

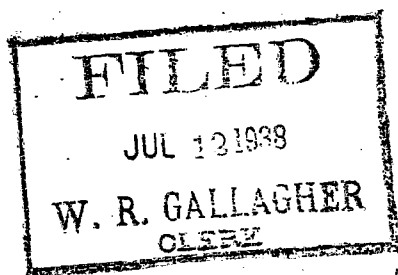
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N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	DAYS	MILES	AMT.
E. G. Boose	2	23	\$21.15
J. E. Fry	2	20	\$21.00
Harry Bonsall	1	34	\$11.70



No. 8 Sept. Sessions, 19 38

ORDER

To view and assess damages to ~~property~~ of WILLIAM FAIRMAN and ~~road for~~ ~~use on the~~
IDA FAIRMAN township of Sandy, Clearfield County

~~Sessions 19~~
~~read and confirmed Ni. St. Road to be~~
~~opened 33 feet wide, except where there~~
~~is side hill cutting or embankments and~~
~~bridging, there to be 16 feet wide.~~

Spt. 19, 1938. Report confirmed nisi.
H. Walker Jr.
Nov. 3, 1938. Confirmed absolutely.
H. Walker Jr.
Bell + Brookbaker
Filed *atup* 19
Fees \$1.25 paid by

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 _____

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.

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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

Judge of the same Court: Upon the petition of WILLIAM FAIRMAN and IDA FAIRMAN, his wife, ~~holders~~ ^{residents} of the Township of Sandy in said County, setting forth that

8.

They are the owners of a certain tract of land situate in the Township of Sandy, consisting of approximately 165 feet facing the Allegheny Valley Railroad, commonly known as the Pennsylvania Railroad and extending westerly side 224 f. 1/2 m. 1/2 sec.

and therefore, praying the Court to appoint proper persons to view ~~and lay out the road~~ between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers E. G. Boose, Esq., J. M. Fry and Harry Bonsall

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury 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. 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 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. 192-, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 27th day of June, 1938, 192-, 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 claimants, William Fairman and Ida Fairman, the claimants, and other citizens of Sandy Township-----

parties in interest. That the hearing was held in the Grand Jury Room, in the Court House, at Clearfield, Pa., on the 27th day of June, 1938 A. D. 192-, when the following appearances were noted: L. R. Brockband Esq and M. L. Silberblatt Esq., of counsel for the claimants, and Robert Maine Esq., representing the Commissioners of Clearfield County; Oscar Larson, J. S. Peterson, George Fairman, Darl Ferguson, Harry Wilson and M. S. Dunlap appeared as witnesses for Claimants, and W. G. Hand, Assessor of Sandy Township and W. V. Carr, County Commissioners, for Clearfield County.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is a occasion for a read 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 read 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 William Fairman and Ida Fairman, the claimants, in the taking of 2310 square feet of land off the property of the claimants, on its frontage as it abuts the State Highway, and that a number of fruit and shade trees were removed and also hedge and that the lawn and flowers were destroyed by the covering of them by earth being dumped upon them and the barn was on two sides made inaccessible by reason of piling earth so close as to shut off access from those sides. From the Records of the office of the county Commissioners it appears that by Resolution duly adopted by the Commissioners, the liability for the damages done in the construction of this section of Highway was assumed by Clearfield county. After consideration of all testimony offered and a careful examination of the premises, the Viewers were of the opinion that the damage done the property of these claimants amount to to Three Hundred and Sixty-Six Dollars, and they have therefore assessed that amount against Clearfield County.

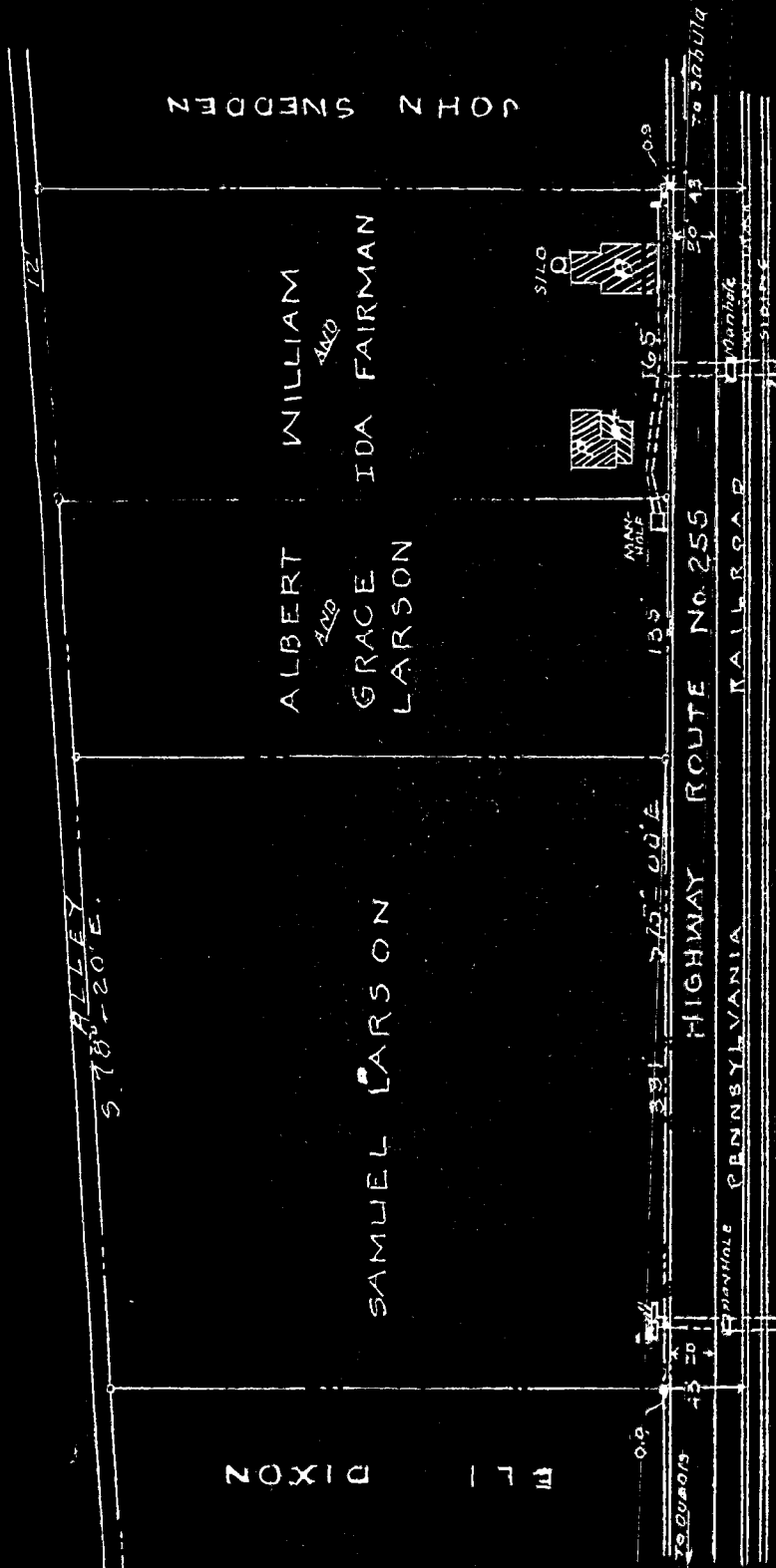
the west ^{and on the easterly side 326 feet}
more or less and being at the rear one hundred and sixty-five (165) feet
more or less.

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 Dept. in the relocation of said Highway, has built the same on the north side of the Penna. Railroad tracks, taking some of the land of your petitioners and causing damage.

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 three shade trees that formerly grew thereon, as well as a hedge and other markers and foliage and flowers that formerly grew thereon. (c) By causing a fill of 4 or 5 feet in height, preventing the flow of water from the premises of your petitioners and rendering access to the lots of your petitioners difficult and hazardous. (d) That as a result of the raising of the road, your petitioners will be required to fill their property and will be obliged to raise their house, barn, silo and other out-buildings.

That no compensation has been paid to or given your petitioners by reason of said damage.



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
J.E. FRY
H.W. BONSALE } VIEWERS.

For
E. G. Boose

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 ~~assess damages done the property of William Fairman & Ida Fairman, occasioned by construction of a section of State Highway Route No. 265, by the Highway Department of Pennsylvania;~~ ~~-----~~
a certain section of a 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 petitioners, 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 township, that is at~~ house of ~~William Fairman and Ida Fairman, 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. Boose

J. M. Fry

Harry Bonsall

Viewers.

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 adapted 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

ORDER

To view and assess damages to ~~the~~
property of WILLIAM FAIRMAN, and
~~brother~~ brother ~~brother~~
IDA FAIRMAN, Sandy
township of Clearfield County

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

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~~Sessions 19~~
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Sept. 19 1938. Report
confirmed view.

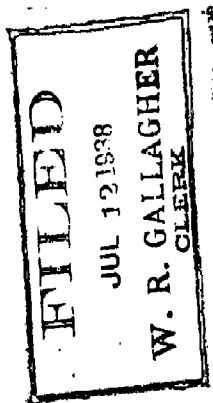
R. Gallagher Jr.

Nov. 3 1938. Confirmed
along top.

R. Gallagher Jr.

Bell & Brookings
Filed *at top*

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 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, 1938

A. D. 192__.

