

ROAD

DOCKET No.

6

Number	Term	Year
8	Dec. SS	1936

William M. Utzinger

Versus

Clearfield County

COMMONWEALTH

vs.

WILLIAM UTZINGER
Road view account damages

In the Court of Quarter Sessions of Clearfield County

No. 8 December Sessions, A. D. 1936
Indictment
Verdict
Disposition

Clerk

County

Sheriff

Justice

Wit. before J. P.

Constable on Trans.

" Sub.

Fine

Certified from the Record

Clerk

John Potter	1	Days in court at \$2.00 per day	\$2.00	2.00
P. O. DuBois, Pa.	28	Miles at 6c per mile	\$2.00	1.68
N. C. Ashenfelter	1	Days in court at \$2.00 per day	\$2.00	2.00
P. O. DuBois, Pa.	28	Miles at 6c per mile	\$2.00	1.68
Mrs. Anna Vosburg	1	Days in court at \$2.00 per day	\$2.00	2.00
P. O. DuBois, Pa.	28	Miles at 6c per mile	\$2.00	1.68
John Shaffer	1	Days in court at \$2.00 per day	\$2.00	2.00
P. O. DuBois, Pa.	28	Miles at 6c per mile	\$2.00	1.68
Frank DeLarme	1	Days in court at \$2.00 per day	\$2.00	2.00
P. O. DuBois, Pa.	28	Miles at 6c per mile	\$2.00	1.68
		Days in court at \$2.00 per day	\$2.00	
P. O.		Miles at 6c per mile	\$2.00	
		Days in court at \$2.00 per day	\$2.00	
P. O.		Miles at 6c per mile	\$2.00	
				18.40

CLEARFIELD COUNTY, ss:

Personally appeared WILLIAM UTZINGER, who being duly sworn according to law doth depose and say that the above bill of costs is correct; that the witnesses named were present and material, and the miles actually traveled as above stated.

Sworn and subscribed before me this 19th

day of December, 1936.

Currier Boase
Notary Public Clerk

My Commission Expires April 12-1939.

William Utzinger

CERTIFICATE

I, District Attorney of Clearfield County, hereby certify that the witnesses above named were subpoenaed by me and were in attendance, and were necessary for the trial of this case.

.....
DISTRICT ATTORNEY

No. 8 Dec. Sessions, 1936

COMMONWEALTH

versus

Commonwealth Bill of Costs

123456789
10/21/1936
11.00 CASHIER
12.00 CLERK

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

WILLIAM M. UTZINGER : NO. SESSIONS, 1936.
vs. :
CLEARFIELD COUNTY : PETITION FOR THE APPOINTMENT OF
: VIEWERS.
:-----

TO THE HONORABLE W. WALLACE SMITH, PRESIDENT AND
SOLE JUDGE OF SAID COURT:

The Petition of William M. Utzinger respectfully shows:

FIRST: That a public road has been paid out and opened within the past three months through lands of your petitioner, under a statutory right conferred upon and by the Secretary of Highways of the Commonwealth of Pennsylvania, and the construction and improvement of a certain state highway hereinafter referred to involving a change in width, courses, and location has begun.

SECOND: The County Commissioners of Clearfield County have agreed in writing to such changes, re-location and appropriation of a portion of the lands of your petitioner in connection with the construction and improvement of said state highway.

THIRD: Said state highway is known as Legislative Route 59 on the plan of state highways of the Commonwealth of Pennsylvania, and Section 9 is situate in the Township of Brady ~~and Township of Brady~~ in Clearfield County aforesaid.

FOURTH: The lands involved consist of a strip of land through your petitioner's farm in a course partly curved and partly straight, about 1/640 feet long and of an irregular width, varying from fifty feet to ninety feet. The entire lands of your petitioner are used by him for farming purposes, and are described as follows, to wit: ALL that piece of land with improvements, situate in the Township of Brady, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the north-east corner of the tract at a stone in line of lands now or formerly of Jacob Pentz; thence west, partly by lands of the said Jacob Pentz and partly by lands of Bell, seventy-eight and four-tenths (78.4) perches, more or less, to a stone corner; thence south by lands now or formerly of John Lenkard a distance of seventy-five (75) perches, more or less, to a post, in the Waterford and Erie Turnpike (said highway having been improved several years ago by a concrete highway by the Commonwealth of Pennsylvania, and known as Legislative Route #59); thence south 76° e. in said turnpike a distance of seventeen and four-tenths (17.4) perches, to a stone; thence south $60-1/2^{\circ}$ east in said turnpike a distance of Twenty-eight (28) perches to a stone corner; thence south 15° west by lands of A. H. Dunlap a distance of nine (9) perches, more or less, to a stone corner; thence south 68° east a distance of nine (9) perches, more or less, to a post; thence north 15° east a distance of nine (9) perches, more or less, to a post in the said Waterford & Erie Turnpike; thence south 83° east in said Turnpike a distance of twenty-nine and four-tenths (29.4) perches, more or less, to a post in line of lands formerly of Elijah Ashenfelter; thence north by the said Ashenfelter lands a distance of ninety-six and two-tenths (96.2) perches, more or less, to a stone corner, and place of beginning.

EXCEPTING about three (3) acres of said land conveyed from the above described to various persons.

Wherefore, your petitioner prays the court to appoint three disinterested persons to view the premises and assess the damages which your petitioner may have sustained, as aforesaid.

And he will ever pray.

William Utzinger
PETITIONER.

STATE OF PENNSYLVANIA)
: SS.
COUNTY OF CLEARFIELD)

WILLIAM M. UTZINGER, being duly sworn according to
law, deposes and says that the facts set forth in the fore-
going Petition are true and correct.

William Utzinger

Sworn and subscribed to)
before me this 31st. day)
of October, A.D., 1936.)

Dorsey D. Neff

Alderman

My Commission expires January 3d. 1938

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY,
PAULS, PENNSYLVANIA, 1936
No. 8 ~~Dec~~ SESSIONS, 1936

WILLIAM A. UTZINGER

vs.

CLEARFIELD COUNTY

Issued

PETITION FOR THE APPOINT-
MENT OF VIEWERS.

Nov. 2, 1936
In accordance with
the petition, the Hon.
C. H. S. Reid &
H. M. Donald are
appointed viewers &
will cause to make
a full and accurate
report.

Nov. 2, 1936

W. R. GALLAGHER
CLERK

LISLE D. MCCALL
ATTORNEY AT LAW
DUBOIS, 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 second day of November in the year of our Lord one thousand nine hundred and thirty-six

Judge of the same Court: Upon the petition of ~~an~~ ~~countryxxix-~~
~~habitants of the Township of~~ William M. Utzinger of
Brady Township in said County, setting forth that

That a public road has been laid out and opened within the past three months through lands of your petitioner, and the construction and improvement of a certain state highway herein-after referred to involving a change in width, courses, and location has begun.

Said state highway is known as Legislative Route 59 on the plan of state highways of the Commonwealth of Pennsylvania, and Section 9 is situate in the Township of Brady in Clearfield County.

The lands involved consist of a strip of land through your petitioner's farm in a course partly curved and partly straight, about 1640 feet long and of an irregular width, varying from fifty feet to ninety feet. The entire lands of your petitioner are used by him for farming purposes, and are described as follows: All that piece of land with improvements, situate in the Township of Brady, Clearfield County, Pa., bounded and described as follows:

Beginning at the north-east corner of the tract at a stone in line of lands now or formerly of Jacob Pentz; thence west, partly by lands of the said Jacob Pentz and partly by lands of Bell, seventy-eight and four-tenths (78.4) perches, more or less, to a stone corner; thence south by lands now or formerly of John Lenkard a distance of seventy-five (75) perches, more or less, to a post, in the Waterford and Erie Turnpike (said highway having been improved several years ago by a concrete highway by the Commonwealth of Pennsylvania and known as Legislative Route #59); thence south 76 degrees East in said turnpike a distance of seventeen and four-tenths (17.4) perches, to a stone; thence south $60\frac{1}{2}$ degrees east in said turnpike a distance of twenty-eight (28) perches to a stone corner; thence south 15 degrees west by lands of A. H. Dunlap a distance of 9 perches, more or less, to a stone corner; thence south 68 degrees east a distance of nine (9) perches, more or less, to a post; thence north 15 degrees east a distance of nine (9) perches, more or less, to a post in the said Waterford and Erie Turnpike; thence south 83 degrees east in said Turnpike a distance of twenty-nine and four-tenths (29.4) perches, more or less, to a post in line of lands formerly of Elijah Ashenfelter; thence north by the said Ashenfelter lands a distance of ninety-six and two-tenths (96.2) perches, more or less, to a stone corner, and place of beginning.

Excepting about three (3) acres of said land conveyed from the above described to various persons.

time when, and place, 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

Brady 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 11:00 o'clock A.M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Wm Utzinger, the petitioner, together with his attorney, L.D. McCall, Esquire of DuBois, Pa.

2 Court

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 8th day of December A. D. 1926, when the following appearances were noted: Wm Utzinger, the petitioner, together with his attorney, L.D. McCall and the following witnisses for the petitioner, John Shaffer, Frank A. Delarme, Mrs Anna Vosberg, N.C. Ashenfelter and John Potter. There was also present at this meeting Robert Maine, Esq., representing A.W. Liveright, Esq., County Solicitor.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there XXXXXX occasion for a road as desired by the petitioner, and that XXXXXX necessary for XXXXXX 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 XXXXXX use the following described road, to wit XXXXXX damage has been sustained by Wm Utzinger, the petitioner, by reason of the construction and relocation of State Highway Route #59 Sec. 9 through his premises. That approximately two and one quarter acres of the choice farm land of the said Wm Utzinger has been taken and appropriated in the construction and relocation of said Highway. That by reason of the construction and relocation of State Highway Route # 59 Sec. 9 through the premises of Wm Utzinger, a strip of land, lying between the old State Highway Route #59 Sec. 9 and its new location, being approximately four acres in size, has been cut off and somewhat isolated from the remainder of the petitioners farm. It was also brought to the attention of your undersigned viewers that certain of the petitioners crops were destroyed in the construction of said Highway and in addition thereto the petitioner has been inconvenienced do to the fact that the new Highway passes between his dwelling house and spring from which source he has been accustomed to hauling water for his live stock.

The amount of damage claimed by Wm Utzinger, the petitioner, and as testified too by his witnisses, ranges from \$1000.00 to \$2000.00. After viewing the premises of Wm Utzinger and the conditions surrounding the same and taking into consideration the special benefits accruing thereto by reason of the construction of State Highway Route #59 Sec. 9 through the property of the said Wm Utzinger, your viewers are of the opinion that the foregoing estimates are excessive, but that the said Wm Utzinger should be compensated for the land taken and occupied and

~~the damage and inconvenience caused him in the construction and re-location of said Highway and do assess to the said Wm Utzinger, damages in the amount of Nine Hundred and Twenty-five (\$925.00) 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~~

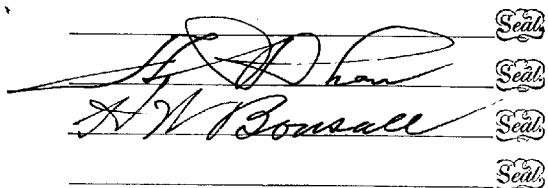
~~when it was not practical to preserve it within that limit.~~

~~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 10th day of December
A. D. 192³⁶.


Seal
Seal
Seal
Seal

No. 8 Dec. Sessions, 1936

ORDER

To view ~~against damages to a~~
~~road from a viewer for use in the~~
township of Brady,
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.

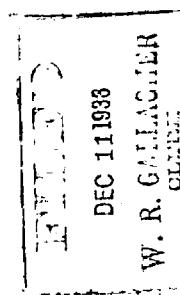
	Days	Miles	Amt.
A. D. Shaw	5	54	52.75
H. A. Reese	3	156	57.50
H. M. Bonsall	21/286	29.00	

Feb 2 Sessions, 1937.

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.

*Done at the 2nd day of February 1937
in the year of our Lord one thousand nine
hundred and thirty seven
and in the County of Clearfield
State of Pennsylvania*

March 15 1937
Received of Peter J. Bonsall
Resident of Clearfield, a sum of
\$25.00 for the opening of the road
Filed 1937
Fees \$1.25 paid by



DEC 11 1938
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

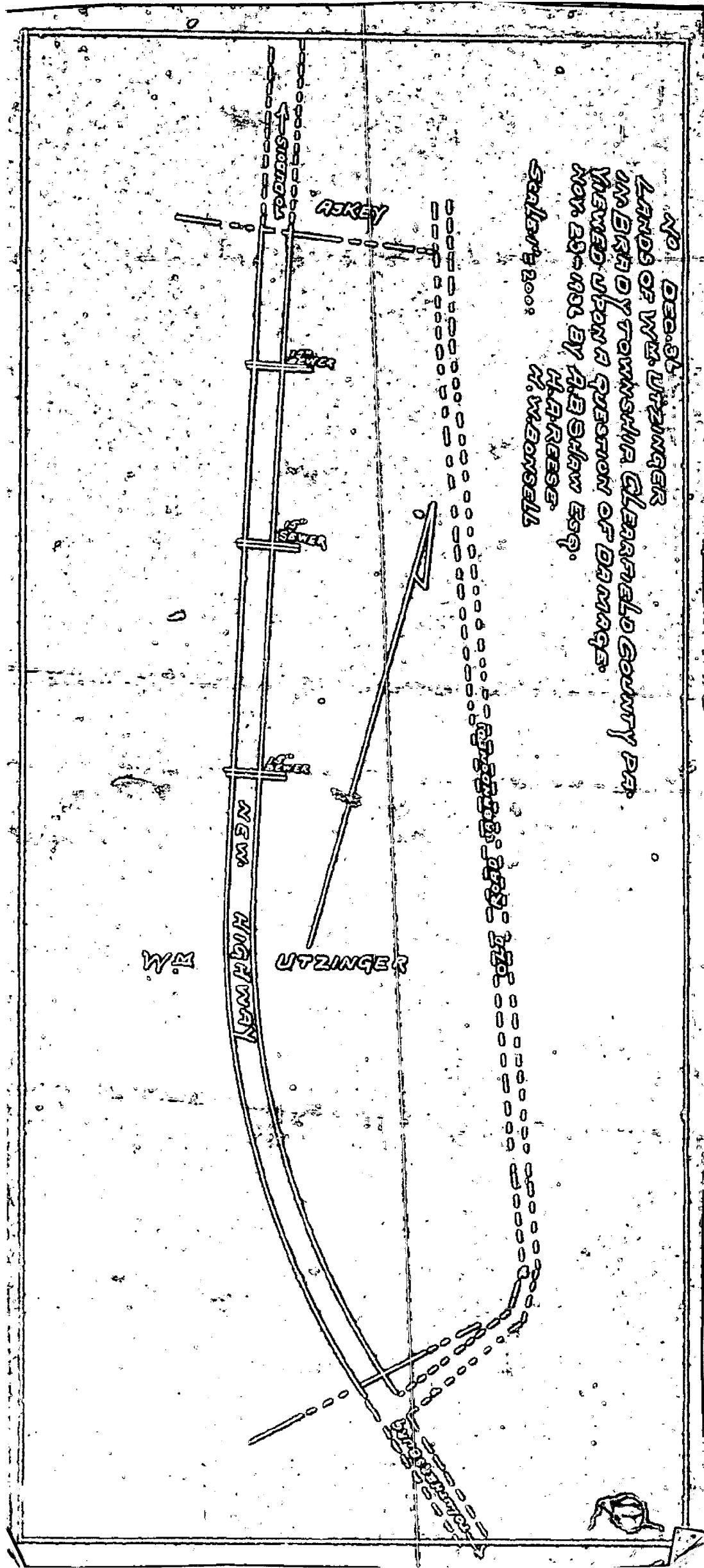
Seal

NO. DEC. 3, 1873.
LANDS OF WM. UTTINGER
IN BROOKLYN, NEW YORK COUNTY, PAY.
VICTIMED UPON A QUESTION OF DAMAGE.
NOV. 29 - 1873 BY H. E. DAWSON Esq.
H. H. REEDS.

St. Marks 2000
H. H. REEDS

WM.

UTTINGER



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 and opposite, 40 rods by reason of the construction and relocation of State Highway Route No. 200, through the premises of William

W. McAnoy, trustee

in Township to

in Brody Township, in the County aforesaid, will meet at the house of on the premises

in Brody Township, on Monday, the 20th day of November, A. D. 1926, at 11:00

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 EIGHTH DAY OF NOVEMBER A. D. 1926 AT 11:00 O'CLOCK A. M. AT WHICH TIME AND PLACE ALL PARTIES INTERESTED MAY ATTEND AND BE HEARD IF THEY SO DESIRE.

A. D. GRAY

H. A. BEGGS

H. W. KIDDYALL

November 18th

19 26

VIEWERS

To the County Commissioners of Clearfield County, Pennsylvania.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Quarter Sessions of Clearfield County, Pennsylvania, 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 premises of William M. Utzinger, situate in the Township of Brady, Clearfield County, Pennsylvania, will meet on the premises on Monday, the 23rd day of November, A.D., 1936 at 11:00 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, 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 11:00 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 Edgac
Clerk.