

DOCKET No. 6

Number Term Year

7 Sept ss 1930

Petition of Mike Laluciak for viewers

to assess damages in Huston Twp

Versus

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 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,



H. H. Hasle P/J.

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

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

Assessment of Damages to
lands of Like Malucia &
Katherine Malucia.

Felic G. Roosse
Attungar, Pa.
John, Jr.

HENRY HALL, PRINT. - INDIANA, PA.

FILED
SEP 4 1930
GEO. W. RALSTON
CLERK

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/Seventy One and Four Tenths (71.4) perches to Mill Run; thence along the line of Mill Run North Thirty Eight and one-half (33 $\frac{1}{2}$) degrees West Ten and Seventy Eight Hundredth (10.78) perches to a post in the center of sail stream; thence North Twelve and Three Fourths (12 $\frac{3}{4}$) 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 Tents (20.6) perches to a post; thence South Eighty Seven (87) degrees West One Hundred Forty (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 Tents (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 Tents (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 Tents (121.5) perches to a post; thence South Two and one-half (2.5) 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 Lulacian and Katherine Lulacian.

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

KATHLEEN LALUCIAK

By Bell, Chayhne, Shultz
Attorneys for Petitioners

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

SS:

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. 66th JESSONS

Mr. Silberblatt
Attala & Silberblatt
To

Mr. Silberblatt
Mr. Silberblatt

RECEIVED

Nov. 28, 1930

One of whom is
Harry Rose, Jr.
will accept him
next week and Harry
wants to know any
new law in & Silberblatt

FILED

M. L. SILBERBLATT
ATTORNEY AT LAW
CLEARFIELD, PA.

EO. W. RALSTON

CLERK, Allegheny Law Print. Publishers, Rutland, Vt.

Beginning at a post on the line of the Elk Tanning 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 $38\frac{1}{2}$ degrees west 10 $\frac{7}{8}$ perches to a post in the center of said stream; thence north 12 $\frac{3}{4}$ degrees west 34. 36 perches to a post in said stream; thence north 3 $\frac{1}{4}$ 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 20 $\frac{1}{4}$ 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 $3\frac{3}{4}$ degrees east 122. 6 perches to a post in Mill Run; thence north 61 $\frac{1}{2}$ 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 $3\frac{3}{4}$ degrees west 121. 5 perches to a post; thence south 2 $\frac{1}{2}$ degrees ~~xx3 $\frac{1}{4}$~~ 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

Paul L. Morris
Harry Rose
Geo. K. Ulmer
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.

Paul L. Morris
Clerk

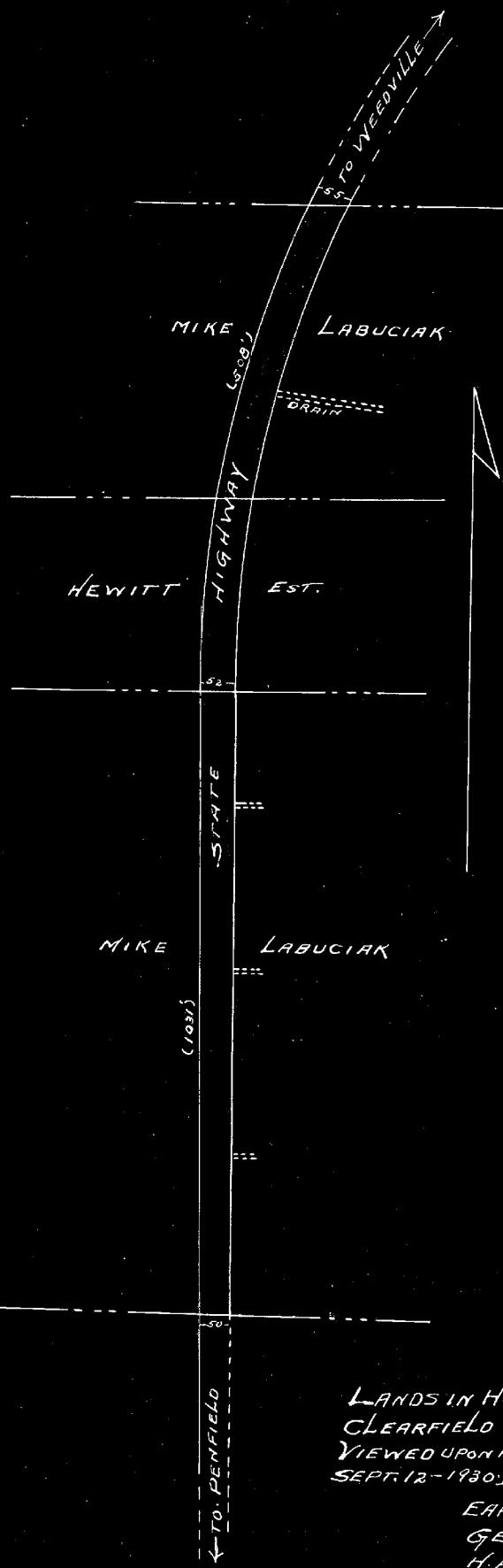
Now, Sept. 4, 1930, notice received by copy and service is hereby accepted for the Supervisors of Huston Township, the usual ten day notice being hereby specifically waived.

W. J. Bemis
Counsel for Petitioners.

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.

Paul L. Temple & Shultz
Counsel for Petitioners.

REVIEW OFFICE



SCALE 1" = 200'

2167 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 Laluciaik and
Judge of the same Court: Upon the petition of ~~and~~ Katherine Laluciaik
~~and~~ 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 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 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 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 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 1950 A. D. 192, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 15th day of September, 1950 192, 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 16th day of September A. D. 1930, 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.

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 viewers, 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. 1920.

Earl G. Boose Seal
L. A. Reese Seal
Frank W. King Seal
Seal

No. 7 Sept Sessions, 1930

ORDER

To view and assess damage
Mike Laluciaik ^{as} in the
Catherine Laluciaik
township of
Clearfield County

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.
<u>Harry Rense</u>	3	210	\$33.
<u>Geo K. Weiser</u>	2	106	\$20.

Three Sessions, 19², confirmed Ni. Si. Road to be 33 feet wide, except where there will cutting or embankment arises, there to be 16 feet wide.

H. B. Chase

Dear Mr. & Mrs. G. 2/19/81
Confined absolutely
during second 50's &
300's and no further
need. Both Conch
of all the year

Filed

Fees \$1.25 paid by Bell, O'Laughlin & Silberblatt

Atty. •

W

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.