

Road

DOCKET No. 6

Number	Term	Year
8	Feb	1931

Petition for appointment of viewers
to assess damages to School Dist
Bigler Twp

Versus

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

In re: Reconstruction of :
STATE HIGHWAY, Bigler Town- :
ship, Clearfield County, Pa.:

PETITION

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

The petition of the Bigler Township School District respectfully represents;

1. That the School District is the owner of two certain pieces of ground situate, one in Bigler Township, Clearfield County, Pennsylvania, containing approximately 3.16 acres; the other piece situate in Bigler Township, formerly Gulich Township, Clearfield County, Penna., containing approximately 136 perches, being incorporated by reference, the descriptions of same being hereto attached and marked Exhibits "A" and "B".

2. That adjacent to the property described in Exhibit "A" is State Highway Route being No. 453, being the route extending from Madera to Ramey. That adjacent to property described in Exhibit "B" is a State Aid Highway, extending from State Highway Route 453 to Smoke Run.

3. That the State Highway Commissioner of the State of Pennsylvania during the year 1930 has undertaken and proceeded with the construction of a change in said State Highways.

4. That your petitioner has been damaged by the change made in said State Highways.

5. That your petitioner has been unable to agree with the County Commissioners of Clearfield County on the amount of damages to which your petitioner is entitled by reason of said

appropriation of land and other injury resulting to your petitioner.

6. That the injury to your petitioner consists of taking of ground not formerly appropriated by the State Highway Commissioner, which ground was of considerable value to the petitioners, of the rendering less valuable to the petitioner the ground adjacent thereto for the purposes for which the same is suitable, and of other injuries incidental thereto.

Your petitioners therefore pray your Honorable Court to appoint viewers to appear upon the premises and to view and assess the damages and injury for which your petitioner is entitled to receive compensation by reason of the appropriation of its land aforesaid, and the other injury incidental to the reconstruction and relocation of said State Highway.

James H. Ruffner
President of Bigler
Township School Board

Clearfield County, SS:

Personally appeared before me the subscriber, James H. Ruffner who being duly sworn according to law doth depose and say that he President of the said Bigler Township School District, that the facts set forth in the foregoing petition are true and correct.

Sworn & Subscribed before me :

this 13th day of January 1931 :

James H. Ruffner

McKeonely Notary Public
MY COMMISSION EXPIRES MARCH 25, 1933

EXHIBIT "A"

All that certain lot or piece of ground situated in the Township of Bigler, County of Clearfield, State of Pennsylvania, bounded and described as follows:-

BEGINNING at a post corner of the south eastern side of the State Road to Ramey, and on the north eastern side of the road to Madera and Smoke Run, and which post corner is north 87 degrees 50 minutes east, 28.2 feet from a hole in center of the concrete road, 8 feet northwest from the present end of the concrete paving which leads off to Madera; thence from said post corner south 34 degrees 46 minutes east 335.8 feet along the north-eastern side of said Madera-Smoke Run road, and along the north-eastern side of a lane to post corner, and which line is directly across said lane from other lands of the Bigler Township School District; thence along lands of Julia A. Minds Estate, north 54° 40 minutes, east 405 feet to a concrete post corner; thence still by the same lands north 35 degrees 20 minutes, west 347.5 feet to a post corner of the eastern side of state road to Ramey 16.5 feet from its center, thence along the south-eastern side of said road south 52 degrees 59 minutes, west 402.2 feet to post corner and place of beginning, containing 3.16 acres.

Being the same premises which Eliza M. Soeurman, et al by deed recorded in Deed Book No. 291 page 195 conveyed to Bigler Township School District.

EXHIBIT "B"

All that certain piece or parcel of ground situated in a part of Gulich Township, now Bigler Township, county of Clearfield and State of Pennsylvania, bounded and described as follows to-wit:

Bounded on the north by lands formerly of Robert McMurry, on the South by land formerly of W. R. Dickinson and on the West by lands formerly owned by John Beyer.

BEGINNING on a post on the East side of Road leading from Janesville to the mouth of Muddy Run; thence along said Road South Six and one-half ($6\frac{1}{2}$) degrees west twenty-three and one-half ($23\frac{1}{2}$) perches to a post; thence North Fifty-one and One-half ($51\frac{1}{2}$) degrees East Seventeen (17) perches to a post; thence North forty and one-half ($40\frac{1}{2}$) degrees West Sixteen (16) perches to a post and place of beginning, containing 136 perches.

Being the same premises which
by deed recorded in Deed Book No. page conveyed to
Bigler Township School District.

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

8 Feb 22 1931

In re: Reconstruction of
STATE HIGHWAY, Bigler
Township, Clearfield
County, Penna.

PETITION FOR VIEWERS TO
ASSESS DAMAGES.

Received Jan 26th 1931
John Hollins Day,
Harry F. Blanton et
al. Petors. One shunt
, having to raise and
report to the court
by Ben Smith
A. M. [Signature]
LAW OFFICES
ARNOLD & SMITH
CLEARFIELD, PA.

JAN 26 1931
GEO. W. [Signature]
CLERK

That adjacent to the property described in Exhibit "A" is State Highway Route being No. 453, being the route extending from Madera to Ramey. That adjacent to property described in Exhibit "B" is a State Aid Highway extending from State Highway Route 453 to Smoke Run.

That the State Highway Commissioner of the State of Pennsylvania during the year 1930 has undertaken and proceeded with the construction of a change in said state highway.

That your petitioner has been damaged by the change in said State Highway and has been unable to agree with the County Commissioners on the amount of damages entitled by reason of appropriation of land and other injury to your petitioners

EXHIBIT "A"

All that certain lot or piece of ground situated in the Township of Bigler, County of Clearfield, Penna. bounded and described as follows:

BEGINNING at a post corner of the south eastern side of the State Road to Ramey, and on the north eastern side of the road to Madera and Smoke Run, and which post corner is north 87 degrees 50 minutes east, 28.2 feet from a hole in center of the concrete road, 8 feet northwest from the present and of the concrete paving which leads off to Madera: thence from said post corner south 34 degrees 46 minutes east 335.8 feet along the north-eastern side of said Madera-Smoke Run road, and along the north-eastern side of a lane to post corner, and which line is directly across said land from other lands of the Bigler Township School District; thence along lands of Julia A. Minds Estate, north 54° 40 minutes, east 405 feet to a concrete post corner; thence still by the same lands north 35 degrees 20 minutes, west 347.5 feet to a post corner of the eastern side of state road to Ramey 16, 5 feet from its center, thence along the south-eastern side of said road south 52 degrees 59 minutes, west 402.2 feet to post corner and place of beginning, containing 3.16 acres.

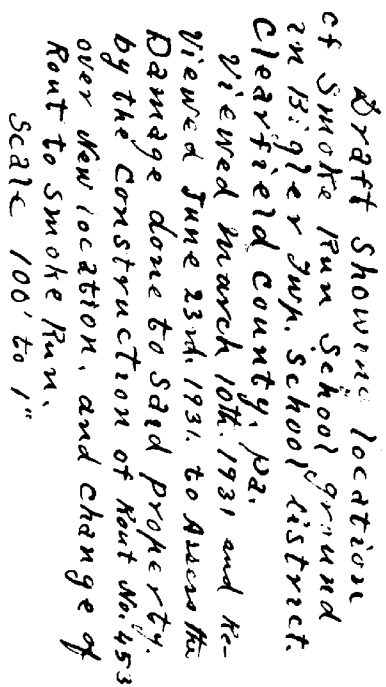
Being the same premises which Eliza M. Scurman, et al by deed recorded in deed book No 291 page 195 conveyed to Bigler Township School District.

EXHIBIT "B"

All that certain piece or parcel of ground situated in a part of Gulich Township, now Bigler Township, bounded and described as follows, to-wit:

Bounded on the north by lands formerly of Robert McMurray, on the south by land formerly of W. R. Dickinson and on the West by lands formerly owned by John Beyer.

BEGINNING on a post on the east side of road leading from Janesville to the mouth of Muddy Run; thence along said road south 6 1/2 degrees west 23 1/2 perches to a post; thence north 51 1/2 degrees east 17 perches to a post; thence north 40 1/2 degrees west 16 perches to a post and place of beginning. containing 136 perches.



John Scollins.
E. D. Billotte
H. P. Dowler,
viewers.

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. 8, February Sessions, 1931 to view and assess damages done to the property of the Bigler Township School District in the construction and change in State Highway Route No. 453, being the route extending from Hedera to Ranney, in Clearfield County aforesaid, will meet at the School Building located on the aforesaid Route No. 453 in Bigler Township on Tuesday, the 10th day of March, 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 Thursday, the 12th 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.

Orin Collins
Harry Sawler
Ed. Billotte
Viewers

Dated, February 18, 1931.

CLEARFIELD COUNTY, SS:

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

L. C. Norris
Clerk

TO: Wm. Hensel, J. E. Robison and W. G. Granville, Supervisors
of Bigler Township, Clearfield County:-

You are hereby notified that the undersigned viewers
appointed by the Court of Quarter Sessions of Clearfield County, Penn-
sylvania, to No. 8, February Sessions, 1931 to view and assess damages
done to the property of the Bigler Township School District in the con-
struction and change in State Highway Route No. 453, being the route
extending from Hadera to Ramsey, in Clearfield County aforesaid, will meet
at the School Building located on the aforesaid Route No. 453 in Bigler
Township on Tuesday, the 10th day of March, 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 Thursday, the 12th 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 Sawler
Ed. Billotte
Viewers

Dated, February 18, 1931.

CLEARFIELD COUNTY, SS:

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

W. G. Granville Jr
Wm Hensel
J. E. Robison
Supervisors

TO: Wm. Hensel, J. E. Robison and W. G. Granville, Supervisors
of Bigler Township, Clearfield County:-

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 8, February Sessions, 1931, to view and assess damages done to the property of the Bigler Township School District, in the construction and change in State Highway Route No. 453, being the route extending from Madera to Romey; and in the construction of State Highway Route No. _____, being the route extending from Madera to and through Smoke Run, in Clearfield County aforesaid, will meet at the School Building in Bigler Township aforesaid, on Tuesday, the 23rd day of June, A.D. 1931, at 10 o'clock A.M., to attend to the duties assigned them; all parties interested will take notice.

And that the adjourned 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 Borough, on Wednesday, the 24th day of June, A.D. 1931, at 10 o'clock A.M., or soon as thereafter as counsel can be heard; at which time and place all parties interested may attend and be heard.

John Scollins
Harry Dowler
Ed. Billotte

Dated, June 12th, 1931.

Viewers.

CLEARFIELD COUNTY, SS:

Now, this 15th day of June, A. D. 1931, certice of the above Notice is hereby accepted for the Supervisors of Bigler Township, Clearfield County.

J. E. Robison
Wm. Hensel
W. G. Granville
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. 8, February Sessions, 1931, to view and assess damages done to the property of the Bigler Township School District, in the construction and change in State Highway Route No. 453, being the route extending from Madera to Ramey; and in the construction of State Highway Route No. _____, being the route extending from Madera to and through Smoke Run, in Clearfield County aforesaid, will meet at the School Building in Bigler Township aforesaid, on Tuesday, the 23rd day of June, A. D. 1931, at 10 o'clock A. M., to attend to the duties assigned them; all parties interested will take notice.

And that the adjourned 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 Borough, on Wednesday, the 24th day of June, A. D. 1931, at 10 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.

Chas. Collins
Harry Dawler
Ed. Billotte

Viewers

Dated, June 12th, 1931.

CLEARFIELD COUNTY, SS:

Now, this 15th day of June, A.D. 1931, service of the above Notice is accepted for the County Commissioners of Clearfield County,

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 28th day of January
in the year of our Lord one thousand nine hundred
thirty one

Judge of the same Court: Upon the petition of ~~XXXXXX~~
BIGLER TOWNSHIP SCHOOL DISTRICT
~~XXXXXX~~ of the Township of Bigler

owner of two certain pieces of ground situate, one in Bigler Twp. containing
approximately 3.16 acres; the other piece situate in Bigler Twp, formerly
Gulich Township, containing approximately 136 perches, being incorporated
by reference, the description of same being attached and marked Exhibits
"A" and "B"

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 John Scollins, Esq.,
Harry P. Dowler and Ed. Billotte

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 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, do hereby 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 Bigler and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 10th day of March, 1931 and the adjourned view on the 23rd day of June, 1931; ~~and the adjourned view on the 23rd day of June, 1931;~~ ~~and the adjourned view on the 23rd day of June, 1931;~~ and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 12th day of March, 1931, at 10:00 o'clock A. M. and the adjourned hearing on the 24th day of June, 1931. 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: William Ackley, W. A. Shoff, Jas. W. Ruffner and Arthur Stoker

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 12th day of March ~~A. D. 1931~~ and adjourned hearing held the 24th day of June, 1931 when the following appearances were noted: W. Wallace Smith, Esq., Attorney for petitioner, with him William Ackley, William A. Shoff, Arthur Stoker, Frank Kerr, William McMurray, Harvey Shaw and James W. Ruffner. Frank G. Smith, Esq., for County Solicitor, with him C. L. Spiece, witness on behalf of Clearfield County; 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 ~~not~~ 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 ~~the use of the petitioner~~ use the following described road, to wit ~~that~~ damages have been sustained by the petitioner. We further find that two Improved State Highways: one being Route No. 453 extending from Madera to Ramey; the other being Route No. extending from Madera to and through Smoke Run, have been re-located, regraded and reconstructed as permanent highways; and First:- That a portion, approximately one acre, of petitioner's land, occupied as a consolidated school house and play-ground was taken diagonally across as shown on the map or draft thereof, hereto attached and made a part hereof: a triangular piece on the north-east corner of petitioner's land being thereby rendered useless.

Second:- That in the construction of the aforesaid Highways and the changes in the grades thereof a deep fill and a culvert 11 feet in width on top, 5½ feet in depth and 4½ feet in width on the bottom were required to be drained, covered and bridged and head-walled in front of petitioner's building at a cost of \$259.60 for material and labor. That a high berme was also required on the South side of Route No. 453 to properly drain the remaining portion, play-ground lot, as well as a new drive-way in to the building for delivering coal, wood and supplies therefor.

Third:- That in the construction of the Madera-Smoke Run Road, along which two frame school buildings formerly stood, the relocation of the said highway required the removal of one building; and in re-grading and re-locating this road, the vestibule on another frame school building was removed and the entrance thereto closed, rendering said building useless for school purposes and necessitating its sale at a sacrifice to the Pentecostal Church.

Fourth:- That a number of shade-trees, pines, spruce and maple, as well

as other shrubbery were cut down and destroyed.

Fifth:- The amount of damages claimed by petitioner and as testified to by its witnesses varies from \$1059.60 to \$1800.00; one witness stating that petitioner would now accept \$600.00.

Sixth:- Respondent offers a purported release without consideration, dated August 28, 1928, signed by the individual members of School Board, claiming all damages caused by the relocation and reconstruction of the Madera-Smoke Run road, but respondent's witness testified that he was merely securing right-of-way privileges as a Supervisor of Bigler Township and that the question of damages was not taken into consideration; as also the minutes of Board meetings held May 9th and December _____, 1930.

Seventh:- 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 Roads as permanent highways, your Viewers are of the opinion that the estimates varying from \$1059.60 to \$1800.00 are excessive, but that the petitioner should be compensated for the land taken and occupied and the damages and inconvenience caused it.

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~~ _____

~~To The School District of Bigler Township, Six Hundred (\$600.00) Dollars.~~

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 The School District of Bigler Township, Six Hundred (\$600.00) Dollars.~~

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

WITNESS our hands and seals this 1st day of July

A. D. 1931

John Seeling Seal
Ed Billots Seal
H. Bowler Seal
Seal

No. 8 Feb Sessions, 19 31

ORDER

To view and assess damages to
SCHOOL DISTRICT BIGLER TOWNSHIP
for ~~the~~ the ~~the~~ the
township of BIGLER
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. P. Dowler	4	144	\$37.20
E. D. Billotte	6	200	\$55.00
John Scollins	6	144	\$52.20
William Ackley	3	118	\$ 9.54
W. A. Shoff	3	118	\$ 9.54
Jas. W. Ruffner	4	124	\$11.72
Harvey Shaw	2	112	\$ 7.36
Arthur Stoker	2	62	\$ 5.86
Frank Kerr	1	56	\$ 3.68
William McMurray	1	56	\$ 3.68



Filed 19

Fees \$1.25 paid by

Arnold & Smith, Attorneys

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