

ROAD CASE

No. 616

PETITION FILED

Sept. 23, 1925

BOND FILED

Sept. 23, 1925

R. A. Sauter

APPOINTED COMMISSIONER

Oct. 12, 1925

COMMISSIONER REPORTED

Nov.

Nov. 24, 1925

NOTICE SERVED

Dec. 16, 1925

OBJECTIONS FILED

Dec. 31, 1925

Jan. 20, 1926

CLAIMS FILED

Dec. 31, 1925 Jan. 30, 1926

APPRAISERS APPOINTED

19

APPRAISERS REPORTED

19

DAMAGES ALLOWED, - \$ -

COSTS ALLOWED, - - - \$ -

19

ROAD ESTABLISHED

Jan. 14, 1926

TOWNSHIP CLERK NOTIFIED

Jan. 20, 1926

Record note.

ROAD PETITION

TO THE BOARD OF SUPERVISORS OF BLACK-HAWK

COUNTY, IOWA:

The undersigned ask that a Highway forty feet wide, commencing at the north line of Section No. Ten (10) Township No. Eighty-nine (89) Range No. Thirteen (13) West of the 5th P.M., thence running south parallel and adjacent to the ~~and running easterly~~ easterly right of way line of the Waterloo-Cedar Falls and Northern Ry., as now located, to the South line of the North one-half (1/2) of the south east quarter (14) of said Section No. Ten (10) Twp. Eighty-nine (89) Range Thirteen (13) West of the 5th P.M. also that said highway be extended and established fifty (50) feet wide symmetrical with respect to a center line, described as beginning at a point located on the easterly right of way line of the said Waterloo-Cedar Falls & Northern Ry., said point being twenty-five (25) feet north of the south line of the said north one-half (1/2) of the south-east quarter (1/4) of said Section No. Ten (10) Township No. Eighty-nine (89) Range Thirteen (13) West of the 5th P.M., thence running west to the easterly line of the Primary Road as now established and known as No. Forty (40) and terminating at as shown by the plat hereto attached and as above indicated.

be established as provided by law.

NAMES

NAMES

Harold Schuch

W. P. Coe

J. H. Thayer

Auditor's Office, County, Iowa.

To R. A. Santee

You are hereby notified, that you have been appointed a Commissioner to view, and report upon the expediency of Township ~~County~~ Road, petitioned for by Haddie Fluent, Rey Cowin and others, and described as follows:

Commencing at A highway 40 feet wide, commencing at the north line of Section ten, Township 89, Range 13 West of the 5th P. M., and running thence south parallel and adjacent to the Easterly right of way line of the Waterloo, Cedar Falls & Northern Ry., as now located, to the South line of the North one-half (1/2) of the Southeast quarter (1/4) of said Section No. ten (10), Township eighty-nine (89), Range Thirteen (13) West of the 5th P.M., also that said highway be extended and established fifty (50) feet wide symmetrical with respect to a center line, described as beginning at a point located on the Easterly right of way line of the said Waterloo, Cedar Falls & Northern Ry., said point being twenty-five (25) feet North of the South line of the said North one-half (1/2) of the Southeast quarter (1/4) of said Section ten (10), Township Eighty-nine (89) Range Thirteen (13) West of the 5th P. M., thence running West to the Easterly line of the Primary Road as now established and known as No 40

and terminating at as shown by the plat hereto attached and as above indicated.

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 12th day of October A. D. 1925, 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 Chap. 80, Laws 19th 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 highway to this office on or before the 19th day of October A. D. 1925

WITNESS my hand and official seal at Waterloo, Iowa, this 7th day of October A. D. 1925

J. W. Egan
Auditor.



Waterloo Cedar Falls & Northern Ry. Co.

ENGINEERING DEPARTMENT

T. E. RUST
CHIEF ENGINEER
C. W. EBY
ASSISTANT ENGINEER
S. J. FAIRBANKS
ELECTRICAL ENGINEER

WATERLOO, IOWA.

Dec. 31, 1925.

Mr. F. W. Esher, County Auditor,
Black Hawk County,
Waterloo, Iowa.

Dear Sir:-

The Waterloo, Cedar Falls & Northern Railway Company hereby makes alternate claims for damages on account of proposed opening of road across its right-of-way at the south line of the North one-half of the Southeast one-quarter of Section 10, Township 89 North, Range 13 West of the 5th P.M. as follows:-

1. In case the present road crossing the W.C.F. & N. Ry. on the south line of Section 10 is closed, for labor moving crossing planks, wing fences, cattle guards and crossing signs to new location - - - - - \$30.00

Plus expense of grading.

2. In case the present road crossing the W.C.F. & N. Ry. on the south line of Section 10 is not closed:-

Crossing planks, 7 - 3x10' - 16 @ 5¢ -	\$14.00
Materials for wing fences, 100 ft. -	5.00
Guard-boards, 4 sets @ \$2.50 -	10.00
Steel cattle guards, 2 sets @ \$14.00 -	28.00
Crossing signs. -	8.00
Labor installing above items -	25.00
Land taken, 0.06 acres @ \$250.00 -	15.00
	\$105.00

Plus expense of grading.

Yours very truly,

T. E. Rust

T. E. Rust,
Chief Engineer.

CWE-S.

FILED
JAN - 4 - 26

LEGAL NOTICE

Wilson C. Leland, C. M. Young, P. E. Canfield, Frank Beener, J. F. Natus, G. C. Hoyer, G. M. Hoyer, J. M. Boyce, William Willis, Haddie Pluent, R. N. Cowin, O. J. Fullerton, C. M. J. Storm, Black Hawk County, R. L. Hall, et al., Waterloo, Cedar Falls & Northern Railroad Company, Illinois Central Railroad Company, and to all whom it may concern:

The commissioner appointed to locate a road forty (40) feet wide commencing at the North line of Section 10, Township 89, Range 13 West of the 5th P.M., running thence South to the Easterly right of way line of the Waterloo, Cedar Falls & Northern Railroad to the South line of the North $1/2$ of the Southeast $1/4$ of said Section 10, also that said highway be extended and established fifty (50) feet wide beginning at the point on the Easterly right of way line of said Waterloo, Cedar Falls & Northern Railroad, said point being twenty-five (25) feet North of the South line of said North $1/2$ of the Southeast $1/4$ of said Section 10; thence West to the Easterly line of the Primary Road as now located and known as No. 40 has reported recommending that the crossing on the South line of the Southeast $1/4$ of Section 10 and the North line of the Northeast $1/4$ of Section 15 be closed and that commencing at the road now existing between the two above described quarter sections a road be established along the East line of the right of way of the Waterloo, Cedar Falls & Northern Railroad to the North line of Section 10 and that a new crossing be arranged for crossing the Illinois Central Railroad and the Waterloo, Cedar Falls & Northern Railroad between the Southeast $1/4$ of the Southwest $1/4$ and the Northeast $1/4$ of the Southwest $1/4$ of Section 10 as prayed for and that all objections thereto, or claims for damages must be filed in the Auditor's office on or before noon of the ~~1st~~ day of ~~February~~, A.D. 1926, or such road will be established without reference thereto.

Dated at Waterloo, Iowa, this

14th day of December, 1925.

J. W. Egan
County Auditor

ILLINOIS CENTRAL RAILROAD COMPANY

Form 1575

Fort Dodge, Iowa, January 29, 1926. RWClj.

County Auditor,
Waterloo, Iowa.

Dear Sir:

Referring to proposed crossing over this Company's tracks and waylands, section 10, which is up for public hearing on February first.

Attached please find this company's claim for damages in accordance with legal notice of December 10th. This company is willing to withdraw the attached claim for damages, provided the present crossing is permanently abandoned.

Yours truly,

W. H. Sullivan

Superintendent.

7/2/26

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

Gentlemen:

The undersigned being owners and tenants of property located and situated in Northeydale Addition, and along and near the Illinois Central and Waterloo, Cedar Falls and Northern Railroad Right of Way in and near said Addition, and all of the undersigned using the crossing on the South line of the Southeast Quarter (SE $\frac{1}{4}$) of Section 10, and the North line of the Northeast Quarter (NE $\frac{1}{4}$) of Section 15, all in Township 89, Range 13, West of the 5th. P.M., also known as the two crossings at the intersection of Longfellow Avenue and Donald Street, hereby protest and object to the closing of the railroad crossings at the above described places for the reasons and on the grounds that the same would work a severe hardship upon the undersigned, greatly injure and damage their property, put them to great expense, and would damage the sale of their property in lots or acreage tracts, as contemplated by the owners, and would cause them to suffer irreparable loss and injury; that said crossings are graded and in good condition, and serve a large number of people, all of whom would be put to great disadvantage and inconvenience should the same be closed.

We respectfully request that the Report of the Commissioner in recommending the closing of the same be overruled by your Honorable Body, and that said crossing be kept open.

Dated at Waterloo, Iowa, this 26th day of January 1926.

Lucelia M. J. Storm
owner of land

Edith Storm

July 10, 1930.

Mr. A.H. Eide, Twp. Clerk,
Waterloo, Iowa.

Dear Mr. Eide:

In going over some of the records in the office today I came across a blue print of a road petitioned for in September 1925 and established June 14, 1926, but found no copy of a letter to you notifying you of that fact. Perhaps I did send you such a notice at the time, but even though I did this second notice and blue print will do no harm.

The petition was for a road "40' wide commencing at the N line of Sec. 10-89-13, thence running S parallel and adjacent to the Ely right-of-way line of W.C.F. & N Ry, as now located, to the S line of the N way be extended and established 50' wide symmetrical with respect to a center line, described as beginning at a point located on the Ely right-of-way line of said W.C.F. & N Ry, said point being 25' N of the S line of said N line of the S line of said Sec. 10-89-13, then running W to the Ely line of the Primary Road as now established and known as No. 40 as shown by the plat herewith attached."

The following is the result of the Board's action in the matter:

"Moved by Bentley that the report of the commissioner be approved in so far as it relates to the establishment of the road proposed as running N and S along the Ely line of the

LEGAL NOTICE

Wilson C. Leland, C. M. Young, P. E. Canfield, Frank Beener, J. F. Nafus, G. C. Hoyer, G. M. Hoyer, J. M. Boyce, William Willis, Haddie Fluent, R. N. Cowin, O. J. Fullerton, C. M. J. Storm, Black Hawk County, R. L. Hall, et al, Waterloo, Cedar Falls & Northern Railroad Company, Illinois Central Railroad Company, and to all whom it may concern:

The commissioner appointed to locate a road forty (40) feet wide commencing at the North line of Section 10, Township 89, Range 13 West of the 5th P. M., running thence South to the Easterly right of way line of the Waterloo, Cedar Falls & Northern Railroad to the South line of the North 1/2 of the Southeast 1/4 of said Section 10, also that said highway be extended and established fifty (50) feet wide beginning at the point on the Easterly right of way line of said Waterloo, Cedar Falls & Northern Railroad, said point being twenty-five (25) feet North of the South line of said North 1/2 of the Southeast 1/4 of said Section 10; thence West to the Easterly line of the Primary Road as now located and known as No. 40 has reported recommending that the crossing on the South line of the Southeast 1/4 of Section 10 and the North line of the Southeast 1/4 of Section 15 be closed and that commencing at the road now existing between the two above described quarter sections a road be established along the East line of the right of way of the Waterloo, Cedar Falls & Northern Railroad to the North line of Section 10 and that a new crossing be arranged for crossing the Illinois Central Railroad and the Waterloo Cedar Falls & Northern Railroad between the Southeast 1/4 of the Southwest 1/4 and the Northeast 1/4 of the Southwest 1/4 of Section 10 as prayed for and that all objections thereto, or claims for damages must be filed in the Auditor's office on or before noon of the 1st day of February, A.D. 1926, or such road will be established without reference thereto.

Dated at Waterloo, Iowa, this

10th day of December, 1925.

J. W. Egan
County Auditor.

Publish once each week for four consecutive weeks, beginning 11th Dec.

LEGAL NOTICE

Wilson C. Leland, C. M. Young, P. E. Canfield, Frank Beener, J. F. Mafus, G. C. Hager, G. M. Hoyer, J. M. Boyce, William Willis, Hattie Fluet, R. N. Cowin, O. J. Fullerton, C. M. J. Storm, Black Hawk County, R. L. Hall, et al., Waterloo, Cedar Falls & Northern Railroad Company, Illinois Central Railroad Company, and to all whom it may concern:

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Dated at Waterloo, Iowa this

10th day of December, 1925.

J. W. Egan
County Auditor

Pub. & return, beg. Dec. 10th.

LEGAL NOTICE

Walson C. Leland, C. M. Young, P. E. Canfield, Frank Beener, J. F. Nafus, G. C. Hoyer, G. M. Hoyer, J. M. Boyce, William Willis, Haddie Fluent, R. N. Cowin, O. J. Fullerton, C. M. J. Storm, Black Hawk County, R. L. Hall, et al, Waterloo, Cedar Falls & Northern Railroad Company, Illinois Central Railroad Company, and to all whom it may concern:

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Dated at Waterloo, Iowa, this

1st day of December, 1925.

J. W. Egan
County Auditor

I also certify and return that on the 11th day of December, 1925, I served the same upon the within named R. L. Hall, by offering to read said notice to him which reading he waived and by delivering to him, a true copy thereof in East Waterloo Twp., Black Hawk County, Iowa.
I also certify and return that on 11th day of December, 1925, I served the same upon the within named Waterloo, Cedar Falls & Northern Railroad

STATE OF IOWA, BLACK HAWK COUNTY, ss:-

I hereby certify and return that the within notice came into my hands for service on the 10th day of December, 1925, and that on the 14th day of December, 1925, I served the same upon the within named, Wilson C. Leland, by offering to read said notice to him which reading he waived and by delivering to him, a true copy thereof in East Waterloo Twp., Black Hawk County, Iowa.

I also certify and return that on the 12th day of December, 1925, I served the same upon the within named C. M. Young, by offering to read said notice to him which reading he waived and by delivering to him, a true copy thereof in East Waterloo Twp., Black Hawk County, Iowa.

I also certify and return that on the 12th day of December, 1925, I served the same upon the within named Frank Beener, by offering to read said notice to him which reading he waived and by delivering to him, a true copy thereof in East Waterloo Twp., Black Hawk County, Iowa.

I also certify and return that on the 14th day of December, 1925, I served the same upon the within named J. M. Boyce, by leaving a true copy of said notice at his house in East Waterloo Twp., Black Hawk County, Iowa, it being his usual place of residence with Ina Boyce, a member of his family over 14 years of age. The said defendant not being found within said County.

I also certify and return that on the 14th day of December, 1925, I served the same upon the within named William Willis, by offering to read said notice to him which reading he waived and by delivering to him, a true copy thereof in East Waterloo Twp., Black Hawk County, Iowa.

I also certify and return that on the 11th day of December, 1925, I served the same upon the said Frank Fluent, by offering to read said notice to him which reading he waived and by delivering to him, a true copy thereof in East Waterloo Twp., Black Hawk County, Iowa. Haddie Fluent, wife of Frank Fluent is dead.

I also certify and return that on the 11th day of December, 1925, I served the same upon the within named R. N. Cowin, by offering to read said notice to him which reading he waived and by delivering to him, a true copy thereof in East Waterloo Twp., Black Hawk County, Iowa.

I also certify and return that on the 2nd day of January, 1926, I served the same upon the within named C. M. J. Storm, by offering to read said notice to her which reading she waived and by delivering to her, a true copy thereof in East Waterloo Twp., Black Hawk County, Iowa.

I also certify and return that on the 11th day of December, 1925, I served the same upon the within named Black Hawk County, by offering to read said notice to R. W. Esher, County Auditor of said County, which reading he waived and by delivering to him, a true copy thereof in East Waterloo Twp., Black Hawk County, Iowa.

I also certify and return that on the 11th day of December, 1925, I served the same upon the within named R. L. Hall, by offering to read said notice to him which reading he waived and by delivering to him, a true copy thereof in East Waterloo Twp., Black Hawk County, Iowa.

I also certify and return that on 11th day of December, 1925, I served the same upon the within named Waterloo, Cedar Falls & Northern Railroad