

ROAD

DOCKET No. 6

Number

6

Term

Dec. 33

Year

1936

T. J. Long

Versus

The County of Clearfield

T. J. LONG

-vs-

COUNTY OF CLEARFIELD

In the Court of Quarter
Sessions of the County
of Clearfield

No. 6 December Sessions, 1936

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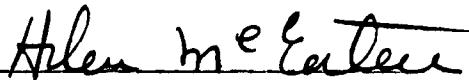
CLEARFIELD COUNTY:

Personally appeared before the undersigned, a Notary Public in and for said County and State, T. J. Long, who being duly sworn deposes and says that the following is a witness bill for the witnesses used, necessary and required for the assessment of damages against the County of Clearfield at hearing before the Viewers held at Clearfield, Pa. on Wednesday, November 25, 1936, said witnesses being required, and the time and traveling expenses are as follows:

| | |
|------------------------------------|-------------|
| M. I. McCreight - 1 day, 28 miles, | \$ 3.68 |
| J. W. Eastman - 1 day, 25 miles, | 3.50 |
| W. F. Moore - 1 day, 25 miles, | 3.50 |
| Ray Shaffer - 1 day, 25 miles, | <u>3.50</u> |
| | \$ 14.18 |



Sworn and subscribed before me
this 2nd day of October, 1937.



NOTARY PUBLIC
My Commission Expires, March 2, 1941

IN THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CLEARFIELD

In re: Petition to Assess
Damages for Road in Sandy
Township

No. 6

December Sessions 1936

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NOW, March 23, 1937, Receipt of the amount of damages awarded in the above proceedings in the sum of Nineteen Hundred Seventy-five (\$1975.00) Dollars, is acknowledged and the said proceedings and award to be marked satisfied.



Attorneys for T. J. Long

In the Court of Quarter Sess
of Clearfield County
No. 6 December Sessions, 1936

In re: Petition to
Assess Damages for Road
in Sandy Township

SATISFACTION

MAR 24 1931

W. R. Gilmore

PENTZ & PENTZ
ATTORNEYS AT LAW
DU BOIS, PENNA.

IN THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CLEARFIELD

T. J. LONG

-vs-

COUNTY OF CLEARFIELD

No. 6

December Sessions, 1936

O R D E R

NOW, ~~11/25~~ day of April, 1938, upon motion of Pentz & Pentz, attorneys for T. J. Long, it appearing to the Court that the witnesses set forth in the attached Bill of Costs were necessary and appeared and testified, it is ORDERED, ADJUDGED AND DECREED, that they be taxed against the County of Clearfield as part of the costs of the said proceedings for condemnation for highway purposes, as of Wednesday, November 26, 1936, the date of said hearing.

By the Court

J. Decker finis P.J.

T. J. LONG

-vs-

COUNTY OF CLEARFIELD

In the Court of Quarter
Sessions of the County
of Clearfield

No. 6 December Sessions, 1936

** **

*

*

CLEARFIELD COUNTY:

Personally appeared before the undersigned, a Notary Public in and for said County and State, T. J. LONG, who being duly sworn deposes and says that the following is a witness bill for the witnesses used, necessary and required for the assessment of damages against the County of Clearfield at hearing before the Viewers held at Clearfield, Pa. on Wednesday, November 25, 1936, said witnesses being required, and the time and traveling expenses are as follows:

| | |
|------------------------------------|-------------|
| M. I. McCreight - 1 day, 28 miles, | \$ 3.68 |
| J. W. Eastman - 1 day, 25 miles, | 3.50 |
| W. F. Moore - 1 day, 25 miles, | 3.50 |
| Ray Shaffer - 1 day, 25 miles, | <u>3.50</u> |
| | \$ 14.18 |

T. J. Lang

Sworn and subscribed before me
this 17th day of January, 1938.

Helen McCreight

NOTARY PUBLIC
My Commission Expires, March 2, 1941

In the Court of Quarter Sessions
of Clearfield County
No. 6 Dec. Sessions, 1936

T. J. LONG

-VS-

COUNTY OF CLEARFIELD

ORDER

*Act to a
W. R. L. L. G. H. R.
CLEARFIELD*

PENTZ & PENTZ
ATTORNEYS AT LAW
DU BOIS, PENNA.

46

Quarter Session
IN THE COURT OF COMMON PLEAS OF THE COUNTY OF CLEARFIELD

T. J. LONG

-vs-

THE COUNTY OF CLEARFIELD, a
municipal corporation

No. _____

December Term, 1936

P E T I T I O N

TO THE HONORABLE THE JUDGE OF THE ABOVE NAMED COURT:

The petition of T. J. LONG respectfully represents:

1. That he owns an improved farm of sixteen acres situated on the improved highway known as Highway Route No. 322 in the Township of Sandy, County of Clearfield, State of Pennsylvania.

2. Your petitioner has owned and resided on said farm since 1909 and during said time has improved and landscaped the ground surrounding the house and has a modern dwelling house equipped with power water system, as well as other buildings thereon.

3. State Highway Route No. 322 was improved under the control and supervision of the Highway Department of Pennsylvania years ago and has been under the control of that Department for years. Your petitioner purchased said land subsequent to the improvement of said road and not expecting to be disturbed in his

ownership and possession, made many improvements by landscaping the same, planting large numbers of fruit trees and shade trees and improving the buildings thereon and erecting other buildings for the enjoyment thereof.

4. During the early summer of 1936 the Highway Department of the State of Pennsylvania decided to further improve the said highway, which improvement cut through the entire length of his farm, and cut off and appropriated to the use of the said highway, in the widening and extending thereof, one and two-thirds acres of the land of your petitioner, upon which was partly located the dwelling house of your petitioner.

5. The dwelling house of your petitioner stood within sixty-seven (67) feet of the improved highway before the appropriation of the said land, and in order to replace the said premises the said house must be moved back the distance of sixty-seven feet and in the moving of said house it is necessary to move two other out-buildings to new locations, as well as to cut down three or four fruit and shade trees on the new location. To locate said house will require the excavation of a cellar that will be on wet ground and will require water proof walls and floors to render it a dry cellar as the old cellar was, in addition to repairing the injuries that will be caused by said moving.

6. The said dwelling house was equipped with a water system operated by power, giving your petitioner hot and cold running water in his dwelling, which said water line has been dug up and your petitioner will be compelled to relay the said water

line, relay the sewer lines from the dwelling house to a septic tank rebuild the flues, cellar walls, porches, etc.

7. The said premises had been landscaped, more than one hundred ~~sixty~~ (160) feet of cement walks from the highway and around the house had been built, large numbers of flower beds laid out, two gardens were on the property, both of which, by virtue of this improvement and the moving of the house will be destroyed and the landscaping that had been in use for years will require five years growth before it is restored.

8. On the said premises were ten apple trees ranging from seven inches to sixteen inches in diameter, 2 wild plum trees, 5 red sour cherry, 3 black wild cherry, 2 pear, 7 sugar maples and one poplar and other trees used for shade and fruit on the said premises which were taken out and destroyed.

9. In addition to the above damages the petitioner has been greatly inconvenienced by losing the enjoyment of his property while said work has been going on and other matters and things not herein enumerated.

10. Your petitioner has tried to agree with the Commissioners of Clearfield County, which County is responsible for the payment of said damages under the laws of the State of Pennsylvania, as to the value of the property confiscated, taken and destroyed and no settlement or arrangement can be made with them.

11. There are no judgments, mortgages or liens of record against the property of your petitioner.

WHEREFORE, your petitioner prays your honorable

Court to appoint viewers, as provided by law, to set aside to him
the damages he has sustained by virtue of the said improvements.

And he will ever pray, etc.

J. Lang

STATE OF PENNSYLVANIA SS:
COUNTY OF CLEARFIELD

Personally appeared before me, a Notary Public in and for said County and State, T. J. LONG, who being duly sworn, says that the facts set forth in the foregoing Petition are correct and true.

Sworn and subscribed before me
this 16 day of October, 1936.

22 Long

NOTARY PUBLIC
My Commission Expires
March 2, 1937.

IN THE COURT OF COMMON PLEAS OF THE COUNTY OF CLEARFIELD

T.J. LONG

-VS-

COUNTY OF CLEARFIELD

No. _____

December Term, 1936

*

N O T I C E

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY:

You are hereby notified that a petition will be presented to the Court of Common Pleas of Clearfield County on behalf of T.J. Long, the above named Plaintiff, on Monday November 2, 1936 for the appointment of viewers to assess the damages caused by the taking of lands, trees, disturbance of buildings, etc. of the said T.J. Long for the improvement of the State Highway, Route No. 322, in the Township of Sandy, Clearfield County, Pennsylvania.



Attorneys for Plaintiff

Above notice accepted 19th day of October, 1936
for County Commissioners.

BY Myra E. Lucas
Chas. Clerk

IN THE COURT OF COMMON PLEAS OF THE COUNTY OF CLEARFIELD

T.J. LONG

-vs-

COUNTY OF CLEARFIELD

No. _____

December Term, 1936

*
* * *
*

O R D E R

NOW 2nd day of November, 1936, the foregoing petition read and considered, and therupon A. B. Shaw, ...
H. S. Rea, ...
H. W. Bonsell, members of the County Board of Viewers, are appointed Viewers to meet and view the land, property and material appropriated, injured or destroyed, on the day of 1936. Said Viewers to give ten days notice by publication in The DuBois Morning Courier and The Clearfield Republican of the time and place of said meeting, and to post handbills in conspicuous places in the City and on the premises, and report on the same, and file their report thereon on the first Monday of January, 1937.

BY THE COURT

W. Deller Lipp P.J.

Quarter Sessions

IN THE COURT OF COMMON PLEAS
OF CLAIRFIELD COUNTY

No. 6 December Term, 1936

T. J. LONG

-VS-

THE COUNTY OF CLAIRFIELD, a
municipal corporation

Deemed
PETITION

FILED
NOV 2 1936
GALLAGHER
MONOTARY

PENTZ & PENTZ
ATTORNEYS AT LAW
DU BOIS, PENNA.

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 2nd day of November, A.D., 1936, to assess the damages and benefits, if any, by reason of the construction and relocation of State Highway Route #59/ through the premises of T.J. Long, situate in the Township of Sandy, Clearfield County, Pennsylvania, will meet on the premises on Monday the 23rd day of November, A.D., 1936 at 10:30 o'clock A.M. to attend the duties assigned them and that a 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 Grand Jury Room in the Court House at Clearfield on Wednesday the 25th day of November, A.D., 1936 at 10:00 o'clock A.M., at which time and place all parties interested may attend and be heard, if they so desire.

A.B. Shaw.

H.A. Reese.

H.W. Bonsall.

Viewers.

Now November 6th 1936, service of the above notice is hereby accepted by copy.

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 the intersection of State Highway No. 300, one mile west of the village of T. J. Road, to the

in Township

in County Township, in the County aforesaid, will meet at the house of on the morning of November 23rd, A. D. 1926, at 10:00 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

THAT A PUBLIC HEARING AS REQUIRED BY ACT OF ASSEMBLY AND RULES OF COURT, IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD, ON WEDNESDAY THE 26th DAY OF NOVEMBER A. D., 1926 AT 10:00 O'CLOCK A. M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED MAY ATTEND AND BE HEARD IF THEY SO DESIRE.

A. G. SHAW

G. A. REED

H. T. BOBBITT

November 10th

1926

VIEWERS

a number of bearing fruit trees as well as ornamental shade trees on the premises of the petitioner have been destroyed in the construction of said Highway.

The amount of damage claimed by T.J.Long, the petitioner, and as testified to by his witnesses, ranges from \$2000.00 to \$3000.00. After viewing the premises and taking into consideration the special benefits accruing thereto, by reason of the construction of an improved Highway past the premises of the said T.J.Long, your viewers are of the opinion that the foregoing estimates are excessive, but that the T.J.Long should be compensated for the land taken and occupied and the damages and inconvenience caused him in the construction and relocation of said Highway, and do assess to the said T.J.Long, damages in the amount of Nineteen Hundred and Seventy-five (\$ 1975.00) 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 _____

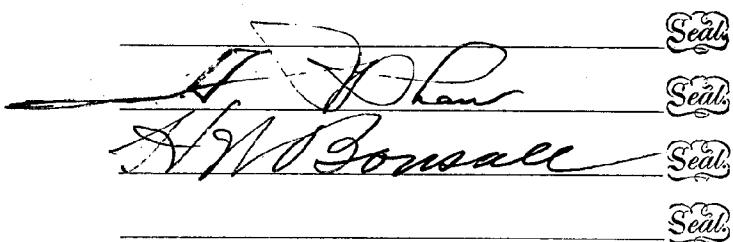
when it was not practical to preserve it within that limit.

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 18th day of December
A. D. 1926.


Seal
Seal
Seal
Seal

No. 6 Dec. Sessions, 1936

ORDER

To view & assess damages to
road for T. J. Long use in the
township of Sandy,
Clearfield County _____,

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.

Bele Jirking, Jr.
Please find attached
the original
and a copy
of the
March 17, 1952
Court finding
of guilty
Filed
Fees \$1.25 paid by

SEARCHED
INDEXED
SERIALIZED
FILED
DEC 22 1936
W. R. GILLIGAN
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

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 second day of November in the year of our Lord one thousand nine hundred thirty-six

Judge of the same Court: Upon the petition of ~~of Sandy Township~~ T. J. Long of Sandy Twp. in said County, setting forth that

Petition of T. J. Long respectfully represents:

That he owns an improved farm of sixteen acres situated on the improved highway known as Highway Route No. 322 in the Township of Sandy, County of Clearfield, State of Pennsylvania,

During the early summer of 1936 the Highway Department of the State of Pennsylvania decided to further improve the said highway, which improvement cut through the entire length of the farm of T. J. Long, and cut off and appropriated to the use of the said highway, in the widening and extending thereof, one and two-thirds acres of the land of your petitioner, upon which was partly located the dwelling house of your petitioner.

The dwelling house of your petitioner stood within sixty-seven (67) feet of the improved highway before the appropriation of the said land, and in order to replace the said premises the said house must be moved back the distance of sixty-seven feet and in the moving of said house it is necessary to move two other out-buildings to new locations, as well as to cut down three or four fruit and shade trees on the new location. To locate said house will require the excavation of a cellar that will be on wet ground and will require water proof walls and floors to render it a dry cellar as the old cellar was, in addition to repairing the injuries that will be caused by said moving.

The said dwelling house was equipped with a water system operated by power, giving your petitioner hot and cold running water in his dwelling, which said water line has been dug up and your petitioner will be compelled to relay the said water line, relay the sewer lines from the dwelling house to a septic tank rebuild the flues, cellar walls, porches, etc.

The said premises had been landscaped, more than one hundred feet of cement walks from the highway and around the house had been built, large numbers of flower beds laid out, two gardens were on the property, both of which, by virtue of this improvement and the moving of the house will be destroyed and the landscaping that had been in use for years will require five years growth before it is restored.

On the said premises were ten apple trees ranging from seven inches to sixteen inches in diameter, 2 wild plum trees, 5 red sour cherry, 3 black wild cherry, 2 pear, 7 sugar maples and 1 poplar and other trees used for shade and fruit on the said premises which were taken out and destroyed.

In addition to the above damages the petitioner has been greatly inconvenienced by losing the enjoyment of his property while said work has been going on and other matters and things not herein enumerated.

W. J. Maragner, 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 23rd day of November A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 25th day of November, 1926, at 10:00 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 T.J. Long, the petitioner

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 25th day of November A. D. 1926, when the following appearances were noted: T.J. Long, the petitioner, John J. Pentz, Esq., of the law firm of Pentz and Pentz, Attorneys for the petitioner, together with the following witnesses, for the petitioner, J.W. Eastman, W.F. Moore and N.I. McCright. The hearing was continued to Dec 8th when L.W. Shaffer testified for the petitioner. Robert Maine, Esq., appeared at both hearings for A.M. Liveright, Esq., County Solicitor.

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 to return for ~~the following described road with~~ beginning damage has been sustained by T.J. Long of Sandy Township, Clearfield County, Penna, the petitioner, by reason of the construction and relocation of State Highway Route # 59 Sec. 9 through his premises. That approximately one and two thirds acres of the land of T.J. Long has been taken and appropriated in the construction and relocation of said Highway whereas other portions of his land have been cut up and divided so as to make it costly and inconvenient to cultivate. The change in the location of State Highway Route # 59 Sec. 9 from its former survey also effects the dwelling house of the petitioner, by destroying the front lawn and leaving the dwelling house on the edge of a steep embankment above the Highway, approximately twelve feet in height. That to leave the house in its present location would be unsightly as well as dangerous, due to the natural tendency of such an embankment to slide, which might in time undermine the foundation of the house. Because of this condition it becomes necessary and practical to move the dwelling house of the petitioner back from the edge of the Highway to a new and more secure position, which involves the cost of removal as well as the excavation of a cellar and the building of a new wall underneath the house of the petitioner, together with the construction of new cement walks and other incidental expenses that may be incurred in such a removal. The water supply of the petitioner has been effected by the construction of this Highway causing him to lay new pipe lines and conduits underneath said Highway in compliance with State regulations, and in addition to the damages herein enumerated,