

telegraph lines, signals and signal masts in connection with the improving of plaintiffs facilities upon the property hereinbefore described the exact location of which telegraph poles, signals and signal masts it is not now possible to state with greater particularity.

That the dimensions of said retaining wall showing its depth below the present surface of the ground, its elevation, and its proximity to the various buildings upon defendant Matilda Wehmers remaining property, at each end and thereof, are shown in detail upon the blue print plan herewith attached, marked Exhibit "B" and made part hereof, and that the same will be substantially as thus shown throughout its entire length.

That for said purposes it is necessary to appropriate to the use of the plaintiff the property hereinbefore described subject to the rights of the State of Ohio as lessor thereof.

Plaintiff further says that the property herein sought to be appropriated is intended to be used for the construction thereon of a side track, a retaining wall, drainage ditches, telegraph lines, signal masts and hereinbefore stated, and that the same are shown, as far as is now practicable, upon the blue prints hereinbefore referred to and herewith attached.

Plaintiff and defendants are unable to agree as to the compensation for the property herein sought to be appropriated.

Thomas J. Elliott, as trustee of the estate of Ethan Stone, claims some interest in the property the exact nature and character of which plaintiff is unable to further specify.

Wherefore plaintiff prays that the property hereinbefore described may be appropriated to its use for the purposes aforesaid, and that a jury may be impaneled to determine the compensation to be paid by it for said property, and that upon payment by plaintiff of the amount so determined by said jury it may be awarded possession thereof.

Attorneys for Plaintiff.

State of Ohio, County of Hamilton, SS.

Walter R. Gibbons, being first duly sworn, says that he is Real Estate and Tax Agent of The Cleveland, Cincinnati, Chicago & St. Louis Railway Company, the plaintiff in the above entitled action, and that the allegations of the foregoing amended petition are true as he believes.

Walter R. Gibbons,

Sworn to before me and subscribed in my presence this 18th day of February, 1923.

Thomas A. McCormack Notary
(Seal) Public, Hamilton County, Ohio.

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(A+B)

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

Lucille Steel
Microfilm Operator

