

copy of this writ with all the endorsements thereon.

William M. Anderson Sheriff
Hamilton County, Ohio.
By Harry Tegeler Deputy.

Filed Feb. 14th, 1928. }
Motion to make definite and certain. }

The defendant, Matilda Wehmeier, moves the Court to require the plaintiff to make its petition definite and certain in the following particulars, namely:

1. By giving a proper legal description of the land sought to be appropriated by definite bearings and distances.
2. By stating definitely where the proposed side track is to be constructed.
3. By stating definitely where retaining walls, side ditches, telegraph lines, signals and signal masts are to be constructed; the dimensions, distance below the surface, height above the surface and width of the retaining walls which are to be constructed by plaintiff on the ground appropriated.

4. By attaching to the petition as in exhibit thereof a plat showing all of the above features, and showing definitely which and how much of each of the building improvements, garages and other appurtenances of this defendant's premises are covered by the ground sought to be appropriated.

This defendant further moves the court to require plaintiff to show by means of stakes and plain markings upon the ground, buildings and appurtenances how much thereof is covered by the appropriation sought to be made so that the same may be visible to the Court and jury to enable them to see the exact boundary lines of the ground, buildings, garages and other appurtenances which are sought to be appropriated by plaintiff.

Theodore Fortman
Attorney for Matilda Wehmeier

Filed Feb. 15th, 1928. }
Amended Petition. }

Plaintiff is a railroad corporation duly incorporated by consolidation under the laws of the States of Ohio and Indiana and owns and operates various lines of railroad in the States of Ohio, Indiana and Illinois, and, among others, a line of Railroad extending from Cincinnati in Hamilton County, Ohio, through the City of Cincinnati and the Village of Claversville to the boundary line of the State of Indiana, and thence through the State of Indiana to and into the State of Illinois.

The defendant Matilda Wehmeier is the owner of a perpetual leasehold estate from the State of Ohio of the following described parcel and of land situate in the City of Cincinnati, County of Hamilton, and State of Ohio, to-wit:

From a point in the easterly line of West Sixth Street at the northeast corner of Lot Number One (1) P. Kings Estate, as shown in Deed Book 155, page 41, Hamilton County, Ohio Records, measure northeasterly along said easterly line of West Sixth Street two hundred and eighty one and thirty-one one-hundredths (281.31) feet to the southerly property line of Matilda Wehmeier; thence deflecting one hundred (100) degrees thirty eight (38) minutes to the right, measure southeasterly along said Matilda Wehmeier's southerly property line seventy eight and sixty eight one hundredths (78.68) feet to a point "A" for the place of beginning; thence deflecting one hundred and one (101) degrees fifty five (55) minutes to the left to a tangent to a curve, measure northeasterly fifty and forty four one hundredths (50.44) feet along a curve to the right, making a radius of eleven thousand, four hundred thirty nine and two tenths (11,439.2) feet; thence on a tangent to the last described course, measure northeasterly one hundred forty four and forty six one hundredths (144.46) feet to a point "B"; said point "B" being in said Matilda Wehmeier's northerly property line and eighty nine and fifty five one hundredths (89.55) feet distant measured southeasterly along said Matilda Wehmeier's northerly property line from the easterly line of West Sixth Street; thence deflecting eighty nine (89) degrees twenty three (23) minutes to the right, measure southeasterly along said Matilda Wehmeier's northerly property line five and sixty one one hundredths (5.61) feet to the easterly face of a stone wall, which wall marks the easterly property line of said Matilda Wehmeier; thence deflecting eighty five (85) degrees fifty eight (58) minutes to the right, measure southeasterly along the easterly face of said stone wall one hundred and nine and two tenths (109.2) feet to a point where said wall logs to the east, said last described point being fourteen and six tenths (14.6) feet distant from a point in line "A-B" above described, measured southeasterly at right angles thereto, said point in line "A-B" being one hundred eleven and three tenths (111.3) feet southeasterly from said point "B" in said Matilda Wehmeier's northerly property line; thence measure southeasterly two (2) feet along the face of said stone wall to a point where said stone wall logs to the south, said last described point being sixteen and six tenths (16.6) feet distant from measured easterly at right angles to the last described point in line "A-B"; thence measure southeasterly along the face of said stone wall eighty-two and ten one-hundredths (82.10) feet to a point where said stone wall logs to the west, said last described point thence measure southeasterly along the face of said stone wall eight and ten one-hundredths (8.10) feet to a point where said stone wall logs to the east, said point in line "A-B" above described, and measured southeasterly at right angles thereto, said point in line "A-B" being five and three tenths (5.3) feet northeasterly from said point "A"; thence westerly along the face of said stone wall one (1) foot to a point which is fifteen and seventy-five one hundredths (15.75) feet distant from the last described point in line "A-B"; thence southeasterly along the face of said stone wall eight and five tenths (8.5) feet to a point in said Matilda Wehmeier's southerly property line; thence westerly along said Matilda Wehmeier's southerly property line fifteen and nine tenths (15.9) feet to the place of beginning, containing an area of two thousand, three hundred thirty five (2,335) square feet, more or less.

The same being shown in detail upon the blue print map hereto attached, marked Exhibit A, and made part hereof.

For the purpose of increasing the plaintiff's facilities for the handling of its passenger and freight traffic within the City of Cincinnati, Ohio, it is necessary to construct a side track, together with the appurtenant slopes, retaining walls, side ditches,

028-289

CASE NO. 2
THE PLAT ATTACHED TO PAGE NO. 504 IN
RECORD BOOK 715 IS MICROFILMED ON
SPECIAL 35MM REEL FOR PLATS.

Lucella Steed
Microfilm Operator

(A + B)