

ROAD

DOCKET No. 6

| Number | Term | Year |
|--------|------|------|
| 9      | Sept | 1924 |

Petition to assess damages to

Miles Kuntz & Ruth Kuntz. in Sandy  
Twp

**Versus**

X

To The COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and assess the damages alleged to be done the premises of Miles and Ruth Kuntz in Sandy Township caused by the locating and construction of the State Highway running from DuBois to Sykesville and through the lands of said Miles Kuntz and Ruth Kuntz in Sandy Township, will meet at the house of Miles Kuntz in Sandy Township on Monday the 16th day of September 1924 at nine o'clock A.M. to attend to the duties assigned them.

And that the required Public Hearing will be held in the Court House, in the Borough of Clearfield, Pa. on Wednesday the 17th day of September 1924 at nine o'clock A.M. At which times and places you will take due notice and may attend and be heard

DuBois, Pa. Sept. 2nd 1924

Frank Hutton  
George K. Weber  
J. E. Fry  
Viewers

Now, 5th Sept. 1924 service of this notice is accepted for the Commissioners of Clearfield County, Pa.

L. E. Morris  
Clerk

To The ROAD SUPERVISORS OF SANDY TOWNSHIP, CLEARFIELD COUNTY, PA.

Notice is hereby given that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to view and assess the damages alleged to be done the premises of MILES and RUTH KUNTZ in Sandy Township, caused by the locating and construction of the State Highway running from DuBois to Sykesville and running through the lands of said Miles and Ruth Kuntz in said Township, will meet at the house of Miles Kuntz in Sandy Township, on Monday the 16th day of September 1924 at 9 o'clock A.M. to attend the duties assigned them.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield, Pa. on Wednesday the 17th day of September 1924 at nine o'clock A.M. at which times and places all parties interested may attend and be heard.

DuBois, Pa. Sept. 2nd 1924

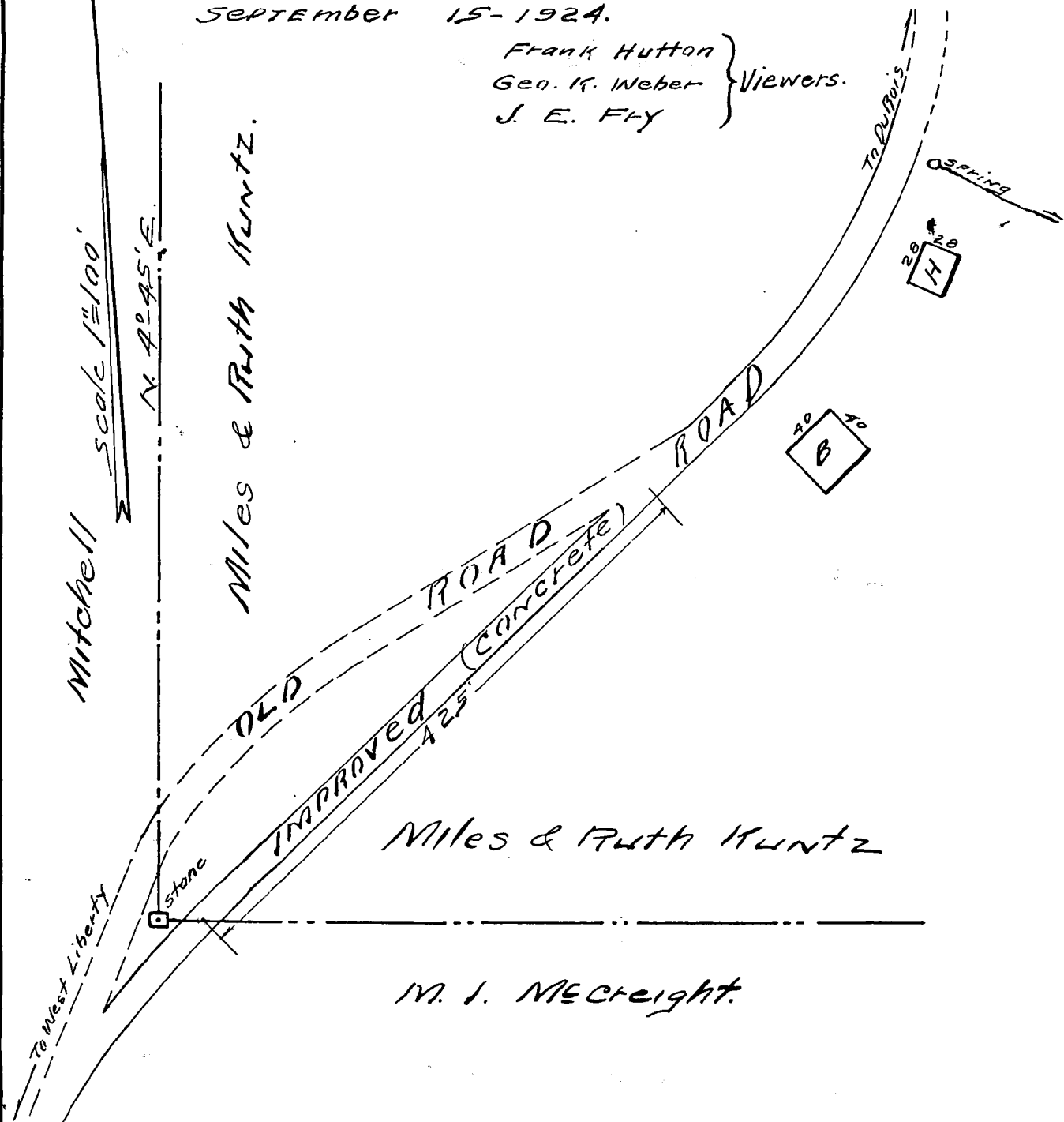
Mark Sutton  
George K. Weber  
J. E. Fry  
Viewers

Now Sept 3 1924 service of this notice is accepted for the Supervisors of Sandy Township

Paul Paul  
Accept for Sandy Twp Supervisors.

MAP SHOWING CHANGE OF LOCATION  
OF STATE HIGHWAY THROUGH  
LANDS OF MILES & RUTH KUNTZ  
IN SANDY TWP. CLEARFIELD CO. PA.  
-VIEWED FOR ASSESSMENT OF DAMAGES -  
SEPTEMBER 15-1924.

Frank Hutton  
Geo. H. Weber } Viewers.  
J. E. Fly



That through the said piece of land there has been, and was at the time the petitioners purchased same, a certain public road or highway running from DuBois to Sykesville.

That the Commonwealth of Pennsylvania by its Highway Department has proceeded to construct a state highway through the said land, and did so proceed therewith during the month of August, 1924, and prior to the presentation of this petition, the said Commonwealth of Pennsylvania by its agents and employees went upon the said lands, and did proceed to construct a public highway upon said lands, and your petitioners are informed and believe, the said State Highway Department did appropriate for said purpose a considerable portion of the lands of your petitioners which was not theretofore used as a public highway, but was taken for highway purposes for the construction of the state road.

That in addition thereto in the construction of the state highway, the work has been proceeded with in accordance with plans and specifications of the Highway Department of the Commonwealth of Pennsylvania, and the petitioners' access to the barn has been cut off, the water supply of your petitioners has been entirely destroyed, access to the house impaired, and divers other damages done to the said lands,

That your petitioners have protested, but without avail, and are unable to secure any reasonable compensation for the damages done as aforesaid.

**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 19th day of August  
in the year of our Lord one thousand nine hundred  
twenty four

MILES KUNTZ & RUTH  
Judge of the same Court: Upon the petition of ~~and by~~  
KUNTZ  
~~viewers~~ of the Township of Sandy

in said County, setting forth that They are owners of a  
certain piece of land, situate in Sandy Twp. containing about twenty five  
acres bounded and described as follows:

On the North by lands formerly of W. H. Lyons, later of Jos. S. Reitz;  
on the East by lands now or formerly of Robert Gray and of Curtis Kessler;  
on the South by lands of M. I. McCreight, and on the West by the Mitchell  
lands.

and therefore, praying the Court to appoint proper persons to <sup>assess damages</sup> 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 Frank Hutton, Esq.,  
Geo. K. Weber and J. E. Fry

who have been duly appointed by the Court and filed their oaths of office and are duly quali-  
fied 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 Palston, 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

Sandy and that 3 notices thereof were posted along the route of the proposed road, that the said view would be held on the 16th day of Sept.

A. D. 1924, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 17th day of September, 1924, at 9 o'clock A. M. That

all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Leo.A.Brockbank Esq., of  
Attys for petitioners and Miles Kuntz one of the petitioners

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 17th day of Sept. A. D. 1924, when the following appearances were noted: Singleton Bell, Esq., Atty for petitioner Miles Kuntz, Fred W. Shaffer James Quigley, and Ellis Myres witnesses on behalf of the petitioners who were each sworn and their testimony taken  
There were no appearances o the part of the County of Clearfield

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree ~~that there is~~ an 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 that the property of the petitioners have been damaged by the construction of the State Highway through its limits

The Petitioner testified that a short time before work was began in the construction of said Highway, he was offered \$4500.00 for his property and refused it, that in his opinion the road had damaged him to the extent of \$1500.00. The other witness testified that the damage was from \$1200.00 to \$1 5000.00

and that a plan or draft of said road showing courses and distances ~~and the properties affected~~ through the Kuntz property is hereto attached and made a part hereof, ~~said road being at an elevation not exceeding five degrees, excepting~~ and showing also location of the old road and buildings and Spring of water

~~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: To Miles and Ruth Kuntz damages the sum of Five Hundred (\$500.00) Dollars

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

WITNESS our hands and seals this 17th day of September  
A. D. 192 4.

Frank Stearn Seal  
George A. Weber Seal  
J. K. Fay Seal



No. 9 Sept Sessions, 19 24

## ORDER

To view and assess damages a  
road for to Miles Kuntz use in the  
township of Sandy  
Clearfield County

Now November 21<sup>st</sup> 1924

Sessions 19  
absolutely  
read and confirmed ~~the~~ road to be  
opened 33 feet wide, except where there  
is side hill cutting or embankment and  
bridging, there to be 16 feet wide.

By the Court  
J. H. Kuntz  
P. J.

Filed \_\_\_\_\_ 19\_\_\_\_  
Fees \$1.25 paid by \_\_\_\_\_

Bell & Brockbank, Attorney's

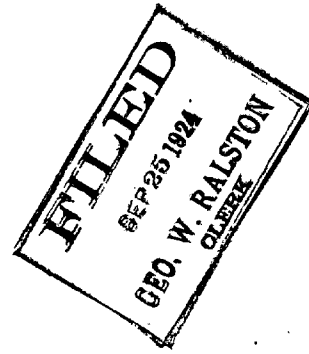
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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 | AMT. |
|------|-------|------|
|      |       |      |
|      |       |      |
|      |       |      |
|      |       |      |
|      |       |      |
|      |       |      |
|      |       |      |
|      |       |      |
|      |       |      |



## 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 ensembling 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

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

TO THE HONORABLE A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of Miles Kuntz and Ruth Kuntz both of Sandy Township, Clearfield County, Pennsylvania, respectfully represents:

That they are the owners of a certain piece of land, situate in Sandy Township, Clearfield County, Pennsylvania, containing about twenty five (25) acres, bounded and described as follows:

On the North by lands formerly of W. H. Lyons, later of Jos. S. Reitz; on the East by lands now or formerly of Robert Gray and of Curtis Kessler; on the South by lands of M. I. McCreight, and on the West by the Mitchell lands.

That through the said piece of land there has been, and was at the time the petitioners purchased same, a certain public road or highway running from DuBois to Sykesville.

That the Commonwealth of Pennsylvania by its Highway Department has proceeded to construct a state highway through the said land, and did so proceed therewith during the month of August, 1924, and prior to the presentation of this petition, the said Commonwealth of Pennsylvania by its agents and employees went upon the said lands, and did proceed to construct a public highway upon said lands, and your petitioners are informed and believe, the said State Highway Department did appropriate for said purpose a considerable portion of the lands of your petitioners which was not theretofore used as a public highway, but

was taken for highway purposes for the construction of the state road.

That in addition thereto in the construction of the state highway, the work has been proceeded with in accordance with plans and specifications of the Highway Department of the Commonwealth of Pennsylvania, and the petitioners' access to the barn has been cut off, the water supply of your petitioners has been entirely destroyed, access to the house impaired, and divers other damages done to the said lands,

That your petitioners have protested, but without avail, and are unable to secure any reasonable compensation for the damages done as aforesaid.

Your petitioners therefore pray that viewers be appointed to ascertain the extent of the damages done to the petitioners.

AND THEY WILL EVER PRAY.

Miles Kuntz  
Ruth Kuntz  
Petitioners.

STATE OF PENNSYLVANIA :SS  
COUNTY OF CLEARFIELD

MILES KUNTZ and RUTH KUNTZ being duly sworn according to law, depose and say that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed to before me,  
this 16th day of August, A.D. 1924.

Dorsey Duff

Miles Kuntz  
Ruth Kuntz

COMMISSION EXPIRES JULY 15, 1925

[illegible]

*Notice of finalization and affirming of previous awards  
 from Aug. 19, 1924 + same accepted for  
 County Commissioners.  
 L. E. Thomas  
 Clerk*

IN THE COURT OF QUARTER SESS-  
 IONS OF CLEARFIELD COUNTY.

NO. 9 SEPTEMBER SESSION, 1924.

In re: Construction of  
 Highway running from Dubois  
 to Sykesville.

PETITION FOR APPOINTMENT  
 OF VIEWERS.

*Recd. Aug 15<sup>th</sup> 1924  
 from the (Keller) 24<sup>th</sup>  
 and 25<sup>th</sup> 1924, Ed. J. J. J.  
 and 26<sup>th</sup> 1924, Ed. J. J. J.  
 and 27<sup>th</sup> 1924, Ed. J. J. J.*

*Accepted by the Court  
 by the Court  
 by the Court*

**FILED**

AUG 19 1924

GEO. W. RAISTON

CLERK OF CLEARFIELD COUNTY

150 R. BROCKBANK

ATTORNEYS AT LAW  
 Suite 228, 240, 242 and 244 Deposit National  
 Bank Building  
 DUBOIS, PA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In Re Assessment of  
Damages to

Versus

Miles Kuntz and  
Ruth Kuntz

Of 9 September 1924 Term, 190.

No.

Bill of Costs

At Term, 190.

In re: Petition of Miles Kuntz and Ruth Kuntz for viewers to assess damages in Sandy Township,

|               |   |                          | Dollars | Cents |
|---------------|---|--------------------------|---------|-------|
| James Quigley | 1 | Days in attendance... 28 | 3       | 68    |
| Fred Shaffer  | 1 | Days in attendance... 28 | 3       | 68    |
| Ernest Maier  | 1 | Days in attendance... 28 | 3       | 68    |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Days in attendance...    |         |       |
|               |   | Serving subpoenas        |         |       |
|               |   | Witness                  |         |       |
|               |   | Miles distance           |         |       |
|               |   |                          |         |       |
|               |   | Whole amount of bill     | 11      | 04    |

CLEARFIELD COUNTY, SS:

Personally appeared before me Miles Kuntz, who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and subscribed before me this 15th day of January 1925 D. 1925  
Notary

Miles Kuntz

NOTARY PUBLIC  
MAINTENANCE LICENSE  
MARCH 7, 1924

Bill of Costs  
Attorney for Plaintiff

The County Clerk, that the undersigned named even  
national, and with an allowance and benefit from the  
business at the County of the County, regularly has in  
this case at Clearfield on the 17<sup>th</sup> day of Sept. 1892.

No. 9 Sept 1892  
Term 1904

Versus

Bill of Costs

For.....Term 190

Date.....190.

Amount - - - \$ 11.04

