

ROAD

DOCKET No. 6

Number Term Year

11 MAY 25 1931

PETITION OF HENRY MARTIN JORDAN

FOR VIEWERS TO ASSESS DAMAGES IN

BIGLER TWP

**Versus**

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

HENRY M. JORDAN }  
vs } No. Term 1931.  
CLEARFIELD COUNTY }

PETITION FOR VIEWERS TO ASSESS DAMAGES

TO THE HONORABLE A. R. CHASE, President Judge:

Your petitioner respectfully represents:

FIRST: That there was a public road long laid out between Smoke Run and Ramey, in Bigler Township, Clearfield County, Pennsylvania, which was a dirt road.

SECOND: That said dirt road was a State Highway and was improved in the year of 1930, and was replaced by a concrete road. The dirt road between Smoke Run and Ramey as referred to in paragraph one (1) was on the boundary of the Plaintiff's land as hereinafter described.

THIRD: That the said road improved as referred to in paragraph two (2) did not follow the course of the old dirt road, but cut across diagonally the land of the Plaintiff hereinafter described.

FOURTH: That Henry Martin Jordan was the owner of the  
following described real estate:

FIRST: All that certain tract or parcel of land situate in the Township of Bigler, County of Clearfield and State of Pennsylvania. bounded and described as follows:

Beginning at a post at corner of land of Henry Croyle on Township road leading from Beulah to Muddy Run; thence along said Township road North thirty nine and one half (39 1/2) degrees West two hundred and eighty nine (289) feet to a post; thence still along said road South seventy nine and one half (79 1/2) degrees West one hundred and ninety (190) feet to a post; thence South thirty nine and one half (39 1/2) degrees East three hundred and eighty five (385) feet to a post on line of said Henry Croyle land; thence along the line of Henry Croyle land North forty nine (49) degrees East one hundred and seventy one (171) feet to a post the place of beginning. Containing One (1) acre and fifty one (51) perches.

Reference to Deed Book No. 50, page 90, will give a full description of said title.

SECOND: All that certain tract or parcel of land situate in Bigler Township, Clearfield County, Pennsylvania, the same being bounded and described as follows:

Beginning at a post at the Junction of the Ramey Road and tract line; thence South forty nine (49) degrees West ten (10) perches; thence North forty one (41) degrees West eight (8) perches; thence North forty nine (49) degrees East ten (10) perches; thence South forty one (41) degrees East eight (8) perches to post and place of beginning. Containing approximately one half (1/2) acre.

Reference to Deed Book No. 82, page 211, will give a full description of the said title.

THIRD: All that certain tract or parcel of land situate in the Township of Bigler, County of Clearfield and State of Pennsylvania, the same being bounded and described as follows:

BEGINNING at a point on the Township public road running from Ramey to Muddy Run; thence South thirty one and one half (31 1/2) degrees East six hundred and sixty one (661)

feet to post in Ramey Borough line; thence running North fifty (50) degrees East one hundred and thirty one (131) feet to post in line of William McMurray lot; thence North forty (40) degrees West one hundred and fifty six (156) feet to a post; thence North fifty (50) degrees East one hundred and fifty (150) feet to a post on line of H. M. Jordan; thence running along the line of lands of H. M. Jordan North forty (40) degrees West three hundred and seventy eight (378) feet to a post; thence South eighty one and one half (81 1/2) degrees West two hundred and twenty seven (227) feet along the aforesaid Township road to post and place of beginning. Containing three and twelve one hundredths acres.

Reference to Deed Book No. 92 page 159, will give a full description of said title.

FIFTH: Your petitioner, Henry M. Jordan, has lived on the aforesaid property for over thirty (30) years and has paid taxes on the same and has had open, continuous and exclusive possession and has an open and clear title for the aforesaid property for a period of over thirty (30) years.

SIXTH: That the new road cuts diagonally across the aforesaid land and there is a cut which measures approximately around four (4) feet in front of the property, the house and barn.

SEVENTH: There was a well, eighteen (18) feet in depth located on this property that was source of water supply of the buildings and for the Plaintiff's cattle. The well always had plenty supply of water, even in dry weather. This well has been totally destroyed.

EIGHTH: That the Commonwealth of Pennsylvania, by its officers, agents and contractors, have gone upon the land of your petitioner and have taken material portions, thereof for highway purposes and in the construction of said highway and the grading for the concrete road thereon constructed the said highway through the property of your petitioner as to greatly impair and affect the value thereof in that

- (a) That approximately one (1) acre of land was taken for highway purposes.
- (b) That they will be required to build fences to properly enclose this property, where prior to the building of this road none but the boundary fences were necessary.
- (c) That the barn was moved from its former location and that the buildings will still be on portion of the Highway if the full width of the highway is taken by the Highway Department.
- (d) That the front yard of said property has been destroyed. Four (4) rose bushes, (1) one lilac bush, one (1) snowball plant and one (1) large hydrangea plant and several fruit trees.
- (e) The road in passing the buildings made a cut approximately four (4) feet high which destroyed the access to the buildings and makes it very dangerous as the highway is only a short distance from the house and barn.
- (f) The property is cut into two pieces, leaving a three cornered piece which is wholly useless and valueless.

WHEREFORE, your petitioner prays that your Honorable Court appoint viewers to ascertain the damages done as itemized and all other damages and wrongs that the Plaintiff is entitled to by law, which was done by the acts of the Commonwealth, its officers, agents and contractors, in appropriating portions of the land of your petitioner and other acts done in consequence thereof, and that said viewers be appointed and proceed according to the Acts of Assembly relating thereto.

Henry M. Jordan

STATE OF PENNSYLVANIA      )  
                                    )  
COUNTY OF CLEARFIELD      )      SS:  
                                    )

Before me, the subscriber, personally appeared,  
HENRY M. JORDAN, who, after being duly sworn according to law  
deposes and says that the facts set forth in the foregoing petition  
are true and correct.

Henry M. Jordan

Sworn and subscribed before me      )  
  )  
this 24th day of April, A. D. 1931. )

Geo T. Ralston  
Notary

11 May 1931

Hartford 294-1231  
John Scollis Esq.  
Harry Keen Esq. Jack  
McKee Esq. Plaintiff  
wishes to have and  
reject by the Court  
J. P. O'Boyle

O.P.C.

**FIRST** Beginning at a post at corner of land of Henry Croyle on township road leading from Beulah to Muddy Run; thence along said township road north  $39\frac{1}{2}$  degrees west 289 feet to a post; thence still along said road south  $79\frac{1}{2}$  degrees west 190 feet to a post; thence south  $39\frac{1}{2}$  degrees east 385 feet to a post on line of said Henry Croyle land; thence along the line of Henry Croyle land north 49 degrees east 171 feet to a post the place of beginning. containing one acre and 51 perches.

**SECOND** situate in Bigler Township bounded as follows: Beginning at a post at the Junction of the Ramey road ~~and~~ tract line; thence south 49 degrees west 10 perches; thence north 41 degrees west 8 perches; thence north 49 degrees east 10 perches; thence south 41 degrees east 8 perches to post and place of beginning. Containing approximately 1/2 acre.

**THIRD** Situate in Township of Bigler Beginning at a point on the Township public road running from Ramey to Muddy Run; thence south  $31\frac{1}{2}$  degrees east 661 feet to post in Ramey Borough line; thence running north 50 degrees east 131 feet to post in line of William McMurray lot; thence north 40 degrees west 156 feet to a post; thence north 50 degrees east 150 feet to a post on line of H. M. Jordan; thence running along the line to a post on line of H. M. Jordan; thence running along the line of lands of H. M. Jordan north 40 degrees west 378 feet to a post; thence south  $81\frac{1}{2}$  degrees west 227 feet along the aforesaid township road to post and place of beginning. Containing three and twelve one hundredth acres.

THAT by reason of the construction of a concrete State Highway the property of your petitioner has been greatly damaged and your petitioner has been unable to agree with the County Commissioners as to the amount of damages to be paid,

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 27th day of April in the year of our Lord one thousand nine hundred thirty one

HENRY M. JORDAN

Judge of the same Court: Upon the petition of ~~sundry~~ ~~in~~ ~~the~~ habitants of the Township of Bigler in said County, setting forth that Henry Martin Jordan was the owner of the following described real estate: All that certain tract or parcel of land situate in the Township of Bigler bounded and described as follows

ASSESS DAMAGES

and therefore, praying the Court to appoint proper persons to view and ~~fix~~ ~~mark~~ ~~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 Reese and Jack Michaels

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.

Sixth:- After viewing the premises and conditions, hearing the evidence and taking into consideration the special benefits accruing thereto by reason of the improvement of said Road as a permanent 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 and inconvenience caused him; —

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, ~~said road being at an elevation not exceeding five degrees, excepting~~ —

~~when it was not practical to preserve it within that limit.~~

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that ~~they procured such releases from~~ —

the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: —

To H. M. Jordan, 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 June  
A. D. 1931.

John Scudder Seal  
L. A. Reese Seal  
J. S. Michael Seal  
Seal

NO. 11 MAY 1939

PROPERTY OF THE STATE

IN BIGLER TOWNSHIP CLEARING

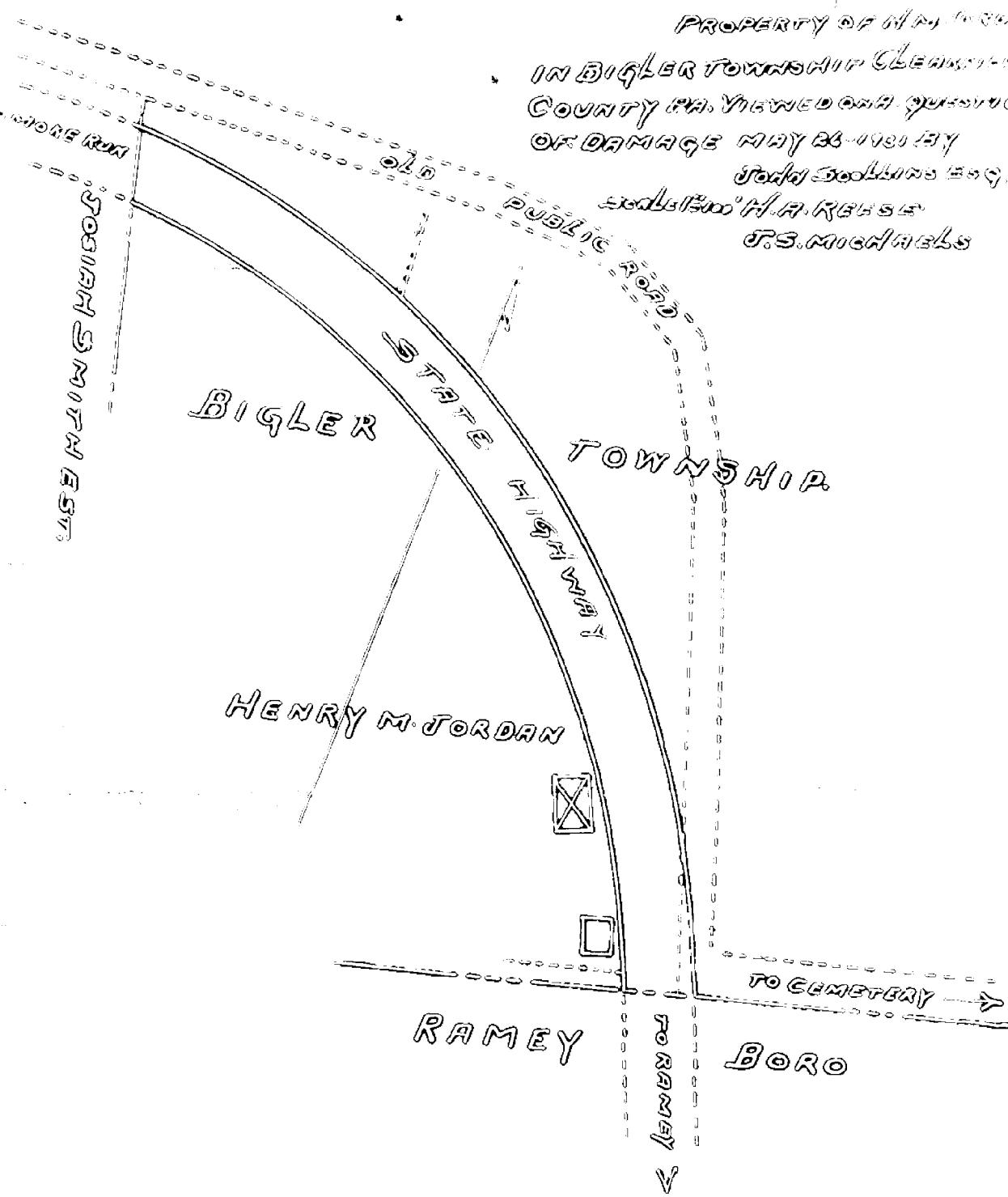
COUNTY OWNED AND OPERATED

OF DAMAGE MAY 28 1939 BY

SOIL EROSION ETC.

EX-DEPT OF AGRICULTURE

J.S. MICHIGANS



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. 11, May Sessions, 1931, to view and assess damages done to the property of Henry N. Jordan in the construction of a concrete highway leading from the Borough of Reney to the Village of Smoke Run, in Bigler Township, in Clearfield County aforesaid, will meet at the house of Henry N. Jordan in Bigler Township on Tuesday the 26th day of May, 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 Friday, the 29th day of May, A. D. 1931 at eleven (11:00) 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 Scollard  
Harry Reese  
J. D. Michael  
Viewers

Dated, May 14th, 1931.

CLEARFIELD COUNTY, SS:

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

L. C. Morris  
Clerk

TO: Wm, Hensal, 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. 11, May Sessions, 1931, to view and assess damages done to the property of Henry N. Jordan in the construction of a concrete highway leading from the Borough of Runy to the Village of Snake Run, in Bigler Township, in Clearfield County aforesaid, will meet at the house of Henry N. Jordan in Bigler Township on Tuesday the 25th day of May, 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 Friday, the 29th day of May, A. D. 1931 at eleven (11:00) 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 Scallind  
Harry Reese  
J. D. Michael

Dated, May 16th, 1931.

CLEARFIELD COUNTY, SS:

Now, this 15<sup>th</sup> day of May, A. D. 1931, service of the above Notice is accepted for the Supervisors of Bigler Township, Clearfield County.

William Hensal  
W. G. Granville  
Supervisors