

LEGAL SURVEY ORDERED BY
LOUIS HELBLING

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

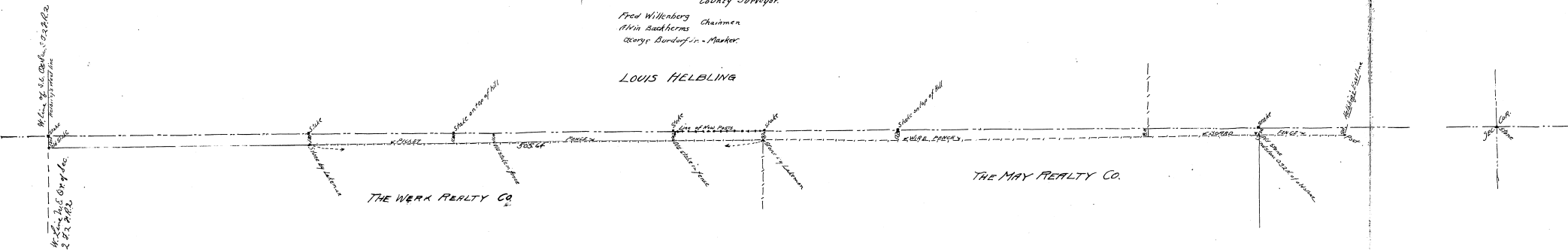
Feb. 12, 1908.

Scale 50' = 1"

Houston Coates
Deputy County Surveyor
Approved
Louis Helbling
County Surveyor

Fred Willenberg Chairman
Alvin Baethgens
George Burdette - Marker

LOUIS HELBLING



The following notice, dated January 10, 1908, was served on the Wern Realty Co., Theodore Meyer, Agent, The May Realty Co., Scott H. Benson, Wm. 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, whenever provided, for the purpose of establishing the boundary line and corner of my land in Section 5, Green Township, 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 evidences, 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,
per Elton Brown, 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 Benson 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 site 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 generally considered of less importance, many of them have been lost. It would be monstrous, 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 Wern 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, when 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 Wern Realty Co. testified 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 Wern Estate. Connecting these monuments, there was a pocket fence, which on evidence I find to have been built by John Weber under the direction of Mr. C. K. Camp. It also appears from the preponderance of testimony that there had been for many years an old fence within same line. I therefore find that the boundary line between the Wern Realty Co.'s land and Louis 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. 135950
THE PLAT ATTACHED TO PAGE NO. 16
RECORD BOOK 520 IS MICROFILMED ON
SPECIAL 35MM REEL FOR PLATS.

Elton Brown
Microfilm Operator