

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 petitio-
ner.

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 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 Craft

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

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

ORDER OF COURT

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

By the Court

R. Dallas Smith
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
Atorneys for Petitioners
Serving 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:
HOWARD J. CRAFT

PETITION OF APPOINTMENT
OF VIEWERS TO ASSESS
DAMAGES

Chase & Swoope
Attorneys

LAW OFFICES
CHASE & CHASE
SNYDER BUILDING
CLEARFIELD, PA.

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 ~~subdxxix~~
Homer J. Craft
~~subdxxix~~ of the Township of Bradford
in said County, ~~XLVXXIX~~ 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 of your petitioner's 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 in and 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 says 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 or relocation of said Highway.

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 12th day of May A. D. 1927, and the hearing to be held in the Arbitration Room 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 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

and the following witnesses for the petitioner, namely, Emanuel Dixon, Hilton Troxell, O. B. Moore, George Green, Robert Bain of the law firm of Smith and Bain, Attorney for the petitioner, and Robert Bain of the law firm of Smith and Bain, Attorney for Clearfield County.

After the view and hearing above mentioned, the undersigned, the majority of the said and the following witnesses for the petitioner, namely, Emanuel Dixon, Hilton Troxell, O. B. Moore, George Green, Robert Bain of the law firm of Smith and Bain, Attorney for the petitioner, and Robert Bain of the law firm of Smith and Bain, Attorney for Clearfield County.

... and as far as practicable as

petitioner and do return for his 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, polluting 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 construction 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 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~~ ^{and} or
assess damages, leading from ~~or~~ ~~back~~ 2100, 18 dry, reciting from the construction
and relocation of State Highway Route 387 4000, Ga. through the property of 1.0002.
J. Craft, etc etc

..... Township to

in ~~Brookfield~~ Township, in the County aforesaid, will
meet at the house of ~~George J. Allen~~
in ~~Brookfield~~ Township, on ~~Wednesday~~
the ~~18th~~ 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 afore-
said, all parties interested will take notice.

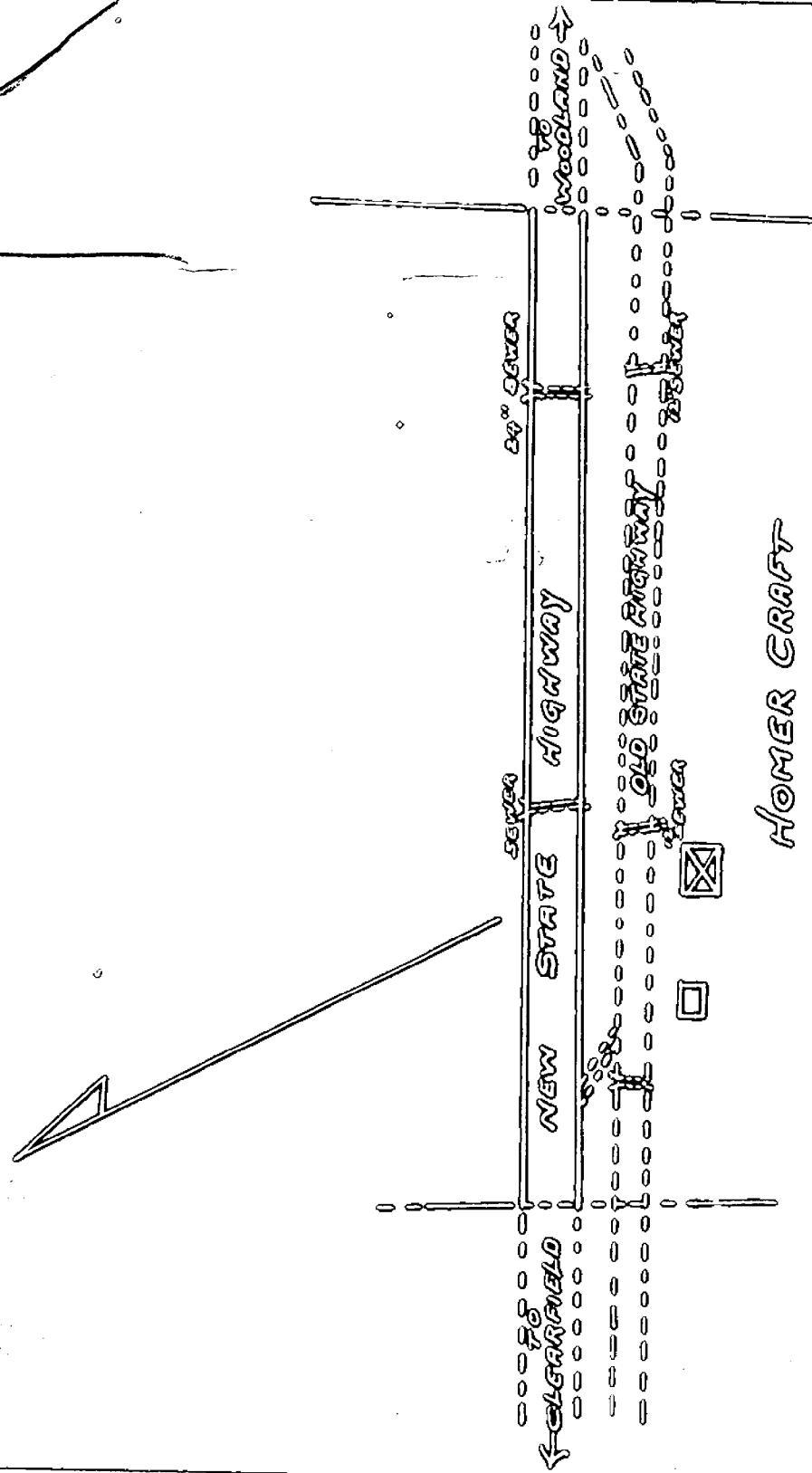
A.B. SKAGG

R₀A₀122-3D

H. A. GIBSON

.....
VIEWERS

..... TAX 300 19.57.



HOMER CRAFT

LANDS IN BRADFORD COUNTY PA.
CLEARFIELD County PA.
VIEWED UPON A QUESTION OF OWNERSHIP.
MAY 12-1931 BY R. B. SHAW ESQ.
REPRESENTATIVE.
H. H. GULDS

SCALE 1" 200'
H. H. GULDS

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 witnisses, 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; where 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 11st day of May
A. D. 1927.

J. R. Chan Seal
J. A. Pease Seal
H. A. Giles. Seal
Seal

No. 11 May Sessions, 1937

ORDER

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

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

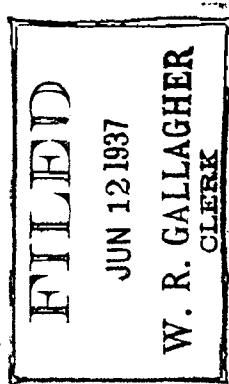
Also, viewers will carefully note the number of
days employed and set the amount out at the foot
of their return.

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	Amount
J. B. Shaw	4	10	40.50
H. A. Reese	4	9.8	4.90
H. J. Miles	3	25	51.25

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.



Chase & Swoope, Attorneys

Filed 19
Fees \$1.25 paid by