

ROAD

DOCKET No. 6

Number	Term	Year
7	May SS	1938

Agreement between County Commissioners and Trustees for Heirs and Devisees of John Nuttall, dec'd.
Versus

AGREEMENT between J. C. GATEHOUSE, T. R. WEIMER AND W. V. CARR, County Commissioners of Clearfield County, Pennsylvania, hereinafter referred to as County Commissioners, parties of the first part, and TRUSTEES OF THE HEIRS AND DEVISEES OF JOHN NUTTALL, deceased, hereinafter referred to as Trustees, parties of the second part.

WHEREAS, the heirs and devisees of John Nuttall, deceased, are the owners of property affected by the improvement of the section of road in Decatur Township, Clearfield County, Pennsylvania, designated on the records of the Department of Highways, as Route No. 57, Section 4, between Stations 1223 and 1237, and

WHEREAS, the said heirs and devisees of John Nuttall, deceased, entered into a trust agreement dated June 30, 1919, recorded at Clearfield, Pennsylvania, giving the Trustees therein named the right to act in respect of the premises hereinbefore mentioned, and

WHEREAS, under a statutory right conferred upon him the Secretary of Highways of the Commonwealth of Pennsylvania, has undertaken the improvement of said Route 57, Section 4, and

WHEREAS, the Secretary of Highways so notified the County Commissioners in writing of the contemplated improvement, and

WHEREAS, the County Commissioners agreed in writing to such improvement,

Now, therefore, this agreement

W I T N E S S E T H:

(1). In consideration of the premises and of the promises hereinafter set forth on the part of the Trustees to be kept and performed, the County Commissioners agree to pay Trustees the sum of Four Hundred (\$400.00) Dollars as damages.

(2). Trustees agree to accept said sum of Four Hundred (\$400.00) Dollars as full compensation for damages arising by reason of the improvement of said section of road in Decatur Township, Clearfield County, Pennsylvania, designated as Route 57,

Section 4, between Stations 1223 and 1237, and by reason of the taking of the said land for right of way purposes and the inconvenience and incidental damage in connection therewith.

(3). It is mutually understood and agreed that this agreement shall be filed by the County Commissioners in the office of the Prothonotary of Clearfield County; that if no exceptions are filed thereto within ten days after notice given by publication, as required by law, the County Commissioners will pay over to the said Trustees, the said sum of Four Hundred (\$400.00) Dollars upon delivery to them of releases, quitclaims or other instruments as they may require, as aforesaid.

(4). It is further mutually understood and agreed that if exceptions to this agreement are filed within ten (10) days after such notice, the proceeding shall be presented to the Court of Quarter Sessions of Clearfield County for its approval, that the Court shall fix a time for hearing the matter, at which time the parties hereto and any taxpayer interested therein, and their witnesses, shall be heard, and the Court shall either approve or disapprove the agreement, as it deems proper; if the Court disapproves the agreement and indicates a sum which it would approve if the County Commissioners and the Trustees agree thereon, said sum shall be acceptable by County Commissioners and Trustees, and it is covenanted by and between the parties hereto that said sum shall take the place of the aforesaid sum of Four Hundred (\$400.) Dollars; provided, however, that if the Court disapproves the agreement and fails to indicate a sum which it would approve, then and in such case, this agreement shall be null and void, and Trustees shall, if they so desire, proceed to present their petition to the Court of Quarter Sessions for the appointment of Viewers to ascertain and assess damages in the manner provided by law.

IN WITNESS WHEREOF, the County Commissioners of Clearfield County have hereunto affixed their signatures, duly attested by the Commissioners' Clerk, and the Trustees have hereunto set their hands and seals, this the day of March A. D. 1938.

ATTEST:

Myra Lucas
COMMISSIONERS' CLERK

J. C. Gathhouse
C. R. Reinier
H. J. Garry

County Commissioners

WITNESSED BY:

John Coffey
John Coffey
Elizabeth Moore

✓ Harold (SEAL)
✓ George W. Fyberg (SEAL)
✓ William J. Daniels (SEAL)

Trustees for the Heirs and Devisees
of John Nuttall, deceased.

No. 7 May 21, 1938

COUNTY COMMISSIONERS

-with-

TRUSTEES FOR HEIRS AND DEVISEES
OF JOHN NUTTALL, DEC'D.

AGREEMENT

APR 1 1938

SC