

road DOCKET No. 6

Number	Term	Year
3.	Dec	ss 1925

Petition of James T. Mitchell for

Appt of Viewers in Greenwood <sup>wp</sup>

**Versus**



Beginning at a sugar corner on bank of West Branch of Susquehanna River on line of land of David Bell Est. thence by said line north 53° E 41 perches to hemlock corner, thence N.  $34\frac{1}{4}$ ° W. across the Cherry Tree and Curwenville ~~line~~ road 222 perches to a hemlock corner; thence south 39° W. 2 perches to hemlock pointer. thence N.  $87\frac{1}{2}$ ° W. 61 $\frac{1}{2}$ ° perches. thence S. 17° W. 100 $\frac{1}{2}$  perches thence S. 18 $\frac{1}{2}$ ° E. across Cherry Tree and Curwenville Road 39 perches to rock oak on the bank of the river. thence down said river S. 35 $\frac{1}{2}$ ° E 122 perches to a sugar corner the place of beginning.

That a public road has existed running from Boro of Mahaffey to Bells Landing.

That the aforesaid road has been improved. That because of the construction of said road the market value of said property has been greatly diminished.

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 9th day of October

in the year of our Lord one thousand nine hundred twenty five

James T. Mitchell, in behalf of David T. Mitchell,

dec't

Judge of the same Court: Upon the petition of ~~xxxxxx~~  
Abolitionists of the Township of Greenwood

in said County, setting forth that David Mitchell ~~did~~  
seized of certain tracts of land bounded and described as follows:

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 Aaron G. Kramer, Esq.  
Harry Reese and James 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.

~~the~~ And if the viewers aforesaid shall decide in favor of laying 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~~ ~~owners of the Land~~

~~and that notices thereof were posted along the route of the proposed road; that the said view would be held on the 10th day of November~~

A. D. 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 11th day of November, 1925, at 9, o'clock A. M. That ~~and road~~ the ~~viewers appointed by the said order viewed the ground~~ ~~proposed for the above mentioned road~~ and that there were present at the view James T Mitchell Executor of the estate of the said David Mitchell and Charles Thorp and

Cortice Bell Esq Attorney for the claimants;

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 11th day of November A. D. 1925, when the following appearances were noted: Cortice Bell Esq Attorney for the Claimants with James T Mitchell, Charles Thorp and Harry Mitchell: who were called as witnesses in the case

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 ~~the~~ 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~~ ~~And that the viewers after the view and hearing find the facts as follows, to wit.~~

That the claimants the heirs of the David Mitchell Estate who are the owners of about two hundred and nineteen (219) acres of land situate in Greenwood Township Clearfield County Pennsylvania of which there is about one hundred and fifty (150) acres cleared of which about seventy (70) acres of the cleared land is river bottom and the remainder of the part cleared is side hill and that the remainder of the tract about seventy (70) acres is woods land a part of which is very steep hill side and not suitable for farming purposes and of very little value and the timber on it is small and of very little value

That during the year 1925 the the State Highway Department or Highway Commissioner by the authority in him vested by the Act of Assembly of May 31st 1911 P. L. page 468 and the supplements and amendments thereto by his contractor and employees constructed a State Highway through said land on Route number (62) which on an average about forty two (42) feet in width and extends a distance in length of twenty seven hundred (2700) feet ~~increasing~~ taking a total of about two and one half (2,1/2) acres of land but about seven hundred (700) feet of which is however located on the road bed of the township road where very little land is taken and what is taken is along a very steep rough rocky hill side and is therefore of no value and about five hundred (500) more of the road is along the said hill side to steep and rough to farm or any use and is therefore in the opinion of the viewers of but very little if any value which only leaves about one and a half acre of land taken that cou-

TO JESSE. E. DALE, T, R, WEIMER AND, B. W, McCACKEN.  
County Commissioner's 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 that the Estate of David Mitchell has sustained by the construction of the State Highway on Route Number 62, through the premises or property of the said David Mitchell Estate situate in Greenwood Township in the County and State aforesaid and that in pursuance of the said order of Court the said viewers will meet on the said premises in Greenwood Township on Tuesday November tenth at eleven (11) o'clock A. M. to view and inspect the said premises; of which time and place you will please take notice.

And that the public hearing in the case as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested a chance to be heard will be held in the Arbitration Room in the Court House in Clearfield Pa, on Wednesday November the eleventh (11th) 1925 at ten (10) o'clock A. M. when and where all parties interested may attend and be heard.

A G Kramer  
H A Reese  
James W Shangle  
VIEWERS.

Now October the 21<sup>st</sup> 1925 service accepted for the County Commissioners of Clearfield County.

L. C. Morris  
Clerk.

TO: JAMES, T, MITCHELL EXECUTOR OF THE ESTATE OF DAVID  
MITCHELL, ESTATE OF GREENWOOD TOWNSHIP CLEARFIELD COUNTY, PENNA.

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 that the Estate of David Mitchell deceased have sustained by the construction of the State Highway through the premises of the said estate; situate in Greenwood Township in the County and State aforesaid and in pursuance of the said order of Court by the extension of the said Highway on Route Number 62, And in pursuance of the said order of Court will meet on the premises of the said estate in Greenwood Township on Tuesday November tenth (10th) at ten thirty (10.30) o'clock A. M. to view and inspect the said premises of which time and place you will please take notice.

And that the public hearing in the case as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested a chance to be heard will be held in the Arbitration Room in the Court Court House in Clearfield Pa, on Wednesday November the eleventh (11th) 1925 at ten (10) o'clock A. M. when and where all parties interested may attend and be heard.

A G Kramer  
H A Reese  
James W Shangle  
VIEWERS.

Nov Nov 3, 1925 service of the above notice accepted

by copy

Bill Bruller - Grayth

ld be used for farming or any other purposes which is worth one hundred (\$100.00) dollars per acre or a total of one hundred and fifty (\$150.00) ~~dollar~~ for the land taken.

And that the only other damages sustained over and above the increase in the value of the property by the construction through the same is the value of about one eighth (1/8) of an acre of land destroyed by the construction of a drain about one hundred feet in length and the inconvenience of getting up onto the highway from the fields below the road and the cost or expense of the construction of two bridges or crossways across the drain on the upper side of the road to the house and barn which are on the upper side of the road including the inconvenience of the claimants of driving the cattle across the road to the fields below the road from the barn and hauling the grain and hay up a steep bank of about six feet in height to get onto and across the State highway which is filled up all of six feet damages the claimant one hundred and fifty (\$150.00) dollars. The viewers therefore assess the damages to the claimants as follows; For the value of the land taken \$150.00 For construction of culvert across drain and inconveniences 150.00

Total amount of damages sustained \$300.00

Over and above all the benefits derived by the road

and the increase(if any) in the value of the property.

and that a plan or draft of said road showing course 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 respectively may be entitled by reason of the location and opening of the said road, w<sup>t</sup> the undersigned viewers, after having considered the advantages to be derived to them, so assess their damages and make report thereof as follows:

~~and we herewith return releases obtained and copy of the notices.~~ <sup>return</sup> ~~served~~

WITNESS our hands and seals this 14th day of November: -----

A. D. 1925.

A. J. K. Knobell Seal

W. A. Reese Seal

James W. Spangle Seal

Seal

No. 3 Dec Sessions, 19 25

## ORDER

To view and assess damages to a road for James T. Mitchell use in the township of Greenwood, 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 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.

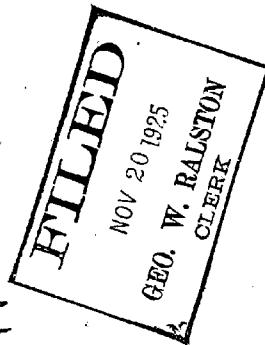
	Days	Miles	Amt.

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.

31 Feb 1926.

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

Bell, Boulton & Forstyn, Atty's



Appealed

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

Seal  
Seal  
Seal  
Seal  
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