

DOCKET No. 6

Number	Term	Year
14	Sept	1925

Petition of Iva Hess for viewers
to assess damages in Greenwood Twp

Versus

X

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

IV A HESS

Judge of the same Court: Upon the petition of ~~sundixxxm~~
~~taskixxx~~ of the Township of GREENWOOD

in said County, setting forth that your petitioner and her mother, Lizzie Hoover are the owners of a certain tract of piece of land in Greenwood Twp. being the same tract of land conveyed to them by Wm. C. Hoover. That the State Highway, known as Route No. 62 leading from Bells Landing to Mahaffey and its location runs through the premises for your petitioner and an entry has been made upon the premises for the construction and building the aforesaid State Highway. Your petitioners have been unable to agree with the Co. Commissioners as to the amount of damages resulting to your petitioners.

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., J. E. Fry 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.

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 ~~the Board of Supervisors~~ and that

and that Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 14th day of September A. D. 1925, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 15th day of September, 1925, at 9 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 Iva Hess petitioner

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 15th day of September A. D. 1925, when the following appearances were noted: H. B. Hartwick Esq., representing the petitioner Iva Hess, Perry Arthurs and Jared Bell witness on behalf of the petitioners who were each sworn or affirmed

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 ~~the~~ use the following described road, to wit ~~Beginning~~ Your viewers find that the State Highway Department in its construction of Route #62 has occupied a strip of land belonging to the petitioners, some three hundred feet in length and apparently some fifty feet in width, though there is no evidence of the exact width but the above is stated from measurements made on the ground.

The road as located leaves a strip of land between the old road, which is also the property line of the petitioner, and the concrete road some 52 feet in width from center of each road and narrowing to a point at intersection of old and new roads the unoccupied land is not over 20 feet wide and is useless to owners for agriculture or building

The land occupied or made useless is approximately tw-fifths of an acre. In addition to this two shade trees of good size and usefulness, planted by the owners were destroyed. Claim for damages for loss of these trees as they shielded from the afternoon Sun. The evidence of the petitioner was that her property sustained a damage of \$500.00 The Witnesses, Arthur and Bell placed the damages at \$200.00.

The viewers after being on the ground, and hearing the evidence of the witnesses and considering the same, do find that Iva Hess and Lizzie Hoover have sustained damages by reason of the location of and construction of Route #62 through their property in Greenwood Twp. Clearfield County, Pa. to the amount of Ninety (\$90.00) Dollars, and award them the said sum of Ninety Dollars.

TO THE COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

You are hereby notified that the undersigned ~~as~~ Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to view the Damages caused by the construction of the State Highway known as "Route 62" through the lands of IVA HESS and LIZZIE HOOVER in Greenwood Township, in said County of Clearfield, will meet on the premises to be viewed on Monday the 14th day of September 1925 and 9:30 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 on Tuesday the 15th day of Clearfield at 9 o'clock A.M. Of which times and places you will take due notice and may attend and be heard if you so desire.

Frank Nuttm
J. E. Fry
James Spangler
Viewers

Now Aug. 01 1925 service of the above notice is accepted for the County Commissioners

L. C. Morris
Lev. C.

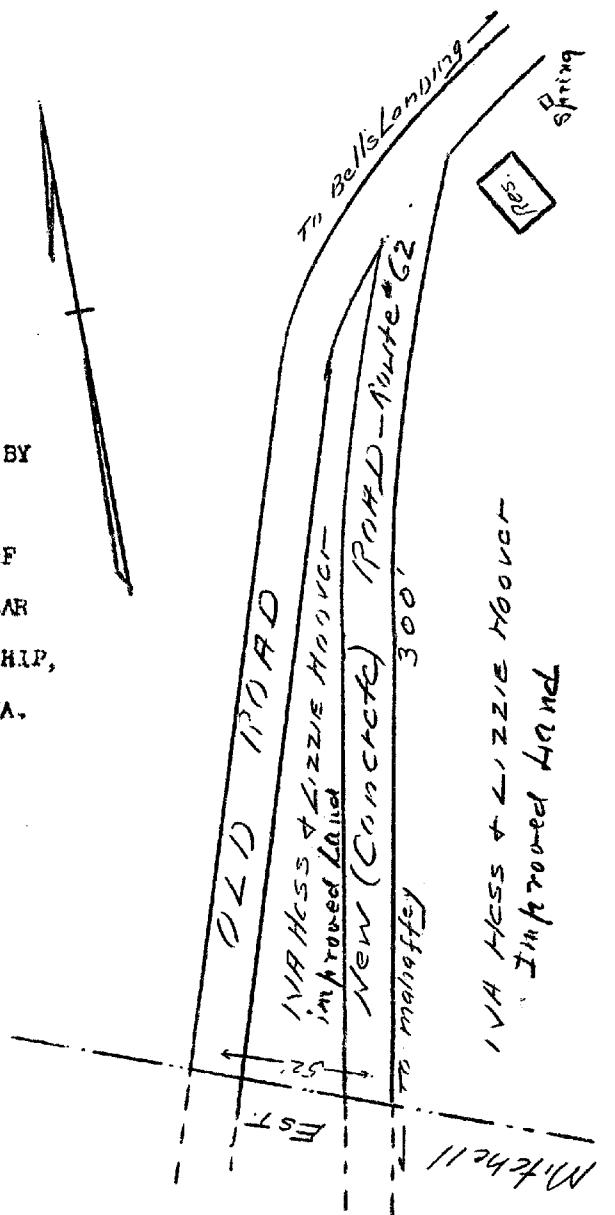
DuBois, Pa. Aug. 29th 1925

ROAD VIEW FOR DAMAGES CAUSED BY
CONSTRUCTION OF ROUTE NO. 62,
STATE HIGHWAY, THROUGH LANES OF
IVA HESS AND LIZZIE HOOVER, NEAR
BELLS LANDING, GREENWOOD TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA.
VIEWED SEPTEMBER 14, 1926.

Frank Hutton)

J. E. Fry } Viewers.

Jas. Spangler)



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 16th day of September
A. D. 1925.

Frank W. Spangler Seal
E. Fry Seal
James W. Spangler Seal
Seal

IN THE COURT OF Quarter Sessions OF CLEARFIELD COUNTY.

In re Petition of Frat Hess et al No. 14 versus George At Hearing
 for Assessment of Petitioners Bill of Costs
 Versus Term, 190.....
Sept 12 - 1925

		Dollars	Cents
<u>Perry Arthur</u>	1 Days in attendance 18 Miles direct travel	<u>3</u>	<u>08</u>
<u>Jared Bell</u>	1 Days in attendance 18 Miles direct travel	<u>3</u>	<u>08</u>
	Days in attendance Miles direct travel		
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	Days in attendance Miles direct travel		
	Serving subpoenas Witness		
	Miles distance		
Whole amount of bill			

CLEARFIELD COUNTY, SS:

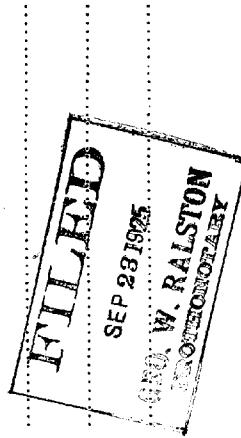
Personally appeared before me Frat Hess, who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sworn to and subscribed before me this
 15 day of Sept, A. D. 1925
Geo W Palatoy, Prothonotary Clara Hess

Record
No. 14 Sept. 1905
In re
Petition of Frank H. and
Indorsement of Harry
Inland, taken in foreground
Somewhat

Petitioners Bill of Costs
For..... Term 190

Date..... 190.....
Amount - - - \$ 6 16



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

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

The petition of Iva Hess respectfully represents;

1st; That your petitioner and her mother, Lizzie Hoover, are the owners of a certain tract or piece of land in the township of Greenwood, Clearfield County, Pennsylvania, being the same tract of land conveyed to them by William C. Hoover by deed thereof being duly recorded in Clearfield.

2nd; That your petitioners use said piece of land as their own and erected thereon is a dwelling house and other buildings and improvements.

3rd; That the State Highway, known as Route No. 62, leading from Bells Landing to Mahaffey and its location runs through the aforesaid premises of your petitioner, and an entry has been made upon the aforesaid premises; the grading has been done and the appropriation of the necessary amount of land has been made for the purpose of the construction and building the aforesaid State Highway;

4th; Your petitioners have been unable to agree with the County Commissioners upon the amount of damages to be paid for the land appropriated and the injury done to them by reason of the taking of a part of the land aforesaid and other damages resulting to your petitioners.

Your petitioners therefore pray your Honorable Court to appoint proper viewers to appear on the premises and view and assess the damages and injuries which they are entitled to receive for and on account of the appropriation of their land and other injuries thereto as a result of the location and construction of the said State Highway.

I. Iva Hess

Clearfield County, SS:

On this 19th day of August 1925 before me personally appeared Iva Hess, one of the petitioners, who being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct; that she has full knowledge of the facts herein set forth and she has authority to execute this petition on the part of her mother, who is a joint tenant with her in said petition.

Sworn & Subscribed before me:

this 19th day of August 1925 : Iva Hess

Geo. W. Ralston,
Notary Public

14 Re 85 1925

Three
Petition of Frank Harton and
George Horner for opinion
that it is necessary to assess
damages - Rate 62.

Now, Aug 19th 1925 within
petition presented and
Frank Harton and George
Horner for opinion
that it is necessary to assess
damages - Rate 62.

FILED	
By the Court	
AUG 20 1925	
GEO. W. RALSTON PRO HARTSWICK, ARNOLD & PLATT ATTORNEYS AT LAW CLEARFIELD, PA.	

4-00 by letter

NO. 1 Dec

TERM, 1925

Damage John Kopp case
out by A. R. Chase atty
7-12-34

NO.

TERM, 19

TERM, 19

NO. 2

TERM, 19

NO.

NO.

~~Dec~~

TERM, 19 31

~~A F S~~

~~Grand Trunk Road~~

NO. 4

TERM, 19 32

1048

NO.

TERM, 19

NO.

NO.

TERM, 19