

Road

DOCKET No. 6

Number Term Year

11

Sept. ss 1927

Petition of R. S. Whittaker for Appt.

of viewers to assess damage in Pike Twp

Versus

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

TO THE HONORABLE THE JUDGE OF SAID COURT:

The petition of R. S. Whittaker respectfully represents:-

That he is the owner of about forty acres of land situate in Pike Township County of Clearfield, Penna. on the road leading from Curwensville to Lumber City the same being bounded and described as follows:

BEGINNING at a post on the West bank of the Susquehanna river; thence by land late the property of G. L. Addleman North 53 degrees West 79 perches to a post in public road; thence by said road North 40 degrees East 37 perches North 20 degrees East 10 perches North 12 degrees East 26 perches North 50 degrees East 15 5/10 perches to a post; thence South 53 degrees East 13 perches to a red oak; thence North 72 $\frac{1}{2}$ degrees East 8 2/10 perches to a small white pine; thence partly by land formerly of Simon Thompson and partly by Hoyt estate lands South 53 degrees East 45.2 perches to a post and the bank of said river; thence up said river its several courses and distances to the beginning. Containing 35 acres and 155 perches and allowance being 6 per cent be the same more or less. That the public road leading from Curwensville to Lumber City passes through the land of the said petitioner, that the State Highway Department is improving said Highway and have changed the route of same and taken about One Thousand (1000) 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 proveded 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.

R. S. Whittaker

CLEARFIELD COUNTY: SS:

Personally appeared before me the subscriber R. S. Whittaker 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.

R. S. Whittaker

Sworn and subscribed to before me:
this 30 day of August A. D. 1927:

:

:

John W. Daley

MY COMMISSION EXPIRES FIRST
MONDAY OF JANUARY 1928

11 Sept 1927

to the Board of
Directors of the
Clyde River
Society.

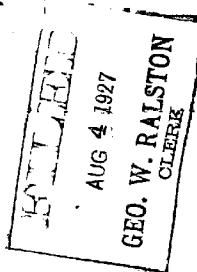
A. J. McCallum
Chairman &
General C

Delta

For Aug 4 1927
Petitioners are A. J.
McCallum &
Grace E. McCallum
Jack McCallum, son of
Grace. It will run across
the dam as of Aug 4 and
will open & close & run
again.

By the Court

A. J. McCallum
P. J.



Beginning at a post on the West bank of the Susquehanna river; thence by land late the property of G. L. Addleman north 53° West 79 perches to a post in public road; thence by said road north 40° east 37 perches north 20° East 10 perches north 12° East 26 perches North 50° East 15 5/10 perches to a post; thence South 53° East 13 perches to a red oak; thence north $72\frac{1}{2}^{\circ}$ east 8 2/10 perches to a small white pine; thence partly by land formerly of Simon Thompson and partly by Hoyt Estate lands south 53° East 45.2 perches to a post and the bank of said river; thence up said river its several courses and distances to the beginning. Containing 35 acres and 155 perches and allowance being 6 per cent be the same more or less. That the public road leading from Curwensville to Lumber City passes through the land of the said petitioner, that the State Highway Department is improving said Highway and have changed the route of same and taken about one thousand (1000) feet, more or less.

That the Commonwealth of Pennsylvania, by its officers, ^{have} 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.

TO, R, S, WHITTAKER.

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 thirty five (35) acres and one hundred and fifty five (155) perches and the usual allowance of six (6) per cent be the same more less, situate in Pike Township Clearfield County Pennsylvania.

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 (16th) 1927 at three thirty (3.30) 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 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 ten (10) o'clock A. M. at which time and place all parties interested may appear and be heard.

A. G. Krasner.

E. D. Billotte.

Jas W Shando

Now August 1927 service accepted for R, S, VIEWERS.
Whittaker the petitioner and personal service waived.

W. A. Hagerty.

TO, JESSE, E, DALE. T, M, WEIMER AND B, W, McCACKEN.
The 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 the R, S, Whitaker the claimant sustained if any by the construction of the State Highway leading from Lumber City to the Borough of Curwensville through the property of the said claimant consisting of thirty five (35) acres and one hundred and fifty five (155) perches with the usual allowance of six per cent be the same more or less situate in Pike Township Clearfield County Pennsylvania.

Through which the State Highway Commissioner by his contractor and employees is now constructing the aforesaid Highway leading from Lumber City to the Borough of 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 the premises of the said Claimant in Pike Township County and State aforesaid on Tuesday August the sixteenth (16) 1927 at three thirty (3,30) 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) at ten (10) o'clock A. M. of which time and place all parties interested may appear and be heard.

A G Kramer

E D Biffotte

Jas W Shanks

VIEWERS.

Now August 6th 1927 service accepted for the County Commissions of Clearfield County Pa and personal service waived.

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 4th day of August in the year of our Lord one thousand nine hundred twenty seven

R. S. WHITTAKER

in said County, setting forth that he is the owner of
about forty acres of land situate in Pike Twp. on the road leading
from Curwensville to Lumber City the same being bounded and described
as follows:

ASSESS DAMAGES

and therefore, praying the Court to appoint proper persons to view and ~~examine~~ the premises 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 Jack 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~~ ^{viewers} 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 plan~~ ~~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 declivity of the road may be preserved within that~~ ~~distance 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, release from any damages that may arise to them for 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. Palston, 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 Commissioners of the Township of

Claimant ~~wherein the same were posted along the route of the~~
~~Interrogation~~, that the said view would be held on the 16th day of August ~~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 proposed route for the above~~ mentioned road and that there were present at the view the ground used for the road ~~and were attended by R. S. Whittaker 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: besides R. S. Whitaker the claimant Charles Addleman, W. R. Norris, Charles Caldwell, Frank Wisor 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: 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 >

And that the testimony shows, that R. S. Whitaker is the owner of a certain tract of land situate in Pike Township Clearfield County and State of Pennsylvania containing about forty (40), acres more or less through which the State Highway Commissioner by his contractor and employees has lately constructed an improved State Highway leading from the Borough of Lumber City to the Borough of Curwensville, by Route of Number (62) which said road including the slope, drain and berm on the upper and including the fill on the lower side is on an average including the strip between the old and the new road part of the way is on an average forty five (45) feet in width and is five hundred and seventy five (575) feet on the old bed and eight hundred and eighty five (885) feet over new ground. The five hundred and seventy five (575) feet that the road is located over the old bed the width of the old road sixteen (16) feet of the width of the new road is deducted of the new road which leaves the new road the five hundred and seventy five (575) the land taken for the new road twenty nine (29) feet in width and for the eight hundred and eighty five (885) in length forty five feet (45) in width taking one and a half acre (1,1/2) of land taken which is valued and appraised at one hundred (\$100.00) per acre or (\$150.00 for the land taken. and destroyed. The other damages claimed are assessed as follows.

For the Walnut tree destroyed at \$25.00

For the Grafted Apple tree destroyed 25.00

For the common Apple tree bore common frute 20.00

For the four peach trees destroyed at \$12.50
each tree or for the four trees 50.00

Amount brought over	\$270.00
For the filling required at the barn	\$10.00
For the repair of the steps from the road up to the house	15.00
For the moving of the Wagon shed	\$160.00
For the Watering trough destroyed	5.00
For the construction of a drain to replace the one destroyed in the field at lower side of the road down to the creek	\$140.00
The cost of the construction of a road from State road up over the drain and bank on the upper side of the road to enable him to get from the road into his fields at the upper side of the road and down over the fill on the lower side into his fields	\$50.00
Making the total amount of damages assessed	\$650.00

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 by them, do assess them damages and make report thereof as follows:

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

WITNESS our hands and seals this 25th day of AUGUST;

A. D. 1927.

A. G. Kramer Seal
E. B. Billotte Seal
James W. Spangler Seal
Seal

No. 11 Sept Sessions, 1927

ORDER

To view and assess damages a
to ~~R. S.~~ WHITTAKER ~~in the~~
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.

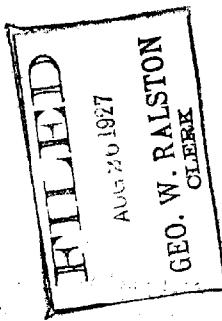
N. B.—If the viewers believe the parties are not
entitled to damages, taking into consideration the
advantages as well as the disadvantages of the
road, they will report to that effect.

	Days	Miles	Amt.
<u>A. G. Branner</u>	3	9.22	<u>\$22.85</u>
<u>E. A. Billotte</u>	1.23	8.65	
<u>Geo. W. Ralston</u>	1.49	9.85	

*Has left 30th 1927,
the within report
having been fixed
on required time;
This report confirmed
absolutely
before court
of Pike Co.
P. J.*

Filed 10 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. 1927.

Seal
Seal
Seal
Seal