

Road

DOCKET No. 6

Number	Term	Year
10	Sept ss	1927

Petition for appt. of viewers of

Charles Addleman for Pike Twp

Versus

To the Commissioners of Clearfield County:-

This is to give you notice that Charles Addleman of Curwensville is going to present the petition to the President Judge of the Court of Quarter Sessions on Monday morning July 25th asking them to appoint Viewers to assess damages to his land situated in Pike Township, by putting an improved road through his land leading from Curwensville to Lumber City.

July 22, 1927, accept. L. C. Morris
Ed service for Clerk.
County Commissioners.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

To the Honorable the Judge of said Court:

The petition of Charles Addleman respectfully represents:-

That he is the owner of one hundred twenty-nine (129) acres of land situated on the road leading from Curwensville to Lumber City in the Township of pike in said County of Clearfield and State of Pennsylvania bounded by the lands of Leo Smith on the Southwest, Mar McCleur on the Northwest, Wilson McCleur on the North and Joe Dale on the North and East, Reuben Whittaker on the East and on the South by the Susquehanna River. That the public road leading from Curwensville to Lumber City passes through said land of the said petitioner, that the State Highway Department is improving said Highway and have changed the route of same and taken about Fourteen Hundred (1400) feet, more or less.

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.

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.

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.

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

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. *Chas. Addleman*

CLEARFIELD COUNTY: SS

Personally appeared before me the subscriber Charles Addleman above named petitioner who being duly sworn according to law says that the above stated facts are true and correct to the best of his knowledge and belief.

Chas. Addleman

Sworn and subscribed to before :
me this 12 day of July A.D. 1927:

Geo W. Palston
Prothonotary

Mo 10 Sept 22, 1927

IN THE COURT OF QUARTER SESSIONS OF

CLEARFIELD COUNTY, PENNA.

CHARLES AUJERIAN

VS

CLEARFIELD COUNTY

PETITION

Now August 1st, 1927
Samuel Palmer, Sol Ralston,
and James Spangler,
by the const.
A. M. Kline

FILED

AUG 1 1927

EC. M. RALSTON

CLERK

W. A. JONES
ATTORNEY AT LAW
CLEARFIELD, PA.

Chas Adderman }
or
Elk County }

Jeff Bell of Cut off bearing before
river.

R. H. Atteale	1 day	9	Hook	3.81
W. R. Morris	1 day	8	"	3.48
Chas. Calman	1 "	12	"	3.72
Agave New	1 "	8	"	3.48
Geo. Adderman	1 "	8	"	3.48

Chas Adderman

Chas Adderman being duly
sworn, says the above names, Nelson
over Malina and in Cut off above,
Sworn & Subscribed

Chas Adderman }
Geo. W. Ralston }
Geo. W. Ralston }
D. L. Ralston }
D. L. Ralston }

TO JESSE, E, DALE, T, M, WEIMER AND B, W, McCACKEN.
County Commissioners of Clearfield County Pennsylvania.

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 Charles Addleman, the claimant sustained by the construction of the State Highway from Lumber City Borough to the Borough of Curwensville through his property situate in Pike Township county and State aforesaid, Bounded and described as follows, to wit. On the South west by land of Leo Smith, On the North West by Mar McClure, on the North by Wilson McClure, On the North East by Joe Dale, On the East by Reuben Whittaker, and on the South by the Susquehanna River.

Through which the State Highway Commissioner by his contractor and employees is now constructing the aforesaid State Highway leading from Lumber City to Curwenstville on Route Number sixty two (62) for which damages if any the County of Clearfield is liable.

You are therefore hereby notified, that the said viewers will meet on the premises of the said petitioner in Pike Township county and State aforesaid on Tuesday August the sixteenth (16th) 1927 at one thirty (1.30) o'clock P. M. to view and inspect the said premises of which time and place you will please take notice.

And that the public 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 as also the County Commissioners with their witnesses if any a chance to appear and be heard by the viewers before the filing of their report in court will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday August the seventeenth (17th) 1927 at nine (9) o'clock A. M. at which time and place all parties interested may appear and be heard.

A. G. Kramer

E. D. Billotte

J. H. Spangler

Now August 5 1927 service accepted for the VIEWERS.
County Commissioners of Clearfield County and personal service waived.

L. C. Morris Clerk

TO CHARLES, ADDLEMAN.

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 State Highway leading from Lumber City to Curwensville through your property consisting of one hundred and twenty nine (129) acres situate in Pike Township Clearfield County Pennsylvania; Bounded and described as follows, On the South West by land of Leo Smith, on the North West by Mar McClure, on the North by Wilson McClure, on the North East by Joe Dale, on the East by Reuben Whittaker and on the South by the Susquehanna River.

Through which the State Highway Commissioner by his contractor and employees is now constructing the aforesaid Highway leading from Lumber City to Curwensville on Route Number sixty two (62) for which damages if any the County of Clearfield is liable.

You are therefore hereby notified, that the said viewers will meet on your said premises in Pike Township County and State aforesaid on Tuesday August the sixteenth (16) 1927 at one thirty (1.30) o'clock P. M. to view and inspect the said premises of which time and place you will please take notice.

And that the Public 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 as also the County Commissioners with their witnesses if any a chance to appear and be heard by the viewers before the filing of their report in court will be held in the Arbitration Room in the Court House in Clearfield Pa on Wednesday August the seventeenth (17th) 1927 at nine, o'clock A. M. at which time and place all parties interested may appear and be heard.

A G Kramer

E D Billotte

Jas W Shangle

Now August 5 1927 service VIEWERS.
accepted for Charles Addleman the petitioner and personal
service waived Attorney

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

6
Clearfield County, 55:

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 1st day of August

in the year of our Lord one thousand nine hundred twenty seven

Charles Addleman

Judge of the same Court: Upon the petition of ~~subscribers~~
~~inhabitants~~ of the Township of Pike

in said County, setting forth that he is the owner of 129 acres of land situated on the road leading from Curwensville to Lumber City, bounded by lands of Leo Smith on the southwest, Mar McCleur on the Northwest, Wilson McCleur on the North and Joe Dale on the North and East, Reuben Whittaker on the East and on the south by the Susquehanna River. That the public road leading from Curwensville to Lumber City passes through said land of the said petitioner, that the State Highway Department is improving said highway and have changed the route of the same and taken about 1400 feet more or less.

That the Comth. of Penna. by its officers, went upon said land and took a material

assess damages

and therefore, praying the Court to appoint proper persons to view and ~~fix~~ ~~mark~~ ~~roads~~ 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 Aaron 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~~
~~and that~~ notices thereof were posted along the route of the
~~proposed road, that the~~ said view would be held on the 16th day of August
A. D. 1927, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 17th day of August, 1927, at 9, o'clock A. M. That
~~the~~ viewers appointed by the said order viewed the ground ~~proposed for the above-mentioned road, and that there were present at the view~~ Charles Addleman the
Claimant;

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 17th day of August A. D. 1927, when the following appearances were noted: who appeared as witnesses besides the claimant to wit, W. R. Norris, Charles Caldwell, Frank Wise and George Addleman.

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~~ 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

That Charles Addleman is the owner of one hundred and twenty nine (129) acres of land situate in Pike Township, Clearfield County and State of Pennsylvania through which the said tract of land the State Highway Commissioner by its Contractor and employees has lately constructed an improved State Highway leading from the Borough of Lumber City to the Borough of Curwensville in Clearfield county on Route Number sixty two (62) which said road including the slope, drain and berm on the upper side of the road and the fill, drain and berm on the lower side of the road is on an average forty three (43) feet in width and in length over the old road bed six hundred and fifty (650) feet and over new ground eight hundred and fifty (850) feet making the total length of the road through the claimants land of fifteen hundred (1500) feet the entire length of the claimants farm which makes the amount of his land taken after deducting one third of or sixteen feet in width the old road bed used for the six hundred and fifty (650) feet on the amount of the land taken leaves one and a half (1 1/2) acre of his land taken for new or State road which is valued or assessed at one hundred (\$100.00) an acre or a total of one hundred and fifty (\$150.00) for the land taken For the large Hickory tree destroyed they value or assess the same at twenty five (\$25.00) dollars.

For the drain on the lower side of the road; ninety five (95) feet in length and ten (10) feet wide and four feet deep at the upper end next the road which tapers down to not more than one foot in width and six inches in depth at the lower end for which for the land taken

and destroyed, and the inconvenience of farming around the same and the time and labor required for plowing a couple furrows from the lower end of the ditch or drain to the run below the viewers assess one hundred and twenty five (\$125.00) dollars,

And for the cost or expense of the construction of two roads up over the drain and the bank from the road up into his fields at the upper side of the road to enable him to get up into his fields and from the State Highway down into his fields on the lower side of the road on account of the steep high bank most of the way on the upper side of the road and the fill on the lower side of the Highway and other inconveniences they assess the damages at two hundred (\$200.00) dollars.

The viewers therefore after a careful examination of the premises and giving the testimony produced at the hearing due consideration including the quantity and quality and value of the land taken and the other damages suffered, They are fully convinced that the claimant has suffered over and above all the benefits derived by the construction of the Highway through his property the sum of five hundred (\$500.00) dollars. They therefore assess the damages of the said claimant at the sum of five hundred (\$500.00) dollars. on the items stated. ,

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 the herewith return releases obtained and copy of the notices. Served as required by law

WITNESS our hands and seals this 24th day of August; 1927.

A. D. 1927.

A. G. Kramer Seal

E. A. Billotte Seal

James W. Spangle Seal

Seal

No 10 Sept Sessions, 19 27

ORDER

To view and assess damages to
Charles Addleman in ~~xxxix~~
township of ~~Pike~~
Clearfield County _____

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.

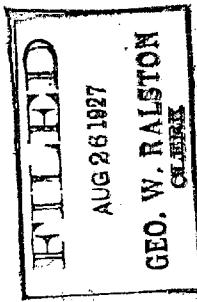
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	Days	Miles	A.M.T.
A. G. Marance	3	9	\$22.50
E. D. Billatty	1	23	8.65
Jas. W. Phonge	1	45	9.95

Now left 30th 1927
the viewer report
having been filed
the designated time.
This report certified
as correct
by GEO. W. RALSTON
of Clearfield County

Filed 1927
Fees \$1.25 paid by _____

W. A. Hagerty, Atty.,



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____.

Seal

Seal

Seal

Seal