

ROAD

DOCKET No. 6

Number	Term	Year
7	Sept. SS	1938

Petition of ALBERT LARSON and GRACE

LARSON for assessment of damages in
SANDY TOWNSHIP

Versus

In re: ASSESSMENT OF DAMAGES TO)
PROPERTY OF ALBERT LARSON AND)
GRACE LARSON, HUSBAND AND WIFE,)
IN SANDY TOWNSHIP, CLEARFIELD)
COUNTY, PENNSYLVANIA)
IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA

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

Petition of Albert Larson and Grace Larson, husband and wife, of
Sandy Township, Clearfield County, Pennsylvania respectfully
represents:

FIRST: That they are the owners of a certain tract of land
situate in the Township of Sandy, County of Clearfield and State
of Pennsylvania conveyed by Samuel Larson to the said petitioners,
consisting of approximately one hundred and twenty eight (128)
feet facing the Allegheny Valley Railroad, commonly known as the
Pennsylvania Railroad and extending back on the westerly side
three hundred and twenty three (323) feet more or less and on the
easterly side three hundred and twenty four (324) feet more or less
and being at the rear one hundred and twenty eight (128) feet more
or less.

SECOND: That the said Highway Department of the Commonwealth
of Pennsylvania have recently constructed and improved a concrete
Highway, known as State Highway Route 255, which Highway passes
between the Pennsylvania Railroad tracks and the property of your
petitioners, extending from the Liberty Boulevard in the City of
DuBois to the Morningside Cemetery in Sandy Township.

THIRD: That, previous to the construction of the State Highway
Route 255, the Highway extending from the city line towards the
Morningside Cemetery passed on the south side of the Pennsylvania
Railroad, but the Highway Department of the Commonwealth of Penn-
sylvania, in the relocation of said Highway, has built the same
on the north side of the Pennsylvania Railroad tracks, taking some of
the land of your petitioners and causing damage as hereinafter com-
plained of.

FOURTH: That the property of your petitioners has been damaged and its value lessened in the following respects:

- (a) By the taking of a strip on the southerly side of said property.
- (b) By the cutting of five (5) shade trees that formerly grew thereon, as well as a fence and other markers and foliage that formerly grew thereon.
- (c) By causing a cut of about two (2) to three (3) feet and rendering access to the lots of your petitioners difficult.

FIFTH: That no compensation has been paid to or given your petitioners by reason of said damage, nor have your petitioners been offered any compensation therefore.

WHEREFORE, your petitioners pray that Viewers be appointed, to ascertain and determine the extent of damage sustained by your petitioners according to law. And they will ever pray.

Albert Larson
Grace Larson

STATE OF PENNSYLVANIA :SS:
COUNTY OF CLEARFIELD

Before me, the subscriber hereto, came Albert Larson and Grace Larson, husband and wife, who being duly sworn according to law, depose and say that the facts set forth in the within petition are true and correct to the best of their knowledge and belief.

Albert Larson
Grace Larson

Sworn and subscribed to before me
this 10th day of June, A. D. 1938

M. Brookbank

NOTARY PUBLIC
MY COMMISSION EXPIRES
DEC. 24, 1941

O R D E R

Now, June 15^{A. D.} 1938, the within petition having been read and considered *E. G. Bowe, C. J. M. Try* and *Harry Gossall* are hereby appointed Viewers to go upon the premises herein mentioned and, after view and hearing to determine and assess any damages sustained by reason of the construction of the Highway as therein averred and then to make report thereof.

BY THE COURT
H. Dallas Smith
P. J.

No. 7 Sept. 21 1938

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA

In re: ASSESSMENT OF
DAMAGES TO PROPERTY OF
ALBERT LARSON AND GRACE
LARSON, HUSBAND AND WIFE,
IN SANDY TOWNSHIP, CLEAR-
FIELD COUNTY, PENNSYLVANIA

PETITION FOR VIEW

Now June 13-1938
Served ^{RECEIVED} by copy
Frank S. Mich
County Clerk

FILED

JUN 15 1938

W. R. GALLAGHER

PROCT. NOTARY

F. CORTEZ BELL

LEO R. BROCKBANK

ATTORNEYS AT LAW

SUITE 240, 242, 244 DEPOSIT NATIONAL
BANK BUILDING
DUBOIS, PENNSYLVANIA

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 15th day of June in the year of our Lord one thousand nine hundred and thirty-eight

ALBERT LARSON

Judge of the same Court: Upon the petition of ~~ALBERT LARSON~~

and GRACE LARSON

habitants of the Township of Sandy

in said County, setting forth that

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they are the owners of a certain tract of land situate in the Township of Sandy, Consisting of approximately one hundred and twenty-eight (128) feet facing the Allegheny Valley Railroad, commonly known as the Pennsylvania Railroad and extending back on the westerly side three hundred and twenty-three (323) feet more or less and on the easterly side three hundred and twenty-four (324) feet more or less and being at the rear one hundred and twenty-eight (128) feet more or less.

That the said Highway Department of Pennsylvania have recently constructed and improved a concrete Highway, known as State Highway Route 255, which Highway passes between the Pennsylvania Railroad tracks and the property of your petitioners, extending from the Liberty Boulevard in the City of DuBois to the Morningside Cemetery in Sandy Township.

That previous to the construction of the State Highway Route 255, the Highway extending from the city line towards the Morningside Cemetery passed on the south side of the Pennsylvania Railroad, but the Highway Department then built the new Highway on the south side of the Commonwealth of Pennsylvania, complained of by your petitioners, respecting: (a) By the cutting of five feet and lessened in the following respects: (b) By the cutting of five feet and formerly grew thereon, as well as a fence and other markers and foliage that formerly grew ghereon. (c) By causing a cut of about two to three feet and rendering access to the lots of your petitioners difficult.

That the Highway Department of Pennsylvania have recently constructed a new Highway Route 255, which Highway passes between the city line and the Morningside Cemetery, and the new Highway is to be the desire of the petitioner as may, rendering access to the lots of your petitioners difficult.

That the new Highway Route 255 is to be the shortest distance, in such a manner as not to injure to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of 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.

By order of the Court.

W. P. 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 Sandy and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 25th day of June A. D. 1928, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 27th day of June, 1938, at 9.00 o'clock A. M. That all viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view the claimant, Albert Larson and other persons, citizens of Sandy Township,

Grand Jury
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 27th day of June, 1938 A. D. 1928, when the following appearances were noted: the claimant, Albert Larson; L. R. Brockbank, Esq. & M. L. Silberblatt Esq., of counsel for claimant; Robert Maine Esq., representing the Commissioners of Clearfield County; Oscar Larson, J. S. Peterson, Darl Ferguson and George Fairman, witnesses for the claimant. For the County: W. G. Hand, Assessor of Sandy Township and W. V. Carr, County Commissioner.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is a occasion for a road as desired by the petitioner, and that the same is necessary for a 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 use the following described road, to-wit Beginning - damage done the property of said Albert Larson & Grace Larson, the claimants, in the taking of 1890 square feet of land off the property of claimants, on its frontage as it abuts the State Highway and in addition five Silver Maple Shade trees of a substantial size. It appearing from the Records of the office of the County Commissioners that the Commissioners by Resolution duly adopted have assumed the liability by Clearfield County for such damages, and the viewers after careful examination of the premises and consideration of all the testimony offered, conclude that the said claimants Albert Larson & Grace Larson have suffered a damage in amount of One Hundred Dollars and therefore assess that amount against Clearfield County.

JOHN SNEEDEN

ALBERT	WILLIAM	IDA
<i>220</i>	<i>220</i>	FAIRMAN
GRACE		
LARSON		

SA M E I G A R S O N

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ROAD VIEW-ASSESSMENT OF DAMAGES
TO PROPERTIES OF SAMUEL LARSON,
ALBERT & GRACE LARSON, WILLIAM
AND IDA FAIRMAN, ACCOUNT OF
CONSTRUCTION OF ROUTE NO. 255,
NEAR SHAFFER SIDING, SANDY TWP
VIEWED JUNE 25-1938. SCALE: 1" = 100'

E.G. BOOSE } VIEWERS.
J.E. FRY }
H.W. BONSAU }

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

To Samuel Larson; Albert Larson ..)
Grace Larson, and to William ..) PETITIONERS:
Fairman & Ida Fairman- ..)

Please take notice hereby that the undersigned have been appointed Viewers, by the Judge of the above named Court to view and assess damages, if any, to your respective properties in Sandy Township, Clearfield County, Pennsylvania, occasioned by the construction of State Highway Route No. 255, set forth in your petition to this Court, and numbered respectively, 9, 7, & 8, of September Sessions, 1938.

The Viewers will view the premises on Saturday, the 25th. day of June, 1938, at two o'clock P. M., or as soon thereafter as the several properties can be reached after said hour.

The public hearings in the said matters as provided for by law and the Rules of this Court, will be held in the Grand Jury Room in the Court House at Clearfield, Pa., beginning Monday, the 27th. day of June, 1938, beginning at nine o'clock A. M., and continue until the petitioners and all other parties interested in each of the said cases have been heard,.....

-----E. G. Boose-----

-----J. M. Fry-----

-----Harry Bonsall-----
Viewers.

Now, June 17th., 1938, notice of view and hearing above stated is received and receipt of copy of same delivered and service for the petitioners is accepted.

Belle Brantink.

Attys. for Petitioners.

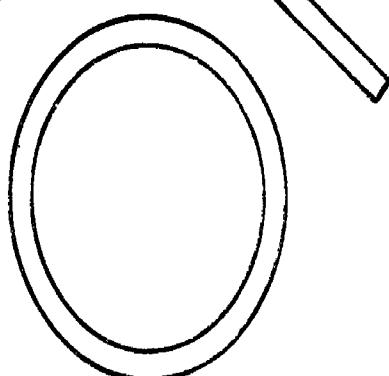
Now, June 18th., 1938, notice of view and hearing above stated is received and receipt of copy of same delivered and service for the Commissioners of Clearfield County is accepted.

Myra E. Lucas
Clerk.

RESOLUTION

Be it resolved by the County Commissioners of Clearfield County, that the plans submitted by the Department of Highways for the changing of State Highway Route 170~~17~~, in Sandy Township, between Stations 117~~4~~62 and 150~~4~~68.89, have been examined and the County Commissioners agree that the County of Clearfield will assume liability for any or all ~~property~~ damages resulting from the construction of the highway as contemplated by these plans, and also all damages arising out of any change or alteration of drainage resulting from the construction or maintenance of the highway.

(County Seal)



J. C. GATEHOUSE

W. V. CARR

County Commissioners

I hereby certify that the foregoing resolution was duly adopted at a meeting of the County Commissioners held May 11, 1937 and that it has been recorded as required by law.

(County Seal)

MYRA E. LUCAS

Clerk

May 11, 1937

VIEWERS' NOTICE

Notice is hereby given that the undersigned, who have been appointed by the Court of Quarter Sessions of Clearfield County, Penna., to view on a Petition to ~~assess damages done the property of ALBERT LARSON & GRACE LARSON, occasioned by construction of a section of State Highway Route No. 255, by the Highway Department of Pennsylvania, a section of~~ Public Road in ~~assess damages done the property of ALBERT LARSON & GRACE LARSON, occasioned by construction of a section of State Highway Route No. 255, by the Highway Department of Pennsylvania, a section of~~ Sandy Township, County and

State aforesaid, which said section of Public Road is described in the Petition as follows:

"which Highway passes between the Pennsylvania Railroad tracks and the property of your petitioner, extending from the Liberty Boulevard in the City of DuBois to the Morningside Cemetery in Sandy Township"

The Viewers will meet to view, at the ~~first-named termini that is at~~ house of ~~Albert Larson & Grace Larson, the petitioners~~ on ~~SATURDAY,~~ the 25th day of ~~June, 1938~~¹⁹³⁷ at ~~2~~ 2.00 o'clock

P. M. ~~or as soon thereafter as the same can be reached~~

The Public Hearing in the premises provided for by law and the Rules of this Court, will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on ~~Monday~~, the 27th. day of ~~June, 1938~~¹⁹³⁷, beginning at ~~9.00~~ o'clock A. M. at which time and place all parties in interest may appear and be heard.

E. G. Beese

J. M. Fry

Harry Bonsall
Viewers.

No. 7 Sept. Sessions, 1938

ORDER

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

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

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.

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<u>H. G. Boose</u>	1	22	\$11.
<u>J. E. Fry</u>	1	20	\$11.
<u>Harry Bonsall</u>	1	34	\$11.

To view and assess damages to
property of ALBERT LARSON and
WILHELMINA LARSON, husband and wife
of GRACE LARSON, township of
Clearfield County _____

~~Sessions, 19
read and confirmed Ni. Si. Road to be
opened 36 feet wide, except where there
is sidehill cutting or embankment, and
bridging, there to be 16 feet wide.~~

FILED
JUL 12 1938
W. R. CALLAGHAN
CLERK

Filed _____ 19 _____.
FBI - NEW YORK - 1961

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.

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 fifth day of July,
A. D. 1938.

Tele Bonsor *Seal*
E. M. *Seal*
J. W. Bonsor *Seal*
Seal