

Road

DOCKET No. 6

Number

Term

Year

5

Feb ss 1931

Petition of W. S. Bloom for Appt. of  
viewers to assess damages Pike Twp

**Versus**

X

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

W. S. BLOOM,  
H. F. BLOOM AND C. A. BLOOM,

-vs-

no. Term 1930.

TOWNSHIP OF PIKE ROAD DISTRICT

PETITION FOR VIEWERS TO ASSESS DAMAGES

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

Your petitioner respectfully represents:

FIRST: That there was a public road long laid out between  
Bloomington, Pike Township, Clearfield County, Pennsylvania and  
Olanta, Pike Township, Clearfield County, Pennsylvania.

SECOND: That in the year 1930, this public road from  
Bloomington to Olanta was improved by Pike Township with the aid  
of Clearfield County and the State of Pennsylvania, and a macadam  
road was built between these points under the State-aid plan.

THIRD: That in the year of 1872, Martha Bloom purchased  
the following described real estate:

ALL THAT CERTAIN tract or parcel of land situate in the  
Township of Pike, County of Clearfield and State of Pennsylvania,  
the same being bounded and described as follows:

BEGINNING at a post on line of David Rowell by public  
road; thence by land of David Rowell South forty (40) degrees East  
nineteen (19) perches to a line; thence by said land South forty  
(40) degrees West nineteen and three tenths (19.3) perches to a

post; thence by land of Robert Owens South fifty three and a half (53 1/2) degrees East twenty one (21) perches to a post by the Milport Road; thence by said road and land of Robert Owens North twenty one (21) degrees East twenty eight (28) perches; thence North twenty three and half (23 1/2) degrees East twenty seven (27) perches to a post in forks of the Milport and Price Road; thence by Price road and land of said Owens North seventy and half (70 1/2) degrees West thirteen and two tenths (13.2) perches to a post in said road; thence by same South forty eight and half (48 1/2) degrees West sixteen and seven tenths (16.7) perches to the place of beginning. Containing six (6) acres more or less. A full and accurate description of said real estate will be found in Deed Book 5, page 276-277-278, recorded in Clearfield County, Pennsylvania Martha Bloom died September 10th, 1929, intestate, leaving to survive her the three (3) sons above mentioned, namely, W. S. Bloom, H. F. Bloom and C. A. Bloom, and no other heirs. Her husband died in 1911, and the plaintiffs in this case are the sole heirs of the above real estate.

FOURTH: Your petitioner, W. S. Bloom is one of the joint owners.

FIFTH: Right at the corner of the Plaintiffs' land, there is a road crossing the Bloomington Road; said road leading from Clearfield to Lumber City. In building the aforesaid macadam road, they raised the grade of said road near the Plaintiffs' buildings, approximately eight (8) feet from the level of the old road and consequently raised the cross road to approximately eight (8) feet.

SIXTH: There was a water line running from the town of Bloomington toward Olanta which was a source of water supply of the buildings, and as a result of this grading the road, the water

inconvenient  
supply has been so ~~lessened~~ that it was necessary for the Plaintiff to get his water from a spring. Said spring being very unfit for use as the surface water from said road drains into said Spring, and ultimately, a well will have to be dug to supply the necessary water for the house.

SEVENTH: That the surface water<sup>drains</sup> off this road toward the buildings, and as a result of said water draining will cause the timber to decay and will eventually destroy the buildings. The property has become totally useless, inconvenient and very burdensome, and the market value has been lessened to the amount of seventy five (75%) per cent and said property is now worth twenty five (25%) per cent of its value prior to the time the road was built.

EIGHTH: That there were three fruit trees cut down as follows: a walnut tree, a Cherry tree and an apple tree.

NINTH: That the road near the barn is so high that it has totally cut off the lower approach to the barn.

TENTH: That there are three (3) ditches in this road draining onto the Plaintiffs' land, and the lower ditch will cause the land to become swampy and it will be necessary to dig an under ground ditch to drain it off the land and the other two ditches will cause the water to rush through and wash away the surface of said land as it is located on a steep slope.

the lower  
ELEVENTH: There is a fill on/portion of the Plaintiffs' property approximately ten (10) feet high and running for a distance of approximately one hundred (100) feet.

TWELFTH: Due to the above damages and all other damages

which the viewers may find, the market value of the said property has been lessened and decreased, and the property has become almost a total loss.

WHEREFORE, your petitioner prays the learned Court to appoint viewers to assess the damages in the above entitled case according to the laws and Act of Assembly so provided.

W. S. Bloom

STATE OF PENNSYLVANIA )  
                                  ) SS:  
COUNTY OF CLEARFIELD )

Personally appeared before me the subscriber, W. S. Bloom, the within named petitioner, who after being duly sworn according to law, doth depose and say that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

Sworn and subscribed to before me )  
this 14 day of November, A. D. )  
1930. )

W. S. Bloom

Geo. W. Ralston  
Notary

5 Feb 22 1931  
Term ~~1930~~.

- 59 -

company of five to six.

Nov 20 1925

1931 *de la*

Sgt. Harry Reese Ed

H. J. Harbison

*Wm. H. R.*

Ray  
A. B. Thompson

10

at 0900 G.T.  
Chorfield, W.

FILED  
JAN 19 1931  
GEO. W. RALSTON  
CLERK

That there was a public road long laid out between Bloomington, Pike Township and Olanta, Pike Township, Clearfield County, Pa.

That in the year 1930, this public road from Bloomington to Olanta was improved by Pike Township with the aid of Clearfield County and a macadam road was built between these points under the State-aid plan.

That in the year of 1872, Martha Bloom purchased the following described real estate:

All that certain tract of land situate in the Township of Pike; Beginning at a post on line of David Rowell by public road; thence by land of David Rowell south 40 degrees east 19 perches to a line; thence by said land south 40 degrees west 19.3 perches to a post; thence by land of Robert Owens south  $53\frac{1}{2}$  degrees east 21 perches to a post by the Millport road; thence by said road and land of Robert Owens north 21 degrees east 28 perches; thence north  $23\frac{1}{2}$  degrees east 27 perches to a post in forks of the Millport and Price road; thence by Price road and land of said Owens north  $70\frac{1}{2}$  degrees west  $13.2$  perches to a post in said road; thence by same south  $48\frac{1}{2}$  degrees west  $16.7$  perches to the place of beginning. Containing six acres more or less. Martha Bloom died Sept. 10, 1929, intestate, leaving to survive her the three sons namely W. S. Bloom, H. F. Bloom and C. A. Bloom and no other heirs.

Your petitioner W. S. Bloom is one of the joint owners.

Right at the corner of the plaintiffs land there is a road crossing the Bloomington Road; said road leading from Clearfield to Lumber City. In building the aforesaid macadam road, they raised the grade of said road near the plaintiffs buildings approximately 8 feet from the level of the old road and consequently raised the cross road to approximately eight feet.

There was a water line running from the town of Bloomington toward Olanta which was a source of water supply of the buildings, and as a result of this grading the road, the water supply has been so inconvenient that it was necessary for the plaintiff to get his water from a spring. Said spring being very unfit for use as the surface water from said road drains into said spring.

Due to the above damages and all other damages the market value of the said property has been decreased,

Due to the fact that the above measures and all other measures referred to in the market have been increased, the market

[illegible]

The first test was a test of the corner of the room. The room was a square, and the corner was marked with a red line. The test was conducted by a person who was not involved in the investigation. The test was conducted by a person who was not involved in the investigation. The test was conducted by a person who was not involved in the investigation.

your petitioner "J. S. Bloom is one of the joint owners.

and C. A. Bloom and no other heirs.

leaving to survive her the three sons  
six acres more or less.

Marys Bloom died Sept. 10, 1859, intestate,  
degrees west 10.1 berches to the base of beginning. Containing  
degrees west 10.1 berches to a boat in said road; thence by same south 18.4  
west 11.5 berches to a boat in said road and land of said Owens north 10.5 degrees  
north 75 degrees east 51 berches to a boat in forks of the Millport and Price  
road and land of said Owens north 10.5 degrees east 51 berches; thence north 51  
degrees east 51 berches to a boat in said road and land of  
Robert Owens north 15 degrees east 58 berches; thence by said road and land of  
to a boat by the Millport road; thence by said road and land of  
boat; thence by land of Robert Owens south 04 degrees west 12.2 berches to a  
line; thence by land of David Howell south 04 degrees west 12.2 berches to  
thereby land of David Howell south 04 degrees west 12.2 berches;  
Bike; Beginning at a boat on line of land of David Howell in the township of

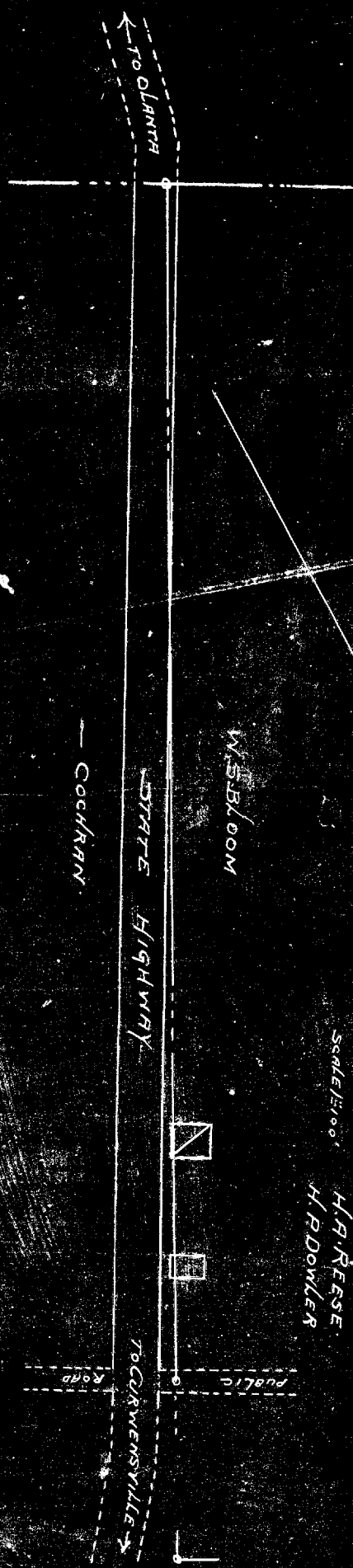
following described real estate:

that in the year of 1965, B M L P P R H J O C M purchased the

noting that the most serious threat to the health of the community is the lack of adequate housing and the need for a comprehensive program of housing and health care.

County, Pa.  
Bloomington, Pike Township and Grants, Pike Township, Clearfield  
that there was a public road laid out between





W. S. BLOOM PROPERTY  
IN PIKE TOWNSHIP CLARKE COUNTY, PA.  
VIEWED ON A QUESTION OF DRAINAGE.  
MAY 17-1931 BY JOHN SCOLLINS ESQ.  
SCALE 1/2" = 100'  
H. R. REESE  
H. P. DOWLER

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, Penn-  
sylvania, to Es. D, February Sessions, 1931, to view and assess damages  
done to the property of U. S. Bloom in Pike Township by the construc-  
tion of a machine road to replace a public road long since laid out  
between Broomington and Olanta in Pike Township, in Clearfield County  
aforesaid, will meet at the house of U. S. Bloom in Pike Township on  
Tuesday, the 17th day of March, 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 Court-  
room in the Court House in Clearfield on Thursday, the 20th day of  
March, 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 Eccles  
Harry Reese  
A. R. Dowler  
Viewers

Dated, February 10, 1931.

CLEARFIELD COUNTY, SS:

Now, this 28th day of February, A. D. 1931  
service of the above Notice is hereby accepted for the Supervisors  
of Pike Township, Clearfield County.

Frank Bloom  
J. Frank Thompson  
Joseph Smay  
Supervisors

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. 5, February Sessions, 1931, to view and assess damages done to the property of W. S. Bloom in Pike Township by the construction of a macadam road to replace a public road long since laid out between Bloomington and Clanta in Pike Township, in Clearfield County aforesaid, will meet at the house of W. S. Bloom in Pike Township on Tuesday, the 17th day of March, 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 Thursday, the 19th day of March, 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  
Harry Reese  
H. R. Dowler  
Viewers

Dated, February 19<sup>th</sup> 1931.

CLEARFIELD COUNTY, SS:

Now, this 24<sup>th</sup> day of February, A. D. 1931  
service of the above Notice is hereby accepted for the Commissioners  
of Clearfield County.

L. C. Harris  
Clerk

**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 19th day of January  
in the year of our Lord one thousand nine hundred  
Thirty one

W. S. BLOOM

Judge of the same Court: Upon the petition of ~~XXXXXX~~  
~~XXXXXX~~ of the Township of Pike  
in said County, setting forth that

assess damages

and therefore, praying the Court to appoint proper persons to view and ~~XXXXXX~~  
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 quali-  
fied to perform the duties of their appointment with impartiality and according to the best of  
their judgment, 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, do hereby report as follows: 1931

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 17th day of March A. D. 1931 and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 19th day of March, 1931 at ten o'clock A.M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view: W. S. Bloom, petitioner; 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 19th day of March A. D. 1931, when the following appearances were noted: C. A. Belin, Esq., Attorney for petitioners; M. L. Silberblatt, Esq., Attorney for Supervisors of Pike Township; and F. G. Smith, Esq., of Liveright & Smith, Attorneys for Clearfield County.

W. S. Bloom, Samuel L. Crissman, Lars Engdalls, Frank Bloom, Joseph Smay, Frank Thompson, witnesses, 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 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: ~~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 improved as a permanent macadam highway and by the change in the course thereof as well as the changes in width, grade and existing lines and location.

1st:- A portion of petitioners improved land and occupied as a dwelling and truck-farm was taken as shown on the map or draft thereof hereto attached and made a part hereof comprising an area of approximately 1/2 acre.

2nd:- That petitioner's property is located at the intersection of the Improved Road with Township Road at right angles, necessitating the raising of the Township Road on the North side of petitioner's dwelling-house approximately 10 feet in height, while the raise on the East side thereof is approximately 6 feet, with precipitious embankments to ascend and descend into petitioner's property, as well as interfering with the approach to petitioner's barn.

3rd:- That petitioner's water-supply is blocked and will require an opening across the public Township Road to repair the pipe-line; furthermore, the surface water will drain into petitioner's spring, making the water unfit for domestic use.

4th:- That the following fruit trees were destroyed, to wit: apple, cherry and walnut; and petitioner lost a tenant by reason of the inconvenience of approach to the house.

The amount of damages claimed by petitioner and as testified to by two of his witnesses is \$1500.00, while in the opinion of the Supervisors

of Pike Township, the benefits of the Improved Highway equalize any damages suffered. One of the Supervisors admitting that petitioner suffered "some" damage but could not value the amount in dollars and cents; that the land is swampy and of meadow variety, and can only be farmed in spots, and that he would not pay \$1000.00 for the place at any time.

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 State-Aid Highway, your Viewers are of the opinion that the foregoing estimates are excessive; but that the petitioner should be compensated for the land taken and occupied and the damages caused him.

It appearing that the land is owned jointly by Wilson Bloom, Clair Bloom and Frank Bloom, sole heirs of Martha Bloom, deceased; that the award of damages should be made as a whole to them jointly. We therefore award Wilson Bloom, Clair Bloom and Frank Bloom, jointly, the sum of two hundred dollars.

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:

Damages awarded to Wilson Bloom, Clair Bloom and Frank Bloom, jointly, the sum of two hundred (\$200.00) dollars.

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

WITNESS our hands and seals this 14th day of April  
A. D. 1931.

*John Seccina* Seal  
*Ed. Reese* Seal  
*H. H. Hovels* Seal  
Seal

No. 5 Feb Sessions, 1931

## ORDER

To view and assess damages to  
~~road for~~ W. S. BLOOM ~~xxxx~~ 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.

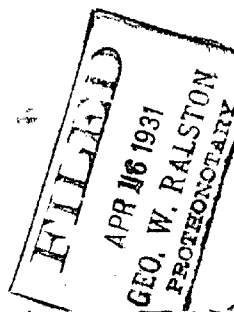
NOTE.—In case of a private road, the release must be executed in favor of the petitioner, for said road.

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.
H. A. Reese	3	130	\$29.00
H. P. Dowler	2	18	\$15.90
John Scollins	4	130	\$36.50
Iars Engdalls	1	18	\$2.08
Sam L. Crisman	1	18	\$2.08



Filed 19

Fees \$1.25 paid by

W. A. Hagerty, Atty.

Carl A. Belin, Atty.

## 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