

ROAD

DOCKET No. 6

Number

7

Term

Dec. SS

Year

1936

M. I. McCreight, Frank Hahne, Jr.,

representing ESTATE OF FRANK HAHNE,
Ida Weil

Versus

County of Clearfield

Quarter Sessions

IN THE COURT OF ~~COMMON PLEAS~~ OF THE COUNTY OF CLEARFIELD

M. I. McCREIGHT,
FRANK HAHNE, JR., represent-
ing the Estate of Frank Hahne,
and IDA WEIL

-vs-

COUNTY OF CLEARFIELD

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 M. I. McCREIGHT, FRANK HAHNE, JR.,
representing the Estate of Frank Hahne, and IDA WEIL, respectfully
represents:

1. That M. I. McCreight, the Estate of Frank Hahne,
late of the City of DuBois, County of Clearfield and State of
Pennsylvania, represented by Frank Hahne, Jr., and Ida Weil, of
the City of Pittsburgh, Pennsylvania, are the petitioners and
plaintiffs in the above named case, and have requested M. I.
McCreight, one of the parties affected, to present this petition.

2. Your petitioners own a certain piece of land situ-
ate in the Township of Sandy, County of Clearfield and State of
Pennsylvania, abutting on Public Highway Route #322, a public
highway owned and controlled by the State of Pennsylvania.

3. The eastern termini of the property of your pe-
titioners begins on the said highway abutting the land of what is
known as the Canfield property, thence extending Westerly to the

B. & O. Railroad crossing and after crossing said right-of-way there is another piece of said land between the railroad and Highway Route #322, and farther west a small piece of said land abutting on said route.

4. The said Commonwealth of Pennsylvania, by virtue of the powers vested in them have decided and are improving the said Highway Route #322 abutting on the property of your petitioners by widening, changing grade and changing the routes along said premises, to the great damage and detriment of your petitioners.

5. In the taking of said land by the Commonwealth of Pennsylvania, it has destroyed a large number of timber trees growing on said land and taken the most valuable part thereof to the extent of acres, as well as narrowing down the said land by virtue of said improvement and greatly damages your petitioners.

6. Under the laws of the Commonwealth of Pennsylvania the County of Clearfield is responsible for the damages done your petitioners and your petitioners have taken up said matters with the Commissioners of the County of Clearfield and have tried to agree to the value of said land so appropriated by the said Commonwealth of Pennsylvania, but your petitioners are unable to agree with the said County Commissioners as to the value and damages done to your petitioners.

7. Your petitioners present herewith in a separate schedule hereto attached a list of the liens of record in the County of Clearfield against the said property.

THEREFORE, your petitioners pray your honorable Court to appoint Viewers as provided by the laws of the Commonwealth of Pennsylvania to find and assess the damages sustained by virtue of said taking of said land for the purposes aforesaid.

And they will ever pray, etc.

Adm. Wright

STATE OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

Personally appeared before me, a Notary Public in and for said County and State, M. I. McCREIGHT, one of the Petitioners in the foregoing Petition, who being duly sworn according to law deposes and says that the facts set forth in the foregoing Petition are correct and true.

M. I. McCreight

Sworn and subscribed before me
this ~~26th~~ day of October, 1936.

R. P. McKenney
Notary Public
my comm. expires 3/19/39

IN THE COURT OF COMMON PLEAS OF THE COUNTY OF CLEARFIELD

M.I. McCREIGHT,
FRANK HAHNE, Jr. Representing
the Estate of Frank Hahne,
and IDA WEIL

-VS-

COUNTY OF CLEARFIELD

NO. _____

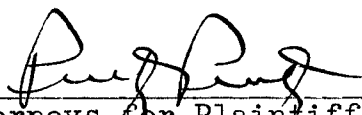
December Term, 1936

*

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 M.I. McCreight, Frank Hahne, Jr., representing the estate of Frank Hahne, and Ida Weil, the above named Plaintiffs, 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 Plaintiffs, for the improvement of the State Highway, Route No. 322, in the Township of Sandy, Clearfield County, Pennsylvania.


Attorneys for Plaintiffs

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

By


Chief Clerk

IN THE COURT OF COMMON PLEAS OF THE COUNTY OF CLEARFIELD

M.I. McCREIGHT, FRANK HAHNE, Jr.
Representing the Estate of
Frank Hahne, and IDA WEIL

-vs-

COUNTY OF CLEARFIELD

NO. _____

December Term, 1936

*
* *
*

ORDER

NOW 2nd DAY OF November, 1936, the foregoing petition read and considered, and thereupon *A. B. Shaw, Esq.*, *H. E. Reese* and *H. R. 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. Haller, Jr.

Quarter Sessions
In the Court of ~~Circuit~~ ~~Penn~~
of Clearfield County

No. *7* December Term, 1936

M. I. MCCREIGHT, FRANK
HAHNE, JR., representing
Estate of Frank Hahne,
IDA V. FIL

-VS-

COUNTY OF CLEARFIELD

David
P E T I T I O N

FILED
E NOV 2 1936
W. R. GALLAGHER
CLERK

PENTZ & PENTZ
ATTORNEYS AT LAW
DU BOIS, PENNA.

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 2nd day of November
in the year of our Lord one thousand nine hundred
thirty-six*

Judge of the same Court: Upon the petition of sundry in-

*habitants of the Township of M. I. McCreight, Frank Hahne, Jr.
representing the Estate of Frank Hahne, and
in said County, setting forth that*
Ida Weil of Sandy Township

Petition of M. I. McCreight, Frank Hahne, Jr., representing the
Estate of Frank Hahne, and Ida Weil, respectfully represents:

Your petitioners own a certain piece of land situate in
the Township of Sandy, County of Clearfield and State of Penna.,
abutting on public Highway Route #322, a public highway owned
and controlled by the State of Pennsylvania.

The eastern termini of the property of your petitioners
begins on the said highway abutting the land of what is known
as the Canfield property, thence extending Westerly to the
B. & O. Railroad crossing and after crossing said right-of-way
there is another piece of said land between the railroad and
Highway Route #322, and farther west a small piece of said
land abutting on said route.

The said Commonwealth of Pennsylvania, by virtue of the
powers vested in them have decided and are improving the said
Highway Route #322 abutting on the property of your petitioners
by widening, changing grade and changing the routes along said
premises, to the great damage and detriment of your petitioners.

In the taking of said land by the Commonwealth of Penna.
it has destroyed a large number of timber trees growing on said
land and taken the most valuable part thereof to the extent of
acres, as well as narrowing down the said land by virtue of
said improvement and greatly damages your petitioners.

Under the laws of the Commonwealth of Pennsylvania the
County of Clearfield is responsible for the damages done your
petitioners and your petitioners have taken up said matters
with the Commissioners of the County of Clearfield and have
tried to agree to the value of said land so appropriated by the
said Commonwealth of Pennsylvania, but your petitioners are un-
able to agree with the said County Commissioners as to the
value and damages done to your petitioners.

view the advantages as well as disadvantages arising from

*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 *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, post handbills, and
file their report on the first Monday of Jan. 1937.*

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 ~~three~~ ^{Grand Jury} ~~times~~ 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. 19236, and the hearing to be held in the Arbitration ^{Grand Jury} Room, at the Court House, in Clearfield, Pa., on the 25th day of November, 19236, at 9:00 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 M.I. McCright one of the petitioners and representatives of the Frank Hahne and Ida Weil Estate.

parties in interest. That the hearing was held in the Arbitration ^{Grand Jury} Room, in the Court House, at Clearfield, Pa., on the 25th day of November A. D. 19236, when the following appearances were noted: M.I. McCright, one of the representatives of the Frank Hahne and Ida Weil Estate, together with his attorney, John J. Pentz, Esquire., of the law firm of Pentz and Pentz of DuBois, Pa. There was also present at this meeting Robert Maine Esq., representing A.M. Liberight, Esq., County Solicitor.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that ~~there is XXXXX occasion for a road as desired by the petitioner, and that the same is XXXXX necessary for a XXXXX 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~~ Beginning damage has been sustained by the Estate of Frank Hahne and Ida Weil, by reason of the construction and relocation of State Highway Route # 59 Sec 9 through said premises, on account of which a petition was presented to the Court of Quarter Sessions of Clearfield County, Penna by M.I. McCright and Frank Hahne Jr, representatives of said estate. That in the construction and widening of said Highway a strip of land approximately 13 1/2 feet in width, including the slope has been taken and appropriated and in addition thereto a small portion of the petitioners land on the side of the R & O R R tracks nearest ~~nearest~~ DuBois has been taken by reason of a small fill between the B & O R R right of way and the present Highway, amounting in all to 9450 sq ft or .22/100 of an acre. That in the widening of said Highway to its present and required width a number of saplings and small trees were destroyed, none of which had any market or particular value.

Mr M.I. McCright, one of the representatives of the Frank Hahne and Ida Weil Estate, claims said estate has been damaged to the extent of \$1000.00. After viewing the premises and the conditions surrounding the same and taking into consideration the special benefits accruing thereto, your viewers are of the opinion that the foregoing estimate is excessive, but that the estate of Frank Hahne and Ida Weil should be compensated for the land taken and appropriated, and do assess to the estate of Frank Hahne and Ida Weil, damages in the amount of One Hundred (\$ 100.00) Dollars.

Seal
Seal
Seal
Seal

St. M. G. Moore
[Signature]

A. D. 1926.

and we herewith return ~~releases obtained and~~ copy of the notices.
WITNESS our hands and seals this 18th day of December

~~the following persons having refused to release the damages to which they respectively 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:~~

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

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

No. 7 Dec. 1936 Sessions, 1936

ORDER

To view & assess damages to a
road for Mr. McGehee use in the
township of Sandy,
Clearfield County

10th Sessions, 1937,

read and confirmed Ni. Si. Road to be
opened 33 feet wide, except where there
is side-trill-cutting or embankment and
bridging, there to be 16 feet wide.
No assignment of route unless
the road can be held within
twenty days of
the date of opening.
The road is hereby
declared
proceeding

Filed 19 1936
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	AM'T.
A. B. Shaw			\$10.00

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 ensailing 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_____.

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 sec 9 through the property or estate of Frank Hahne and Ida Weil, 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 11:30 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 9:00 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 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 town of Clearfield, Pa., by reason of the construction and relocation of State Highway Route 100 Sec 9 through the property or estate of Frank J. and Ida M. ...

in **Township to**

in County Township, in the County aforesaid, will
meet ~~at the house of~~ on the premises
in County Township, on Monday
the 20th day of November, A. D. 1925, at 11:30
o'clock A. M., to attend to the duty assigned them, of which time and place afore-
said, 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 20TH DAY OF NOVEMBER A.D. 1930 AT 9:00 O'CLOCK A.M. AT WHICH TIME AND PLACE ALL PARTIES INTERESTED MAY ATTEND AND BE HEARD IF THEY SO DESIRE.

A.B.C.

U. A. REBOR

H. B. GOSALL

VIEWERS

November 12th 1938

NO. 7, 200, 20
LANDS IN SANDY TOWNSHIP
CLEARFIELD COUNTY PA.
VIEWED UPON A QUESTION OF DAMAGE
NOV 23-1906 BY H. S. HAWES
H. S. HAWES
SCALE 1" = 200'

MANHOUSING TRAIL



← TOLL TOWER BRIDGE

NEW HIGHWAY CENTER OF OLD ROAD

RIGHT OF WAY

STEERING
CURVE

SHARP
BEND

