

Road

DOCKET No. 6

Number	Term	Year
5	Feb	1926

Petition of T. H. Mons for appt. of
viewers to assess damages in
Cooper Twp

Versus

X

DOCKET No. 6

Number	Term	Year
6	Feb	1926

Petition of Walter Mons for Appt. of
viewers to assess damages in Cooper Twp

Versus

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

IN RE:-

Construction of State Highway Route No. 219

No. _____ February Sessions, 1926.

Petition of T. H. Mons for appointment of viewers.

To The Hon. A. R. Chase, Judge of said Court:-

The petition of T. H. Mons respectfully represents:-

1. That he is the owner of a piece or parcel of land containing about ten and one-half acres situate in Cooper Township, Clearfield County, Pennsylvania, being part of what was known as the Leonard Kyler Estate, and being along the public highway leading from Allport to Kylertown.

2. That a public road has long existed running from Allport to Kylertown, all of which lies in Clearfield County.

3. That the aforesaid public road has been improved as a public highway by action of the Commonwealth of Pennsylvania, being known and designated as Route No. 219 in the Highway System of the Commonwealth of Pennsylvania, as provided in the Act of May 31st, 1911, P. L. 468 section 6 and supplements thereto.

4. That the road as relocated has necessitated a change in the lines and location of said highway and the taking by the Commonwealth of a strip of land of your petitioner approximately ~~fifteen~~ twelve hundred (1200) feet long by fifty (50) feet in width.

5. That the Commonwealth of Pennsylvania, acting through its officers and agents have entered upon the land of your petitioner, taken the same as above ~~averred~~, and in addition thereto have placed cuts and fills thereon, and have destroyed

a number of lots the same being ~~plotted~~ for town purposes and in the construction of said highway have used and damaged considerable land of your petitioner lying outside of the lines of the original highway.

6. That, as the result of the taking of said land by the Commonwealth the market value of said property was greatly lessened and materially diminished.

Wherefore, your Petitioner prays your Honorable Court to appoint viewers to appraise and determine the damage so suffered and that such further proceedings may be had as provided by the Act of Assembly relating thereto.

T. H. Mons

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

Before me, the subscriber hereto, came T. H. Mons, who being duly sworn according to law deposes and says that the facts set forth in the above petition are true and correct to the best of his knowledge and belief.

T. H. Mons

Sworn and subscribed to before me this 30 day of December, A. D. 1925.

John M. Lane
Law Dep. Mar. 6, 1927
ORDER

Now, January 4th, 1926, the within petition having been read and considered are appointed viewers to proceed as required by the Acts of Assembly relating thereto.

BY THE COURT

P. J.

5. Tea. Green, Black

Nov 4th 1826

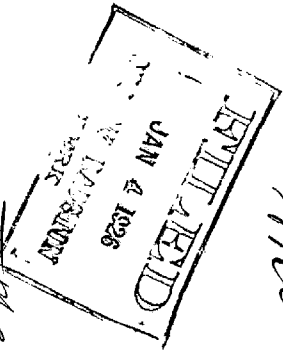
Frank Weston Esq

James M.
J. C. J. M. J. C. J. M.

Water are appointed
to receive and report.

By the Court.

P. J. Kelly



2.50 kgally M. H. Property

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 application will be made and
presented to said Court on Monday, January 4th, 1926, at 10.00
o'clock A. M., by T. H. MONS for the appointment of
viewers to assess damages incurred by him by reason of the
State Highway passing through his property in Cooper Township.

N. A. Hagerty
Atty for Defendant

Now, January 4, 1926, service
accepted for County Commissioners
L. C. Norris, Clerk.

IN THE COURT OF *Justs* *ss*

OF CLEARFIELD COUNTY.

J N Hou

Versus

Before

Of *Feb 21*

Term, 190-*6*

No. *5*

Repps

Bill of Costs

At *Hearings before Court*

Term, 190....

				Dollars	Cents
Ray Dean	1	Days in attendance	21	Miles direct travel	3 26
Captn Thos D	1	Days in attendance	21	Miles direct travel	3 26
W B Moore	1	Days in attendance	21	Miles direct travel	3 26
		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
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		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
		Days in attendance		Miles direct travel	
		Serving subpoenas		Witness	
		Miles distance			
		Whole amount of bill			29 78

CLEARFIELD COUNTY, SS:

Personally appeared before me *N A Hagerty*, 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. 190*6*
Geo W Paley Prothonotary *N A Hagerty*

No. 5244 Term 1904

12th

Versus

Case

Bill of Costs
For at 12th Term 190...

Date..... 190...

Amount - - - \$ 19.50

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 the premises to T.H. Mons in Cooper Township and caused by change of location and construction of State Highway Route No. 219 through his lands in said Township of Cooper will meet on the premises to be viewed on Monday the 25th day of January 1926 at 11 o'clock A.M. to attend to the duty assigned them.

And that the Public Hearing required by law will be held in the Court House in the Borough of Clearfield, Pa. on Tuesday the 26th day of January 1926 at ten o'clock A.M. Of which times and places you will take notice and may attend and be heard if you so desire.

DuBois, Pa. Jan 6th 1926

Mark Shulton
J E Fry
Geo. K Hueber
Viewers

Now Jan. 8, 1926 service of above notice is accepted for
the Commissioners of Clearfield County.

L C Norris, Clerk.

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 4th day of January in the year of our Lord one thousand nine hundred twenty six

T. H. MONS

Judge of the same Court: Upon the petition of ~~saxxyxix~~ inhabitants of the Township of Cooper

in said County, setting forth that he is the owner of a piece of land containing about 10 $\frac{1}{2}$ acres situate in Cooper Twp. That a public road has existed running from Allport to Kylertown. That the aforesaid road has been improved by action of Comth. of Penna. being known as Route No 219. That the road as relocated has necessitated a change in the lines and the taking by the Comth. of a strip of land approximately 1200 ft. long by 50 ft in width. That as the result of the taking of said land by the Comth the market value of said property was greatly lessened and materially diminished.

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 Geo. 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. 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 25th day of January A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 26th day of January, 1926, 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 T.H.Mons, petitioner

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 26th day of January A. D. 1926, when the following appearances were noted: W.A.Hagerty Esq, Atty for petitioner John M.Chase Esq. Atty for Clearfield County, T.H.Mons, petitioner, Caspar Kephart Roy Dick, and Creighton Hoover witnesses on the part of the petitioner who were each sworn or affirmed and gave testimony

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~~ ~~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 First~~ ~~, That the Commonwealth of Pennsylvania in the location and construction of State Highway Route No. 219 constructed the same through improved lands of T.H.Mons, in Cooper Twp a distance of 1215 feet and over land not formerly used or occupied by a public road, being entirely a new location.~~

~~Second, the amount of land so taken and occupied by said Highway is 1.09 acres.~~

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 No releases

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 T. H. Mons, Three Hundred (\$300.00)

Dollars

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

WITNESS our hands and seals this 27th day of January

A. D. 1926.

Irvin Hutton Seal
J. E. Taylor Seal
George W. Walker Seal
Seal

