

ROAD

DOCKET No. 6

Number  
4

Term  
Sept. SS

Year  
1934

Petition of Fred Brodish of Cooper Twp  
for the appointment of Viewers to  
assess damages caused by the construc-  
tion of an improved highway

Versus

X

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

Petition of Fred Brodish of Cooper Township, Clearfield County, Pennsylvania, for the appointment of Viewers to assess damages caused by the construction of an improved highway.

To the Honorable W. Wallace Smith, President Judge of said Court.

The petition of Fred Brodish of Cooper Township, Clearfield County, Pennsylvania, respectfully represents:

1. That he is the owner of a certain lot or tract of land containing about 15 acres in Cooper Township, Clearfield County, Pennsylvania.

2. That the Department of Highways of Pennsylvania, constructed a highway known as route 17063 through the premises of your petitioner and as a result thereof caused damages to the property of your petitioner.

3. That your petitioner and the County Commissioners of Clearfield County have been unable to agree upon the amount of damages your petitioner has suffered.

Your petitioner therefore prays your Honorable Court that Viewers be appointed to appraise and determine the amount of damages your petitioner has suffered as a result of the construction of said highway.

And he will ever pray.

Fredrick Brodish

COUNTY OF CLEARFIELD : SS  
STATE OF PENNSYLVANIA :

Personally appeared before me, W. R. Gallagher, Prothonotary, Fred Brodish, who being duly sworn according to law, deposes and says that the facts set forth in the above petition are true and correct.

Sworn and subscribed Before me this  
3rd day of July A. D. 1934.

Fredrick Brodish

W. R. Gallagher  
Prothonotary.

MY COMMISSION EXPIRES  
FIRST MONDAY OF JANUARY, 1936

ORDER OF COURT

Now, this 5<sup>th</sup> day of July, A. D. 1934, the within  
petition having been presented, *A. B. Shaw*, Esq., and *H. A. Reese*,  
and *H. M. Russell*, are appointed Viewers to view and report  
to the Court.

By the Court.

*J. H. Haller* *Printed*  
P. J.

IN THE COURT OF QUARTER SESSIONS  
OF CHARLESTON COUNTY, PENNSA.

4 September Sessions, 1934

Petition of Fred Brodlish of  
Cooper Township, Clearfield  
County, Pennsylvania, for the  
appointment of Viewers to  
assess damages by the construc-  
tion of an Improved Highway.

*Sumner*



LAW OFFICES  
CHASE & CHASE  
SMYDER BUILDING  
CLEARFIELD, PA.

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 17th day of July in the year of our Lord one thousand nine hundred thirty four

Judge of the same Court: Upon the petition of ~~some~~ <sup>FRED BRODISH</sup> ~~inhabitants~~ of the Township of Cooper

in said County, setting forth that he is the owner of a certain lot or tract of land consisting about 15 acres in Cooper Township Clearfield County, Pa.

That the Department of Highways of Penna/ constructed a highway known as route 17063 through the premises of your petitioner and as a result thereof caused damages to the property of your petitioner.

That your petitioner and the County Commissioners have been unable to agree upon the amount of damages your petitioner has suffered

and therefore, praying the Court to appoint proper persons to <sup>appraise the amount of</sup> ~~view and lay out the road~~ <sup>damages</sup> 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 A. B. Shaw, Esq. H. A. Reese and H. W. Bonsall

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~~ <sup>assess damages</sup> and place of hearing

By order of the Court.

W. Wallace Smith, P. J.

W. R. Gallagher 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 Cooper and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 7th day of August A. D. 1934, and the hearing to be held in ~~the Court Room~~ <sup>#2 Court</sup> Room, at the Court House, in Clearfield, Pa., on the 9th day of August, 1934 at 10 o'clock A. M. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Fred Brodish, the petitioner; his wife and children,

<sup>#2 Court</sup> parties in interest. That the hearing was held in ~~the Court Room~~ Room, in the Court House, at Clearfield, Pa., on the 9th day of August A. D. 1934, when the following appearances were noted: The Hon. A. Roy Chase, Attorney for Fred Brodish, the petitioner; also William Brodish, a son, who appeared as a witness. There was also present at this view Clifford Gatehouse, County Commissioner for Clearfield County.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that ~~there is a need 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 ~~the~~ use the following described road, to wit ~~the~~ damages have been sustained by the petitioner. We find that Route #17063 of the Pennsylvania State System of Highways, running between the villages of Winburne and Munson, Clearfield County, Pennsylvania has been relocated, regraded, constructed and improved as a permanent highway, and that the same has been elevated on an average of about 2 feet as it runs along the boundary line of the petitioner's land. That no part of the petitioner's land has been taken in the relocating, regrading and improving of said highway, but he has been inconvenienced by the regrading in making the approach to his barn less easily accessible and further, is required to construct a ditch to prevent a wash to one of his fields, and also to provide drainage by which to prevent the soil in and about his house from becoming polluted and destroyed by sulphur water, owing to the fact that a portion of this roadbed at this particular point is built up and constructed of sulphur orr.

The amount of damages as testified to by the petitioner is Four Hundred and Fifty (\$450.00) Dollars, and that by William Brodish, his son, at Five Hundred (\$500.00) Dollars.

After viewing the premises and conditions and hearing the evidence, taking into consideration the benefits accruing to said premises by reason of the improvement of said Route #17063 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 inconvenience and damage 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 view-~~  
ers, after having considered the advantages to be derived to them, do assess them damages and  
make report thereof as follows: To Fred Brodish, the sum of Two Hundred  
and Seventy-five (\$275.00) Dollars.

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

WITNESS our hands and seals this 9<sup>th</sup> day of August  
A. D. 1913 34.

H. A. Reese  
A. H. Bonsall

Seal

Seal

Seal

Seal

ORDER

To view and assess damages for  
~~road~~ for Fred Brodish use in the  
township of Cooper  
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.

Chase & Chase, Attorneys

Filed 19

Fees \$1.25 paid by

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	68	\$33.40
H. W. Bonsall	2	156	\$27.80
A. B. Shaw	3	56	\$32.80

FILED  
AUG 11 1934  
W. R. GALLAGHER  
CLERK

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

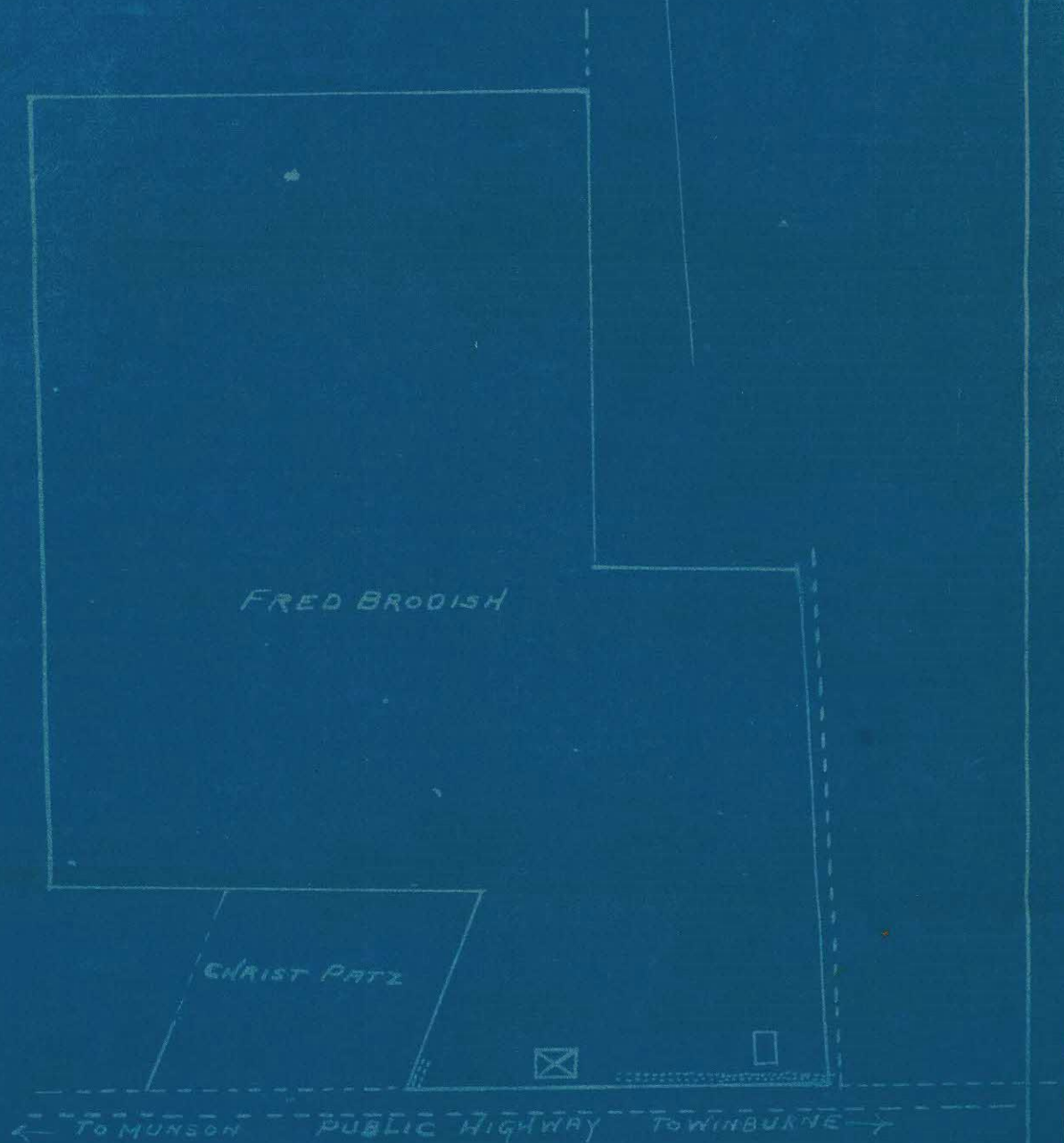
all damages that may arise to us respectfully by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this day of  
A. D. 192

Seal  
Seal  
Seal  
Seal




PROPERTY OF FRED BRODISH  
IN COOPER TOWNSHIP CLEARFIELD Co. PA  
VIEWED UPON A QUESTION OF DAMAGE  
AUG. 7-1934 BY A.B. SHAW ESQ.  
H.A. REESE  
SCALE 1"=200' H.W. BONSELL



TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA:

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County on the 17th day of July A.D. 1934 to assess the damages and benefits, if any, by reason of the construction of a Highway, known as Route 17063, through the property of Fred Brodish, situated in the township of Cooper, Clearfield County, Pennsylvania, will meet on the premises aforesaid on Tuesday, the 7th day of August, A.D. 1934 at eleven o'clock A.M. to attend the duties assigned them, and that the public hearing as required by Act of Assembly and Rules of Court in order to give all parties interested in said Highway an opportunity to be heard, will be held in #2 Court Room in the Court House at Clearfield, Pennsylvania on Thursday, the 9th day of August, A.D. 1934 at ten o'clock A.M. at which time and place all parties interested may attend and be heard, if they so desire.

  
\_\_\_\_\_  
H. A. Rouse  
\_\_\_\_\_  
H. W. Bousall  
\_\_\_\_\_  
Viewers.

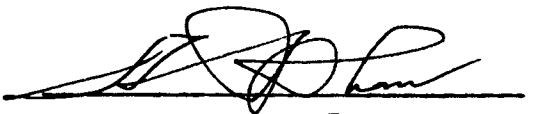
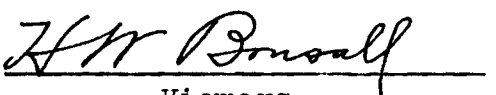
Now this 20 day of July, A.D. 1934, service of the above notice is accepted for the Commissioners of Clearfield County, Pennsylvania.

  
\_\_\_\_\_  
L. C. Morris.  
Clerk.

TO HONORABLE A. ROY CHASE, ATTORNEY FOR THE PETITIONER:

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County on the 17th day of July, A.D. 1934 to assess the damages and benefits, if any, by reason of the construction of a Highway, known as Route #17063, through the property of Fred Brodish, situated in the township of Cooper, Clearfield County, Pennsylvania, will meet on the premises aforesaid on Tuesday, the 7th day of August, A.D. 1934 at eleven o'clock A.M. to attend the duties assigned them, and that the public Hearing as required by Act of Assembly and Rules of Court in order to give all parties interested in said Highway an opportunity to be heard, will be held in #2 Court Room in the Court House at Clearfield, Pennsylvania on Thursday, the 9th day of August A.D. 1934 at ten o'clock A.M. at which time and place all parties interested may attend and be heard, if they so desire.

  
H. G. Rine  
  
H. W. Bousall  
Viewers.

Now this 20th day of July, A.D. 1934, service of the above Notice is accepted on behalf of the Petitioner.

  
A. R. Chase  
Attorney for Petitioner.