

DOCKET No. 6

Number Term Year

1 Dec 25 1927

Petition of G.W. Beck for Appt. of  
viewers to Assess damage in Surdy

Pl.

Versus

TO THE HONORABLE THE JUDGE OF THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY:

The petition of G. W. BECK respectfully represents:

First: That he is the owner of a certain lot or piece of land situate in the Township of Sandy, Clearfield County, Pennsylvania, bordering along or upon a state highway known as Route No. , and is a resident and citizen of the Township of Sandy, County of Clearfield and State of Pennsylvania.

Second: That the Highway Department of the Commonwealth of Pennsylvania in improving, changing and otherwise repairing the said highway leading from the City of DuBois through the Township of Sandy, at the juncture of the Buffalo-Pittsburgh Highway and the Lakes-to-Sea Highway, in said Township, changed the roadbed directly in front of the premises of your petitioner, moving the roadbed in a Southeasterly direction, to and upon the premises of your petitioner, taking a part of the ground of your petitioner, shade trees, fence and other improvements between the dwelling house of your petitioner and the original boundaries of the former highway, which greatly and seriously damaged the property of your petitioner, reduced its value materially, and considerably interferes with and prevents the proper use and enjoyment of said property by your petitioner.

Third: That under and by virtue of the laws of the Commonwealth of Pennsylvania, the County of Clearfield is responsible for said damages; that your petitioner has endeavored to obtain a satisfactory settlement from the Commissioners of the County of Clearfield, for the damages sustained by your petitioner, by reason of the alteration and change of the said highway, but the Commissioners and your petitioner cannot agree upon the amount of damages which would justly and fairly compensate your petitioner for the injuries sustained by him.

Fourth: Your petitioner therefore prays your honorable Court to appoint viewers as provided by the laws of the State of Pennsylvania to view and assess the damages sustained by your petitioner, by reason of the reconstruction and altering the course of said highway.

And he will ever pray, etc.

G W Beck

State of Pennsylvania  
ss:  
County of Clearfield

G. W. Beck being duly sworn according to law, deposes and says that the facts contained in the foregoing Petition are correct and true.

G W Beck

Sworn and subscribed before me  
this 31st day of August, 1927.

Dorsey D. Neff

COMMISSIONER MARY 1932

NOW, .... day of September, 1927, within petition  
read and considered, and ..... and  
..... and .....  
are hereby appointed Viewers, to view and assess the damages to the  
lands and buildings of G. W. Beck, situate in the Township of Sandy,  
County of Clearfield and State of Pennsylvania, and to arrive at a  
just and fair award of the damages sustained by the said G. W. Beck  
by reason of the reconstruction, relaying and otherwise altering  
that portion of the State Highway known as Route No. , through  
the premises of the said G. W. Beck, and report the same to this  
Court on or before the ..... day of ..... , 1927.

BY THE COURT

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J.P.

IN THE COURT OF QUARTER SESSIONS  
OF THE COUNTY OF CLEARFIELD

1 Dec 1937

G. W. BECK

-vs-

COUNTY OF CLEARFIELD

P E T I T I O N

Done Sept 6<sup>th</sup> 1937  
Frank Hutton Esq.  
J. E. Tye Esq.  
Geo. W. Beck Esq.  
and others are  
affidated herein  
to view and may  
be the cause  
of action  
of the plaintiff

L. L. Bayer, Esq.  
Baldwin & Senn.

SEP 6 PENTZ & PENTZ  
GEO. W. ATTORNEYS AT LAW  
C. A. BOIS, PA  
C. A. BOIS, PA

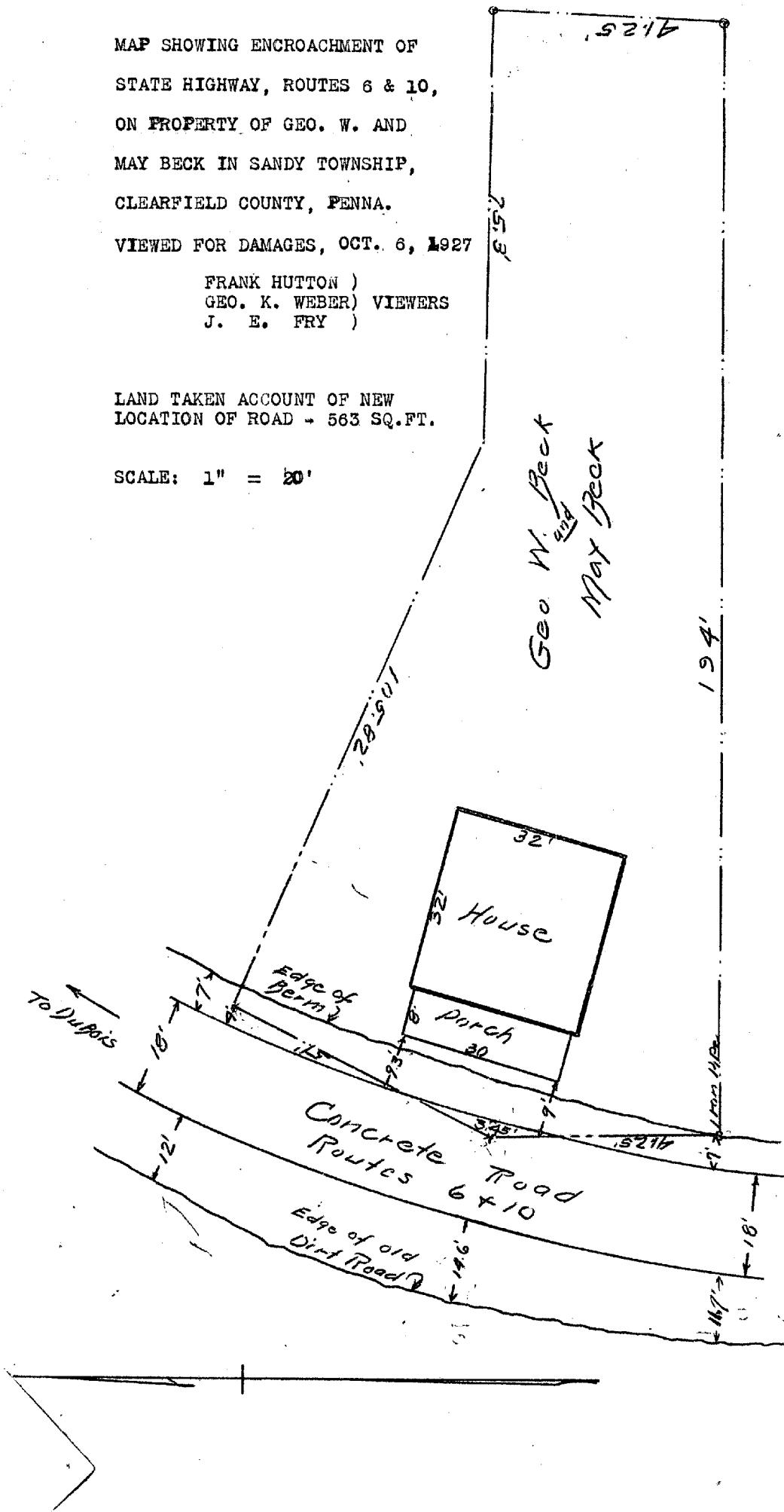
That the Highway Department of the Commonwealth of Penna. in improving, changing and otherwise repairing the said highway leading from the City of DuBois through the township of Sandy, at the juncture of the Buffalo-Pittsburgh Highway and the Lakes-to-Sea Highway, in said township, changed the road bed directly in front of the premises of your petitioner, moving the roadbed in a southeasterly direction, to and upon the premises of your petitioner, taking a part of the ground of your petitioner, shade trees, fence and other improvements between the dwelling house of your petitioner and the original boundaries of the former highway which greatly and seriously damaged the property of your petitioner, reduced its value materially, and considerably interferes with and prevents the proper use and enjoyment of said property by your petitioner, and has been unable to obtain a satisfactory settlement from the commissioners of Clearfield County.

MAP SHOWING ENCROACHMENT OF  
STATE HIGHWAY, ROUTES 6 & 10,  
ON PROPERTY OF GEO. W. AND  
MAY BECK IN SANDY TOWNSHIP,  
CLEARFIELD COUNTY, PENNA.  
VIEWED FOR DAMAGES, OCT. 6, 1

FRANK HUTTON )  
GEO. K. WEBER) VIEWERS  
J. E. FRY )

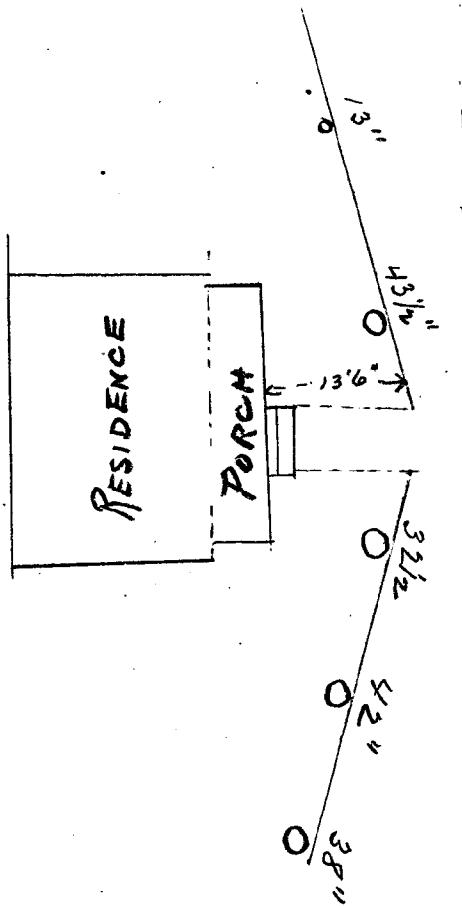
LAND TAKEN ACCOUNT OF NEW  
LOCATION OF ROAD + 563 SQ.FT.

SCALE: 1" = 20'



To the ground

off



5 tree, circumference taken three  
feet from ground, in inches.  
Distance from porch to gate  
posts 13 1/2 feet.  
June 26-1927. J. P. Thompson  
J. P. Thompson

Benefits  
Damage sole  
water.  
condition.

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

TO THE COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You and each of you are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions for the County of Clearfield to view the Damages alleged to be done the property of G.W. Beck in Sandy Township by the repairing and reconstruction of State Highway, commonly known as the B. P. Highway will meet for the purposes of their appointment at the residence of G.W. Beck, in the Township of Sandy, in the County of Clearfield, on Thursday the 6th day of October 1927, at 8:30 O'clock A.M. to attend to the duties assigned them.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield, in the County of Clearfield on Friday the 7th day of October 1927 at 9:30 O'clock A.M. when and where all interested parties may attend and be heard.

Frank Hyatt  
J. E. Gray  
Geo H. Ober  
Viewers

DuBois, Pa. Sept. 21st 1927.

Now, Sept. 22, 1927, service of above notice is accepted for the County Commissioners.

L. C. Morris, Clerk

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

To G.W.Beck:

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions for the County of Clearfield to view the Damages alleged to be done to your property in Sandy Township, caused by the repairing, reconstruction and relocation of State Highway, commonly known as the B.P.Highway will meet for the purposes of their appointment at the residence of G.W.Beck, in the Township of Sandy, in the County of Clearfield, on <sup>Tuesday</sup> Thursday the 6th day of October 1927 at 8:30 o'clock A.M. to attend to the duties assigned them.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield, on <sup>Friday</sup> the 7th day of October 1927 at 9:30 o'clock A.M. when and where all interested parties may attend and be heard.

Frank Hultin  
J. E. Fry  
Geo K. Glauber  
Viewers

DuBois, Pa. Sept. 21st 1927

Now Sept 23<sup>rd</sup> 1927 Service of the above notice is accepted for G.W.Beck.

B. B. - John J. Pawz  
Atty for G.W.Beck

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 6th day of September in the year of our Lord one thousand nine hundred twenty seven

G. N. Beck

Judge of the same Court: Upon the petition of ~~sandy~~ inhabitants of the Township of Sandy in said County, setting forth that he is the owner of a certain lot or piece of land situate in the Township of Sandy, bordering along or upon a state highway known as Route No. and is a resident and citizen of the Township of Sandy, Clearfield County,

and therefore, praying the Court to appoint proper persons to view and ~~assess~~ damages 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 and report limits) 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 sixth day of October

A. D. 1927, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield Pa., on the 7th day of October, 1927, at 9:30 o'clock A.M. That fixed in notice all viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view G.W.Beck

Community rooms in the City of DuBois  
parties in interest. That the hearing was held in the ~~Arbitration Room in the Court House~~, at Clearfield Pa., on the seventh day of October A. D. 1927, when the following appearances were noted: F.G.Smith Esq. Counsel for the County Commissioners  
J.E.Dale, B.W.McCracken and T.E.Weimer, County Commissioners and  
L.E.Boyer Esq and John J.Pentz Esq., Attys for petitioner, G.W.Beck  
petitioner, J.H.Pifer, F.M.Timlin and Fred Loeb witnesses on behalf of  
the petitioner who were severally sworn and examined by Counsel and View  
ers

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 Your Viewers find that at the time G.W.Beck, petitioner in this  
case acquired the property involved in this action some yrs ago and  
at that time the State had constructed a Macadam Highway along it, which  
Highway was some 13 feet distant from the front entrance to his resi-  
dence. That during the year 1927 the Highway Dept has replaced said  
Macadam, with concrete and in so doing relocated the Highway in order  
to reduce a curve in part and in so doing took possession of 563 sq.ft.  
of petitioners land and the road with berm was brought to within about  
two feet of petitioners front porch Causing the removal of an iron front  
fence and five maple shade trees running from 13 to 43 inches in cir-  
cumference, and the foot walk along the front of his home.

That the traffic along said Highway is very heavy and at this point  
and for some considerable distance on either side of petitioners resi-  
dence the land is layed out in lots and buildings erected thereon which  
necessitates a foot walk in front of these properties for use of pedes-  
trians.

That in order to provide a foot walk and also for the proper  
enjoyment of his home as existed prior to the relocation of said High-  
way it will be necessary for the petitioner to move his house back  
from its present location, a distance sufficient for foot walk and ordi-  
nary use and enjoyment of residence.

That petitioner is not benefitted by this Highway any more than oth-  
ers in his locality or the public in general and aside from the taking  
of his land and the destruction of fine well grown shade trees he is  
confronted with the expense of the construction of a new wall in part,  
and in moving his residence back a reasonable distance from the Highway  
to have ordinary and reasonable enjoyment of occupancy.

The evidence offered fixed the amt. of damages sustained by the peti-  
tioner as usual in such hearings varied from \$1500.00 to \$3000.00.

The witnesses were all reputable and substantial business men of the  
vicinity one of which was an expert real estate man and all the witness-  
es impressed the viewers as being desirous of being fair to both parties  
in this action.

The Viewers agree that the property of G.W.Beck has been materially  
damaged by the re-location of said Highway and have fixed the amount of  
said damages at Fourteen Hundred (\$1400.00) dollars, which sum is awarded  
him.

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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 releases procured

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 G.W. Beck the sum of Fourteen Hundred (\$1400.00)  
Dollars

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

WITNESS our hands and seals this 8th day of October  
A. D. 1927.

*Joseph Hutton* Seal  
*E. May* Seal  
*George K. Walker* Seal  
*J. G. G.* Seal

No. 1 December Sessions, 19 27

## ORDER

To view and assess damages to  
W~~alk~~ for G. W. BECK ~~as~~ in the  
township of SANDY  
Clearfield County \_\_\_\_\_  
Sessions, 19 \_\_\_\_\_,

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.
Geo. K. Weber	2	9	15.90
J. E. Fry	3	0	22.50
Frank Hutton	3	0	22.50

## 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. 1927 \_\_\_\_\_.

19 \_\_\_\_\_,  
Filed  
Fees \$1.25 paid by \_\_\_\_\_  
L. E. Boyer, Atty.,



Seal  
Seal  
Seal  
Seal