

DOCKET No. 6.

Number

14

Term

Sept

Year

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

IVA HESS

Judge of the same Court: Upon the petition of ~~xxxxxx~~
~~xxxxxx~~ 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. Co-missioners 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 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 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. Hartswick 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 ~~not~~ 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 ~~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 two-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 shaded 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 ~~se~~ 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.

Mark Newton
J. E. Fry
James Spangle
Viewers

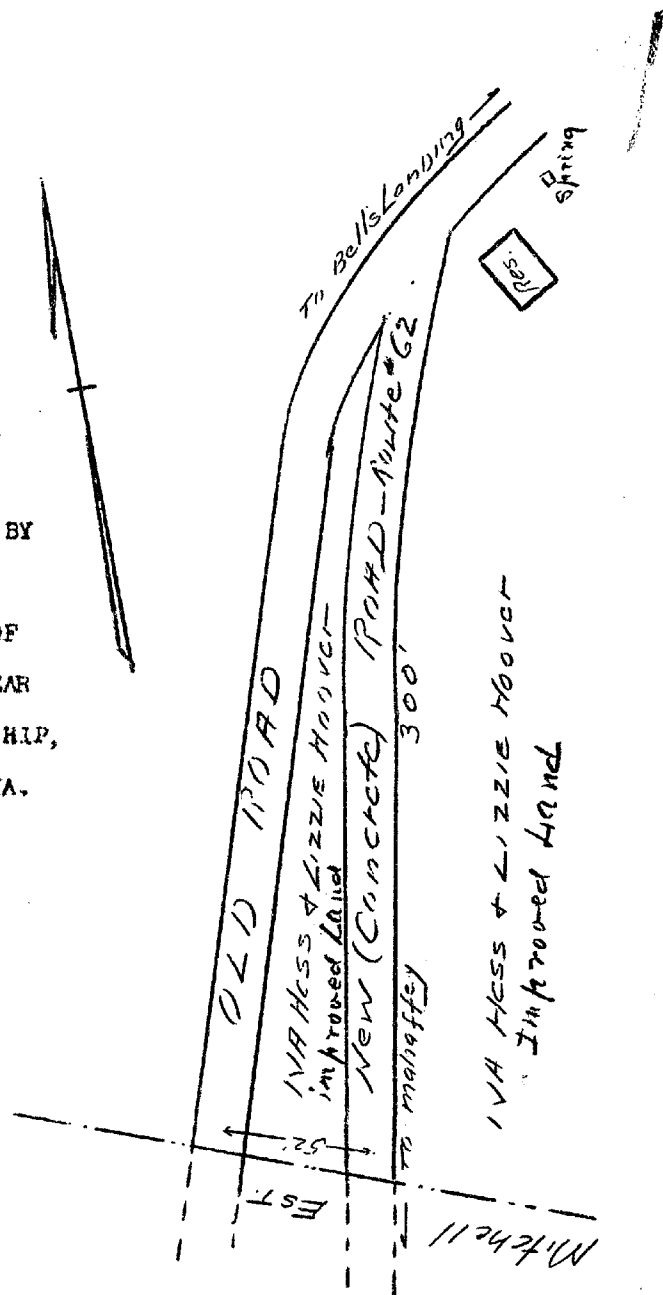
Now Aug. 31 1925 service of the above notice is accepted for the
County Commissioners

L. C. Morris
Deers

DuBois, Pa. Aug. 29th 1925

ROAD VIEW FOR DAMAGES CAUSED BY
CONSTRUCTION OF ROUTE NO. 62,
STATE HIGHWAY, THROUGH LANDS OF
IVA HESS AND LIZZIE HOOVER, NEAR
BELLS LANDING, GREENWOOD TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA.
VIEWED SEPTEMBER 14, 1925.

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.

Myrick Horton Seal
E. Fry Seal
James W. Spangle Seal
Seal

No. 14 Sept Sessions, 19 25

ORDER

To assess damages to ~~the~~ road ~~for~~ Iva Hess ~~the~~ township of Greenwood,
Clearfield County

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.

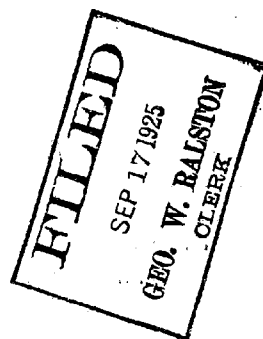
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.



Filed 19

Fees \$1.25 paid by

Hartswick, Arnold & Platt, Attorneys

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

Road
No. 14 Sept 1925
Term 1925

In re
Petition of *Frank Hess et al*
for assignment of *Samuel*
~~Frank~~ *Hess* taken on *Freemond*
Contract
[Signature]

Particulars Bill of Costs
For Term 190 ...

Date 190 ...
Amount . - - - \$ 6.16

FILED
SEP 28 1925
GEO. W. RALSTON
NOTARY

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 t 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 fo 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 : Clara Hess

Geo. W. Ralston.
Notary Public

14 Re SS 1925

Three
petition of Sn Keas and
dearie Hore for appoint
ment received & account
dampa - Rate 62.

Pres. Aug 19th 1925 within
petition presented and
Frank Hutton Sept 19th 1925.
By James J. H. H.
are appointed. Various &
new traces drawings
exchanged for.

FILED

AUG 20 1925

GEO. W. RALSTON

HARTSWICK, ROL & PLATT
ATTORNEYS AT LAW
CLEARFIELD, PA.

4.00 Equity

NO. 1 Dec TERM, 19 25

Damages John Kopp Case
out by A R Chase atty
7-12-34

NO. _____ TERM, 19 _____

NO. _____ TERM, 19 _____

NO. _____ TERM, 19 _____

NO. 8 Dec TERM, 1931
A. & S.
Greenwood Jump Road
NO. 4 TERM, 1932
1745

NO. TERM, 19
NO. TERM, 19