

Road

DOCKET No. 6

Number Term Year

3

Dec ss 1930

Pet. for appt. of viewers to

assess damages to Du Bois Motor

Cycle Co Sandy Twp.

Versus

X

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

To the Honorable, the President Judge of the said Court:-

Your undersigned petitioner, a corporation of the first class duly incorporation by proper proceedings had in the Common Pleas of Clearfield County, Pennsylvania, its charter being recorded in the proper office at Clearfield, Pa., and existing and doing business according to the laws of the Commonwealth of Pennsylvania, with its domicile and place of business at DuBois, Pa., would respectfully show:-

That said petitioner is the owner of certain real estate situate in Sandy Township, Clearfield County, Pa., which is bounded as follows;

Beginning at a corner in line of lands of Joseph Washburn and William Bundy; thence by said Bundy lands and lands now or formerly of Nancy Burns, North 84° 45' West, 14.577 chains to a Pine Stump; thence South, 45° West, 1.85 chains to a post; thence South, 1° 10' West, 5.45 chains to a corner in middle of public road; thence along said Public Road, South, 30° 30' East, 0.65 chains, thence South 70° 30' East, one chain; thence South 77° 19' East, 1.45 chains; thence South, 87° 21' East, 1.882 chains; thence North, 86° 34' East, 7.65 chains; thence South, 70° 9' East 1.34 chains; thence from middle of said Public Road, North 3° 53' East, along line of lands of Joseph Washburn, 6.738 chains to place of beginning. containing eleven and fifty-five one-thousandth (11.055) acres, be it more or less.

That within the last year, the Commonwealth of Pennsylvania, by the Department of Highways, through and by its agents, contractors and employees, has in the construction of a State Highway between Sabula and Tenfield, known as State Highway Number Five Hundred and Fifty-Five (555), entered upon the said lands of the petitioner and taken and appropriated to its use in said construction of the lands of your petitioner, and by such appropriation, and by ditches, drains, culverts, cutting and filling in and upon said lands of the petitioner, done to your petitioner much damage;

That your petitioner believes and is informed that the County of Clearfield aforesaid is responsible for such damages, and that your petitioner having been unable to agree to and with the Commissioners of said Clearfield County as to adjustment and payment for such damages, doth hereby pray that your Honorable Court may appoint from and out of the Board of Road Viewers of Clearfield County, Viewers to view the said premises and assess damages as is in such case made and provided for by the laws of the Commonwealth of Pennsylvania

THE DUBOIS MOTOR CYCLE CLUB

By Carl Wilson Jr.
Vice President

Attest; Ad Shottberg
Secretary.

Wilson, Pa.

CLEARFIELD COUNTY,)
PENNSYLVANIA.) SS

Before me, an Alderman commissioned in and for the Second Ward of the City of DuBois, Pennsylvania, personally came

----- *A. D. Sholtzberger* ----- Sholtzberger, who being duly sworn according to law, deposes and says that he is Secretary of the DuBois Motor Cycle Club, a corporation domiciled at DuBois, Pa., and that the matters set forth in its foregoing petition, are true and correct.

----- *A. D. Sholtzberger* -----

Sworn and subscribed before me
the 24th day of September, 1930.

----- *Dorsey D. Neff* -----

COMMISSION EXPIRES JANUARY 10, 1932

To the Commissioners of Clearfield County, Pennsylvania.

You will please take notice that at ten o'clock A. M. September 25, 1930, petition will be presented to the judge of the Court of Quarter Sessions of Clearfield County, for appointment of Viewers to view and assess damages done to lands of The DuBois Motor Cycle Club, near Sabula, Pa., in the construction of State Highway Route No. 555, by the Department of Highways of Pennsylvania.

DuBois Motor Cycle Club

By A. P. Shoberger
Secretary

September 25, 1930, above notice received with copy and notice is accepted.

L. C. Morris
Clerk

To the Commissioners of Clearfield County, Pennsylvania.

You will please take notice that at ten o'clock A. M.
September 25, 1930, petition will be presented to the Judge
of the Court of Quarter Sessions of Clearfield County, for
appointment of Viewers to view and assess damages done to
lands of The DuBois Motor Cycle Club, near Sabula, Pa., in
the construction of State Highway Route No. 555, by the De-
partment of Highways of Pennsylvania.

DuBois Motor Cycle Club
by *W. H. Brown*
Secretary

September 25, 1930, above notice received with copy and no-
tice is accepted.

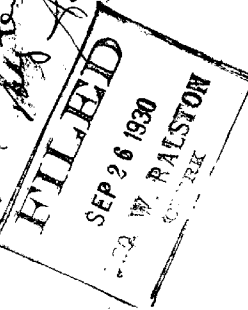
W. H. Brown
Clerk

In the Court of Quarter
Sessions of Clearyland
County. Pa.

No. 3 Dec Term, 1830

Petition for Vouchers
To Assess Damages
done in Damaging
Townships

Sept— 1830. The
within petition
read and by Carl
G. B. 207 Harry Reese.
and H. P. B. 207. an ap-
pointed Viceroy. Report
to be made the first
Monday of December
1830. ~~At the Court~~
J. R. B. 207
P. 207



Nancy Vanhook

← TO DUBOIS

State

Highway

1001033

DUBOIS Motorcycle Club

TO PENITENT

LANDS IN SANDY TOWNSHIP
CLERMONT COUNTY PA.
VIEWED ON THE QUESTION OF DAMAGES
OCT 6 - 1950 BY EARL G. BOOSE ESQ
H. A. REESE
H. R. POWLER

SCALE 1" = 200'

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

RE; Assessment of Damage to : Of December Sessions, 1930
THE DUBOIS MOTOR CYCLE CLUB : No. 3.
for damage done to real estate :
in construction of State :
Highway No. 555. :

To The DuBois Motor Cycle Club; the Commissioners of Clearfield County and to the Supervisors of Sandy Township;

You and each of you will please hereby take notice that The DuBois Motor Cycle Club, a corporation, by its proper officers has filed a petition in said Court praying for appointment of Viewers to view and assess damages claimed to have been done to its property in Sandy Township, Clearfield County, Pa., in said petition described at length, in the construction of State Highway No. 555, between Sabula, Pa., and Confield, Pa.

The Court has appointed the undersigned as Viewers to view and assess the damages, if any, and to make report to the Court to December Sessions of 1930.

The premises will be viewed by the Viewers on Monday, October 6th, 1930, at 2.30 o'clock P. M., the Viewers to meet at the Club House of the petitioner, in Sandy Township aforesaid, and the public hearing in the matter to be held in the Arbitration Room of the Court House at Clearfield, Pa., on Wednesday, Oct. 8th, 1930, at 10.00 o'clock A. M., at which times and places you may attend if you desire.

Sept. 27, 1930.

Emil G. Borne
Harry Reese
J. R. Dawler
Viewers.

Now, Sept. 27, 1930, notice is given by copy and service is accepted for The DuBois Motor Club, the usual ten day's notice being hereby specifically waived.

Arthur Stoberger
Secretary.

Now, Sept. 27th, 1930 notice is given by copy and service is accepted for the Supervisors of Sandy Township, the usual ten day's notice being hereby specifically waived.

Ralph Gray
Supervisor

Now, Sept. 29th, 1930, notice is given by copy and service is accepted for the Commissioners of Clearfield County, the usual ten day's notice being hereby specifically waived.

L. C. Morris
Clerk.

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers,
appointed by the Court of Quarter Sessions of Clearfield County, Penn-
sylvania, to view ^{and assess damages done to real estate owned by The DuBois}
^{Motor Cycle Club, in the construction of State Highway}
No. 555

Road leading from Sabula

in Sandy Township to Penfield

in Huston Township, in the County aforesaid, will
meet at the Club House of The DuBois Motor Cycle Club

in Sandy Township, on Monday

the sixth day of October A. D. ¹⁹³⁰192, at 2.30

o'clock P. M., to attend to the duty assigned them, of which
time and place aforesaid, all parties interested will take notice.

The public hearing required by the Act of Assembly and the Rules of the
Court, to be held by the viewers, will be held in the Arbitration Room of
the Court House at Clearfield, Pa., on Wednesday, Oct. 8th, 1930, at ten
o'clock A. M.

Earle G. Boose

Harry Reese

H. P. Dowler

Viewers.

Sept. 27, 1930

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 26th day of September
in the year of our Lord one thousand nine hundred
thirty

DuBois Motor Cycle Club.

Judge of the same Court: Upon the petition of ~~xxxxxxx~~
C.A. Wilson, Jr., V. Pres, A.D. Shotzberger, Sec.
~~xxxxxxx~~ of the Township of Sandy

estate situate in Sandy Twp. ~~Beginning at a corner in line of lands of Jos. Washburn and Wm. Bundy; thence by said Bundy lands and lands now or formerly of Nancy Burns, north. 84° 45' W. 14.577 chains to a pine stump; thence S. 45° W. 1.85 chains to a post; thence S. 1° 10' W. 5.45 chains to a corner in middle of public road; thence along said public road. S. 30° 30' E. 0.65 chains, thence S. 70° 30' E. one chain, thence S. 77° 19' E. 1.45 chains, thence S. 87° 21' E. 1.882 chains; thence N. 86° 34' E. 7.65 chains, thence S. 70° 9' E. 1.34 chains; thence from middle of said public road N. 3° 53' East, along line of lands of Jos. Washburn 6.738 chains to place of beginning. containing eleven and fifty five one thousandth (11.055) acres, be it more or less. That Dept. of Highways entered upon said lands and taken for its own use part of said land and done much damage to the land of your petitioners.~~ ^{in said County, setting forth that they are the owner of real}

~~and therefore, praying the Court to appoint proper persons to view and~~ ^{assess damages}
~~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.~~ Earl G. Boose, Esq.,
Harry Reese and H. P. Dowler

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 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 Returnable to First Monday of December 1930

By order of the Court.

Geo W. Ralston, 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 Sandy and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the sixth day of October A. D. 1930, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 8th day of October, 1930, at ten o'clock A.M. That all viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view A. D. Shotsberger, Sec'y. of the DuBois Motor Cycle Club, and with him, others of the officers and members of the Club, the petitioner.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 8th day of October A. D. 1930, when the following appearances were noted: A. D. Shotzberger, Sec'y of the DuBois Motor Cycle Club, and also others of the officers and members of the Club., and with them, John C. Arnold Esq., their counsel. The County of Clearfield was represented by the law firm of Liveright & Smith.

~~-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-~~

After viewing the premises and hearing all of the testimony offered the Viewers, taking into consideration the fact that Clearfield County by its Commissioners, has spent the sum of \$200.00 in moving the house on the premises to another location selected by the Club, the petitioner, that there would yet be due to the petitioner additional damages for land actually taken and rendered useless, and the Viewers have therefore awarded to the DuBois Motor Cycle Club, the petitioner, the sum of Two Hundred Dollars additional as damages, to be paid by the County of Clearfield.

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: To The DuBois Motor Cycle Club, the sum of Two Hundred Dollars.

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

WITNESS our hands and seals this tenth day of October
A. D. 1920.

Ernest Jones Seal
H. R. Rice Seal
H. P. Dowler Seal
Seal

No. 3 Dec Sessions, 1930

ORDER

To view and assess damages to a
DuBois Motor Cycle Co ~~XXXXXX~~

township of Sandy
Clearfield County

Dec Sessions, 1930,

read and confirmed N. 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.

By the Court
J. McChase

Not Jan 1931
Confession of Debt
By the Court

Filed 19
Fees \$1.25 paid by

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. |
|----------------|------|-------|-------|
| Harry Dowler | 2 | 38 | 18.80 |
| Harry Reeso | 3 | 96 | 32.10 |
| Earle G. Boose | 4 | 76 | 37.60 |

Now January 26th 1931,
the within report, having
been on file for a period
of thirty days and no
exceptions filed thereto
the same is confirmed
absolutely.

By the Court
J. McChase
OCT 17 1930
GEO. W. RALSTON
CLERK

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 ensembling 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