

ROAD

DOCKET No. 6.

Number	Term	Year
1.	Sessions.	Dec. 1928.

Petition to assess Damages in

Sandy Township to Frank Wengroski
and Mary Wengroski.

Versus

That they are the owners of a certain piece of land situate in the Township of Sandy, County of Clearfield and State of Pennsylvania; that during the year 19 , the State Highway Department improved a certain highway known as Route No. , leading from the Lakes-to-the-Sea Highway in Sandy Township, through to Punxsutawney, in Jefferson County, and in improving said highway, the route thereof was changed easterly some distance, causing it to cut through the lands of your petitioners.

That by virtue of the laws of the Commonwealth of Pennsylvania the County of Clearfield is responsible for the damages caused by the change of said road and the location thereof through the premises of your petitioners. That your petitioner has tried to agree with the Commissioners of the County of Clearfield for the damages caused by the relocation of said road and the cutting through the premises and property of your petitioners, but the said Commissioners of the County of Clearfield have failed, neglected and refused to pay your petitioners for the said damages.

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 17th day of September in the year of our Lord one thousand nine hundred and Twenty Eight.

Frank Wengroski and Judge of the same Court: Upon the petition of ~~subscribers~~ Mary Wengroski ~~habitants~~ of the Township of Sandy in said County, setting forth that

and therefore, praying the Court to appoint proper persons to ~~assess damages~~ ~~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,

J. E. Frye, 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 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. 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 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 ninth day of October A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the tenth day of October 1928, 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 W.C.Pentz and Frank Wengroskie

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the tenth day of October A. D. 1928, when the following appearances were noted: W.C.Pentz Esq., Counsel for Petitioners F.G.Smith Esq., Counsel for the County Commissioners Jadwiga Wengroskie who was sworn as Interpreter, Frank Wengroskie, Garfield Kiel and W.H.Harmick witnesses on behalf of the petitioner who were each sworn and examined. L.C.Norris also appeared for County Commissioners

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 on the ground that the State Highway passes over the lands of the petitioners, on a new location, an average distance of 320 feet, with an average width of 44 feet; on one side of the road is a cut on the opposite a fill; the road runs through this property in a curve line and the filling or berm on the lower side is wider than usual. The land actually occupied by the Highway we find to be .32 of an acre. Below the Highway is a triangular piece of land belonging to the petitioners, and containing about one-fourth of an acre which is part of an old orchard and has several fruit trees thereon entrance or exit to or from this land from other lands of the petitioners is impossible, and from the Highway impracticable without the construction of an approach. The construction of the Highway caused the removal of five full grown apple trees which were in bearing; these trees were from 45 inches to 75 inches in circumference according to evidence

Another tree yet standing on the edge of the embankment is practically ruined. Claim was made for the loss of these trees and also for the loss of some 50 plum trees claimed to have been destroyed.

From the evidence it appears that many years ago a row of plum trees were set out and that from these trees others had grown and multiplied until there was quite a grove of them, many of which are still on the property, they are the old time blue plum variety, not much in demand in the markets.

The petitioner testified that the depreciation in the value of his

property causes by the construction of the Highway is \$1,000.00 one of his witnesses testified to the same depreciation, another fixed it at \$800.00, all of which, in the opinion of the viewers is exorbitant and unreasonable, in view of the fact that the petitioners in 1918 paid \$1325.00 for 2 acres and the buildings thereon, and this road way is a part of these two acres. Your Viewers are of the opinion that the Petitioners are entitled to receive reasonable compensation for the land taken and occupied by the Highway and for the apple trees destroyed, that certain inconveniences caused by the construction of the Highway are compensated by having such a Highway at and through his property

The Viewers unanimously agree in fixing the damage sustained by the petitioners, caused by the construction of said highway at One Hundred and Twenty Five (\$125.00) 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

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: Frank Wengroskie and Mary Wengroskie
Tenants in Entirety One Hundred and Twenty Five Dollars

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

WITNESS our hands and seals this 11th day of October
A. D. 1928.

Frank Wengroskie

Seal

Edgar W. Wengroskie

Seal

George W. Wengroskie

Seal

Seal

No. 1 Dec. Sessions, 19 28.

ORDER

To view and assess damages to Frank Wengroski & Mary Wengroski
residents of the township of Sandy, 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 day entries and set the amount out at the foot of their return.

Reviewers cannot interfere with the damages caused 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 nature of the damages as well as the disadvantages of the road, they will report to that effect.

DAYS MILES W.M.T.	
	direct
Geo. K. Weber	2 39 18.90
J. E. Fry	3 34 25.90
Frank Huntington	3 34 25.90
W. H. Härnick	1 28 4.68
Jadiorga-Wengroskie	1 28 4.68
Garfield Kiel	1 28 4.68

Pentz & Pentz Attorneys.

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.

ROAD VIEW FOR DAMAGES CAUSED
BY THE CONSTRUCTION OF STATE
HIGHWAY LEADING FROM THE LAKES
TO SEA HIGHWAY TO FUNKSPORTNEY
THROUGH LANDS OF FRANK WENGROSKIE
AND MARY WENGROSKIE IN SANDY TWP.

CLEARFIELD CO. PA.

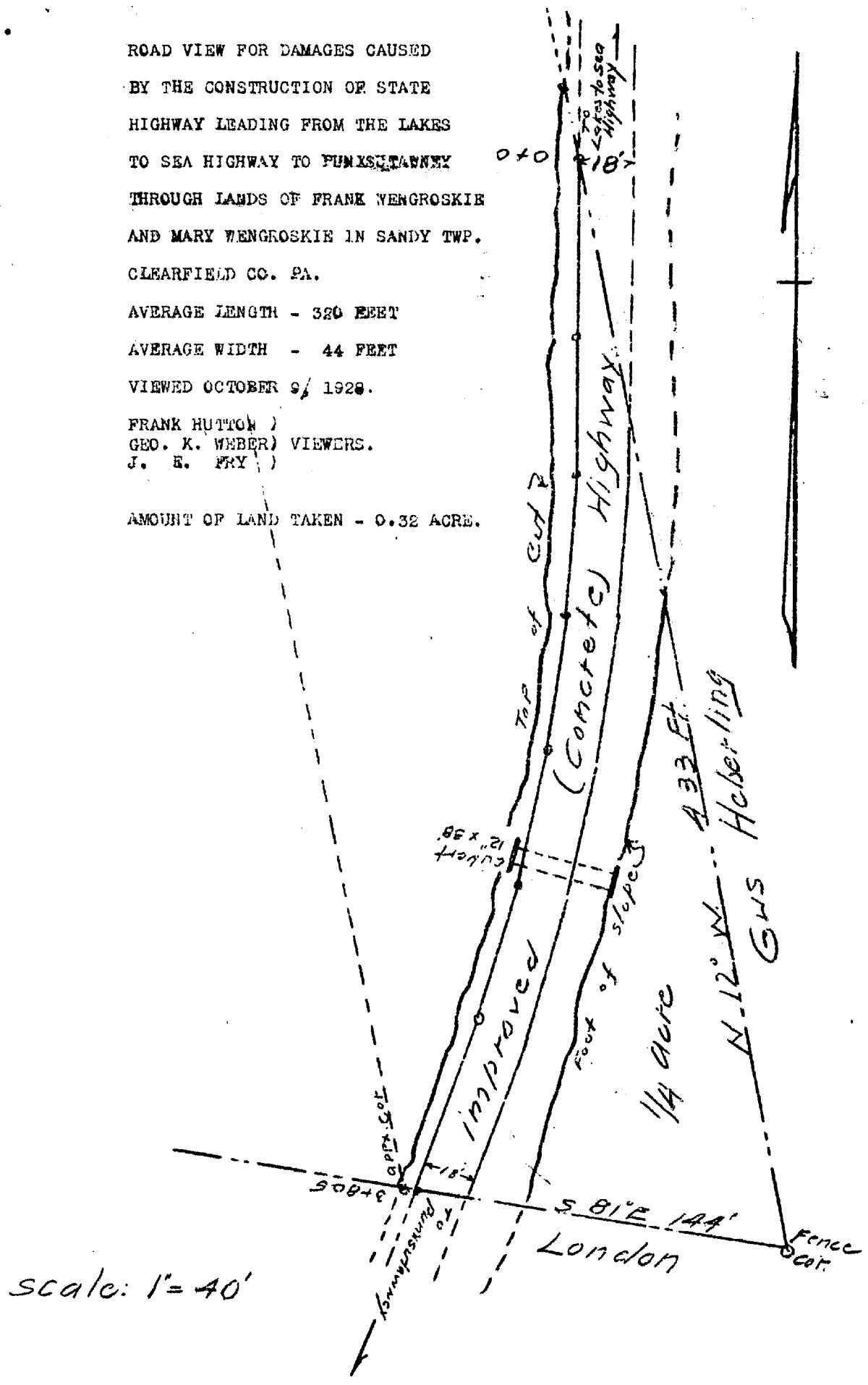
AVERAGE LENGTH - 320 FEET

AVERAGE WIDTH - 44 FEET

VIEWED OCTOBER 9, 1928.

FRANK HUTTON
GEO. K. WHEELER
J. E. FRY

AMOUNT OF LAND TAKEN - 0.32 ACRE.



TO THE 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 for the Assessment of Damages alleged to be caused by the change of location of a State Highway leading from the Lakes to Sea Highway to Punxsutawney, in Jefferson County, and passing through the lands of Frank and Mary Wengroskie in the Township of Sandy, in the County of Clearfield, will meet at the premises of Frank and Mary Wengroskie in the Township of Sandy, on Tuesday the 9th day of October 1928, 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 Wednesday the 10th day of October, 1928, at 9:30 o'clock A.M. when and where all interested parties may attend and be heard.

Frank Klem
J. E. Gray
Geo. L. Keeber
Viewers

DuBois, Pa., Sept. 21st 1928.

Now, Sept. 25, 1928, service of the above notice is accepted for the Commissioners of Clearfield County.

R. C. Morris, Clerk

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

* * *

⁺ The petition of FRANK WENGROSKI and MARY WENGROSKI respectfully
represents:

That they are the owners of a certain piece of land situate in the Township of Sandy, County of Clearfield and State of Pennsylvania; that during the year 19⁶ , the State Highway Department improved a certain highway known as Route No. , leading from the Lakes-to-the-Sea Highway in Sandy Township, through to Punxsutawney, in Jefferson County, and in improving said highway, the route thereof was changed easterly some distance, causing it to cut through the lands of your petitioners.

That by virtue of the laws of the Commonwealth of Pennsylvania the County of Clearfield is responsible for the damages caused by the change of said road and the location thereof through the premises of your petitioners. That your petitioner has tried to agree with the Commissioners of the County of Clearfield for the damages caused by the relocation of said road and the cutting through the premises and property of your petitioners, but the said Commissioners of the County of Clearfield have failed, neglected and refused to pay your petitioners for the said damages.

⁺ Your petitioners therefore pray your honorable Court to appoint Viewers, as provided by the laws of this Commonwealth to view and assess the damages sustained by your petitioners by virtue of the location of said

road through the premises of your petitioners.

And they will ever pray, etc.

Witness
Agnes Wengroski

Frank Wengroski By
Agnes Wengroski
Mary
mark

Clearfield County, ss:

MARY WENGROSKI, one of the above-named petitioners, being duly sworn according to law says that she is familiar with all of the facts connected therewith and that the facts contained in said petition are correct and true.

Sworn and subscribed before me
this 8 day of September, 1928.

Mary Wengroski
mark

NOTARY PUBLIC
MY COMMISSION EXPIRES
MAR. 3, 1929

IN THE COURT OF QUARTER SESSIONS
OF THE COUNTY OF CLEARFIELD

1 Dec 26 1928

FRANK WENGROSKI
MARY WENGROSKI

-vs-

CLEARFIELD COUNTY

P E T I T I O N

Now this 19 day of Sept 1928 time
within petition read and considered
and decided,

J. C. Tye

and

J. B. Peccen

are

appointed viewers to assess damage
and benefits and make return thereof
the ~~day of~~ 1928

By the Court

J. C. Tye

P.J.

FILED

SEP 17 1928

GEO. W. RALSTON

CLERK & PEN

ATTORNEYS

DUBOIS, PENNA.

Rec'd by Clerk

FILED	SEP 17 1928
GEO. W. RALSTON	CLERK & PEN
ATTORNEYS	DUBOIS, PENNA.