

NAME OF CLAIMANT

#40 - Nizer, R. O.

Number of Acres: 102

Location: Dry Run. Park line cuts property.

Roads: Five miles of country road to Elkton.

Soil: Gravelly loam. On the lower slopes medium fertility, deep, but stony. On the upper shallow and extremely stony.

History of Tract and condition of timber: Badly burned and repeatedly. On the lower slopes there is a light stand of pitchpine saplings up to 7" DBH and very scrubby. Admixture of smaller hardwoods, mostly scrubby oaks. Plenty of reproduction. On the upper slopes there is a well stocked stand of larger pitch-pine up to 9" DBH. Very small admixture of hardwoods. Stand is less than 2 cords per acre of poor cordwood.

Improvements:
None.

Acreage and value of types:

Types	Acreage		Value per acre	Total Value
Ridge:				
Slope:	102	@	\$3.00	\$306.00

Cove:

Grazing Land:

Fields Restocking:

Cultivated Land:

Orchard:

Minerals:

Value of Land: \$ 306.00

Value of Improvements: \$

Value of Orchard: \$

Value of Minerals: \$

Value of Fruit: \$

Value of Timber: \$

Value of Wood: \$

Value per acre for tract: \$3.00

Incidental damages arising from the taking of this tract: \$NONE.

Geo. H. Pen CLERK.

Claim of R. O. Nizer
In the Circuit Court of Rockingham County, Virginia, No. 1829, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Cassandra Lawson Whinn & c

more or less, of land in Rockingham County, Virginia, Defendants.
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Rockingham County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is R. O. Nizer
My post office address is Elkton, Va., R. 2

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 103 acres, on which there are the following buildings and improvements: none

This land is located about 3 miles from Elkton Virginia, in the Honover Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)

I am sole owner & claim said land in fee

The land owners adjacent to the above described tract or parcel of land are as follows:

North J. B. Cook
South J. P. Heard
East Lafe Newberry
West R. O. Nizer

I acquired my right, title, estate or interest to this property about the year 1929 in the following manner:

By deed from Pelvie Shinn & others, which deed is duly of record in Clerk's office in R. O. B. 145, p. 117

I claim that the total value of this tract or parcel of land with the improvements thereon is \$1030. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$1030.

I am the owner of 33 acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$included.

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: This land will average 15 loads of pine wood & will have ready sale for same at \$6.00 load.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 12 day of February, 1930.

STATE OF VIRGINIA, COUNTY OF _____, To-wit:

The undersigned hereby certifies that R. O. Nizer the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 12th day of Feb, 1930.

G. S. Humphrey
Notary 2/12/31

Margie Dawson, Deputy
Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

County: Rockingham
District: Stonewall

#40 - Nizer, R. O. D.

Acreage Claimed: 103 Assessed: 136 A. Deed: 136 A.
1927 for
Value Claimed: \$1030.00 Assessed: \$140.00 Deed: \$200.00.

Location: Dry Run, Park line cuts property.

Incurbrances, counter claims or laps: None.

Soil: Gravelly loam. On the lower slopes medium fertility, deep but stony. On the upper shallow and extremely stont.

Roads: Five miles of country road to Elkton.

History of tract and condition of timber: Badly burned and repeatedly. On the lower slopes there is a light stand of pitch-pine saplings up to 7" DBH and very scrubby. Admixture of smaller hardwoods, mostly scrubby oaks. Plenty of reproduction. On the upper slopes there is a well stocked stand of larger pitch-pine up to 9" DBH. Very small admixture of hardwoods. Stand is less than 2 cords per acre of poor cord wood. The value of the wood is included in the per acre value.

Improvements: None.

Value of land by types:

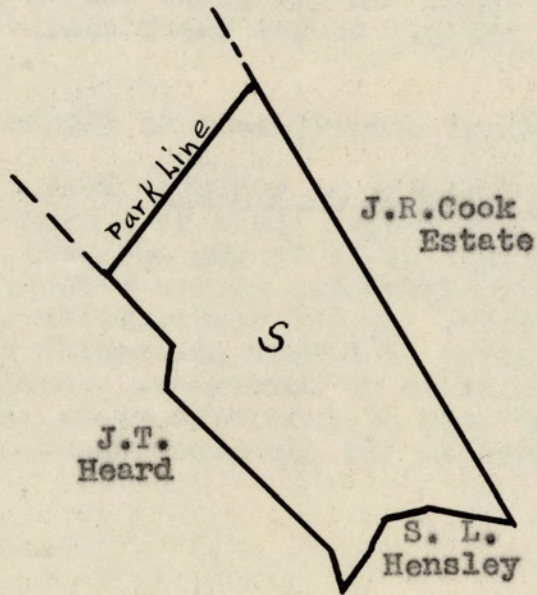
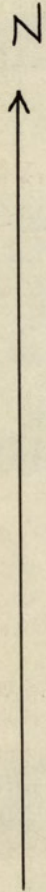
<u>Type</u>	<u>Acreage</u>	<u>Value per acre</u>	<u>Total Value</u>
Slope	192	\$2.00	\$204.00

Total value of tract \$204.00

Total value per acre \$2.00

County: Rockingham
District: Stonewall

#40 - Nizer, R. O.,



LEGEND:
Slope
Scale - 1" = 20 chains

No. 40

RETURN IN FIVE DAYS TO
J. ROBERT SWITZER, CLERK
Circuit Court of Rockingham County
HARRISONBURG · VIRGINIA

STATEMENT

OF) Geo. S. Harnsberger, p.q.

R. O. NIZER

Filed 8/28/33

STATEMENT OF COSTS, POSTAGE, ETC.:

In re Arbitration Agreement submitted to the Governor, arising in or out of the condemnation proceedings pending in the Circuit Courts of Virginia under authority of the Shenandoah National Park Act.

State Commission on Conservation and Development of the State of Virginia

vs.

Cassandra Lawson Atkins and others and 52,501 acres of land in Rockingham County.

Filed in the Clerk's Office
Rockingham County, Va.
AUG 28 1933

J. Robert Switzer Clerk

In re exceptions of R.O. Nizer.

To the Hon. Philip Williams, Chairman of the Park Land Arbitration Board.

In reply to the rules issued by said Arbitration Board on August 16, 1933, and in reply to your call therein made, the undersigned begs to say:

- (a) The number of the tract owned by exceptant, as shown on the map filed in this proceeding, is 40.
- (b) The acreage claimed is
- (c) As the claim now under consideration is based primarily upon the mineral rights therein asserted, the requirements under this section do not in their entirety apply.

Suffice it to say here:

(1) That the Appraisal Board did not make proper allowance for the land of your exceptant, as distinguished from the mineral rights therein, in that it only allowed to your exceptant the sum of Three dollars per acre for his land when he had paid Six Dollars per acre therefor, and when the wood alone upon said land is worth more than the total amount allowed by the Appraisal Board. *This land is worth \$10 - see all -*

(2) That the report of the Appraisal Board is further erro-

neous in that it does not take into consideration at all, or place any value on, the manganese ore found to be in and upon said land.

The geological reports ^{for} from both the State of Virginia and the United States show that said mineral rights are located within the manganese ore-bearing belt along the western slope of the Blue Ridge Mountains. See Bulletin 17 of the Virginia Geological Survey. This survey was prepared in co-operation with the United States Geological Survey. The lands in which said mineral rights exist have been partially prospected, and ore of approved analysis has been found, and, from such prospecting as has been done, it is believed that said ores exist in commercial quantities. As this tract of land is located about midway between the Palmer lands on Naked Creek and the Harnsberger lands at Elkton and in the same ore-bearing belt, it is believed that the statement made by W.C.J. Bartells and referred to in the reply made by the Palmers is equally applicable to the mineral rights of exceptant, and the statement attributed to Mr. Bartells and contained therein is asked to be read in connection herewith.

The \$ 25,000. claimed in this matter is not the full value of the royalty on the ore sought to be taken in these proceedings, but, as the property has to be developed, and as it takes money for such development, no larger sum is asked.

The Appraisal Board did not make any allowance for incidental damages to that portion of your exceptant's land which are left out of the Park area. In this the Appraisal Board erred, because it is a well known and recognized fact in mining that the greater the acreage the more valuable the mining interest, for the simple reason that it gives more area for prospecting and development. Your exceptant, therefore, asks that a proportionate allowance be made for that part of his land lying outside of the Park

area.

Your exceptant requests that this matter be heard at the same time that the other exceptions in regard to the manganese mineral rights are being considered, as the primary evidence in all of these cases will be the same, only varying as it pertains to the particular tract under consideration.

ROMER

State of Virginia,

County of Rockingham, to-wit:

This day R.O. Nizer personally appeared before me, W. W. W. W., a Notary Public in and for the County aforesaid, in the State of Virginia, in my County aforesaid, and, being duly sworn, deposes and says:

I have read the above statement, and believe the statements of facts contained therein to be true.

ROMER

Subscribed and sworn to before me this 26 day of August, 1933.

W. W. W. W.

Notary Public.

My Commission expires 8/17/1937

Filed in the Clerk's Office
Rockingham County, Va.

SEP 7 1933

J. Robert Switzer Clerk

NIZER. R. O.
40
ROCKINGHAM COUNTY

IN RE. ARBITRATION AGREEMENTS submitted to the Governor arising in or out of Condemnation Proceedings pending in the Circuit Court of Virginia under authority of the Shenandoah National Park Act.

SUMMARY STATEMENT OF PETITIONER:

EXCEPTANT: Nizer, R. O.

ORIGINAL CLAIM: Acreage 103 : Value \$1030: Inc. Damages None

VALUE PLACED ON TRACT BY PETITIONER'S APPRAISERS:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
40	\$204.00	None

BOARD OF APPRAISAL COMMISSIONERS FINDINGS:

MAP NUMBER OF TRACT: 40

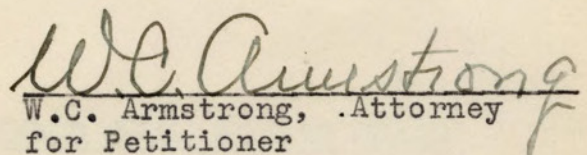
VALUE OF TRACT:

<u>TRACT NO.</u>	<u>VALUE</u>	<u>INCIDENTAL DAMAGES</u>
40	\$306.00	None

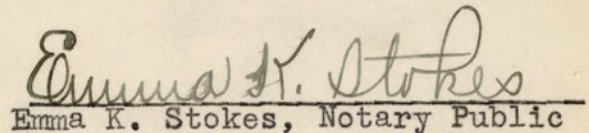
The basic differences between Petitioner and this exceptant are as to the classification and value of the land, mineral rights, and amount of incidental damages.

Although we believe the values reported by the Petitioner's appraisers were very liberal and that the findings of the Board of Appraisal Commissioners as to values are substantially too high, we have accepted and will not seek a lower valuation than their findings as shown on the above tables in this case.

As to the classification of the land and the other elements of value we submit that these matters are correctly set forth in the Work Sheet of the Board with reference to this case, and not as set forth in exceptant's statements. This Work Sheet is filed with the record and a copy of this Work Sheet is submitted with copy of the record tendered herewith, and additional copies of the Work Sheets in this case will be furnished if desired.


W.C. Armstrong, Attorney
for Petitioner

Subscribed to and verified before me this the 8th day of September, 1933.


Emma K. Stokes, Notary Public

*Law Office of
Geo. S. Harnsberger
Harrisonburg, Va.*

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission on
Conservation and Development
of the State of Virginia

vs.

Cassandra Lawson Atkins and
others, and 52,501 acres of
land in Rockingham County.

Filed in the Clerk's Office
Rockingham County, Va.

AUG 26 1933

J. Robert Smith Clerk

In re exceptions of *R. O. Hizer*

To the Hon. Philip Williams, Chairman of the Park
Land Arbitration Board.

In reply to your letter and call of August 8, 1933, beg
to say:

That copies of the papers heretofore filed in the above
matter are herewith handed you, and a like copy has already been
delivered to the State Commission on Conservation and Development
of the State of Virginia, with the exception of a copy of the claim
which Mr. Marsh, of the Commission, said was not needed.

Further answering your calls in their order:

- (1) The grounds of exception are fully set forth in the excep-
tions filed. Suffice it here to say that the basis of the excep-
tion is the failure of the Appraisal Board to allow any compensation
for the proven manganese mineral ores on the lands of exceptant .
- (2) The number of this claim on the county ownership map filed
in these proceedings is 40
- (3) The authority of counsel to act in these proceedings is at-
tached hereto.

Respectfully submitted,

G. S. Harnsberger,
Att'y.

Law Office of
Geo. S. Harnsberger
Harrisonburg, Va.

Aug. 11, 1933.

To the Hon. Philip Williams, Chairman of
the Park Land Arbitration Board;

This is to certify that I, the undersigned, have employed
Geo. S. Harnsberger, Attorney, of Harrisonburg, Virginia, to represent
me in all condemnation proceedings in connection with my lands
in the Shenandoah National Park area.

R. O. Nizer

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission on
Conservation and Development
of the State of Virginia

vs.

Cassandra Lawson Atkins and others
and 52,501 acres of land
in Rockingham County.

TO HON.H.W.BERTRAM, JUDGE OF SAID COURT.

The motion of R.O.Nizer, praying said Court to disapprove and to decline to accept the findings of the Board of Appraisal Commissioners, heretofore appointed by said Court in said matter, wherein said Board reported, under No. 40 of its findings, as filed in the Clerk's Office of said Court, that moveant is only entitled to three dollars per acre for his lands situate in the Park area, on the western slope of the Blue Ridge Mountains, in the eastern portion of Rockingham County, Virginia.

The grounds of said motion are as follows:

- (1) That the report of said Appraisal Board is erroneous, in that it does not take into consideration at all, or place any value upon, the manganese ore found to be in and upon said land, although the existence of said ore was clearly pointed out to the Appraisal Board. Reference is here made to the claim filed by moveant before said Appraisal Board for the value placed on said ores by the moveant.
- (2) That the said Appraisal Board erred in allowing to moveant the totally inadequate and confiscatory sum of \$3.00 per acre for his land when moveant paid \$6.00 an acre for the same and when the wood upon said land is worth more than ~~is~~ is allowed for the land by said Appraisal Board.
- (3) That the finding of said Board was based upon a mistake of law as to the nature and effect of the evidence produced

produced before said Board by the said moveant.

The affidavits attached hereto are asked to be read in support of these exceptions.

(Signed) R. O. Nizer,
By Counsel.

(Signed) Geo. S. Harnsberger,
Counsel.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission on
Conservation and Development
of the State of Virginia

vs.

Cassandra Lawson Atkins and others
and 52,501 acres of land in
Rockingham County.

The affidavit of Robert O. Nizer, to be read in connection with the motion filed by him to have the findings of the Board of Appraisal Commissioners disapproved in connection with its finding No. 40.

State of Virginia,

County of Rockingham, to-wit:

R.O. Nizer this day personally appeared before me,

W. H. McVeigh

, a Notary Public in and for the
County aforesaid, in the State of Virginia, in my County aforesaid,
and, being duly sworn, deposes and says:

I paid for the land involved in this matter the sum of \$6.00 per acre, as shown by my deed for the same. The Board of Appraisal Commissioners only allowed me \$3.00 per acre, which is not sufficient to pay for the firewood thereon. I have sold some firewood off of the land lying adjacent to the land in question, which land was acquired under the same deed, and is the same character of land as that now being condemned by the Commission, and have received considerably more than \$3.00 per acre therefor. This character of land independent of any minerals thereon, is to-day worth at least \$10.00 per acre. This opinion is based on what adjacent lands are selling for. The land in question lies upon the west slope of Huckleberry Mountain, which is a spur of the Blue Ridge Mountain, and in what is generally known as the manganese ore belt, and is situate about three miles from the Elkton manganese mines. The land clearly shows out-croppings

of ore, and ore-pits have been dug upon the adjacent land showing that considerable ore exists even near the surface of these lands. When the Appraisal Board had this matter under consideration, I went with them upon these lands, showed them the ore-pits on adjacent land, showed them the out-croppings on this land, and, after inspection of the same, the Board gave me to understand my lands contained valuable and rich deposits of ore for which ~~they~~ it would allow me at least some reasonable compensation. On the contrary, however, its report shows that it made no allowance for minerals at all. In my claim filed in this matter, I set forth the amount that I considered reasonable for the ores and also for the land in question, and I ask that that claim be read in connection with this affidavit. I am informed that Bulletin 17 of the "Manganese Deposits of the West Foot of the Blue Ridge, Virginia", which was "PREPARED IN CO-OPERATION WITH THE UNITED STATES GEOLOGICAL SURVEY", shows that my land lies in the ore-bearing manganese belt, and as this land is situate between the known ore-bearing lands at Elkton and on Naked Creek and as the ore is shown upon the land itself, there is every reason to believe that ore exists on this property in commercial quantities. The Appraisal Board not only informed me, but told others, that there was a better indication of manganese ore upon my lands than any other land it had examined.

(Signed) R O Nizer

Subscribed and sworn to
before me this 20 day of
September, 1932.

(Signed)

W H McNeigh -
Notary Public.

Claim of B. O. Hizer
In the Circuit Court of Buckingham County, Virginia, No. 1029, At Law.
The State Commission on Conservation and Development of the State of Virginia, Petitioner, vs. Cassandra Lamson Harris & C

more or less, of land in Buckingham County, Virginia, Defendants.
The undersigned, in answer to the petition of the State Commission on Conservation and Development of the State of Virginia, and in response to the notice of condemnation awarded upon the filing of said petition and published in accordance with the order of the Circuit Court of Buckingham County, Virginia, asks leave of the Court to file this as his answer to said petition and to said notice.

My name is B. O. Hizer
My post office address is Elkhorn, Va., U. S.

I claim a right, title, estate or interest in a tract or parcel of land within the area sought to be condemned, containing about 103 acres, on which there are the following buildings and improvements: none

This land is located about 3 miles from Elkhorn Virginia, in the Northwell Magisterial District of said County.

I claim the following right, title, estate or interest in the tract or parcel of land described above: (In this space claimant should say whether he is sole owner or joint owner, and if joint owner give names of the joint owners. If claimant is not sole or joint owner, he should set out exactly what right, title, estate or interest he has in or to the tract or parcel of land described above.)

I am sole owner & claim said land in fee.

The land owners adjacent to the above described tract or parcel of land are as follows:
North J. A. Cook
South J. T. Ward
East John Humber
West B. O. Hizer

I acquired my right, title, estate or interest to this property about the year _____ in the following manner:

by deed from father, which deed is duly of record in clerk's office in P. O. No. 145, 1/17/19.

I claim that the total value of this tract or parcel of land with the improvements thereon is \$ 1030. I claim that the total value of my right, title, estate or interest, in and to this tract or parcel of land with the improvements thereon is \$ 1030.

I am the owner of 3.3 acres of land adjoining the above described tract or parcel of land but lying outside the Park area, which I claim will be damaged by the proposed condemnation of lands within the Park area, to the extent of \$ included in above.

(In the space below should be set out any additional statements or information as to this claim which claimant desires to make; and if practicable he should also insert here a description of the tract or parcel of land by metes and bounds).

Remarks: This land will average 10 loads of pine wood to sell, & have ready value for same at \$1. per load.

(Continue remarks if necessary on the back).

Witness my signature (or my name and mark attached hereto) this 17 day of February, 1930. (Signed) B. O. Hizer

STATE OF VIRGINIA, COUNTY OF _____, To-wit:

The undersigned hereby certifies that B. O. Hizer the above named claimant personally appeared before him and made oath that the matters and things appearing in his above answer are true to the best of his knowledge and belief, this 12th day of Feb., 1930.

Geo. J. Humber (Signed) Magie Bowen, Deputy
1930. 2/12/31 Clerk of the Court, or Special Investigator or Notary Public, or Justice of the Peace.

*Law Office of
Geo. S. Harnsberger
Harrisonburg, Va.*

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission on
Conservation and Development
of the State of Virginia

Filed in the Clerk's Office
Rockingham County, Va.

vs.

SEP 22 1932

Cassandra Lawson Atkins and others
and 52,501 acres of land
in Rockingham County.

J.P. Sutter Clerk

TO HON. H.W. BERTRAM, JUDGE OF SAID COURT.

The motion of R.O. Nizer, praying said Court to disapprove and to decline to accept the findings of the Board of Appraisal Commissioners, heretofore appointed by said Court in said matter, wherein said Board reported, under No. 40 of its findings, as filed in the Clerk's Office of said Court, that moveant is only entitled to three dollars per acre for his lands situate in the Park area, on the western slope of the Blue Ridge Mountains, in the eastern portion of Rockingham County, Virginia.

The grounds of said motion are as follows:

(1) That the report of said Appraisal Board is erroneous, in that it does not take into consideration at all, or place any value upon, the manganese ore found to be in and upon said land, although the existence of said ore was clearly pointed out to the Appraisal Board. Reference is here made to the claim filed by moveant before said Appraisal Board for the value placed on said ores by the moveant.

(2) That the said Appraisal Board erred in allowing to moveant the totally inadequate and confiscatory sum of \$3.00 per acre for his land when moveant paid \$6.00 an acre for the same and when the wood upon said land is worth more than ~~ix~~ is allowed for the land by said Appraisal Board.

(3) That the finding of said Board was based upon a mistake of law as to the nature and effect of the evidence produced

produced before said Board by the said moveant.

The affidavits attached hereto are asked to be read in support of these exceptions.

R. D. Nizer

By Counsel.

GEO. S. HARNBERGER
Counsel.

IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA.

The State Commission on Conservation and Development of the State of Virginia

vs.

Cassandra Lawson Atkins and others and 52,501 acres of land in Rockingham County.

The affidavit of Robert O. Nizer, to be read in connection with the motion filed by him to have the findings of the Board of Appraisal Commissioners disapproved in connection with its finding No. 40.

State of Virginia,

County of Rockingham, to-wit:

R.O.Nizer this day personally appeared before me,

Robert O. Nizer, a Notary Public in and for the County aforesaid, in the State of Virginia, in my County aforesaid, and, being duly sworn, deposes and says:

I paid for the land involved in this matter the sum of \$6.00 per acre, as shown by my deed for the same. The Board of Appraisal Commissioners only allowed me \$3.00 per acre, which is not sufficient to pay for the firewood thereon. I have sold some firewood off of the land lying adjacent to the land in question, which land was acquired under the same deed, and is the same character of land as that now being condemned by the Commission, and have received considerably more than \$3.00 per acre therefor. This character of land, independent of any minerals thereon, is to-day worth at least \$10.00 per acre. This opinion is based on what adjacent lands are selling for. The land in question lies upon the west slope of Huckleberry Mountain, which is a spur of the Blue Ridge Mountain, and in what is generally known as the manganese ore belt, and is situate about three miles from the

Elkton manganese mines. The land clearly shows out-croppings of ore, and ore-pits have been dug upon the adjacent land showing that considerable ore exists even near the surface of these lands. When the Appraisal Board had this matter under consideration, I went with them upon these lands, showed them the ore-pits on adjacent land, showed them the out-croppings on this land, and, after inspection of the same, the Board gave me to understand my lands contained valuable and rich deposits of ore for which they it would allow me at least some reasonable compensation. On the contrary, however, its report shows that it made no allowance for minerals at all. In my claim filed in this matter, I set forth the amount that I considered reasonable for the ores and also for the land in question, and I ask that that claim be read in connection with this affidavit. I am informed that Bulletin 17 of the "Manganese Deposits of the West Foot of the Blue Ridge, Virginia", which was "PREPARED IN CO-OPERATION WITH THE UNITED STATES GEOLOGICAL SURVEY", shows that my land lies in the ore-bearing manganese belt, and as this land is situate between the known ore-bearing lands at Elkton and on Naked Creek and as the ore is shown upon the land itself, there is every reason to believe that ore exists on this property in commercial quantities. The Appraisal Board not only informed me, but told others, that there was a better indication of manganese ore upon my lands than any other land it had examined.

R. O. W. [Signature]

Subscribed and sworn to
 before me this 20 day of
 September, 1932.

[Signature]
 _____,
 Notary Public.