

MARSHALL SUBDIVISION RESTRICTIONS

07/ 202

ABOVE DESCRIBED LAND AND SHALL BE BINDING UPON ANYONE WHO MAY HEREAFTER COME INTO OWNERSHIP THEREOF, WHETHER BY PURCHASE, DEVISE, DESCENT, OR SUCCESSION:

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 SHORE LANDS, HE WILL NOT USE THE ABOVE DESCRIBED PROPERTY FOR ANY PURPOSE THAT WOULD RESULT IN THE DRAINING OR DUMPING INTO THE RESERVOIR OF ANY REFUSE, SEWAGE, OR OTHER MATERIAL WHICH MIGHT TEND TO POLLUTE THE WATERS OF SAID RESERVOIR.

HE WILL NOT CONSTRUCT OR MAINTAIN ANY BUILDINGS OR OTHER STRUCTURES EXCEPT FENCES, OR EXCEPT WATER USE FACILITIES AT LOCATIONS AND UPON PLANS TO BE APPROVED IN ADVANCE BY TVA, ON ANY PORTION OF THE ABOVE DESCRIBED LOTS WHICH IS LOCATED BELOW THE 381-FOOT CONTOUR ELEVATION.

THE GRANTOR, ITS SUCCESSORS, AGENTS, OR ASSIGNS, SHALL NOT BE LIABLE FOR ANY LOSS OR DAMAGE TO THE ABOVE DESCRIBED LANDS 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.

THE GRANTEE, FOR HIMSELF, HIS HEIRS, SUCCESSORS, AND ASSIGNS FURTHER COVENANTS AND AGREES TO AND WITH ALL OTHER PURCHASERS OF LOTS IN THE MARSHALL SUBDIVISION THAT THE FOLLOWING SHALL CONSTITUTE REAL COVENANTS WHICH SHALL ATTACH TO AND RUN WITH THE ABOVE-DESCRIBED LAND AND SHALL BE BINDING UPON ANYONE WHO MAY HEREAFTER COME INTO OWNERSHIP THEREOF, WHETHER BY PURCHASE, DEVISE, DESCENT, OR SUCCESSION:

FOR THE BENEFIT OF ALL PURCHASERS OF LOTS IN THE MARSHALL SUBDIVISION, WHICH EMBRACES THE LAND DESCRIBED ABOVE, AS SHOWN BY MAP OF RECORD IN DEED BOOK 83, PAGE 533, IN THE COUNTY COURT CLERK'S OFFICE OF MARSHALL COUNTY, AND IN ORDER TO FOSTER THE DEVELOPMENT AND PROTECT THE VALUE OF ALL OF SAID LAND FOR PRIVATE RESIDENCE PURPOSES, THE GRANTEE (1) ~~HEREIN CONVEYED, DESCRIBED AS~~ TRACTS XGIR-100:85 AND XGIR-100:86, OF SAID SUBDIVISION, ~~AND~~ ~~TRACTS~~; (2) ~~WITH~~ JOINTLY WITH OTHER GRANTEES THE LAND DESCRIBED AS ~~TRACTS~~, TRACTS XGIR-100:122, -100:123, AND -100:124, OF SAID SUBDIVISION IN WHICH JOINT AND UNDIVIDED INTERESTS ARE HEREBY CONVEYED ONLY FOR SUCH PURPOSES AS ARE COMPATIBLE WITH ~~THE~~ OR AS MAY BE NECESSARY FOR THE ENJOYMENT OF THE WATERS OF KENTUCKY RESERVOIR ~~AND~~, BUT NOT LIMITED TO, SUCH FACILITIES AS ~~AND~~, ~~AND~~, TOGETHER WITH SUCH NECESSARY AND APPURTENANT OUT BUILDINGS AS MAY BE REQUIRED; (3) ~~OR~~ OR MAINTAIN OR CAUSE OR SUFFER TO BE CONSTRUCTED OR MAINTAINED ON EACH OF ~~THE~~, ANY BUILDING OTHER THAN A SINGLE DWELLING COSTING ~~WITH~~ WITH NECESSARY AND APPURTENANT OUTBUILDINGS; (4) WILL CONSTRUCT FOR USE WITH THE BUILDINGS EITHER SEPTIC TANKS OR OUTDOOR TOILETS IN ACCORDANCE WITH THE STANDARDS OF THE STATE AND COUNTY PUBLIC HEALTH OFFICIALS; (5) WILL NOT CONSTRUCT OR MAINTAIN OR CAUSE OR SUFFER TO BE CONSTRUCTED OR MAINTAINED ON EACH OF LOTS 85 AND 86, OR PARTICIPATE IN THE CONSTRUCTION JOINTLY ON LOTS 122, 123 AND 124 OF ANY BUILDING LOCATED NEARER THAN 25 FEET FROM ANY SIDE LINE OF SAID LOTS OR FROM THE CENTER LINE OF ANY ROAD AND NOT NEARER THAN 5 FEET FROM THE MARGIN OF THE RIGHT OF WAY OF SAID ROAD.

TO HAVE AND TO HOLD said land and premises unto the grantee, his heirs, successors and assigns, in fee simple, together with all and singular the heredita-

494
Lot 124 was acquired by virtue of the deed from Arthur Swan Guip et ux, dated June 29, 1939, recorded in Deed Book 63, page 364, and the deed from Perry M. Karnes et al, dated September 30, 1939, recorded in Deed Book 63, page 405, both instruments recorded in the office of the County Court Clerk, Marshall County, Kentucky.

The above land is sold subject to such intermittent flooding during any period from December 1 to June 1, that may result from the erection and operation of any dam or dams across the Tennessee River and its tributaries, and also subject to the right to temporarily and intermittently flood at any time any portion of any road serving the land described.

It is understood and agreed that the above land is conveyed subject to such rights as may be vested in third parties to rights of way for roads.

It is understood and agreed that the designation of the above described land as part of the Marshall Subdivision and the provision of road access to said land do not imply an undertaking on the part of the Grantor or Authority to maintain said Subdivision or road or roads, and neither the Grantor nor the Authority shall be liable for the maintenance of said road or roads or for any damages resulting from the construction or use thereof.

IN MAKING THIS CONVEYANCE, HOWEVER, THE GRANTOR EXPRESSLY RESERVES THE FOLLOWING DESCRIBED EASEMENT RIGHTS:

THE RIGHT TO MAINTAIN ANY EXISTING BOUNDARY AND TRAVERSE MONUMENTS AND SILENT RANGE STATIONS UPON THE LAND ABOVE DESCRIBED.

ON AND OVER THOSE PORTIONS OF LOTS 122, 123 AND 124 WHICH ARE LOCATED WITHIN A DISTANCE OF 250 FEET OF THE SHORELINE ("SHORELINE" AS USED HEREIN REFERS TO THE 359-FOOT CONTOUR ELEVATION) OF ANY STREAM OR RESERVOIR UNDER GRANTOR'S CONTROL: THE RIGHT TO ERECT AND MAINTAIN NAVIGATION AIDS AND DO SUCH CLEARING AS GRANTOR MAY DEEM NECESSARY TO ENSURE VISIBILITY.

ALL URANIUM, THORIUM, AND ALL OTHER MATERIALS DETERMINED PURSUANT TO SECTION 5 (b) (1) OF THE ATOMIC ENERGY ACT OF 1946 (50 STAT. 761) TO BE REGULARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIAL, CONTAINED, IN WHATEVER CONCENTRATION, IN DEPOSITS IN THE LANDS COVERED BY THIS INSTRUMENT ARE HEREBY RESERVED FOR THE USE OF THE UNITED STATES, TOGETHER WITH THE RIGHT OF THE UNITED STATES THROUGH ITS AUTHORIZED AGENTS OR REPRESENTATIVES AT ANY TIME TO ENTER UPON THE LAND AND PROSPECT FOR, MINE, AND REMOVE THE SAME, MAKING JUST COMPENSATION FOR ANY DAMAGE OR INJURY OCCASIONED THEREBY. HOWEVER, SUCH LAND MAY BE USED, AND ANY RIGHTS OTHERWISE ACQUIRED BY THIS DISPOSITION MAY BE EXERCISED, AS IF NO RESERVATION OF SUCH MATERIALS HAD BEEN MADE; EXCEPT THAT, WHEN SUCH USE RESULTS IN THE EXTRACTION OF ANY SUCH MATERIAL FROM THE LAND IN QUANTITIES WHICH MAY NOT BE TRANSFERRED OR DELIVERED WITHOUT A LICENSE UNDER THE ATOMIC ENERGY ACT OF 1946, AT IT NOW EXISTS OR MAY HEREAFTER BE AMENDED, SUCH MATERIAL SHALL BE THE PROPERTY OF THE UNITED STATES ATOMIC ENERGY COMMISSION, AND THE COMMISSION MAY REQUIRE DELIVERY OF SUCH MATERIAL TO IT BY ANY POSSESSOR THEREOF AFTER SUCH MATERIAL HAS BEEN SEPARATED AS SUCH FROM THE ORES IN WHICH IT WAS CONTAINED. IF THE COMMISSION REQUIRES THE DELIVERY OF SUCH MATERIAL TO IT, IT SHALL PAY TO THE PERSON MINING OR EXTRACTING THE SAME, OR TO SUCH OTHER PERSON AS THE COMMISSION DETERMINES TO BE ENTITLED THERETO, SUCH SUMS INCLUDING PROFITS, AS THE COMMISSION DEEMS FAIR AND REASONABLE FOR THE DISCOVERY, MINING, DEVELOPMENT, PRODUCTION, EXTRACTION, AND OTHER SERVICES PERFORMED WITH RESPECT TO SUCH MATERIAL PRIOR TO SUCH DELIVERY, BUT SUCH PAYMENT SHALL NOT INCLUDE ANY AMOUNT ON ACCOUNT OF THE VALUE OF SUCH MATERIAL BEFORE REMOVAL FROM ITS PLACE OF DEPOSIT IN NATURE, IF THE COMMISSION DOES NOT REQUIRE DELIVERY OF SUCH MATERIAL TO IT, THE RESERVATION HEREBY MADE SHALL BE OF NO FURTHER FORCE OR EFFECT.

IN ACCEPTING THIS CONVEYANCE, HOWEVER, THE GRANTEE, FOR HIMSELF, HIS HEIRS, SUCCESSORS AND ASSIGNS, COVENANTS AND AGREES TO AND WITH THE GRANTOR THAT THE FOLLOWING SHALL CONSTITUTE REAL COVENANTS WHICH SHALL ATTACH TO AND RUN WITH THE