

DOCKET No. 5

Number	Term	Year
<u>7</u>	<u>Sept</u>	<u>1922</u>

Petition of Frank Washburn for appt.
of viewers to assess damages

Versus

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IN THE COURT OF QUARTER SESSIONS, CLEARFIELD COUNTY, PENNSYLVANIA

In re construction of : Petition of Frank Washburn for
State Highway Route #313 : appointment of viewers.

To the Hon. Singleton Bell, President Judge of said Court:

Petition of Frank Washburn respectfully represents:

1. That he is the owner of a certain piece of land situate in the Township of Morris, County of Clearfield, State of Pennsylvania along the State Highway leading from Philipsburg to Kylertown.

2. That the Highway Commissioner of the State of Pennsylvania has ordered and under taken construction of improved State Highway known as Route #313, through the premises of your petitioner, a change of width and existing lines and location being occasioned thereby.

3. That your petitioner has suffered damages by reason of the construction and improvement of said road and he has been unable to agree with the County Commissioners of Clearfield County as to the amount of damages sustained by him.

THEREFORE your petitioner prays the Court to appoint viewers to ascertain and assess his damages as provided by the Act of April 6, 1921, P. L. 107, amending Section 16 of the Act of May 31, 1911, P. L. 468, and as approved by other pertinent Acts of Assembly.

Frank Washburn

State of Pennsylvania:
: SS:
County of Clearfield :

Personally appeared before me, the subscriber, Frank Washburn, who being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

* Frank Washburn

Sworn and subscribed to before
me this 2 day of May, 1922.

William Sleeper

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 1923

*And May 3rd 1922
 done accepted for County Commissioner
 D. C. Morris
 Clerk*

IN THE COURT OF QUARTER SESSIONS, CLEARFIELD CO., PA.
17 <i>Sept 22</i> 1922
Petition of Frank Washburn for appointment of viewers.
May 3 rd 1922 O. K. Saunders Henry Reed & J. M. Shaffer on opposite views to Frank as private land. With Court signed in Reed
REED, BOULTON & FORSYTH ATTORNEYS AT LAW CLEARFIELD, PA.

WATKINS BROS., CLEARFIELD, PA.

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 3rd day of May in the year of our Lord one thousand nine hundred twenty-two

Judge of the same Court: Upon the petition of ~~XXXXXX~~
~~XXXXXXXXXX~~ of the Township of Morris

in said County, setting forth that he is the owner of a certain piece of land, leading from Philipsburg to Kylertown.
That the Highway Commissioner has undertaken the construction of an improved State Highway known as Route #313, through the premises of your petitioner, a change of width and existing lines and location being occasioned thereby. That your petitioner has suffered damages by reason of the construction and has been unable to agree with the County Commissioners as to the damages sustained by him

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 Esq. 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 impartiality and according to the best of their judgement, 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 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.

Wm W 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, be 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 19th 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 28th day of July, 1922, at 11 o'clock A. M. That

3 viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Harry Reese, James

Spangle, A. L. Edwards, Frank Washburn, Parker Washburn,
Cortez Bell Eng.

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

appearances were noted: Harry Reese, James Spangle, A. L. Edwards,
viewers, Cortez Bell Eng. Frank Washburn, Parker Washburn
A. H. Woodhead for County Commissioners.

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 _____

Seven feet of ground taken along entire front of property
for a distance of 166 feet. Ditch through property opened
150 feet. Damage claimed by Washburn was as follows.

<u>Ditch Damage</u>	<u>\$ 90.00</u>
<u>Land taken</u>	<u>40.00</u>
<u>Trees torn down</u>	<u>40.00</u>
<u>Trees.</u>	<u>100.00</u>
<u>Total</u>	<u>\$ 270.00</u>

Damage allowed by viewers →

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 practical 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 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: Frank Washburn \$150.00


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

WITNESS our hands and seals this 9th day of October

A. D. 1922.

A. L. Edwards. 

H. A. Reese 

James W. Spangle 



No. 7 Sept Sessions, 1922

ORDER

To view & assess damages to a
~~road~~ Frank Washburn use in the
township of Morris,
Clearfield County

Sessions, 19

read and confirmed Ni. Si. Road to be
opened 33 feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 16 feet wide.

July 24, 1923 Confirmed
no exception having been filed
in appeal taken

My Atty. Council
Magdalen Bailey

Filed 19
Fees \$1.25 paid by

Boulton & Forsyth, Atty.
Dec 6, 19

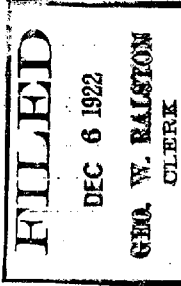
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.



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 remise, release and forever quit-claim to the said

all damages that may arise to us respectfully 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. 192

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Seal
Seal