

DOCKET No. 5

Number
10

Term
Dec

Year
1925

Petition for viewers to assess
damages to Theodore Hoffner
in Morris Twp

Versus

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

In Re:-

Construction of State Highway Route No. 219,
Extending from Allport to Kylertown.

To the Commissioners of Clearfield County:-

You are hereby notified
that ² application will be presented to the said Court on Monday, the 2nd day of November, 1925, at 10.00 o'clock, A. M.
by Theodore Hoffner, for the appointment of viewers to assess the damages incurred by him by reason of said Road passing through his property in Morris Township.

H. A. Hagerty
ATTY.

Filed Oct. 28th 1925

Service accepted for County Commissioners

L. C. Morris

Recd

IN THE COURT OF James Hoffner OF CLEARFIELD COUNTY.

Newton Hoffner

Versus

Cops Court

Of 10 Dec Term, 1904

No.

Ref Bill of Costs

At Henry Term, 190....

			Dollars	Cents
<u>William Hoyer</u>	1	Days in attendance.. <u>24</u>		
		Miles direct travel	<u>3</u>	<u>44</u>
<u>John Hoyer</u>	1	Days in attendance.. <u>27</u>		
		Miles direct travel	<u>3</u>	<u>44</u>
<u>Sam Shield</u>	1	Days in attendance.. <u>21</u>		
		Miles direct travel	<u>3</u>	<u>26</u>
<u>Pete Reifer</u>	1	Days in attendance.. <u>21</u>		
		Miles direct travel	<u>3</u>	<u>26</u>
		Days in attendance.....		
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		Miles direct travel		
		Days in attendance.....		
		Miles direct travel		
		Serving subpoenas.....		
		Witness.....		
		Miles distance.....		
Whole amount of bill.....			<u>13</u>	<u>40</u>

CLEARFIELD COUNTY, SS:

Personally appeared before me W. Hoyer, 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

25 day of March, A. D. 1904
Geo. M. Johnston, Prothonotary

W. Hoyer

No. 16 Dec 41 Term 1946

Shower No 41

Versus

6110 camp

Costs

Bill of Costs

For Shower No 41 Term 190

Date..... 190.....

Amount - - - \$ 18 46

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 2nd day of November
in the year of our Lord one thousand nine hundred
twenty five

THEODORE HOFFNER

Judge of the same Court: Upon the petition of ~~some~~
~~habitués~~ of the Township of Morris

in said County, setting forth that he is the owner of a
certain tract of land situate in Morris Twp., along the public road leading
from Allport to Kylertown.
That the State Highway Commissioner has constructed an improved highway known
as Route No. 219 leading from Allport to Kylertown, said Highway leading through
the premises of the above petitioner; That your petitioner has sustained
damages by reason of the change of width, and has been unable to agree with the
County Commissioners as to the amount of damages sustained by him.

assess damages
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 Frank Hutton, Esq.,
Harry Reese and Geo. K. Weber

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. 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 three notices thereof were posted along the route of the proposed road, that the said view would be held on the 23rd 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 24th day of November, 1925, at 10 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 Theodore Hoffner, petitioner
or

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 24th day of November A. D. 1925, when the following appearances were noted: J.E. Dale, R.W. McCracken and T.E. Weimer County Commissioners with John M. Chase Esq., the Jr. Atty Also W.A. Haggerty Exsq Atty for petitioner, Theodore Hoffner, petitioner with John Herbert, Daniel Shields, William Moyer, and P. Kolessar witnesses who were each sworn and their testimony heard

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~~ necessary for a ~~road~~ 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~~ That the State Highway Department through its duly authorized representatives cut down certain timber trees, the property of the petitioner, but standing on the right of way of the old road, the testimony was that there was approximately 2000 feet of lumber so cut.

These trees were cut into logs of different lengths and at the present time are piled on the lands of the petitioner and in his possession. That the concrete road as layed out and constructed runs a distance of 569 feet over the old or original road which had a width of 33 feet and in addition thereto they have taken and occupied a strip of cleared land 9 ft wide. That it runs a distance of 1611 feet over other lands of the petitioner that were not formerly occupied by the public highway, this distance is through a cleared and apparently well cultivated field. The total acreage taken and occupied by the State Highway department is One and one-half acres, approximately.

The acreage value of the land was fixed by the witnesses at from \$100.00 to \$200.00 per acre, which estimate was considered by the viewers as very liberal. Claim was made by the petitioner for damages for the inconvenience in farming a narrow and pointed piece of land lying between the old and new roads, as shown by the attached draft.

The viewers presume that the old road will be vacated, and not be used hereafter, will be thrown into the field of the petitioner in which event the land in question will be no more inconveniently shaped for farming purposes, than it was before the new road was constructed, therefore do not find this part of the petitioners contention and

TO THE CLEARFIELD CONTY COMMISSIONERS.

You will take notice that the undersigned, Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view the Damages caused by the construction of State Highway Route No. 319 through the lands of THEODORE HOFFNER in Morris Township, will meet on the premises to be viewed on Monday the 23rd day of November 1925 at 11 o'clock A.M., to attend to the duty assigned them.

And that the required Public Hearing will be held in the Court House, in the Borough of Clearfield, Pa. on Tuesday the 24th day of November 1925 at ten o'clock A.M. when and where you may attend and be heard, if you so desire.

Frank Sullivan
Harry Reese
George K. Huber

Viewers

DuBois, Pa Nov. 5th 1925

Now, Nov. 7 1925 service of the above notice is accepted
for the Commissioners of Clearfield County.

L. C. Morris
Clerk



claim as well founded and is disallowed.

After going on to the land and viewing the premises and hearing the testimony of the witnesses the viewers fix the damages of Theodore Hoffner, the petitioner at Three Hundred (\$300.00) Dollars which sum is awarded 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:

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

WITNESS our hands and seals this 25 day of Nov
A. D. 1926.

Mark A. Hutton Seal

W. A. Reese Seal

George Weber Seal

Seal

ORDER

To view and assess damages to a
road for Theodore Hoffnase in the
township of Morris
Clearfield County

Dec Sessions, 19 25,

read and confirmed Ni. Si. Road to be
opened 33-foot wide, except where there
is side hill cutting or embankment and
bridging there to be 16 foot wide.

William J. Hoffnase
Now Mar 25 1926
exceptions filed to
Report of Viewers. Same
is confirmed absolutely.
By the Court

J. W. H. H. H.

P. J.

Filed _____ 19____
Fees \$1.25 paid by _____

W. A. Hagerty. Atty.

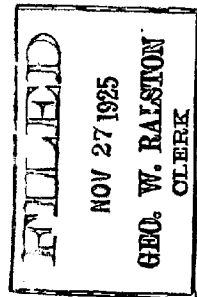
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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 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

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

In Re:- : No. Dec. Sess., 1925.
:
Construction of : Petition of Theodore Hoffner, for
State Highway Route :
No. 219 : Appointment of Viewers.

To the Hon. A. R. CHASE, Judge of said Court:-

The petition of Theodore Hoffner respectfully represents :

First:- That he is the owner of a certain tract of land situate in Morris Township, Clearfield County, Pennsylvania, along the public road leading from Allport to Kylertown.

Second:- That the State Highway Commissioner of the State of Pennsylvania has constructed an improved highway known as Route No. 219 leading from Allport to Kylertown, said Highway leading through the premises of the above petitioner; that as laid out and constructed it has ~~exam~~ caused a change of width, of existing lines, location and destruction of timber.

Third:- That your petitioner has sustained damages by reason of the change of width, existing lines, location, destruction of timber, and the construction of said highway; that he has been unable to agree with the County Commissioners of Clearfield County as to the amount of damages sustained by him.

YOUR PETITIONER, THEREFORE, Prays the Court to appoint Viewers to ascertain and assess his damages as provided by the Act of Assembly approved April 6th, 1921, amending Section 16 of the Act of May 31st, 1911, and re-enacting section 1 of the Act of July 18th, 1917 and as provided by other Acts of Assembly relating to the ascertainment and assessment of damages ~~for~~ opening public highways.

Theodore Hoffner

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

On this 27th day of October, A. D., 1925,
before me the subscriber, a Notary Public in and for said
County and State, personally appeared the above named Theodore
Hoffner, petitioner, who being duly sworn according to law doth
depose and say that the facts set out in the foregoing petition
are true and correct to the best of his knowledge, information
and belief.

Theodore Hoffner

Sworn and subscribed to before me this 27th day of
October, A. D., 1925.

James M. Bain
My Com. Expires Mar. 6, 1927

No. 10 Dec. Sess. 1925

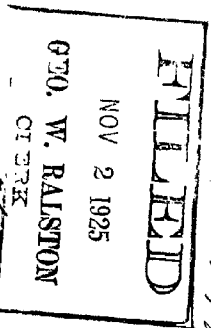
In Re: Petition for Viewers
to assess damages for State
Highway

Done Jan 2nd 1925

Frank Wilson Esq.,
Harry Keene Esq.
Geo. H. Weber are
appointed to view
and report

By the Court

W. H. Keene
J. F.



W. H. Keene
202 by atty