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MANHATTAN DISTRICT HISTORY

UNCLASSIFIED

BOOK I - GENERAL

VOLUME 10 - LAND ACQUISITION CEW

492A

MDH-Book I-V.10

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NO. 2 OF 4 SERIES A

MDH-Book I-V10

**MANHATTAN DISTRICT HISTORY**

**BOOK I - GENERAL**

**VOLUME 10 - LAND ACQUISITION GEN**

CLASSIFICATION CANCELLED
DATE <u>10-17-59</u>
For The Atomic Energy Commission
<i>H. P. Canale</i>
Chief, Declassification Branch <i>fra</i>

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## FOREWORD

This volume has been prepared to acquaint the reader with the general procedure and policy employed by the War Department in the acquisition of real property and to describe in detail the procedures, policies, authorities, and problems involved in the purchase of over 58,000 acres of land located in Roane and Anderson Counties, State of Tennessee, now known as the Clinton Engineer Works, within whose boundary the gas and thermal diffusion, the electromagnetic and the Clinton Pile Projects, as well as the Town of Oak Ridge have been constructed.

The text has been arranged primarily on a chronological basis. Pertinent tables showing progress of purchases, acreages, appraisal values and amounts paid, have been inserted in the text. However, the bulk of tables, maps, and related correspondence, has been assigned to the appendices with suitable references in the text.

Most of the material contained herein has been taken from the files of the Ohio River Division, Real Estate Branch, Columbus, Ohio. Material relative to purpose, and to initial authorizations for purchase of property was obtained from the files of the Manhattan District, Oak Ridge, Tennessee.

This portion of the Manhattan District History covers a period ending 31 December 1946.

The summary is written to conform, in chronological order, with the main text. Numbers and titles of paragraphs used in the summary

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correspond with numbers and titles of sections in the text. References made in the main text to the appendices are by section and exhibit number and sub-letter. In the appendices, sections are designated by capital letters, and exhibits by numerals and sub-letters. As an example, the photograph of the Edgemoor Bridge is referred to in the text as follows: (See App. C-1-a), meaning Appendix C, exhibit 1-a.

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MANHATTAN DISTRICT HISTORY

BOOK I - GENERAL

VOLUME 10 - LAND ACQUISITION CEW

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SUMMARY

1. General. - The tract of land comprising the Clinton Engineer Works, within whose boundaries the gas and thermal diffusion, the electromagnetic, the Clinton Pile plants, and the Town of Oak Ridge were constructed, consists of approximately 58,000 acres located in Roane and Anderson Counties, State of Tennessee. This land was acquired by the Land Acquisition Branch of the Ohio River Division, Columbus, Ohio, under the direction of the Real Estate Division of the Office of the Chief of Engineers, which had been called upon by Major General L. R. Groves to furnish this service. Five directives for the purchase of land were issued by the Under Secretary of War, and eight directives were issued by the Real Estate Division, Office, Chief of Engineers, modifying the above real estate directives all in accordance with the established procedures of the War Department. The initial directive was dated 29 September 1942, and funds were provided from the appropriation for Engineer Service-Army.

2. Land Acquisition. - The general policy of the War Department in the acquisition of land is by direct purchase; however, because of the urgency of the Clinton Engineer Works project, it was deemed advisable to acquire title by condemnation. This permitted immediate occupancy of areas needed at the outset, such as the X-10 and Y-12 areas, and provided a quicker method of reimbursement to the landowner. On 23 July 1942, a directive was issued from the Office, Chief of Engineers, to the Ohio River Division, to prepare a gross appraisal on 80,000 acres,

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later revised to 56,200 acres of land in Roane, Loudon, Knox, and Anderson Counties, Tennessee. This site was originally designated as Kingston Army Camp for Demolition Range, Kingston, Tennessee.

On 28 September 1942, a project office was established in Harriman, Tennessee, under Mr. Fred Morgan, consisting of a staff of fifty-four engineers, appraisers, attorneys, timber cruisers, and office personnel. A petition in condemnation for the 56,200 acres was filed 6 October 1942 in the U. S. District Court. On 15 November 1942, the first landowners were requested to vacate their property. Thereafter, lands, as they became necessary for construction of the Clinton Engineer Works, were cleared of landowners with minimum hardship. The project office immediately began preparation of tract ownership data, including maps, legal descriptions and appraisals, for the filing of condemnation proceedings and individual declarations of taking.

Cumulative declarations of taking were filed with the U. S. District Court at Knoxville, Tennessee, for 123, 743 and 771 tracts of land respectively by 30 November 1942, 15 May 1943 and 28 February 1944. By 31 May 1943, stipulations in the total amount of \$804,062 had been obtained by the project office on 416 tracts covering 21,742 acres. The amounts of deposits were published in the local papers, at which time landowner opposition and hostile criticism in the papers began to arise.

As a result of this opposition, the Chief of Engineers requested the services of a special investigator from the Department of Agriculture to investigate the claims set forth. His report indicated

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adequacy of the appraised values set by the project office.

Under the laws of the State of Tennessee, a Jury of View, consisting of five men, may be appointed either by the Court or by agreement of opposing counsel. The duty of the Jury of View is to examine the ground, hear testimony, and assess damages to the owner. A report of the Jury is submitted in writing to the Court; however, either party has the right of appeal and further consideration before the Court. Initial cases reviewed by the Jury of View appointed to cover the Clinton Engineer Works disclosed such wide divergence between Government-appraised values and landowner's values, with subsequent unwillingness on the part of the landowners to compromise, that no further cases were submitted to the Jury of View.

On 18 May 1943, the first trial in the U. S. District Court was held. A verdict of \$22,000 was handed down by the Jury as against a War Department appraised value of \$15,000.

On 11 August 1943, a House Military Affairs Sub-Committee, at the request of the Honorable John Jennings, Jr., M. C., began an investigation of the land acquisition project and heard complaints of the landowners which purported to show that they had been coerced, underpaid and ill-treated. This was followed by a release to the newspapers of ten recommendations to the War Department, outlining factors that ought to be considered in appraisal work. The Real Estate Division has recorded its findings that coercion was not knowingly committed, that the appraisals had been made by men of recognized ability, and

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that rare cases of mistreatment had been dealt with appropriately. The Division has stated further that its methods of operation were entirely in keeping with prescribed laws of the Government, State and County and with regulations of the War Department.

On 3 July 1943, the acquisition of approximately 70 acres of land was authorized for the installation of a railroad spur. This acquisition was accomplished through condemnation proceedings. On 25 September 1943, the acquisition of 47.7 acres of land was authorized for use as a borrow pit. This land was acquired by direct purchase. On 8 February 1944, approximately 62 acres of land was authorized for acquisition by perpetual easement for use as an access road into the project. Approximately 80% of this area was acquired by direct purchase, the remainder being acquired by condemnation. On 3 March 1944, approximately 17 acres was authorized for acquisition in fee, for use as an access road into the project. Fifteen of the eighteen tracts were acquired by direct purchase, the remainder being acquired by condemnation. In the Spring of 1943, two small cemeteries were relocated on sites acquired outside of the Clinton Engineer Works by the War Department. On 17 July 1944, authorization was given for the lease of two bridges, owned by Knox and Anderson Counties, over the Clinch River. These leases, completed by the Manhattan District Office, were on an annual reimbursement basis for the duration of the war and six months thereafter. On 10 June 1944, the first local Land Acquisition Project Office in Harriman was closed. On 28 August 1944, the acquisition of approximately 2375 acres in fee or by lease and 425 acres by permit from the Tennessee Valley Authority

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was authorized. This land was needed for security purposes. On 1 September 1944, the Land Acquisition Project Office was reopened in Harriman. A petition in condemnation was filed on this area on 20 September 1944 to acquire in fee estate. Possession was granted by the U. S. District Court, effective 15 November 1944. On 1 March 1945, the petition in condemnation was amended to acquire leasehold estate. The declaration of taking for this area was filed on 1 March 1945. Of the 58 privately owned plots involved, 24 leases were negotiated and 14 acquired through condemnation.

The initial gross appraisal of the site was made on 3 August 1942, covering approximately 80,000 acres of land. The estimated total value, including land improvements, relocations, crops and contingencies, was \$4,538,000. A revised appraisal, covering 56,200 acres, was made on 26 September 1942 in the amount of \$3,500,000. The initial Real Estate directive was issued on the basis of this appraisal. On 10 May 1943, a memorandum gross appraisal was made on two islands, consisting of 15.1 acres, in the amount of \$1,750. These islands, located in the Clinch River, were purchased under directive issued 14 June 1943, and were acquired for security reasons. On 10 June 1943, an appraisal was made on the 70 acre railroad right-of-way strip in the amount of \$14,800. On 25 June 1943, a memorandum appraisal was made covering 3.73 acres of land, for use as a diversion channel of Poplar Creek, in the amount of \$400. This land was later acquired under directive dated 15 July 1943. On 20 August 1943, a tract appraisal, covering 47.7 acres of land, for use as a borrow pit, was made in the amount of \$3,740. On 7 July 1944,

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a gross appraisal was made covering approximately 60 acres needed to provide a right-of-way for an access road into the project. This land was appraised at \$16,250. On 11 February 1944, a gross appraisal was made covering 17 acres required in the construction of an access road into the project. This land was valued at \$5,100. On 28 March 1944, two small tracts of land, covering a total of 1.19 acres, were appraised at \$320. These parcels were required in the construction of an access road into the project, and were authorized for purchase on 2 May 1944. On 5 August 1944, the final gross appraisal was made covering 2,375 acres of privately-owned land and 425 acres owned by the Tennessee Valley Authority. The value of privately-owned land was estimated to be \$193,500 on the basis of acquisition in fee.

Appraisers assigned to the job were instructed in the prevailing market values of the locality, and the necessity for just consideration in establishing values. Past records of sales transacted within recent years in the area were accumulated for reference. Further instructions issued required the appraisers to meet the owner, investigate the entire property, and to maintain, at all times, good public relations. Appraisers were drawn principally from the Federal Land Banks of Tennessee and adjacent areas, the Tennessee Valley Authority, and qualified local real estate men. Although considerable criticism arose from the land-owners and other interested parties that the appraisers were all out-of-state men, 40% were from the State of Tennessee and the remaining 60% were from adjoining or nearby states. Individually, the men were experienced and well trained in the systematic procedures required in an

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appraisal of this extent. Appraisals prepared by this initial group were used in determining amounts deposited in the Court when condemnation proceedings were instigated, and were the principal subjects of criticism by local interests. Following the unsuccessful attempt of the Jury of View to arrive at an agreeable solution, a group of three to six local men was employed in addition to the regular appraisers, to review and adjust, for the Department of Justice, all appraisals submitted to the Court. The review resulted in an increase of approximately 15% in appraised value. Total purchase awards made, as determined by options, stipulations and Court judgments, showed an approximate 11.5% increase over the reappraisals for the Department of Justice.

Under authority contained in the War Powers Act, military projects, of which the Clinton Engineer Works is an example, can be acquired through condemnation proceedings instituted in a U. S. District Court, and the hardships of affected owners can be minimized by providing immediate partial payment on lands taken. The procedure consists, briefly, of the filing of general condemnation of the entire area, followed shortly thereafter by declarations of taking against individual tracts. The declaration of taking contains a brief statement of the appropriation acts; use to be made of the land; the estate to be acquired; and the appraised value of the property; together with a legal description and tract map. This declaration is prepared by the Local Land Project Office, approved by the Offices of the Chief of Engineers and the Secretary of War, and is then submitted through the Department of Justice to

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the U. S. District Court, together with a check equal to the appraised value of the property. The landowner is then permitted to withdraw up to 85 to 90% of this amount, depending on the condition of his title. Such withdrawal does not affect his right to appeal should he object to the appraisal placed on his land.

The initial War Powers Petition for the main area of the Clinton Engineer Works was filed 6 October 1942, as Civil Action No. 429, in the District Court of the United States for the Eastern District of Tennessee, Northern Division, and was styled: "United States vs. 52,600 acres of land in Roane and Anderson Counties, Tennessee, and Ed C. Browder, et al" with an order issued by the Court giving immediate possession of the lands to the United States.

Among the major problems and difficulties arising from the relocation of such a large group of landowners were scarcity of farms, rising land values, lack of funds for relocation, lack of moving facilities, influx of construction workers, and unchecked rumors arising from the secrecy surrounding the Clinton Engineer Works construction program. The Land Acquisition Project Office assisted the owners by making available funds to the owners as quickly as possible, contacting local and Government agencies to assist the owners in relocation, and in clearing up title difficulties.

3. Organization. - The site for the Clinton Engineer Works was requested by the Manhattan District, recommended by the Office, Chief of Engineers and approved by the Secretary of War. The Ohio River Real Estate Division was then directed by the Office, Chief of Engineers, to

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proceed with the land acquisition activities. A field Land Acquisition office, comprised of appraisers and negotiators under Mr. Fred Morgan, Project Manager, was established at Harriman, Tennessee, on 28 September 1942 for the acquisition of the Clinton Engineer Works site.

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MANHATTAN DISTRICT HISTORY

BOOK I - GENERAL

VOLUME 10 - LAND ACQUISITION CEW

SECTION 1 - GENERAL

1-1. Purpose. - The acquisition of a 58,000 acre tract of land comprising the Clinton Engineer Works was deemed essential for the construction and proper protection of the vast plants of the gas and thermal diffusion, electromagnetic and Clinton Pile projects as well as the Town of Oak Ridge, with their related facilities subsequently completed therein. The need for so large an area and the advantages in the location selected are discussed in Volume 12 of Book I, entitled "CEW Central Facilities."

1-2. Responsibility. - Under the organization chart of the Office, Chief of Engineers, each Division Office is charged with the acquisition of necessary real estate for installations constructed within Division boundaries by the Corps of Engineers. The Clinton Engineer Works, at the time of its inception, fell within the geographical limits of the Ohio River Division, although, subsequent to this time, the State of Tennessee in its entirety has been incorporated in the bounds of the South Atlantic Division. The Ohio River Division, therefore, assumed the responsibility of acquiring necessary land at the Clinton Engineer Works, the Chief of Engineers issuing authorization in the form of directives based on requests prepared by the Manhattan District.

1-3. Authorisation.

a. General Project Authorities. - Public Law No. 703, 76th Congress, 3rd Session, approved 2 July 1940; is an act to expedite the strengthening of the National Defense and authorizes the Secretary

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of War to provide for the necessary construction, rehabilitation, conversion, installation and operation of plants and buildings for development, manufacture and storage of military equipment and supplies and for shelter. (See Book I, Volume 1.)

b. Authority for Site Selection.

(1) Report of 17 June 1942 to the President of the United States by Dr. V. Bush, Director of the Office of Scientific Research and Development and Dr. J. B. Conant, Chairman of the National Defense Research Committee. This report presents the results of a study made to determine the advisability of carrying on what later became the Manhattan District Project, the consequences involved, and the results to be attained (Book I, Volume 1). This report was approved by the Army Chief of Staff, the Secretary of War, the Vice President and the President of the United States. The following recommendations were made regarding the Project:

"...That a site or sites be selected and acquired with proper consideration for power requirements and an immediate start be made on construction..."

(2) Delegation of Authority Under Executive Order No. 9001 from the Under Secretary of War to Major General L. R. Groves and effective 1 September 1942, whereby General Groves is empowered with certain authorities under Executive Order No. 9001 in connection with work assigned to, and coming within the jurisdiction of the Manhattan District. (Book I, Volume 1.)

(3) Further Delegation of Authority Under Executive Order No. 9001 from Major General L. R. Groves to the District Engineer, Man-

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hattan District, whereby the District Engineer is empowered with certain authorities under Executive Order No. 9001 in connection with work assigned to, and coming within the jurisdiction of the Manhattan District. (Book I, Volume I.)

c. Land Acquisition Directives.

(1) Five (5) Real Estate directives were issued by the Office of the Under Secretary of War and eight (8) directives issued by the Real Estate Division, Office, Chief of Engineers, modifying the Real Estate directives. (See App. H-2, -6, -9 and -12).

(2) The original funds allotted by Real Estate Directive RE-D 1707 dated 29 September 1942, were provided from appropriation for Engineer Service-Army. Additional funds were made available under Directive RE-D 4111 dated 28 August 1944 by authority of Public Law 374, 78th Congress, approved 26 June 1944. This latter Directive RE-D 4111 was modified by teletype dated 11 December 1944 from Office, Chief of Engineers to Division Engineer, Ohio River Division, permitting the submission of declarations of taking for acquiring leasehold estates rather than fee simple title.

(3) The following is a list of all directives. (See Appendix B-1 -a to -m for copies of directives).

<u>Date and Number</u>	<u>Acreage</u>	<u>Amount</u>	<u>Estate Acquired</u>	<u>Use</u>
29 September 1942 RE-D 1707	56,200	\$3,500,000	Fee	Original Site
14 June 1943 RE-D 1707-A	15.1	1,750	Fee	For protection and security

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<u>Date and Number</u>	<u>Acreage</u>	<u>Amount</u>	<u>Estate Acquired</u>	<u>Use</u>
3 July 1943 RE-D 1707-A	70	\$14,107	Fee	Spur Tract R/W
15 July 1943 RE-D 1707-B	3.73	400	Fee	Channel diversion of Poplar Creek
25 September 1943 RE-D 1707-C	47.7	3,740	Fee	Borrow Pit
8 February 1944 RE-D 2858	62	14,600	Perpetual Easement	Access Road
3 March 1944 RE-D 2908	17	5,100	Fee	Access Road
19 April 1944 RE-D 2908-A	279 (TVA)		Temporary Use	Expansion of Facilities
2 May 1944 RE-D 2858-A	(.89 (.5	(200 (120	Perp. Eas. Fee	Access Road Access Road
4 August 1944 RE-D 2908-B	.52		Temporary Use	Access Road
28 August 1944 RE-D 4111	2,800	170,000	(Use Permit 425 (Lease or Fee Security Purposes (2,376	
26 February 1945 RE-D 4111-A	1		None	Deleted
23 May 1945 RE-D 4111-B	38	None	None	Deleted

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SECTION 2 - LAND ACQUISITION

2-1. General Acquisition Procedure.

a. Direct Purchase Procedure. - It is the policy of the War Department to acquire property by direct purchase, if possible, rather than by condemnation; however, in the acquisition of land for the Clinton Engineer Works, it was deemed advisable to acquire titles to all tracts by declaration of taking. This decision was based upon information that titles to the lands involved were so defective as to render acquisition by direct purchase impracticable. This procedure also made it possible to deposit the amount of estimated compensation in the registry of the Federal Court, subject to the right of partial distribution to the landowners, pending final action in perfecting the titles. Rules and regulations as set forth in the Real Estate Manual are followed unless approval to depart therefrom is given by the Chief of Engineers. The determination of military necessity for the acquisition of land is made by the Secretary of War upon the recommendation of the using agency of the War Department. Following the issuance of the directive by the Secretary of War, the acquisition of land is the responsibility of the Real Estate Division, Office, Chief of Engineers. The work on the projects is under the direct supervision of Project Managers, who are responsible to the Real Estate Officer in the Office of the Division Engineer.

b. Tract Appraisal Data. - Tract Ownership Data forms are prepared by project attorneys for the purpose of determining the present ownership of the land and for use in the preparation of legal descriptions

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and tract maps, which are prepared by the engineering personnel. (See App. G2, G3). The legal description and tract maps are prepared on information obtained from record deed descriptions and aerial photographs. The land is appraised on the basis of the fair market value at the time of the appraisal (See App. H-1, -3, -4, -5 & -8). Actual sales, between individuals, of similar property in the community, are used as the best evidence of market value.

c. Tract Negotiations. - Tract appraisals having been completed, the negotiators are properly instructed as to methods of salesmanship and informed that the right of the Government to condemn is not to be used as a coercive measure for obtaining the signature of the landowner. It is the policy of the War Department to deal with all landowners in an impartial manner. With this instruction and understanding, the negotiators explain the method of acquisition, answer any pertinent and permissible questions propounded by the landowner, and solicit the execution of options. Such options are at the appraised value as there is no authority for bargaining with the landowners.

d. Execution of Deeds. - Certificates of title are obtained from title companies, if possible (See App. H-10). If certificates of title cannot be obtained from title companies, abstracts of title prepared by practicing attorneys-at-law are obtained. Immediately upon the receipt of the preliminary certificates of title, curative attorneys, employed by the Government, under the supervision of the project manager, eliminate the objections which appear in the preliminary certificates of title by obtaining quitclaim deeds, releases of mortgages, affidavits of adverse possession, affidavits of heirship and other similar instruments. The

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option and title assemblies, which consist of executed options, tract ownership data, tract maps, appraisal reports, executed vouchers, certificates of title and draft deeds are sent by the project manager direct to the Real Estate Division, Office, Chief of Engineers, Washington, D.C. (See App. G1, G4). That office reviews the options and, if acceptable, notifies the landowners and obtains the purchase checks, which are then submitted to bonded closing attorneys in the Division Engineer's Office. The closing attorneys deliver the checks to the landowners and obtain the execution of the deeds.

c. Condemnation Procedure. - The method of acquisition by direct purchase outlined above does not require the preliminary opinion of the Attorney General and has resulted in consummation of direct purchase cases in the shortest possible time. This procedure was adopted by agreement between the War Department and the Department of Justice on 22 January 1943. Prior to the adoption of this agreement, title to 184 tracts had been acquired by declaration of taking at Clinton Engineer Works and all preliminary work for the filing of subsequent declarations of taking had been completed by this date; therefore, condemnation of the entire area was the most expeditious means of making compensation to the landowners. If the landowners are unwilling to execute an option within the appraised value, or if titles cannot be cured without judicial proceedings, a declaration of taking is filed and the estimated amount of compensation for the property is deposited in Court (See App. G-10, 11 & 12).

2-2. Acquisition of Clinton Engineer Works.

a. History.

(1) Gross Land Appraisal for Clinton Engineer Works. - In

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accordance with request of 23 July 1942 from Major General L. R. Groves to Colonel John J. O'Brien, Chief, Real Estate Branch, Office, Chief of Engineers and with telephone request of the same date from Colonel O'Brien to Mr. M. J. O'Byrne, Real Estate Director, Ohio River Division, a gross appraisal (See App. H-11), for the present Clinton Engineer Works site, which was originally designated as Kingston Army Camp for Demolition Range, Kingston, Tennessee, was prepared 3 August 1942. (Details of the gross appraisal appear under Paragraph 2-5.a (1) ). This initial gross appraisal covered approximately 80,000 acres of land in Roane, Loudon, Knox and Anderson Counties, Tennessee. At the request of the Office, Chief of Engineers, by letter dated 19 September 1942, Mr. Orrin Thacker, Jr., Ohio River Division, (App. B-2-p) prepared a revised gross appraisal 26 September 1942 (See Par. 2-5 a (2)). The revised gross appraisal reduced the acreage shown in the preceding original gross appraisal to 56,200 acres.

(2) Establishment of Land Acquisition Office. - The initial Real Estate Directive was issued 29 September 1942. The Land Acquisition Office for the project was opened on 28 September 1942, in leased space in the Ahler Building at Harriman, Tennessee. The Office was moved to leased space in the Roberts Building about 21 October 1942. Mr. Fred Morgan of Brandenburg, Kentucky, who is an Attorney-at-Law, from the Commonwealth of Kentucky, and who was the former Project Manager at: Jefferson Proving Ground, Madison, Indiana; Nichols General Hospital, Louisville, Kentucky; and Modification Center #9, Louisville, Kentucky; was designated as Project Manager at this project. The original land acquisition staff consisted of: the project manager; five

attorneys who were to ascertain the ownership of the land; six engineers who were to prepare the legal descriptions and draw the tract maps and land acquisition maps; seventeen appraisers; ten timber cruisers and talleyman who made the tract appraisals; eight field men who obtained information, such as the present addresses of the owners and the marital status of the owners; seven stenographers; and one multilith operator. (See Appendix F-4 for organization chart, which shows name, classification, and period of service of each person assigned to the land acquisition work.)

(3) Clinton Engineer Works Site Possession Order. - The petition in condemnation for the 56,200 acres of land was filed 6 October 1942 in the U. S. District Court (See App. G-7 & G-8). The order of possession, signed by the Court on 6 October 1942 and effective 7 October 1942, is quoted in part as follows:

"It is, therefore, ORDERED, ADJUDGED and DECREED by the Court that the immediate possession and use of the land described in the petition in condemnation filed herein, for the purpose therein contained, be and the same is hereby given to the United States of America as of the 7th day of October, 1942, but the United States shall not have exclusive possession of the property except where exclusive possession is essential to full and complete development of the project, but the present owners and their agents may continue to use the property until further orders of the Court so long as said use by said owners or their agents does not interfere with the development of

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said project by the United States.

"If there should be conflict between the agents of the United States and the owners of the property and/or their agents as to the necessity for immediate exclusive possession of the lands, or any part thereof, such conflict shall be submitted to the Court forthwith."

The War Department did not find it necessary to take exclusive possession immediately. In the areas which were needed for the immediate military construction, the landowners were requested by the project office to vacate by 15 November 1942. This was necessary to clear priority areas as designated by Manhattan District representatives. In areas involving military construction which were not needed on 15 November 1942, the landowners were requested by the project office to vacate 1 December 1942. The landowners in Segments A, B and D were requested to vacate the area by 15 January 1943; in Segment F, by 20 January 1943; in Segments E and G by 1 February 1943 and in Segments H, I and J by 15 February 1943. These segments are delineated on land acquisition map referred to in Appendix H-2. In cases where moving on the above dates caused unusual and undue hardship to landowners, every effort was made to arrange for an extension of time within which to vacate the land. Some landowners, because of insufficient funds with which to move, were allowed to remain in the area longer, and arrangements were effected to make partial payments to these landowners for their properties before moving. Accordingly, it was unnecessary to request the Court for an order to evict any landowner.

(4) Tract Ownership Data. - As soon as the project was

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opened, preparation by project attorneys of tract ownership data was begun, for the purpose of determining ownership of the land and for use in the preparation of legal descriptions and tract maps by the engineers. Tract ownership data, tract maps, and legal descriptions were necessary for use in the preparation of the declarations of taking. Tract ownership data, tract maps, legal descriptions and tract appraisals were completed by segments. There are fifteen segments, including the leasehold area, in the Clinton Engineer Works site (See App. A-3).

b. Condemnation Assemblies. - The first condemnation assemblies, consisting of duplicate copies of tract ownership data, tract maps, legal descriptions, and appraisal reports, were submitted to the Division Engineer within two weeks after the project was opened (See App. C-1-a to n). The declaration of taking assemblies were immediately prepared by the Real Estate Division of the Ohio River Division, The Real Estate Division made every possible effort, with key personnel working double shifts, to expedite the preparation and submission of the declaration of taking assemblies (See App. H-7). Major James F. Miller of the Real Estate Division, flew to Washington, D.C., with the first declaration of taking assemblies in order to expedite their filing. The following table provides information regarding each of the first six declarations of taking:

<u>Declaration of Taking No.</u>	<u>No. Tracts</u>	<u>Date Submitted to OCE</u>	<u>Date Filed</u>
1	13	30 October 1942	20 November 1942
2	25	16 November 1942	18 November 1942
3	25	16 November 1942	18 November 1942
4	25	16 November 1942	30 November 1942

<u>Declaration of Taking No.</u>	<u>No. Tracts</u>	<u>Date Submitted to OCE</u>	<u>Date Filed</u>
5	25	16 November 1942	18 November 1942
6	10	16 November 1942	18 November 1942

The declarations of taking were filed in the U. S. District Court, Eastern District, Northern Division at Knoxville, Tennessee, by Mr. J. G. McKenzie, Dayton, Tennessee, Special Attorney for the Department of Justice, who was in charge of the condemnation proceedings for the project.

(1) Filing of Declarations of Taking. - The cumulative rate of progress for the filing of declarations of taking was as follows:

<u>Date</u>	<u>No. Tracts</u>	<u>No. Acres</u>
15 January 1943	185	9,614.28
15 February 1943	382	24,562.03
15 March 1943	502	34,581.13
15 April 1943	695	50,128.88
15 May 1943	743	53,334.58
28 February 1944	771	55,072.53

(See Appendix D-1 for complete status, as of 31 December 1946, of all condemnations filed.)

(2) Negotiations. - Negotiations were begun immediately after filing of the first declaration of taking. The cumulative rate of progress in securing stipulations before the trials was as follows:

<u>Date Stipulation Obtained</u>	<u>No. Tracts</u>	<u>No. Acres</u>	<u>Amount</u>
30 November 1942	7	185	\$ 6,850
31 December 1942	96	4,478	199,842
15 February 1943	175	8,440	344,353
1 March 1943	242	12,681	495,600

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<u>Date Stipulation Obtained</u>	<u>No. Tracts</u>	<u>No. Acres</u>	<u>Amount</u>
15 March 1943	255	13,051	522,797
1 April 1943	267	13,964	553,947
15 April 1943	323	16,795	633,299
30 April 1943	333	19,606	734,088
15 May 1943	403	20,553	761,788
31 May 1943	416	21,742	804,062

(3) Opposition to Condemnation. - The amounts of deposits were published in the three local newspapers, the KNOXVILLE JOURNAL, the KNOXVILLE NEWS-SENTINEL, and the CLINTON COURIER-NEWS as soon as the declarations of taking were filed. Landowners began organized opposition, which was kept alive by the continued hostile criticism of the newspapers.

c. Preparation of Certificates of Title. - Contract No. W-2215 eng-408, for the preparation of certificates of title in Anderson County, was awarded to Phipps and Stevenson, Attorneys-at-Law, Ashland, Kentucky, and insured by the Louisville Title Insurance Company. ~~Contract No. W-2215 eng-409, for the preparation of certificates of~~ title in Roane County, was awarded to the Guaranty Title Company, Nashville, Tennessee. The curative work was accomplished by attorneys from the Project Office, at no cost to the landowners. By 1 May 1943, approximately 90% of the defective titles were cured by the project attorneys.

d. Inspection and Review of Appraisals. - At the request of the Office, Chief of Engineers, Mr. George E. Farrell, Principal

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Agriculture Economist and Special Investigator for the Secretary of Agriculture, visited the site in the Spring of 1943, made an inspection of the land and reviewed appraisals. His report stated that, in his opinion, the appraisals were sufficiently liberal. (See Appendix B-2-c for Mr. Farrell's report).

e. Jury of View. - The State procedural laws are controlling in a Federal condemnation case. The Law of Tennessee provides for a Jury of View. The Jury is nominated by the Court or selected by agreement of counsel, or, if its members are not thus named, the United States Marshal may select and summon them. The Jury of View consists of five persons, unless the parties agree upon a different number, and either party may challenge for cause of peremptorily as in other civil cases. The Jury of View examines the grounds and may hear testimony, but allows no argument of counsel, and assesses the damages occasioned the owner. The report of the jury is reduced to writing, signed by a majority of the jurors, delivered to the United States Marshal and returned by the United States Marshal to the Court. Either party may ~~object to the report of the Jury, and the report of the Jury may, on~~ good cause shown, be set aside. Either party may also appeal from the finding of the Jury of View and, on giving security for the cost, have a trial before a jury in the usual way. On 24 March 1943, a Jury of View returned the following verdicts: Tract E-415, \$12,250.00; Tract E-420, \$7,250.00. The following tabulation shows that the jury verdicts in the U. S. District Court were higher than the awards given by the Jury of View:

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<u>Tract No.</u>	<u>Amount of Deposit in Federal Court</u>	<u>Jury of View Verdict</u>	<u>Court Award</u>
E-415	\$8,572	\$12,250	\$16,000
E-420	7,037	7,250	10,082

In all, five cases were heard before the Jury of View, and the conduct of these five cases disclosed a uniformly wide divergence between the Government's appraised values and the landowners' values. The unwillingness of the landowners to compromise values on a basis reasonable to the Government made it apparent that awards by the Jury of View would be appealed; therefore, no further cases were submitted to the Jury of View.

f. Trial Concerning Appraisals. - The first trial in the U. S. District Court, which concerned Tract No. G-343 owned by G. W. Peak, was held on 18 May 1943. The amount of the War Department appraisal was \$15,000. The verdict of the jury was \$22,000. The case was tried by Mr. J. G. McKenzie and Mr. John D. Sprouse, Special Attorneys for the Department of Justice. Trials continued at succeeding terms of court.

2-3. Land Acquisitions, Investigations and Recommendations. - Early in July 1943, information was received that the Honorable John Jennings, Jr., M. C., was requesting an investigation of the land acquisition activities. On 11 August 1943, the House Military Affairs Sub-Committee, comprised of the Honorable Clifford Davis, the Honorable Dewey Short, and the Honorable John Sparkman, convened at Clinton, Tennessee, for the purpose of investigating the policy of land acqui-



sition and the amounts that landowners were being paid in the condemnation proceedings in Anderson County. The Honorable John Jennings, Jr. addressed the landowners. On 12 August 1943, the same committee reconvened at Kingston, Tennessee, for the same purpose, and this meeting concerned the Roane County landowners (See App. B-2-j). In these hearings a number of landowners made statements to the effect that appraised values of properties were only 50% of their true value; that appraisers, in certain cases; failed to meet landowners and to inspect the property with the landowners; that the landowners suffered losses on personal property which had to be sold on short notice and for which no compensation was paid by the Government; that owners were denied the privilege of buying improvements on acquired properties; that misrepresentations were made by the negotiators as to the date that landowners would receive the amount of money deposited in the Federal court; that fraud was used by some negotiators to obtain signatures on stipulations; and that a guard wrongfully seized a camera owned by a landowner (See App. B-2-a, b, d & e). According to an article appearing in the Knoxville Journal on 6 December 1943 (App. F-5), ten recommendations to the War Department were released by Representative Cliford Davis, Chairman of the House Military Affairs Sub-Committee (See App. B-2-m). The recommendations printed in the article in the Knoxville Journal are set forth with comments in Appendix F-5. These recommendations, together with the comments thereon, are briefly summarized as follows:

Recommendation #1 - The War Department should review and adjust all payments to landowners who were persuaded against their better judgment

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to accept less than the true value of their property.

Comment. - The recommendation is impracticable, as some landowners, for their own selfish means, would wrongfully claim that they had been coerced into executing the stipulation. If there had been fraud in any case, the landowners could have brought this to the attention of the Court and the Court Order could have been set aside. There was only one case of misrepresentation discovered. The stipulation was immediately returned to the landowner by the Project Manager and the case was tried before a jury. The amount of the deposit was \$7,500 and the verdict of the jury was \$9,500. The services of the employee involved were terminated by the War Department on 16 March 1943. (See Appendix F-5-a and b, for detailed statements of Harvey Gray and W.T. Pritchett, the landowner and the negotiator.)

Recommendation #2. - The landowners who suffered losses on standing crops because of the lack of opportunity to harvest or inability to locate adequate storage facilities on other properties, or for any reasons not attributable to the landowner, should be compensated for said losses. (See App. B-2-g and -k).

Comment. - In making appraisals in this project, as in all others, due consideration was given to all growing crops, which were valued on the basis of prices when crops would be delivered on the market, less the cost of bringing to market. Losses for crops in storage, for reasons not attributable to the landowner, can be recovered by filing claims and showing Government responsibility for loss.

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Recommendation #3 - In dealing with landowners, their constitutional rights, as guaranteed in Amendment V of the Constitution, should actually be protected.

Comment. - Appraisers are always instructed to observe the principles of Amendment V of the Constitution, and any appraiser not conforming to such instructions is not continued in appraisal work. (See App. C-6).

Recommendation #4. - More time should be devoted to a careful study of all comparable values of property in the vicinity of the acquisition.

Comment. - It is the policy of the War Department to make full investigations of the factors affecting land values in the area to be appraised. Investigations were made of the sales of properties in the Clinton Engineer Works as well as in the immediate vicinity. The time devoted to such a study was necessarily limited by the military necessity for immediate construction of the project. Sufficient comparable sales were found to show the fair market value of the property within the area. (See Appendix D-2).

Recommendation #5. - In future condemnation proceedings, the War Department, in determining the price to be paid to the landowners, should give consideration to all factors relating to relocation on comparable properties, so that landowners are not forced to abandon normal occupation as a result of the Government's acquisition of their properties.

Comment. - Decisions of the United States Supreme Court have held that such factors as cost of relocation are not compensable in fee

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simple acquisitions; therefore, in order to carry out the recommendations of the investigating sub-committee, an Act of Congress is necessary.

Recommendation #6. - In all future land acquisition proceedings, only appraisers thoroughly familiar with land values and economic conditions in the particular area should be permitted to appraise lands and review appraisals.

Comment. - Selection of appraisers from the neighborhood of the property to be acquired is theoretically sound. However, in many instances, it would be impossible to obtain a sufficient number of local men having the qualifications required to handle the appraisal of an area of this size.

Recommendation #7. - No person should be employed for the purpose of appraising or negotiating who cannot be depended upon to deal with property owners with consideration, courtesy, and justice.

Comment. - It is always the policy of the War Department to have as appraisers and negotiators persons who can be thoroughly depended upon to treat owners with consideration, courtesy, and justice. Where instances occur contrary to this policy, persons involved are terminated from employment.

Recommendation #8. - Any proved instance of threats, or delaying of payment, or protracting litigation should nullify the transaction and the War Department should immediately discharge the Government agent found guilty.

Comment. - There is no evidence of any proved instance of threat or delaying of payment or protracting litigation. The charge of pro-

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tracting litigation was made against Mr. McKenzie, Special Attorney for the Department of Justice, Dayton, Tennessee. Mr. McKenzie, at all times, cooperated fully in securing partial as well as final distribution of funds deposited in court.

Recommendation #9. - The War Department should revise the Real Estate Manual to make necessary alterations to deal with unusual conditions.

Comment. - The procedure for land acquisition contained in the Real Estate Manual is the result of long, careful study and experience, and is designed to protect impartially the interests of both the landowner and the Government. It does amply protect the landowners, even under unusual conditions, to the extent that existing laws will permit.

Recommendation #10. - In future land acquisition proceedings, no promises should be made to the landowners unless they are in writing and filed as matter of official record.

Comment. - Negotiators and other employees have always been instructed, and were instructed at this project, to avoid oral promises.

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There is no evidence that the negotiators or other employees gave oral promises.

2-4. Types of Acquisition. -

(1) The acquisition of approximately 70 acres of land for a railroad spur was authorized 3 July 1943. Construction permits were obtained immediately. Possession was granted by the Court on 26 July 1943. The acquisition of land in connection with the railroad spur and the access roads, which were later acquired, involved small parcels

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and did not include the acquisition of entire farms. The acquisition of the 16 tracts for the railroad spur was accomplished through condemnation proceedings.

(2) The acquisition of 47.7 acres from Loucasy Collins for a borrow pit was authorized on 25 September 1943. This acquisition was consummated on 7 October 1943 by direct purchase rather than by condemnation. Every effort was made to consummate this acquisition in the shortest time possible.

(3) The acquisition by perpetual easements (~~App. G-5~~) of approximately 62 acres of land, for an access road from U.S. Route #70 to the Clinch River near the former location of Gallaher's Ferry, was authorized 8 February 1944. Possession was granted by the Court 21 March 1944. 32 easement tracts, consisting of 50.65 acres, were acquired by direct purchase. Six easement tracts, consisting of 11.91 acres, were acquired by condemnation.

(4) The acquisition of approximately 17 acres in fee simple, for an access road from Tennessee State Route #61 at Blair Station into the project, was authorized on 3 March 1944. This access road paralleled the railroad spur track, which was built into the area. Possession was granted 18 March 1944. Fifteen tracts were acquired by direct purchase and three tracts were acquired through condemnation proceedings.

(5) All highways and utilities which interfered with the military construction and use of the project, were removed, or relocated and, in some instances, later vacated (See App. B-2-f). For the

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same reasons, it was found necessary to remove and reinter the bodies found in two small cemeteries, which work was performed in 1943 under separate contracts. One of said contracts covered 15 graves in Tract B-116 at a cost of \$675, and the other contract covered 43 graves in Tract A-9 at a cost of \$2,230.18.

(6) In accordance with a request from the District Engineer, Manhattan District, in a letter to the Office, Chief of Engineers, 23 March 1944, and a teletype from the Office, Chief of Engineers, to the Division Engineer, Ohio River Division, dated 10 April 1944, leases for the Solway and Edgemoor Bridges were submitted by letter dated 17 July 1944 to the Office, Chief of Engineers, by Ohio River Division for approval (See App. B-2-c). These leases, stipulating certain annual remuneration to the owning counties, were not approved by the Chief of Engineers, Real Estate Branch, on the basis that, as a general policy, payments for roads and bridges within areas acquired by the War Department was not justified. Feeling that local and state authorities would register strong objection to this policy, as it applied to the subject bridges, and in order to maintain harmony and continued cooperation with the counties, the District Engineer was instructed, on 17 July 1944, by Major General L. R. Groves to make satisfactory arrangements with the respective counties to permit continued use and maintenance of these bridges. These contracts were made by the Manhattan District with the counties for the duration of the war and six months thereafter, at a rental rate of \$4,000 for the first year and \$2,400 for each succeeding year for the Edgemoor Bridge, owned

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by Anderson County; and \$25,000 for the first year and \$15,000 annually thereafter for the Solway Bridge, owned by Knox County. Completion of these contracts permitted the immediate repair and maintenance of the two bridges by the War Department, the counties having ceased such work at the time the area was closed to unauthorized travel. (See Book I, Volume 12, "CEW Central Facilities," for details of repair, usage, etc. and also App. B-2-1).

(7) The first local land acquisition project office in Harriman, Tennessee, was closed on 10 June 1944. On 28 August 1944, the acquisition of approximately 2,375 acres in fee simple, or by lease if agreeable to the owners (~~App. G-12~~), and 425 acres by use permit from the Tennessee Valley Authority was authorized, for security purposes. A Land Acquisition Project Office was opened in the First National Bank Building, Harriman, Tennessee, on 1 September 1944. <sup>38</sup> ~~20~~ privately-owned tracts were involved in the area and a petition in condemnation was filed, on 20 September 1944, to acquire a fee estate therein. Possession of the buildings was granted by the U. S. District Court, ~~effective 15 November 1944.~~ On 1 March 1945, the petition in condemnation was amended to acquire a leasehold estate. Upon authority of the Office, Chief of Engineers, negotiations for leases began 15 November 1944. 24 leases were negotiated. Leasehold estates were acquired in twelve tracts through condemnation proceedings because owners refused to execute leases at the appraised rental value. Two leased tracts were condemned because of title defects. The declaration of taking was filed 1 March 1945. This office was closed on 23 February

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1945. The highways within the leased area were temporarily closed by voluntary action of the county without cost to the Government for the duration of the leases through 30 November 1945.

(8) On or about 30 April 1945, Reese Martin Gallaher, owner of Tract No. K-1020, named in declaration of taking filed in Civil Action No. 613, Clinton Engineer Works, filed a motion to get aside the order previously granted, whereby the interest in the land was changed, from a fee estate to an estate for a period ending 30 June 1945, extensible for yearly period thereafter during the existing National Emergency, at the election of the United States, on 30 days' notice, to be filed in the condemnation proceedings. Shortly thereafter, Ed. C. Browder, owner of Tract No. K-1035, included in the same declaration of taking, filed a similar motion. The court action, Civil No. 613, has been settled insofar as it pertains to Tracts K-1020 and K-1035 by the Federal Judge handing down a memorandum in which the right of the Government to amend its original petition under the circumstances involved in the action was recognized. Other items, included in condemnation action, Civil No. 613, which have not been settled consist of Tract No. K-1019, owned by W. E. Gallaher for which an agreement as to the amount to be allowed for damages has not been reached and Tract No. O-1407 remains unsettled because the owners are scattered and have not been located.

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2.5 Appraisals, Acquisition and Disposal.

a. Gross Appraisals.

(1) Initial Gross Appraisal of CEW Site. - The initial gross appraisal of the present Clinton Engineer Works site, originally designated as Kingston Army Camp for Demolition Range, Kingston, Tennessee, was made 3 August 1942 by Mr. Orrin Thacker, Jr., representing the Division Engineer, Ohio River Division, aided by personnel from the Tennessee Valley Authority, Knoxville, Tennessee. This appraisal

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covered approximately 80,000 acres of land in Roane, Loudon, Knox and Anderson Counties, Tennessee. It was estimated that a total of \$4,533,000 would be required for the purchase of land, improvements, relocations, crops, and contingencies. (~~See App. D-4 and D-5.~~)

(2) Revised Gross Appraisal of CEW Site. - A supplemental or revised gross appraisal was made 26 September 1942, at the request of the Office, Chief of Engineers, by letter dated 19 September 1942. This revised gross appraisal reduced the acreage shown in the initial gross appraisal to 56,200 acres. This appraisal was also made under the supervision of Mr. Orrin Thacker, Jr., and the same procedure was followed. Reduction of the estimated acquisition cost to \$3,500,000 was approximately in proportion to the reduction in acreage. Acquisition in fee was recommended. This gross appraisal set the Clinch River as the southern boundary of the area and confined the land to be taken to Roane and Anderson Counties, Tennessee. Real Estate Directive No. RE-D 1707 was issued 29 September 1942 for the acquisition of this area in fee.

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(3) Island Tracts in Clinch River. - Memorandum gross appraisal was made, on 10 May 1943, by Mr. Orrin Thacker, Jr., of the cost of acquisition of two island tracts in the Clinch River, for protection and security purposes. This land was to be acquired in fee and the memorandum gross appraisal was made at the request of the District Engineer, Manhattan District, by letter dated 5 February 1943. The estimated cost of acquisition of these tracts was \$1,750 and they consisted of 15.1 acres. No additional funds were requested, as funds

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were available from a former directive. Memorandum Directive No. RE-D 1707-A was issued 14 June 1943, for the acquisition of this area in fee.

(4) Right-of-Way for Spur Track. - A gross appraisal was made 10 June 1943, in accordance with request dated 3 June 1943, from Lieutenant Colonel Robert C. Blair, Deputy District Engineer, Clinton Engineer Works, of the cost of acquisition of land, for use as a right-of-way for a spur track from the Southern Railroad line, along Oxier Creek Road to the boundary of the Clinton Engineer Works. This appraisal comprised approximately 70 acres, at an estimated total valuation of \$14,800, which included land, damages, crops, and the usual contingencies. This appraisal was also made under the supervision of Mr. Orrin Thacker, Jr. Directive No. RE-D 1707-A was issued 3 July 1943, for the acquisition in fee.

(5) Diversion of Poplar Creek Channel. - A memorandum gross appraisal was made by Mr. Orrin Thacker, Jr., dated 25 June 1943, to cover 3.73 acres of land, to be used for diversion of Poplar Creek Channel and the elimination of bridges over said Creek. This memorandum gross appraisal was made at the request of Lieutenant Colonel Robert C. Blair, Deputy District Engineer, Clinton Engineer Works, in letter dated 21 June 1943. The estimated cost of acquisition of two (2) tracts was \$400, which included value of land, crops, damages, and usual contingencies. No additional funds were requested, as they were available from funds allotted in former Directive RE-D 1707. Real Estate Directive No. RE-D 1707-B, dated 15 July 1943, was

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issued to cover this acquisition in fee.

(6) Borrow Pit. - A tract appraisal was made by J. C. Norris, Appraiser, Ohio River Division, 20 August 1943, on a farm owned by Loueas Collins, consisting of 47.7 acres. The cost of acquisition was estimated to be \$3,740. It was first contemplated that only a small portion of this tract would be acquired, for a borrow pit, but when all factors were considered, such as removing barn, loss of spring to the owner, severance damage and the necessity for furnishing an access road to the remaining portion of the farm, it was deemed advisable to purchase the entire tract. No additional funds were requested, as they were available from Directive RE-D 1707. Real Estate Directive No. RE-D 1707-C, dated 25 September 1943, was issued for acquisition of this tract in fee.

(7) Right-of-Way for Gallaher's Ferry Access Road. - A gross appraisal was made 7 July 1944, in accordance with telephone request from the Office, Chief of Engineers, of the cost of acquisition of right-of-way for an access road from Route No. 70 to the Clinch River near the former location of Gallaher's Ferry. This gross appraisal was made under the supervision of Mr. Orrin Thacker, Jr. It covered approximately 60 acres, a portion of which was owned by Roane County and totaled \$16,250. No additional funds were requested, as they were available from RE-D 1707. Real Estate Directive No. RE-D 2858, dated 8 February 1944, was issued for acquisition of this area by perpetual easement.

(8) Right-of-Way for Blair Station Access Road. - A gross appraisal was made by Mr. Orrin Thacker, Jr., under date of 11

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February 1944, in accordance with a telephone request from the Office, Chief of Engineers. This appraisal covered the cost of acquiring certain land to be used as an access road from Tennessee State Route No. 61 at Blair Station. This was an increase in land already purchased by the United States Government for a railroad right-of-way. This appraisal consisted of approximately 17 acres, having a total estimated value of \$5,100, inclusive of land, severance damage, relocations, and the usual contingencies. No additional funds were requested, as they were available from RE-D 1707. Real Estate Directive No. RE-D 2908, dated 3 March 1944, was issued for acquisition of this area in fee.

(9) TVA Land for CEW Site. - Authority was granted for use of 279 acres owned by Tennessee Valley Authority for the expansion of facilities, Clinton Engineer Works; Directive No. RE-D 2908-A, dated 19 April 1944, was issued for acquisition of this area by use permit from the Tennessee Valley Authority.

(10) Additional Rights-of-Way for Access Roads. - A memorandum gross appraisal was made by Mr. Orrin Thacker, Jr., dated 28 March 1944, to cover two small tracts of land, consisting of .89 acre and .3 acre, for additional rights-of-way required for acceleration and deceleration lanes for the access roads. The amounts determined for the acquisition of these tracts were \$200 and \$120, respectively. No additional funds were requested as they were available from RE-D 1707. Real Estate Directive No. RE-D 2858-A dated 2 May 1944 was issued for acquisition of these parcels of land, by perpetual easement and fee, respectively.

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(11) Additional TVA Land for CEW Site. - Based upon a request of the District Engineer, Manhattan District, in 2nd Indorsement dated 18 July 1944, the Division Engineer, Ohio River Division, by 3rd Indorsement dated 26 July 1944, recommended acquisition, by temporary use permit, of .32 acre of land owned by the Tennessee Valley Authority. This acquisition was authorized by RE-D 2908-B, dated 4 August 1944.

(12) Land for Security Purposes. - The last gross appraisal was made 5 August 1944 by Mr. R. R. Sanders, representing the Division Engineer, Ohio River Division, to determine cost of acquiring certain land to use as a security area. This appraisal was made in accordance with a request from the Office, Chief of Engineers, in a letter dated 21 July 1944. Mr. Sanders was aided in compiling his report and appraisal by personnel of the Ohio River Division familiar with this area. The majority of the land was on Black Oak Ridge, along the North boundary of Clinton Engineer Works. The area consisted of 2,800 acres, 425 acres of which were owned by the Tennessee Valley Authority. The value of the remaining 2,375 acres of privately-owned land was estimated at \$193,500, which included land, improvements, severance damages, value of crops, and the usual contingencies. It was recommended that this area be acquired in fee. Real Estate Directive No. RE-D 4111, dated 29 August 1944, was issued. The portion of this area owned by Tennessee Valley Authority was to be acquired by temporary use permit. The remaining 2,375 acres were to be acquired in fee, except where it might be determined to be more economical to

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the Government to acquire leasehold estate if the owners were agreeable. (See gross appraisals, Appendix H-11).

b. Tract Appraisals.

(1) Preliminary Investigations of Prevailing Property Values on CEW Site. - Appraisers were sent to the CEW site the latter part of September 1942, to make preliminary investigations of the prevailing values of properties. At that time, the Ohio River Division was confronted with the appraisal of 1,048 tracts, containing 52,600 acres, in the Dale Hollow Reservoir, Tennessee, about 70 miles northwest of the Clinton Engineer Works. The initial acquisition of the Clinton Engineer Works site called for the appraisal of an estimated number of 800 to 850 tracts, containing 55,180 acres. The appraisal work on hand for immediate attention, therefore, had to cover 107,680 acres, in 1850 to 1900 tracts. Approximately 50 appraisers were needed, in addition to a number of timber cruisers, to supply the appraisers with information as to the value of the forested areas. Work in other parts of the Ohio River Division also had to be performed, which taxed the available appraisers to the limit. Since technical reports had to be prepared on each tract, it was not advisable to obtain the services of men not trained in analytical services of this character. Local people, however, were interviewed as to values.

(2) Review of Comparable Sales. - The appraisers were instructed that owners were to be paid just compensation for their properties, that the best evidence of such compensation is the fair market value of properties as indicated by comparable sales in the

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community, and that, therefore, it was necessary to make studies of representative sales and to verify them either with the vendor or vendee or both. Sales data were compiled on forty representative sales in Roane and Anderson Counties, Tennessee, made over the years 1939-1942 inclusive and covering properties fairly well distributed over the project. Eighteen sales, covering 2,068 acres, were transacted in 1942 at an average of \$22.46 per acre. These data were thoroughly reviewed by the appraisers as a preliminary step before starting the appraisal work. (See Appendix D-2). The location of the properties sold is shown on the sales map (Appendix A-4). The appraisers were also instructed to meet the owner or his representative in each case, to walk over the entire property, to inspect the exterior and interior of each building, to make notes and obtain photographs of all improvements, and to resolve any doubts regarding values in favor of the owner. The men were carefully instructed that it was highly important to maintain good public relations. Necessarily, there were some instances in which owners or their representatives

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could not be met, because of absence from the area and the necessity of making appraisals promptly in order to facilitate the construction of the project. Charges subsequently made by some owners relative to this matter were inaccurate. Appraisers did meet them whenever possible and went over their properties in conformity with instructions.

(3) Field Office Appraisal Organization. - Under the general supervision of the Chief Appraiser for the Ohio River Division, the appraisal organization in the field consisted of a reviewing ap-

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praiser, a supervisor, and a force of land appraisers and timber cruisers. The reviewing appraiser and the supervisor reviewed the work of the appraisers and endeavored to correlate prices so that owners were justly compensated on the basis of relative values. The supervisor assigned the work, checked appraisal papers for accuracy, and kept records of work progress. The appraisers were drawn principally from the Federal Land Banks of Columbia, Louisville, New Orleans and St. Louis, and from the Tennessee Valley Authority, together with timber cruisers and tally clerks from the latter. Of the Federal Land Bank men, four made only fifteen appraisals and were recalled by the Banks for duties elsewhere. Shortly after the work had been under way, it was determined that the Tennessee Valley Authority men, who were accustomed to working in reservoir areas and were particularly familiar with the methods of appraising severance damages common to such areas, could best perform the urgent work at the Dale Hollow Reservoir at Livingston, Tennessee, and that it was more desirable to have Land Bank men who were working at Livingston trans-

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ferred to the Clinton Engineer Works site where they were under the supervision of men from the Land Banks. The Tennessee Valley Authority men, by this shift, were placed under the supervision of the TVA Chief Appraiser, on loan to the Ohio River Division. Before leaving the site they appraised only 24 farms. The appraised values on fourteen were approved, but the remaining ten were changed, because of changes in acreage at later dates and also because of disagreements by the reviewing appraiser as to the appraised values. The reviewing

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appraiser lowered one and raised another. Substantially the same percentage of condemnations pertained to their work that pertained to appraisals by Federal Land Bank personnel.

(4) Tract Appraisal Analysis. - Although there subsequently developed criticism regarding the policy of using appraisers from states other than Tennessee, it appears from the analysis given below that, while the settlements on appraisals made by Tennessee appraisers were greater proportionately than in other states, the differences was not of material significance. The table shows the number of tracts appraised by men from each state and the ratio of the tracts acquired at or below the appraised value, to the number appraised:

Appraisers from	Number of Appraisers	Number of Tracts			
		Appraised	Ratio Appraised	Price Accepted	Ratio Accepted
Alabama	4	93	11.5	49	52.7
Arkansas	2	33	4.1	19	57.5
Indiana	1	89	11.1	57	64.0
Kentucky	5	125	23.0	111	60.0
Mississippi	2	101	12.5	57	56.4
North Carolina	1	2	.2	2	100.0
Tennessee	10	303	37.6	211	69.6
<b>TOTALS</b>	<b>25</b>	<b>806</b>	<b>100.0</b>	<b>506</b>	<b>62.7</b>

(a) Trained, disinterested and impartial appraisers are required in acquisitions of this kind. It is seldom that enough local people can be found with these qualifications and this was particularly true with respect to this property. The appraisals had to be

undertaken at once, in order that construction which required the demolition of some buildings could get under way. While there were twenty-five men used on the project, about 95% of the tracts were appraised by fourteen appraisers (See Appendix B-3). These men were trained appraisers. Most of them had had extensive prior experience in Tennessee, if not in the particular area. The actual appraisal work for the main acquisition was completed in about 75 days following the preliminary investigations and was concluded, except for some minor checking of values, on 31 December 1942, shortly after the first dates of taking, and well in advance of most such dates. Table A below indicates, for all fee acquisitions, the number of tracts, the appraised value, the latest appraisals (including reappraised values of certain ones), the amounts at which the tracts were stipulated and jury verdicts rendered, and the percentage of increase of stipulations and verdicts over the original appraisals and reappraisals. In addition, the pending cases are shown at the appraised and reappraised values. The average appraised values per acre, and the average price per acre of stipulations, options, and verdicts, are also indicated for all fee acquisitions. Similar data on easements, leases and use permit tracts are not shown, because of their characteristics which prevent comparisons. The total sum allocated to land, improvements, severance damage and crops, plus the usual allowance for contingencies, as contained in the gross appraisal of 26 September 1942, was \$2,712,187, or \$126,717 in excess of the total shown for all fee tracts. The 38

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easement tracts in Segment M were appraised at \$16,142. Five of these tracts, all of which were subject to condemnation, were obtained at their appraised value of \$1,540.00 and the remaining 33 tracts were obtained at \$300.00 less than their appraised value, because of reservation of improvements.

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TABLE A

Showing original appraisals; latest appraisals including reappraisals of certain tracts, options, stipulations and jury verdicts; and the percentage of increase of stipulations and verdicts over original appraisals and reappraisals. (The amounts shown under options, stipulations and verdicts include interest paid and are reconcilable with disbursements which include only partial payments).

How Settled	No. of Tracts	Original Appraisals	Latest Appraisals (Reappraisals)	Options, stipulations & Verdicts		
				Amounts	% Change From	
				Orig.Appr.	Reappr.	
Optioned or stipulated at or below appraised value of land and crops	506	\$ 937,665	\$ 937,665.	\$ 934,117.00	-0.38	
Stipulated above appr. value of land and crops	151	481,366	577,747.	640,567.35	33.07	10.87
Jury Verdicts	149	716,584	802,001.	1,010,785.90	41.1	26.0
TOTALS	806	\$2,135,615	\$2,317,413.	\$2,585,470.25	21.06	11.57
Average per acre for 55,179.78 acres		\$38.70	\$42.00	\$46.86		

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(b) The reappraisals were made for the Department of Justice principally for purpose of court testimony and, in some cases, for obvious adjustment of values, by three to six local men besides regular appraisers, and the figures used in the foregoing table are the totals of the averages for particular tracts, that is, the high appraisals may be materially more than the values indicated. On the whole, however, the reappraisal figures used are believed to represent more nearly the true values of the properties, because they are the results of reconsideration in the light of additional information. This conclusion is particularly true as to testimony in trials when the dates of taking were later than the dates of the original appraisals, after which there was an increase in values. The increase in values indicated in the reappraisals is about 15%. The entire acquisition does not bear out a charge subsequently made that the appraisals were only 50% of the value of the land. If such charge were correct, the average value of the land would have been \$77.40 per acre, as compared to the average stipulations and verdicts of about \$46.86 per acre for fee lands.

(c) There were 38 tracts appraised for access roads, and these were purchased at the appraised value with minor exceptions. Some of the adjustments were necessary to obtain settlements with respect to tracts in the main project. Five tracts were condemned for title reasons only. (See Appendix D-4).

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(d) In September 1944, the safety belt area, consisting of approximately 2,236.7 acres, was appraised for the purpose of setting a rental value. After some 30 days of negotiation, 26 of the owners signed leases within the appraised rental. However, two of these leases were acquired through condemnation, for title reasons. A lease-hold estate was acquired by condemnation in the remaining 12 cases, because of owners refusing to agree to a satisfactory rental.

(e) The appraisal data quoted in the various tables include the value of the land, the improvements, and the growing crops. Where the crops were harvested by the owner, their value was deducted from the price paid by the Government. This fact explains why 34 of the tracts were acquired at \$3,548 less than the appraised value.

(f) The reasonableness of the appraisals having been questioned by owners, newspapers and a congressman, the Office, Chief of Engineers requested an investigation by the Department of Agriculture. Mr. George E. Farrell, Principal Agricultural Specialist, after investigations, made a report in which he stated: "The appraisal has been carried on by competent men who have maintained adequate records." He further said: "The appraisers were well trained men who visited each tract, examined the sales, measured the buildings and maintained field notebooks." Other criticisms directed against the appraisers were to the effect that the owners were unable to replace their farms on the open market at the appraised values; and that business properties were appraised at only the value of the buildings

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and the land without taking good will into consideration. It developed in the trials that the Court pointed out that the replacement of properties is not contemplated under the Fifth Amendment to the Constitution of the United States. As to the second charge, the appraisers were instructed to value real estate in accordance with applicable law and not to take good will into consideration.

(g) Mr. Farrell investigated statements made by some owners relative to appraised values, sales and productivity of properties in the site area and reported as follows: "While the landowners claim that they have had excellent offers for their farms, the records of transfer of property within the area during the last few years did not show that any lands in the area were sold at prices equal to the value set upon them by landowners." As to claim of productivity, Mr. Farrell went on to say: "The landowners repeatedly referred to corn yields of 100 bushels per acre. They also claimed that the land would carry one head of livestock per acre. They had a feeling that the value of the land should be computed on the value of the production without making allowance for expense and time of the operator. While it may be possible to produce 100 bushels of corn on a selected acreage, there is no evidence that one hundred bushel yields are common. Most fields visited may produce in favorable years as much as 40 and, in a few instances, 60 bushels per acre. Inquiry made regarding the number of livestock kept on the farm did not bear out the statement of the farmers that it was possible to maintain one head of livestock per acre." (See Appendix B-2-c.)

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(h) The 1941 assessed valuations of sample farms in both Roane and Anderson Counties were less than one-half of the appraised values. In the former, 1,357 acres of the project lands acquired in fee were assessed at an average of \$12.06 per acre, were appraised at \$32.00 per acre, and were acquired at a cost of \$34.26 per acre. The tax rate was \$3.58 per \$100 of assessed value. Acquisitions in Anderson County were bitterly contested. The assessed valuations on 2,610 acres averaged \$13.25 per acre, appraisals \$34.35 per acre and final costs \$44.10 per acre. The tax rate was \$2.70 per \$100 of assessed value. Taxes in Roane County were 43.3¢ per acre for the sample cases, and in Anderson 35¢ per acre. These valuations are characteristic. While the law requires assessments at the actual cash value, it is seldom that the levies are at 100%. In one case, included in Anderson County samples, 123 acres were assessed at \$1,800, appraised at \$8,500 for actual area of 145 acres, and was tried before a jury that rendered a verdict for \$16,000. (See Tract No. E-415, Appendix C-2-b).

c. Condemnation Proceedings.

(1) General. - The construction of a military project usually entails a need for immediate possession of the whole or portions of the selected site. This is acquired by the institution of a condemnation proceeding in a United States District Court, under authority contained in the War Powers Act. The hardships which would result to the affected owners, who might be required to vacate upon short notice

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and with little cash, have been recognized. This possible hardship has been minimized by the War Department to the extent that it can legally do so. This is accomplished by the filing of declarations of taking in the pending condemnation proceedings.

(2) The Declaration of taking. - The declaration of taking, briefly, consists of a statement of the acquiring and appropriation acts, the use to be made of the land, the estate to be acquired therein and the amount of estimated compensation to be deposited in the registry of the Court with the filing of the declaration of taking. Attached to the declaration of taking are a legal description of the land and a tract map, referred to in the body of the declaration of taking, and made a part thereof (See App. 4-9). After approval by the Office, Chief of Engineers, and after signature by the Secretary of War, the declaration of taking is submitted to the Department of Justice, together with a check in the amount of the estimated just compensation set forth in the declaration of taking. The Department of Justice, in turn, submits the declaration of taking to its ~~field representative for filing in the United States District Court.~~

After the declaration has been filed, the landowners are allowed to withdraw, if their title so warrants, a percentage of the deposit in court in order that they may receive without undue delay as much as possible of the money to which they are entitled. This percentage usually amounts to 85 or 90% of the estimated compensation, but depends upon the court order governing it. The customary withdrawal

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for Clinton Engineer Works was 75% of the amount deposited. If it should be determined, however, upon the landowner's petition to withdraw funds, that his title to the land is so defective as not to warrant a distribution of the maximum withdrawal, such amount is distributed as is considered warranted by the condition of the title. After the filing of declarations of taking negotiations are conducted with the landowners in an attempt to settle the case by stipulation without trial by jury. In the event that it is impossible to agree amicably as to the fair market value of the land, the case proceeds to final determination of just compensation in accordance with the applicable laws of the jurisdiction. In the event an award exceeds the amount deposited with the declaration of taking, a deficiency deposit plus interest is made after a judgment has been entered on the verdict.

(3) CEW Site Petition in Condemnation. - With respect to the CEW site the petition in condemnation, or War Powers Petition, for the main area, was filed on 6 October 1942, as Civil Action No. 429 in the District Court of the United States for the Eastern District of Tennessee, Northern Division, and was styled "United States vs 56,200 Acres of Land in Roane and Anderson Counties, Tennessee, and Ed C. Browder, et al." At the same time, an order of possession was filed, giving the United States immediate possession and use of the land described in the petition, as of 7 October 1942, except that, where exclusive possession was not essential, the present owners could continue to use the property, until further orders of the Court, as

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long as the use did not interfere with the development of the project by the United States. 34 declarations of taking were filed, acquiring fee simple title to 771 tracts. One tract K-1004, Loueay Collins, was acquired by direct purchase. (See Par. 2-4 (2)).

(4) Other Condemnation Proceedings. - Other condemnation proceedings filed in connection with the expansion of Clinton Engineer Works are as follows:

1. United States vs. 70 acres, more or less, Situate in Roane County, Tennessee, and W. M. Edwards, et al. Civil No. 539 - Filed 26 July 1943.

One declaration of taking was filed acquiring fee simple title to 16 tracts for a railroad spur.

2. United States vs. 16.86 Acres of Land, more or less, Situate in Roane County, Tennessee, and Roscoe C. Sturgis, et al. Civil No. 577 - Filed 17 March 1944.

One declaration of taking was filed acquiring fee simple title to three tracts for an access road.

3. United States vs. 62 Acres of Land, more or less, Situate in Roane County, Tennessee, and W. T. Smith, et al. Civil No. 578 - Filed 20 March 1944.

Two declarations of taking were filed acquiring a perpetual easement in six tracts for the location, operation, maintenance and patrol of an access road.

4. United States, vs. 2,348 Acres of Land, more or less, Situate in Roane County, Tennessee, and Reece Martin Gallaher, et al. Civil No. 613 - Filed 20 September 1944.

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One declaration of taking was filed acquiring a leasehold estate in 14 tracts, ending 30 June 1943, extensible for yearly periods thereafter during the existing National Emergency, upon the filing of a 30 day notice of the election to extend in the condemnation proceedings.

d. Problems and Difficulties.

(1) Relocation of Landowners. - One of the first and major difficulties of this project was the relocation of the landowners, which was brought about by the following:

(a) Scarcity of Farms. - Tennessee Valley Authority, in a land acquisition program just previous to the subject acquisition, had acquired large acreage of the best bottom lands in this neighborhood, thus creating a scarcity of this type of farm.

(b) Rising Land Values. - It necessarily follows that, as demands for land dispossessed owners increased in such large numbers in so short a time, the supply was lessened and the asking prices within a radius of many miles increased greatly overnight.

(c) Frequency of Moving for Some Landowners. - A number of landowners, living in the area being acquired for Clinton Engineer Works had recently moved here when forced to vacate the Tennessee Valley Authority areas. Relocation difficulties and frequent moves caused many of the landowners to sell a majority of their personal effects at a loss.

(d) Lack of Funds for Relocation. - As is true in many farming sections, the landowners had no available funds for an unanticipated move. The War Department had no funds for this pur-

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pose and other agencies, such as Farm Security Administration, Agricultural Extension Service, and Local War Board, attempted to assist in this matter, but they had neither funds nor adequate facilities.

(e) Lack of Moving Facilities. - There was a limited amount of moving equipment, such as trucks, wagons, vans, etc., in this area, and it became very difficult for owners of the land to vacate within the required time. Rationing of tires and gasoline added to this difficulty.

(f) Immigrant Construction Workers. - This project was a rush job. Before the landowners started to move, many construction workers were arriving in the area and occupying houses that otherwise might have been available for the owners who were forced to vacate the area.

(2) Magnitude of the Job. - This project was a large one and it was so recognized by the community. Prior to Tennessee Valley Authority activities, this area was a remote agricultural neighborhood where the labor supply was none too plentiful.

(3) Title Defects. - Preliminary investigations indicated that titles to the lands in the area were generally defective and would hinder direct purchase acquisition to such an extent that condemnation seemed to be advisable and the quickest means of acquiring the land and paying the landowners.

(4) Secrecy of the Project. - For reasons of military security, no information was permitted to be given out to the general public about what was going on. It soon became rumored that a large

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private industry was involved, and was to build something in the area. Unchecked rumors spread among property owners that the land was being acquired for that particular organization, and the right of eminent domain was being abused by the War Department. Although it may well be maintained now, since the completion of the land acquisition for this project, that some of the disadvantages of this situation might have been avoided if the Manhattan District had, in the beginning, issued some direct statement to the public, conveying some simple harmless facts, no advantage from such action could have been foreseen. On the contrary, at that time, the all important considerations of security clearly dictated a policy of complete secrecy.

(8) Organized Opposition. - It was reported that land-owners organized to protect the values set by the appraisers. At that time, there was a political campaign on and it was rumored that the participants promised to bring pressure to see that the appraised values were more nearly in line with their ideas of value. Publicity was given these activities by newspapers in Knoxville and elsewhere, not only as news items but by editorial comment. Most of the publicity was hostile to the acquisition (See App. B-2-j).

(9) Publicising of Amounts Deposited in Condemnation. - The acquisition of the area by condemnation gave the newspapers the opportunity to publish the amounts of the deposits in the Registry of the Court. This publication seriously retarded subsequent negotiations. Acquisition by direct purchase would have eliminated this problem, as negotiations would have been completed before the recording of deeds,



which would have been the first opportunity to publish prices paid.

(7) Landowners' Desire for Jury Trials. - Some landowners decided, as the titles to their land had been taken by condemnation, and an attorney had, in many cases, been employed by them, compensation should be determined by a trial rather than by negotiations. Results of initial jury trials added impetus to this tendency.

(8) Criticisms Directed Against Negotiators. - The negotiators were instructed that the application of pressure technique was not to be used. A chief negotiator was sent to the project with instructions to supervise negotiations and to insure the use of fair methods in the dealings with landowners. These instructions were followed by the negotiators, with the exception of the negotiations with Mr. Harvey Gray, the owner of Tract D-367, on 2 December 1942. The complete facts relative to the improper statements of Mr. W. T. Pritchett, who negotiated with Mr. Harvey Gray, are set forth in Appendix F-<sup>5</sup> a and-b. Mr. Pritchett, in this instance, misled Mr. Gray as to the amount of money he would receive, after the deed of trust securing the loan made by the Farm Security Administration was satisfied, and also did not allow the owner sufficient time to determine the advisability of executing the stipulation. This matter was thoroughly investigated by the Project Manager and the findings were referred to the Division Engineer, Ohio River Division (~~See App. B-2-c~~). After a thorough investigation, the services of this negotiator were terminated on 16 March 1943. The stipulation was voluntarily returned to the

landowner by the Project Manager and the case was later tried before a jury, which returned a verdict in the amount of \$9,500. This verdict exceeded the amount deposited in court by \$2,000. The criticism of using high pressure methods in obtaining signatures was made by a very few landowners and was not warranted with the one exception stated above. (See Appendix F-3 for list of negotiators and their background). In general, the Land Acquisition Project Office in an effort to minimize the hardships of relocating landowners, assisted them greatly by clearing up title difficulties and making funds available as quickly as possible, and, by contacting the local and Government agencies assisted the owners to find new homes in nearby communities.

(9) Lack of Time for Relocation of Landowners. - The urgent need for production, thus requiring speedy acquisition of the land, did not permit an orderly relocation of the landowners in the area first needed for military construction. Every effort was made by the Government to afford owners of property sufficient time for removal from the areas where immediate military construction was not involved. Although no accurate figures are available, it can be safely stated that at least 60% of the original owners were employed at one time or another on the construction and/or operation of the Clinton Engineer Works and of these a good percentage were provided, on the project, with housing.

c. Progress Graphs.

(1) Fee. - The Land Acquisition office opened 28 September 1942. A petition in condemnation, or War Powers Petition,

was filed on the land 6 October 1942 and possession was granted to the United States effective 7 October 1942, with the stipulation that where exclusive possession was not essential the present owners could continue to use the property until further orders of the Court, so long as such use did not interfere with the development of the project by the United States. First declarations of taking were filed 18 November 1942, and by 31 December 1942 a total of 185 tracts had been acquired. By 28 February 1944, an additional 586 tracts had been acquired by the filing of declarations of taking, and one tract had been acquired by direct purchase. By August, 1944, the 34 remaining tracts had been acquired, either by direct purchase or by the filing of declaration of taking, thus completing the fee acquisition for this project, (See Appendix E-1).

(2) Lease. - The office, for the original acquisition, closed 10 June 1944 and was re-opened 1 September 1944, for the acquisition of additional land for security purposes. It was first thought advisable to acquire a fee title in this area, consisting of approximately 2,375 acres of privately-owned land and 425 acres owned by Tennessee Valley Authority; however, after several weeks spent in contacting owners in order to determine the best method of acquisition, it was decided to acquire leasehold estates rather than fee simple titles in privately-owned lands. Leases were obtained on 14 tracts in January, 1945, and, by 1 March 1945, a total of 24 tracts had been so acquired. Declarations of taking were filed on the remaining 14 tracts in March, 1945, two of which were filed because of title reasons. The 425 acres owned by Tennessee Valley Authority were acquired by

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Use Permit in March, 1945. The 425 acres of Tennessee Valley Authority property were subsequently reduced to 387 acres by Directive RE-D 4111-B, dated 23 May 1945. (See Appendix E-2).

(3) Easements. - First easement tracts were acquired by direct purchase in April, 1944, and, by 31 May 1944, 20 tracts had been so acquired. By August, 1944, the remaining 18 tracts had been acquired either by direct purchase or by the filing of declarations of taking, completing the easement acquisition for this project. (See Appendix E-3).

(4) Use Permits. - Seven tracts of land, totaling 1,320.32 acres, were acquired, in the order needed, by temporary use permit from Tennessee Valley Authority, over a period from May, 1943 to March 1945. (See Appendix E-4).

f. Disposal.

On September 25, 1945, the District Engineer, Manhattan District, requested action be taken to dispose of the area acquired under authority of real estate directive RE-D 4111. This necessitated terminating 38 leases and returning to the custody of Tennessee Valley Authority three tracts of land acquired by use permit. Custody of the 38 leased tracts was returned to the owners on November 30, 1945. The owners of the 38 leased tracts were paid rent at an annual rental rate of \$20,389.17, and some of the owners were awarded an additional sum to cover damages and crop loss during the period of government occupancy. Restoration was necessary on the TVA area and was completed prior to returning custody of these three tracts to TVA on June 6, 1946.

g. Final Status of Acquisition of Lands and Interests.

Acquired Interest	Method of Acquisition			
	By Declaration of Taking	By Direct Purchase	Totals	
	Number of Tracts	Number of Tracts	Number of Tracts	Acreage
Fee Simple Title	790	16	806	85,179.78
Perpetual Easements	6	32	38	62.56
Leases	14	24	38	2,236.70
Use Permits (TVA)		7	7	1,320.32
<b>Totals</b>	<b>810</b>	<b>79</b>	<b>889</b>	<b>88,799.36</b>

h. Costs.

(1) Land Acquisition.

Items	No Tracts	Cost	Total Acreage	Cost/Acre
*(1) Land Acquired in Fee	806	\$2,585,470.25	85,179.78	\$46.86
** (2) Land Acquired by Lease	38	20,389.17	2,236.70	9.12
*** (3) Land Acquired by Easement	38	15,842.00	62.56	253.23
(4) Land Acquired by Permit	7	None	1,320.32	None

(5) Acquisition. - It is impossible to show acquisition costs for this project since such costs are included in an over-all account for military projects, not susceptible to be broken down.

\*Includes all options, stipulations, jury verdicts and interest awarded on deficiency judgements.

\*\*Cost is based on annual rental.

\*\*\*The increase in "cost per acre" between Item (3) and Item (1) is due to large severance damages on small tracts and payments for improvements.

(2) Relocations of Roads, Utilities and Cemeteries.

	<u>Cost</u>	<u>Final Report to OCE</u>
<b>(1) <u>Cemeteries.</u></b>		
Contract W-2203 eng-56176	\$2,230.16	11/5/45
Tract B-116, no contract number	675.00	11/24/45
<b>(2) <u>Power Lines.</u></b>		
Clinton Power Commission - Power Line (See App. B-2-n)	981.28	6/12/44
Fort Loudon Electric Cooperative Power Line	571.17	1/22/45
<b>(3) <u>Roads.</u></b>		
Roane County Roads	1.00	
Anderson County roads	No cost	Consent Judgment 2/22/45
State of Tennessee roads	No cost	May be appealed through other court action. Relocation accomplished through Public Roads Administration funds (See App. B-2-f)

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**2-6. Classification by Use of Land Prior to Acquisition.**

**a. By Utilisation (See Appendix A-1. Maps).**

	<u>Acres</u>	<u>Percentage</u>
Crop Land	14,406.84	24.5%
Pasture Land	12,994.65	22.1%
Forest Land	31,046.08	52.8%
Orchard Land	<u>552.79</u>	0.6%
<b>Total</b>	<b>58,799.36</b>	

**b. By Type of Ownership (See Appendix A-2. Maps)**

*Private Ownership	57,165.74 Acres
**Local Government	263.90 Acres
U. S. Government (TVA)	1,320.52 Acres
**Organisation	47.50 Acres
**Unknown	<u>1.9 Acres</u>
<b>TOTAL</b>	<b>58,799.36 Acres</b>

\*Includes 38 tracts totaling 2,236.70 acres held by lease and 38 tracts totaling 62.56 acres acquired by easement.

\*\*Acquired in fee.

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SECTION 3 - ORGANIZATION

3-1. General Relationships. - Since the establishment by the Manhattan District, (a new district formed in the Corps of Engineers to carry out the Atomic Bomb Project) of the location of the Clinton Engineer Works site for the erection of giant manufacturing plants to produce material for the Atomic Bomb (See Book I, Vol. 12), the acquisition of the land was recommended by the Chief of Engineers and approved by the Secretary of War. The Ohio River Division of the Office, Chief of Engineers was then directed to acquire the land. A field Land Acquisition office was established in Harriman, Tennessee, and government organization and personnel for the over-all administration of the program were taken from the Ohio River Division (See App. F-4-a).

3-2. Administration.

a. Manhattan District Organization. - The Manhattan District Project was originally placed under Colonel J. C. Marshall who served as District Engineer from 18 June 1942 until he was relieved by Colonel (now Brigadier General) K. D. Nichols on 20 July 1943.

Colonel Nichols has served continuously as District Engineer since that time. On 17 September 1942, Brigadier General (now Major General) L. R. Groves was selected by the Secretary of War to take complete executive charge of the entire project.

b. Ohio River Division Real Estate Personnel. - The Ohio River Division was in direct charge of all land acquisition activities for the Clinton Engineer Works site (See App. F4). The Ohio River Real Estate Division established a field Land Acquisition office at Harriman,



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Tennessee, on 28 September 1942 for the acquisition of the site, under Mr. Fred Morgan as Project Manager. A comprehensive list of appraisers and negotiators with a brief description of their background will be found in Appendix F-2 and F-3).

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Abbreviations

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Acq. - Acquisition	Div. - Division	Nat'l. - National
Agric. - Agriculture	DE, GRD - Division Engineer, Ohio River Division	ORD - Ohio River Division
App. - Appendix		OSRD - Office of Scientific Research and Development
Amend. - Amendment	Exec. - Executive	Org. - Organization
Auth. - Authority	Ext. - Extension	Proj. - Project
C.E. - Chief of Engineers	Fed. - Federal	Sec. - Secretary
CEW - Clinton Engineer Works	Freq. - Frequency	Serv. - Service
Del. - Delegation	FSA - Farm Security Administration	Std. - Standard
Dept. - Department	Gen. - General	TVA - Tennessee Valley Authority
Dist. - District	Hon. - Honorable	
Dist.E., MED - District Engineer, Manhattan Engineer District	Mil. - Military	
	Misc. - Miscellaneous	

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