for the access railroad S. 16 deg. 50' E., 361 feet to a metal marker which is 140 feet west of and radially opposite survey station 537 + 03.0 on the surveyed center line for the access railroad; thence with a line 140 feet west of and parallel to an 8 degree curve on the surveyed

center line for the access railroad as it curves to the right in a southerly direction 573 feet to a point which is radially opposite survey station 529 + 90.4; thence, leaving the line parallel to the center line, S. 54 deg. 31' W., 809 feet to a metal marker which is 170 feet northwest of and radially opposite survey station 522 + 00; thence with a line 170 feet northwest of and parallel to a 5 degree curve on the surveyed center line as it curves to the left in a southwesterly direction 665 feet to a metal marker which is radially opposite survey station 516 + 20.9; thence, leaving the line parallel to the center line, S. 22 deg. 42' E., 188 feet to a metal marker which is 70 feet west of and opposite survey station 514 + 70.9; thence S. 19 deg. 27' W., 405 feet to the point of beginning, and containing 35.3 acres, more or less.

PARCEL NO. 2

Beginning at a metal marker (Coordinates: N. 1,931,072; E. 678,683) where the west line of the right of way for the access railroad is intersected by the north line of the right of way for a proposed road, said metal marker being N. 16 deg. 50' W., 104 feet from the metal marker at the northeast corner of the above described Parcel No. 1; thence with the right of way line for the proposed road S. 89 deg. 57' W., 573 feet to a metal marker at the tangent point of a curve to the right having a radius of 400 feet; thence with the curve in a northwesterly direction 628 feet to a metal marker at the tangent point of the curve; thence N. 0 deg. 03' W., 230 feet to a metal marker; thence N. 43 deg. 55' E., 269 feet to a metal marker which is 70 feet south of and opposite survey station 36 + 30.1 on the surveyed center line of the access highway; thence with the right of way line for the access highway N. 69 deg. 16' E., 750 feet to a metal marker in the west line of the right of way for the access railroad; thence with the right of way line for the access railroad S. 21 deg. 23' W., 5 feet to a metal marker which is 110 feet west of and radially opposite survey station 552 + 28.9 on the surveyed center line of the access railroad; thence with a line 110 feet west of and parallel to a 5 degree curve on the surveyed center line as it curves to the left in a southerly direction 760 feet to a metal marker which is radially opposite survey station 545 + 35.6; thence, leaving the line parallel to the surveyed center line, S. 16 deg. 50' E., 351 feet to the point of beginning, and containing 17.5 acres, more or less.

PARCEL NO. 3

Beginning at US-TVA Monument 22 (Coordinates: N. 1,932,067; E. 676,538) in the center line of an old road and at an angle in the boundary of the United States of America's land; thence with the United States of America's boundary N. 88 deg. 59' W.,

377 feet to a point in the northeast line of the right of way of State Highway 25, said point being S. 88 deg. 59' E., 62 feet from survey station 706 + 31.0 on the surveyed center line of the said highway; thence leaving the United States of America's boundary with the highway right of way line and a line 50 feet northeast of and parallel to a 3 degree curve on the surveyed center line as it curves to the left in a northwesterly direction 113 feet to a metal marker opposite survey station 707 + 04.3; thence with a line 50 feet northeast of and parallel to a 200 foot cubic spiral for the curve in a northwesterly direction 203 feet to a metal marker opposite survey station 709 + 04.3; thence continuing with a line parallel to the surveyed center line of State Highway 25 N. 43 deg. 06' W., 123 feet to a metal marker opposite survey station 710 + 27.5; thence with a line at right angles to the center line N. 46 deg. 54' E., 35 feet to a right of way monument; thence with a line 85 feet northeast of and parallel to a 200 foot cubic spiral for a 3 degree and 30 minute curve on the surveyed center line as it curves to the right in a northwesterly direction 100 feet to a metal marker in the 423 foot contour on the southeast shore of the Tanyard Branch Inlet of the Yellow Creek Embayment; thence with the 423 foot contour as it meanders down the inlet in a northeasterly direction and subsequently up the Yellow Creek Embayment in an easterly direction to a metal marker (Coordinates: N. 1,932,648; E. 678,185); thence, leaving the contour, S. 37 deg. 03' E., 440 feet to a metal marker in the northwest line of the right of way for the access highway, said metal marker being 98 feet northwest of and radially opposite survey station 43 + 19.4 on the surveyed center line for the said access highway; thence with the right of way line for the access highway S. 34 deg. 54' W. 96 feet to a metal marker which is 55 feet north of and opposite survey station 42 + 11.4; thence S. 77 deg. 19' W., 214 feet to a metal marker which is 85 feet north of and opposite survey station 40 + 00; thence S. 63 deg. 04' W., 372 feet to a point which is 45 feet north of and opposite survey station 36 + 30.1; thence S. 84 deg. 57' W. 402 feet to a metal marker which is 65 feet north of and radially opposite survey station 32 + 00; thence N. 46 deg. 04' W., 120 feet to a metal marker which is 135 feet north of and opposite survey station 30 + 90.3; thence N. 86 deg. 38' W., 243 feet to a metal marker which is 100 feet north of and opposite survey station 28 + 50; thence S. 87 deg. 16' W., 169 feet to a metal marker which is 70 feet north of and radially opposite survey station 27 + 00; thence S. 77 deg. 09' W., 173 feet to a metal marker which is 60 feet north of and opposite survey station 25 + 46.7; thence S. 71 deg. 13' W., 143 feet to a metal marker in the center line of an old road and in the boundary of the United States of America's land, said point being 60 feet north of and opposite survey station 24 + 04; thence with the United States

of America's boundary and with the center line of the old road approximately N. 50 deg. 08' W., 148 feet to the point of beginning, and containing 27.3 acres, more or less.

PARCEL NO. 4 -

Beginning at US-TVA Monument 23 (Coordinates: N. 1,931,832; E. 677,609) buried in the center line of an old road, in the south line of the right of way for the access highway, in the east line of sec. 21, and in the boundary of the United States of America's land at a corner to the land of James Williams et ux; thence with the United States of America's boundary and with the center line of the old road as it meanders in a southwesterly direction and subsequently in a northwesterly direction a total distance of approximately 1005 feet to a metal marker in the south line of the right of way for the access highway; thence leaving the United States of America's boundary and with the highway right of way line N. 71 deg. 17' E., 80 feet to a metal marker which is 60 feet south of and opposite survey station 25 + 46.7 on the surveyed center line of the access highway; thence N. 86 deg. 26' E., 219 feet to a metal marker which is 60 feet south of and opposite survey station 28 + 00.3; thence S. 74 deg. 30' E., 150 feet to a metal marker which is 70 feet south of and opposite survey station 29 + 50; thence S. 74 deg. 44' E., 205 feet to a metal marker which is 85 feet south of and opposite survey station 31 + 50; thence S. 89 deg. 50' E., 219 feet to the point of beginning, and containing 2.8 acres, more or less.

The four parcels of land as described above contain a total of 83. acres, more or less.

Furthermore, with Parcel #3, the right to construct, operate, and maintain at locations and in accordance with plans approved in advance by the Authority: (1) Water-use facilities on and over the adjoining land lying between the 423-foot contour elevation and the adjacent waters of the lake and in and on such waters; and (2) non-habitable structures, facilities, and improvements not subject to serious damage, if temporarily flooded, such as roads, drives, parking areas, railroad spurs, or open storage concentration yards, on and over that portion of said adjoining land which is located above the 414-foot contour elevation; and the further right of suitable ingress and egress over said adjoining land to and from the waters of the lake and to and from all structures, facilities, and improvements maintained in, on, or over said land or waters pursuant to the rights herein conveyed, all upon the express condition that said rights shall be subject to and shall not in any way interfere with the Authority's statutory program for river control and development, including, but without limitation

by reason of enumeration, the Authority's right to flood the land lying below elevation 425 or to do anything which the Authority deems necessary or desirable in the promotion of vector control, flood control, navigation, or other programs; and the Authority shall not be liable for any loss or damage resulting therefrom.

The positions of corners and directions of lines are referred to the Mississippi (East) Coordinate System. The contour elevation is based on MSL Datum as established by the USC&GS 1929 General Adjustment. The boundary markers designated "US-TVA Monument" are concrete monuments capped by bronze tablets imprinted with the given numbers.

The property affected by the easement rights hereby conveyed was acquired by the United States of America by deeds of record in the office of the Chancery Clerk of Tishomingo County, Mississippi, from the following:

- R. A. Johnson et al, dated June 6, 1936, recorded in Deed Book B-25, page 415;
- H. L. Smith et ux, dated February 8, 1936, recorded in Deed Book B-25, page 273;
- R. A. Johnson et ux, dated September 12, 1936, recorded in Deed Book B-25, page 64;
- Mary Johnson et al, dated September 5, 1936, recorded in Deed Book B-25, page 46;
- R. A. Johnson et al, dated March 27, 1937, recorded in Deed Book B-26, page 75;

It is understood and agreed that the proceeds from the sale or lease of the easement rights hereby conveyed, or any portion thereof or interest therein, by Grantee shall be used solely for the expansion and enlargement of the port or port facilities or to retire a portion of TVA's investment in the port facility, in the discretion of the Mississippi Agricultural and Industrial Board and in accordance with the terms of contract TV-34832A as supplemented.

It is further understood and agreed that any lease or conveyance of the land affected by the easement rights hereby conveyed, or any portion thereof or interest therein, shall contain a provision that title to or use of the land, or portion thereof leased or conveyed, shall revert to Grantee in the event the tenant or grantee shall ever cease to use the land, or portion thereof leased or conveyed, for industrial purposes.

This conveyance is made subject to the express condition that no buildings or fill be placed below the 423-foot contour of Parcel 2 without prior written approval by TVA..

The easement rights herein described are conveyed subject to and shall not in any way interfere with the paramount rights of the Tennessee Valley Authority and the United States of America to conduct the Authority's statutory program for river control and development, including, but without limitation by reason of lack of specific enumeration, the Authority's right to do anything it deems necessary or desirable to promote public health, flood control, navigation, and other essential programs.

It is expressly understood and agreed that there are excepted from this conveyance and specifically reserved to the Grantor, and its assigns, the permanent and paramount right to temporarily and intermittently flood that portion of the land affected by the above described easement which lies below the 425-foot contour elevation by virtue of the erection and operation of any dam or dams across the Tennessee River and its tributaries, and the further right to temporarily and intermittently flood any portion of any road providing access to the area affected by the easement conveyed hereby which lies below the 425-foot contour elevation.

THE GRANTOR RESERVES the right to maintain any existing boundary and traverse monuments and silt range stations upon the area affected by the easement described above.

THE GRANTEE, in accepting this conveyance, covenants for itself, its successors and assigns, and agrees to and with the Grantor that the following shall constitute real covenants which shall attach to and run with the above described easement and shall be binding upon anyone who may hereafter come into ownership thereof, whether by purchase or succession:

- (1) In the interest of public health and sanitation and in order that the land above described and all other land in the same locality

may be benefited by a decrease in the hazards of stream pollution and by the protection of water supplies, recreation, wildlife, and other public uses of Grantor's reservoir waters and shorelands, it will not use or permit the use of the above described easement for any purpose that will result in the draining or dumping into the reservoir of any refuse, sewage, or other material which in the judgment of the Authority would degrade water quality to an extent that would be incompatible with the public interest, and that it will control all wastes which might be discharged into the reservoir in accordance with waste disposal plans, submitted separately for Grantee's initial installation and for each major addition thereto or modification thereof, which shall first have been approved in writing by the Authority, and will collect and dispose of all trash, garbage, refuse and other solid wastes accumulated or left on the premises in accordance with applicable laws and regulations and in a manner such as not to create a public nuisance or a hazard to public health and with sufficient frequency to keep the premises orderly and sanitary.

- (2) The Grantor, its successors, agents, or assigns, shall not be liable for any loss or damage to the above described easement or any improvements located thereon due to erosion or soakage of the land as a result of wave action, fluctuation of water levels, or other causes. 24
- (3) It will not construct buildings for human habitation on any portion of the above-described land located below the 423-foot contour elevation, and will not construct buildings or structures of any nature on any portion of the above-described land located below the 423-foot contour elevation, except such as are constructed in accordance with plans which have been approved in advance and in writing by the Authority. 25
- (4) It is understood and agreed that the land over which easement rights are conveyed by this grant is to be used as the site for the construction of industrial facilities. As part of the consideration for this conveyance and in the interest of public health, enjoyment of property and economic welfare and in order that other land in the vicinity retained and owned by Grantor and other nearby land in public or private ownership may be benefited by a decrease in the hazards of air pollution and by the protection of the atmosphere, the Grantee, for itself, its successors and assigns, by the acceptance of this grant covenants and agrees to and with the Grantor that it will control all emission of smoke, dust, dirt, gases, fumes, mists, or other pollutants which might be discharged into the atmosphere from any part of the industrial site hereby conveyed in accordance with air pollution control plans submitted separately to the Authority for Grantee's initial installation and for each significant addition or modification on such site, which plans shall first have been approved in writing by the Authority; provided, however, that air pollution control plans which have been approved shall not be required by the Authority to be changed or revised unless there is a further significant addition or modification. 27

The easement rights hereby conveyed are subject to easements for roads.

TO HAVE AND TO HOLD said easement unto the Grantee, its successors and assigns, forever.

And the Authority does hereby covenant that the United States of America is seized and possessed of the above described land; that the Authority as legal agent of the United States is duly authorized to convey the above described and defined easement on, over, across, through, or under the same; that said land is free and clear of liens and encumbrances; and that, subject to the exceptions, conditions, restrictions and/or limitations expressly mentioned above, it will warrant and defend the title thereto against the lawful demands of all persons claiming by, through or under the United States of America, but not further or otherwise.

IN WITNESS WHEREOF, the Tennessee Valley Authority, acting herein as legal agent of the United States of America, and being duly authorized to do so, has caused this instrument to be executed, in the name of the United States of America, by its authorized officers, and its corporate seal to be hereunto affixed this the 3rd day of July, 1974.

Attest: Patrick M. Dooley  
Assistant Secretary

UNITED STATES OF AMERICA  
BY TENNESSEE VALLEY AUTHORITY  
its legal agent  
By: I. M. Pitts  
Chief, Land Branch

STATE OF TENNESSEE }  
COUNTY OF HAMILTON }

On the 3rd day of July, 1974, personally appeared before me I. M. Pitts and Patrick M. Dooley to me personally known, who, being by me duly sworn, did say that they are ----- Chief of the Land Branch and Assistant Secretary, respectively, of the TENNESSEE VALLEY AUTHORITY, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed, sealed, and delivered in behalf of said corporation, as legal agent for the UNITED STATES OF AMERICA, by authority of its Board of Directors; and the said I. M. Pitts and Patrick M. Dooley severally acknowledged said instrument to be the free act and deed of said corporation and of the UNITED STATES OF AMERICA.

WITNESS my hand and official seal at Chattanooga, Tennessee, this the day and year aforesaid.

L. David Pool  
Notary Public

My commission expires:  
October 5, 1974

TVA 2537-2 - Easement - 3KTM (LA-3-74)