

DOCKET No. 6

Number	Term	Year
11	May ss	1937

TO ASSESS DAMAGES IN BRADFORD

TOWNSHIP TO HOMER J. CRAFT

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re:

:

No.

May Term 1937

Homar J. Craft

:

PETITION OF HOMAR J. CRAFT OF CLEARFIELD COUNTY FOR
APPOINTMENT OF VIEWERS

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

The petition of Homar J. Craft of Bradford Township,
Clearfield County, Pennsylvania, respectfully represents:

1. Route No. 57 is a State Highway, on the plan of the
State Highways of the Commonwealth of Pennsylvania; and Section
3a thereof is situate in Clearfield County, Bradford Township.

2. That plan submitted by the Department of Highways for
changing Highway Route No. 57; Section 3a involves changes
through the lands of your petitioner; that the relocation of
said Highway through the lands on your petitioner includes the
appropriation petitioners land; that the premises of your peti-
tioner affected by said change in the Highway, vested in your
petitioner by Deed from Eleanor Jane Mullen and others by deed
dated the 6th day of October 1924, said deed being recorded in
the Office of the Recorder of Deeds in and for Clearfield County,
Pennsylvania, in Deed Book 272, Page 509 Et-sec, reference
thereto is made for description, etc, of said lands.

3. That the County Commissioners of Clearfield County
by resolution as shown by the minutes of said office in writing
approved and agreed to such changes in the Highway as proposed
by the Highway Department of the aforesaid State Highway through
the lands on your petitioner.

4. That said changes, relocation and alterations are now
in progress and as a result of said changes, your petitioner has
and will suffer damages to the market value of his property.

5. That in said relocation and alterterations of said
Highway lands of your petitioner have been appropriated and also
fruit trees and other tree growth upon the lands of your petiti-
oner.

6. That the County Commissioners and your petitioner having
attempted to agree upon the damages to the petitioner, have been
unable and are unable to reach an agreement.

Your petitioner therefore prays that your honorable court appoint viewers to appraise, assess, and determine the amount of damages your petitioner has suffered as a result of the appropriation of the land and reconstruction and relocation of said Highway.

And he will ever pray.

Homar J. Craft

COUNTY OF CLEARFIELD : SS:
STATE OF PENNSYLVANIA :

Personally appeared the under signed, Homar J. Craft, being duly sworn according to law deposes and says that the facts setforth in the above petition are true and correct.

Homar J. Craft

Sworn and subscribed before me
this 18th day of March A.D. 1937.

W. R. Gallagher
Prothonotary
MY COMMISSION EXPIRES FIRST
MONDAY IN JANUARY, 1940.

ORDER OF COURT

NOW, this 26th day of ^{April} ~~March~~ A.D. 1937, the within petition having been presented, A. B. Shaw, and H. E. Reese, and H. A. Giles, are appointed viewers to view and report to the court.

By the Court

R. Gallahue
P. J.

To Robert V. Maine, Esq.

Solicitor to County Commissioners of Clearfield County

Sir:

You are hereby notified that the within petition, asking for viewers to assess damages, by reason of the subject matter set forth in this petition will be presented to the Court.

Chase & Swoope
Attorneys for Petitioner

Service of the above notice acknowledged this 20th day of April 1937.
Robert V. Maine.
for County Solicitor

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY PENNSYLVANIA. NO. 11 MAY TERM 1937.	In. Re: HOMER J. CRAFT	PETITION OF APPOINTMENT OF VIEWERS TO ASSESS DAMAGES	Chase & Swoope Attorneys	LAW OFFICES CHASE & CHASE SNYDER BUILDING CLEARFIELD, PA. <i>C.</i>
--	-------------------------------	--	-----------------------------	---

437

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 27th day of April
in the year of our Lord one thousand nine hundred
thirty seven

Judge of the same Court: Upon the petition of ~~sumbly xxx~~
Homer J. Craft
~~xxxxxx~~ of the Township of Bradford

in said County, ~~setting forth~~ respectfully represents

1. Route No. 57 is a State Highway, on the plan of the
State Highways of the Commonwealth of Pennsylvania; and Section
3a thereof is situate in Clearfield County, Bradford Township.

2. That plan submitted by the Department of Highways for
changing Highway Route No. 57; Section 3a involves changes through
the lands of your petitioner; that the relocation of said Highway
through the lands on your petitioner includes the appropriation
petitioners land, that the premises of your petitioner affected by
said change in the Highway, vested in your petitioner by Deed
from Eleanor Jane Mullen and others by deed dated the 6th day of
October, 1924, said deed being recorded in the office of the
Recorder of Deeds inand for Clearfield County, Pa. in Deed Book
272, page 509 et-sec, reference thereto is made for description,
etc, of said lands.

3. That the County Commissioners of Clearfield County by
resolution as shown by the minutes of said office in writing
approved and agreed to such changes in the Highway as proposed
by the Highway Department of the aforesaid State Highway through
the lands on your petitioner.

4. That said changes, relocation and alterations are now
in progress and as a result of said changes, your petitioner has
and will suffer damages to the market value of his property.

5. That in said relocation and alterations of said
Highway lands of your petitioner have been appropriated and also
fruit trees and other tree growth upon the lands of your petitioner.

6. That the County Commissioners and your petitioner having
attempted to agree upon the damages to the petitioner, have been
unable and are unable to reach an agreement.

Your petitioner therefore prays that your honorable Court
appoint viewers to appraise, assess and determine the amount of
damages your petitioner has suffered as a result of the appropriation
of the land and reconstruction and relocation of said Highway.

By order of the Court

H. 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 12th day of May A. D. 1927, and the hearing to be held in the ~~Arbitration Room~~ ^{Law Library} at the Court House, in Clearfield, Pa., on the 14th day of May, 1927, at 10:00 o'clock AM. 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 Homer J. Craft, the petitioner.

parties in interest. That the hearing was held in the ~~Arbitration Room~~ ^{Law Library} in the Court House, at Clearfield, Pa., on the 14th day of May A. D. 1927, when the following appearances were noted: The undersigned Viewers were all present at this meeting, but counsel for the petitioner and some of his witnesses were unable to attend, so the meeting was adjourned until May 21 at the same hour, at which meeting the following appearances were noted, Hon. A.R. Chase, Attorney for the petitioner, together with Homer J. Craft

At the view and hearing above mentioned the undersigned, the majority of the said and the following witnesses for the petitioner, namely, Samuel Dixon, Milton Troxell, O. J. Young and J. J. Gave, and Al. Robert Bain of the law firm of Smith and Bain, all of which are Solicitors for Clearfield County.

and as far as practicable we have laid

and as far as practicable we have laid

petitioner; and do return for use the following described road, to wit:
Beginning damage has been sustained by Homer J. Craft of Bradford Township
Clearfield County, Pennsylvania, by reason of the construction and
relocation of State Highway Route #57 Sec. 3a through his premises.
That approximately two acres of the land of Homer J. Craft has been
taken and appropriated in the construction and relocation of said
Highway, and a number of fruit trees were destroyed, some of which
bore fruit and others had not reached this stage. The change in the
location of State Highway Route #57 Sec. 3a from its former survey on
the premises of Homer J. Craft also effects the dwelling house of the
petitioner and his fields and garden adjacent thereto, because of the
elevation of the new highway and in the drainage of the same has resulted
in considerable damage to the petitioner, by flooding his cellar, pollut-
ing his well with surface water, as well as doing damage to his fields
and garden. That the newly constructed State Highway Route #57 Sec. 3a
is approximately twenty feet higher than the old highway route and is
on an average about 50 feet distant from the old highway as it traverses
the petitioners property. That the old highway which has reverted to
the Township of Bradford, has inadequate drainage to properly divert
the surface water emptied upon it from the New Highway and as a result
the petitioners property is being flooded and damaged in the manner as
hereinabove stated. To correct this condition as well as to properly
divert the surface water from the fill and private driveway immediately
in front of the petitioners dwelling house will necessitate the construct-
ion of two covered drains; the first of which should be placed across

To the County Commissioners of Clearfield County, Pennsylvania.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, on the 27th day of April, A.D., 1937, to view and assess the damages or benefits, if any, by reason of the construction and relocation of State Highway Route #57 Sec 3a through the property of Homer J. Craft, situate in the Township of Bradford, Clearfield County Pennsylvania, will meet on the premises on Wednesday the 12th day of May, A.D., 1937 at 10:00 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 to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said view an opportunity to be heard, will be held in the Law Library in the Court House at Clearfield, on Friday the 14th day of May, A.D., 1937 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.A. Giles

Viewer's

Now this 28th day of May, A.D., 1937, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County.

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 ^{and} ~~a Road or~~ assess damages, ~~leading from~~ ~~or location,~~ if any, resulting from the construction and relocation of State Highway Route 387 No. 3a through the property of ~~Edward J. Craft, situate~~

in ~~Brookford~~ Township, in the County aforesaid, will meet at the house of ~~George J. Craft~~ in ~~Brookford~~ Township, on ~~Monday~~ the ~~12th~~ day of ~~May~~, A. D. 1927, 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.

CHAS. A. GILES, ENGINEER, DE. CAR. DE. AT PENN. R.R. STATION, JOHNSTOWN, PA. NEED BY THE VIEWERS BEFORE THE TIME OF MEETING IS GIVEN IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID VILL AN OPPORTUNITY TO BE HEARD, WITH BE HELD IN THE NEW BUILDING IN THE COURT HOUSE AT JOHNSTOWN, ON WEDNESDAY THE 16TH DAY OF MAY, A.D., 1927 AT 10:00 O'CLOCK A.M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID VILL MAY BE HEARD, IF THEY SO DESIRE.

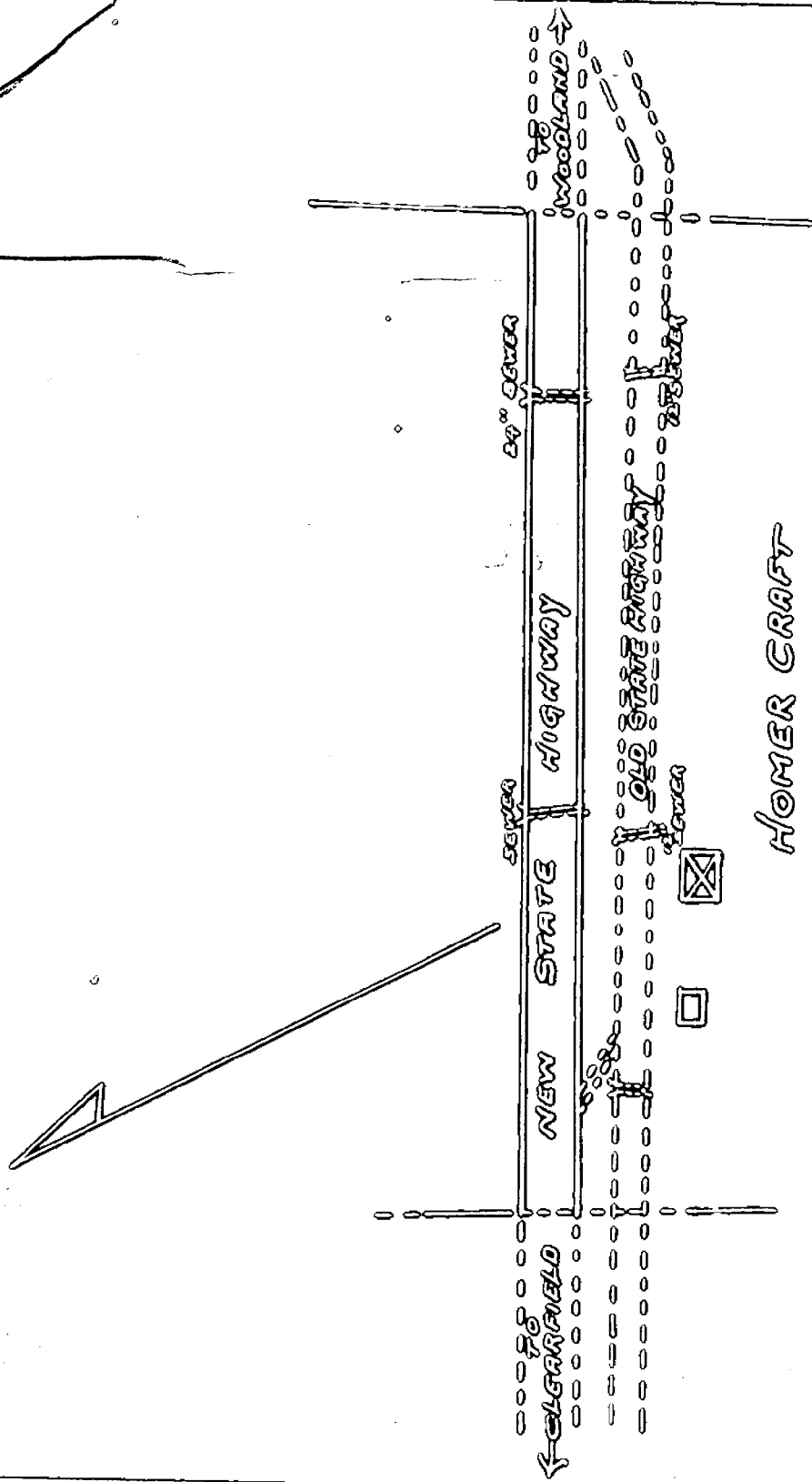
..... A.B. SHAW

..... H.A. GIBBS

..... H.A. GIBBS

VIEWS

..... MAY 1st 19.27.



HOMER CRAFT

LANDS IN BRADFORD TOWNSHIP
 CLEARFIELD COUNTY PA.
 VIEWED UPON A QUESTION OF DAMAGE
 MAY 12-1931 BY A.B. SHAW ESQ.
 H.A. REESE
 H.A. GILES
 -SCALE 1" = 200'

the old highway, approximately 800 feet East from the petitioners dwelling house, at or near where the old drain is located on said highway, and should be at least 18" in diameter. The second of which should be constructed across the old highway between the house and barn and extended in a Southerly direction, approximately 65 feet, so as to catch all the surface water from the fill and private road in front of the house and barn and divert it away from the petitioners buildings. The undersigned Viewers have estimated the cost of the construction of the aforementioned drains at \$200.00, but in the event the Township of Bradford is held responsible for the proper drainage of said old highway and particularly if the Township is legally required to construct the drains hereinabove mentioned, so as to properly and adequately drain and divert the surface water away from the petitioners premises at its own expense, then and in that event the \$200.00 set apart by the Viewers to properly remedy this condition should be deducted from the total award of damages hereinafter made to Homer J. Craft, the petitioner. In addition to the foregoing the petitioner has been damaged by reason of the construction and relocation of State Highway Route #57 Sec. 3a from its former location by reason of the inconvenience now caused him in obtaining access to and from his property.

The amount of damage claimed by Homer J. Craft, the petitioner, and as testified too by his witnesses, ranges from \$2000.00 to \$2600.00. After viewing the premises and taking into consideration the special benefits

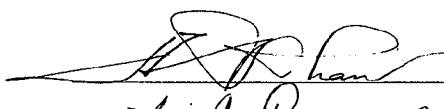
accruing thereto, by reason of the construction of an improved highway past the premises of the said Homer J. Craft, your Viewers are of the opinion that the foregoing estimates are excessive, but that the said Homer J. Craft should be compensated for the land taken and occupied and the damage and inconvenience caused him in the construction and relocation of said highway, and do assess to the said Homer J. Craft damages in the sum of Six Hundred (600.00) Dollars.

~~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 21st day of May
A. D. 1927.

 Seal
H. A. Reese Seal
H. A. Giler. Seal
Seal

No. 11 May Sessions, 1937

ORDER

To view and assess damages a
to Homer J. Craft
~~township~~
township of 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.

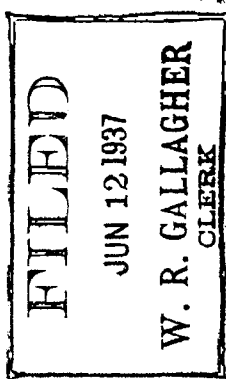
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
A. B. Shaw	4	10	40.50
H. A. Reese	4	98	44.90
H. A. Giles	3	25	51.25



Chase & Swoope, Attorneys

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