

DOCKET No. 6

Number	Term	Year
<u>6</u>	<u>Feb</u>	<u>1926</u>

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

Versus

X

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

IN RE:

Construction of State Highway Route No. 319, 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 WALTER 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.

W. O. Stayert
Atty for Petitioner

Attn January 4th 1926 Service
Accepted for County Commissioners

L. O. Morris
Clerk

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 Walter Mons for appointment of Viewers.

To The HON. A. R. CHASE, Judge of Said Court:-

The petition of Walter Mons respectfully represents:-

1. That he is the owner of a piece or parcel of land containing two town lots situate in Cooper Township, Clearfield County, Pennsylvania, and being part of what was known as the Leonard Kyler Estate, and being along the public road leading from Allport to Kylertown.
2. That the 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. 462, Section 6, and the 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 one hundred and fifty feet long by fifty feet wide.
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 the 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 a 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.

Walter Mons

STATE OF PENNSYLVANIA ::
:SS
COUNTY OF CLEARFIELD ::

Before me, the subscriber hereto, came WALTER 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

Sworn and subscribed to before Walter Mons
me this 31 day of December,
A. D., 1925.

Charles Diney Jr

Commission Expires Feb.
1st day in January 1926

ORDER

Now, January 4th, A. D. 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.

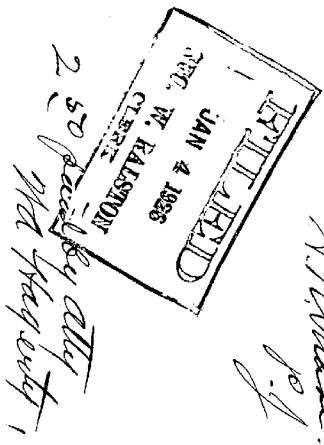
THE COURT OF QUARTER SESS
OF CLEARFIELD COUNTY

Nov. 6 Baby. Sex, male

Petition for Viewers and
order

Very Jan 4 2 1886
Frank Batten Esq;
J. C. Day Esq & Mr. Weller
are appointed to view
and report.

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-11



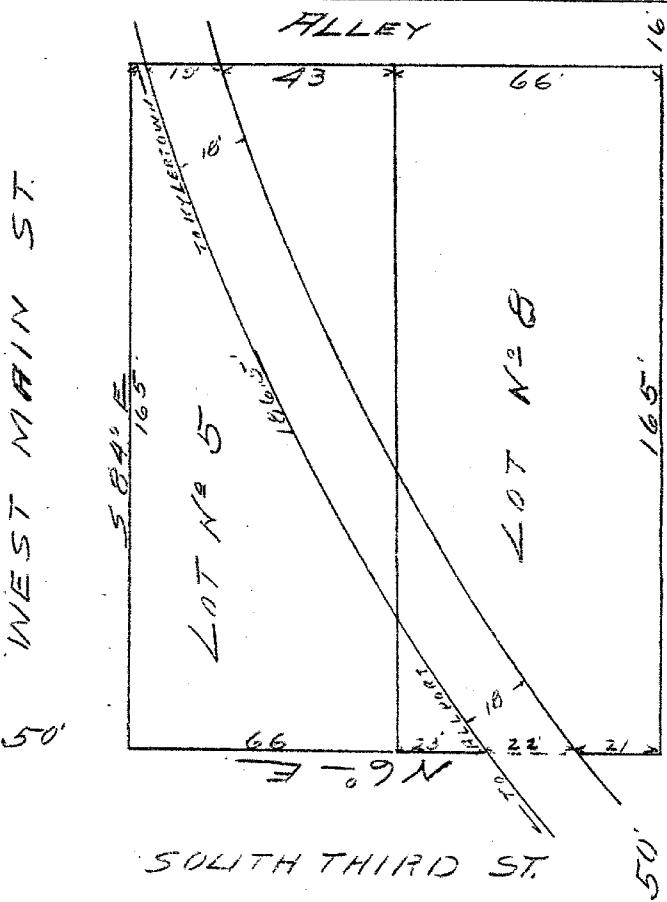
2.50 Paid by Ath
Mr. Wagner,

ROAD VIEW - ASSESSMENT OF DAMAGES -
IMPROVED HIGHWAY THROUGH LOTS OF
WALTER MONS AT KYLERTOWN, COOPER
MUTUALSHIP, CLEARFIELD CO., PA.

VIEWED JANUARY 25, 1926.

FRANK HUTCH }
GEO. K. WEBER } VIEWERS.
J. E. FRY }

SCALE 1" = 30'



To The COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

Notice is hereby given you and each of you that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to view the Damages alleged to be done the premises of Walter Mons caused by the change of location and construction of State Highway Route No. 319 through the lands of said Walter Mons in Cooper Township, in the County aforesaid, 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, on Tuesday the 26th day of January 1926 at ten o'clock A.M. when and where all interested parties may attend and be heard.

Frank Schellm
J. E. Fry
George A. Weber
Viewers

DuBois, Pa. Jan 6th 1926

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

L. C. Morris, 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

Walter Mons

Judge of the same Court: Upon the petition of ~~subscribers~~ habitants of the Township of Cooper

in said County, setting forth that he is the owner of a piece of land containing two town lots situate in Cooper Twp. That a public road has long existed running from Allport to Kylertown. That the aforesaid public road has been improved by action of the Comth. of Penna. being known as Route No 219. That the road as relocated has necessitated a change in the lines and location by the taking by the Comth. of a strip of land of your petitioner approximately 150 ft long by 50 ft. wide. That as a 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, Atty.
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

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. Hagerity Esq., Atty for Walter Mons, John M. Chase Esq. Atty for County Commissioners, Jess E. Dale and Blakie McCracken County Commissioners, Walter Mons, petitioner, Creighton Hoover, Casper Kephart, Roy Dick witnesses on the part of the petitioner, who with the petitioner were severally sworn or affirmed and testimony heard

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 good 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 That the petitioner is the owner of two town lots in the Village of Kaylorstown in Cooper Township, in said County of Clearfield 66 by 165 feet in size and known as lots No's #5 and #8.

That the Commonwealth of Pennsylvania by its State Highway Department, located and constructed Route No. 219 through said lots and over land not formerly used as a public road a distance of 186.5 feet as shown by the draft or map hereto attached.

That the said Highway was filled the entire distance through said lots and is now from two and one half to four feet above the level of the unoccupied portion of said lots and a deep ditch for water drainage runs from the Highway along line of South Third Street entirely across lot No. "5"

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 No. exceptions~~

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 obtained

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 Walter Mons On a Hundred and Fifty (\$150.00)
Dollars

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

WITNESS our hands and seals this 30th day of January

A. D. 1926.

Frank K. Neelam Seal
J. C. Tracy Seal
George S. Webster Seal
Seal

No. 6 Feb Sessions, 1926

ORDER

To view and assess damages to a road ~~to~~ Walter Mons use in the township of Cooper

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.

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	AM'T.

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 _____.

W. H. C. (Signature)

day off

Witness our hands and seals this,

A. D. 192

Seal

Fees

Fees of the public

W. A. Hagertry. Atty.

