

CERTIFIED COPY
IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

UNITED STATES DISTRICT COURT
WEST. DIST. OF SO. CAR.
FEB 9 1952
FILED

UNITED STATES OF AMERICA,
Petitioner,
v.

A. M. _____ P. M.
W. D. WHITE, CLERK

2,728.56 ACRES OF LAND, MORE
OR LESS, SITUATE IN McCORMICK
AND ABBEVILLE COUNTIES, SOUTH
CAROLINA, AND MARY LOUISE
ALLSTON, ET AL.,

JUDGMENT ON DECLARATION OF TAKING NO. 1

Civil Action No. 1133

Defendants.

This day comes the petitioner in the above entitled cause, the United States of America, by John C. Williams, Esq., United States Attorney, and Walter H. Sims, Special Attorney, Department of Justice, and moves the Court to enter a judgment on Declaration of Taking No. 1 filed in the above entitled cause on February 7, 1952, and upon consideration thereof and of the condemnation petition filed herein, said Declaration of Taking No. 1, the statutes in such cases made and provided, and it appearing to the satisfaction of this Court.

First, That the United States of America is entitled to acquire property by eminent domain for the purposes as set out and prayed for in said petition;

Second, That a Petition for Condemnation was filed at the request of the Secretary of the Army, the authority empowered by law to acquire the lands described in said petition and also under authority of the Attorney General of the United States;

Third, That the said petition and declaration of taking No. 1 state the authority under which and the public use for which said lands were taken, that the Secretary of the Army is the person duly authorized and empowered by law to acquire lands such as are described in the petition for the purpose of adequately providing for a reservoir area, for flood control and other purposes incident thereto for use in connection with the Clark Hill Project, Georgia-South Carolina (Savannah River) and for such other uses as may be authorized by Congress or by Executive Order, and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings;

Fourth, That a description of the land sought to be taken sufficient for identification thereof is set out in said declaration of taking No. 1;

Fifth, That the said Declaration of Taking No. 1 contains a statement of the estate or interest in the said lands taken for said public use;

Sixth, That plans or maps showing the lands taken are incorporated in the said Declaration of Taking No. 1;

Seventh, That a statement is contained in said Declaration of Taking No. 1 of a sum of money estimated by said acquiring authority to be just compensation for the taking of each of the tracts of land described therein in the aggregate amount of Fifty Two Thousand Three Hundred (\$52,300.00) Dollars, and that the said sum was deposited in the registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking No. 1;

Eighth, That a statement is contained in said Declaration of Taking No. 1 that the amount of the ultimate award of compensation for the taking of said property, in the opinion of the said Secretary of the Army, will probably be within any limits prescribed by law as to the price to be paid therefor.

NOW, THEREFORE, IT IS ADJUDGED, ORDERED AND DECREED that the title to the ten (10) tracts of land which are particularly described in Exhibit A, which is attached to and made a part of this judgment, together with all buildings and improvements thereon and all appurtenances thereto, in fee simple, subject, however, to existing easements for public roads and highways, public utilities, railroad and pipe lines, vested in the United States of America upon the filing of said Declaration of Taking No. 1 and the depositing in the registry of this Court of the said sum of Fifty-Two Thousand Three Hundred (\$52,300.00) Dollars as hereinabove recited, the said lands are deemed to have been condemned and taken for the use of the United States of America and the right to just compensation for the property taken upon the filing of the Declaration of Taking No. 1 and making of the deposit, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

That the United States of America is now entitled to possession of the above described premises, which possession was obtained by the United States by virtue of an Order Granting Immediate Possession of this Court heretofore filed in the course of this proceeding.

This cause is held open for such other orders, judgments, and decrees as may be necessary in the premises.

February 8, 1952.

(Signed) C. C. Wyche
United States District Judge

TRUE COPY,
TEST:

OFFICIAL
W. D. WHITE, CLERK,
BY Beatrice A. Keys
DEPUTY CLERK
AFFIXED

Exhibit
SCHEMATIC "A"

The land which is the subject of this Judgment on declaration of taking aggregates 1,707.75 acres, more or less, situate and being in the Counties of McCormick and Abbeville, South Carolina. A description of the land taken, together with the names of the purported owners thereof, and a statement of the sum estimated to be just compensation therefor, is shown on attached sheets.
Tract No. K-1027

All that tract or parcel of land lying and being situate in McCormick County, South Carolina, bounded on the north by other lands of James B. Britt and Mary R. Talbert, on the east by lands of W. E. Britt, on the south by lands of W. E. Britt and J. C. Talbert, lands of United States of America Forest Service and a branch and on the west by lands of Dr. John De La Howe Industrial School and being more particularly described as follows: Beginning at a concrete monument with a brass cap stamped S-57-K which is a common corner to the lands of Dr. John De La Howe Industrial School and lands of James B. Britt and Mary R. Talbert and having a coordinate value 1,110,102.75, thence along a

new line through the lands of James B. Britt and Mary R. Talbert $N 84^{\circ} 34' E 1458.1$ feet to a concrete monument with a brass cap stamped S-56-K-1 said concrete monument being located on the property line between the lands of James B. Britt and Mary R. Talbert and lands of W. E. Britt; thence along the lands of James B. Britt and Mary R. Talbert and lands of Forest Service and the herein described tract; thence along the lands of United States of America Forest Service $N 66^{\circ} 10' W 565$ feet to a point on the center line of a branch; thence upstream with the meanders of the center line of the center line of a branch; westerly direction and continuing along the center line of the center line of a branch; Service approximately 640 feet to a concrete monument which is a common corner to the lands of United States of America Forest Service, Dr. John De La Howe Industrial School and the herein described tract; thence leaving the branch and along the lands of Dr. John De La Howe Industrial School $N 16^{\circ} 55' W 151.0$ feet to the point of beginning and containing 5.50 acres, more or less.

Bearings are Plane Bearings referring to the Transverse Mercator Coordinate System, Georgia East Zone.
 Name of Purported Owner: James B. Britt and Mary R. Talbert
 Estimated-Just-Compensation-----\$100.00
 -Rv-Pv-Dv-McCormick,-Sv-Gv

Tract No. K-1047

All that tract or parcel of land lying and being situate in McCormick County, South Carolina, bounded on the north by lands of United States of America Forest Service, M. G. & J. J. Dorn, Inc., a branch and Little River, on the southeast by lands of G. O. Hemminger, particularly described as follows:

Beginning at a concrete monument which is a common corner to the lands of United States of America Forest Service, lands of Kathleen Morrah (now Marchant) and having a coordinate value $1,453,572 N, 409,278 E$; thence along the lands of United States of America Forest Service $N 40^{\circ} 18' W 1615.2$ feet to a concrete monument; thence downstream along the lands of United States of America Forest Service approximately 2330 feet to the intersection of the center line of the center line of the center line of a branch; Little River, said intersection being a common corner to the lands of United States of America Forest Service, M. G. & J. J. Dorn, Inc., and the herein described tract; thence downstream with the meanders of the center line of the center line of a branch with the center line of southeasterly direction and along the lands of the aforementioned Little River in a 3200 feet to a point on the center line of the center line of a branch; thence being a common corner to the lands of M. G. & J. J. Dorn, Inc., approximately herein described tract; thence leaving the river and along the lands of G. O. Hemminger and the United States of America Forest Service and the herein described tract; thence along the lands of United States of America Forest Service and the herein described tract; beginning and containing 92.60 acres, more or less.

The land as described is substantially the same land as that described in a deed from John W. Morrah to Kathleen Morrah (now Marchant) dated 9 August 1899 and recorded in the Abbeville, now McCormick County records.
 Bearings are Plane Bearings referring to the Transverse Mercator Coordinate System, Georgia East Zone.
 Name of Purported Owner: Kathleen Marchant
 Greenville,-South-Carolina
 Estimated-Just-Compensation-----\$1050.00

Tract No. K-1082

All that tract or parcel of land lying and being situate in McCormick County, South Carolina, bounded on the northeast by lands of United States of America Forest Service, on the southeast by other lands of James B. Britt, on the southwest by lands of Mrs. Avis T. Britt, on the northwest by lands of United States of America Forest Service and Long Cane Creek and being more particularly described as follows:

Beginning at a point on the center line of Long Cane Creek, said point being a common corner to the lands of Mrs. Avis T. Britt, United States of America Forest Service and the herein described tract; thence upstream with the meanders of the center line of the aforementioned Long Cane Creek in a southeasterly and northeasterly direction and along the lands of United States of America Forest Service approximately 730 feet to a point on the center line of the aforementioned Long Cane Creek; thence leaving the creek and continuing along the lands of United States of America Forest Service $S 50^{\circ} 02' E 1455$ feet to a point on the property line between the lands of United States of America Forest Service and lands of James B. Britt, said point having a coordinate value $1,443,553 N, 439,620 E$; thence along a new line through the lands of James B. Britt $S 71^{\circ} 31' W 1293.5$ feet to a 30" white oak which is a common corner to the lands of Joe C. Bowick & Mrs. Florence Bowick, Mrs. Avis T. Britt and the herein described tract; thence along the lands of Mrs. Avis T. Britt $N 25^{\circ} 05' W 830$ feet; thence $N 29^{\circ} 45' E 120$ feet to the point of beginning and containing 25.54 acres, more or less.

The land as described is a part of the same land as that described in a deed from Mrs. Mattie K. Britt to James B. Britt dated January 1945 and recorded in Deed Book 16, page 109, of the McCormick County records.
 Bearings are Plane Bearings referring to the Transverse Mercator Coordinate System, Georgia East Zone.
 Name of Purported Owner: James B. Britt
 Rv-Pv-Dv-McCormick,-South-Carolina
 Estimated-Just-Compensation-----\$675.00

Tract No. K-1087

All that tract or parcel of land lying and being situate in McCormick County, South Carolina, bounded on the northeast by lands of S. O. Young Estate, on the southeast by other lands of James B. Britt, on the southwest and northwest by lands of United States of America Forest Service and Long Cane Creek and being more particularly described as follows:

Beginning at a stake which is a common corner to the lands of James B. Britt and lands of United States of America Forest Service and having a coordinate value $1,447,400 N, 440,435 E$; thence along the lands of United States of America Forest Service $N 47^{\circ} 30' W 565$ feet to a point on the center line of the center line of the center line of a branch; by a stake, thence upstream with the meanders of the center line of the center line of a branch; Long Cane Creek in a northwesterly and northeasterly direction and continuing along the lands of United States of America Forest Service approximately 3175 feet to a point on the center line of the aforementioned Long Cane Creek, said point being a common corner

to the lands of United States of America Forest Service, S. O. Young Estate and the herein described tract; thence leaving the creek and along the lands of S. O. Young Estate S 52° 15' E 2725 feet to a stake which is a common corner to the lands of S. O. Young Estate and lands of James B. Britt; thence along a new line through the lands of James B. Britt and 26' W 1357.6 feet to the point of beginning and containing 54.0 acres, more or less.

The land as described is a part of the same land as that described in a deed from Mrs. Mattie B. Britt to James B. Britt dated January 1945 and recorded in Deed Book 16, page 109, of the McCormick County records.

Bearings are Plane Bearings referring to the Transverse Mercator Coordinate System, Georgia East Zone.

Name of Purported Owner:

James B. Britt
R-F-Bry-McCormick,-South-Carolina

Estimated-Just-Compensation-----\$925.00

Tract No. W-1327

All that tract or parcel of land lying and being situate in McCormick County, South Carolina, bounded on the northeast by lands of M. G. & J. J. Dorn, Inc., on the south by lands of R. L. Faulkner, on the west by Savannah River, on the northwest by other lands of Millwood Company, a corporation, and lands of Wateree Power Company, a South Carolina Corporation, and being more particularly described as follows:

Beginning at a point on the east bank of Savannah River, said point being a common corner to other lands of Millwood Company, a corporation, and the herein described tract; thence along other lands of Millwood Company, a corporation, N 44° 55' E 1950 feet to a point, said point being a common corner to other lands of Millwood Company, a corporation, lands of Wateree Power Company, a South Carolina Corporation, and the herein described tract; thence along the lands of Wateree Power Company, a South Carolina Corporation N 77° 00' E 880 feet; thence N 3° 20' E 720 feet to a point, said point being a common corner to the lands of Wateree Power Company, a South Carolina Corporation, other lands of Millwood Company, a corporation, and the herein described tract; thence along other lands of Millwood Company, a corporation, N 44° 55' E 855 feet to a point, said point being a common corner to other lands of Millwood Company, a corporation, M. G. & J. J. Dorn, Inc., and the herein described tract; thence along the lands of M. G. & J. J. Dorn, Inc., S 43° 14' E 1964.5 feet to a concrete monument, said monument having a coordinate value 1,463,042 N, 374,465 E; thence N 36° 00' E 2018.8 feet; thence S 31° 48' E 2140.2 feet; thence S 43° 25' W 624.3 feet; thence S 32° 56' E 1274.5 feet to a concrete monument which is a common corner to the lands of M. G. & J. J. Dorn, Inc., R. L. Faulkner and the herein described tract; thence along the lands of R. L. Faulkner S 62° 07' W 6545 feet to a stake on the east bank of Savannah River, said stake being a common corner to the lands of R. L. Faulkner and the herein described tract; thence upstream with the meanders of Savannah River in a northwesterly direction approximately 3570 feet to the point of beginning and containing 565.30 acres, more or less.

The land as described is a part of the same land as that described in a deed from I. C. Harrison to Millwood Company, a corporation, dated 11 September 1933 and recorded in Deed Book 13, page 220-21, of the McCormick County records.

Bearings are Plane Bearings referring to the Transverse Mercator Coordinate System, Georgia East Zone.

Name of Purported Owner:

Millwood Company, A Corporation
Charlotte,-North-Carolina

Estimated-Just-Compensation--\$17,000.00

Tract No. W-1328

All that tract or parcel of land lying and being situate in McCormick County, South Carolina, bounded on the east and south by lands of Millwood Company, a corporation, on the northwest by other lands of Wateree Power Company, A South Carolina Corporation, and being more particularly described as follows:

Beginning at a point, said point being a common corner to the lands of Millwood Company, a corporation, other lands of Wateree Power Company, A South Carolina Corporation, and the herein described tract and having a coordinate value 1,462,955 N, 371,615 E; thence along other lands of Wateree Power Company, a South Carolina Corporation, N 44° 55' E 1285 feet to a point, said point being a common corner to other lands of Wateree Power Company, A South Carolina Corporation, lands of Millwood Company, a corporation, and the herein described tract; thence along the lands of Millwood Company, a corporation, S 3° 20' W 720 feet; thence S 77° 00' W 880 feet to the point of beginning and containing 6.93 acres, more or less.

The land as described is a part of the same land as that described in a deed from W. S. Lee to Wateree Power Company (Corp. under South Carolina Law) dated 27 November 1931 and recorded in Deed Book 12, page 325, of the McCormick County records.

Bearings are Plane Bearings referring to the Transverse Mercator Coordinate System, Georgia East Zone.

Name of Purported Owner:

Wateree Power Company, A South Carolina Corporation
W-Power-Co
Charlotte,-North-Carolina

Estimated-Just-Compensation--\$300.00

Tract No. R-1700

All that tract or parcel of land lying and being situate in Abbeville County, South Carolina, bounded on the north by lands of Wateree Power Company, A South Carolina Corporation, on the south by other lands of Millwood Company, A Corporation, on the west by Savannah River and being more particularly described as follows:

Beginning at a point on the east bank of Savannah River, said point being a common corner to the lands of Wateree Power Company, A South Carolina Corporation and the herein described tract and having a coordinate value 1,462,650 N; 370,345 E; thence along the lands of Wateree Power Company, A South Carolina Corporation, N 77° 00' E 1310 feet to the intersection of the property line between the lands of Wateree Power Company, A South Carolina Corporation, and lands of Millwood Company, A Corporation, with the county line between the counties of Abbeville and McCormick; thence with the county line between the counties of Abbeville and McCormick S 44° 55' W 1950 feet to a point on the east bank of the aforementioned Savannah River; thence upstream with the meanders of the aforementioned Savannah River in a northwesterly and northeasterly direction approximately 1150 feet to the point of beginning and containing 16.80 acres, more or less.

The land as described is a part of the same land as that described in a deed from I. C. Harrison to Millwood Company, A Corporation, dated 11 September 1933 and recorded in Deed Book 58, page 4-5, of the Abbeville County records.

Bearings are Plane Bearings referring to the Transverse Mercator Coordinate System, Georgia East Zone.

Name of Purported Owner:

Millwood Company, A Corporation, W-Power-Co
Charlotte,-North-Carolina

Estimated-Just-Compensation-----\$450.00

Tract No. R-1701

All that tract or parcel of land lying and being situate in Abbeville County, South Carolina, bounded on the north by other lands of Wateree Power Company, a South Carolina corporation, and on the northeast by lands of Millwood Company, a corporation, and on the south by other lands of Wateree Power Company, a South Carolina corporation, and on more particularly described as follows:

Beginning at a point on the left bank of Savannah River, and being corner to the lands of Millwood Company, a corporation, and the herein described tract, said point being located at the upstream end of a slough; thence upstream with the meanders of the left bank of the Savannah River approximately 17,200 feet to a point on the left bank of Savannah River; thence leaving the Savannah River and along a new line through the lands of Wateree Power Company, a South Carolina corporation, N 71° 34' E 70 feet to the 380 foot contour, mean sea level datum; thence in a southeasterly direction with the meanders of the aforementioned 380 foot contour approximately 19,860 feet to its intersection with the property line between the lands of Millwood Company, a corporation, and lands of Wateree Power Company, a South Carolina corporation; thence along the lands of Millwood Company, a corporation, N 44° 00' E 630 feet to its intersection with the meanders of the aforementioned 380 foot contour; thence in a northeasterly direction with the property line between the lands of Millwood Company, a corporation, and lands of Wateree Power Company, a South Carolina Corporation; thence along a new line through the lands of Wateree Power Company, a South Carolina Corporation, S 50° 30' E 240.0 feet to a point on the property line between the lands of Millwood Company, a corporation, and lands of Wateree Power Company, a South Carolina Corporation; thence along the lands of Millwood Company, a corporation, S 45° 17' E 5550.8 feet; thence along the lands of Millwood Company, a corporation, S 3° 28' W 2952.6 feet to a large stone having a coordinate value 1,467,996 N; 372,756 E; S 3° 20' W 1185 feet to a point on the Abbeville-McCormick County line which is a point on the property line between the lands of Abbeville-McCormick County line which is a point County line and through the lands of Wateree Power Company, a corporation, and lands of Company, a South Carolina corporation; thence along the Abbeville-McCormick Company, a South Carolina corporation, and Millwood Company, a corporation, thence along the lands of Millwood Company, a corporation, S 77° 00' W 1310 feet to the point of beginning and containing 661.50 acres, more or less.

Bearings are Plane Bearings referring to the Transverse Mercator Coordinate System, Georgia East Zone.

Name of Purported Owner:

Wateree Power Company, a South Carolina Corporation
~~W-Duke-Power-Company~~
 Charlotte, North Carolina

Estimated-Just-Compensation-----\$23,000.00

Tract No. R-1702

All that tract or parcel of land lying and being situate in Abbeville County, South Carolina, bounded on the northeast and southeast by other lands of Millwood Company, a corporation, on the west by lands of Wateree Power Company, a South Carolina corporation, and being more particularly described as follows:

Beginning at a large stone which is a common corner to the lands of Wateree Power Company, a South Carolina corporation, and lands of Millwood Company, a corporation, and having a coordinate value 1,465,049 N, 372,578 E; thence along a new line through the lands of Millwood Company, a corporation, S 43,14' E 790 feet to a point on the Abbeville-McCormick County line; thence with the Abbeville-McCormick County line and along other lands of Millwood Company, a corporation, S 44° 55' W 855 feet to a point on the aforementioned Abbeville-McCormick County line, said point being a common corner to the lands of Millwood Company, a corporation and lands of Wateree Power Company, a South Carolina corporation; thence leaving the county line and along the lands of Wateree Power Company, a South Carolina corporation, N 3° 20' E 1185 feet to the point of beginning and containing 7.18 acres, more or less.

Bearings are Plane Bearings referring to the Transverse Mercator Coordinate System, Georgia East Zone.

Name of Purported Owner:

Millwood Company, a corporation ~~W-Duke-Power-Company~~
 Charlotte, North Carolina

Estimated-Just-Compensation-----\$400.00

Tract No. R-1703

All that tract or parcel of land lying and being situate in Abbeville County, S. C., bounded on the northeast by other lands of Millwood Company, a corporation, on the southeast and southwest by lands of Wateree Power Company, a South Carolina Corporation, on the northwest by other lands of Millwood Company, a Corporation, and being more particularly described as follows:

Beginning at a point on the 380' contour, as referred to Mean Sea Level Datum, which is the property line between the lands of Wateree Power Company, a South Carolina Corporation, and lands of Millwood Company, a Corporation; thence leaving the contour and along new lines through the lands of Millwood Company, a Corporation, N 71° 34' E 884.9 feet to a point, said point having a coordinate value 1,476,330 N, 362,433 E; thence S 50° 30' E 6731.8 feet to a point on the aforementioned 380' contour as referred to Mean Sea Level Datum, which is the property line between the lands of Millwood Company, a Corporation, and lands of Wateree Power Company, a South Carolina Corporation; thence with the meanders of the aforementioned 380' contour, MSL, in a southwesterly direction and along the lands of Wateree Power Company, a South Carolina Corporation, approximately 770 feet; thence leaving the contour S 44° 00' W 630 feet to a point on the aforementioned 380' contour, as referred to Mean Sea Level Datum; thence with the meanders of the aforementioned 380' contour, MSL, and continuing along the lands of Wateree Power Company, a South Carolina Corporation, in a southwesterly, northwesterly, northeasterly and northwesterly direction approximately 19,860 feet to the point of beginning and containing 272.40 acres, more or less.

Bearings are Plane Bearings referring to the Transverse Mercator Coordinate System, Georgia East Zone.

Name of Purported Owner:

Millwood Company, a Corporation
~~W-Duke-Power-Company~~
 Charlotte, North Carolina

Estimated-Just-Compensation-----\$8,400.00

The-gross-estimate-to-be-just-compensation-for-the-interest-in-the-land-is-\$52,300.00

Recorded this 14th day of February, 1952 at 2 P. M.

I, Frank Mattison, Clerk of Court