

oad DOCKET No. 6

Number	Term	Year
2	Sept ss	1927

Petition for Appt. of viewers to
assess damages in Pike Twp.

Versus

+

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

Mary Laura Hile : No. September Session 1927.
vs :
Clearfield County :

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

Petition of Mrs. Mary L. Hile respectfully
represents:-

FIRST: That she is the owner of a certain tract of land situate in Pike Township, Clearfield County, bounded and described as follows:- BEGINNING at a post low water mark, of the West Branch of the Susquehanna River in line between John L. Krebs land and part hereby conveyed, said post being the southwest corner of the Hile tract hereby conveyed; thence along the John L. Krebs line north eighty-five degrees (85) and fifty-five minutes (55) west two thousand seven hundred and sixty-nine and two tenths feet (2769.2) to a post in John L. Krebs line on the west side of the N. Y. C. & Hudson River Railroad right-of-way north five degrees (5) and ten minutes (10) west four hundred feet (400) to post in line of said right-of-way and Chas. Bowers of which this is a part, south seventy-nine degrees (79) and thirty-five minutes (35) west nine hundred fifty-five and two tenths feet (955.2) to post in line of other lands of said Chas. Bowers on the west side of the State Highway leading from Curwensville to Lumber City; thence along said Highway toward Curwensville the following three courses and distances; north forty-one degrees (41) and forty minutes (40) west six hundred eighty-three and three tenths feet (683.3); north thirty-three degrees (33) and fifty-nine minutes (59) west five hundred thirty-two minutes (32) west one hundred fifty-eight and two tenths feet (158.2) to post in line on north side of said State Highway and low water mark of the West Branch of the Susquehanna River; thence up the low water mark of the said river the following three courses and distances, south sixty-five degrees (65) and one minute (1) east three hundred and ten feet (310) feet south seventy-nine degrees (79) and fifty-four minutes (54) east two hundred seventy-one and three tenths feet (271.3) south eighty-eight degrees (88) and thirty-three minutes (33) east three hundred thirty-five and five tenths feet (335.5); south eighty-four degrees (84) and sixteen minutes (16) east seven hundred and twenty-one feet (721); north eighty-six degrees (86) and three minutes (3) east eight hundred ninety and five tenths feet (890.5); south seventy-seven degrees (77) and forty-four minutes (44) east two hundred forty-four and three tenths feet (244.3)

south forty-nine degrees (49) and forty-one minutes (41) east two hundred ninety-feet (290); south sixty-five degrees (65) and thirty-five minutes (35) east three hundred ninety-nine and four tenths feet (399.4); south seventy-nine degrees (79) and thirty-eight minutes (38) east six hundred thirty-nine and nine tenths feet (639.9); south sixty-three degrees (63) and twenty two minutes (22) east four hundred twenty-nine and eight tenths feet (429.8); south thirty-seven degrees (37) and twenty-nine minutes (29) east two hundred seventy-eight and two tenths feet (278.2); south thirteen degrees (13) and fifty-five minutes (55) east two hundred forty feet (240); south forty-minutes (40) and seventeen minutes (17) west one hundred fifty-nine feet (159) to post in line of low water mark of the West Branch of the Susquehanna River and John M. Krebs lands and place of beginning. Containing eighty-four and nine one hundredths acres (84.09) neat measure.

Excepting and reserving, however, the right-of-way of the N. Y. C. & Hudson River Railroad previously granted to said corporation by D. W. Hile as now marked out and in actual operation, being a strip of ground one hundred feet (100) wide across said tract on a course north five degrees (5) and ten minutes (10) west a distance of one thousand fifty feet (1050).

Also, all that certain tract of land situate in Pike Township beginning at a post in John M. Krebs line on the west side of the State Highway leading from Curwensville to Lumber City, the same being the south west corner of tract hereby conveyed; thence along said Krebs line north eighty-five degrees (85) and fifty-five minutes (55) west six hundred twenty feet (620) to post in line between Krebs and Chas. Bowers land; thence along other lands of Chas. Bowers of which this is a part north four degrees (4) and five minutes (5) east one hundred seven feet (107) to post; thence still along lands of Chas. Bowers south eight degrees (8) and fifty-five minutes (55) east five hundred thirty-nine and five tenths (539.5) feet to post in line on west side of State Highway leading from Curwensville to Lumber City; thence along said west side of said Highway south thirty-four degrees (34) and fifty minutes (50) east one hundred thirty-three and five tenths feet (133.5) to post on west side of said Highway and place of beginning. Containing one and one half acres (1½), neat measure.

The second above described tract of land being parts of a larger tract conveyed by D. W. Hile and wife to Chas Bowers, Grantor herein by ded dated October 15, 1919 recorded in Deed Book 239 at page 370.

Reserving and excepting to Chas. Bowers, his heirs and assigns a right-of-way from the line of the N. Y. C. and Hudson River Railroad Company through, over and upon said tracts or pieces of said ground to other lands of said Grantor, lying north west of the said public road leading from Curwensville to Lumber City with the right to construct thereon any Railroad, tram road or other improvements necessary and convenient for operating the minerals from said other lands of the Grantor, and other lands operated in connection therewith by Grantor, his heirs and assigns.

This Deed made the 12th day of February A.D., 1921 recorded in Deed Book 251 at page 225 and 226.

SECOND: That a public road has been built and has long existed lying and running from the Borough of Curwensville

to the Borough of Lumber City all of which lies in the County of Clearfield.

THIRD: The aforesaid public road has been improved as a permanent Highway by action of the Commonwealth of Pennsylvania being known and designated as Route #62 in the Highway system of the Commonwealth of Pennsylvania as provided for by the Act of May 31, 1911 P. L. 468 Section 6.

FOURTH: That the road as re-located has necessitated a change in the line and location of the road as formerly used and has necessitated a new location and taking by the Commonwealth of a strip of land through the above described property.

FIFTH: That the Commonwealth of Pennsylvania by its officers, agents and contractors went upon the said land and took a material portion thereof for Highway purposes and in construction of said Highway and leveling and grading of said road have caused fills and in some places cuts, in others as well as open ditches through said property so that the use and occupation of said property is impossible for habitation.

SIXTH: That by reason of the character of the cuts on said land the ingress into and regress from said house is rendered difficult.

SEVENTH: That as a result of said taking by the Commonwealth of Pennsylvania and the actions of its agents, officers and contractors the market value of said property has been greatly lessened and greatly diminished.

WHEREFORE your petitioner prays that your Honorable Court appoint Viewers to appraise and determine the damages so suffered and that such Viewers appointed may be had provided by the Acts of Assembly relating thereto.

Mary L. Hile

STATE OF PENNSYLVANIA :
 : SS
COUNTY OF CHESTER :

Before me the subscriber hereto came Mary Laura
Hile who 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.

Mary L. Hile

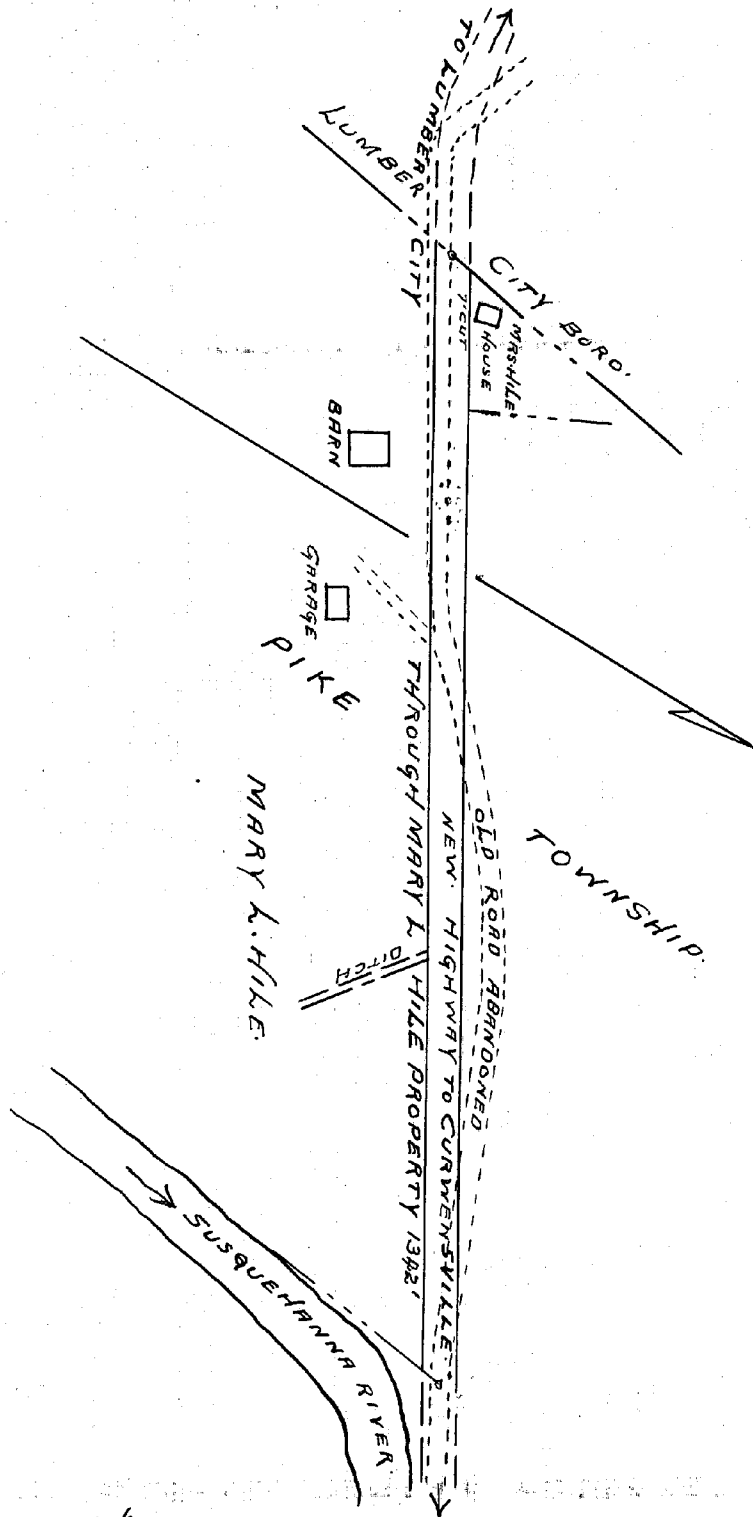
Sworn and subscribed to before me
this day of June A.D., 1927.

Now, June 1927, 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

LAND IN PIKE TOWNSHIP
CLEARFIELD COUNTY PA
VIEWED UPON A QUESTION OF DAMAGE
JULY 6 - 1927 BY
FRANK HUTTON ESQ.
H. A. REESE
J. W. SPANGLER



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 and assess the Damages alleged to be done to the property of Mary Laura Hile in the Township of Pike in the change of location and construction of the State Highway running from the Borough of Curwensville to the Borough of Lumber City, which Highway is known and designated in the Highway System of the Commonwealth of Pennsylvania, as Route No. 62, Will meet on the premises of said Mary Laura Hile, to be viewed, in Pike Tpwnship on Wednesday the 6th day of July, 1927, to attend to the duties assigned them, at 9:30 o'clock A.M.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield, in said County, on Thursday the 7th day of July 1927 at 9 o'clock A.M. when and where you may attend and be heard.

Frank Sutton
Harry Reese
James Spangli
Viewers

DuBois, Pa. June 21st 1927.

Now, June 24 1927, 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 6th day of June
in the year of our Lord one thousand nine hundred
twenty seven

Mrs. Mary Laura Hile

Judge of the same Court: Upon the petition of ~~sundry~~
~~Roberts~~ of the Township of Pike
in said County, setting forth that

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.,
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 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~~ ^{Grand Jury} 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 July A. D. 1927, and the hearing to be held in the ~~Arbitration~~ ^{Grand Jury} Room, at the Court House, in Clearfield, Pa., on the seventh day of July, 1927, at 9 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 Mary Laura Hile, petitioner

^{Grand Jury} parties in interest. That the hearing was held in the ~~Arbitration~~ ^{Grand Jury} Room, in the Court House, at Clearfield, Pa., on the seventh day of July A. D. 1927, when the following appearances were noted: Hon. Singleton Bell, Of Bell, Boulton and Forsyth attys for the petitioner and Frank G. Smith atty for the County Commissioners, Mary Laura Hile the petitioner, Lippinger Shirey, Kline Farwell, and C.O. Norris, the last three of whom were sworn examined and ~~cross~~ ^{cross} examined by Attorneys and Viewers

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~~ 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~~ ^{beginning} The Viewers found on viewing the premises, that approximately seven tenths of an acre of petitioners land has been taken and occupied by the Highway Department in changing the location of the road under construction from where the old road had been located. At the end of the road on petitioners premises, and adjacent to the Lumber City Borough line and in front of where her dwelling house is located, the Highway Department has occupied a portion of the old roadway and a small strip of land of the Petitioner and so cut and created an embankment on the residence side of the road from four to ^{seven} ~~five~~ feet in height, the edge of said cut or embankment nearest the house being about seven feet from the house

A cut for an approach to the house has been made, which permits an entrance from the roadway to the rear of the house but no entrance from the road to the front of the house is now on the ground nor does it seem feasible to make one; The house is old, witness Farwell says he is 52 yrs old and its been there since he was a child, and it is in a fair condition for an old house.

The damages claimed and pressed for centers about the conditions in which this house is left by the Highway Department.

Mr Shirey testified that the property as a whole was damaged by the construction of this Highway to the extent of \$3000.00.

Mr Farwell fixed the damages at \$1000.00, eight hundred dollars which he would utilize in moving the house from where it now stands to another location across the Highway from where it is now lo-

cated. Witness Norris fixed the damages at \$700.00

The Petitioner did not testify, but stated generally that she felt the only practical solution was either to move the house to a new location across the Highway or tear it down and rebuild on such new location. The Viewers feel it to ^{be} their duty to deal with conditions as they find them on view. The house is no higher above the Highway than it was before, but being some closer to highway Its elevation is accentuated and approaches to it more difficult whether this house is, or is not moved is a matter entirely within the discretion of the petitioner and not a matter for either the viewers or the County, the house was where it now is before the Highway was constructed, it is still there with approach thereto more difficult and after approach is made, greater inconvenience of user, in that the outside entrance to the cellar happens to be on the corner nearest the Highway where there is insufficient room to drive to load or unload produce

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 Mary Laura Hile, the sum of Three Hundred and Seventy Five (\$375.00) dollars

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

WITNESS our hands and seals this eighth day of July
A. D. 192⁷.

Frank Hutton Seal

H. B. Reese Seal

James W. Spangle 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.
<i>W. A. Reese</i>	4	66	96.60
<i>J. W. Spaulding</i>	3	50	27.50
<i>Frank Miller</i>	3	07	25.20

No. 2 Sept Sessions, 19 27

ORDER

To view and Assess damages to
Harry Laura Hile
road for ~~use of the~~
township of Pike
Clearfield County

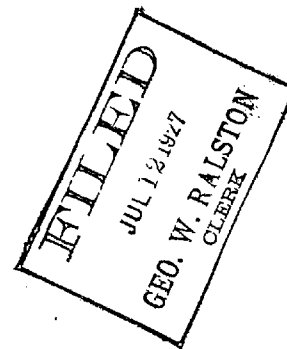
Sessions, 19

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.

New August 1st 1927
Report confirmed.
By the Court
J. W. Spaulding
Pf

Filed _____ 19
Fees \$1.25 paid by _____

Bell, Boulton & Forsyth, Attys.



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 enrolling 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