

4 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. 3rd 1924

Frank Hutton  
George S. Lober  
J. E. Fry

Viewers

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

L. C. 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

Frank Shultz  
George K. Weber  
J. E. Foy

Viewers

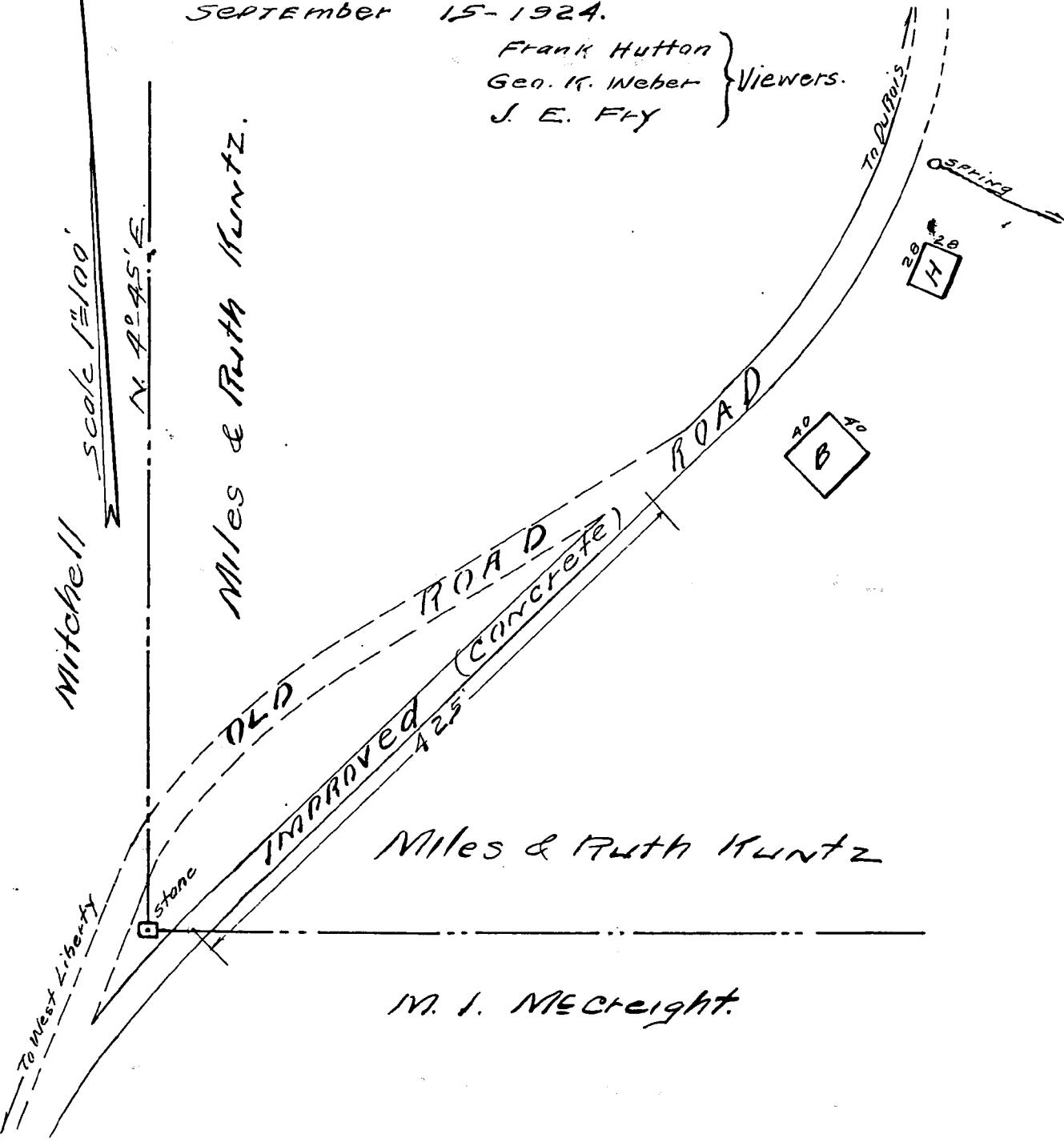
Now Sept 3 1924 service of this notice is accepted for the  
Supervisors of Sandy Township

Frank Shultz  
as per Sandy Township Supervisors.

MAP SHOWING CHANGE OF LOCATION  
OF STATE HIGHWAY THROUGH  
LANDS OF MILES & RUTH KUNTZ  
IN SANDY TINP CLEARFIELD CO.-PA.  
-Viewed for ASSESSMENT OF DAMAGES -

SEPTEMBER 15-1924.

Frank Hutton  
Geo. K. Weber } Viewers.  
J. E. Fry



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

Judge of the same Court: Upon the petition of MILES KUNTZ & RUTH KUNTZ inhabitants 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 ~~assess damages~~ 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 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 Palster, 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 M. Shaffer James Quigley, and Ellis Myers witnesses on behalf of the petitioners who were each sworn and their testimony taken  
There were no appearances on 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 no occasion for a road as desired by the petitioner, and that the same is not 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 ~~the~~ 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. 1924.

Frank Stettini Seal  
George K. Weber Seal  
J. K. Foy Seal  
Seal

No. 9 Sept Sessions, 19 24

## ORDER

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.

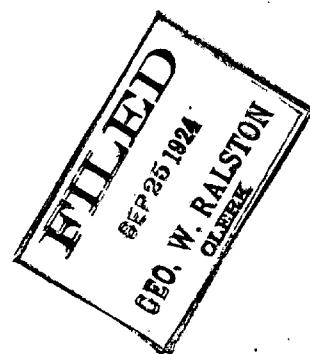
	Days	Miles	AMT.

To view and assess damages a road to Miles Kuntzuse in the township of Sandy, Clearfield County \_\_\_\_\_,  
Done November 21st 1924  
*Session No. 2*  
absolutely,  
read and confirmed ~~the~~ ~~front 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  
A. D. 1924  
J. F.

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

Bell & Brockbank, Attorney's



## 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. 1924 \_\_\_\_\_.

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. McCraight, 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

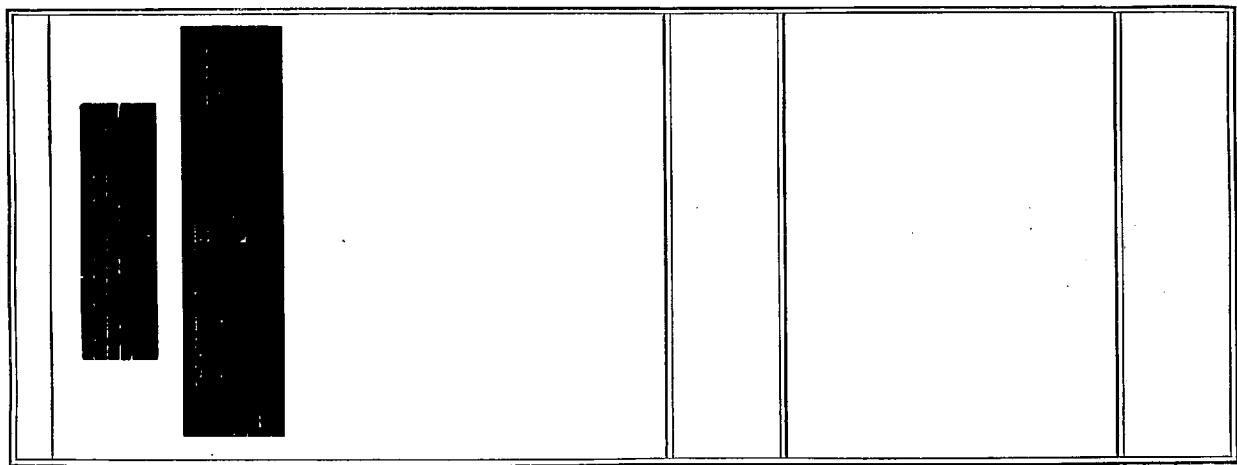
MILES KUNTZ and RUTH KUNTZ being duly sworn according to law, depose and say that the facts set forth in the foregoing petition are true and correct.

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

Dorsey D. Neff

Miles Kuntz  
Ruth Kuntz

COMMISSIONER OF RECORDS, AUGUST 16, 1924



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.  
No. 9 SEPTEMBER SESSION, 1924.

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

PETITION FOR APPOINTMENT  
OF VIEWERS.

Book #13 Case #1924  
Frank G. Bell Esq.  
John Weber, Esq. & C. H.  
Cross appointed viewers

Frank G. Bell  
By the County  
Attala

**FILED**

AUG 19 1924

GEO. W. RALSTON  
CLERK  
ATTORNEYS AT LAW

State 208, 240, 242 and 244 Deposit National  
Bank Building

DUBOIS, PA.

## IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In Re Assessment of  
Damages To1924  
Of 9 September 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 Miles direct travel	3	68
Fred Shaffer	1 Days in attendance 28 Miles direct travel	3	68
Ernest Maier	1 Days in attendance 28 Miles direct travel	3	68
	Days in attendance Miles direct travel	.....	.....
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	Days in attendance Miles direct travel	.....	.....
	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.

15th day of January 1925  
Swear to and subscribed before me this  
15th day of January 1925  
A. D. XXX  
Miles Kuntz  
H. Brockbank, Prothonotary

NOTARY PUBLIC  
CLEARFIELD COUNTY  
MARCH 7, 1925

Attorneys for Plaintiff  
BELL & HILLER

The cause of the Plaintiff on the 17<sup>th</sup> day of March, 1902,  
began at the hearing of this cause regularly had in  
the County Court that the Plaintiff and the Plaintiff  
began at the hearing of this cause regularly had in  
the cause of the Plaintiff on the 17<sup>th</sup> day of March, 1902.

No. 9 Sept. 1902  
Stein 1902

Versus

*Bill of Costs*

For..... Term 190...

Date.....

Amount - - - \$ 11.00  
190

