

Road DOCKET No. 5

Number	Term	Year
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9	Dec	1921
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Petition of Mary Marusa to assess
damages

Versus

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

To the Honorable Singleton Bell, Judge of said Court:

The petition of Mary Marusa, of the Township of Bigler, Village of Madera, County of Clearfield and State of Pennsylvania, respectfully sets forth:

First: That your petitioner resides in the Twpnship of Bigler, Village of Madera, County of Clearfield and State of Pennsylvania, and is the owner of certain real estate. Said real estate being bounded and described as follows:

BEGINNING at a point in what was formerly a public road before the aforesaid changes were made leading from Houtzdale to Madera; thence North seventy-one (71) degrees eight (8) minutes West three hundred and forty-one and one tenth (341.1) feet to a peg; thence North thirty (30) degrees twenty-two (22) minutes East four hundred and sixteen and four tenth (416.4) feet to peg and stones; thence South eighty-six (86) degrees East eighty (80) feet to a stump; thence sixty-four (64) degrees East one hundred and forty-nine and five tenth (149.5) feet to a peg; thence nineteen (19) degrees East three hundred and two (302) feet to a pine stump; thence South forty (40) degrees West three hundred and fifteen and seven tenth (315.7) feet to the place of beginning, containing three (3) acres and one hundred and ten and forty-six one hundredths (110.46) perches.

Second: Your petitioner further represents that during the year of 1920 the State Highway Commission undertook the construction, reconstruction or improvement of State Highway known as Route No. 234, wherein a change of existing lines and location was necessary on the section of said State Highway running through the Village of Madera, Bigler Township, Clearfield County, Pennsylvania, through the property of the petitioner herein.

Third: That the said State Highway Commissioners, on that part of the aforesaid road which adjoined, abutted and passed

through the petitioner's above described property, changed the existing line and location of said road so that it caused grievous damages to the property of the defendant.

Fourth: That the said State Highway Commissioners notified the Commissioners of Clearfield County in writing of the contemplated change of such existing lines and location. That said County Commissioners and your petitioners could not agree as to the amount of damages suffered by your petitioner by reason of aforesaid changes of lines and location. That said State Highway Commissioners proceeded with the work of completing of said Highway, making said changes of lines and necessitated great damage to your petitioner.

Fifth: That the said County Commissioners of Clearfield County and your petitioner have been unable to reach any agreement as to the damages caused to your petitioner by reason of the acts herein complained of.

Your petitioner having shown the above facts prays the Honorable Court to appoint viewers to ascertain and assess such damages your petitioner suffered by reason of the acts complained of as is provided by the Act of Assembly, and he will ever pray.

for
Mary X Marusa
mark

CLEARFIELD COUNTY, SS:

Mary Marusa, being duly sworn according to law, deposes and says that the facts set forth above are true and correct to the best of her knowledge, information and belief.

Mary Marusa

Sworn and Subscribed to

before me this 10

day of Oct A. D.,
1921.

James H. Ruffner
Notary Public for Clearfield County, Pa.
My Comm. expires Dec. 31, 1922

Now Oct. 14th 1921

Service accepted
for County Commissioners
L. C. Norris's
claim

Nov 9 Dec 11 1921

IN RE APPOINTMENT OF VIEWERS
TO ASSESS DAMAGES TO PROPERTY
OF HARTY LARUSA CAUSED BY
CONSTRUCTION OF STATE HIGH-
WAY.

Nov 15th 1921

At Lancaster, Pa. Henry
Ree & J. M. Glange
are appointed viewers
to proceed according
as directed by the County
Court in relation thereto

Angus Town

Angus Town

LAW OFFICES OF
CHASE & CHASE
CLEARFIELD, PA.
KEYSTONE BUILDING

2-15-21 by atty

She is the owner of real estate. Said real estate being bounded and described as follows.

BEGINNING at a point in what was formerly a public road before the aforesaid changes were made leading from Houtzdale to Madera; thence north 71° 8' west 341.1 ft. to peg; thence north 30° 22' east 416.4 ft. to peg and stones; thence south 86° east 80 ft. to a stump; thence 64° east 149.5 ft. to a peg; thence 19° east 302 ft. to a pine stump; thence south 40° west 315.7 ft. to the place of beginning, containing 3 acres 110.46 perches.

Your petitioner represents that during the year of 1920 the State Highway Commission undertook the construction of State Highway known as Route No. 234 wherein a change of existing lines was necessary which caused grievous damages to the property of the defendant.

RETURN OF VIEWERS.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield;

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order, from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, beg leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the ~~Board of Supervisors~~ of the Township of Mary Marusa and that 3 notices thereof were posted along the route of the proposed road, that the said view would be held on the 11th day of November, A. D. 1921, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 12th day of November, 1921, at 11 o'clock A. M. That

2 viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Mary Marusa, James Ruffner et al.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 12th day of November, A. D. 1921, when the following appearances were noted: A. H. Woodward Esq. for County Commissioners, T. R. Mennen, Mike Mennel, Mary Marusa, A. P. Chase Esq. for Claimant, James Ruffner.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a road; And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for use the following described road, to-wit: Beginning

After hearing the parties & after having gone over the premises personally & after due & careful consideration the viewers are of the opinion that Claimant has been damaged by the taking of her land to the extent of \$200.00

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the
County of Clearfield, held at Clearfield, Pa., in and
for said County, on the 15th day of
October in the year of our Lord
one thousand nine hundred twenty-one

Judge of the same Court: Upon the petition of
Mary Marusa,
Sole and Lawful Representative of the Township of Bigler
Village of Madera,

in said County, setting forth that:

and therefore, praying the Court to appoint proper persons to view and
lay out the road between the points mentioned, whereupon the Court upon
due consideration had of the premises, do order and appoint from and
among the County Board of Viewers A. L. Edwards, Esq.,
Harry Reese and J. W. Spangle

who have been duly appointed by the Court and filed their oaths of office and
are duly qualified to perform the duties of their appointment with impari-
ality and according to the best of their judgment, are to view the ground
proposed for the said road, and if they view the same, and a majority of
the actual viewers agree that there is occasion for such road, they shall
proceed to lay out the same, as agreeable to the desire of the petitioner, as
may be, having respect to the best ground for a road and the shortest dis-
tance, in such a manner as to do the least injury to private property; and
shall make report thereof, stating particularly whether they judge the same
necessary for a public or private road, together with a plot or draft thereof,
and the courses and distances and references to the improvements through
which the same may pass; (and wherever practicable, the viewers shall lay
out the said road at an elevation not exceeding five degrees, except at the
crossing of ravines and streams, when by moderate filling and bridging the
declination of the road may be preserved within that limit,) to the next Court
of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public
road, they shall obtain from the persons through whose lands the said road
shall pass, releases from any damages that may arise to them on opening
the same; but if the owner or owners of such land refuse to release their
claim to damages, the said viewers shall assess the same, taking into view
the advantages as well as disadvantages arising from said location, and
make report of such assessments; which report they shall in like manner
transmit to the next Court of Quarter Sessions, with the draft or plot
aforesaid. In which said reports they shall state that they have been
sworn or affirmed according to law, and that due and legal notice was
given of the time when, and place where, they should meet, to view and
lay out said road, and the time and place of hearing

By order of the Court.

Geo W Ralston, Clerk.



A. J. Edwards
H. A. R. ...

A. D. 1911

and we herewith return releases obtained and copy of the notices.
WITNESS our hands and seals this 19th day of November

James Stewart
the following persons having refused to release the damages to which they respectfully may be entitled by the reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: James Stewart \$200.00

when it was not practicable to preserve it within that limit.
The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting

\$200.00

No. 9 Dec Sessions, 1921

ORDER

To view and assess damages
road for ~~the~~ the
township of Bigler
Clearfield County

Feb 10 Session 1921

read and confirmed the
Road to be opened 33 feet
wide, except where there is
side hill cutting or embank-
ment and bridging. There
be 16 feet wide.

By the Court
Ingleson Bell

Filed 19

Fees \$1.25 paid by

Chase & Chase, Atty's.

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	DAYS	MILES	AM'T.
Henry Reese	3	106	27.80
A. L. Edwards	3	66	25.80

RELEASE OF DAMAGES.

Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by

at and before the enrolling and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quitclaim to the said

all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____

A. D. 1921

