

Road

DOCKET No. 6

Number	Term	Year
5	Feb	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 fofty (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 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.

ELVENTH: 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)
COUNTY OF CLEARFIELD) SS:
)

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 T. Malston
Notary Public

5 Feb 1931

• P. Bloem et al. 3600

-21-

Journal of Aging Studies

37-1010 FO. VII. 10 ± 23.555

Dear Harry Reese Esq
H. P. Warner and
names to me
respectfully
Yours in care
A. M. Blaine

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 rod; 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,

test in the West and in the East Indies, and the natives of the latter are said to be fond of it. The Chinese, however, do not like it, and it is not much used in their country.

My first trip to the West was in 1915, and I have been there ever since.

Mont Detritus W. S. Broom at one of the more remote.

W.S. Bloom PROPERTY
IN PIKE TOWNSHIP, CLEARFIELD COUNTY, PA
VIEWED ON A SURVEY FOR DAMAGE.

MAR. 7-1931 BY JOHN SCOTT KINNS, ESQ.

SCALE 1/400 H.A. REESE
H.R. Donler

W.S. Bloom

ROCKAWENNSVILLE

STATE HIGHWAY

ROAD

TO OLANTA

— COCHRAN.

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

You are hereby notified that the undersigned visitors,
appointed by the Court of Quarter Sessions of Clearfield County, Penn-
sylvania, to Do. 8, 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 dam and to replace a public road long since laid out
between Duncannon and Olanta in Pike Township, in Clearfield County
aforementioned, 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 business assigned them all parties interested
will take notice.

And that the public hearing as required by Act of
Assembly and Rule of Court to be held by the visitors 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 Adminis-
tration 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 Scelling
Harry Reese
A. R. Dowler
Visitors

Boyd, February 10, 1931.

CLEARFIELD COUNTY, SS:

Now, this 18th 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 Olanta 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 Scallion
Harry Reese
N. R. Dowler
Viewers

Dated, February 19th 1931.

CLEARFIELD COUNTY, SS:

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

L. C. Morris
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 ~~sundry inhabitants~~ 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 ~~fix~~ 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.

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, ~~to be held~~ ^{February 25th} 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 new 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 no use the following described road, to wit no 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 precipitous 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. 19~~7~~31.

John Scoccino *Seal*
L. A. Reeser *Seal*
H. A. Charles *Seal*
Seal

No. 5 Feb 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.

Viewers 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	2	130	\$29.00
H. P. Dowler	2	18	\$15.90
John Scollins	4	130	\$36.50
Lars Engdalls	1	18	\$ 3.08
Sam L. Crissman	1	18	\$ 3.08

To view and assess damages to
W. S. BLOOM *Know in the*
township of PIKE
Clearfield County

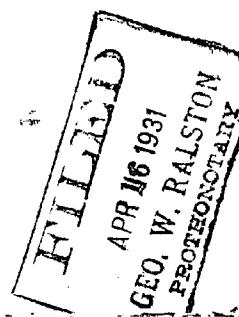
Sessions, 19

read and confirmed Ni. Si. ~~Read-to-be~~
opened-33-feet-wide, except-where-there
is-side-hill-cutting-or-embankment-and
bridging, there to be-16-feet-wide.

Filed 19

Fees \$1.25 paid by

W. A. Haggerty, 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