

DOCKET No. 6

Number	Term	Year
14	Dec	1925

Petition of Angeline Martellotta

for viewers to assdss damages in

Beccaria Twp

Versus

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

Angeline Martellotta,
Administratrix of the estate of
Joseph Martellotta,

vs

Clearfield County

:
:
:
:
:

No.

Term 1925.

To the Honorable A. R. Chase, President Judge of said Court:

Petition of Angeline Martellotta respectfully represents:

FIRST: That she is the wife of Joseph Martellotta,
deceased, and the administratrix of his estate.

SECOND: That the estate of Joseph Martellotta is the
owner of two parcels of land situate in Blain City, Beccaria
Township, Clearfield County, Pennsylvania, bounded and described
as follows:

THE FIRST THEREOF:- Beginning at a post on corner of an alley and
Locust Street; thence by line of Locust street south eighty-one
(81) degrees west eighty-two (82) feet to a post on corner of lot
formerly owned by John C. Beers; thence by line of lot of said
Beers north nine (9) degrees west sixty (60) feet to a post; thence
by line of lots of Robert Dick and George Askew, north eighty-one
(81) degrees east eighty-two (82) feet to a point on alley; thence
by line of said alley south nine (9) degrees east sixty (60) feet t
to a post and place of beginning. Being the eastern part of lot
No. 3 in the Plan of lots laid out by A. B. Shaw and Philip Dotts
and being the same premises which were conveyed unto Joseph
Martellotta estate by a deed from Christopher Heil and others,
recorded in Clearfield County in Deed Book , page

THE SECOND THEREOF:- Beginning at a post on Locust Street; thence
facing on said street eighteen (18) feet; thence by line of lot
formerly owned by John Williamson north nine (9) degrees east
sixty (60) feet to a post; thence north eighty-one (81) degrees
eighteen (18) feet to a post on the lot of Joseph Martellotta;
thence by said lot of Joseph Martellotta south eighty-one (81)
degrees west sixty (60) feet to a post on Locust Street and place
of beginning. Being the same premises which the heirs of John C.
Beers deeded to Joseph Martellotta by a deed dated the 3rd day of
March A.D. 1917, recorded in Clearfield County in Deed Book 230,
page 325.

THIRD: That there exists between the villages of
Irvona and Coalport a state highway, which passes the property of
your petitioner and which is known as Route No. 234 in the highway
system of the Commonwealth of Pennsylvania, as laid out by an
Act of Assembly dated the 31st day of May, 1911, P. L. 468,
Section Six.

FOURTH: That the Commonwealth of Pennsylvania, by and through its officers, agents and employees have improved and constructed a paved highway from said route between the villages of Irvona and Coalport.

FIFTH: That in the construction and improvement of said highway, fill was made in the same at the location of petitioners property and the dirt and water from said fill runs and slides on to the property of your petitioner, making useless her wall, and otherwise damaging the same.

SIXTH: That the highway as now constructed, with the fill as aforesaid, encroaches upon the property of your petitioner and has taken and occupies a portion of the same.

SEVENTH: That the depth of the fill at outer corner of the property of your petitioner is between four and five feet and at a sharp angle, rendering access to Main Street impracticable in dry weather and impossible in wintry or wet weather, and is of such a nature as to be constantly sliding on to the property of your petitioner.

EIGHTH: That because of the construction and improvements of the highway as now located, the value of the property of your petitioner is greatly lessened.

WHEREFORE your petitioner asks your Honorable Court for the appointment of viewers to assess her damages and proceed as required by the Acts of Assembly relating thereto.

Angeline Martellotta

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

Before me, the subscriber hereto, came Angeline Martellotta who, being duly sworn according to law, deposes and says that the facts set forth in the above petition are true and correct.

Sworn and subscribed to before me
this 14th day of November, A.D. 1925.

George Askew
GEO. ASKEW, Notary Public
by Commission Expires Jan. 1, 1926

O R D E R

Now, this 19th day of November, A. D. 1925, the within
petition having been read and considered, *Frank Hutton*
Esq., J. E. Fry, George R. Weber
are appointed viewers to proceed as required by the Acts of
Assembly relating thereto.

BY THE COURT

A. K. Chase.
P. J.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

No. 14 Dec Term 1925

Angeline Martellotta

VS

Clearfield County

PETITION FOR VIEWERS

NOV 19 1925
CLEARFIELD CO. PA.

BOULTON, FORSYTH & BELL
ATTORNEYS AT LAW
CLEARFIELD, PA.

COMPTON PRINTING CO., CLEARFIELD, PA.

.....
Orangeburg County

Angelina Martelloth

Notary Public, ~~Notary Public~~
Notary Public

No. 14 Decemb 1925

Angeline Marshall
vs John J. Joseph Marshall
Beccaria Sup
Versus

Chapman County

Chapman Bill of Costs

For..... Term 190

Date Dec 27 1925

Amount - - - \$ 18⁴⁰

FILED
DEC 29 1925
Geo. W. RALSTON
PROTHONOTARY

ROAD VIEW - ASSESSMENT OF DAMAGES
TO PROPERTY OF ANGELINE MARTELLIOTTA,
ADMINISTRATRIX JOSEPH MARTELLIOTTA EST.,
CAUSED BY CONSTRUCTION OF STATE HIGHWAY,
ROUTE NO. 234, THROUGH THE VILLAGE OF
BLAIN CITY, BECCARIA TWP., CLEARFIELD
CO., PENNSYLVANIA.

VIEWED DECEMBER 16, 1925

FRANK HUTTON

GEO. K. WEBER

J. E. FRY

-- VIEWERS.

STATE HWY.

LOCALIST

TO IRVONNA

To Lawrenceville

STREET

S 812.00' W

18' N.W. COR

82'

18' N.E. COR

18'

Alley

N 92.00' E

82'

S.W. COR

82'

18' S.E. COR

Joe. Martellotta
Est

Existing grade of street
after fill was made

Fill 3'-8"

Approx. grade of street
before fill was made

Fill 1'-0"

N.E. COR

Existing grade of Alley
since fill was made

Fill 3'-6"

N.W. COR

60'

S.W. COR

Approx. grade of Alley
before fill was made

SCALE 1" = 40'

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 damages alleged to be done to the property of Joseph Martellotta, in the Village of Blaine City in the Township of Beccaria, by the construction of the State Highway known as Route No. 234 through the property of said Joseph Martellotta, deceased, will meet at the house of Joseph Martellotta, deceased in the Village of Blaine City in said Township of Beccaria on Wednesday the 16th day of December 1925 at 9 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 Thursday the 17th day of December 1925 at ten o'clock A.M. Of which time and places you will take due notice and may attend and be heard if you so desire.

Mark Sutton
E. E. Fry
George Huber

DuBois, Pa. Dec. 1st 1925

Viewers.

Now, Dec. 3, 1925, service of above notice is accepted for the Commissioners of Clearfield County.

L. C. Norris
Clerk

Beginning at a post on corner of an alley and Locust St; thence by line of Locust St. south 81° west 82 feet to a post on corner of lot formerly owned by John C. Beers; thence by line of lot of said Beers north 9° west 60 feet to a post; thence by line of lots of Robert Dick and George Askew, north 81° east 82 feet to a point on alley; thence by line of said alley south 9° east 60 feet to a post and place of beginning.

The Second Thereof: Beginning at a post on Locust St; thence facing on said street 18 feet; thence by line of lot formerly owned by John Williamson north 9° east 60 feet to a post; thence north 81° 18 feet to a post on the lot of Joseph Martellotta; thence by said lot of Joseph Martellotta south 81° 18 feet to a post; thence by said lot of Joseph Martellotta west 60 feet to a post on Locust St and place of beginning.

That there exists between the village of Irvona and Coalport a state highway, which passes the property of your petitioner and which is known as Route No. 234.

That the Comth. of Penna. by its officers, have improved said highway, that in the construction and improvement of said highway as now located the value of the property of your petitioner is greatly lessened.

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

Judge of the same Court: Upon the petition of sundry in-
habitants of the Township of Beccaria

in said County, setting forth that Angeline Martellotta

respectfully represents: That she is the wife of Joseph Martellotta, deceased,
and the administratrix of his estate.

That the estate of Joseph Martellotta is the owner of two parcels of land
situate in Blain City, Beccaria Township, bounded and described as follows:

Assess damages
and therefore, praying the Court to appoint proper persons to view and ~~assess damages~~
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.
J. E. Fry and George 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 Palstan, 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 16th day of December A. D. 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 17th day of December, 1925, ~~at 10 o'clock A. M.~~ ^{Continued by agreement to Dec. 29th 1925}

~~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 Cortez Bell, Esq., of Bell-Boulton & Forsythe Attys for petitioner

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 29th day of December A. D. 1925, when the following appearances were noted: Cortez Bell Esq. Atty for petitioner W.A. Hagerly Esq. Atty for Supervisors of Beccaria Twp Angelion Matellatto Admin. istratrix of Joseph Martellatto George Askew, John Ensbrunner and Robert Dick Witnesses on part of petitioner William T. Jasper George Mullen Wm Molloch witness on the part of Beccaria Twp

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. 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 report that State Highway Route No. 234 has been recently constructed over portions of Main Street and Locust Street in the Village of Blaine City, Beccarat Twp; that at the intersection of Main and Locust Streets the said Route makes a right angled turn; that in the construction of the Concrete roadway a fill of about 3 feet 8 inches was made across Locust Street. This fill necessitated the filling of Locust Street along the premises of the estate of Joseph Martellotto deceased a distance of about 100 feet for the purposes of an approach to the concrete road; a like fill of some 3 feet 6 inches was made on the Alley extension of Main Street and some 60 feet along the property of the petitioner. The fill made for the concrete road and also for getting on to it left the property of the petitioner considerably below the grade of the roadways and since this proceeding was started the buildings on the Martellotto property have been burned and were not standing on the ground when your viewers were on the land Temporary steps are utilized in getting from the Highway down to the cement side walk along the Locust Street side of the Martellotto property; the filling for the approach on Locust Street has been made only on the drive way and leaves the cement side walk below grade from 3 ft 8 inches down to nothing.

The petitioner claims damages for the raising of the grade on the State Highway, thus leaving her property below natural grade and necessitating expense in filling to bring her property to grade, and costs in constructing walls to bring her buildings to grade and for water that

has been diverted over her property and into her well of water on her premises. It was stated at the hearing that an iron pipe large enough to carry off the surface water would be placed along the Locust Street front, by the Twp of Beccaria in the Spring of 1926 and that the cost of this pipe would be \$110.00. Your viewers are of the opinion that the petitioners property was damaged by the change of grades made in the constructing of Route 234 and by the approaches to said Route; That the fill for the approach on Locust Street should have been made of sufficient width to carry the side walk or approximately to the Martellotto property line; to make such fill will either cover or destroy the foot walk now on the ground and a new one be required

*NOTE:- In making the award of damages made below it is the intent and opinion of your viewers, that if the Supervisors of Beccaria Twp or the Commissioners of Dearfield County, either, or both, should within three months from this date, elect to construct the iron surface sewer then credit of \$110.00 is to be taken on the award. If either or both should elect to make the fill necessary to bring the footwalk up to present grade of Locust Street, build concrete foot walk along same, and a concrete wall around well, and do this work as early in Spring of 1926 as weather conditions will permit, then and in such case no part of the award hereinafter made is to be paid to the Administratrix of Joseph Martellotto

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 Angeline Martellotto, Administratrix the sum of Four Hundred (\$400.00) Dollars, One Hundred and Ten (\$110.00) dollars of which is to cover costs of an iron surface sewer along Locust Street front of the Martellotto property and Two Hundred Ninety (\$290.00) dollars of which is to re-emburse the Administratrix for bringing the Locust Street sidewalk up to grade, rebuilding the sidewalk and concreting the water well to shut out surface water. If the public authorities do this work on the sewer credit for same to be allowed on award and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 31st day of December

A. D. 1925.

Frank Hutton *Seal*
J. E. Tug *Seal*
Frank H. Walker *Seal*
Seal

ORDER

To view and assess damages to a
Angelina Martellotta
use in the
township of Beccaria
Clearfield County
Now Jan - 7th 1926
Sessions, 19

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.

By the Court
A. W. Ralston

Now Feb 20th 1926
improvement absolutely
By the Court

15
Filed
Fees \$1.25 paid by
A. W. Ralston

Bell, Boulton & Forsyth, Attys

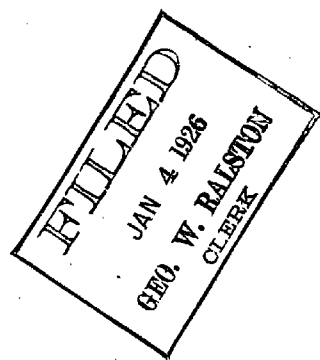
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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