

Road

DOCKET No. 6

Number	Term	Year
3	May ss	1931

Petition of Lars A. Engsdahl
for Appt. of viewers to assess
damages in Pike Twp.
Versus

X

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA.

Lars A. Engdahll)		
)	No.	May Term, 1931.
vs.)		
)		
Clearfield County)		

TO THE HONORABLE A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of Lars A. Engdahll, of Olanta, Penna., respectfully represents:

That your petitioner is the owner of a tract of land in Pike Township, Clearfield County, Pa.

That an improved State Highway has been built through the said farm, changing the location of the original road and has been so constructed as to greatly damage and injure the farm, particularly in leaving a deep ditch between the barn and the highway and providing no crossing, destroying apple trees and injuring the barn and otherwise damaging the said premises, and injuring the growing crops.

That he has been unable to arrive at a satisfactory settlement for damages with the County Commissioners of Clearfield County.

Your petitioner therefore prays your Honorable Court to appoint viewers to view and appraise and assess the damages to which your petitioner is entitled by reason of injury and damage to his property by the building of said State Road or Highway.

And he will ever pray, etc.

CLEARFIELD COUNTY, SS:

L. A. Engdahll

Lars A. Engdahll being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true to the best of his knowledge, information and belief.

Sworn and subscribed to before :
me this 19 day of March, 1931.:

L. A. Engdahll

Jennie E. Bailey

NOTARY PUBLIC

My Commission Expires March 6, 1935

In the Court of Common Pleas of Clearfield County, Pa. No. 3 May T. 1931.	Lars A. Engdahl vs. Clearfield County	Petition for viewers to assess damage.	<i>from June 30th 1931 the date of the 13th of the month and appointed viewers to view and report by the Court by <i>A. J. Moore</i> <i>P. J.</i></i>
Realtor Realty Attorney at Law Clearfield, Pa.			

RECEIVED
MAY 30 1931
CITY OF CLEARFIELD

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. 3, 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

Pike and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 22nd 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 24th 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: Lars Engdahll, E. A. Fager, Fred Beckman, C. W. Kanauff; Joseph Smay, J. F. Thompson and Frank Bloom,
Supervisors of Pike Township,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 24th day of April A. D. 1931, when the following appearances were noted: Walter Welch, Esq., Attorney for petitioner; F. G. Smith, Esq., of Liveright & Smith, County Solicitors; M. L. Silberblatt, Esq., Solicitor for Pike Township. Lars Engdahll, petitioner, and E. A. Fager, Fred Beckman, W. S. Bloom, C. P. Rowles, Stanley Douglas, witnesses on behalf of petitioner. Joseph Smay, J. F. Thompson and Frank Bloom, Supervisors of Pike Township, 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~~ 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~~ damages have been sustained by the petitioner. We further find that an Improved public road leading from Curwensville, via Bloomington to Olanta in Pike Township, has been relocated, regraded and reconstructed as a permanent macadam highway, and by the changes in the course thereof, as well as the changes in width, grades and existing lines and location:

First:- A portion of petitioner's improved and cultivated land occupied as a Farm was taken as shown on the map or draft thereof hereto attached and made a part hereof, comprising an area of five acres of petitioner's most productive farm-land, including a garden-patch of 3/4 acres, and cutting off access to petitioners pasture-land, destroying his fences and cutting two open ditches across the southern portion of his farm- and meadow-land, as also a deep culvert and wash-out of his land.

Second:- We further find that a long open ditch running parallel with said Highway will require covering and filling to prevent further damage to the foundation of petitioner's barn, as also a retaining wall along the Run bordering on petitioner's meadow.

Third:- We further find that the changes in re-locating said Highway and the grade thereof with precipitious embankments inconveniences petitioner's out-let for his timber and dangerous to himself and live-stock in crossing same; and that five fruit-bearing apple trees were cut down and destroyed.

Fourth:- The amount of damages claimed by petitioner is \$1740.00, and as testified to by his witnesses varying from \$800.00 to \$1215.00; while in the opinion of the Supervisors of Pike Township the benefits of the Improved Highway nearly equalize any damages suffered, but that petitioner should be com-

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

LARS A. ENGDAHL

Judge of the same Court: Upon the petition of ~~sundry~~
~~holders~~ of the Township of Pike

in said County, setting forth that he is the owner of a tract of land in Pike Pike Township.

That an improved State Highway has been built through the said farm, changing the location of the original road and has been so constructed as to greatly damage and injure the farm, particularly in leaving a deep ditch between the barn and the highway and providing no crossing, destroying apple trees and injuring the barn and otherwise damaging the said premises, and injuring the growing crops. and has been unable to arrive at a satisfactory settlement with the County Commissioners and therefore, praying the Court to appoint proper persons to ^{ASSESS DAMAGES} 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 John Scollins, Esq., Ed Billotte 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.

Geo. W. Ralston, Clerk.

No. 3 May Sessions, 19 31

ORDER

To view and assess damages a
~~road~~ road to Lars A. Engdahl in the
township of Pike,
Clearfield County

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.

*Now June 7th 1931
The within report
being on file over
a period of 30 days no
exception, it is ordered
and directed Clearfield
County pay said damages
By the court
A. B. Brown*

Filed

Fees \$1.25 paid by file

Walter Welch, Atty.

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.
E. D. Billotte	4	80	\$34.00
H. P. Dowler	2	24	\$16.20
John Scollins	4	88	\$34.40
W. S. Bloom	1	18	\$3.08
E. A. Fager	1	18	\$3.08
Fred Beckman	1	18	\$3.08
C. P. Rowles	1	18	\$3.08
Stanley Douglas	1	18	\$3.08



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

pensated from \$75.00 to \$100.00.

Fifth:- 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 macadam Highway, your Board is of the opinion that the damages claimed by petitioner and his witnesses are excessive; that the estimates of the Board of Supervisors are inadequate; and that the petitioner should be compensated for the land taken and occupied and the damages and inconvenience caused him.

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 Lars A. Engdahl, the sum of Five Hundred Seventy-five (\$575.00) Dollars.

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

WITNESS our hands and seals this 25th day of April
A. D. 1921.

John Seelins Seal
E. D. Billotte Seal
H. D. Fowler Seal
Seal

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 Re. S. May Sessions, 1931, to view and assess damages done to the property of Lars A. Ryglehill in the construction and relocation of the State Highway (running from Bloomington to Glendon) in Clearfield County aforesaid, will meet at the Farm of Lars A. Ryglehill in Pike Township on Wednesday, the 22nd day of April, A. D. 1931 at eleven (11:00) 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 24th 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 Collins
Ed. Billotte
H. P. Dawler
Viewers

Dated, April 7th, 1931.

CLEARFIELD COUNTY, SS:

Now, this ^{9th} day of April, A. D. 1931, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Norris
Clerk

TO: Joseph Smay, J. Frank Thompson and Frank Bloom, Supervisors
of Pike Township, Clearfield County:-

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania,
to No. 3, May Sessions, 1931, to view and assess damages done to the property
of Lars A. Engdahll in the construction and relocation of the State Highway
(running from Bloomington to Glenta) in Clearfield County aforesaid, will meet
at the Farm of Lars A. Engdahll in Pike Township on Wednesday, the 22nd day
of April, A. D. 1931 at eleven (11:00) 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 24th 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 Tollins
Ed. Billotte
A. P. Dowler
Viewers

Dated, April 7th, 1931.

CLEARFIELD COUNTY, SS:

Now, this 9th day of April, A. D. 1931, service
of the above Notice is accepted for the Supervisors of Pike Township,
Clearfield County.

Frank Bloom
J. Frank Thompson
Joseph Smay
Supervisors

