

LEGAL SURVEY ORDERED BY
LOUIS HELBLING

To establish the line between Sec. 2 & 3, Green Tp.

Feb 12, 1908.

Scale 50' = 1"

Houston Coates

Deputy County Surveyor

Approved

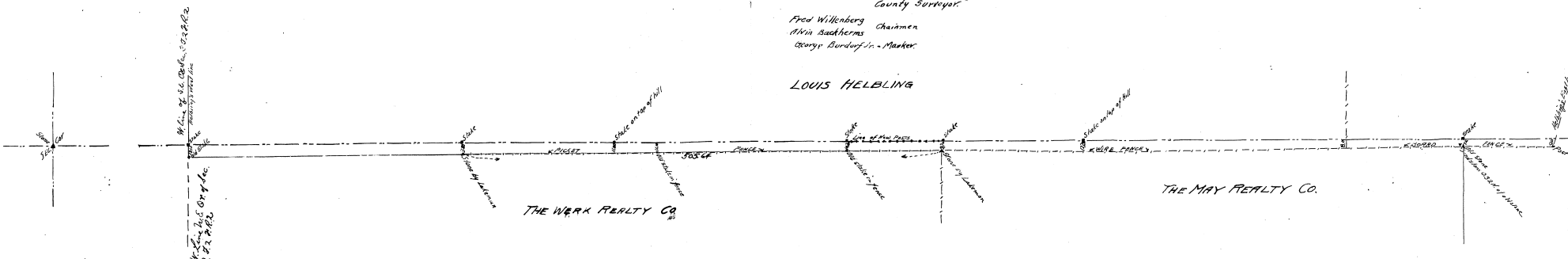
County Surveyor

Fred Willenberg Chairman

Alvin Backstrom

George Ludwig, Jr. - Marker

LOUIS HELBLING



The following notes, dated January 10, 1908, were served on the Wick Realty Co., Theodore Meyer, Agent, The May Realty Co., Scott H. Carson, to-wit: H. Brown, and Joseph B. Boyd.

You are hereby notified that on the 3rd day of February, 1908, at 9 o'clock, the County Surveyor of Hamilton County, Ohio, or his legally qualified Deputy will be present on the ground and will take such testimony, and make such measurements, and do or perform such other acts as may be necessary, according to the statute, therefor provided, for the purpose of establishing the boundary line and corner of my land in Section 2, Town 3 North, Range 3 East, Hamilton County, Ohio. You are hereby respectfully requested to appear upon the ground, at the time above mentioned, and have with you such witnesses and evidence, as you may desire to bring for the purpose of settling all questions as to the boundary line, or corners, between your lands and mine.

Yours Respectfully,
Louis Helbling,
Deputy County Surveyor.

On Feb 3, 1908 the survey was adjourned to February 5, 1908. On February 5, 1908 the survey was adjourned to February 12, 1908. On February 12, 1908 met on the ground. Louis Helbling, Scott Carson and Fred J. Norton present.

The original subdividing of the Miami Purchase, marking of section corners and quarter-section corners was more or less crude, both from the necessity of the amount of work to be done and the character of instruments in use at that time. As to the whole side of a township, which should be a straight line for six miles, has probably an angle of from one to five or six degrees at every section corner. At the time the section corners were fixed, the quarter-section corners were also fixed, and the same conditions as to angles, are found in section lines, as well as in township lines. The section corners in Hamilton County are all marked and generally accepted as fixing the location of the original section corners, the quarter-section corners being probably considered of less importance, many of them have been lost. It would be erroneous, ordinarily, to fix a quarter-section corner by running a straight line from one section corner to another, because as above stated the three corners originally were not in the same straight line. The proper way to fix a quarter-section corner that has been lost would be (1st) by agreement of all parties concerned, (2nd) by testimony, (3rd) by measuring out on the ground distances called for by deeds.

The deed to the Wick Realty Co. calls for a tract having specific and definite dimensions. The purchaser had at least an opportunity of seeing the monuments fixing the line of the north side of this tract as called for in the deed. It has not been alleged by either of the contending parties that they have not the amount of land called for in their deeds, and as fixed by the monuments on the ground. The entire trouble seems to have arisen from the fact that the deeds for properties on either side of the section line call for the section line. Now the question arises, where is the section line? If there were no specific distances in deeds fixing the section line, then the only way to locate or establish said line would be to run a straight line from one section corner to the other, but the surveyor who established the lines of the Wick tract later encountered the usual difficulties in such matters, and fixed the lines by surveying properties as per deeds, rather than arbitrarily running a straight line between the section corners. When I came to make an examination of this line, I found certain monuments placed by a surveyor who had been duly authorized to fix the boundary lines of the Wick tract. Connecting these monuments there was a pocket fence, which on evidence I find to have been built by John Fisher under the direction of the Wick Estate. It also appears from the preponderance of testimony, that this had been for many years an old fence, on the same line. I therefore find that the boundary line between the Wick Realty Co.'s land and mine (Helbling's) land is the section line as indicated on the above plat by a red line, and marked on the ground by stone monuments as shown on plat.

C.C.B.-212.

CASE NO. 189950
THE PLAT ATTACHED TO PAGE NO. 16 IN
RECORD BOOK 520 IS MICROFILMED ON
SPECIAL 35MM REEL FOR PLATS.

Alvin Sherman
Microfilm Operator