

Road

DOCKET No. 6

Number Term Year

2 May ss 1931

Petition of Agnes Shields, Mary Flegal
et al to assess damages in Morris Twp

Versus

X

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

AGNES SHIELDS, MARY FLEGAL,
NANNIE BAUMGARDNER, W. A. SHIELDS
MARTHA HALL and RUTH CARLSON.
)
)
)
-vs-
)
)
COUNTY OF CLEARFIELD
)

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

Your petitioners respectfully represent:

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

BEGINNING at a pine stump; thence North four (4) degrees East one hundred and five (105) perches to White Oak Root; thence by lands of George Wise and George Johnson, South eighty six and one fourth (86 1/4) degrees East One hundred and ninety six (196) perches; thence by land of A. Shields, South six and one half (6 1/2) degrees West fifty two and three fourths (52.3/4) perches; thence along road leading to Kylertown South seventy (70) degrees East forty three and six tenths (43.6) perches; thence by same and cemetery lot South eighty (80) degrees East twenty nine (29) perches to land of James Irwin; thence South four (4) degrees West thirty seven (37) perches to stones; thence by lands of Samuel Hoover and James Fulton, North eighty six (86) degrees West two hundred and sixty three (263) perches to place of beginning. Containing one hundred and forty seven (147) acres and sixty (60) perches, more or less.

EXCEPTING AND RESERVING all the minerals and Thirty (30) acres previously conveyed. A reference to Deed Book 28, page 338,

filed in the Register and Recorder's Office, will give a full description of the petitioners' title.

The above described land was conveyed by Samuel I. Burger to Richard Shields on the 26th day of May, 1883, and that said Richard Shields died on the 25th day of February, 1907, leaving to survive him a widow, Agnes Shields, and the following children, Mary Flegal, Nannie Baumgardner, W. A. Shields, Martha Hall, and Ruth Carlson. Said Richard Shields died intestate, and the above described property vested in the above named heirs.

SECOND: That, the Commonwealth of Pennsylvania, acting by and through its employees and agents have reconstructed the State Highway Route between the towns of Bigler and Allport, known as Route 668.

THIRD: That where the Highway connects on the State Highway leading from Snow Shoe to Philipsburg, it branches off and forms a triangle.

FOURTH: That your petitioners have been damaged for the following reasons:

- (a) Because of the land appropriated.
- (b) Due to the drainage of said road on the property.
- (c) Due to the access made more difficult to the different parts of the above described land.
- (d) That the market value of your petitioners' property is materially lessened by reason of the construction of said road, by the damages as described and all other damages which usually follow in constructing a road by making deep cuts and deep fills.

WHEREFORE, your petitioners pray that viewers be appointed by your Honorable Court, to view and estimate the said damages and report their opinion in accordance with the Act of Assembly made and provided.

Agnes E. Shields

Mary E. Flegal

Nannie Baumgardner

W A Shields

Martha Hall

Ruth Carlson

STATE OF PENNSYLVANIA)
)
COUNTY OF CLEARFIELD) SS:
)

Personally appeared before me the subscriber,
AGNES SHIELDS, 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 her knowledge and belief.

Sworn and subscribed to before me
this 2 day of March, A. D.
1930.

Agnes E. Shields

NOTICE OF EXPIRATION
FIRST DAY IN JANUARY 1931

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 2 May 22 1931

AGNES SHIELDS, MARY FLEGAL,
NANNIE BAUMBARDNER, W. A. SHIELDS,
MARTHA HALL and RUTH CARLSON

-vs-

COUNTY OF CLEARFIELD

PETITION

Now therefore comes I, Mary
Lee Schloss and Harry
Reese, and H. P. Hunter,
One of the undersigned
and represent

RECEIVED
MAY 22 1931
GEO.

W. J. HAGERTY, and
CHARLIE S. BENNETT,
Attorneys at Law,
Clearfield, Pa.

BEGINNING at a pine stump; thence north 4 degrees east 105 perches to White Oak Root; thence by lands of George Wise and George Johnson, south $86 \frac{1}{4}$ degrees east 196 perches; thence by land of A. Shields, south $6 \frac{1}{2}$ degrees west 52 $\frac{3}{4}$ perches; thence along road leading to Kylertown south 70 degrees east 43. 6 perches; thence by same and cemetery lot south 80 degrees east 29 perches to land of James Irwin; thence south 4 degrees west 37 perches to stones; thence by lands of Samuel Hoover and James Fulton, North 86 degrees west 263 perches to place of beginning. Containing 147 acres and sixty perches more or less

Excepting and reserving all the minerals and thirty acres previous conveyed.

That the Commonwealth of Pennsylvania, acting by and through its employees and agents have reconstructed the state Highway Route between the towns of Bigler and Alport known as Route 668.

That where the highway connects on the State Highway leading from Snow Shoe to Philipsburg, it branches off and forms a triangle.

That your petitioners have been damaged by reason of the above change.

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 March in the year of our Lord one thousand nine hundred thirty one

Agnes Shields
Judge of the same Court: Upon the petition of ~~sundayxxxix~~
Mary Flegal, Nannie Baumgardner, W.A. Shields, Martha Hall
Ruth Carlson habitants of the Township of Morris

in said County, setting forth that they are the owners of a certain tract of land situate in the township of Morris, County of Clearfield, state of Pennsylvania.

assess damages
and therefore, praying the Court to appoint proper persons to view and ~~fixxxmkthexxxk~~
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 John Scollins, 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 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.

, 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, ^{to No. 2, May Sessions, 1931} 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 Morris and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 15th day of April A. D. 1931, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 17th day of April, 1931, at 10 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: Creighton Hoover, Wm. Devinney, Charles Maurer and T. J. Carlson

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 17th day of April A. D. 1931, when the following appearances were noted: C. A. Belin, Esq., for petitioners; F. G. Smith, Esq. of Liveright & Smith, County Solicitors; Agnes Shields of petitioners; Wm. Devinney, Charles Maurer and Creighton A. Hoover, witnesses on behalf of petitioners, sworn, examined and cross-examined by counsel and your Board.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is ~~no occasion for a road as desired by the petitioners, and that the same is~~ necessary for a ~~such~~ 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) damages have been sustained by the petitioners. We, further find that an Improved State Highway (Route No. 668, leading from Bellefonte to Clearfield, known as the Allport Cut-off) has been re-located, regraded and constructed as a permanent Highway; and

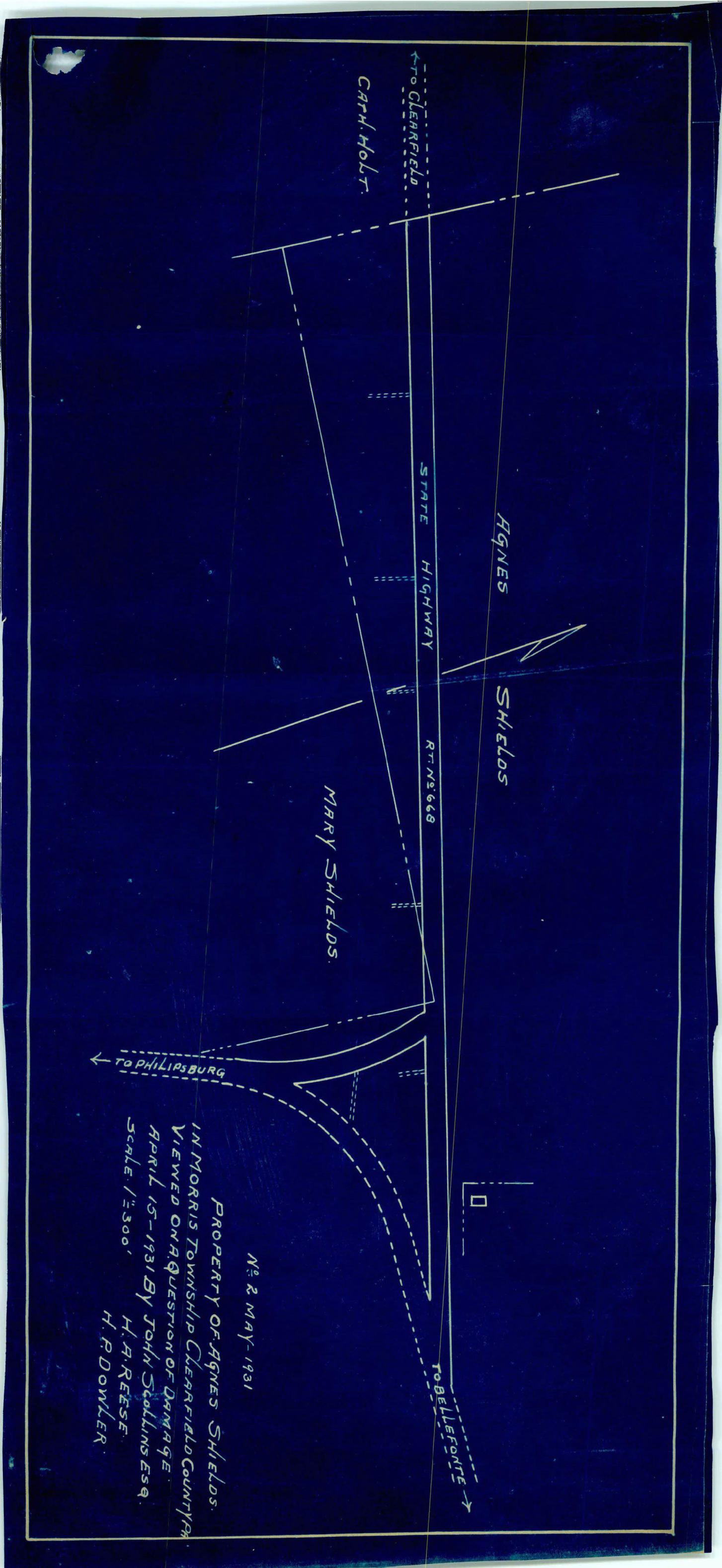
FIRST: That a portion of petitioners land, part of which had been cultivated and part timber or wood-land, was taken as shown on the map or draft thereof hereto attached and made a part hereof.

SECOND: That in the construction of the aforesaid Highway, approximately $1\frac{1}{2}$ acres of wood-land was taken; and $3\frac{3}{4}$ acres of cleared land, and a triangular piece cut off from the cleared land approximately 4 acres in area, through which two open drains have been constructed, rendering the land of no value for farming purposes.

THIRD: The amount of damages claimed by petitioners is from \$700.00 to \$800.00; and as testified to by petitioners' three witnesses, \$730.00.

FOURTH: After viewing the premises and conditions, hearing the evidence and taking into consideration the special benefits accruing thereto by reason of the improvement of said Road as a permanent Highway, your Viewers are of the opinion that the foregoing estimates are excessive, but that the petitioners should be compensated for the land taken and occupied and the damages and inconvenience caused them.

FIFTH: That the land is owned jointly by Agnes Shields, Mary Flegal, Nannie Baumgardner, W. A. Shields, Martha Hall and Ruth Carlson, to whom the award of damages is made as a whole.



To: The 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 No. 2, May Sessions, 1931, to view and assess damages done to the property of Agnes Shields, Mary Fligul, Dennis Baumgardner, W. A. Shields, Martha Hall and Ruth Carlson in the construction and relocation of the State Highway Route between the towns of Bigler and Allport known as Route 662, in Morris Township in Clearfield County aforesaid, will meet at the property of Agnes Shields, at a/c., in Morris Township on Wednesday, the 15th day of April, A. D. 1931 at ten (10:00) o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court in order to give all parties interested in the said damages an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 17th day of April, A. D. 1931 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Seelind
Harry Reese
N. P. Dowler
Viewers

Dated, March 29th, 1931.

CLEARFIELD COUNTY, SS:

Now, this 30th day of March A. D. 1931
service of the above Notice is hereby accepted for the Commissioners of Clearfield County.

L. C. Morris
Clerk

TO: Clifford Smeal, Wm. Hickson and Mike Francisco, Supervisors
of Morris Township, Clearfield County, :-

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania,
to No. 2, May Sessions, 1931, to view and assess damages done to the property
of Agnes Shields, Mary Flegal, Nannie Baumgardner, W. A. Shields, Martha Hall
and Ruth Carlson in the construction and relocation of the State Highway Route
between the towns of Bigler and Allport known as Route 668, in Morris Township
in Clearfield County aforesaid, will meet at the property of Agnes Shields,
et al., in Morris Township on Wednesday, the 15th day of April, A. D. 1931
at ten (10:00) o'clock A. M., to attend to the duties assigned them; all
parties interested will take notice.

And that the public hearing as required by Act of
Assembly and Rules of Court to be held by the viewers before the filing of
their report in Court in order to give all parties interested in the said
damages an opportunity to be heard will be held in the Arbitration Room in
the Court House in Clearfield on Friday, the 17th day of April, A. D. 1931
at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard,
at which time and place all parties interested may attend and be heard.

John Smeal
Harry Reese
N. P. Sawyer
Viewers

Dated, March 28th, 1931.

CLEARFIELD COUNTY, SS:

Now, this 30th day of March, A. D. 1931,
service of the above Notice is hereby accepted for the Supervisors of
Morris Township, Clearfield County.

William Hickson
Clifford Smeal
Mike Francisco
Supervisors

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:

Award to Agnes Shields, Mary Flegal, Nannie Baumgardner, W. A. Shields, Martha Hall and Ruth Carlson as a whole, Five Hundred (\$500.00) Dollars.

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

WITNESS our hands and seals this 18th day of April
A. D. 192 31.

John Scelling Seal.
T. J. Reese Seal.
J. P. Bowles Seal.
 Seal.

No. 2 May Sessions, 1931

ORDER

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.

To view and assess damages to Agnes Shields, Mary Flegal, Nannie road for Baumgardner, W.A. Shields, Martha Hall and Township of Ruth Carlson, Morris Clearfield County

	Days	Miles	amt.
H. A. Reese	3	62	\$25.60
H. P. Dowler	2	50	\$17.50
John Scollins	3	108	\$35.40
Wm. Devinney	1	40	\$3.20
C. A. Hoover	1	56	\$3.68
Charles Maurer	1	56	\$3.68

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.

July 31st 1931
This order having been on file over 30 days and no objection, it is released and forever quit-claimed to the County of Clearfield
Acre of land damaged

Filed 19
Fees \$1.25 paid by
W.A. Haggerty and
Carl A. Belin, Atty.s.

19
APR 3 1931
C. 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 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

Seal

Seal

Seal