

DOCKET No. 6

Number	Term	Year
7	Sept ss	1930

Petition of Mike Laluciak for viewers  
to assess damages in Huston Twp

Versus

X

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

Re; Assessment of Damages : Order Enlarging and Extending  
to land of Mike Laluciak & : Powers of Viewers.  
Katherine Laluciak in Huston  
Township. :  
No. 7 Sept. Sessions, 1930.

Now, September 4, 1930, it appearing that the Order to View in the above cited case was issued on August 28, 1930 and because of insufficient time between the issuing of the Order to view and the first Monday of September Term of the Court of Quarter Sessions of 1930, which began on Sept. 1, 1930, in which the Viewers appointed could give the required notice of the view to the public and to the Supervisors of Huston Township and the Commissioners of Clearfield County, it is therefore, upon motion of E. G. Boose Esq at Bar this 4th day of September, 1930, ordered and decreed that the powers of the viewers in this case be, and they are hereby are enlarged and extended and the Viewers are directed to view and make report thereof to the first Monday of December, 1930, in Quarter Sessions Court of Clearfield County.

By the Court

*E. G. Boose* P/J.

IN QUARTER SESSIONS COURT  
OF CLARKEFIELD COUNTY, PA.  
No. 7, Sept. Sessions, 1930

Order of Court Enlarging  
and Extending Powers of  
the appointed Viewers.

Assessment of Damages to  
lands of Mike Maluciak &  
Katherine Maluciak.

Forfile G. House  
Attorney-at-Law  
Pittsburg, Pa.

HENRY HALL, PRINTER - INDIANA, PA.

FILED  
SEP 4 - 1930  
GEO. W. RALSTON  
CLERK

20

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

Mike Laluciak and :  
Katherine Laluciak :  
vs. : No. Sept. Term Sessions 1930  
County of Clearfield :  
:

TO THE HONORABLE A. R. CHASE, President Judge of said Court.

The Petition of Mike Laluciak and Katherine Laluciak respectfully represents.

FIRST: That they are the owners of a certain tract of land situate in the Township of Huston Township, County of Clearfield, and State of Pennsylvania bounded and described as follows:

All the right, title and interest in and to all that certain tract of land situate in the Township of Huston, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Beginning at a post on the line of the land of the Elk Tanning Company; thence North Seventy (70) degrees, East One Hundred Thirty Eight and seven Tenths (138.7) perches to a post; thence along land of John Hewitt Estate and land of Clearfield Coal Company South Thirty Two (32) degrees Twenty Five (25) minutes East Two Hundred Twenty Five and Eight Tenths (225.8) perches to a pine stump; thence South Seventy (70) degrees twenty five (25) minutes <sup>West</sup> Seventy One and Four Tenths (71.4) perches to Mill Run; thence along the line of Mill Run North Thirty Eight and one-half (38½) degrees West Ten and Seventy Eight Hundredth (10.78) perches to a post in the center of said stream; thence North Twelve and Three Fourths (12¾) degrees West Thirty Four and Thirty Six Hun-

dreiths (24.36) perches to a post in said stream; thence North Thirty Eight and one-fourth ( $38\frac{1}{4}$ ) degrees East Twenty and Six Tenths (20.6) perches to a post; thence South Eighty Seven (87) degrees West One Hundred Fourty (140) perches to a post along land of George Bliss and L. Rodgers; thence North Twenty and one-fourth ( $20\frac{1}{4}$ ) degrees West One Hundred Twenty Three and Sixty Four Hundredths (123.64) perches to a post and place of beginning.

Reserving thereout all that certain land occupied by the right of way of the Penna. Railroad Company and also reserving and excepting therefrom the land occupied by public township road leading from Tyler to Penfield and excepting and reserving thereout the following described piece of land belonging to T. R. Hewitt:

BEGINNING at a post thence North Eighty Five and three fourths ( $85\frac{3}{4}$ ) degrees East One Hundred Twenty Two and Eight Tenths (122.8) perches to a post in Mill Run; thence North Sixty One and one-half ( $61\frac{1}{2}$ ) degrees East Eight and Seven Tenths (8.7) perches to a post on line of land of John Hewitt Estate; thence North Thirty Two (32) degrees Twenty Five (25) minutes West Eighteen and Sixty Five Hundredths (18.65) perches to a post; thence South Eighty Five and three fourths ( $85\frac{3}{4}$ ) degrees West One Hundred Twenty One and Five Tenths (121.5) perches to a post; thence South Two and one-half ( $2\frac{1}{2}$ ) degrees East Two (2) perches to a post and place of beginning. This piece belonging to T. R. Hewitt; Excepting and reserving thereout all the coal and mining rights as reserved and conveyed heretofore. Reference being had to the original deed the same will more fully and at large appear.

Being the same premises which Earl Hewitt and May L. Hewitt by Deed dated the 31st day December 1927, recorded in Deed Book 286, Page 307, conveyed unto Mike Lulacich and Katherine Lulacich.

SECOND: That, the Commonwealth of Pennsylvania acting by and

through its employees and agents have reconstructed the state highway Route No. 411 leading from Penfield to Tyler over and through said property above described.

THIRD: That, said road crosses the property of your Petitioners on different lines and at different locations and grade from the old road.

That your petitioners are damaged for the following reasons:

A. Because of the land taken. The strip taken being approximately 1750 feet in length and in varying widths up to sixty (60) feet or more.

B. That the old road ran between the house and barn of your petitioners while the road, as now constructed, is considerably below the barn of your petitioners there being considerable upgrade to reach his residence and barn buildings.

C. That the road as now constructed takes the level and fertile parts of your Petitioners farm, leaving the hill land remaining.

D. That there are four (4) ditches through and under said road emptying into and upon the fields of your petitioners.

E. That considerable filling has been done, resulting in the taking of extra land from your Petitioners and making means of access to and off said concrete highway is dangerous and inaccessible at any reasonable distance from the barn and buildings of your Petitioners.

F. That the market value of your Petitioners property is materially lessened by reason of the construction of the said road.

WHEREFORE your petitioners pray that viewers be appointed by your Honorable Court, to view and estimate said damage and report their opinion in accordance with the Act

of assembly made and provided.

MIKE LALUCIAK

KATHERINE LALUCIAK

By Bill O'Laughlin & Schubert  
Attorneys for Petitioners

STATE OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

Before me, the subscriber hereto, came Mike  
Laluciak, who being duly sworn according to law deposes and  
says that the facts set forth in the above Petition are  
true and correct to the best of his knowledge and belief .

Mike Laluciak

Sworn and subscribed  
before me this 23 day  
of August, 1930. A. D.

Kathy Bell  
Notary Public

MY COMMISSION EXPIRES MARCH 5, 1931



7  
NOV. 28, 1930. SEPT. SESSIONS 1930

STATE OF NEW YORK  
IN SENATE  
JANUARY 1, 1931  
REPORT OF THE  
COMMISSIONER OF THE  
LAND OFFICE

FINANCE

House Report 2215  
Enc. to House Rep.  
Heavy Recd. of N.Y.  
well as other  
various to you and  
M. L. SILBERBLATT  
2215  
RECEIVED  
JAN 1 1931

FILED

AUG 28 1930  
M. L. SILBERBLATT  
ATTORNEY AT LAW  
CLEANFIELD, PA.  
EO. W. RAISTON

CLERK  
"The Law" Print, Publishers, Richmond, VA.

Beginning at a post on the line of the land of the Elk Wanning Company; thence north 70 degrees, east 138.7 perches to a post; thence along land of John Hewitt estate and land of Clearfield Coal Company south 32 degrees 25 minutes east 225.8 perches to a pine stump; thence south 70 degrees 25 minutes west 71.4 perches to Mill Run; Thence along the line of Mill Run North 38½ degrees west 10278 perches to a post in the center of said stream; thence north 12 3/4 degrees west 34.36 perches to a post in said stream; thence north 38½ degrees east 20.6 perches to a post; thence south 87 degrees west 140 perches to a post along land of George Bliss and L. Rodgers; thence north 20½ degrees west 123.64 perches to a post and place of beginning.

Reserving thereout all that certain land occupied by the right of way of the Penna. railroad Co. and also reserving and excepting therefrom the land occupied by public township road leading from Tyler to Penfield and excepting and reserving thereout the following described piece of land belonging to T. R. Hewitt:

Beginning at a post thence north 85 3/4 degrees east 122.6 perches to a post in Mill Run; thence north 61½ degrees east 8.7 perches to a post on line of land of John Hewitt Estate; thence north 32 degrees 25 minutes west 18.65 perches to a post; thence south 85 3/4 ~~degrees~~ degrees west 121.5 perches to a post; thence south 2½ degrees ~~east~~ east 2 perches to a post and place of beginning This piece belonging to T. E. Hewitt; Excepting and reserving thereout all the coal and mining rights as reserved and conveyed heretofore.

That the Commonwealth of Pennsylvania acting by and through its employees and agents have reconstructed the state highway route No 411 leading from Penfield to Tyler over and through said property above described.

That your petitioners are damaged for the following reasons;

Because of the land taken. The strip taken being approximately 1750 feet in length and in varying widths up to 60 feet or more.

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

In Re; Assessment of Damages :  
to Mike Laluciak and Katherine :  
Laluciak. : Viewers' Notice  
Of Sept. Sessions, 1930 :  
No. 7. :

To the Commissioners of Clearfield County; the Supervisors  
of Huston Township and Counsel for the Petitioners;

You and each of you will please take notice hereby that the undersigned appointed to view and assess damages done to certain real estate of said Mike Laluciak and Katherine Laluciak in Huston Township, in the construction of State Highway No. 411, and in their petition fully described, will meet at the Post Office in Penfield, in said Huston Township, on Friday, the 12th day of September, 1930, at 1.00 o'clock P. M. for the purpose of attending to the duties of said appointment, and also that the Viewers will hold the public hearing required by law and the Rules of this Court in the Arbitration Room of the Court House at Clearfield, Pa., on Monday, the 15th day of September, 1930, at 10.00 o'clock A. M., at which time and place all parties in interest may attend and be heard.

Sept. 4, 1930

*Frank G. Bower*  
*Harry Reese*  
*Geo. K. Urver*  
Viewers.

Now, Sept. 4, 1930, notice received by copy and service is hereby accepted for the Commissioners of Clearfield County, the usual ten day notice being specifically waived.

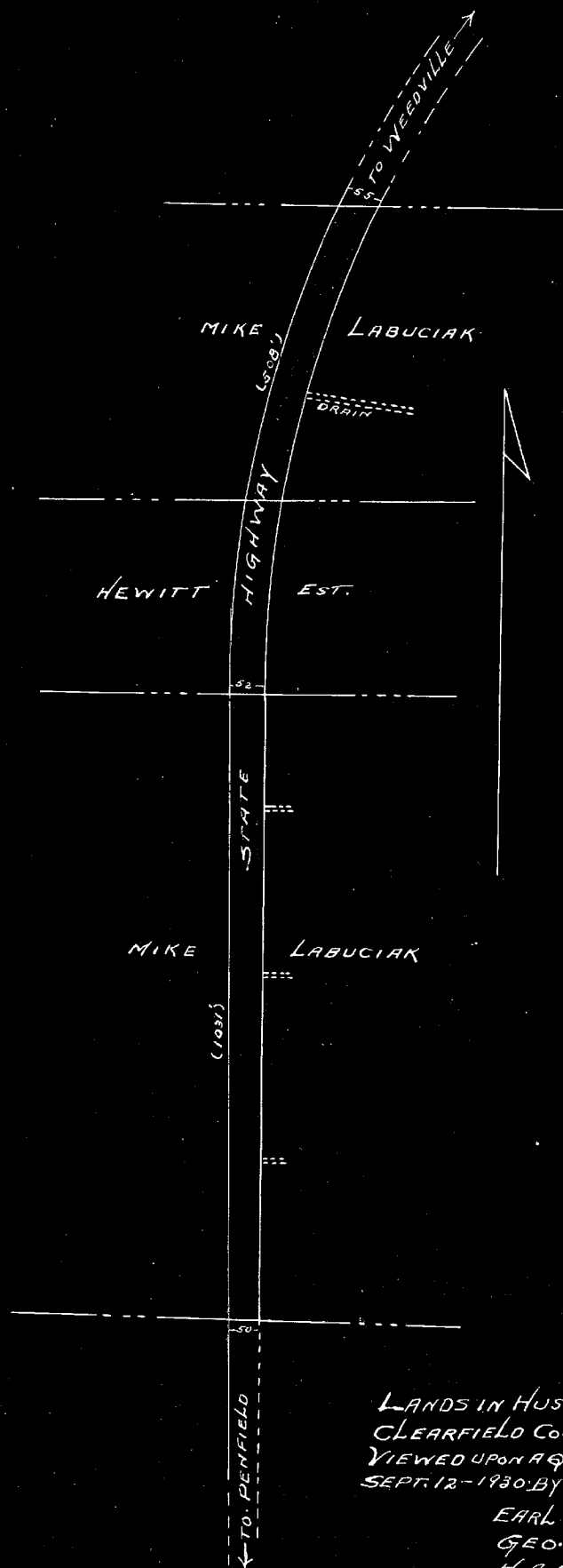
*L. P. Morris*  
Clerk

Now, Sept. 4, 1930, notice received by copy and service is hereby accepted for the Supervisors of Huston Township, the usual ten day notice being hereby specifically waived.

*W. J. Bower*

Now, Sept. 4, 1930, notice received by copy and service is hereby accepted for the Petitioners, the usual ten day notice being hereby specifically waived.

*Carl G. Langley & Arthur G. Langley*  
Counsel for Petitioners.



LANDS IN HUSTON TOWNSHIP  
CLEARFIELD COUNTY PA  
VIEWED UPON A QUESTION OF DAMAGE  
SEPT. 12-1930 BY

EARL G. BOOSE ESQ.  
GEO. WEBER.  
H. A. REESE

2107 Sept 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 28th day of August  
in the year of our Lord one thousand nine hundred  
thirty

Mike Laluciak and  
Judge of the same Court: Upon the petition of ~~some xxx~~  
Katherine Laluciak  
~~xxxxxx~~ of the Township of Huston

in said County, setting forth that they are the owners of  
a certain tract of land situate in the township of Huston, bounded and  
described as follows:

assess damages  
and therefore, praying the Court to appoint proper persons to view and ~~lay out~~  
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 Geo. K. Weber

who have been duly appointed by the Court and filed their oaths of office and are duly quali-  
fied 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. 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

Huston and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the twelfth day of September <sup>1930</sup> ~~1927~~, and the hearing to be held in the Arbitration Room, at the Court House; in Clearfield, Pa., on the 15th day of September, 1930+92-, at ten o'clock A.M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Mike Laluciak, the owners of the land affected; W. J. Lanich, Supervisor of Huston Township, and others;

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 15th day of September <sup>1930</sup> ~~1927~~, when the following appearances were noted: Mike Laluciak, and with him, Singleton Bell Esq., his counsel, Sylvester Dilullo, A. Ricconda and Jos. Kokut, the last three being witnesses called by the petitioner, and who with the petitioner were sworn and testified. The County of Clearfield was represented by A. M. Liveright Esq., its Solicitor.

~~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~~

The Viewers having heard the testimony and having made inspection of the premises described in the petition, are of the opinion that the petitioner has suffered damage by reason of the taking of about two acres of cultivated land of his for the location of the new improved road and that such damage over and above the benefits derived from the improvement of the road would be the sum of Two Hundred Dollars, and have assessed that amount to the landowners, the petitioner, to be paid by Clearfield County/-----

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 view-ers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows.~~

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

WITNESS our hands and seals this

16th

day of

September

A. D. 1930.

Earl G. Boore Seal

H. A. Reese Seal

Geoff. W. Whitely Seal

Seal



No. 7 Sept Sessions, 1930

## ORDER

To view and assess damages on  
~~xxxxx~~ Mike Laluciak ~~xxx~~ in the  
Catherine Laluciak  
township of \_\_\_\_\_  
Clearfield County \_\_\_\_\_

Due Sessions, 1930,

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.

By the Court

*A. Blaine*

*R. J.*

*now Feb 4<sup>th</sup> 1931  
compared immediately  
having been on file  
30 days and no objection  
filed. By the Court  
A. Blaine*

Filed

Fees \$1.25 paid by \_\_\_\_\_

Bell, O'Laughlin & Silberblatt.

Attys.

*W*

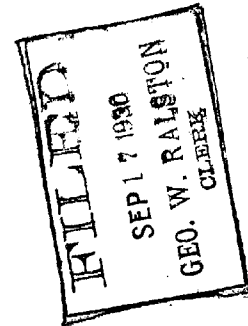
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
Earl G. Boose	4	162	\$38.10
Harry Ranse	3	210	\$33.00
Geo. N. Weber	2	106	\$20.30



## 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