

ROAD

DOCKET No. 6

Number

7

Term

Sept. SS

Year

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

R. B. Brookbank

NOTARY PUBLIC
MY COMMISSION EXPIRES
JAN 24, 1941

O R D E R

Now, June 15th A. D. 1938, the within petition having been read
and considered *E. G. Boser, Jr., J. M. Fry* and
Harry Bonsall 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 construc-
tion of the Highway as therein averred and then to make report thereof.

BY THE COURT
H. S. Haller Smith
P. J.

No. 7 Sept. 22 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

*Not June 13-1938
Revised accepted by copy
Frank B Smith
County Auditor*

FILED

JUN 15 1938

W. R. GALLAGHER
PROSECUTOR

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 ~~ANDREY J. JAK~~
and GRACE LARSON
~~habitants~~ of the Township of Sandy
in said County, setting forth that

7.

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 of the Commonwealth of Pennsylvania built the same on the north side of the railroad, and the petitioners complained.

That the property of your petitioners is lessened in the following respects: (a) By the cutting of five feet of the southerly side of said property. (b) By the cutting of five feet and 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 to three feet and rendering access to the lots of your petitioners difficult.

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 1938, A. D. 1938, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 27th day of June, 1938, 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. 1938, 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.

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.

Bell & Brant

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 17017, in Sandy Township, between Stations 117+62 and 150+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

VIEWS' 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 ~~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,~~ **assess damages**
~~assess damages~~ Public Road in **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 ~~the house of Albert Larson & Grace Larson, the petitioners~~ **house of Albert Larson & Grace Larson, the petitioners**
on **SATURDAY,** the **25th** day of **June, 1938**, ~~1937~~, at **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. Boese

J. M. Fry

Harry Bonsall

Viewers.

No. 7 Sept. Sessions, 19 38

ORDER

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

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

Sept. 15, 1938. Report
confirmed main.
H. Deakins

Nov. 3, 1938. Confirmed
clearing & filling by
Beck & Brockbank City

Filed 19
Fees \$1.25 paid by

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.
E. G. Boose	1	22	\$11.10
J. E. Fry	1	20	\$11.00
Harry Bonsall	1	34	\$11.70

FILED
JUL 19 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 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

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 -----

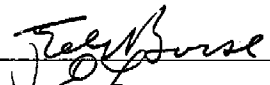
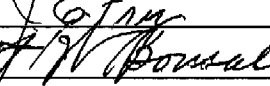

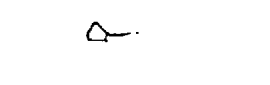
when it was not practical to preserve it within that limit.

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. 192-1938.

Seal Seal Seal Seal