

Road

DOCKET No. 6

Number Term Year

3 Feb ss 1931

Petition of William E. Turner for
assessment of damages in Graham Twp

Versus

X

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

In the Matter of Assessment of) Of February Term,
Damages done to lands of William) 1931
E. Turner in Graham Township by)
Construction of State Highway.) No. 3.

To the Claimant; the Supervisors of Graham Township, and
to the Commissioners of Clearfield County;:-

You and each of you will hereby take notice that the undersigned have been appointed by the Judge of the above named Court to view lands of the above named petitioner, WILLIAM E. TURNER, in Graham Township, described in his petition filed to the above term and number, and to assess damages done to said lands by reason of the reconstruction of the State Highway over said lands, leading from the village of Bigler, in Bradford Township, to Allport, in ~~the~~ Township. The Viewers will meet for purpose of making said view on Friday, the 16th day of January, 1931, at 2.30 o'clock P. M., at the house of said William E. Turner, and will meet in the Grand Jury Room of the Court House at Clearfield, Pa., on Monday the 19th day of January, 1931, at 9.30 o'clock A. M., for purpose of conducting the public hearing in the premises, required by the Act of Assembly and the Rules of this Court. At these times and places, parties in interest may attend if they desire.

Red Barzel
Harry Reese
Harry P. Darrow
Viewers

Beginning at an oak stump, corner of land of E. K. Turner and Orville Smeal, formerly Benjamin Smeal, thence south along said Smeal land 120 rods to post on land of said E. K. Turner; thence along his land west $92\frac{1}{2}$ rods to post, corner of lands of E. K. Turner, A. E. Woolridge and S. I. Burge; thence north along said Burge and Woolridge land 120 rods to post; thence along line of same east $92\frac{1}{2}$ rods to place of beginning. Being bounded on the north by land of A. E. Woolridge and S. I. Burge, on the east by lands of Orville Smeal, on the south by lands of E. K. Turner and on the west by lands of Woolridge and Burge. Containing 75 acres, more or less. Reserving and excepting therefrom, all the minerals of every kind and mining privileges for the operation and removal of the same, and particularly as set forth in a certain lease between Harbison-Walker Refineries Company and said E. K. Turner. Being the same premises which E. K. Turner and wife by their deed dated Nov. 6, 1911 and recorded in deed book No 185 page 530. granted and conveyed to the said William E. Turner.

That the Secretary of Highways and the Highway Department had taken over some years ago and for some time maintained state highway Route No 668 running through the above lands and during the year 1929 and 1930 has relocated said route running from the village of Bigler to the Village of Allport.

That the petitioner has sustained damages by reason of the change of location and has been unable to agree with the said Commissioners of Clearfield County upon the amount of damages which would justly compensate him for lands taken.

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 6th day of January in the year of our Lord one thousand nine hundred thirty one

WILLIAM E. TURNER

Judge of the same Court: Upon the petition of ~~sundry~~ in-
habitants of the Township of GRAHAM

in said County, setting forth that your petitioner is the owner of a certain tract or piece of land situate in the Township of Graham, County of Clearfield and State of Pennsylvania, 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 E.G. Boose, Esq.,
Harry Reese and Harry 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

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 Graham and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 16th day of January, A. D. 1921, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 19th day of January, 1921, at 9.30 o'clock A. M. That all of the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view William E. Turner, the Claimant; James Bock, one of the Supervisors of Graham Township, and divers other persons, resident of the community.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 19th day of January A. D. 1921, when the following appearances were noted: William E. Turner, the Claimant and with him, John Urey Esq., his counsel; Frank Smith Esq. and L. C. Norris, Clerk, representing the Commissioners of Clearfield County; James Bock, a Supervisor of Graham Township, as as witnesses for the Claimant, Ed. Billotte and others.

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 petitioner, and that the same is not necessary for a shorter 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 the same to use the following described road; to wit Beginning at the corner of the State Highway and the road leading to the Bigler's Mill Upon a view being had and the testimony of the claimant and his witnesses being heard and considered, the Viewers are of the opinion that the claimant, William E. Turner, is owner of the premises described in his petition, and that by reason of taking of land and other damage incident to the construction of the State Highway from Bigler to Allport, the claimant has suffered damage for which the County of Clearfield is liable, and that such damage results from a depreciation of the fair market value of the premises affected and that a fair amount of such depreciation would amount to the sum of six hundred and seventy-five dollars. The Viewers therefore assess the sum of six hundred and seventy-five dollars as damage against the county of Clearfield and in favor of said William E. Turner.

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 William E. Turner the sum of Six Hundred and Seventy-Five Dollars.~~

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

WITNESS our hands and seals this 22nd day of January
A. D. 1921.

Exhibit

Sealy

W.A. Reese

Seite

John D. Davis

Seal.

Seal

No. 3 Feb Sessions, 1931

ORDER

To view and assess damages in
township of Graham Clearfield County
for William E. Turner use in the
township of Graham 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 plays 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 he 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 P. Dowler	2	15	\$16.
Harry Reese	3	38	\$26.
C. G. Boose	4	108	\$40.

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.

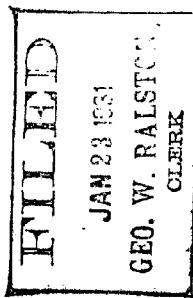
Witness our hands and seals this _____ *day of* _____

10

Filed 19 _____

Fees \$1.25 paid by _____

John M. Urey, Atty.



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

In the Matter of Assessment of) Of February Term,
Damages done to lands of William) 1931
E. Turner in Graham Township by)
Construction of State Highway.) No. 3.

To the Claimant; the Supervisors of Graham Township, and
to the Commissioners of Clearfield County:-

You and each of you will hereby take notice that the undersigned have been appointed by the Judge of the above named Court to view lands of the above named petitioner, WILLIAM E. TURNER, in Graham Township, described in his petition filed to the above term and number, and to assess damages done to said lands by reason of the reconstruction of the State Highway over said lands, leading from the village of Bigler, in Bradford Township, to Allport, in Morris Township. The Viewers will meet for purpose of making said view, on Friday, the 16th day of January, 1931, at 2.30 o'clock P. M., at the house of said William E. Turner, and will meet in the Grand Jury Room of the Court House at Clearfield, Pa., on Monday the 19th day of January, 1931, at 9.30 o'clock A. M., for purpose of conducting the public hearing in the premises, required by the Act of Assembly and the Rules of this Court. At these times and places, parties in interest may attend if they desire.

Les Baue
Harry Reese
Harry P. Stabler
Viewers

Now, January 9, 1931, service of the foregoing notice made upon the Claimant's attorney and copy of notice delivered and service is hereby accepted for Claimant, and also for the Federal Land Bank of Baltimore mortgagee John M. Tracy, Counsel.

Now, January 9, 1931, service of the foregoing notice made upon the Supervisors of Graham Township by delivery of copy to counsel and service is hereby accepted.

H. A. Aggett, Esq.
Solicitor

Now, January 9, 1931, service upon the Commissioners of Clearfield County had and copy of notice delivered and service is hereby accepted.

S. C. Morris
Clerk.

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and assess damages done to lands of WILLIAM E. TURNER in improving State Highway Road leading from Bigler

in Bradford Township, to Allport

in Morris Township, in Clearfield County, aforesaid,

will meet at the house of William E. Turner

in Graham Township, on Friday the sixteenth

day of January 1931, at 2.30 o'clock, P. M.

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

The Public Hearing in the matter required by the Act of Assembly, and the Rules of the aforesaid Court, to be held by Viewers, will be held in the

Grand Jury Room of the Court House at Clearfield,

Penna., on Monday the nineteenth day of

January 1931, at 9.30 o'clock A. M.

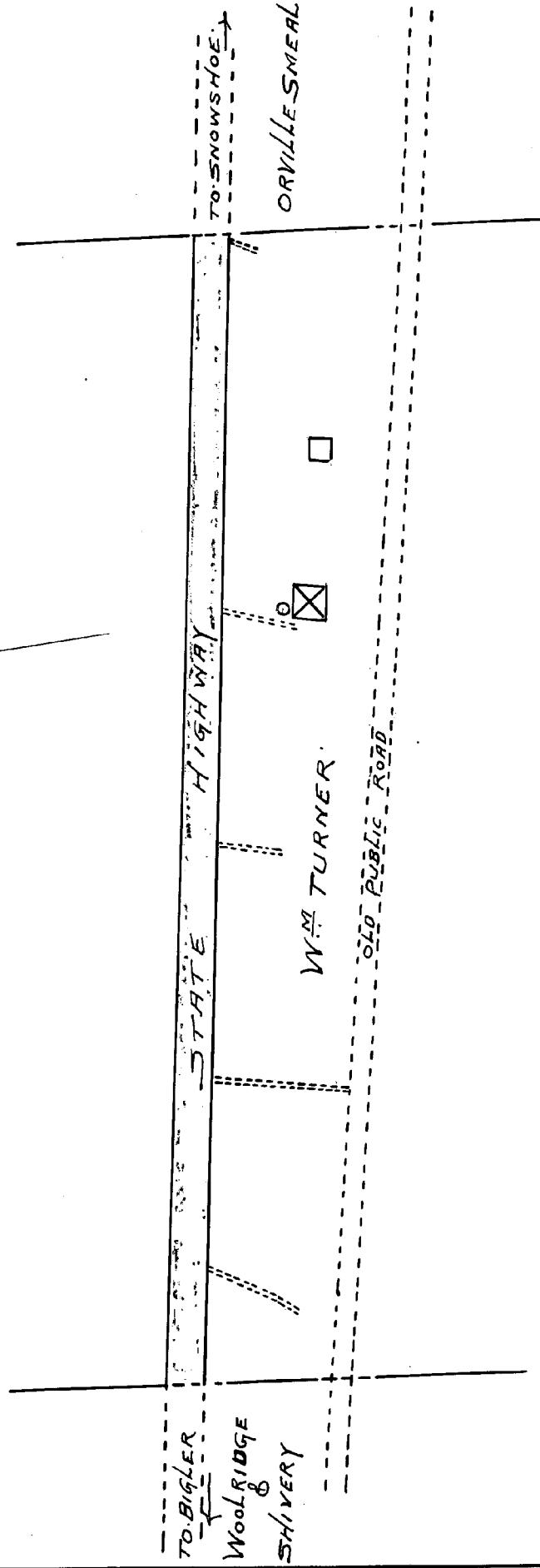
E. G. Boose

Harry Reese

Jan. 9, 1931. Harry P. Dowler

Viewers.

PROPERTY OF W.M. TURNER
IN GRAHAM TOWNSHIP, CLEARFIELD COUNTY, PA.
VIEWED UPON A QUESTION OF DAMAGE.
JAN. 16-1931 BY E.G. BOOSE Esq.
H.A. REESE
H.P. DOWLER
SCALE 1" = 200'



—2000.

H. A. KEESE

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

Petition of WILLIAM E. TURNER, :
for appointment of viewers to :
assess damages in the relocation : No. Feb. Sessions, 1931.
and reconstruction of State Highway :
Route No. 668. :

To HON. A. R. CHASE, President-Judge of said Court:

The petition of William E. Turner of the Township of Graham, County of Clearfield, and State of Pennsylvania, respectfully represents:

FIRST. That your petitioner is the owner of a certain tract or piece of land situate in the Township of Graham, County of Clearfield, and State of Pennsylvania, bounded and described as follows: Beginning at an oak stump, corner of land of E. K. Turner and Orville Smeal, formerly Benjamin Smeal, thence south along said Smeal land 120 rods to post on land of said E. K. Turner; thence along his land west $92\frac{1}{2}$ rods to post, corner of lands of E. K. Turner, A. E. Woolridge and S. I. Burge; thence north along said Burge and Woolridge land 120 rods to post; thence along line of same east $92\frac{1}{2}$ rods to place of beginning. Being bounded on the north by land of A. E. Woolridge and S. I. Burge, on the east by lands of Orville Smeal, on the south by lands of E. K. Turner and on the west by lands of Woolridge and Burge. Containing 75 acres, more or less. Reserving and excepting, therefrom, all the minerals of every kind and description in, under and upon the same, together with all rights and mining privileges for the operation and removal of the same, and particularly as set forth in a certain lease between Harbison-Walker Refractories Company and said E. K. Turner. Being the same premises which E. K. Turner and wife by their deed dated Nov. 6, 1911 and recorded in Deed Book No. 185 page 530, granted and conveyed to the said William E. Turner.

SECOND. That the Secretary of Highways and the Highway Department of the Commonwealth of Pennsylvania had taken over some

years ago and for some time maintained State Highway Route No. 668 which was located on a public highway running through the above described lands, and during the years 1929 and 1930 has relocated, reconstructed and improved said State Highway Route, running from a point near the Village of Bigler to a point beyond the village of Allport in said County of Clearfield, for its entire distance through the above described property.

THIRD. That your petitioner has sustained damages by reason of the change of existing lines and location, the digging of drains or ditches, and the reconstruction of said Highway through said property of the following nature and character:

That the public road on which said State Highway Route No. 668 running from Bigler to Allport formerly passed in front of the farm buildings on the above described farm, and a large frame dwelling house, large frame barn and a number of other farm buildings had been erected upon said land and that said buildings were erected to conform to the location of said public road, the dwelling house being built with the front of the house facing on the road and the barn and other buildings being so erected and arranged as to be convenient of access to and from said public road, and so that drainage would not interfere in any way with the use of said buildings and the use of the barn as a dairy barn.

That the Secretary of Highways and the Highway Department of the Commonwealth of Pennsylvania changed the entire location of said road through the above described premises, and relocated it so that the road now passes along ~~the~~ back of the dwelling house and interferes with the drainage of the land where the farm buildings are located and a large meadow lying between the old road and the State Highway as now relocated and reconstructed.

That the new State Highway as reconstructed cuts off the farm buildings from a large part of the farm lying north of the road, which part of the farm is partly used for pasture lands for dairy cattle, and no arrangement has been made for the transferring of

live stock from the farm buildings to this pasture, so that it will be necessary for the owner of this farm to construct a tunnel, subway or underground passageway under this State Highway for the purpose of transferring the stock from the barn to these pasture lands and to maintain a lane or driveway from the barn to the eastern side of the farm where this tunnel will be constructed.

That a strip of land 80 feet in width and 1581 $\frac{1}{2}$ feet in length has been carved out of the middle of this farm and appropriated by the Secretary of Highways and the Highway Department of the Commonwealth of Pennsylvania for this State Highway.

That five open ditches have been made from said relocated and reconstructed highway out across the land above described as follows: One 6 feet 9 inches in width 2 feet 9 inches deep near the road and extending to zero at a distance of 38 feet 10 inches; another 5 feet 3 inches wide by 2 feet 4 inches deep extending to zero at 103 feet; which ditch will empty all the water that flows therein near the barn and under the stables in the barn; another 5 feet 5 inches wide 2 feet 7 inches deep and 186 feet 6 inches long; another 5 feet 10 inches wide 3 feet 4 inches deep and 192 feet 10 inches long, the ground from which was hauled away by the contractors, leaving an open ditch from which 2550 cubic feet of earth has been removed; another V-Shaped open ditch of considerable depth at the road, but tapering to zero at a distance of 130 feet.

That a large part of the farm through which the above stated open ditches were cut has been put in such condition that it cannot be cultivated unless pipe is placed in said ditches and covered over, and it will be necessary to replace the earth which was removed from these ditches and hauled away by the contractors.

And that said State Highway was located through a part of the orchard on said farm and four apple trees bearing a good quality of fruit were cut down and destroyed.

FOURTH. That the reconstruction of said State Highway through the above described property has been completed, and your petitioner

has endeavored to obtain a settlement from the Commissioners of the County of Clearfield for the damages he has sustained by reason of the acts of the Secretary of Highways and the Highway Department of the Commonwealth of Pennsylvania, as herein alleged, and is unable to agree with the said Commissioners of Clearfield County upon the amount of damages which would fairly and justly compensate him for the lands appropriated, the damages done to the land and for the other injuries and inconveniences resulting from the construction of said road or State Highway as aforesaid.

Your petitioner, therefore, prays your Honorable Court to appoint viewers as provided by the laws of the Commonwealth of Pennsylvania to view and assess the damages he has sustained and is entitled to receive by reason of the appropriation of his land and the other injuries to his property occasioned by the relocation and reconstruction of said State Highway through the same.

William E. Turner

State of Pennsylvania, :
SS:
County of Clearfield. :

William E. Turner, being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

William E. Turner

Sworn and subscribed to before me this
30th day of Dec 1930
A. D. 1931.

Geo W. Ralston
Notary Public



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD CO., PA.
No. 3 Feb. Sessions, 1931.

Petition of WILLIAM E. TURNER, for appointment of viewers to assess damages in the relocation and reconstruction of State Highway Route No. 668.

Now, January 6, 1931, upon presentation of the foregoing petition of William E. Turner and P. H. Hough, are appointed viewers to view and assess the damages to the premises described in the foregoing petition under the Acts of Assembly relating thereto.

BY THE COURT,

S. M. Urey
JOHN M. UREY
ATTORNEY AT LAW
CLEARFIELD TRUST COMPANY BUILDING
CLEARFIELD, PA.

John M. Urey
John M. Urey

County.

of this Petition is accepted for the Commissioners of Clearfield
Now, January 6, 1931, service of notice of the presentation