

DOCKET No. 5

Number	Term	Year
5	Feb SE	1922

Petition of Dorothy Eisenhower et al  
for viewers to assess damages

Versus

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In Re: : Petition of  
Construction of State Highway : Dorothy Eisenhower and Laura  
Route No. 313. : Kobbman for the appointment  
: of Viewers.

To the Honorable Singleton Bell, President Judge:-

The petition of Dorothy Eisenhower and Laura  
Kobbman respectfully represents :-

(1). That they are the owners of property in the  
village of Morrisdale, Morris Township, Clearfield County,  
Pennsylvania, described as follows:

Beginning at a post in the center of the Morris-  
dale Pike road; thence along line of Wm. Bend South  $87\frac{3}{4}$  de-  
grees East 30 rods to a post; thence along line of James Donald-  
son's land North 88 degrees West 30 rods to a post in the center  
of Morrisdale Pike road; thence along line and center of Morris-  
dale Pike road North 9 degrees East 8 rods and  $9/100$  links; and  
back to place of beginning; containing  $1\frac{1}{2}$  acres, more or less.

having thereon erected a two-story frame hotel building known as  
the "Export House", barn and other outbuildings.

(2). That the State Highway Commissioner of the  
State of Pennsylvania has undertaken the construction of an  
improved state highway known as Route No. 313, through said  
premises, a change of width and of existing lines and location  
being occasioned thereby

(3). That your petitioners have sustained damage by  
reason of said road construction, and they have been unable to  
agree with the County Commissioners of Clearfield County  
as to the damage sustained by them.

Your petitioners, therefore, pray the Court to appoint Viewers to ascertain and assess their damages, as provided by the Act of April 6, 1921, Amending Section 16 of the Act of May 31, 1911, P. L. 468; said amendatory act being No. 62 of the Statutes of 1921, and as provided by other pertinent acts of Assembly.

Dorothy Eisenhower  
Laura Kobelman

STATE OF PENNSYLVANIA:  
COUNTY OF CLEARFIELD: SS:

Dorothy Eisenhower and Laura Kobelman, the petitioners above named, being duly sworn deposes and says that the facts stated in their foregoing petition are true and correct.

Subscribed and sworn to  
before me the day  
of December, 1921.

Dorothy Eisenhower  
Laura Kobelman

State of Pennsylvania )  
County of Allegheny ) SS

Laura Kobelman, petitioner above named, being duly sworn deposes and says that the facts stated in the foregoing petition are true and correct.

Subscribed and sworn to  
before me the 31st day of  
December, 1921.

Laura Kobelman

Emma Evans  
Notary Public

MY COMMISSION EXPIRES  
JAN. 17, 1925

In the Court of Quarter  
Sessions of Clearfield County  
Pennsylvania.

*5 February 1922*

In Re:

Construction of State High-  
way Route No. 313.

Petition of Dorothy Eisen-  
hauer and Laura Kobman for  
the appointment of Viewers.

*Jan. 9 1921. Mary Rice -  
A. S. Edwards Esq. and Geo  
M. Chasick are appointed  
viewers as proposed for  
County Court  
Stephen Bell*

**FILED**  
JAN 9 1922  
Geo. W. RALSTON  
CLERK

CLEARFIELD, PA.

*275 sq. city acres,*

That the State Highway Commissioner has undertaken the construction of ~~the~~ an improved state highway known as Route No. 313, through said premises, a change of width and of existing lines and location being occasioned thereby.

That your petitioners have sustained damage by reason of said road and construction, and they have been unable to agree with the County Commissioners as to the damage sustained by them.

# Clearfield County, Pa.

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 9th day of January, in the year of our Lord one thousand nine hundred twenty-two.

Judge of the same Court, Upon the petition of Dorothy Eisenhauer & Laura Kobbman, sundry inhabitants of the Township of Morris to lay Clearfield County, Penna.

blasted, but as all land in said County, setting forth that they are the owners of property in the Village of Morrisdale, Beginning at a post in the center of the Morrisdale Pike Road; thence along line of Wm. Bend South 87-3/4 degrees East 30 rods to a post; thence along line of James Donaldson's land North 88° West 30 rods to a post in the center of Morrisdale Pike Road; thence along line and center of Morrisdale Pike road North 9° East 8 rods & 9/100 links; and back to place of beginning; containing 1 1/2 acres, more or less, having thereon erected a two story frame hotel building, known as the "Export House" barn and other outbuildings.

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 Harry Reese, A. L. Edwards, Esq., and Jas. 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 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 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 or 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 H Ralston

Clerk.

# 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

and that notices thereof were posted along the route of the proposed road, that the said view would be held on the 18<sup>th</sup> day of July

A. D. 1922, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 28<sup>th</sup> day of July, 1922, at 11 o'clock A. M. That

viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Harry Rouse, A. L. Edwards,

James Spangle.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 28<sup>th</sup> day of July, A. D. 1922, when the following

appearances were noted: Harry Rouse, James Spangle, A. L. Edwards, viewers, & A. M. Conright atty for Claimant. (Hearing adjourned to Aug 7<sup>th</sup> 1922, when same persons were present.)

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: Beginning

After view & hearing viewers find that a strip of land was taken along the entire front of the property of claimants & said viewers fix the damage at \$30.00 for the entire claim.

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 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: *Dorothy Eisenhower & Laura Robinson #30*

*jointly*

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this *9th* day of *October*  
A. D. 19*42*.

*A. L. Edwards*



*W. A. Reese*



*James W. Spangle*





No. 5 Feb Sessions, 1922

# ORDER

To view and assess the  
Property Insurance or  
other damages ~~in~~ in the  
township of Morris  
Clearfield County Penna

July 24<sup>th</sup> 1923

read and confirmed Mr. St. Road to be opened 23 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

No exception or appeal

My Mr Corbly  
Englehart Bldg

Filed \_\_\_\_\_ 19\_\_

Fees \$1.25 paid by

A. M. Liveright, Attv.

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.

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HILL JENN  
 DEC 6 1922  
 GEO. W. BALSTON  
 CLERK

Trans July 18. 22

## 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 enseatling and delivery hereof, have remised, released and forever quit-claimed, and do hereby re-mise, 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*

WITNESSES our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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