

Road DOCKET No. 5

Number Term Year

13 Dec SS 1921

Petition of William Wrights for
viewers to assess damages in
Lawrence Twp.

Versus

X

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

To the Honorable Singleton Bell, Judge of said Court:

The petition of William Wrights of the Township of Lawrence, County of Clearfield and State of Pennsylvania, respectfully sets forth:

First: That your petitioner resides in the Township of Lawrence, County of Clearfield and State of Pennsylvania, and is the owner of certain real estate, and through said real estate for a distance of approximately one-fourth of a mile, as shown by the Deeds hereinafter referred to, Route No. 59 of the State Highway passes.

Second: That said real estate owned by the petitioner herein consists of several separate and distinct conveyances to your petitioner, said conveyances being recorded in the office of the Recorder of Deeds for Clearfield as follows:

Franklin Welch and Mary Jane Welch to John D. Wright, deed recorded in Deed Book 6, page 262 et sec.; George R. Barratt et ux to John D. Wright, Deed recorded in the office of the Recorder of Deeds for Clearfield, in Deed Book No. 4, page 192 et sec; Deed Andrew Addleman et ux to John W. Wright, recorded in the office of the Recorder of Deeds for Clearfield, in Deed Book "T", page 632 et sec; Deed James Wrigley, Administrator of William Addleman, to John D. Wright, Deed recorded in the office of the Recorder of Deeds for Clearfield County, in Deed Book "F. F.", page 356 et sec; Deed F. C. Williams to John D. Wright, Deed recorded in the Office of the Recorder of Deeds for Clearfield County, Deed Book 140, page 44; Samuel Smeal et ux to John D. Wright, recorded in the office of the Recorder of Deeds, in Deed Book No. 59, page 254 et sec.

Third: The said John D. Wright died intestate November, 1902, and left to survive him certain heirs at law which said heirs at law by Deed recorded at Clearfield in the office of the

of the Recorder of Deeds in Deed Book No. 141, page 91 et sec, conveyed their right and title and interest to your petitioner therein, William Wright, to the above aforementioned lands. Deed Junie B. Conklin et al to William Wright recorded in the office of the Recorder of Deeds for Clearfield County in Deed Book 215, page 67.

Fourth: That the above referred to lands as hereinbefore set forth are traversed by the State Highway Route No. 59; said lands containing approximately sixty-three (63) acres.

Fifth: Your petitioner further represents that during the years 1919, 1920 and 1921 the State Highway Commission undertook the construction, reconstruction and improvements of the public highway hereinbefore referred to running through said lands and now known as State Highway Route No. 59, and by reason of said construction, reconstruction and improvement a change of existing lines and location was necessary on said section of said State Highway running through the lands of the petitioner as hereinbefore described and referred to as of record. That said changes in the lines and Highway extended through and over the entire distance of said State Highway, through the lands of your petitioner on both sides of said State Highway.

Sixth: That the said State Highway Commissioners on the aforesaid part of said Route No. 59, running through the lands of your petitioner, so changed the location of said road as to take from the petitioner a portion and section of the petitioner's real estate and further caused grievous damages to your petitioner by said road being so constructed, reconstructed and improved and the lines and directions of said road so changed as to cause great damage to the buildings of your petitioner, especially the dwelling house thereof. Said changes and alterations of said road being such as to practically destroy the use of the petitioner's property for certain purposes, and said State Highway being so changed and altered as to take from the petitioner all his ground in front of his

dwelling house so as to require the removing of said premises in order to build porches, etc., to the addition of his property which caused serious loss to said petitioner and greatly depreciated the value of his premises.

Seventh: That the said State Highway Commissioners notified the Commissioners of Clearfield County of the contemplated change of such existing lines and location. That said County Commissioners and your petitioner never agreed as to the amount of damages suffered by your petitioner by reason of the aforesaid changes of lines and location. That said State Highway Commissioners proceeded with the work of completing said State Highway, making said changes of lines and location and alterations in said road as necessitated great damages to your petitioner.

Eighth: That the said County Commissioners of Clearfield County have been unable to reach an agreement as to the damages caused to your petitioner by reason of the acts herein set forth.

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

William S. Wright

CLEARFIELD COUNTY, SS:

William Wright, being duly sworn according to law deposes and says that the facts set forth above of which he is acquainted with, are true and correct and as to the facts which are set forth which he has received by information are from reliable sources and he expects to be able to prove.

William S Wright

Sworn and Subscribed to
before me this 27
day of October, A. D., 1921.

Geo W Ralston
Dorothy

Now this day of October A. D., 1921, we hereby accept service on notice of this petition by copy thereof and waive issuance of the same.

and Oct. 31st 1921 -

Service accepted by County Commissioners

Per. A. C. Morris

Class.

Now May Sessions 1922 powers of the
viewers enlarged to Sept. 1st Sessions 1922

By the Court

Englehardt Belf.

THE COURT OF QUARTER SESSIONS OF CLEARFIELD CO., PA. IN SYLVANIA	
13	Dec 25 1921
IN THE PETITION OF WILLIAM WRIGHT OF LAWRENCE TOWNSHIP, FOR THE APPOINTMENT OF VIEWERS TO ASCERTAIN DAMAGES CAUSED TO REAL ESTATE LOCATED IN LAWRENCE TOWNSHIP BY REASON OF THE CONSTRUCTION OF STATE HIGHWAY ROUTE NO. 59 THROUGH SAID PREMISES.	
CHASE & CHASE, Attorneys for Plaintiff.	
W. RALSTON CLERK LAW OFFICES OF CHASE & CHASE CLEARFIELD, PA. KEYSTONE BUILDING	

Now Oct 31st 1921, A. G. Kramer, Esq. Ed Bellotto and
J. S. Michaels are appointed viewers to proceed
and make report as directed by the acts of assembly
relating thereto.

By the Court

Englehardt Belf.

Now Dec Session 1921 powers of the viewers
enlarged to Febry Session 1922.

By the Court

Englehardt Belf.

Now Febry Session 1922 the powers
of the viewers enlarged to May Session 1922

By the Court

Englehardt Belf.

275 Key City Building

certain real estate and through said real estate for a distance of approximately $\frac{1}{4}$ of a mile shown by the deed hereinafter referred to.

Your petitioner further represents that during the years 1919, 1920 & 1921 the State Highway Commission undertook the construction & improvement of the public highway running through said lands and now known as State Highway Route No. 59 and by reason of said construction a change of existing lines was necessary.

Said changes and alterations of said road being such as to practically destroy the use of the petitioners property for certain purposes, and said State Highway being so changed and altered as to take from the petitioner all his ground in front of his dwelling house so as to require the removing of said premises in order to build porches etc. to the addition of his property which caused serious loss to said petitioner & greatly depreciated the value of his property.

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 Franklin and that ~~REASONABLE~~ notices thereof were posted along the route of the proposed road, and that the said view would be held on the 15th day of November.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 16th day of November A. D. 1924 when the following appearances were noted: William, S. Wright with his Attorney A. R. Chase Esq. and A. H. Woodward. Esq. County Solicitor and T. R. Weimer, Jesse, E. Dale and M. L. Farrell the County Commissioners.

When after hearing the testimony of Mr Wright the claimant the case was continued over without any fixed definite time;

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is occasion for a road as desired by the petitioner, and that the same is 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: ~~the following~~ When after the view was made and the hearing held as per notice given the following facts were established: That the claimant William S Wright is the owner of 60, acres of land situate in Lawrence Township in the County of Clearfield Pennsylvania, along the Highway, leading from Hyde to Curwensville on the State Highway Route No 59; That during the years 1919, 1920 and 1921 the State Highway Commission improved said Highway, running through the land of the said William S Wright the petitioner; and that the said Highway Commission in exercising the power conferred on him in improving said Highway by the Act of 1911, P. L. 468, changed the line of the location of said road or Highway along the property of the said petitioner and in so doing not only took a strip of the claimant's land about six feet seven inches in width 116 feet in length close along the front of his house and within 2-1/2 feet of the corner of the house destroying his steps and front porch to the front of his house, destroying several shade trees and a lot of shrubery, and leaving an excavation along the front of his house two feet five inches in depth; which in order to put the house in as good condition as it was before will require the digging of a cellar, the building of a foundation wall and the moving of the house, some ten or twelve feet back; to build a porch and steps to the front of the house which could not be done for less than \$700.00 or \$800.00. It has been decided that the measure of damages is the difference of the value of the property before the taking or injury to the property and the value of the same after and the inconveniences suffered.

Clearfield County, Pa: ~~PAUL J. DUNN~~

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 31st day of October 1921, in the year of our Lord one thousand nine hundred twenty-one.

Judge of the same Court. Upon the petition of William Wright, ~~and others~~ of the Township of Lawrence

in said County, setting forth that he is the owner

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. G. Kramer, Esq.

E. D. Billotte & J. S. Michaels

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 impartiality 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 distance, 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 fitting 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 Palston, Clerk.

TO: T. R. WEIMER, JESSE. E. DALE AND M. L. FARRELL;
COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PENNA.

You are hereby notified; by the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and assess the damages that William S Wright of Lawrence Township has sustained by the construction of the State Highway leading from Clearfield to Curwensville through the property of the the said claimant in Lawrence Township was filed in the said Court on August 29th 1922: Said case is to No 23, December Session 1921.

A G Kramer
E D Billotto
J S Michaels

VIEWERS.

Now August 30th 1922 service accepted for the County Commissions of Clearfield county Pa.

L G Morris

L B F Clerk.

TO, WILLIAM, S, WRIGHT THE PETITIONER.

You are hereby notified, that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and assess the damages that William S Wright the petitioner has sustained by reason of the changes made in the location of the road bed through a part of his property, in the building of the State road or Highway in route No (59), from Hyde to Curwensville in Lawrence Township, Clearfield County Pa.

Will meet at the house of the said petitioner on the said premises in Lawrence Township in the County and State aforesaid on ~~Thursday~~ ^{Tuesday} the 15th day of November A. D. 1921 at one (1), o'clock P. M. to attend to the duty of their appointment; of which time and place aforesaid all parties interested will please take Notice.

And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers; before the filing of their report in Court in order to give all parties interested a chance to be heard; will be held in the Arbitration Room in the Court House in Clearfield Pa on ~~Wednesday~~ ^{Wednesday} November 16th, 1921 at nine (9), o'clock A. M. when and where all parties interested may attend and be heard.

A G Kramer

E D Billotte

J S Michaels

VIEWERS.

Now November 2d 1921 service accepted for William S Wright the petitioner

A H Blaauw
atty for William S Wright

TO: T. R. WEIMER, JESSE, E. DALE AND M. L. FARRELL.
County Commissioners of Clearfield County Pa.

You are hereby notified; that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and assess the damages that William S Wright the petitioner has sustained by reason of the changes made in the location of the road bed through a part of his property, in the building of the State road or Highway in route No (59), from Hyde to Curwenville in Lawrence Township, Clearfield County Pa.

Will meet at the house of the said William S Wright on the said premises in Lawrence Township in the County and State aforesaid on ~~Tuesday~~ ^{Tuesday} November 16th 1921 at one (1), o'clock P. M. to attend to the duty of their appointment; of which time and place aforesaid all parties interested will please take notice.

And that the public hearing required by the Act of Assembly and the Rules of Court to be held by the viewers; before the filing of their report in court in order to give all parties interested a chance to be heard; will be held in the Arbitration Room in the Court House in Clearfield Pa, on ~~Wednesday~~ ^{Wednesday} November 16th, 1921 at nine (9), o'clock A. M. when and where all parties interested may attend and be heard.

A. G. Kramer.
E. D. Billotte.
J. S. Michaels.

VIEWERS.

NOW NOV 2d 1921 service of the foregoing notice accepted for the County Commissioners of Clearfield County Pa.

L. D. Morris
Clerk.

The viewers therefore having made a careful examination of the premises; and after carefully considering the testimony produced at the hearing; the amount and value of the land taken, the destruction of his shade trees and shrubery; the inconvenience he has suffered, the cost of the excavating of a cellar, the construction of the foundation wall, the moving of the house, the construction of a porch and steps to the front of the house which is necessary to put the property in as good condition as before could not be done for less than seven hundred (\$700.00) dollars: They therefore assess the damages to William S Wright the claimant at seven hundred (\$700.00) dollars, over and above all the benefits derived by the improvements to the said road.

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

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

the following persons having refused to release the damages to which they respectively 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:

WITNESS our hands and seals this 8th day of August

A. D. 1922

A. G. Krausser
E. T. Billotte
J. S. Michaels



Dec 20 Section 1021

ORDER

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

DAYS.		MILES AM'T.
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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 ensealing and delivery
hereof, have remised, released and forever quit-claimed, and do hereby re-
mire, release and forever quit-claim 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. 191

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