

DOCKET No. 6

Number	Term	Year
14	Dec	1925

Petition of Angeline Martellotta
for viewers to assess 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 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 well, 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 4th day of November, A.D. 1925.

George Askew
GEO. ASKEW, J.C.L. 28
by Commission Exptec J.C.L. 28

O R D E R

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

BY THE COURT

A.R. Blaee
P.J.

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

No. 14 Dec. Term 1925

Angelina Martellotta

vs

Clearfield County

PETITION FOR VIEWERS

10/12 1925

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

IN THE COURT OF Quarter Sessions OF CLEARFIELD COUNTY,

Angelina Martellotta Of December ~~Term, 1905~~
adversy of Joseph Martellotta, et al. No. Plaintiff Bill of Costs
 Versus At Term, 1905
Clearfield County

		Dollars	Cents
<u>Teri Asbury</u>	Days in attendance <u>40</u> Miles direct travel	<u>4</u>	<u>60</u>
<u>John Enzemann</u>	Days in attendance <u>40</u> Miles direct travel	<u>4</u>	<u>60</u>
<u>Robert Dick</u>	Days in attendance <u>40</u> Miles direct travel	<u>4</u>	<u>60</u>
<u>Angelina Martellotta</u>	Days in attendance <u>40</u> Miles direct travel	<u>4</u>	<u>60</u>
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	Days in attendance..... Miles direct travel		
	Serving subpœnas..... Witness.....		
	Miles distance.....		
Whole amount of bill.....			

CLEARFIELD COUNTY, SS:

Personally appeared before me..... Angelina Martellotta....., 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
 21 day of December, A. D. 1905. Angelina Martellotta
Kathy Bell, Notary Public

No 14.....
Sue.....
No 14.....
Dec 29 1905.

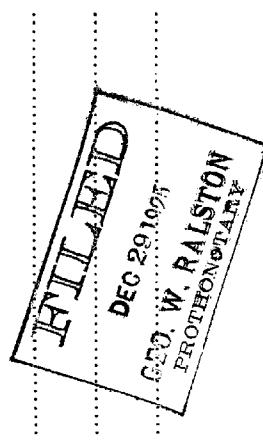
Angela Mandella
Admin. of Court Mandella
versus
Clarendon City

Plaintiff.....
Bill of Costs

For.....
Term 190.....

Date.....
Dec 29.....
1905

Amount - - - \$ 1.8 40



ROAD VIEW - ASSESSMENT OF DAMAGES

TO PROPERTY OF ANGELINE MARTELOTTA,
ADMINISTRATRIX JOSEPH MARTELOTTA EST.,
CAUSED BY CONSTRUCTION OF STATE HIGHWAY,
ROUTE NO. 234, THROUGH THE VILLAGE OF
BLAIR CITY, BECCARIA TWP., CLEARFIELD
CO., PENNSYLVANIA.

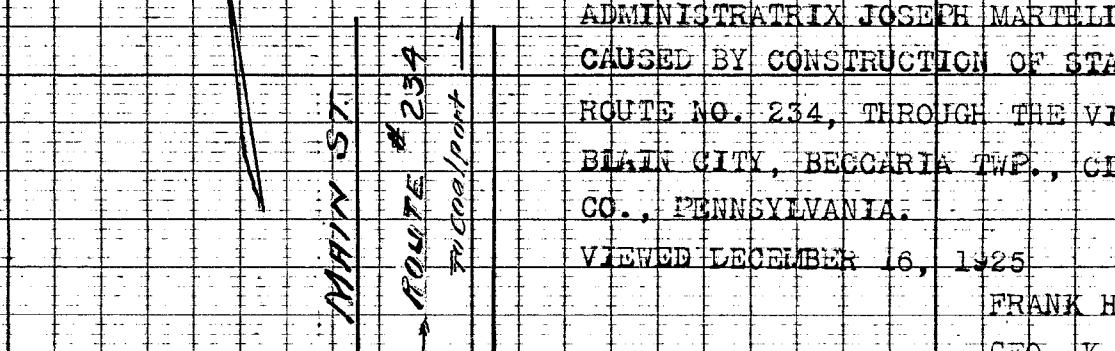
VIEWED DECEMBER 16, 1925.

FRANK HUTTON

GEO. K. WEBER

J. E. FRY

-- VIEWERS.



STREET

5812 00 N

18' N.W.COR. 82' 18' ONE COR.

Joe. Martelotta
Est

18' N.E.COR. 82' 18' S.E.COR.

Existing grades of street-
after fill was made.

FILL 3'-0" → 6' 6" → FILL 1'-0" → N.E.COR.

Approx. grade of street-
before fill was made.

Existing grade of Alley
since fill was made.

FILL 3'-6" → 6' 0" → 6' 0" →
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 Shullin
W. E. Fry
Frank Guber

Dubois, Pa. Dec. 1st 1925

Viewers.

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

L. C. Morris
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 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 inhabitants 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 ~~fix~~ 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 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 Palstone, 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 ~~the~~ 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~~ ^{Continued by agreement to Dec. 29th 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 Cortez Bell, Esq., of Bell-Bouillon & Forsythe Atty's 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. Hager
Esq. Atty for Supervisors of Beccaria Twp Angelion Martellotto Admin.
istratrix of Joseph Martellotto. George Askew, John Enshrenner and Robert
Dick Witnesses on part of petitioner William T. Jasper George Mullen
Wm Mellow 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~~ occasion for a road as desired by the petitioner, and that the same is ~~not~~ necessary for a ~~new~~ 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 report that State Highway Route No. 234 has been recently con-~~
~~structed over portions of Main Street and Locust Street in the Village~~
~~of Blaine City, Beccaria Twp; that at the intersection of Main and Locust~~
~~Streets the said Route makes a right angled turn; that in the con-~~
~~struction 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 consid-~~
~~erably 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/or 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 Baccaria 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 Baccaria Twp or the Commissioners of Garfield 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 reimburse 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 onward 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 Sutton *Seal*
J. E. Try *Seal*
Frank W. Walker *Seal*
Seal

No. 14 Dec 1925 Sessions, 1925

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.

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To view and assess damages to
Angelina Martellotta use in the
tunefor Beccaria township of Clearfield County
now Jan - 7th 1926

read and confirmed Ni. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment—bridge to be 16 feet wide.

By the Court
A. M. Wheeler,
P. J.

Nov 1st 20¹55
Completed absolutely
By the count
15 — Attitash
S. Attitash
S. Attitash

*Bell, Boulton & Forsyth, Atty's
Fees \$1.25 paid by*

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 af 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

Seals.

Seal.

Seal.

Seal.