

396

396

IN THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA

Civil Action No. 3026

Petitioner

*Filed 12-26-50*

-vs-

17.42 ACRES, MORE OR LESS, OF  
LAND IN DELAWARE COUNTY, STATE  
OF OHIO, AND EDGAR WYATT, ET AL

DECREE ON DECLARATION OF  
TAKING NO. 1

Defendants

This day came the petitioner in the above entitled cause, United States of America, by Ray O'Donnell, United States Attorney for the Southern District of Ohio, and Eugene A. Mayl, Special Attorney in the Department of Justice, and moves the Court to enter judgment vesting title in the United States of America in fee simple absolute in Tracts Nos. E-2, E-3, E-6, E-14, E-15, E-16 and E-17, subject, however, to existing easements for public roads and highways, for public utilities, for railroads, for public streets, and for pipe lines; and the perpetual easement and right to flood Tracts Nos. E-1-E and E-10-E, as may be necessary as a result of the construction, operation and maintenance of the Delaware Reservoir Project, Ohio, together with such other rights and under such terms and conditions as set forth in the petition and declaration of taking No. 1, subject, however, to existing easements for public roads and highways, for public utilities, for railroads, for public streets and for pipe lines.

Whereupon, the Court proceeded to hear and pass upon said motion and declaration of taking No. 1, and finds as follows:

First: That the United States of America is entitled to acquire property by eminent domain for necessary public purposes and uses of the United States, as set out and prayed in said petition, and in said declaration of taking No. 1 herein;

Second: That the petition in condemnation was filed at the request of the Secretary of the Army of the United States of America, the authority empowered by law to acquire the land described in said petition, and also under authority of the Attorney General of the United States;

Third: That in said petition and declaration of taking No. 1, a statement of the authority under which, and the public uses for which, said land

397  
was taken, was given; that the Secretary of the Army is the person duly authorized and empowered by law to acquire land, such as is described in the petition for public purposes and uses of the United States of America, and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings;

Fourth: That a proper description of the land sought to be taken, sufficient for the identification thereof, is set out in said declaration of taking No. 1; and is a part of the same land described in the petition;

Fifth: A statement of the estate or interest in said land, taken for said public uses, was set out therein;

Sixth: A plan showing the lands taken was annexed to said declaration of taking No. 1, as Schedule "B" and made a part thereof;

Seventh: A statement is contained in said declaration of taking No. 1 of a sum of money, estimated by said acquiring authority to be the just compensation for the land taken, in the amount of Eighteen Thousand, Five Hundred Ten Dollars (\$18,510.00), and that said sum was deposited in the registry of this Court, for the use and benefit of the persons entitled thereto, upon and at the time of the filing of said declaration of taking No. 1;

Eighth: A statement is set forth in said declaration of taking No. 1 that the ultimate award of damages for the taking of said lands, in the opinion of the Secretary of the Army of the United States, will probably be within any limits prescribed by law as the price to be paid therefor;

And the Court having fully considered said condemnation petition and declaration of taking No. 1, and the statute in such case made and provided, is of the opinion that the United States of America is entitled to take said hereinafter described property and have vested in it the estate or interest therein as described in the petition and declaration of taking No. 1, and as hereinafter set forth, pursuant to the authority set forth in the petition and in said declaration of taking No. 1.

It is, therefore, considered by the Court and it is the ORDER, JUDGMENT AND DECREE of the Court that there be and there is hereby vested in the United States of America

(a) The fee simple title in and to Tracts Nos. H-2, H-3, H-6, H-14, H-15, H-16 and H-17, subject, however, to existing easements for public

398 roads and highways, for public utilities, for railroads, for public streets and for pipe lines; and

(b) The perpetual easement and right to flood Tracts Nos. H-1-E and H-10-E, as may be necessary as a result of the construction, operation and maintenance of the Delaware Reservoir Project, Ohio; together with the right to flood, as above set forth, all the right, title and interest of the owners of the tracts, in and to the banks, beds and waters of any streams opposite to or fronting upon said lands, and in and to any and all railroad lands and/or rights-of-way, and any and all public roads, highways, streets, alleys and/or rights-of-way, strips or gores, lying within, or abutting upon the above listed tracts, and in and to any means of ingress or egress appurtenant thereto; together with the further right to go upon the lands from time to time, as the occasion may arise and remove therefrom natural and artificial structures or obstructions, including timber, and other natural growth and any other obstructions, growths, accumulations, brush, trash, filth and any other thing, which, in the opinion of the duly authorized representative of the United States of America in charge, may be detrimental to the operation and maintenance of said project. The owners of the tracts shall remove all buildings and/or improvements of every kind and character having a first floor elevation below 947.0 feet, mean sea level, Sandy Hook Datum, except as follows:

(1) Buildings and/or improvements, used or capable of being used for dwelling purposes and having a first floor elevation above 942.0 feet, mean sea level, Sandy Hook Datum, may remain in place if adequately protected from flooding up to elevation 947.0 feet, mean sea level, Sandy Hook Datum, by local protection works and having adequate ingress and egress with the reservoir at said elevation of 947.0 feet, and (2) Buildings and/or improvements, not used or capable of being used for dwelling purposes and having a first floor elevation above 942.0 feet, mean sea level, Sandy Hook Datum, may remain in place, provided they are converted to a non-damage sustaining usage. In the event such buildings and/or improvements are not removed or adequately protected from flooding, as above set forth, within forty-five (45) days after payment is made into the registry of the court, the right of removal or protection shall terminate automatically, and the United States shall have a good and indefeasible title to said buildings and/or improvements without notice to the owners. Buildings and/or improvements shall not be erected, or permitted by the owners to be erected, below elevation 947.0 feet, mean sea level, Sandy Hook Datum, without prior written permission from the United States District Engineer in charge of the locality. In the event of such erection, without said permission,

399

the United States may, at its option, remove such buildings and/or improvements; and the United States shall not be responsible for damages to such buildings and/or improvements to be retained in place as above provided, arising from or incident to the operation and maintenance of the said project, by reason of the loss of access of any kind or character, damages to the structures proper or their contents, or injuries to persons who may be upon the premises involved; subject, however, to existing easements for public roads and highways, for public utilities, for railroads, for public streets and for pipe lines.

And the said lands are deemed to be and are condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto when said compensation shall be ascertained and awarded in this proceeding and established by judgment thereunder pursuant to law.

TRACT NO. N-1-E

DESCRIPTION:

That certain parcel of land situate in the State of Ohio, County of Delaware, Township of Marlborough, Village of Norton, being part of Inlots 83 and 94 in said Village, Quarter Township 2, Township 6, Range 19, in the U. S. Military Lands, and bounded and described as follows:

Beginning at a point where the north right-of-way line of South Street intersects the center line of East Street (now vacated) said beginning point being referenced South 75° 19' East, 25.20 feet to an iron pipe (permanent corner) on the west line of Outlot 30, said reference point being 20 feet north of the center line of said South Street;

thence, running along south line of said Inlot 94 and the north right-of-way line of said South Street,

North 86° 09' West, 95.75 feet, to a point where said line intersects the 947-foot contour above mean sea level, as determined by a survey made by the United States Engineers in 1940-41; thence, following generally along said 947-foot contour line with the meanders thereof running entirely within lands of subject owner, the following consecutive courses and distances:

North 20° 21' East, 141.80 feet;

North 56° 30' West, 85.15 feet;

North 23° 51' East, 91.07 feet, to a point where said 947-foot contour intersects property line common to lands of Emma Josephine McCoy, said point being on north line of said Inlot 83; thence, leaving said 947-foot contour and running with lands of said McCoy along said lot line,

South 86° 09' East, 96.57 feet, to a point where said north line of Inlot 83, extended, intersects said center line of vacated East Street; thence, running with said center line,

South 3° 28' West, 263.66 feet, to the place of beginning, containing 0.54 of an acre, more or less.

The above-described land is a part of the same land as that conveyed to Edgar Wyatt from Weaver Kelly and Della Mae Kelly by deed dated February 10, 1940 and recorded in Deed Book 197, Page 198; and also land accrued to Edgar Wyatt by reason of a resolution of vacation made on May 15, 1941, by the Board of County Commissioners of Delaware County, all of the records of Delaware County, Ohio.

NAME AND ADDRESS OF PURPORTED OWNER:

Edgar Wyatt

R.F.D. #1, Waldo, Ohio

ESTIMATED COMPENSATION: \$100.00

400

400

TRACT NO. N-2DESCRIPTION:

That certain parcel of land situate in the State of Ohio, County of Delaware, Township of Marlborough, Village of Norton, being part of Inlots 56, 57 and 70, and all of Inlots 60, 61, 68, 69, 71 and 82 of said Village, Quarter Township 2, Township 6, Range 19 of the U. S. Military Lands, and bounded and described as follows:

Beginning at the point of intersection of the center lines of Walnut Street (now vacated) and Mulberry Street (now vacated), said point of beginning being referenced North 65° 44' East, 279.64 feet, to an iron pipe (permanent corner) marking the northwest corner of Outlot 29, of said Village in the east right of way line of East Street (now vacated); thence, running along said center line of said vacated Mulberry Street,

North 86° 09' West, 375.0 feet, to a point in the east right of way line of Broadway Street as established by vacation of a 45-foot strip on the east side of said street; thence, running along said new right of way line, parallel to the original right of way line and 45 feet westerly therefrom,

North 3° 28' East, 379 feet, to a point common to the lands of Clarence E. Ashbrook; thence, leaving said right of way line and running with the lands of said Ashbrook,

South 86° 09' East, 342 feet, to a point in the original west right of way line of said vacated Walnut Street and the east line of said Inlot 57; thence, running in said vacated Walnut Street,

South 86° 32' East, 33.0 feet, to a point in the center line of said vacated Walnut Street; thence, running along said center line,

South 3° 28' West, 244.82 feet, to a point in the center of Norton Run; thence, leaving said vacated street and running along the center line of said run and property line common to lands of Ethel M. Wiseman the following consecutive courses and distances:

South 76° 14' East, 33.54 feet,

South 47° 42' East, 50.19 feet,

North 86° 38' East, 85.15 feet,

North 70° 16' East, 71.93 feet, to a point in the center line of vacated East Street; thence, leaving said run and lands of said Wiseman and running along said center line of said vacated street,

South 3° 28' West, 432.10 feet; thence, leaving said center line and running in said vacated street,

North 86° 32' West, 24.75 feet, to the southeast corner of Inlot 82; thence, running along the south line of said Inlot 82 and property line common to lands of Edgar Wyatt,

North 86° 09' West, 165.00 feet, to the southwest corner of said Inlot 82 and the east right of way line of aforesaid vacated Walnut Street; thence, running in said vacated Walnut Street,

North 86° 09' West, 33.0 feet, to the center line of said vacated Walnut Street; thence, running along said center line,

North 3° 28' East, 296.66 feet, to the place of beginning, containing 5.38 acres, more or less.

The above-described land is substantially the same land as that conveyed to Emma Josephine McCoy from Berne Jones, Administrator of the estate of Jennie I. Glaze by deed dated February 21, 1939 and recorded

TRACT NO. N-2 (cont'd)

in Deed Book 194, Page 398; and also land accrued to Emma Josephine McCoy by reason of a resolution of Vacation made May 15, 1941, by the Board of County Commissioners of Delaware County, all of the records of Delaware County, Ohio; and inherited by Chester B. R. McCoy et al. from Emma Josephine McCoy, deceased.

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Chester B. R. McCoy	274 Marion Ave., Marion, Ohio
Ruth McCoy Deisher	Route #1, Richwood, Ohio
Unknown heirs, Creditors and Administrators of the Estate of Emma Josephine McCoy, deceased	Unknown

ESTIMATED COMPENSATION: \$3,880.00

TRACT NO. N-3

DESCRIPTION:

That certain parcel of land situate in the State of Ohio, County of Delaware, Township of Marlborough, Village of Norton, being all of Inlots 48, 58 and 59 and part of Inlot 70 in said village, Quarter Township 2, Township 6, Range 19, in the U. S. Military Lands, and bounded and described as follows:

Beginning at a point where the center line of vacated East Street intersects the south right of way line of State Highway No. 229; thence, running along said center line,

South 3° 28' West, 445.0 feet, to a point in the center of Norton Run; thence, leaving said vacated street and running along the center line of said run and property line common to lands of Emma Josephine McCoy,  
 South 67° 36' West, 27.50 feet, to a point in the west right of way line of said vacated East Street; thence,  
 South 70° 16' West, 45.00 feet,  
 South 86° 38' West, 85.15 feet,  
 North 47° 42' West, 50.19 feet, to a point in the east right of way line of Walnut Street (now vacated); thence,  
 North 74° 33' West, 33.73 feet, to a point in the center line of said vacated Walnut Street; thence, leaving said run and running along said center line of said vacated street,  
 North 3° 28' East, 446.0 feet, to a point where said center line intersects the aforesaid south right of way line of State Highway No. 229; thence, along said right of way line,  
 South 86° 09' East, 222.75 feet, to the place of beginning, containing 2.40 acres, more or less.

The above-described land is substantially the same land as that conveyed to Marion G. Wiseman et ux., Ethel M. Wiseman from Herman Neville et ux., Hazel Neville, by deed dated July 11, 1927 and recorded in Deed Book 168, Page 172; and an undivided one-half interest in which was conveyed to Ethel M. Wiseman from A. L. Alkire et ux., Eva H. Alkire, by deed dated January 26, 1937 and recorded in Deed Book 189, Page 196; and also land accrued to Ethel M. Wiseman by reason of a resolution of Vacation made May 15, 1941, by the Board of County Commissioners of Delaware County, all of the records of Delaware County, Ohio.

402

402

TRACT NO. N-3 (Cont'd)

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Ethel M. Wiseman	174 South Main Street, Marion, Ohio
James Wiseman	Waldo, Ohio
Marion George Wiseman	Waldo, Ohio
Joann Wiseman	Waldo, Ohio

ESTIMATED COMPENSATION: \$6,730.00

TRACT NO. N-6

DESCRIPTION:

That certain parcel of land situate in the State of Ohio, County of Delaware, Township of Marlborough, Village of Norton, being part of Inlots 77, 78, 79, 87 and 90 and all of Inlots 88 and 89, Quarter Township 2, Township 6, Range 19, in the U. S. Military Lands, and bounded and described as follows:

Beginning at a point marking the northwest corner of said Inlot 78, being referenced North 86° 09' West, 231.00 feet, to an iron pipe (permanent corner) marking the northwest corner of said Inlot 77, said beginning point being common to lands of Mildred L. Howald;

thence, running with the lands of said Howald along the north line of said Inlots 78 and 79,

South 86° 09' East, 330.00 feet, (crossing Norton Run at approximately 138 feet) to point marking the northeast corner of said Inlot 79 and being on the west right of way line of South Main Street; thence, continuing on said lot line extended,

South 86° 09' East, 39.00 feet to a point in the east right of way line of a vacated 39-foot strip on the west side of said South Main Street; thence, running along said east line of said vacated strip and the west right of way line of said South Main Street,

South 3° 28' West, 15.00 feet to a point where said west right of way line intersects the 947-foot contour line above mean sea level, as determined by a survey made by the United States Engineers in 1940-41; thence, leaving said right of way line and following generally along said 947-foot contour, with the meanders thereof, the following consecutive courses and distances:

South 70° 34' West, 42.58 feet, to a point in the original west right of way line of said street; thence,

South 87° 03' West, 167.69 feet,

South 16° 35' West, 254.06 feet,

South 65° 27' West, 119.70 feet, to a point in the east right of way line of Verdun Street (now vacated); thence, running in said vacated street,

South 63° 14' West, 76.69 feet, to a point in the west right of way line of said vacated street and the north right of way line of South Street; said point being the southeast corner of Inlot 89; thence, running along the south line of said Inlot 89 and said north right of way line,

TRACT NO. N-6 (Cont'd)

403

North 86° 09' West, 189.75 feet, to a point in the center line of West Street (now vacated); thence, running along said center line of said vacated street,  
 North 3° 28' East, 395.49 feet, (crossing the center of Norton Run at approximately 320 feet) to a point where said center line intersects the north line of said Inlot 77, extended; thence, running along said extended line of Inlot 77,  
 South 86° 09' East, 16.00 feet, to a point where said extended lot line intersects said 947-foot contour; thence, leaving said lot line and running generally along said 947-foot contour line, with the meanders thereof, the following consecutive courses and distances:  
 South 23° 02' East, 19.65 feet, to a point in the east right of way line of said vacated West Street; thence,  
 South 38° 50' East, 70.02 feet,  
 North 41° 29' East, 87.13 feet, to a point in the north line of said Inlot 77, common to lands of Rhea M. Beckel; thence, leaving said 947-foot contour and running along said lot line, and lands of said Beckel,  
 South 86° 09' East, 64.21 feet, to a point in the west right of way line of said vacated Verdun Street and the northeast corner of said Inlot 77; thence, running in said vacated street,  
 South 86° 09' East, 66.00 feet, to the place of beginning, containing 3.41 acres, more or less.

The above-described land is a part of the same land as that conveyed to Edgar Wyatt from Weaver Kelly et ux., Della Mae Kelly by deed dated February 10, 1940 and recorded in Deed Book 197, Page 198; and also land accrued to Edgar Wyatt by reason of a resolution of Vacation made May 15, 1941, by the Board of County Commissioners of Delaware County, all of the records of Delaware County, Ohio.

NAME AND ADDRESS OF PURPORTED OWNER:

Edgar Wyatt

R.F.D. #1, Waldo, Ohio

ESTIMATED COMPENSATION: \$1,500.00

TRACT NO. N-10-EDESCRIPTION:

That certain parcel of land situate in the State of Ohio, County of Delaware, Township of Marlborough, Village of Norton, being part of Inlots 52 and 53 and part of Outlot 17 of said Village, Quarter Township 2, Township 6, Range 19, in the U. S. Military Lands, and bounded and described as follows:

Beginning at a point in the east right-of-way line of U. S. Highway No. 23, said beginning point being referenced, South 0° 41' East, 299.33 feet to an iron pipe (permanent corner) marking the intersection of the south line of Outlot 17 with the east right of way line of U. S. Highway No. 23, and being common to lands of Charles and Ida B. Miller; thence, running along said right-of-way line,  
 North 0° 41' West, 18.65 feet, to a point where said right-of-way line intersects the 947-foot contour above mean sea level, as established by a survey made by the U. S. Engineers in 1940-41,



404

## TRACT NO. N-10-E (Cont'd)

thence, leaving said right-of-way line and following generally along said 947-foot contour line, with the meanders thereof, running entirely within lands of the subject owner, the following consecutive courses and distances:

South 87° 25' East, 111.10 feet;  
 North 79° 11' East, 90.61 feet;  
 North 15° 43' East, 87.93 feet, to a point where said 947-foot contour intersects with the south right-of-way line of State Route No. 229; thence, leaving said 947-foot contour line and running along said south right-of-way line and north line of said Outlot 17,  
 South 86° 09' East, 73.84 feet, to a point marking the north-east corner of said Outlot 17, and being at the intersection of said south right-of-way line with the west right-of-way line of West Street; thence, running with the extension of said west right-of-way line of West Street,  
 North 3° 28' East, 19.50 feet to a point in the south right-of-way line of State Street, as fixed by vacation of a strip 19.5 feet wide off the south side of original width of 99 feet by the County Commissioners; thence, running with said new south right of way line,  
 South 86° 09' East, 247.50 feet, to a point in the center line of Verdun Street, now the west right-of-way line as fixed by vacation of a strip 33 feet wide off the west side of original width of 66 feet by said County Commissioners; thence, leaving said new south right-of-way line and running with said new west right-of-way line,  
 South 3° 28' West, 107.15 feet, to where said west right of way line intersects aforesaid 947-foot contour; thence, leaving said new west right-of-way line and running entirely within lands of subject owner, following generally along said 947-foot contour, with the meanders thereof, the following consecutive courses and distances:  
 South 51° 45' West, 44.22 feet, to a point in the original west right-of-way line of said Verdun Street; thence  
 South 35° 08' West, 32.93 feet;  
 South 7° 49' West, 91.85 feet;  
 South 35° 33' West, 31.50 feet, to a point where said 947-foot contour intersects the south line of said Inlot 53, said point being common to lands of Walter L. and Edna H. Cox; thence, leaving said 947-foot contour line and running with lands of said Coxes along said lot line,  
 North 86° 09' West, 148.73 feet, to a point in the original center line of West Street (now vacated by County Commissioners) common to lands of said Millers; thence, leaving lands of said Coxes and running with lands of said Millers and said original center line,  
 North 3° 28' East, 133.60 feet, thence, leaving said center line,  
 North 86° 09' West, 314.85 feet, to the place of beginning, containing 1.71 acres, more or less.

The above-described land is a part of the same land as that conveyed to Andrew F. Miley et ux., Mollie Miley from William Moore et ux., Esther Moore by deed dated September 14, 1911 and recorded September 20, 1911 in Deed Book 137, Page 198; and also land accrued to Andrew F. Miley et ux., Mollie Miley by reason of a resolution of Vacation made on May 15, 1941 by the Board of County Commissioners of Delaware County, all of the records of Delaware County, Ohio.

TRACT NO. N-14 (Cont'd)

405

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Andrew F. Miley et ux., Mollie Miley                      Route #1, Waldo, Ohio

ESTIMATED COMPENSATION: \$1,500.00

TRACT NO. N-14

DESCRIPTION:

That certain parcel of land situate in the State of Ohio, County of Delaware, Township of Marlborough, Village of Norton, being part of Outlot 28, in said Village, Quarter Township 2, Township 6, Range 19, in the U. S. Military Lands and bounded and described as follows:

Beginning at a point on east right-of-way line of U. S. Highway No. 23, said point being referenced North 0° 41' West, 378.88 feet to an iron pipe at the intersection of north line of said Outlot 28 and said right-of-way line; said beginning point being common to lands of Nellie F. Gettys Heirs;

thence, running with lands of said Gettys Heirs,  
 South 86° 09' East, 150.00 feet to a point; thence,  
 South 0° 41' East, 50.94 feet, to a point on south line of said  
 Outlot and the north line of a 33-foot alley (now vacated);  
 thence, running in said alley,  
 South 3° 51' West, 16.5 feet, to a point in the center line of  
 said alley; thence, running with said center line,  
 North 86° 09' West, 148.69 feet, to a point in said east right-  
 of-way line of U. S. Highway No. 23; thence, running with said  
 right-of-way,  
 North 0° 41' West, 67.49 feet to the place of beginning, con-  
 taining 0.23 of an acre, more or less.

The above-described land is a part of the same land as that conveyed to Nellie F. Gettys from Elva Brundige et vir., Beverly C. Brundige by deed dated June 2, 1934 and recorded March 26, 1938 in Deed Book 193, Page 29; and also land accrued to Nellie F. Gettys by reason of a resolution of Vacation made on May 15, 1941 by the Board of County Commissioners of Delaware County, all of the records of Delaware County, Ohio; and inherited by Jane Gettys Spayth et al. from Nellie F. Gettys, deceased.

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Jane Gettys Spayth	Route #1, Bloomville, Ohio
John W. Gettys	Route #1, Waldo, Ohio
Naomi Gettys Spencer	Route #1, Waldo, Ohio
Joseph W. Gettys	Route #1, Bloomville, Ohio
Jay L. Gettys	512 N. Grand Ave., Marion, Ohio
Rosella Gettys	Nevada, Ohio
Dianna Sue Gettys	512 N. Grand Ave., Marion, Ohio
Beverly Ann Gettys	512 N. Grand Ave., Marion, Ohio

406

406

TRACT NO. N-10-E (Cont'd)

Gweyn E. Gettys	512 N. Grand Ave., Marion, Ohio
Trustees of Marlborough Township, Delaware County, Ohio	Norton, Ohio
Unknown Heirs, Creditors and Administrators of the Estate of Nellie F. Gettys, deceased	Unknown

ESTIMATED COMPENSATION: \$3,000.00

TRACT NO. N-15DESCRIPTION:

That certain parcel of land situate in the State of Ohio, County of Delaware, Township of Marlborough, Village of Norton, being part of Outlot 28 in said Village, Quarter Township 2, Township 6, Range 19, in the U. S. Military Lands, and bounded and described as follows:

Beginning at a point in east right-of-way line of U. S. Highway No. 23, said point being referenced North 0° 41' West, 183.89 feet, to an iron pipe at the intersection of north line of said Outlot 28 and said right-of-way line, said beginning point being common to lands of Joseph B. and Anna E. McArthur Heirs;

thence, running with lands of said McArthurs Heirs,  
 South 86° 09' East, 279.97 feet (passing center of Norton Run at approximately 234 feet) to a point in the center line of West Street (now vacated); thence, running with said center line,  
 South 3° 28' West, 261.68 feet, to the intersection of the center line, extended, of a 33-foot alley with said center line of West Street; thence, running with the center line of said alley,  
 North 86° 09' West, 112.22 feet; thence, running in said alley,  
 North 3° 51' East, 16.5 feet; to a point in the north right-of-way line of said alley and the south line of said Outlot 28, said point being the southeast corner of another tract of subject owner; thence, leaving said south line of said outlot and said north right-of-way line and running with said other tract of subject owner,  
 North 0° 41' West, 50.94 feet, to a point; thence,  
 North 86° 09' West, 150.00 feet, to a point in east right-of-way line of said U. S. Highway No. 23; thence, leaving said other tract and running along said right-of-way line,  
 North 0° 41' West, 194.99 feet, to the place of beginning;  
 containing 1.39 acres, more or less.

The above-described land is a part of the same land as that conveyed to Nellie F. Gettys from Elva Brundige et vir., Beverly C. Brundige by deed dated June 2, 1934 and recorded in Deed Book 193, Page 29; and also land accrued to Nellie F. Gettys by reason of a resolution of Vacation made on May 15, 1941 by the Board of County Commissioners of Delaware County, all of the records of Delaware County, Ohio; and inherited by Jane Gettys Spayth et al. from Nellie F. Gettys, deceased.

TRACT NO. N-15 (Cont'd)

407

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Jane Gettys Spayth	Route #1, Bloomville, Ohio
John W. Gettys	Route #1, Waldo, Ohio
Naomi Gettys Spencer	Route #1, Waldo, Ohio
Joseph W. Gettys	Route #1, Bloomville, Ohio
Jay L. Gettys	512 N. Grand Ave., Marion, Ohio
Rosella Gettys	Nevada, Ohio
Dianna Sue Gettys	512 N. Grand Ave., Marion, Ohio
Beverly Ann Gettys	512 N. Grand Ave., Marion, Ohio
Gweyn E. Gettys	512 N. Grand Ave., Marion, Ohio

Unknown heirs, Creditors and Administrators  
of the estate of Nellie F. Gettys, deceased, Unknown

ESTIMATED COMPENSATION: \$600.00

TRACT NO. N-16

DESCRIPTION:

That certain parcel of land situate in the State of Ohio, County of Delaware, Township of Marlborough, Village of Norton, being part of Outlots 17 and 28 in said Village, Quarter Township 2, Township 6, Range 19, in the U. S. Military Lands, and bounded and described as follows:

Beginning at an iron pipe at the intersection of south line of said Outlot 17 and east right-of-way line of U. S. Highway No. 23, said pipe marking a corner common to lands of The Ohio Baptist Convention.

thence, running with lands of said The Ohio Baptist Convention along south line of said Outlot 17,  
 South 86° 09' East, 86.14 feet, to a point; thence, leaving said lot line,  
 North 0° 41' West, 76.43 feet, to a point; thence,  
 North 86° 09' West, 86.14 feet, to a point in said right-of-way line; thence, leaving lands of said The Ohio Baptist Convention and running along said right-of-way line,  
 North 0° 41' West, 91.70 feet, to a point common to lands of Charles and Ida B. Miller; thence, leaving said right-of-way line and running with lands of said Millers,  
 South 86° 09' East, 305.38 feet, to a point in the center line of West Street (now vacated); thence, running with said center line,  
 South 3° 28' West, 350.92 feet; thence, leaving said street and running with lands of Nellie F. Gettys Heirs,  
 North 86° 09' West, 279.97 feet, (passing the center of Norton Run at approximately 46 feet), to a point in aforesaid right-of-way line of U. S. Highway No. 23; thence, leaving lands of said Gettys Heirs and running along said right-of-way line,

408

408

TRACT NO. N-16 (Cont'd)

North 0° 41' West, 183.89 feet, to the place of beginning;  
containing 2.21 acres, more or less.

The above-described land is substantially the same land as that conveyed to Joseph B. McArthur et ux., Anna E. McArthur from Iva Brunson et vir., Frank M. Brunson by deed dated October 1, 1921 and recorded February 28, 1922 in Deed Book 157, Page 557; and also land accrued to said McArthurs by reason of a resolution of Vacation made on May 15, 1941 by the Board of County Commissioners of Delaware County, all of the records of Delaware County, Ohio; an undivided one-half interest in which was inherited by Raymond McArthur et al. from Anna E. McArthur, deceased, and Hazel Shields Turner, deceased.

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Joseph B. McArthur	1901 Hayes Ave., Sandusky, Ohio
Raymond McArthur	1901 Hayes Ave., Sandusky, Ohio
Donald F. Shields	U. S. Navy
Unknown heirs, devisees, Creditors, Administrators and executors of the estates of Anna E. McArthur, deceased and Hazel Shields Turner, deceased	Unknown

ESTIMATED COMPENSATION: \$800.00

TRACT NO. N-17

DESCRIPTION:

That certain parcel of land situate in the State of Ohio, County of Delaware, Township of Marlborough, Village of Norton, being part of Outlot 17 in said Village, Quarter Township 2, Township 6, Range 19, in the U. S. Military Lands, and bounded described as follows:

Beginning at an iron pipe at the intersection of south line of said Outlot 17 east right-of-way line of the U. S. Highway No. 23; said pipe marking a corner common to lands of Joseph B. and Anna E. McArthur;

thence, along said right-of-way line,  
North 0° 41' West, 76.43 feet, to a point common to lands of said McArthur;  
thence, leaving said right-of-way line and running with lands of said McArthurs;  
South 86° 09' East, 86.14 feet; to a point; thence,  
South 0° 41' East, 76.43 feet, to a point on south line of said Outlot 17;  
thence, along said south line,  
North 86° 09' West, 86.14 feet, to the place of beginning; containing 0.15 of an acre, more or less.

The above-described land is substantially the same land as that conveyed to The Ohio Baptist Convention from the Trustees of First Regular

TRACT NO. N-17 (Cont'd)

409

Baptist Church of Norton, Delaware County, Ohio, by deed dated October 20, 1925 and recorded in Deed Book 165, Page 594, of the records of Delaware County, Ohio.

NAME AND ADDRESS OF PURPORTED OWNER:

The Ohio Baptist Convention  
c/o Rev. Paul Judson Morris, D.D. Granville, Ohio

ESTIMATED COMPENSATION: \$400.00

The gross sum estimated to be just compensation for the interests in the lands taken is \$18,510.00.

410

410

That the sum of money, to-wit: Eighteen Thousand, Five Hundred and Ten Dollars (\$18,510.00), so deposited into the registry of the Court as afore-said, be held for the further orders of this Court for its distribution, and that said cause be held open for such other and further orders, judgments and decrees of this Court as may be just and equitable in the premises.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the immediate, exclusive possession of the lands hereinbefore described in the extent of the interest acquired therein is hereby granted to the United States of America as of the 26 day of December, 1950, at 10:00 o'clock, A.M.

~~Done in open Court this~~ \_\_\_\_\_ day of \_\_\_\_\_,

1950.

B. Underwood  
United States District Judge

Ray Adonell  
United States Attorney for the Southern District of Ohio

Eugene A. Mayhew  
Special Attorney, Department of Justice

A True Copy of the Original  
Filed Dec. 26 1950  
Attest: Howard E. Parker, Clerk  
By Spick Lockard deputy

Department of Justice  
Eugene A. Mayhew  
108 Winton Bank Bldg.  
Dayton, Ohio  
MAIL

53719

DELAWARE COUNTY, OHIO	
FILED FOR RECORD	JAN 19 1951
.....19..... AT	1:15 O'CLOCK P.M.
RECORDED	JANUARY 25 1951
.....	DEED RECORD
VOL. 235	PAGE 376
<u>Donald A. James</u>	
COUNTY RECORDER	
Feb 5 1951	

Transferred January 19-1951  
J. A. Samson  
County Auditor