

DOCKET No. 6

Number Term Year

1

Sept

1930

Petition for Appt. of viewers to

assess damages in Decatur Twp

Versus

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J. Mitchell Chase

No. Term, 191



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IN THE COURT OF QUARTER SESSION OF CLEARFIELD
COUNTY

In the Matter of the Petition

of ALLEN SMILEY and ESTELLA SMILEY,

of Decatur Township, Clearfield County,

Pennsylvania, for the appointment of Viewers

to assess damages caused by the construction

of State Highway.

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) No.
) September Term,
) 1930.
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TO THE HONORABLE A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of Allen Smiley and Estella Smiley, respectfully represents:

1. That they are the owners of two certain tracts of ground in Decatur Township, Clearfield County, Pennsylvania, having erected thereon a large frame building, barn and other out buildings, and which said tracts are bounded and described as follows:

"The First thereof, beginning at a point on the East Side of Public Road leading from Chester Hill Borough to Osceola Borough in said County and State; thence along said Township Road south seventeen (17) perches to a point; thence East to the Crowel Branch Railroad; thence by line of said Railroad to the place of beginning, containing one (1) acre more or less.

The Second thereof, beginning on the West side of the Public road leading from Chester Hill Borough to Osceola Borough and adjoining land of John McArthur on the South; thence North along said Road to line of Crowel Run Railroad, thence along said Railroad West a distance of Thirteen (13) perches to a post; thence south Thirteen (13) perches to a post; thence East Thirteen (13) perches to said Public Road and place of beginning. Containing one (1) acre more or less."

2. That at the direction and by the action of the Pennsylvania State Commissioner of Highways, and by the authority of the Commonwealth of Pennsylvania, there has recently been constructed a state road or highway, namely, route 57, leading from Borough of Philipsburg, Pennsylvania to the Borough of Osceola Mills. That said highway and its construction was completed on or about the first day of december, 1939, that in connection with construction of said highway, a large part of the premises owned by your petitioners was taken and destroyed and many valuable trees cut down and the access of the petitioners from one portion of said property to another was utterly cut off to the great damage and injury of the petitioners, whereby the value of the said property has been greatly decreased.

3. That in connection with construction of the said highway and at the time the same was constructed there was also taken and constructed

from the property of your said petitioners in accordance with Public Service Commission Order No. 21073, a road leading between the old state highway route and the present route 57, as constructed, which said route and property taken, is bounded and described as follows:

"ALL that certain tract of land situate in Decatur Township, Clearfield County, bounded and described as follows: to wit

BEGINNING at a point in the West right of way line of State Highway Route 57 as relocated, said point being thirty five feet (35') west of relocated centre line at or about Station 994 plus 11.61 thereof and measured at right angles thereto; thence by a line curving to the left in a north-westerly direction parallel to the Pennsylvania Railroad Company's siding and forty-five and sixty-five one hundredths feet (45.65') distant therefrom having a radius of six hundred ninety-four and fifty-four, one hundredths feet (694.54') a distance of two hundred fifty-five and seventy-two, one hundredths feet (255.72') more or less to a point in the east right of way line of the present State Highway Route 57;

Thence along east right of way line of aforesaid route north two degrees fifty two minutes thirty seconds west (N 2° 52' 30W) a distance of forty one and eight, one hundredths feet (41.08') more or less to a point in the right of way line of the Pennsylvania Railroad Company; thence along said right of way line by a line curving to the right in a southeasterly direction parallel to the Pennsylvania Railroad Company's siding and twelve and sixty five, one hundredths feet (12.65') distant therefrom, having a radius of seven hundred twenty-seven and fifty four one hundredths feet (727.54') a distance of two hundred twenty three and ninety four, one hundredths feet (223.94') to a point in the west right of way line of State Highway Route 57 as relocated;

Thence along west side of said relocated highway by a line south ten degrees fifty nine minutes thirty seconds east (S 10° 59' 30" E) a distance of seventy four and seventy nine, one hundredths feet (74.79') more or less to the point of beginning and containing eighteen, one hundredths of an acre, more or less".

4. That in connection with the construction and taking of the said road connecting the said old and new state highway routes, valuable property of the petitioners has been taken and destroyed, thereby causing them great damage.

5. That your petitioners and the County Commissioners of Clearfield County having been unable to agree upon the amount of damages justly due and payable to your petitioners.

WHEREFORE your petitioners pray your Honorable Court to appoint Viewers to assess the amount of damages your petitioners has sustained, and such further proceedings as may be required by law.

Allen Smiley
Stella Smiley

Commonwealth of Pennsylvania

County of Centre

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) SS:

Before me the subscriber a Notary Public in and for the above named State and County, personally came Allen Smiley and Estella Smiley, who being duly sworn according to law, depose and say that the facts set forth in the foregoing petition are true and correct.

Allen Smiley

Estella Smiley

Sworn and subscribed to before me this 12 day of July, 1930.

Edward J. Thompson
N. P.

BY COMMISSION EXPIRES
JANUARY 4, 1931.

ORDER OF COURT

AND NOW this 21st day of July, 1930, upon consideration of the within petition, upon motion of Edward J. Thompson, Esq., Earl Booz Esq, Harry Reese and Harry P. Fowler are appointed Viewers to view the said premises and assess damages, if any, and make return to the Court thereon, sec. reg. sec. leg.

BY THE COURT.

A. R. Chase
P. J.

Court of Quarter Session of
Clearfield County

No. / September Term, 1930.

In the Matter of the Petition of
ALLEN SMILEY AND ESTELLA SMILEY,
of Decatur Township, Clearfield
County, Pennsylvania, for the
appointment of Viewers to assess
damages caused by the construction
of State Highway.

Petition for appointment of Viewers
to assess damages.

FILED

JUL 21 1930

GEO. W. RALSTON

CLERK

EDWARD J. THOMPSON
ATTORNEY AT LAW
PHILIPSBURG, PENNSYLVANIA
SCHENCKEN BUILDING