TV-77899A

DEED
Made By
UNITED STATES OF AMERICA
And
TENNESSEE VALLEY AUTHORITY
To
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE

BOOK 7837 PAGE 809

THIS INSTRUMENT, made and entered into this 9th day of May, 1989, effective as of the 9th day of May, 1989, by the UNITED STATES OF AMERICA (hereinafter sometimes called "Grantor"), acting by and through its legal agent, TENNESSEE VALLEY AUTHORITY (hereinafter sometimes called "TVA"), a corporation duly organized and existing under and by virtue of the Tennessee Valley Authority Act of 1933, as amended, as Grantor, to the THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE (hereinafter called "Grantee"), a municipal corporation duly created, organized, and existing under and by virtue of the laws of the State of Tennessee, acting by and through the Electric Power Board of said Metropolitan Government, as Grantee;

W I T N E S S E T H:

WHEREAS, TVA, as legal agent of the United States of America, is authorized, under Section 4(k)(d) of the Tennessee Valley Authority Act of 1933, as amended, to convey as provided therein the interests in land hereinafter described, being property upon which electrical facilities are located;

NOW, THEREFORE, for and in consideration of the sum of Twenty Thousand Five Hundred Five Dollars and Seventy-eight Cents ($20,505.78) paid by Grantee, the receipt of which is hereby acknowledged, Grantor has granted, bargained, sold, transferred, and conveyed, and does by these presents hereby grant, bargain, sell, transfer, and convey unto Grantee, its successors and assigns, subject to the reservations and encumbrances hereinafter set forth, the following described interests in land, to wit:

A parcel of land (being comprised of portions of US-TVA Tracts DVDSS-1, -4, and -5) located in the Ninth Civil District of Davidson County, State of Tennessee, on the right bank of the Harpeth River, approximately one mile southeast of Newsom as shown on US-TVA drawing LW-5741 and being more particularly described as follows:

This instrument was prepared by
Sanford D. Katine
Office of the General Counsel
Tennessee Valley Authority
Knoxville, Tennessee

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Beginning at a point in the boundary of the United States of America's land, being a corner in the south line of the Davidson 500-kV Substation site and US-TVA Tract DVDSS-5 and being on the west line of a 20-foot road easement; thence, with the said boundary, the line of the substation site and the west line of the road easement, N. 12° 27' W., 577.3 feet to a point; thence, leaving the boundary, the line of the substation site and the road easement, S. 84° 14' E., 1116.5 feet to a point in the centerline of the Harpeth River, being a point in the boundary of the United States of America's land and a point in the east line of the substation site; thence, with the centerline of the said river, the said boundary and the line of the substation site meandering southwesterly and forming chords as follows:

S. 50° 43' W., 32.9 feet
S. 25° 07' W., 549.5 feet

to a point; thence, leaving the centerline of the river, N. 84° 45' W., 730.7 feet to the point of beginning and containing 11.47 acres, more or less.

In addition, Grantor hereby provides Grantee rights of ingress and egress to the above-described parcel over an existing road 20 feet in width located on the remaining portion of the Davidson 500-kV Substation site.

Bearings given in the above description are based on Magnetic North.

The above-described parcel of land is hereby conveyed subject to the following:

(1) Such rights as may be vested in third parties for ingress and egress over and across a strip of land 20 feet in width along the entire west boundary of the above-described parcel.

(2) Such easement rights as may be vested in the State of Tennessee, Department of Conservation by instrument, dated April 23, 1976, (Tract XDVDSS-1SC).

The above-described parcel of land being conveyed to Grantee hereunder was acquired by instruments recorded in the office of the Register of Davidson County, Tennessee, as follows:

(1) US-TVA Tract DVDSS-1 was acquired by the United States of America by a deed from Roger N. Hutton, dated March 29, 1967, of record in Deed Book 4116, page 151.

(2) US-TVA Tract DVDSS-4 was acquired by the United States of America by a deed from Joseph Lee Stephens, Sr., and others, dated April 20, 1967, of record in Deed Book 4123, page 470.

(3) US-TVA Tract DVDSS-5 was acquired by the United States of America by a deed from George T. Stephens and wife, Martha Stephens, dated April 6, 1967, of record in Deed Book 4118, page 699.

TO HAVE AND TO HOLD said interests in land and premises unto Grantee, its successors and assigns, together with all rights and appurtenances thereto belonging.

And Grantor does hereby covenant that TVA, as legal agent of Grantor, is duly authorized and has the right to execute this conveyance of the above-described interests in land, and that, subject to the reservations and encumbrances hereinabove set forth, Grantor will warrant and defend the title thereto against the lawful demands of all persons claiming by, through, or under Grantor, but not further or otherwise.

Inasmuch as the above-described parcel is located in the 500-year floodplain and portions of the parcel are located in the 100-year floodplain and in the floodway, Grantee, by its acceptance of this instrument, agrees for itself and on behalf of its successors and assigns, that any activity at the above-described parcel affecting the floodplains and floodway, including any additions to the parcel or any draining, filling, or grading of the parcel or the making of any additions to or modification of the facilities located on the parcel, shall be made in such manner as not to increase the incidence of flooding or flood damage potential and shall be consistent with all local regulations and ordinances affecting occupancy of or modifications to the floodplains and floodway. The above covenant shall be a real covenant and shall be binding on Grantee and any of Grantee's successors and assigns that may hereafter obtain any interest or control whatsoever in said portions of US-TVA Tracts DVDSS-1, -4, and -5 or any part of said tracts that are subject to said covenant.

IN WITNESS WHEREOF, the Tennessee Valley Authority, acting herein as legal agent of the United States of America, and being duly authorized so to do, has caused this instrument to be signed, sealed, attested, and delivered in the name of the United States of America by its duly authorized officers, and its corporate seal to be hereunto affixed, as of the date first above written.

Attest:

By _____
Assistant Secretary

UNITED STATES OF AMERICA

By Tennessee Valley Authority
Its Legal Agent

By _____
Manager of Distributor
Marketing and Services

STATE OF TENNESSEE)
) SS
COUNTY OF HAMILTON)

BOOK 7837 PAGE 813

On the 9th. day of May, 1989, before me appeared G. DOUGLAS CARVER and JAMES N. PATE, to me personally known, who, being by me duly sworn, did say that they are the Manager of Distributor Marketing and Services and an 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 in its capacity as legal agent of the UNITED STATES OF AMERICA, by authority of its Board of Directors; and the said G. DOUGLAS CARVER and JAMES N. PATE severally acknowledged said instrument to be the free act and deed of said corporation as legal agent of the UNITED STATES OF AMERICA.

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

Bobby L. Reeves
Notary Public

My commission expires: Nov. 21, 1989.

NOTARY PUBLIC AT LARGE STATE OF TENNESSEE BOBBY L. REEVES

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