

DOCKET No. 6

Number	Term	Year
14	Sept ss	1927

W. R. Norris  
Petition to Assess damages 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 W. R. Norris respectfully represents:-

That he is the owner of two pieces or parcels of land situate on the road leading from Curwensville to Lumber City in the Township of Pike, in said County of Clearfield and State of Pennsylvania the same being bounded and described as follows:

THE FIRST THEREOF: BEGINNING at a post; thence by Robert Ross now John Porter North 39 degrees East 13  $\frac{1}{2}$  perches to post; thence by land of Wm. Price now S. J. Dyer 51  $\frac{1}{2}$  degrees East 232 perches to post on river bank; thence up the same by its meanderings to second piece of land herein described; thence by second piece of land North 51  $\frac{1}{2}$  degrees West 242 perches to place of beginning, containing 20 acres more or less.

THE SECOND THEREOF: BEGINNING at a post on bank of Susquehanna river; thence by first piece of land 242 perches to post on line of Robert Ross now John. Porter; thence 66  $\frac{1}{4}$  perches to post; thence by D. W. Hile land South 52  $\frac{1}{2}$  degrees East 272 perches to small hickory on bank of river; thence down the same by its several courses and distances about 77  $\frac{1}{2}$  perches to place of beginning, containing 100 acres. Being the same premises which C. A. Rombaugh executor by deed dated May 18th, 1911, recorded in Deed Book 184 page 86 sold and conveyed to the said W. R. Norris.

That the public road leading from Curwensville to Lumber City passes through said land of said petitioner, that the State Highway Department is improving said Highway and have changed the route of same and taken about *two thousand 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 and in others as well as open ditches through said property so that the use and occupation of said property is impossible for ~~habitation~~ *cultivation*

That by reason of the character of the cuts on said land the ingress into and regress from said ~~house~~ *land* 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.

W. R. Norris

CLEARFIELD COUNTY: SS:

Personally appeared before me the subscriber W. R. Norris 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.

W. R. Norris

Sworn and subscribed to before me :  
this 31 day of August A. D. 1927:

Geo W. Palston  
Prothonotary

14 Sept 1927

IN THE COURT OF QUARTER SESSIONS OF

T. R. MORRIS

CLEARFIELD COUNTY

FETTICK

The First Thereof, Beginning at a post, thence by Robert Ross now John Porter North 39° East  $13\frac{1}{2}$  perches to post; thence by land of Wm. Price now S.J. Dyer  $51\frac{1}{2}$ ° east 232 perches to post on river bank; thence up the same by its meanderings to second piece of land herein described; thence by second piece of land north  $51\frac{1}{2}$ ° west 242 perches to place of beginning, containing 20 acres more or less.

The Second Thereof, Beginning at a post on bank of Susquehanna river; thence by first piece of land  $2\frac{1}{2}$  perches to post on line of Robert Ross now John Porter, thence  $66\frac{1}{4}$  perches to post; thence by D. W. Hile land south  $52\frac{1}{2}$ ° East 272 perches to small hickory on bank of river; thence down the same by its several courses and distances about  $77\frac{1}{2}$  perches to place of beginning, containing 100 acres. Being the same premises which C. A. Rombaugh executor by deed dated May 18th 1911, recorded in Deed Book 184 page 86 sold and conveyed to the said W.R. Norris.

That the public road leading from Curwensville to Lumber City passes through said land of said petitioner, that the State Highway Department is improving said highway and have changed the route of same and taken about two thousand feet, more or less.

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



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AS

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

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY.

You and each of you are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions for the County of Clearfield, State of Pennsylvania, to view the Damages alleged to be done the property of W.R.Norris in the Township of Pike caused by the construction and relocation of road bed of the State Highway leading from Curwensville to Lumber City Borough and through the premises of said W.R.Norris in Pike Township, will meet at location of said highway on the premises of W.R.Norris in Pike Township on ~~Monday~~ the 10th day of October 1927 at 9:30 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 said County on ~~Wednesday~~ the 18th day of October 1927 at 9:30 O'clock A.M. when and where all interested parties may attend and be heard.

Frank Hallin  
E. D. Bellotte  
Jack Michaels  
Viewers

DuBois, Pa. Sept. 21st 1927.

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

L. C. Norris, 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 31st day of August in the year of our Lord one thousand nine hundred twenty seven

W.R. Norris

Judge of the same Court: Upon the petition of ~~and others~~ John ~~and others~~ of the Township of Pike

in said County, setting forth that he is the owner of land situate on the road leading from Curwensville to Lumber City in the Township of Pike, bounded and described as follows:

assess damages

and therefore, praying the Court to appoint proper persons to view and ~~fix~~ mark ~~and~~ 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., Ed. Billotte and Jack Michaels

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 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. Palstow, 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 11th 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 13th day of October, 1927, at 9:30 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 No appearances

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 13th day of October A. D. 1927, when the following appearances were noted: J.E. Dale and B.W. McCracken County Commissioners with F.G. Smith, Esq. Counsel for Clearfield County

W.A. Hagerty, Esq., Counsel for the petitioner, W.R. Norris Petitioner, Wm. Hile, Joseph Walker, Lewis L. Hile and Port Piles, witnesses on behalf of the Petitioner who were severally sworn of affirmed

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 report that they find the improved Highway from Curwensville to Lumber City is constructed through the lands of the Petitioner a distance of 1318 feet all of which is re-location, no portion on the old public road. The land taken and occupied is improved land all under cultivation and apparently more fertile than the average Clearfield County land. There are small cuts and fills, but material for approaches from the fields of Petitioner under cultivation has been deposited so that Mr. Norris can get on and off the road to his fields. The water from the Watts line is conducted along the Southerly side of the road to a Run; no culverts cross the road along Mr. Norris property; two open ditches on the Northerly side of the road have been opened by the Contractor but our information is that these are to be closed and filled in as they have been abandoned by the State. The new location necessitates the construction and maintenance by Mr. Norris, over his own property, of a road or drive way a distance of some 700 feet from his buildings to the road, whereas the former road ran along the front of his dwelling.

We are of the opinion and so find that W.R. Norris, the Petitioner in this case is entitled to damage for 66400 sq. ft. of his land taken in re-locating the Highway which damage we fix at \$200.00.

For refilling the ditches opened by the Highway Department and abandoned \$100.00, and for construction and land for road from his buildings to new road \$50.00 or a total damage of Three Hundred Fifty (\$350.00) dollars

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 No Exceptions

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

No releases.

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: W.R. Norris \$350.00

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

WITNESS our hands and seals this 14th day of October

A. D. 1927.

Frank Sutton Seal  
E.A. Billotto Seal  
J. S. Michaels Seal  
Seal

No. 14 Sept 1927 Sessions.

## ORDER

To view and assess damages ~~as per~~  
to W. R. Norris  
Resident ~~as 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

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.

	E.D. Billotte	Days	Miles	W.T.
-	J.S. Michaels	3	70	29.50
Frank Hutton		3	56	28.10
	Witnesses			
	Wm Hile	1	6	2.36
	Jos. Walker	1	6	2.36
Lewis L.Hile		1	6	2.36
Port Piles		1	7	2.42

Dear Sirs: I beg to  
call your attention to  
the time I was sent  
by your office  
abundant damages  
are directed here  
and if they are not  
paid by the 1<sup>st</sup> of May  
I will sue for the same  
and you will be  
responsible for the  
same.

Filed \_\_\_\_\_  
Fees \$

W. A. Hagerly, Atty.

well

## 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 \_\_\_\_\_

A. D. 192

— Seal.