

DOCKET No. 6

Number Term Year

8

Dec

1926

Petition for viewers to assess damages
to Calvin Rowles, Cooper Twp

Versus

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

In re: Reconstruction of :
Route No. 219 State Highway. :
Damages of Calvin Rowles. :

PETITION.

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

The petition of Calvin Rowles respectfully represents:-

(1). That he is the owner of a certain farm situate in Cooper Township, Clearfield County, Pennsylvania, containing approximately seventy-six (76) acres, bounded and described as follows:- Beginning at corner of Brown's land; thence by same N. 1°E. 110 perches to a corner; thence S. 89°E. 117 perches to a corner; thence by land of D. Wills S. 110 perches; thence by land of Isaac England 117 perches to corner and place of beginning. Containing 76 acres more or less.

Being the same premises which were conveyed to Calvin Rowles by George Hipple by deed dated April 16, 1921, recorded in Deed Book 248 page 549.

(2). That the State Highway Commissioner of the State of Pennsylvania has undertaken and proceeded with the construction of an improved State Highway, being Route No. 219, particularly the portion thereof between Kylertown and Snow Shoe, which passes through the farm of your petitioner aforesaid.

(3). That your petitioner has sustained damages by reason of the construction of said State Highway, the course of which has been considerable changed and upon which a change of width and existing lines and locations has been occasioned; and that the construction of said portion of the State Highway has proceeded so far that the grading thereof has been done.

(4). That your petitioner has been damaged by the taking of a substantial quantity of ground from his premises aforesaid, by injuries to his water line upon said premises making necessary

(5). That your petitioner has been unable to agree with the County Commissioners of Clearfield County on the amount of damages to be paid to your petitioner for the land appropriated and other injury resulting to your petitioner.

YOUR PETITIONER THEREFORE PRAYS your Honorable Court to appoint viewers to appear upon the premises and to view and assess the damages and injury for which your petitioner is entitled to receive compensation by reason of the appropriation of his land and the other injury incidental to the reconstruction and relocation of said State Highway.

cn Calvin Paul

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :SS

Calvin Rowles, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me

this 8 day of November,

A. D. 1926.

Gust F. Anderson
My Commission Expires
first Monday in Jan 1932

8 Dec. 22 1926

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY
PENNSYLVANIA.

In re: Reconstruction of
Route No. 219 State Highway.
Damages of Calvin Rowles.

PETITION

Now Nov 15th 1926
H. H. Warner Esq.,
Ed. Riddle & James
H. H. Warner are appointed
treasurers to receive and
report.

By the Court

FILED

NOV 15 1926

GEO. W. RALSTON
CLERK

W. WALLACE SMITH
ATTORNEY AT LAW
CLEARFIELD, PENNSYLVANIA

14.00

OF CLEARFIELD COUNTY,

Cahin Rowley

of Boyle Viewers Term, 19

No. _____

—Versus—

Clearfield County

At Clinton, N.Y. Bill of Costs
#8 Su Term, 1926.

At NY Term, 1926.

[illegible]

CLEARFIELD COUNTY, SS:

Personally appeared before me Calvin Parks, 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

day of Dec, A. D. 19 26
Geo W Kallitay, Prothonotary

Calvin Hawless

No. _____ Term, 19____

Versus

Bill of Costs

For _____ Term, 19____

Date _____ 19____

Amount — — — \$ _____

TO:- CALVIN,,ROWLES.

SIR.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania, to view and assess the damages that you sustained by the construction of the improved State Highway through your property situate in Cooper Township county and State aforesaid on Route number (219) Leading from the village of Kylertown in Clearfield county to the town of Snow Shoe, in Centre County:-

You are therefore hereby notified, That the said viewers will meet at your residence on your said farm in Cooper Township, county and State aforesaid on Friday November the twenty sixth (26th) 1926 at nine thirty (9.30) o'clock A. M. to view and inspect the said premises and perform the duty assign them of which time and place you will please take notice.

And that the hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in court,, in order to give the claimant with his witnesses if any as also the County Commissioners, with their witnesses if any a chance to be heard by the viewers before disposing of the claim of the claimant and the filing of their report in court ; Will be held in the Arbitration Room in the Court House in Clearfield Pa. on Saturday November the twenty seventh (27th) 1926 at nine thirty, (9.30) o'clock A. M. at which time and place all parties interested may attend and be heard.

A. G. Kramer
E. W. Billotte
J. M. Spang
VIEWERS.

Now November 19, 1926 service accepted fo claimant Calvin Rowles and personal service waived.

A. Hallen Inde

TO:- JESSE, E, DALE, T. R. WEIMER, AND, B, W, McCRACKEN;
COUNTY COMMISSIONERS OF CLEARFIELD, COUNTY; PENNSYLVANIA:-

SIRS;

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of the county and State aforesaid. to view and assess the damages if any that Calvin Rowles of Cooper Township county and State aforesaid by the construction of the State Highway through his property by the State Highway Department through his property situate in Cooper Township county and State aforesaid leading from the village of Kylertown in Clearfield County to the town of Snow Shoe in Centre County on route number (221) for which damages if any the county of Clearfield is liable.

You are therefore hereby notified, that the said viewers will meet on the said premises of the said Calvin Rowles in Cooper Township in the county of Clearfield and State aforesaid on Friday November twenty sixth (26th) A. D. 1926 at nine thirty (9.30) o'clock A. M. to view and inspect the said premises and perform the duty assigned them of which time and place you will please take notice.

And that the hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in court, in order to give the claimant with his witnesses if any as also the County Commissioners, with their witnesses if any a chance to be heard by the viewers before disposing of the claim of the claim of the claimant and the filing of their report in court; Will be held in the Arbitration Room in the Court House in Clearfield Pa. on Saturday November the twenty seventh (27th) 1926 at nine thirty (9.30) o'clock A. M. at which time and place all parties interested may attend and be heard.

A. L. Kramer
E. W. Bellotte
J. W. Shangle
VIEWERS.

Now November 18 1926 service accepted for the County Commissioners of Clearfield county Pennsylvania.


L. C. Morris
Clerk.

or the force thereof lessened by the construction of a concrete wall at the end of the ditch some three or four feet in height and several feet in length at a cost or expense of not less than twenty five (\$25.00) dollars. The viewers therefore assess the expense of the erection of a wall to check the force of the water at the expense of twenty five (\$25.00) dollars.

And in reference to his water pipe up next the State Highway the location thereof will have to be changed as the drain pipe is right over the water pipe therefore in order to protect the water pipe and keep it covered to protect it from the heat of the sun and from freezing and bursting in cold weather will have to be changed which will cost at least twenty (\$20.00) dollars, they therefore assess the expense or damages of changing the location of the water pipe up next the State road at the sum of twenty (\$20.00) dollars.

As to the claim for cost of the erection of a culvert or bridge across the drain at the upper side of the road to drive up from the State Highway into his field at the upper side of the road is not allowed for the reason that in the opinion of the viewers the bank part of the way is not so high but what he can easily drive over the same up into his field or down onto the road or Highway.

The viewers therefore assess the aggregate amount of the damages awarded the claimant Calvin Rowles two hundred and ten (\$210.00) dollars. in addition to the cost of the witnesses as per bill attached.



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 15th day of November in the year of our Lord one thousand nine hundred twenty six

Calvin Rowles

Judge of the same Court: Upon the petition of ~~XXXXXX~~
~~XXXXXX~~ of the Township of Cooper

in said County, setting forth that he is the owner of a certain farm situate in Cooper Twp. containing approximately 76 acres, bounded and describe as follows: Beginning at corner of Brown's land; thence by same N. 1° E 110 perches to a corner; thence S. 89° E. 117 perches to a corner; thence by land of D. Wills S. 110 perches; thence by land of Isaac England 117 perches to corner and place of beginning. Containing 76 Acres more or less. That the State Highway Commissioner has proceeded with the consruction of an improved Highway, being Route No. 219, particularly the portion between Kylertown and Snow Shoe, which passes through the farm of petition r. Your petitioner has sustained great damage by reason of said construction

and therefore, praying the Court to appoint proper persons to view and assess damages
~~XXXXXX~~
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 A.G. Kramer, Esq., Ed. Billotte 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 ~~and the Board of Supervisors of the Township of~~ Union Twp. and that Union Twp. notices thereof were posted along the route of the proposed road; that the said view would be held on the 30th day of November A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 27th day of Nov, 1926, at 9 o'clock A.M. That 7 viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Rowles

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 27th day of November A. D. 1926, when the following appearances were noted:

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 use the following described road, to wit Beginning

Claimant Calvin Rowles is the owner of a farm consisting of seventy six (76) acres of land in Cooper Township Clearfield County Pa through which the State Highway Commissioner by his contractor and employees has lately constructed a State Highway, thirty (30) feet in width including the drain and four feet bern on each side of concrete road bed through his land nine hundred and sixty seven (967) feet in length located on Route number sixty two (62) leading from the village of Kylertown in Cooper Township County and State aforesaid to the Borough of Snow - Shoe in Centre County and State aforesaid by which the claimant claims to be greatly damaged by the amount of his land taken by the change and the increase in the width of the road bed, by the ditches dug down through his fields to drain the water collected in large bodies by the drains on State Highway and flowed in the drains or ditches dug down through his fields to carry off said collections of the water by the dains along the sides of the State Highway by which his land is overflowed at the lower end of the said drains or ditches on his land. which drains and overflow of the water he claims does him considerable damage.

The amount of the land covered by the road bed through the claimant's land including the drains, along both sides of the road and the four foot bern on each side of the road is two thirds or six ninth $\frac{6}{9}$, of an acre; two ninth of which is on the old road bed for which the claimant is not entitled to any damages; The remaining four ninth of an acre the amount of the claimant's land taken is in the opinion of the viewers valuable land, they therefore assess the damages for the four ninth of the acre of land taken for the road bed at the sum of forty (\$40.00) dollars.

By the ditch or drain dug down over two hundred feet in length at the North East end of his farm some two hundred feet in length and from two to two and a half feet in width and about the same in depth to drain the water collected a distance for over nine hundred (900) feet in length on both sides of the said Highway where the said water is discharged in large quantity over the claimant's land whereby including the land destroyed by the ditch or drain at least one acre of his land is destroyed for farming purposes and of very little if any account or value whereby the claimant is damaged practically the full value of which is assessed by viewers at the sum of twenty five (\$25.00) dollars.

The drain at the south west end of his farm some four hundred feet in length and all of three feet in width by about the same in depth besides the land thereby destroyed by the ditch and the inconvenience of farming around said ditch or drain including the damage caused by the overflow of the volume of water at the lower end of the ditch by the water drained of the highway for several hundred feet in length and collected in the drain rushing down over a steep grade not only over flows the field at the lower of the ditch, but washes out the crops for quite a distance around and ruins the land for farming and washes out his water pipe and overflows and washes out and destroyed his lane or road from the highway to his buildings and puts him to considerable expense to keep his water pipe covered to keep it from freezing in cold freezing weather and to keep his lane or road in a condition fit to travel which in the opinion of the viewers can only be remedied or the force 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 4th day of December; _____
A. D. 1926.

A. P. Kramci. Seal
Edw. B. L. Jr. Seal
James M. H. H. Jr. Seal
James M. H. H. Jr. Seal

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. |
|----------------|------|-------|---------|
| A. G. Kramer | 4 | 56 | \$32.80 |
| E. D. Billotte | 3 | 84 | \$26.70 |
| J. W. Spangle | 3 | 136 | \$29.30 |

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_____.

Clerk.

COUNTY COMMISSIONERS

Per

NOW, December 4, 1926, notice of filing hereof accepted.

No. 8 Dec Sessions, 1926

ORDER

To view and assess damages a
ward for Calvin Rowles use in the
township of Cooper
Clearfield County
Now due 4th Dec 1926
Sessions, 19____,

read and confirmed Ni. Si. Road to be
opened 32 feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 16 feet wide.

By the Court
W. H. Chase

Now Jan 9th 1927

improved and
By the Court
W. H. Chase.

W. H. Chase.

Filed

Fees \$1.25 paid by _____

W. Wallace Smith, Atty.,

