

Road DOCKET No. 5

Number	Term	Year
16	Sept	1922

Petition of James Anato for viewers
to assess damages in Morris Twp.

Versus

X

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

In re: Construction of State Highway:

Route No. 313.

PETITION OF JAMES AMATO.

To the Honorable Singleton Bell, President Judge of said Court:-

The petition of James Amato respectfully represents:-

(1). That he is the owner of property in the village of Morrisdale, Morris Township, Clearfield County, Pennsylvania, consisting of a dwelling house and lot appurtenant thereto and fronting on the State Highway in the village of Morrisdale, bounded and described as follows:- Beginning at a post on the public road leading from Philipsburg to Kylertown; thence South along lands of Ralph Scalzo 322 feet to a post; thence West along lands of Peter Stevenson 402 feet to a post; thence North along lands of Peter Stevenson 90 feet to a post; thence in an Easterly direction along public road leading from Philipsburg to Kylertown 287 feet to post and place of Beginning. Containing

acres, more or less. Being the premises conveyed by Philip Sarouy to James Amato by deed dated October 10, 1919, recorded in Clearfield County in Deed Book 236, page 274; subject to the rights, privileges and reservations contained in ~~in~~ a deed for the minerals from Wm. Waring to D. W. Holt et al. dated June 23, 1875.

(2). That the State Highway Commissioner of the State of Pennsylvania has undertaken and proceeded with the construction of improved State Highway known as Route No. 313 in front of said premises, a change of width and of existing lines and direction being occasioned thereby.

(3). That your petitioner has sustained damages by reason of the said road construction and of the changes in the lines and direction of said road and repeated request has been made of the County Commissioners of Clearfield County for action with reference thereto but he has been unable to reach any

agreement with the said Commissioners as to the damages sustained by him.

(4). That the said damages consist in part of the taking of a strip of ground from the said property for said Highway which said strip of ground runs practically the entire length of 287 feet frontage of said lot and the width of which varies in the different parts thereof; that a part of the petitioner's front fence was destroyed and three trees were cut down and the said property otherwise damaged by the taking of said strip.

(5). That in addition thereto the petitioner has been damaged by the change made in the drainage of the surface water in the vicinity of said premises which throws on said premises a great quantity of such surface water through a culvert on the said State Road which is of concrete construction; that the said water, which is collected from some distance, from said culvert flows freely over the petitioner's property and through seepage and otherwise has affected and is polluting the well of the petitioner on said property and has weakened and is weakening the stone masonry in the said well so that the same is liable to cave in; whereby the petitioner will be required either to reconstruct the masonry in said well or to provide for himself a new well to his great damage and expense.

YOUR PETITIONER THEREFORE PRAYS THE COURT to appoint viewers to ascertain and assess his damages as provided by the Act of April 6, 1921 amending Section 16 of the Act of May 31, 1911, P.L. 468 and as provided by other pertinent Acts of Assembly.

STATE OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS.

James Amato, the petitioner above named, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before
me this 21 day of July, A.D. 1922.

MY COMMISSION EXPIRES
1ST MONDAY IN JANUARY 1923

16 *Book 44-1922*

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

In RE; Constructi on o f
State Highway Route No.
313.

PETITION OF JAMES AMATO

*July 22, 1922. A. G. Shumaker
Harry Kearsy and J. W. Kearsy
are opponents herein to proceed
as directed by the court and under
existing laws.*

*Myrta Louch
Augustus Bell*

FILED

JUL 22 1922

ED. W. BALSTON
CLERK

SMITH & SMITH
ATTORNEYS AT LAW
CLEARFIELD, PENNSYLVANIA

150 CLEARFIELD REPUBLICAN, CLEARFIELD, PA.
1925

*Now July 24th 1922
Service accepted for County Commissioner
On G. C. Harris Clerk*

he is the owner of property in the village of Morrisdale, Morris Twp consisting of a dwelling house and lot appurtenant thereto and fronting on the State Highway in the village of Morrisdale; Beginning at a post on the public road leading from Philipsburg to Kylertown; thence south along lands of Ralph Scalzo 322 ft. to a post; thence west along lands of Peter Stevenson 402 ft. to a post; thence north along lands of Peter Stevenson 90 ft. to a post; thence in an easterly direction along public road leading from Philipsburg to Kylertown 287 ft. to post and place of beginning

That the State Highway Commissioner of the State of Penna. has undertaken the construction of improved State Highway known as Route No. 313 in front of said premises, that your petitioner has sustained damages by reason of said road construction and has been unable to reach any agreement with the Commissioners as to the damages sustained by him.

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 22nd day of July in the year of our Lord one thousand nine hundred twenty-two

JAMES AMATO

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Morris 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, 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.

Geo 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 11th day of August

A. D. 1922, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 14th day of August, 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 Reese, James

Spangh, A. L. Edwards viewers + James Amato

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the _____ day of _____ A. D. 192____, when the following

appearances were noted: Wallace Smith Esq. James Amato, Frank
Shannon, Ross Perry for plaintiff, A. L. Edwards, Harry Reese
+ James Spangh, viewers as well as Jesse Dale, T. Wimmer
+ M. Farrell Co. Commissioners + their Attorney A. H. Woodward.

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 hearing the testimony, considering the ex-
haustion of value to the property by virtue of the
State Road, as well as the damage done to said
property the Viewers do award said James Amato
the sum of \$250.00

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: _____

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

WITNESS our hands and seals this 14 day of August
A. D. 1922.

A. L. Edwards Seal

H. A. Reese Seal

J. M. Shangle Seal

Seal

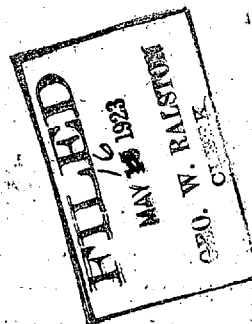
No. 16 Sept Sessions, 19 22

ORDER

To view & assess damages to a
~~road~~ for James Amato ~~1822 1/2 mile~~
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.



Filed _____ 19

Fees \$1.25 paid by

Smith & Smith, Attys.,

Appreciate # 172 Seph J 1923

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.

Now Sept 24 1923 James J Amato
exchanged & formed filing of report
at same subsequent occurrence
By Geo. W. Ralston
Clerk

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 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 _____

Seal

Seal

Seal

Seal