

# ROAD CASE

No. 158

PETITION FILED

19

BOND FILED

19

APPOINTED COMMISSIONER

19

COMMISSIONER REPORTED

19

NOTICE SERVED

19

OBJECTIONS FILED

19

CLAIMS FILED

19

APPRAISERS APPOINTED

19

APPRAISERS REPORTED

19

DAMAGES ALLOWED, - \$

COSTS ALLOWED, - - - \$

19

ROAD ESTABLISHED

19

TOWNSHIP CLERK NOTIFIED

19

#158  
M. Stey  
Rend

Disposed of

154  
McClay Road

Coleman

John Stockham has the  
Petition in this matter  
Mch 29<sup>th</sup> 1866

#84

Waterloo, Iowa, May 4, 1942.

The Board of Supervisors of the County of Black Hawk, in the State of Iowa, met in regular adjourned meeting at the Court House in Waterloo, County Seat of said County, at nine o'clock (9:00) a.m., pursuant to law, to the rules of said Board, and to adjournment. The meeting was called to order and on roll call there were present: Chairman, Geo. B. Miller, Frank W. Beck, Walter H. Bell, John P. Biller, C. V. Kline, Edw. Refshauge, and Val Schmitt.

Absent: None.

\* \* \* \* \*

At ten o'clock a.m. (10:00) the Board of Supervisors proceeded with the Hearing upon the vacation of the following described road:

Road # 158 - beginning at the West Quarter corner of Section 19, Fox Township, East to the center of Section 19, thence South to the South Quarter corner of Section 19, a distance of one (1) mile.

The County Auditor reported that notices of the proposed vacation were served upon all abutting property owners as required by law, that notice of said proposed vacation was published in the Waterloo Daily Courier for four (4) consecutive weeks commencing March 2, 1942; and that there had been no written protest filed with the Board of Supervisors.

It was then moved by Refshauge seconded by Biller that the road above described be and the same be declared vacated, and that the County Auditor be directed to correct his records accordingly.

Ayes: Beck, Bell, Biller, Kline, Refshauge, Schmitt, and Miller.  
Nays: None. Motion carried.

\* \* \* \* \*

Minutes were read and approved as read.

On motion and vote the meeting adjourned to Monday, May 11th, 1942, at nine o'clock (9:00) a.m.


Bailey Barnes,  
County Auditor.

Geo. B. Miller,  
Chairman, Board of Supervisors.

\* \* \* \* \*

I, Bailey Barnes, duly elected, qualified, and acting Auditor of the County of Black Hawk, in the State of Iowa, do hereby certify that the above and foregoing is an exact and true copy of a motion passed by the Board of Supervisors of Black Hawk County, Iowa, at their regular adjourned meeting held Monday, May 4th, 1942.

IN WITNESS WHEREOF I have hereunto set my hand and the seal of this office this 11th day of May, 1942.

  
County Auditor.



Waterloo, Iowa, September 22, 1941.

The Board of Supervisors of the County of Black Hawk, in the State of Iowa, met in regular adjourned meeting at the Court House in Waterloo, County Seat of said County, at nine o'clock (9:00) a.m., pursuant to law, to the rules of said Board, and to adjournment. The meeting was called to order and on roll call there were present: Chairman, Geo. B. Miller, Frank W. Beck, Walter H. Bell, John P. Biller, C. V. Kline, Edw. Refshauge, and Val Schmit.

Absent: None.

\* \* \* \* \*

Moved by Schmit seconded by Kline that the Board of Supervisors of Black Hawk County, Iowa, proceed to vacate the following described highway, such vacation to be made in accordance to Chapter 237 of the 1939 Code of Iowa; and that Jacob L. Scharles be appointed as commissioner to examine into the expediency of the proposed vacation:

Road # 158 - beginning at the West Quarter corner of Section 19, Fox Township, East to the center of Section 19, thence South to the South Quarter corner of Section 19, a distance of one (1) mile.

Ayes: Beck, Bell, Biller, Kline, Refshauge, Schmit, and Miller.  
Nays: None. Motion carried.

\* \* \* \* \*

Minutes were read and approved as read.

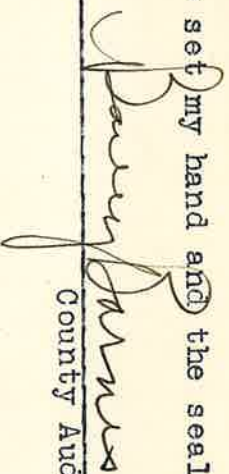
On motion and vote the meeting adjourned to Monday, September 29th, 1941, at nine o'clock (9:00) a.m.

Geo. B. Miller,  
Chairman, Board of Supervisors.  
Bailey Barnes,  
County Auditor.

\* \* \* \* \*

I, Bailey Barnes, duly elected, qualified, and acting Auditor of the County of Black Hawk, in the State of Iowa, do hereby certify that the above and foregoing is an exact and true copy of a motion passed by the Board of Supervisors of Black Hawk County, Iowa, at their regular adjourned meeting held Monday, September 22nd, 1941.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of this office this 11th day of May, 1942.

  
County Auditor.

February Eighteenth  
19 42

Mr. Jacob Schares,  
Gilbertville, Iowa.

Dear Mr. Schares:

This is to notify you that you have been appointed  
to act as Commissioner to vacate part of road #  
158 in Fox Township.

After you have completed the investigation of this,  
kindly fill out the Report of Commissioner and  
return it to this office.

Yours truly,

Bailey Barnes,  
County Auditor.

BB/11m

Enc.



AUDITOR'S OFFICE,

**Black Hawk**

County, Iowa.

To **Jacob Schares, Gilbertville, Iowa.**

~~You are hereby notified that you have been appointed a Commissioner to view and if required, to vacate part of County Road # 158, as requested by resolution adopted by the Board of Supervisors of County Road, petitioned for xxx on September 22, 1941.~~

and others, and described as follows:

Commencing at **the West Quarter Corner of Section 19, running thence East One-half mile to the center of Section 19, thence South one-half mile to the South Quarter corner of Section 19, in Township 88, North, Range 11, West of the 5th P.M.** and running thence

and terminating at

You will therefore appear at the office of some Justice of the Peace, Notary Public, or other proper officer and **of before 25 February** A. D. 19 **42** qualify according to law, and on the day of **February** A. D. 19 **42** you will proceed to make an examination of the route above described. If, in your judgment, the above road is needed or one in the vicinity of the route described, answering the same purpose, you may call to your assistance the necessary aid, and each being duly sworn, cause said line to be accurately surveyed and plainly marked out.

You will connect your starting point with the nearest section corner or quarter post. When however, there is a corner of a forty established in a permanent manner, more convenient, you may connect with it. In crossing a section line, note that fact, and state the distance from the nearest section corner or quarter post. The plat of the survey to accompany the field notes should be on the scale of forty chains to the inch, with the section crossed by the survey laid off upon the like scale, and correctly numbered as per United States survey. Also, note all natural or artificial monuments or conspicuous objects, and the junction of streams. Also, report the number of bridges required, if any, and the probable cost thereof, on the proposed highway, as required by section 4572 Code of 1931. A strict compliance with these requirements is necessary.

You will report your proceedings, together with a correct plat of the proposed **vacation**

to this office on or before the **25** day of **February** A. D. 19 **42**

WITNESS my hand and official seal at **Black Hawk County, Iowa,**

this **18** day of **February** A. D. 19 **42**

Auditor.



(Please state the amount of fees, and if paid.)

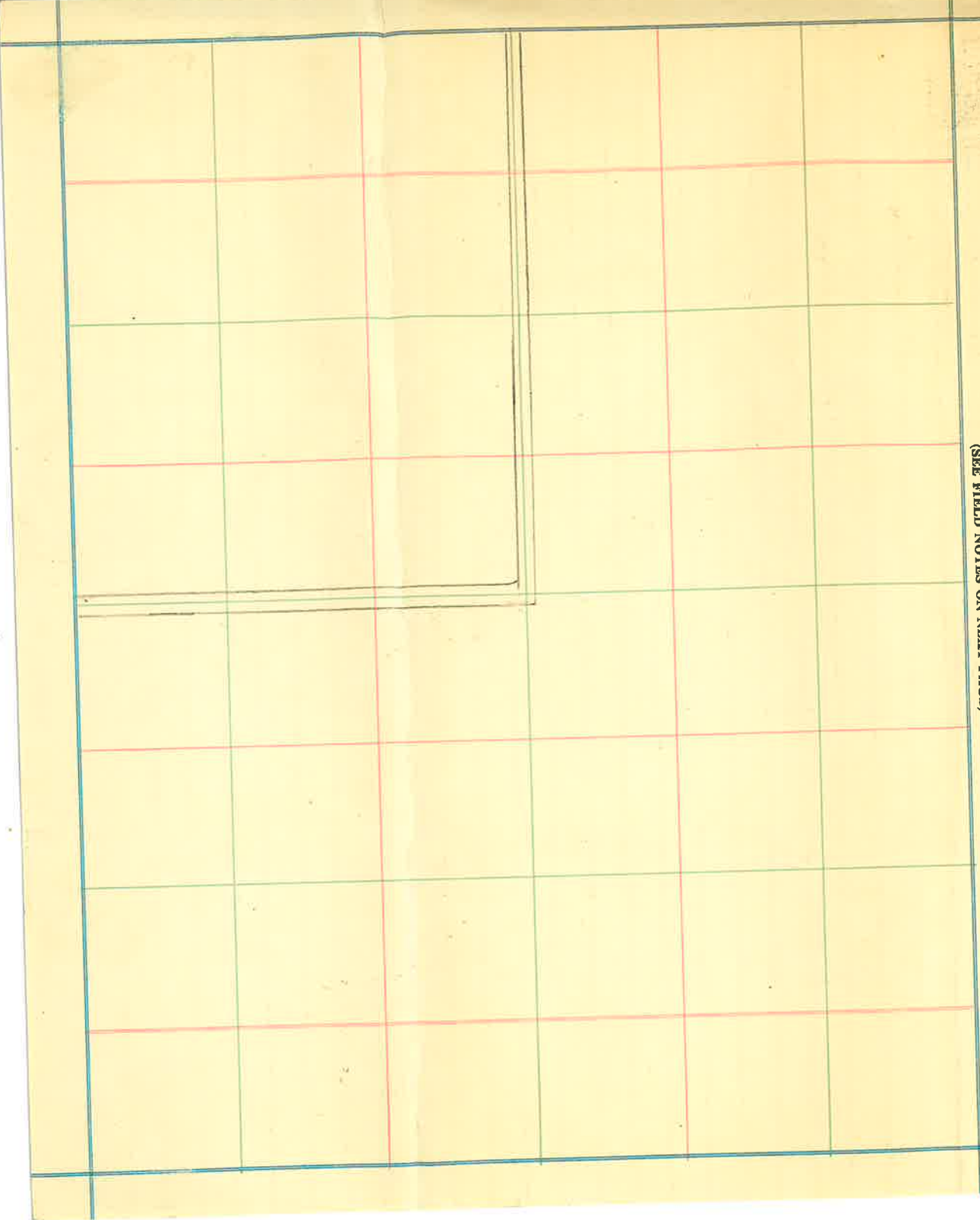
\_\_\_\_\_ days, \$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
TOTAL, - - - \$ \_\_\_\_\_

The fees are as above stated, and are \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION 19 TOWNSHIP 88N RANGE 11W**  
**PLAT OF THE PROPOSED ROAD**

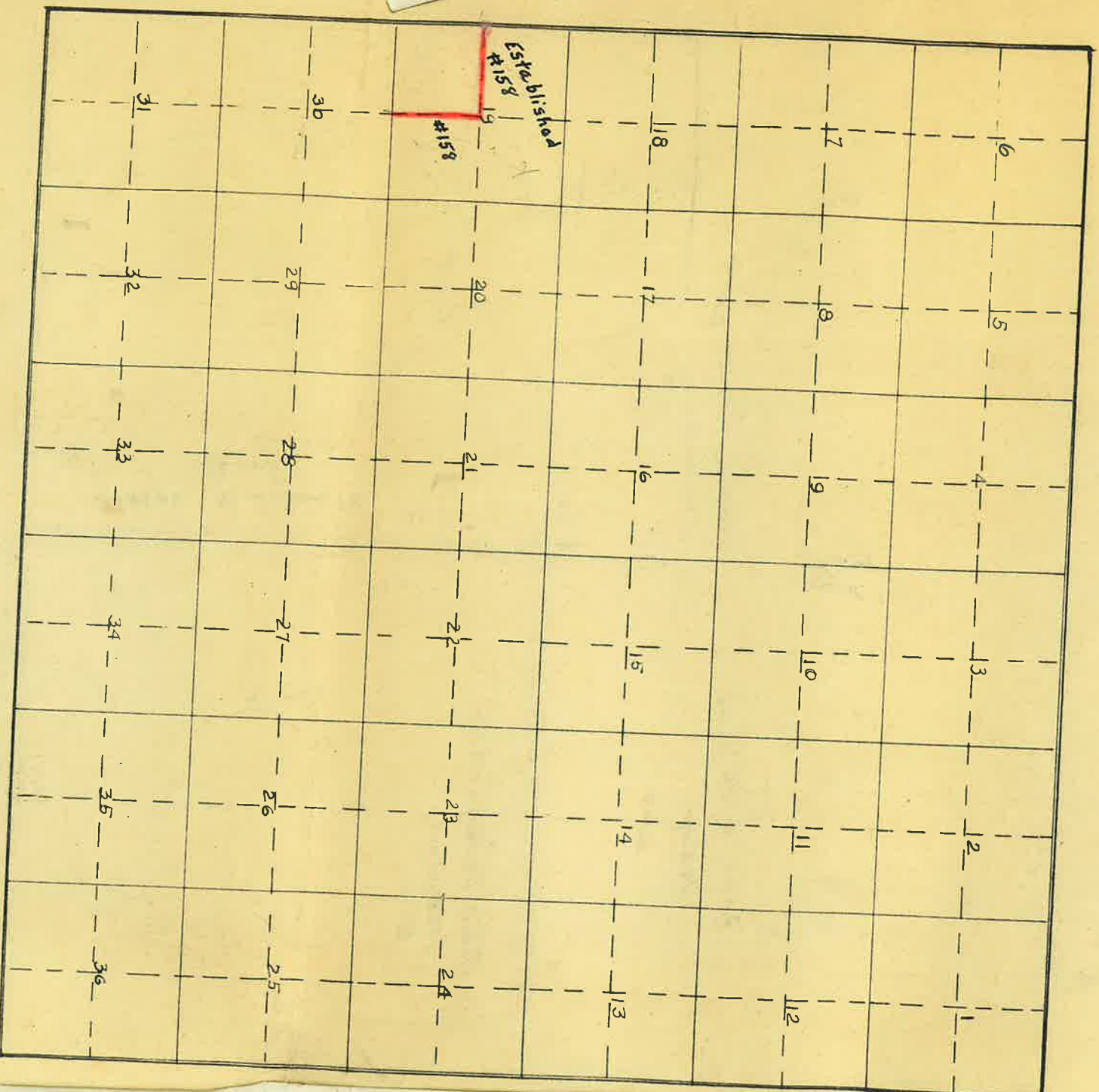
(SEE FIELD NOTES ON NEXT PAGE)

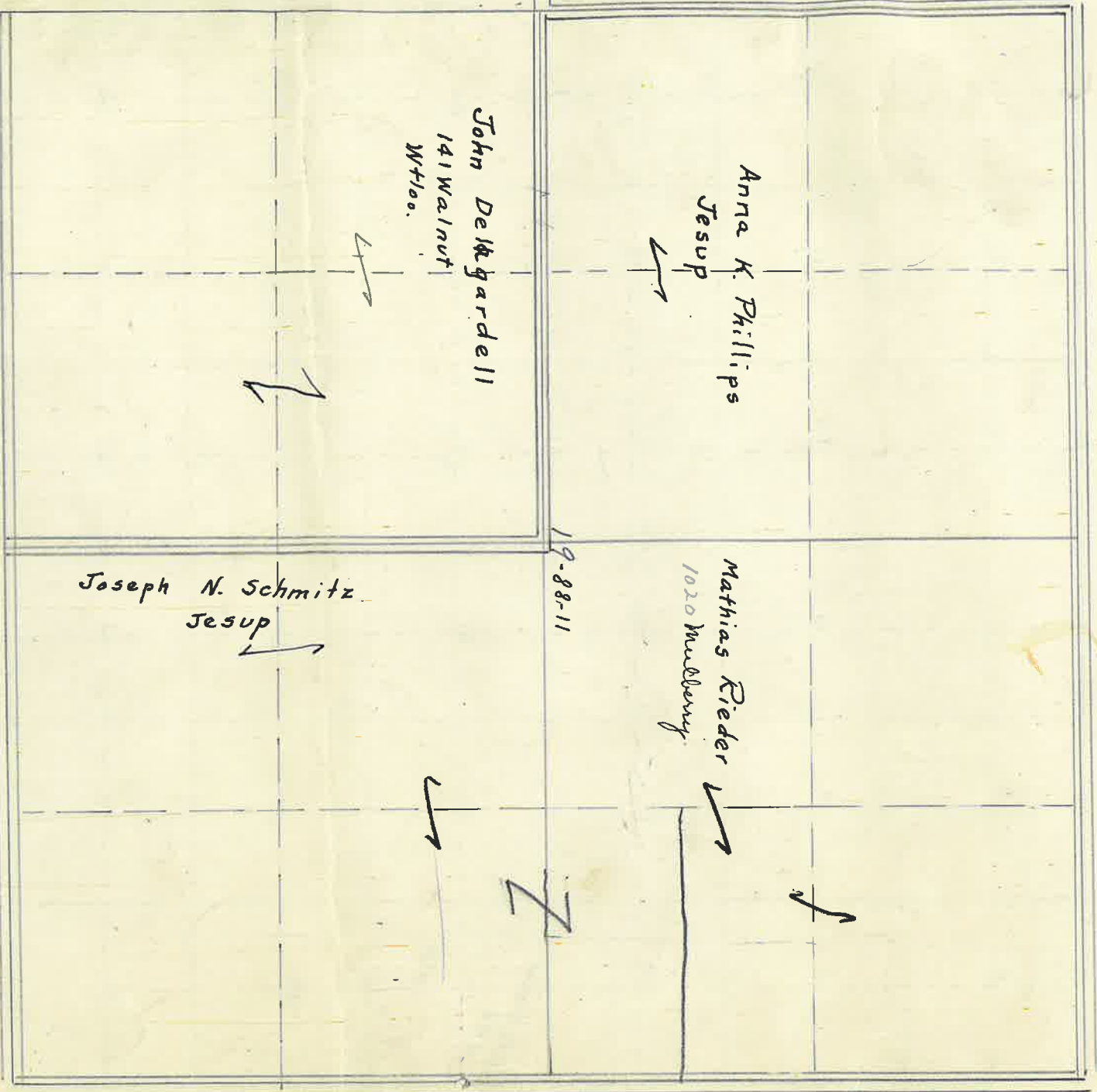


BLACK HAWK COUNTY  
T. 88 N. R. 11 W.  
Vacation proceedings started Sept. 22, 1941

FOX TWP.

Plat of road vacation in Section 19, T. 88 N., R. 11 W.







N O T I C E

RECEIVED  
FEB 28 1942

H. T. WAGNER, SHERIFF BLACK HAWK  
COUNTY, IOWA

TO:

ANNA K. PHILLIPS, - *Group, Laura*  
MATHIAS RIEDER, - *9020 Mulberry St. Waterloo, Iowa*  
JOHN DELAGARDELL, - *141 Walnut Street, Waterloo, Iowa*  
JOSEPH N. SCHMITZ, and - *Group, Laura*  
TO WHOM IT MAY CONCERN:

The Commissioner appointed to vacate a road Commencing at the West Quarter Corner of Section 19, running thence East One-half mile to the center of Section 19, thence South one-half mile to the South Quarter corner of Section 19, in Township 88, North, Range 11, West of the 5th P.M., has reported in favor of vacation thereof, and all objections thereto, or claims for damages must be filed in the Office of the County Auditor on or before Noon, May 1st, 1942.

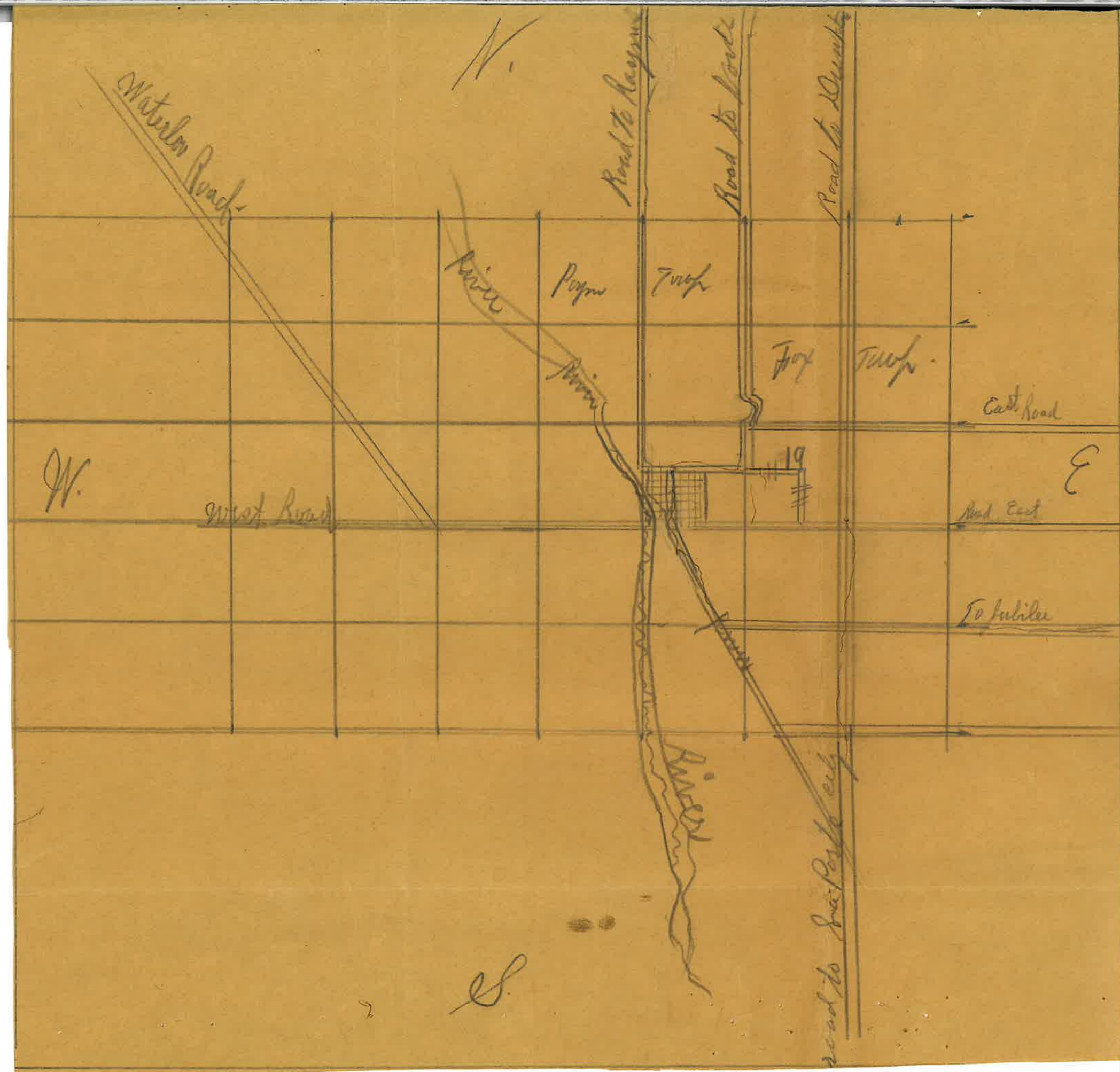
You are further notified that this matter will come up for Hearing before the Board of Supervisorsof Black Hawk County, Iowa, at ten o'clock (10:00) a.m. on the 4th day of May, 1942.

*Bauer Powers*  
County Auditor.

BB/11m









February Twenty-eight  
1942

Waterloo Daily Courier,  
West Park Avenue,  
Waterloo, Iowa.

Gentlemen:

Enclosed herewith is a Notice which I ask that you  
publish in the Waterloo Daily Courier for four (4)  
consecutive Mondays, beginning March 2nd, 1942.

Yours truly,

Bailey Barnes,  
County Auditor.

BB/lla

Enc.

N O T I C E

TO:

ARTHUR H. PHILLIPS,  
MATHIAS RIEDER,  
JOHN DELAGARDELL,  
JOSEPH H. SCHMITZ, and  
TO WHOM IT MAY CONCERN:

The Commissioner appointed to vacate a road commencing at the west quarter corner of section 19, running thence East one-half mile to the center of section 19, thence south one-half mile to the south quarter corner of section 19, in Township 86, North, Range 11, west of the 5th P.M., has reported in favor of vacation thereof, and all objections thereto, or claims for damages must be filed in the Office of the County Auditor on or before Noon, May 1st, 1942.

You are further notified that this matter will come up for hearing before the Board of Supervisors of Black Hawk County, Iowa, at ten o'clock (10:00) a.m. on the 4th day of May, 1942.

  
County Auditor.

193/11m

## JACOB SCHARLES

GILBERTVILLE, IOWA

Feb. 24-1942-

Jacob Schares of Gilbertville Ia

I have made a careful investigation of the above named road to be erected, and report as follows  
This Road running from east to west there is a bridge of 3-16 ft spans out, on this road running N. & S. there two low places that would mean two little bridges or culverts,

This Road running N. & S from its outlet, has a good road  $\frac{1}{2}$  mi. E. of No. running S. to La Porte City and running N. to Des Moines  
At the West Outlet of the above named Road there is a West road running N. and  $\frac{1}{2}$  there a good Road running S. through Gilbertville on

Highway Road running south to La Porte City  
This road never got any improvement and is impassable on account of the Bluffs two Elm and Shum's brush that showed up in the last 30 years

I would advise to erect this Road.

Sincerely yours

Jacob Schares



AUDITOR'S OFFICE, Black Hawk

County, Iowa.

To Jacob Schares, Gilbertville, Iowa.

You are hereby notified, that you have been appointed a Commissioner to view, and if required, to vacate part of County Road # 158, as requested by resolution adopted by the Board of Supervisors ~~on September 22, 1941.~~ on September 22, 1941.

and others, and described as follows:

Commencing at the West Quarter Corner of Section 19, running thence East One-half mile to the center of Section 19, thence South one-half mile to the South Quarter corner of Section 19, in Township 88, North, Range 11, West of the 5th P.M.

and terminating at

You will therefore appear ~~at the office of some Justice of the Peace, Notary Public, or other proper officer and~~ <sup>or before</sup>qualify according to law, and on the 25 day of February A. D. 1942

you will proceed to make an examination of the route above described. If, in your judgment, the above road is needed or one in the vicinity of the route described, answering the same purpose, you may call to your assistance the necessary aid, and each being duly sworn, cause said line to be accurately surveyed and plainly marked out.

You will connect your starting point with the nearest section corner or quarter post. When however, there is a corner of a forty established in a permanent manner, more convenient, you may connect with it. In crossing a section line, note that fact, and state the distance from the nearest section corner or quarter post. The plat of the survey to accompany the field notes should be on the scale of forty chains to the inch, with the section crossed by the survey laid off upon the like scale, and correctly numbered as per United States survey. Also, note all natural or artificial monuments or conspicuous objects, and the junction of streams. Also, report the number of bridges required, if any, and the probable cost thereof, on the proposed highway, as required by section 4572 Code of 1931. A strict compliance with these requirements is necessary.

You will report your proceedings, together with a correct plat of the proposed vacation to this office on or before the 25 day of February A. D. 1942

WITNESS my hand and official seal at Black Hawk County, Iowa,this 18 day of February 1942

Auditor.



To the Board of Supervisors of Otsego  
County New York State of New York

I M. S. Culey a resident of Otsego  
Township in said County and being  
on the line or proposed line of the  
Mottay Road beg leave to submit  
and make the following proposition  
to wit: I will give five of charge  
the right of way on the East ~~side~~  
side of my farm in said Township  
if the line of said proposed Road  
be changed one half mile east or  
~~west~~ so as to run on the East ~~side~~  
side of said farm instead of running  
through the Center of said farm and  
I will relinquish all claim for  
damages on account of the establishment  
of said Road as here proposed  
Witness my hand 31<sup>st</sup> Dec 1883 M. S. Culey

To the Clerk of the  
Board of Supervisors of Otsego County N. Y.

We the undersigned being petitioners  
with E. S. Mottay and others do hereby  
the proposition of M. S. Culey to change  
the line of a portion of the road set forth  
in said petition and do hereby the  
immediate establishment of the same

Names  
E. S. Mottay  
Geo. B. Culey

J. M. Mottay  
J. M. Mottay

Wm. Mottay  
Wm. Mottay



President of said Board as herein proposed  
March 23rd 1863 M. S. Coley

To the Clerk of the  
Board of Supervisors of Black Hawk Co.

We the undersigned, being petitioners  
with E. E. M. & Co. and others do hereby  
the proposition of M. J. Coley, to change  
the line of a portion of the road set forth  
in said petition and do pray the  
immediate establishment of the same

Witness

E. E. M. & Co.

Edw. J. Coley

J. H. Coley

John Coley

A. J. Coley

Martin Jones

Wm. Coley

John Schneider





4<sup>th</sup> The Board of Supervisors of the County  
of St. Louis would ~~state~~ show on the  
West's turn of

As the undersigned  
Citizens of the County of St. Louis would  
state of course would respectfully  
represent that we would in the town-  
ships of St. Joseph in said County  
and near the line of the Road petitioned  
for by Ed. M. Stang and others and laid  
out by Geo. W. Miller Commissioners on  
or about the 18<sup>th</sup> day of August A.D. 1862  
that in our opinion said Road is un-  
necessary, well accommodate but  
less if any of the Citizens of said County  
and that it will be very expensive  
and needless and we hereby demonstrate  
against the establishment of said  
proposed Road

Thorne

Thorne

Mathew Perryman

A. Blackford

Wm. C. Clegg

J. P. Dixon

St. J. Dixon

L. H. Dixon

Joseph Dixon

L. H. Dixon

W. C. Dixon

John Clegg

John Clegg

James Clegg

John Clegg

W. C. Clegg

Philip Clegg

J. H. Spencer

Philip Clegg



Jacob Smith  
 E. R. Billings  
 Isaac Atkins  
 Jacob Springer  
 J. McChane  
 A. Morris  
 Lewis Livingston  
 Jacob Williamson  
 John Green  
 Wm. Schmitts +  
 John Kirkpatrick  
 Frederick Webb  
 Joseph Powell  
 Wm. Rogers  
 Lewis J. McKee  
 James McKee  
 Galen B. Williams  
 Samuel Stead

George  
 John  
 John  
 John



88.12

88.11

Correction	Line
1	6
12	7
13	18
24	19
25	36
36	31
1	6

Length of Road 6 miles 548 ft.

0.88.12

87.12

87.11

McIntosh & Spring Creek road  
48 ft.

Plot and Commission  
report of the McIntosh road,  
commencing on the correction  
line between Louisiana and  
88.12 and 88.11, thence run-  
ning South on township line  
until it intersects the McIntosh  
& Spring Creek road, thence  
for a road is a very good one  
& would recommend the es-  
tablishment of a public high-  
way on the same,  
July 28<sup>th</sup> 1862  
Geo. W. Miller  
Surveyor & Commissioner

#158

Commissioners  
Report of  
M. Stays road

21<sup>st</sup> of Oct

Filed ~~August~~ 4<sup>th</sup>  
1862

D. Johnson  
Clerk



STATE OF IOWA, } SS:  
BLACK HAWK COUNTY.

Office of County Court, held Oct 17. 4<sup>th</sup> Term, 1862  
To J. R. Brittain & George Ordway and  
J. H. Milline

Gentlemen:—You are hereby notified that you have been appointed by the County  
Court, appraisers to view and, if any, to apportion the damages claimed by M. S.  
Ordway

in the location of a County Road, petitioned for by Edwin M. May, et al

Lee M. Miller, Commissioner, in Payson and others, as located by  
Towship.

You will therefore meet at the office of James S. Briggs, at 10 o'clock, and  
qualify and proceed immediately to the discharge of your duty, and report to the next term of  
the Court. Before the Board of Supervisors

WITNESS my hand and Seal of Court, this 17<sup>th</sup>  
day of Oct 1862

J. R. Brittain, M. S.

THE STATE OF IOWA, } SS.  
BLACK HAWK COUNTY.

To J. R. Brittain & George  
Ordway & J. H. Milline

do each of us solemnly swear, that having been appointed by the County Court of said  
County, appraisers to view and apportion, if any, the damages claimed by M. S.

Ordway in consequence of the location of a County Road petitioned for by  
Edwin M. May and others; we will faithfully  
and impartially discharge the duties of such appraisers according to the best of our knowledge  
and ability.

J. R. Brittain  
George Ordway  
J. H. Milline

18<sup>th</sup> day of October

Subscribed to before me this 18<sup>th</sup> day of October 1862  
J. R. Brittain

THE STATE OF IOWA, } SS:  
BLACK HAWK COUNTY.

To the Honorable County Court in and for said County:

The undersigned, appointed by your Honorable Court appraisers to view and, if any, to  
apportion the damages sustained by M. S. Ordway & others in the location of the County Road, petitioned for by  
George M. Miller

and others, as located by George M. Miller  
and others, they leave to report that, in accordance with said notice, after being duly  
qualified, we proceeded to view said premises, and would report that we find the said  
M. S. Ordway

has sustained damages to the amount of One hundred & eighty—Dollars.  
Witness Our hands, this 18<sup>th</sup> day of October

Oct. 18, 1862 J. R. Brittain

George Ordway }  
J. H. Milline, } Appraisers.



of the State & Supervisors of  
the County of Adams, Kansas and State  
of Iowa

Our Petitioner, Mr. S. Orley  
Jensen, petitioners, caused

respectfully to present that he  
is the owner in fee of the following  
described Real Estate to wit: The South  
East quarter of Section No. twenty four (24)  
Township No. Eight, Range No. 46  
T. 8 N. R. 46 E. and the South West  
Quarter of Section No. nineteen (19)  
Township No. Eight, Range No. 46  
T. 8 N. R. 46 E. West of S. 46 N.

All in the County of Adams, Kansas and  
State of Iowa that, on the petition  
of Col. W. D. Long and others a Summary  
process was appointed who has laid  
out a Road called the W. D. Long Road  
running South from the Pattee  
and Independence Road & the  
Pattee Road as follows: Road  
in said County, and District Road  
of established according to the  
Report of said Commissioner  
S. M. Miller will pass over and  
through the land of our Petitioner  
above described. To the damage of our  
Petitioner the sum of One Thousand  
Dollars, our Petitioner



Therefore claims the sum of  
One thousand dollars and  
damages aforesaid and  
asks that the same be allowed  
M. S. Dwyer  
By Dwyer & Allen his Attys

W. Stoy Road  
158

M. S. Dwyer

vs

Board Supervisors

Claim for Damages

Filed August 29<sup>th</sup> 1864

D. G. Leachman Clerk

To the Honorable Board  
of Supervisors of Black Hawk Co. Iowa

As the undersigned  
Attorney of Black Hawk County owning  
land along the line of a proposed  
road running on the south side  
commencing at the North East corner  
of section one (1) in Town 28 Range (R)  
and running south until it intersects  
with the Henry Creek and Waterloo road  
do hereby grant the right of way  
for said road free of charge  
Dated June 11th 1880, 1882

Name

Name

E. E. M. Stuy  
J. L. Dickson  
H. L. Chamberlin  
J. H. Stuy



2  
To the Honorable Board of  
Superior Black Hawk County Iowa

We the undersigned citizens  
of Black Hawk County, do hereby  
petition your honorable body for the  
appointment of a commission to  
view and report on the practicability  
of a County road to run as follows,  
So commencing on the East corner of  
line road, at the North East corner of  
Section one D Town 88 Range twelve (N)  
and run south on the Township line as  
united it intersects with the Spring  
Creek and Waterloo road.

Date June 11th AD. 1862.

NAMES	NAMES
E. & M. May	T. Mendenhall
A. L. Dickerson	John H. May
Chas. B. Case	of Lincoln
Wm. Wheeler	
Ed. Schumacher	
Ed. Stetson	
John Shumard	
John Spencer	
Wm. Lusk	
Wm. Rice	
J. Cornell	
Alva M. Hall	

Indemnity of some }  
Black-Headed bounty } A. Morris

To All to whom it may concern  
You will please take notice  
that by an action of the Board of  
Superior of said bounty at the best  
sum \$1862 the costs and <sup>damages</sup> <sup>judgment</sup> <sup>costs</sup> <sup>of</sup> <sup>the</sup> <sup>case</sup> <sup>and</sup> <sup>damages</sup>  
of the old township <sup>have</sup> <sup>been</sup> <sup>paid</sup> <sup>and</sup> <sup>should</sup> <sup>be</sup>  
established on condition that petitioners  
pay all costs and damages must be  
paid by the 1<sup>st</sup> of January 1863 or  
the road will be discontinued

Nov 17<sup>th</sup> 1862

W. Coleman Clerk



State of Wisconsin }  
 Public Trust Land }  
 Receiver 1st dist Wis  
 I have sold lands the within State on Morris  
 and St. Norbert's lands and State of Wisconsin on the  
 1st day of November 1884 by making the within  
 notice to him and in his hearing and by delivering  
 a copy of the within notice to the above named  
 Officers,  
 For the money 120  
 " " Service 50  
 " " Copy 30  
 \$190

15th  
 A Morris  
 Bond Notice

Fox & Poyner Appraisers  
 Road



Highway Notice

Notice is hereby given that  
there will be an application made to  
D. J. Coleran Clerk of the Board of  
Superior of Black Hawk County  
on Monday July 7th A.D. 1862 for the  
appointment of a Commissioner to view  
and report upon the practicability of  
the establishment of a county road  
on the following route, viz:-

Commencing on the East-  
Carverton<sup>ers</sup> Road at the north east corner  
of section (1) in town (88) range (12)  
and run south on the Township line  
until it strikes the Spring Creek  
and Waterloo Road which will be  
the terminus

Dated June 31 A.D. 1862

State of Iowa  
Black Hawk County

I Al M<sup>r</sup> Stagg do solemnly swear  
that I posted & conveyed to the post office four notices  
of which the contents is a copy and follows  
one on the Court House door in Waterloo  
said County - one on the Post Office door  
in Frenchtown & two along the line of  
the said Road  
between & subscribed

before me this 1<sup>st</sup> of July 1862

John J. Beckwith  
Notary

Road



To all whom it may concern  
We the undersigned citizens of Troy &  
Seymour townships certify that we signed  
a remonstrance against the establish-  
ment of a road petitioned for by  
E. M. Slay and others being informed  
that if aforesaid petition was not  
disregarded we should lose the portion  
of aforesaid road which had been  
established constitutionally by Black-  
Stearns County

Jan. 1<sup>st</sup> 1862

Names

Frederick St. Roger  
Levi S. Pringle  
Frederick Hamilton  
A. Morris  
John W. S. Thomas  
Edw. S. Thayer  
J. J. Perry  
J. W. Mearns  
John Kirkling  
Henry Goodell  
Joseph Perry