

DOCKET No. 6

Number	Term	Year
2	Feb	1925

Petition to assess damages to Nicholas
Richtscheit to assess damages in
Woodward Twp

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY,

PENNSYLVANIA.

IN RE: Proceedings by NICHOLAS :
Richtscheit of the Township : No. *February*
ship of Woodward TO ASSESS: *December* Sessions,
DAMAGES. : *1924*

To the Honorable A. R. Chase,

President Judge of said Court:

The petition of Nicholas Richtscheit of the Township of Woodward, County of Clearfield and State of Pennsylvania respectfully represents:

1. That he is the owner in fee of all that certain tract of land situate in the Township of Woodward, County of Clearfield and State of Pennsylvania, bounded and described as follows, to wit: Beginning at a post on the division line between the lands formerly of the Beaver Branch Coal Company and A. B. Long Estate, being 33 feet distant from the centre line of the Moshannon Branch of the T. & C. Railway; thence along said Branch Railway and 33 feet distant therefrom in a North-easterly direction 2500 feet to a post; thence South 5-1/2 degrees East, 530 feet to a stake on Township Road leading from Osceola to Houtzdale; thence along said Road South 87-3/4 degrees West, 1000 feet, South 74-1/2 West, 300 feet and South 63-1/4 degrees West, 420 feet to a post on the division line between the Beaver Branch Coal Company and A. B. Long Estate; and thence along said division line, 930 feet to the place of beginning, containing twenty-five (25) acres, more or less: reserving and excepting the coal, minerals and mining rights; in a good state of cultivation, fenced and enclosed on all and four sides; and having thereon erected a two story, frame dwelling house, barn and other outbuildings.

2. That State Highway Route No. 234 of the Commonwealth of Pennsylvania, as originally defined and described was the abutting Southerly boundary line of your petitioner's land, as hereinabove described.

3. That subsequently to the original survey of said State Highway Route No. 234 and previous to the construction and building that portion thereof extending from Houtzdale to Lower Moshannon, the Commissioner of Highways of the Commonwealth of Pennsylvania in his discretion did divert the course and direction of the same and diverged from the line and route as originally defined and described.

4. That the new and adopted course of said State Highway Route No. 234 extends east and west over and across your petitioner's land, approximately midway between the northern and southern boundary lines thereof, dividing your petitioner's land; and that there has been built and constructed thereon over and across your petitioner's land an Improved Highway (Route 234) approximately 2500 feet in length and 40 feet in width, with appurtenant berms, drains, culverts, gutters, cuts, channels and ditches.

5. That the aforementioned State Highway being built on a sloping hillside and drained on either side, there have been constructed a series of six standard drains and culverts underneath said Improved Highway to carry off the water and drainage, causing deep ditches and channels to be cut therein which have been left uncovered, and in consequence thereof the northern portion of your petitioner's land has been converted into a swamp and unfit and impracticable of cultivation.

7. That the fences and enclosures of your petitioner's land on the eastern and western boundary lines thereof have been torn down, removed and destroyed, and your petitioner's land opened to trespassers, cattle, horses and all other animals running at large, inflicting serious damage to your petitioner's property and crops.

8. Your petitioner therefore prays that viewers be appointed to assess the damages, as provided by law.

AND HE WILL EVER PRAY,

Nicholas Richtscheit

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS,

Personally appeared before me, the subscriber,
a Justice of the Peace in and for said County and State,
NICHOLAS RICHTSCHEIT, the within named petitioner, who being
duly sworn according to law doth depose and say that the facts
set forth in the foregoing petition are true and correct.

And further saith not.

Nicholas Richtscheit

Sworn and subscribed before me, this 20th
day of November, A.D. 1924.

H. H. Smith

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY, 1930

Justice of the Peace

In the Court of Quarter Sessions
of Clearfield County, Penn'a.
No. 2 ~~February~~ Sessions, 1924

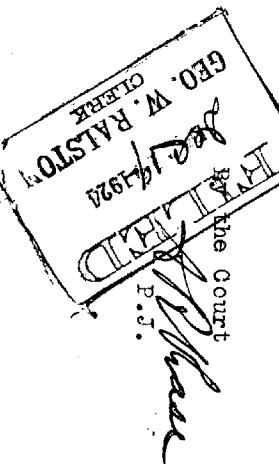
IN RE: Proceedings by
Nicholas Richtscheit
of the Township of
Woodward to assess
Damages.

PETITION

Order of Court.

And now Dec 1924 1924
the within petition presented,
read and considered: whereupon,
John Coddins John Nodette
and Jack McLean
are appointed Viewers to Assess
the Damages of the within named
Petitioner, Nicholas Richtscheit
of the Township of Woodward, and
make report thereof to Court.

Returnable



TO:- P. J. Drain, Charles Anderson and William Todhunter,
Supervisors of Woodward Township, 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 damages done to the property
of Nicholas Richtscheit in the construction of the State Highway
leading from Osceola Mills Borough to Houtzdale Borough, commonly
known as Route No. 234 in Woodward Township, in the County
aforesaid, will meet at the house of Nicholas Richtscheit in
said Township on Tuesday, the 27th day of January, A.D. 1925, .
at ten (10) o'clock A. M. to attend to the duties assigned them;
all parties interested will take notice.

And that the public hearing as required by Act of
Assembly and Rules of Court to be held by the viewers before
the filing of their report in Court in order to give all parties
interested in the said road a chance to be heard will be held
in the Arbitration Room in the Court House in Clearfield on
Monday, the 2nd day of February, A.D. 1925, at ten (10) o'clock
A.M., at which time and place all parties interested may attend
and be heard.

John Tagline
E. D. Billotte
J. P. Michael
Viewers

Dated, January 12, 1925

Now, January 13, 1925, service of the above notice
is accepted for the Road Supervisors of Woodward Township.

Chas. Anderson
P. J. Drain
W. Todhunter

Clearfield County Commissioners
TO:- J. Michael Rase Esq
Atty for Petitioners

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and assess damages done to the property of Nicholas Richtscheit in the construction of the State Highway leading from Osceola Mills Borough to Houtzdale Borough, commonly known as Route No. 234 in Woodward Township, in the County aforesaid, will meet at the house of Nicholas Richtscheit in said Township on Tuesday, the 27th day of January, A.D. 1925, at ten (10) o'clock A. M. to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested in the said road a chance to be heard will be held in the Arbitration Room in the Court House in Clearfield on Monday, the 2nd day of February A.D. 1925, at ten (10) o'clock A. M., at which time and place all parties interested may attend and be heard.

Nicholas
E. D. Billotte
J. D. Michael

Viewers

Dated, January 12, 1925

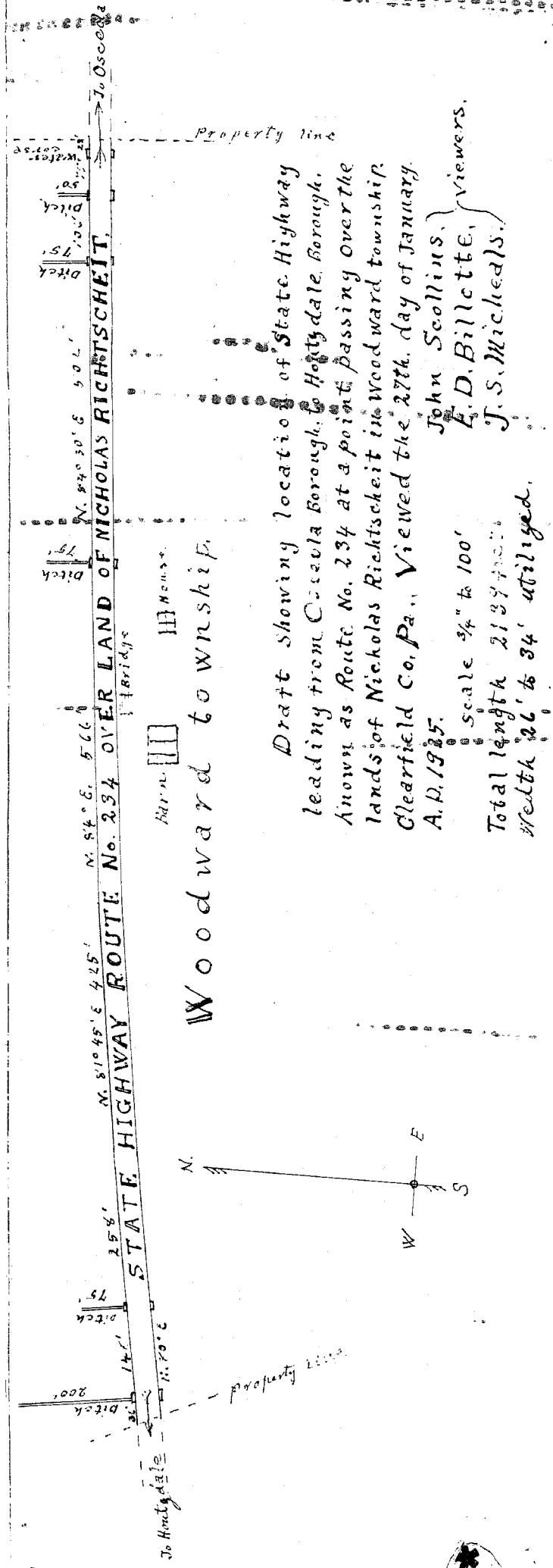
Mon Jan. 14, 1924 Dated by copy

News Service

Accepted

J. Michael Rase
Atty for Petitioners

For Co. Commissioners
L. C. Morris - Clerk



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 December in the year of our Lord one thousand nine hundred twenty four

NICHOLAS RICHTSCHEIT

Judge of the same Court: Upon the petition of Sam'lxxix
habitants of the Township of Woodward

in said County, setting forth that he is the owner in fee of a all that certain tract of land situate in the Twp of Woodward, bounded & described as follows, to wit: Beginning at a post on the division line between the lands formerly of the Beaver Branch Coal Co. and A. B. Long Estate, being 33 ft. distant from the centre line of the Moshannon Branch of the T. & C. Railway; thence along said Branch Railway and 33 ft. distant therefrom in a Northeasterly direction 2500 ft. to a post; thence South 5-1/2° E. 530 ft. to a stake on Twp Road leading from Osceola to Houtzdale; thence along said road So. 87-3/4° West, 1000 ft. So. 74-1/2

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 John Scollins, Esq.
Ed. Billotte and Jack Michaels

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 Polston 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 Woodward and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 27th day of January A. D. 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 2nd day of February, 1925, at 10 o'clock A. M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Nicholas Richtscheit, petitioner, P. J. Drain and Charles A. Anderson, Supervisors of Woodward Township

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 2nd day of February A. D. 1925, when the following appearances were noted: J. Mitchell Chase and W. A. Hagerty, Esqs., for petitioner; A. M. Liveright, Esq., County Solicitor, and County Commissioners; P. J. Drain, Chas. A. Anderson and William Todhunter, Supervisors of Woodward Township; and William M. Burns, H. H. Sweeney, W. P. Couser, Witnesses on behalf of petitioner. Petitioner, witnesses and P. J. Drain, Supervisor, each duly sworn, examined and cross-examined After counsel 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 use the following described road, to wit Beginning That damages have been sustained by the petitioner. We further find that Route #234 of the Pennsylvania State System of Highways, leading from Osceola Mills Borough to Houtzdale Borough, has been relocated, regraded and improved as a permanent highway extending East and West over and across petitioner's land, approximately midway between the Northern and Southern boundary lines thereof, and a strip of petitioner's improved and cultivated land taken, as shown on the map or draft thereof hereto attached and made a part hereof, with berme, drains, culverts, gutters, channels and ditches thereon, uncovered. That by reason thereof petitioner's small farm has been divided and become difficult of cultivation. The amount of damages testified to by the petitioner and certain witnesses is \$1500.00; one witness testifying that he would estimate the amount at from \$1300.00 to \$1500.00.

After viewing the premises and conditions, and hearing the evidence, and taking into consideration the benefits accruing thereto by reason of the permanent improvement of said State Highway Route #234, your viewers are of the opinion that the foregoing estimates are excessive; but that the petitioner should be compensated for the land taken and occupied and the damages suffered by him.

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: To Nicholas Richtscheit, \$900.00

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

WITNESS our hands and seals this 3rd day of February
A. D. 1925.

Seal

Seal

Seal

Seal

No. 2 February Sessions, 1925

ORDER

To view and assess damages to the property of Nicholas Richter, request
Township of Woodward, Clearfield County

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.

Viewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the viewers.

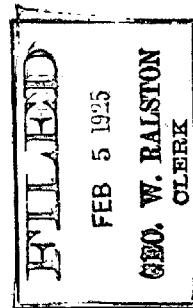
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	Days	Miles	Amount
E. D. Billiotte	6	112	\$50.60
J. S. Michaels	4	188	\$39.40
John Scollins	4	62	\$33.10

At the 1st view held on the 15th day of Sessions, 1925
Road left 2nd 152⁵
Confined absolutely
By the Creek
M. H. Hause.

19
Filed
Fees \$1.25 paid by

Seal
Seal
Seal
Seal



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. 1925.