

531

*Change in No 7
Washington Pump*

J P Wilson
V L Cook

State of Iowa
Black Hawk County

To the Hon Board of Supervisors of
Black Hawk County Iowa.

The undersigned owners of land
in Washington and Green Township ~~and~~
respectfully protest against the
proposed vacation of the present
established road on the line between
the West half of Section 15 and the West
half of Section 22 in Twp 90 Range 14 West
SD 40 N. for the reason that the road
is a public necessity especially to the
owners of tracts of timber land along
the Cedar River and if said road is
vacated they will have no means of access
to said land along the river.

Witness my hand this 14th day of May 1890

James L. Beeson (Seal)
by Lewis H. Beeson (Seal)
attorney in fact

H. Jordan
W. H. Clark

J. W. Palmer

L. B. Lewis

Pack Lumber

L. B. Sturges

W. Lawrence

over

X

the matter
the vacation of
between
15 & 22
14

instance

G. D. Bishop
Spencer
Hartwick
Roll Lawrence
Rogers
X J. G. Chapman
J. Samuel Murphy
X Wm. L. Cook
17

The State of Iowa, } ss.
BLACKHAWK COUNTY.

OFFICE OF COUNTY AUDITOR.

TO ALL WHOM IT MAY CONCERN:

The Commissioner appointed to Vacate a highway in Washington Township, in said County, ~~commencing~~ lying between the Southwest one fourth (1/4) of Section fifteen (15), Township ninety (90) Range fourteen (14) west of the fifth P.M., and the Southwest one fourth (1/4) of Section twenty two (22), Township ninety (90) Range fourteen (14) west of the fifth P.M.

has reported in favor of such Vacation, and all objections thereto or claims for damages must be filed in the office of the Auditor of said County, on or before noon of the 30th day of November, A. D., 1896, or such highway will be Vacated without reference thereto.

Dated at Waterloo, this 15th day of September A. D. 1896

B. J. Rodman

County Auditor.

State of Iowa, } ss.
Blackhawk County,

I W. Hammond, being duly sworn, do upon oath say that on
the 17th day of September A. D. 1896, in Washington Township, in
said county, I personally served the within notice on Geo. H. Clark.

and in his hearing, and by delivering to him a true copy of
said notice.

by reading the said notice to him
W. Hammond Constable

Subscribed and sworn to before me by the said W. Hammond this 17
day of Sept-- 1896
John C. Smith Notary Public

Service 50

14 miles

10
20
130

No. 531

Road.

SERVICE OF NOTICE.

Filed 189

County Auditor.

Ed. Rochwiler 13		James Barker		Geo H. Ford	
				<u>proposed road</u>	
Mrs Muller 12		Christen Olsen			
		Ford & Shaffer			
Mrs Muller 11		J & H. Kuyper			
M Reaper	Ford & Shaffer 10	Ford & Shaffer		Ford	Shaffer
	Ann L. Beaman 9			Shaffer	Black & much
Ford & Shaffer 8		Ford & Shaffer Ford		Wash	15
Anne L. Beaman 7		G. H. Clark		Morgan	
miller, L. Beaman 6		Shaffer			
John Beaman 5		Ma Watson		RR Ford	
Harman Canoll 4					
Mrs Stettin 3		Ford & Shaffer		RR Ford	
Ford & Shaffer 2		Ford & Shaffer			
Anne L. Beaman 1					
2 Mrs		Established Road		Ford & Shaffer	
		RR Ford			
		Wash			
		Wash			

R No 7

Marlin	Knappe	x	
J. H. Wilson		x	
G. H. Wilson		x	
H. Jordan		x	
W. H. Clark	Mountbarn	JP	6 1/2 miles
J. W. Parmer			
Seeversee	S. F.		6
Paed. Damban			5 1/2
B. L. Spurn			6
A. W. Seeversee			6 1/2
			4 1/2
Lynce. Long	Oleson	much	arrived. JP
G. H. Clark			" " 5-
H. W. Garrett			" " 10
Miles	Greensides		" " 3
John Lemmison			" " }
H. B. Helper		x	
G. B. Futhill	Washington		4 1/2
G. P. Bishop			6
George Futhill			4 1/2
J. Futhill			4 1/2
Roe Leane	Mountbarn		4 1/2
J. A. Wilson		x	
Samuel Knapp	Washington		4 1/2
Virgil L. Cook		x	

Remittance

State of Iowa, }
BLACKHAWK COUNTY, }

Office of County Auditor,

Know all Men by These Presents, That we,

P. R. Ford.

as Principal, and

W. A. Shaffer.

as Sureties, are held and firmly bound unto said County of Blackhawk in the penal sum of One Hundred Dollars, for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, executors, administrators and legal representatives, firmly by these presents.

Now, the condition of the above obligation is such that,---Whereas,

P. R. Ford.

and others, have made application by petition to the

Board of Supervisors of said County to

Vacate the West 1/2 mile between Sec. 13 & 22.

known as ~~the~~ *No. 257*

Road;

Now, if the said petitioners shall pay all the expenses growing out of said application, in case the said highway is not

Vacated

void, otherwise to be and remain in full force and virtue.

Witness our hands this *8th* day of *July* 189*6*.

P. R. Ford

W. A. Shaffer

The above Bond and security approved this *8* day of *July* 189*6*

C. J. Williams

County Auditor.

STATE OF IOWA, }
BLACK HAWK CO., }

SS

I,

W. H. Hund

of the CEDAR FALLS GAZETTE, a weekly newspaper printed and published in Cedar Falls, Black Hawk County, Iowa, do solemnly swear that the annexed copy of

Notice was published in said Newspaper regularly once a week for

4 consecutive weeks commencing on the 18th day of Sept 1896 in Nos. 9, 11, 13, 15 Vol. 39 of said Newspaper, and that the annexed rate of advertising are the regular legal rates of said Newspaper, and that the following is a correct bill for publishing said Notice.
Printer's Bill \$ 4 00

W. H. Hund

Subscribed and sworn to before me this 23^d day of Nov A. D. 1896

E. A. Snyder
Notary Public.

Received of

the sum of

Dollars in full for publication of the above notice.

Publishers.

STATE OF IOWA }
BLACK HAWK COUNTY, }

OFFICE OF COUNTY AUDITOR.

To all whom it may Concern:

The Commissioner appointed to vacate a highway in Washington township, in said county, commencing at the half section line between Sections 15 and 22, Township 14, Range 14, west of the 5th P. M., and running thence west to township line has reported in favor of such vacation, and all objections thereto or claims for damages must be filed in the office of the Auditor of said county, on or before noon of the 30th day of November, A. D. 1896, or such highway will be vacated without reference thereto.

Dated at Waterloo, this 14th day of September, A. D. 1896.

E. J. RODAMAR,
County Auditor.

To the Honorable Board of Supervisors,
of Black Hawk County, Iowa.

The undersigned hereby remonstrates against the vacation of a highway in Washington Township, in said County, described as follows, to-wit: A highway in Washington Township, in said County, lying between the Southwest One-fourth (1/4) of Section Fifteen (15), Township Ninety (90), Range Fourteen (14) West of the Fifth P. M., and the Northwest One-fourth (1/4) of Section Twenty-two (22), Township Ninety (90), Range Fourteen (14) West of the Fifth P. M., as recommended in the report of the Commissioner, filed with the County Auditor, and as grounds of such remonstrance states the following:

1st- That there is no reason for asking the vacation of the said road, except for the accommodation and benefit of R. R. Ford and W. A. Shaffer, who are the owners of the lands through which the road passes, and bought the same with full knowledge of the establishment of the road and the rights of the public therein; that by the vacation of the said road, the several parties owning land between the East line of Section Sixteen and the river would have no access to such lands, except by the purchase of a road or by committing a trespass; that said lands are valuable for timber and grazing purposes which require some means of access; that said lands are now all enclosed in common by a fence built on the East side thereof, by the said Ford and Shaffer, and for the express purpose of keeping the owners thereof out of the enjoyment of their property.

2nd- That the said Ford and Shaffer are proposing to put up with the Board of Supervisors, a trade whereby they will take away the road in question in consideration that certain parties, who shall consent thereto, may pass over their lands to the lands

in Section Sixteen; and that it is no part of the Board of Supervisors to impose any such terms upon the owners of such lands; that the object of the said Ford and Shaffer is not only to obtain the land in the proposed vacated road, but to shut off and eventually obtain, at their own price, the ownership of all the lands. They ask the assistance of the Board of Supervisors to help in doing so.

3d- That the said road has remained unvacated for a long period of time and the public has suffered no damage therefrom, and may remain in the future in the same way; and while it so remains unvacated, the said Ford and Shaffer, without any special agreement therefor, will be willing to permit the owners of the said lands in Section Sixteen to reach their lands; that the owners of said lands have never asked that the said road be opened and especially improved, but have asked that their right to pass over same should not be denied; that this remonstrant is the owner and lessee of the lands effected as above stated.

4th- That the said Ford and Shaffer have no right or equity to ask the vacation of the said road; that this remonstrant, nor any other person known to him, has asked that the sloughs crossing the said road, should be bridged, but that at comparatively small expense, they may be so improved by cutting down the banks so as to permit the use of the road for stock and wood road at almost every season of the year.

Wherefore, this remonstrant asks the Board of Supervisors to over-rule the action of the Commissioner, and refuse to vacate the said road.

Geo H Clark

Date Nov. 26. 1896

281

I. W. S. Thompson, do hereby consent that that part of highway number seven (7), in Black Hawk County, Iowa, lying between the southwest One Fourth ($\frac{1}{4}$) of Section Fifteen (15), Township Ninety (90), Range Fourteen (14), west of the Fifth P. M., and the northwest One Fourth ($\frac{1}{4}$) of Section Twenty two (22), Township Ninety (90), Range Fourteen (14), west of the Fifth P. M. be vacated and that the same revert to the adjoining owners pursuant to law and I hereby waive any claim for damages by reason of the vacation thereof and I hereby waive notice of the vacation as provided by law; this consent and waiver to be filed with the Auditor of Black Hawk County, Iowa, as a part of the records in the matter of the vacation of said highway.

Dated this ----~~5~~---day of September, 1896.

W. S. Thompson

70-30
Sep 18

N 531

Petition for
vacation of
a portion of
the road between
Sec 15 & 22. in
Twp 90 - 14 -

Filed July 8th 1896
B. J. Rodman
Auditor

TO THE HONORABLE BOARD OF SUPERVISORS OF BLACK HAWK COUNTY IOWA:

We the undersigned, residents of Washington Township in Black Hawk County, Iowa, respectfully ask that the portion of the County road on the section line between Sections 15 and 22 in Washington Township, running westerly from the half section line ~~xx~~ said sections to the Township line, be vacated; and in support of this petition your petitioners respectfully show, that a part of said road hereby asked to be vacated is and always has been impassable for travel and that it would require a large expenditure of money both in grading and bridging to make said road safe and convenient for public travel. Your petitioners further show that there is no travel of any kind over and along said road during about nine months in the year, and that during about three months or the winter season, there is a small amount of travel over a part of the road asked to be vacated by persons going into the timber along Cedar River for the purpose of obtaining wood. That the amount of such travel is so small and of such little consequence that it does not warrant the opening of said road or the expenditure of money necessary to put the same in condition for public travel. Your petitioners further show that said road has never since the time it was laid out and platted, been open to the public travel. That a large part of it has always been fenced and farmed, and that a has been maintained across the same at the half section line for more than twenty years. That there is no reason why the County should be charged or burdened with the expense of opening and maintaining a highway along said line, as there is no travel ~~xx~~ sufficient to warrant such expenditure.

Dated this 20 day of June 1876

Witness.

R. A. Ford

W. A. Shaffer
L. K. Bird

Witness
L. Ford
H. Ford

Names

W. H. Clark

Geo. Prokes

J. H. King

E. L. Bailey

James H. Hall

A. M. Kral

D. B. Banner

M. Boomer

J. R. Black

L. Johnson

W. H. Davis

R. S. Sargent

J. W. Satterlee

F. W. Weeks

J. E. Greene

W. M. Washburn

J. A. Godfrey

J. A. Dabbs

D. W. Taylor

Names

R. H. Wright

L. A. Braddock

B. A. Barker

Charles Barker

August Brannon

William Shaffer

W. H. Walbury

H. H. Wilson

J. P. Wilson

G. H. Wilson

Martin Pugh

J. S. Morgan

Geo. W. Morgan

H. D. Tiller

J. A. Tiller

V. L. Cook

Frank McElroy

Samuel Murphy

G. P. Bishop

To D C Henry Auditor's Office, Black Hawk County, Iowa.

You are hereby notified, that you have been appointed a Commissioner to view, and, if required, to locate a County Road, petitioned for by J. P. Ford.

and others, and described as follows, to-wit:

Commencing at The half section line between Sections 15 & 22. Twp 90 Range 14.

and running thence West to Twp line.

and terminating at

You will therefore appear at the office of some Justice of the Peace, Notary Public, or other proper officer, and qualify according to law, and on the 15th day of August A. D. 1896. 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 Chapter 80, Laws Nineteenth General Assembly. A strict compliance with these requirements is necessary, in order to establish a uniformity in the practice, and to enable the Clerk to correctly transcribe them for record.

You will report your proceedings, together with a correct plat of the proposed Vacation of above Road to this office on or before the 24th day of August A. D. 1896.

WITNESS my hand and official seal at Waterloo this

27th day of July A. D. 1896.

J. P. Rodman

Auditor.

State of Iowa, }
Platteau County, } ss.

I, R. E. Henry, do solemnly swear that I will faithfully and to the best of my ability perform the duties of Commissioner on the above described road.

Subscribed and sworn to before me by R. E. Henry

the 10th day of August A. D. 1896

J. P. Williams

Co. Auditor

REPORT OF COMMISSIONER.

To the County Auditor of Black Hawk County:

The undersigned, appointed by you a Commissioner to examine into and report upon the expediency

of Vacating the above described

a road described in the foregoing commission, respectfully reports:

After taking into consideration the petition asking that the road be vacated, and the expense of making the same passable. By reason of bridges falling and grading down. And as near as I can learn there would be no travel to speak of, except a few people to draw out wood in the winter. And several of them are on the petition. Therefore I would recommend the vacation of said road. I will further suggest to the Board, and recommend that before a final vote is taken, to vacate said road, that R. R. Ford or W. A. Shopen (one or both) be required to file a permit or stipulation, to the effect, that one Geo. H. Blake shall have the right to cross the land of said Ford or Shopen for the purpose of stacking land or the remains of said road. It appears =

Also, further reports that there will be _____ bridges needed on said proposed highway,

and that the probable cost thereof will be _____ Dollars.

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

1 day. \$ 3.50
\$
\$
\$
Total, - - - \$

The fees are as above stated, and are

As he Clark alleges, and also his Atty, that said Clark has rented a tract of land for five years for the purpose of pasturing of stock. and this would be the most convenient from where he lives, for him to approach the said land. Based on my report on the fact, that your Hon. Board will see that Mr. Clark has this just right in the matter during the life of his lease of five years. Mr. Ford stated he would be willing to grant the said Clark the privilege for a reasonable time.

PLAT OF THE PROPOSED ROAD.

(See Field Notes on Next Page.)

D. C. Henry									
58/47									
66									