

DOCKET No. 6

Number

9.

Term

Sept s

Year

1926

Petition of Olive G. Urey for viewers

to assess damages in Burnside Twp

Versus

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

In re- Construction of State	§ No.	September Sessions,
Highway Route No. 262.	§	1926.
	§	Petition of Olive G. Urey,
	§	et al, for appointment of
	§	viewers to assess damages.

To Hon. A. R. Chase, President Judge of said Court.

The petition of Olive G. Urey, of the Borough of Clearfield, County of Clearfield, and State of Pennsylvania, in her own behalf and in behalf of the other owners of the property hereinafter described, respectfully represents:

FIRST. That your petitioner with Clara White, widow of Otis W. White, Harriet M. White, Dora W. Lynch and Frances W. Bovard are the owners of a *all the* certain tract or parcel of land situate in the Township of Burnside, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

Beginning at a Pin Oak on the bank of the river, a corner of dam this day conveyed to George Atcheson, thence down the river North forty nine and one fourth degrees East eleven perches, thence North eighty and a half degrees East eighteen perches, thence North one degree West seventeen perches, thence North thirteen degrees West twenty perches, thence North seventy eight and three fourths degrees West seventeen perches, thence North forty six degrees and a half West twenty four and a half perches, thence North seven and a half degrees East twenty five perches, thence North twenty six and a half degrees East thirteen perches, thence North twelve and a half degrees West twenty seven perches, thence North seventy and three fourth degrees West eighteen and two tenths of a perch to the mouth of Cush Creek, thence up said creek South eighty six and three fourths of a degree West six perches, thence North thirteen and a half degrees West twelve perches, thence South sixty five and one fourth degree West eight perches, thence North seventy seven

degrees West twelve perches, thence South thirty seven and a half degrees West six perches, thence South fifty nine degrees East nine perches, thence South ten and a half degrees East four perches to a post, thence North seventy four degrees West two hundred and forty seven perches to a post, thence South twenty three and one fourth degrees West thirty perches to a pine, thence South seventy four degrees East one hundred and sixteen perches to a pine, thence South seventeen degrees West eighty four perches and five tenths of a perch to a post^x a corner of George Atcheson's land, thence by said George Atcheson's land South seventy four degrees East two hundred and twenty perches to the Pin Oak and place of beginning. Containing one hundred and sixty three acres and fourteen perches and allowance of six per cent for roads etc. Being the same premises which Fredrick B. Robinson and Willy Ann Robinson, his wife, by their Attorney in fact, Edward Shoemaker, by deed dated January 26, 1844, and recorded at Clearfield, Pennsylvania, in Deed Book "I" at page 287, granted and conveyed to Asa White who died April 1, 1886, ~~intestate~~, having by his last Will and Testament dated March 25, 1884, duly probated and recorded at Clearfield, Pennsylvania, in Will Book "C" at page 317, devised and bequeathed the above described premises to his son, Otis Wesley White, being the farm or old homestead on which the said Otis Wesley White resided when said will was executed, and the said Otis W. White having died April 28, 1908, intestate, the title to the above described premises vested in the said Clara White, widow, Olive G. White, now Olive G. Urey, Harriet M. White, Dora White, now Dora W. Lynch and Frances W. White, now Frances W. Bovard, his sole surviving heirs under the intestate laws of the State of Pennsylvania.

Excepting and reserving therefrom, four strips of land conveyed out of the above described premises by Otis W. White and wife for railroad right of way, and also excepting and reserving a piece of said land containing .967 of an acre which was conveyed to William A. Stancomb and which is located in the bend of the

river at some distance from said road or highway. X

SECOND. That the State Highway Commissioner of the State of Pennsylvania has undertaken, proceeded with and has relocated and constructed an improved State Highway known as Route No. 262 through the above described premises.

THIRD. That the owners of the above described premises have sustained damages by reason of the change of the existing lines and location and the construction of said road through said lands; that part of the land through which said road was relocated and constructed was wood land on which timber trees of various sizes were growing, that these trees were in healthy condition and were cut down by the employees of the State Highway Commissioner, moved off the line of the road bed and left on the adjoining property to rot; that the balance of the ground over which this Highway was located was a cleared field or meadow and the road was constructed through this field by making an excavation or cut and a small part of the field was ^{cut off and} left in such condition that it is ^{inaccessable and} practically useless to the owners; that the State Highway Commissioner took and appropriated a strip of land about 2150 feet in length and 50 feet in width in the construction of said road or highway through said premises.

FOURTH. That the construction of said road or highway through the above described lands has been completed and the owners thereof have been unable to agree with the County Commissioners of Clearfield County on the amount of damages to be paid to them for the land appropriated and for other injuries resulting to said owners from the construction of said road or State Highway as aforesaid.

Your petitioner therefore prays your Honorable Court to appoint viewers to ascertain and assess the damages that the owners of said land are entitled to receive by reason of the appropriation of their land and the other injuries to their property occassioned by the relocation and construction of said State Highway through the same.

Oliver G. Urey

STATE OF PENNSYLVANIA ()
COUNTY OF CLEARFIELD () SS:

Olive G. Urey, being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct to the best of her knowledge and belief.

Olive G. Urey

Sworn and subscribed to before me
this 17 day of May, A. D. 1926.

Geo W Patston
Notary

Now, May 1926, upon presentation of the foregoing
petition,
and are appointed viewers to view and
assess the damages to the premises described in the foregoing
petition under the Acts of Assembly relating thereto.

BY THE COURT _____

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

No. 9, Sept. Sessions, 1926.

In Re: Construction of

State Highway Route No. 268.

Petition for Assessment of

Damages.

Now May 18th 1926
John Scoblin, Harry
Reese, Ed James Spangle
are appointed assessors

By the Court
FILED
JUN 3 1926
GEO. W. RALSTON
CLERK

4.00 18th May

Urey.

Now May 18, 1926, service of notice of the
presentation of this petition is accepted for
the County Commissioners of Clearfield
County. L. C. Morris. Clerk.

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Beginning at a Pin Oak on the bank of the river, a corner of dam this day conveyed to Geo. Atcheson, thence down the river N. $49\frac{1}{4}^{\circ}$ E. 11 perches, thence N. $80\frac{1}{2}^{\circ}$ E. 18 perches, thence N. 1° W. 17 perches. thence N. 13° W. 20 perches, thence N. $78\frac{3}{4}^{\circ}$ W. 17 perches, thence N. $46\frac{1}{2}^{\circ}$ W. $24\frac{1}{2}$ perches, thence N. $7\frac{1}{2}^{\circ}$ E. 25 perches, thence N. $26\frac{1}{2}^{\circ}$ E. 13 perches, thence N. $12\frac{1}{2}^{\circ}$ W. 27 perches, thence N. $70\frac{3}{4}^{\circ}$ W. 18 $\frac{2}{10}$ of a perch to the mouth of Cosh Creek, thence up said creek S. $86\frac{3}{4}^{\circ}$ W. 6 perches, thence N. $13\frac{1}{2}^{\circ}$ W. 12 perches, thence S. $65\frac{1}{4}^{\circ}$ W. 8 perches, thence N. 77° W 12 perches, thence S. $37\frac{1}{2}^{\circ}$ W. 6 perches, thence S. 59° E. 9 perches, thence S. $10\frac{1}{2}^{\circ}$ E 4 perches to a post, thence 74° W. 247 perches to a post, thence S. $23\frac{1}{4}^{\circ}$ W. 30 perches to a pine, thence S. 74° E. 116 perches to a pine, thence S. 17° W. 84 perches and $\frac{5}{10}$ of a perch to a post at corner of Geo. ~~xxx~~ Atchesons land, thence by said Geo Atchesons land S. 74° E. 220 perches to the Pin Oak and place of beginning. Containing 163 acres and fourteen perches

That the owners of the above described premises have sustained damages by reason of the change of the existing lines and location and the construction of said road through said lands; that part of the land through which said road was relocated and constructed was wood land on which timber trees of various sizes were growing, that these trees were in healthy condition and were cut down by the employees of the State Highway Commissioner moved off the line of the road bed and left on the adjoining property to rot; that the balance of the ground over which this highway was located was a cleared field or meadow and the road was constructed through this field by making an excavation or cut and a small part of the field was cut off and left in such condition that it is inaccessible and practically useless to the owners; that the State Highway Commissioner took and appropriated a strip of land about 2150 feet in length and 50 feet in width in the construction of said road or highway through said premises.

To the County Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned vicars,
appointed by the Court of Quarter Sessions of Clearfield County to No. 9
September session, 1926, to view and assess damages done to the property of
Oltro C. Gray, Oltro White, Thelma White, and W. H. Gray and Laurence J.
Howard, being a certain tract or parcel of land situate in the township of
Franklin, in said County, bounded and described as follows:

Beginning at a pin set on the bank of the river, a
corner of land this day conveyed to Geo. H. Johnson, thence down the river N.
60 degrees E. 11 perches, thence N. 60 degrees E. 10 perches, thence N.
E. 17 perches, thence N. 15 degrees E. 10 perches, thence N. 70
degrees E. 17 perches, thence N. 60 degrees E. 10 perches, thence N. 70
degrees E. 10 perches, thence N. 60 degrees E. 10 perches, thence N. 12
degrees E. 17 perches, thence N. 70 degrees E. 10-0/20 perches to the north
of said tract, thence to said tract N. 60 degrees E. 6 perches, thence N.
60 degrees E. 17 perches, thence N. 60 degrees E. 6 perches, thence N. 70
degrees E. 10 perches, thence N. 60 degrees E. 6 perches, thence N. 60
degrees E. 9 perches, thence N. 10 degrees E. 6 perches to a post, thence
N. 60 degrees E. 10 perches to a post, thence N. 60 degrees E. 10 perches to
a pine, thence N. 70 degrees E. 10 perches to a pine, thence N. 17 degrees
E. 10 perches and 5/10 of a perch to a post at corner of Geo. H. Johnson land,
thence by said Geo. H. Johnson land N. 70 degrees E. 10 perches to the pin
at said place of beginning, containing 100 acres and fourteen perches.

will meet at the above described premises in said township on Thursday, the
23rd day of July, A.D. 1926, at eleven (11:00) o'clock A. M., to attend to the
business assigned them: all parties interested will take notice.

And that the public hearing as required by Act of Assembly
and Rules of Court to be held by the vicars before the filing of their report
in Court, in order to give all parties interested in the said damages an oppor-
tunity to be heard, will be held in the Adversary Room in the Court House in
Clearfield on Friday, the 24th day of July, A.D. 1926 at ten (10) o'clock A. M.,
or as soon thereafter as counsel can be heard, at which time and place all parties
interested may attend and be heard.

Dated, June 15th, 1926
Clearfield County, SS:

Now, this 19th day of June, A.D. 1926, service of the above
notice is accepted for the Commissioners of Clearfield County.

John Collins
Harry Reese
James Spangle

L. C. Morris
Clerk

To JOHN M. UREY, Esq., Attorney for Petitioners:-

That the said petitioners, Olive C. Urey, Clara White, Harriet M. White, Dora W. Lynch and Frances W. Bovard, do hereby certify that the within and foregoing is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926, and that the same is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926, and that the same is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926.

That the said petitioners, Olive C. Urey, Clara White, Harriet M. White, Dora W. Lynch and Frances W. Bovard, do hereby certify that the within and foregoing is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926, and that the same is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926, and that the same is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926.

That the said petitioners, Olive C. Urey, Clara White, Harriet M. White, Dora W. Lynch and Frances W. Bovard, do hereby certify that the within and foregoing is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926, and that the same is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926, and that the same is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926.

That the said petitioners, Olive C. Urey, Clara White, Harriet M. White, Dora W. Lynch and Frances W. Bovard, do hereby certify that the within and foregoing is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926, and that the same is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926, and that the same is a true and correct copy of the petition filed in the County of Clearfield, Pennsylvania, on the 17th day of June, A.D. 1926.

Clearfield County, -SS:

Now, this 17th day of June, A.D. 1926, service of the above notice is accepted for Olive C. Urey, Clara White, Harriet M. White, Dora W. Lynch and Frances W. Bovard, within named petitioners.

John Collins
Harry Reese
James Spangle

John M. Urey
Attorney for Petitioners

CLEARFIELD COUNTY PA.
VIEWED ON A QUESTION OF DAMAGE
JULY 8-1926 BY JOHN SCOLLINS ESQ.
SCALE 1" = 200' H.A. REESE
J.W. SPANGLE

BURNSIDE TOWNSHIP

TIMBER LAND

OTIS WHITE ESTATE

CLEARED LAND

HOFFMAN FARM

ALL NEW LOCATION 2007
NEW STATE HIGHWAY AVERAGE WIDTH 44'

JOHN SCOLLINS

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 3rd day of June
in the year of our Lord one thousand nine hundred
twenty six

Olive G. Urey, Clara White, Harriet M. White, Dora W. Lynch
and Frances W. Bovard

Judge of the same Court: Upon the petition of ~~xxxxxx~~
~~xxxxxx~~ of the Township of Burnside

in said County, setting forth that they are the owners of land
situate in Burnside Township bounded and described as follows:

assess damages
and therefore, praying the Court to appoint proper persons to view and ~~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 John Scollins, Esq.
Harry Reese 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 judgment, 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~~ ^{damages}
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~~
^{Said damages} ~~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~~ ^{damages}, 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 Viewers of the County of Clearfield~~ Olive G. Urey, Clara White, Harriet M. White, Dora W. Lynch and Frances W. Bovard, petitioners; and that ~~three~~ three notices thereof were posted along the route of the proposed road, that the said view would be held on the 8th day of July A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 9th day of July, 1926, at 10:00 o'clock A.M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Olive G. Urey, with John M. Urey, Esq., Attorney for petitioners, and Frank Urey,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 9th day of July A. D. 1926, when the following appearances were noted: John M. Urey, Esq., Attorney for petitioners; J. E. Dale and B. W. McCracken, County Commissioners, with Frank G. Smith, Esq., for County Solicitor; Chas. McGee, Miles Wrigley, D. E. Baird and Frank Urey, witnesses on behalf of petitioners; Olive G. Urey, petitioner, and witnesses each being duly sworn, examined and cross-examined by Counsel and your Board.

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~~ damages have been sustained by the petitioners.

We further find that the Department of Highways of Pennsylvania, about the year 1922, undertook, proceeded with, relocated and constructed as a permanent Highway Route No. 262 from Mahaffey to Glen Campbell (From Indiana to Clearfield via Glen Campbell and Mahaffey) through petitioners' land, and that by the taking, relocation and construction thereof a strip of petitioners' land of an average width of 44 feet and 2007 feet in length was taken; approximately 1-2/3 acres of which was woodland with growing timber of various sizes, mostly hard-wood, and were cut down, and removed and allowed to rot; and approximately 2 1/4 acres was cleared land, through which excavations were made; cutting off a part thereof and rendering it inaccessible and of no practical use to the petitioners. The amount of damage as testified to by the petitioners and witnesses is \$800.00 to \$1000.00.

After viewing the premises and conditions and hearing the evidence, and taking into consideration the benefits accruing thereto by reason of the improvement of said Route No. 262 as a permanent Highway, your viewers are of the opinion that the foregoing estimates are excessive; but that the petitioners should be compensated for the land taken and occupied and the damages caused them.

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: To Olive G. Urey, Clara White, Harriet M. White, Dora W. Lynch and Frances W. Bovard: Four Hundred and twenty-five (\$425.00) Dollars.

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

WITNESS our hands and seals this 20th day of August
A. D. 1926.

John E. Reed Seal
W. H. Reese Seal
James W. Hargis Seal
Seal

No. 9 Sept Sessions, 19 26

ORDER

To view and assess damages to
~~road~~ Olive G. Urey use in the
township of Burnside
Clearfield County

John M. Urey
Sessions, 19 26

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.

By the court
J. M. Urey
P. J.

Filed _____
Fees \$1.25 paid by _____

John M. Urey, Atty.,

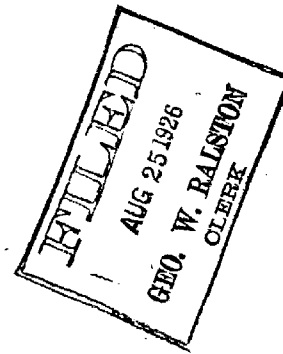
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	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 ensembling 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