

DOCKET No. 6

Number Term Year

4

Feb ss 1928

Petition of Fred E. Sheesley et al for  
viewers to assess damages in  
Sandy Tep.

Versus

X

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

FRED E. SHEESLEY and  
EDNA J. SHEESLEY

"

"

vs

No.

Feb. Sessions, 1928.

"

CLEARFIELD COUNTY,  
PENNSYLVANIA

"

TO THE HONORABLE A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of FRED E. SHEESLEY and EDNA J. SHEESLEY  
respectfully shows:

FIRST: That your petitioners are residents of Sandy  
Township, Clearfield County, Pennsylvania.

SECOND: That they are the owners of the following  
tract of land, situate in the Township of Sandy, County and State  
aforesaid, bounded and described as follows:

BEGINNING at a cut in concrete road boundary  
line of land of Marshall and McCreight, at station  
No. 41 as per survey of E. W. Hess; thence in cen-  
ter of said concrete road by its several courses  
and distances in a Northerly and Easterly curve to  
the intersection of the aforesaid line boundary  
between Marshall and the grantor at station No. 60  
of said survey; thence South  $3^{\circ}22\frac{1}{2}'$  West 1025 feet,  
more or less to post; thence West 25 feet, more or  
less to cut in concrete, the place of beginning,  
containing three acres, more or less.

THIRD: That there exists State Highway Route No. 5,  
running from the City of DuBois to Reynoldsville, Jefferson  
County, Pennsylvania.


FOURTH: That the Commonwealth of Pennsylvania, through  
the State Highway Department, by its agents and employees, has  
caused a portion of said road to be improved and made changes in  
the lines and locations of said highway on the property of your  
petitioners.

FIFTH: That, as a result of the improvements and  
changes made, and the construction of said highway through the

property of your petitioners, the market value of said property has been materially lessened, access to the buildings thereon rendered difficult, and damage to the buildings thereon, which will have to be moved and changed about by reason of the afore-said action of the Highway Department.

WHEREFORE your petitioners pray your Honorable Court that viewers may be appointed to ascertain their damage and such other proceedings as provided by the Act of Assembly relating thereto.

AND, your petitioners will ever pray, etc.

  
Attorney for Petitioners.

STATE OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

FRED E. SHEESLEY, being duly sworn according to law, deposes and says that he is one of the petitioners herein and the facts set forth in the said petition are true and correct.

Fred E. Sheesley

Sworn and subscribed to before me

this 29th day of December, 1927

A. F. Hoover

NOTARY PUBLIC  
BY COMMISSION EXPIRING  
MARCH 2, 1928

Now, January 9<sup>th</sup>, 1928, the foregoing petition having been read and considered, Frank Hutton

J. E. Fry and George B. Weber

are appointed viewers to assess the damages in this case and to proceed as required by the Act of Assembly relating thereto.

BY THE COURT

A. R. Chase  
P. J.

IN THE COURT OF QUARTER SES-  
SIONS OF CLEARFIELD COUNTY,  
PENNA.  
No. 4 Feb. Sessions, 1928

FRED E. SHEESLEY and  
EDNA J. SHEESLEY

VS

CLEARFIELD COUNTY,  
PENNSYLVANIA

PETITION

FILED  
JAN 9 - 1928  
GEO. W. RALSTON  
CLERK

N. F. WOMER  
ATTORNEY AT LAW  
DU BOIS, PA.  
SCHAFNER BUILDING

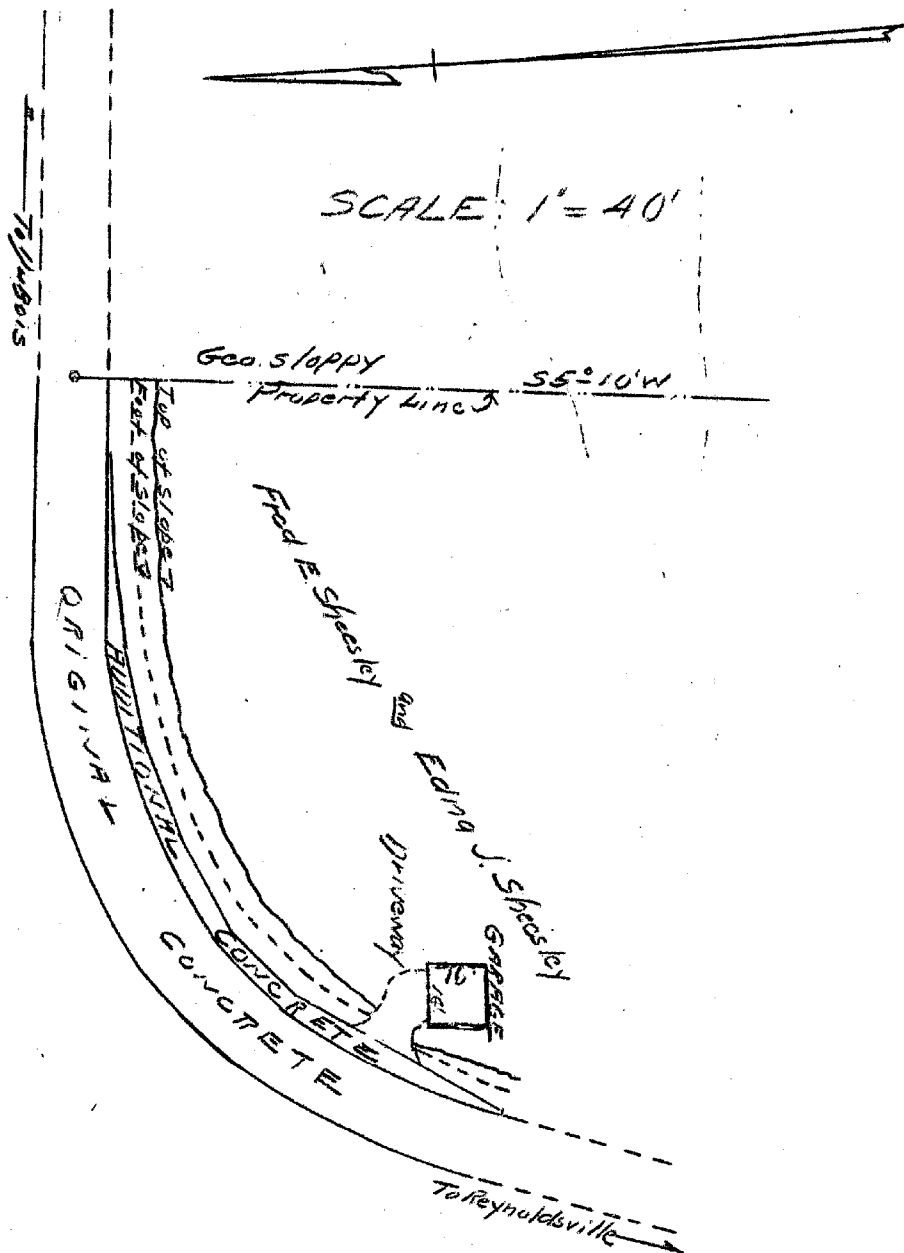
4-00 Ray ally

Beginning at a cut in concrete road boundary line of land of Marshall & McCreight, at station No. 41 as per survey of E.W.Hess; thence in center of said concrete road by its several courses and distances in a Northerly and Easterly curve to the intersection of the aforesaid line boundary between Marshall and the grantor at station No. 60 of said survey; thence south 3°22½' west 1025 feet, more or less to post; thence west 25 feet, more or less to cut in concrete, the place of beginning, containing three acres, more or less.

That there exists State Highway Route No. 5, running from the City of DuBois to Reynoldsville, Jefferson County, Penna.

That the Commonwealth of Pennsylvania, through the State Highway Dept. by its agents and employees, has caused the portion of said road to be improved and made changes in the lines and locations of said highway on the property of your petitioners.

That as a result of the improvements and changes, made, and the construction of said highway through the property of your petitioners, the market value of said property has been materially lessened, access to the buildings thereon rendered difficult, and damage to the buildings thereon, which will have to be moved and changed about by reason of the aforesaid action of the highway department.



ROAD VIEW--ASSESSMENT OF DAMAGES  
 TO PROPERTY OF FRED. E. SHEESLEY  
 AND EDNA J. SHEESLEY ON ROUTE #5,  
 IMPROVED HIGHWAY, SANDY TOWNSHIP.  
 Distance 257 feet. Average width  
 taken for berm, ditch and slope - 8 ft.  
 Land taken-2256 sq. ft., or .052 acres.

VIEWED JANUARY 27, 1928.

FRANK HUTTON)  
 GEO. K. WEBER) VIEWERS  
 J. E. FRY )



To 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 the Damages allged to be done the premises of Fred. E. Sheesley and Edna J. Sheesley in Sandy Twp and caused by the improvement and changes made in the location of State Highway Route No. "5" in said Township of Sandy will meet at the House of Fred E. Sheesley in Sandy Township on Friday the 27th day of January 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, Pa., on Wednesday the first day of February 1928 at 9:30 O'clock A.M. when and where all parties interested may attend and be heard

*Frank Sullivan*  
*J. E. Fry*  
*Geo K. Treiber*  
Viewers

DuBois, Pa. Jan. 16th 1928

Now Jan. 18, 1928, 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 9th day of January

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

Fred E. Sheesley & Edna J. Sheesley  
Judge of the same Court: Upon the petition of ~~sandy xx~~  
~~hab xxx~~ of the Township of Sandy

in said County, setting forth that they are the owners of the following tract of land, situate in the township of Sandy, County and State aforesaid, bounded and described as follows:

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., J. E. Fry and George 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, ~~in the case of the petitioners for the said road, if they~~ 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 27th day of January A. D. 1927, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 1st day of February, 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 Fred E. Sheesley

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 1st day of February A. D. 1928, when the following appearances were noted: F.G. Smith, Esq., Atty for County Commissioners and W.A. Ramey Esq., Atty for Petitioner and Fred E Sheesley Claimant and A.C. Kohler witness on part of petitioner also L.C. No Norris, witness on behalf of Clearfield County all of which witnesses were severally sworn and testified

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an 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

As shown by the draft attached hereto the claim for damages in this case, is for the taking and occupying of a portion of the land of the petitioners; the land taken being in the form of a crescent and running from one foot to six feet in width. Also for consequential damages in having to move his Garage and excavation for so doing, to the end that petitioner could conveniently and safely enter his garage from the Public Highway and leave it to get onto the Highway and also for certain grading claimed to have been made necessary on the embankment along their property.

After viewing the premises and hearing the testimony your Viewers unanimously agree in awarding to the petitioners the sum of Fifty dollars for damages done their property

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: Fred E. Sheesley and Edna J. Sheesley, owners  
in Entirety, the sum of Fifty (\$50.00) Dollars

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

WITNESS our hands and seals this second day of February  
A. D. 192 8.

Amos Hutton Seal  
J. E. Fay Seal  
Wm. B. Weber Seal  
Seal

No. 4 Feb Sessions, 1928

## ORDER

To view and assess damages to a  
Fred E. Sheesley and  
Edna J. Sheesley ~~xxx~~ in the  
township of Sandy  
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.

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.
Geo. K. Weber	2	33	18.80
J. E. Fry	3	33	25.80
Frank Hutton	3	33	25.80

Now Feb 20<sup>th</sup> 1928.  
Reports confirmed Ni. Si.  
absolutely where  
existing on 30 days  
by the court.

J. P. H. H. H.  
FEB 22 1928  
Now March 2<sup>nd</sup> 1928  
Confirmed by  
Geo. W. B. H. H.  
By J. P. H. H. H.  
P. J.

Filed

Fees \$1.25 paid by

N. F. Womer, 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 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