

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

Robert H. Royce
State Highway
Bldg - 12

To:

Clark J. Turner

You are hereby notified and required attention of the site of service of this notice, to commence construction of the damming works occupied by you, situated in Lawrence Township, Clarkfield County, on the east bank of Clarkfield Creek between stations 1333 and 1337 of State Highway Route 37, Section 5. The said dam 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 new highway and bridge.

The Board, Commissioners of Clarkfield County are assumed responsible for the damage to existing property in the manner provided by law, and the work of construction is hereby ordered to proceed.

At the court of the County of Clarkfield, Wisconsin, this 15th day of May, 1933, the Court, Commissioners of Clarkfield County, do hereby order in order to permit the relocation of the highway and bridge at station 1333.

Witness my hand and seal
Secretary of Highway
By W. H. Gault
W. H. Gault
Deputy Secretary of Highway

Served the above notice this 15th day of May, 1933,

on Clark J. Turner by informing Mrs. Clark J. Turner of it, and she is hereby notified to proceed with the work.

A. M. Palmer

A true and correct copy

Attest:

A. M. 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 County of
County of the Township of
J. C. Gatehouse, T. R. Welmer 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 and assess damages to the said property with impartiality, and according to the best of their judgement, are to view the ground proposed for the said road, and if they view of Clark J. Turner the same, and if they 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.

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 _____ 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 A. D. 1926, and the hearing to be held in the Law Library, 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 A. D. 1926, 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. C. 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 xxx occasion for a road as desired by the petitioner, and that the same is xxx 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 xxx 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 revine 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 ' 99.4 and Station 1055 ' 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 face 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 E. 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 #57. Section 3. at . Station 935 ~~+~~ 99.4

in Bradford Township to . . Station 1055 ~~+~~ 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, A. D. 192³⁶, 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 8TH 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

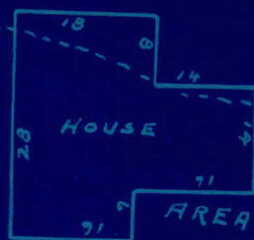
. HARRY REESE

VIEWERS

. APRIL 25th 19.36 .

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. SHAWESQ.
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

H. H. H. / N. O. 19

And now, April 2, 1936, 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
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

W. Wallace Smith

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 together 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.

W

2
133 ORIGINAL
No. 1 May Term, 19 36

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 Claimant

Attorney for Plaintiff

Attorney for Defendant

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:~~

~~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: x

WITNESS our hands and seals this 8th day of May

Seal
 H. A. Reese Seal
 H. A. Giles Seal
 H. A. Reese Seal

No. 1 May Sessions, 19 36

ORDER

To view and assess damages to
to Clark J. Turner
~~road for~~
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.

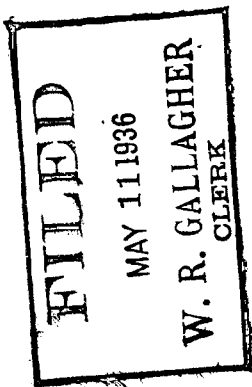
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	25.00
H. A. Giles	2	22	21.10
A. B. Shaw	4		40.00



A. M. Liveright, County Solicitor

Filed 19

Fees \$1.25 paid by

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