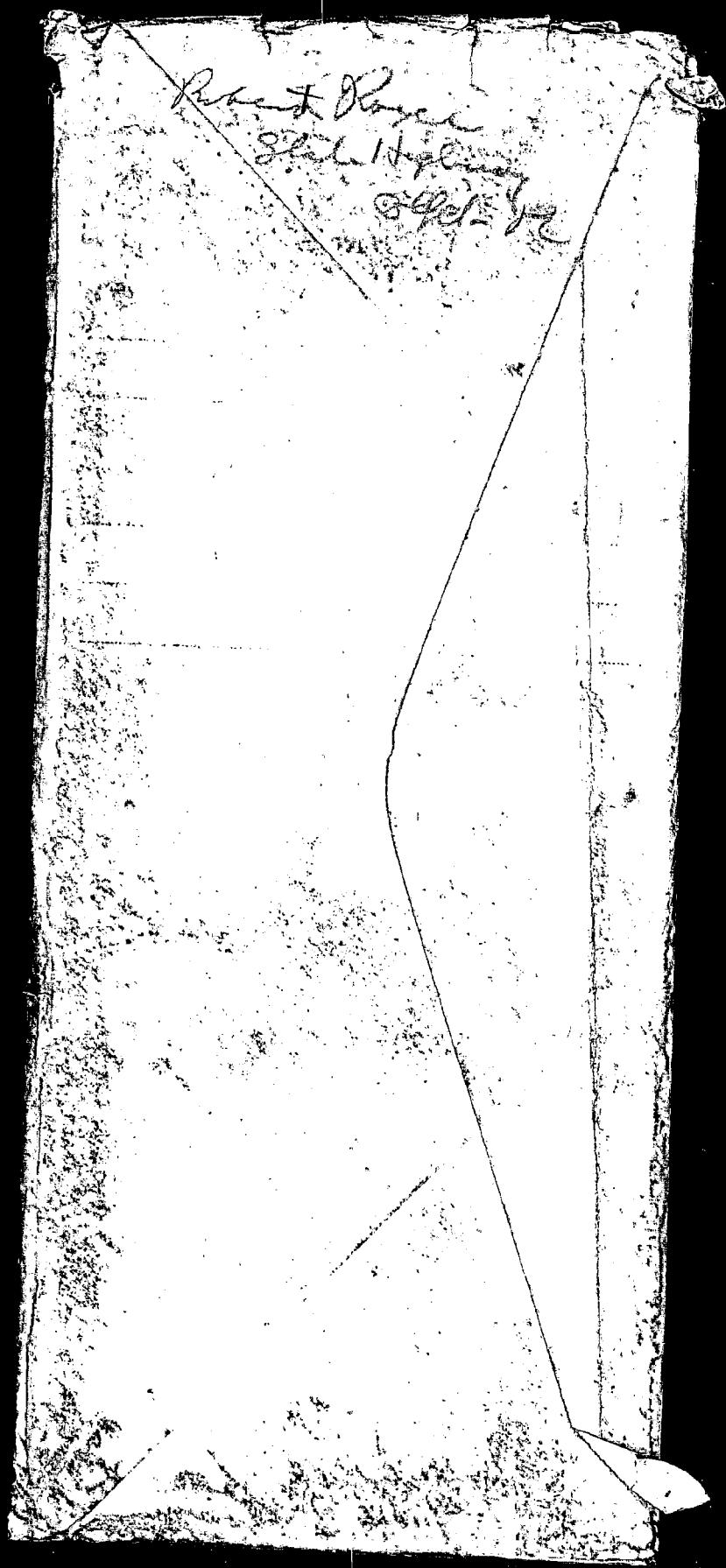


ROAD

DOCKET No. 6

Number	Term	Year
1	MAY SS	1936

BRADFORD & LAWRENCE TWPS. Petition  
of Co. Com. to assess damages to  
Clark J. Turner  
**Versus**



TO:

Clark J. Turner

You are hereby notified and required to remove any of the trees of service of this writing, to remove portion of the dwelling house occupied by you, situated in Lawrence Township, Clermont County, on the east bank of Carroll Creek between stations 1333 and 1337 of State Highway route 57, Section 5. The said house is situated on property which has been condemned for highway purposes in accordance with law, and must be removed or demolished in order to permit the relocation and construction of the Lawrence Highway and bridge.

The County Commissioners of Clermont County are assumed responsible for the damage to your property in the manner provided by Law, and shall make compensation in a sum thereby assessed to you.

No witness of the Condemnation Commission, who

has been present at the time of removal of property as do affix their names in order to verify the construction of the highway and bridge as aforesaid.

WALTER V. PALMER  
Secretary of Highway  
By W. V. Palmer  
Deputy Director of Highway

Served this above notice this 15<sup>th</sup> day of May, 1943,

on Clark J. Turner by informing Wm. Clark J. Turner  
of it, and the same is being done in the most efficient way.

A. W. Palmer

A true and correct copy

Attest:

A. W. Palmer

## 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 \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand nine hundred*

Judge of the same Court: Upon the petition of ~~complaints~~  
~~and accusations of the Township of~~ County Commissioners  
J. C. Gatehouse, T. R. Weimer and Willard V. Carr,  
in said County, setting forth that

1. Route No. 57 is a state highway, on the plan of the State Highways, of the Commonwealth of Pennsylvania; and Section 3 thereof is situate in Clearfield County, partly in the Township of Bradford and partly in the Township of Lawrence.
2. Under a statutory right conferred upon him, the Secretary of Highways of the Commonwealth of Pennsylvania, has undertaken the reconstruction and improvement of said state highway, on the plan of the State Highway,

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 A. B. Shaw, Esq and H. A. Giles and Harry Reese

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 of Clark J. Turner the same and in view 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.*

Mr. 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 \_\_\_\_\_ and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 5th day of May <sup>Law Library</sup> A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 8th day of May, 1926, at 2 o'clock P. M. 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 Clark J. Turner, party at interest.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 8th day of May <sup>1926</sup>, when the following appearances were noted: Hon A. R. Chase, Attorney for Clark J. Turner, together with A. H. Bowers and L. I. Graham, witnesses for the claimant, A. M. Liveright and F. G. Smith, Esqs. of the firm of Liveright and Smith, Solicitors for Clearfield County, together with Ed Lippert, Assessor for Lawrence Township Clearfield County Pa as a witness.

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 use the following described road, to wit Beginning damage will be sustained by Clark J. Turner of Lawrence Township Clearfield County Pa, by reason of the proposed construction and relocation of State Highway Route # 57 Sec 3 through his property. That the dwelling house and approximately one fourth Acre of the premises of Clark J. Turner, situate in the Township of Lawrence Clearfield County Pa will be appropriated in the construction and relocation of said State Highway Route # 57 Sec 3 through his property. That the frame dwelling house of Clark J. Turner is situate on the West bank of Clearfield Creek, Lawrence Township Clearfield County Pa, approximately 200ft North of the Clearfield Creek Bridge over which State Highway Route # 57 Sec 3 now passes. That the dwelling house and premises of the said Clark J. Turner in its present site is situate in a deep ravine or clevity created by the present Bridge which traverses Clearfield Creek and a steep bank or cliff which forms the western boundary of said premises. That in the construction and relocation of the proposed Highway through the premises of Clark J. Turner the level of the new State Highway and Bridge has been raised approximately eight feet above the level of the old Bridge and Highway which passes in front of Clark J. Turners home or dwelling house. That the newly proposed State Highway Route 57 Sec 3 passes directly through the dwelling house of the said Clark J. Turner in its present site or location and in order to construct said Highway in its proposed location necessitates the removal of said dwelling house, North on the premises of the said Clark J. Turner, a distance

and said reconstruction and improvement involved a change of width, of existing lines and of location.

3. The Secretary of Highways so notified petitioners, the County Commissioners of Clearfield County, in writing, of the contemplated change in such existing width, lines and location.

4. Petitioners have agreed in writing to such change, as appears by a copy of their resolution hereto attached, marked exhibit 1, and made a part hereof, and the Secretary of Highways is about to proceed with his work of construction, reconstruction and improvement.

5. Plans submitted by the Department of Highways for changing of State Highway Route No. 57, involve its change between Station 935 1 99.4 and Station 1055 1 47.73 The relocation of said state highway between the stations indicated includes appropriation of a portion of the premises of Clark J. Turner, the exterior lines of which premises are shown in red on the blue print hereto attached, marked exhibit 2. Only a portion thereof is to be taken.

Clark J. Turner acquired title to the property, part of which is involved in the appropriation by the Department of Highways, by deed of Catherine Turner, dated May 31, 1918, entered in the Recorder's office at Clearfield in Deed Book 226, page 350, and by deed of Catherine Turner and others, dated August 11, 1919, entered in said Recorder's office in Deed Book 237, page 40. A copy of the description of the entire property of said Clark J. Turner, is hereto attached, marked exhibit 3, and made a part hereof.

6. Against said property of Clark J. Turner there exist two record liens: (a) judgment to the use of County National Bank of Clearfield, at No 335 May Term, 1932, in the case amount of One Thousand (\$1000) Dollars, together with interest thereon; and (b) judgment in favor of Kittleberger & Evans, to No. 63 Sept. Term, 1935, in the face amount of \$202.49, with interest thereon.

7. Petitioners have endeavored to make an agreement with Clark J. Turner, owner of the premises, as to the amount of damages to be paid him; but they have been unable to come to an agreement with him satisfactory to them and to said owner.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County on the 23rd day of April, A.D., 1936 to assess the damages and benefits, if any, by reason of the construction and relocation of State Highway Route # 57, section 3 through the premises of Clark J. Turner, situate in the Township of Bradford, Clearfield County Pennsylvania, will meet on said premises on Tuesday the 5th day of May A.D., 1936 at 10:30 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 to be held by the Viewers before the filing of their report in Court, in order to give all parties interested in said road an opportunity to be heard, will be held in the Law Library in the Court House at Clearfield on Friday the 8th day of May A.D., 1936 at 2:00 o'clock P.M. at which time and place all parties interested may attend and be heard if they so desire.

A. B. Shaw

H. A. Giles

Harry Reese  
Viewers

To the County Commissioners of Clearfield County Pennsylvania.

Now April 24th A.D., 1936 service of the above notice is hereby accepted.

Myra C. Lucas  
Clerk

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Road or assess damages, leading from a point on State Highway Route 457, Section 3, at Station 935 1 99.4.....  
.....  
.....  
.....  
.....  
.....  
in Bradford Township to Station 1055 ~~4~~ 47.73 in.....  
Lawrence Township through the premises of Clark J. Turner.....  
.....  
.....  
.....  
in Lawrence Township, in the County aforesaid, will meet at the house of Clark J. Turner.....  
in Lawrence Township, on Tuesday.....  
the 5th day of May <sup>36</sup>, A. D. 192<sup>36</sup>, at 10:30 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

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 ROAD AN OPPORTUNITY TO BE HEARD WILL BE HELD IN THE LAW LIBRARY IN THE COURT HOUSE AT CLEARFIELD ON FRIDAY THE 8<sup>TH</sup> DAY OF MAY A.D., 1936 AT 2:00 O'CLOCK P.M. AT WHICH TIME AND PLACE ALL PARTIES INTERESTED MAY ATTEND IF THEY SO DESIRE.

..... A. B. SHAW .....

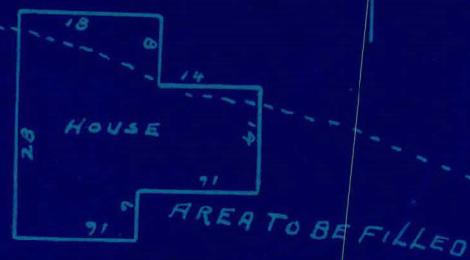
..... H. A. GILES .....

..... HARRY RILEY ..  
VIEWERS

..... APRIL 25th 1936.

DOWN CLEARFIELD CREEK

C.J. TURNER



APPROX CENTRE LINE NEW BRIDGE

LANDS IN BRADFORD TOWNSHIP

CLEARFIELD COUNTY PA

VIEWED UPON A QUESTION OF DAMAGE

MAY 5TH 1936 BY A.B.SHAW E.S.Q.

SCALE 1" = 35' H.A.REESE

H.A.GILES

IN RE : CLARK J. TURNER

versus

In the Court of QUARTER SESSIONS

of Clearfield County, Pa.

No. 1 May Term, 19 36

File No. 19

And now, April 2, A. D. 19 36, petition read and considered, and a rule is granted on motion of A. M. Liveright, County Solicitor to show cause why viewers should not be appointed in accordance with the Petition of the County of Clearfield, by its County Commissioners, in respect of the damages alleged to have been sustained by Clark J. Turner. Service of said rule is directed to be made upon said Clark J. Turner, and upon the Receiver of The County National Bank of Clearfield Pa.; and Upon Kittleberger and Evans, judgment creditors of said Clark J. Turner.

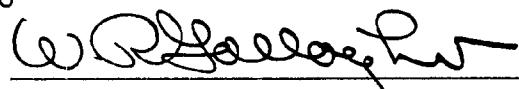
Returnable April 20, A. D. 1936

By the Court,

W. WALLACE SMITH  
HON. SINGLETON BELL, P. J.

Certified from the record this 3rd day

of April, 19 36



Prothonotary

April 6, 1936 at 2:15 P. M. Served the within Rule on the Receiver of the County National Bank at Clearfield, by handing to J. L. Foster, Receiver personally, a true attested copy of the Original in his office and making known unto him the contents thereof. And at 2:30 O'Clock P. M. on the same date served Kittleberger and Evans by handing Clark Kittleberger, a member of the said firm, at their place of business, a true and attested copy thereof and making known unto him the contents. Served Clark J. Turner on the State Road at 4:00 o'clock P. M. April 6, by handing to him personally a true and attested copy of the said Rule to-gether with a Certified copy of the Plaintiff's Statement of claim and making known unto him the contents thereof.

So Answers,

*Clarence H. Ammerman*  
Sheriff.

*lw*

133 ORIGIN

No. 1 May Term, 1936

IN RE CLARK J. TURNER

versus

RULE ON

CLARK J. TURNER

RECEIVER OF CO. NATL. BANK OF CLFD.

KITTLEBERGER AND EVANS

Sheriff Ammerman, \$5.90

A. M. LIVERIGHT

Attorney for Plaintiff

Attorney for Plaintiff

Attorney for Defendant

of approximately 250 feet in order that it might be placed on a site, in proximity to the new proposed Highway, that it now occupies in relation to the old. That in accordance with the testimony offered the cost of removing said dwelling house, together with the excavation and the building of a new wall, will cost approximately \$400.00. That a number of fruit and shade trees will have to be removed and others destroyed by the proposed construction and relocation of said State Highway Route through the said Clark J. Turner property. That the amount of damages claimed by Clark J. Turner and as testified to by his witnesses ranges from \$4500.00 to \$2000.00. After viewing the premises of Clark J. Turner situate in the Township of Lawrence Clearfield County Pa and the conditions and circumstances surrounding the same, and after taking into consideration the advantages and disadvantages accruing thereto by reason of the proposed construction and relocation of State Highway Route # 57 Sec 3 through the premises of the said Clark J. Turner, your undersigned viewers are of the opinion that the aforementioned estimates are excessive, but that the said Clark J. Turner should be compensated for the land taken and occupied, and the damages and inconvenience caused him in the necessary removal of his dwelling house from its present site to new location as a result of the aforementioned proposed change in location of State Highway Route # 57 Sec 3, and do assess to the said Clark J. Turner damages in the amount of Ten Hundred and Fifteen (1015.00) 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:

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

WITNESS our hands and seals this 8th day of May  
A. D. 1926.

Seal

Seal

Seal

Seal

No. 1 May Sessions, 1936

## ORDER

To view and assess damages &  
to ~~and~~ Clark J. Turner ~~and~~  
township of Lawrence & Bradford,  
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	72	35.00
H. A. Giles	2	22	21.10
J. B. Shaw	4	45	45.00

## 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

A. M. Liveright, County  
Solicitor  
Filed \_\_\_\_\_ 19\_\_\_\_\_  
Fees \$1.25 paid by \_\_\_\_\_

