

ROAD

DOCKET No. 6

Number  
9

Term  
Sept. SS

Year  
1938

Petition of SAMUEL LARSON of SANDY  
TOWNSHIP for Assessment of Damages

Versus

**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

SAMUEL LARSON  
Judge of the same Court: Upon the petition of Sandy  
~~of the Township of~~ Sandy  
in said County, setting forth that

He is the owner of a certain tract of land situate in the Township of Sandy, being approximately three hundred twenty-seven (327) feet from the Valley Railroad, commonly known as Pennsylvania Railroad, the westerly side 299.5 feet more or less and less and being at the rear 335 +

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. ~~1922~~, and the hearing to be held in the ~~Arbitration Room~~, at the Court House, in Clearfield, Pa., on the 27th day of June, 1938 ~~1922~~, 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 Samuel Larson, the claimant and other citizens of Sandy Township, -----

parties in interest. That the hearing was held in the <sup>Grand Jury</sup> Arbitration Room, in the Court House, at Clearfield, Pa., on the 27th day of June, A. D. ~~1922~~ <sup>1938</sup>, when the following appearances were noted: L. R. Brockbank Ess., and M. L. Silberblatt Esq. of counsel for the claimants, and Robert L. Mainer Esq., representing the Commissioners of Clearfield County. Samuel Larson, the claimant appeared and with him as witnesses, J. S. Peterson and M. S. Dunlap. For the county appeared as witnesses, W. G. Hand Assessor of Sandy Township and W. V. Carr, County Commissioners

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 the claimant, Samuel Larson, in the taking of 6047 square feet of land of the petitioner, in front abutting the State Highway, and also five Shade Trees of substantial size and a probable occasional damage by accumulation of some water on a small portion of claimant's land. From the Records of the County Commissioners Office it appears that the Commissioners by Resolution adopted has assumed for Clearfield County the liability for the damages sustained in this case, which damages the Viewers, after a consideration of all the testimony offered in the matter and an examination of the premises themselves, believe to be the sum of One Hundred and Fifty Dollars, and they have therefore assessed this amount in favor of said Samuel Larson and against Clearfield County.

... , being a  
facing the Allegheny, W.  
road, and extending back  
on the easterly side 323 feet more or  
more or less. ... feet

That the said Highway Department of Pennsylvania has 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 petitioner, 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 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 petitioner and causing damage as hereinafter complained of.

That the property of your petitioner 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 shade trees that formerly grew thereon, as well as a hedge, fence and other markers and foliage that formerly grew thereon. (c) By change in the drainage of said property as result of which considerable portion thereof has become swampy and unusable and the placing of a culvert at a location, other than formerly existed, at a point so located as to not properly drain the surrounding terrain. (d). By causing a fill of four or five feet in height, preventing the flow of the water from the premises of your petitioner and rendering access to the lots of your petitioner difficult and hazardous. (e) By the construction of an open ditch, running parallel with said Highway, which ditch, together with the fill made and the fact that the culvert is not placed at the low point along said Highway, destroys the value of the building lots of your petitioner for residence purposes and makes them impossible of access without going over property of other persons or parties.

No. 9 Sept. Sessions, 1938

## ORDER

To view and assess damages α  
to SAMUEL LARSON in the  
road in the  
township of Sandy  
Clearfield County

~~Sessions, 1938  
read and confirmed Ni. St. Road to be  
opened 33 feet wide, except where there  
is side wall cutting or embankment and  
bridging, there to be 16 feet wide.~~

*Sept. 15 1938. Report  
confirmed in  
H. Gallacher  
Nov. 3 1938. Confirmed  
H. Gallacher  
Bell & Brockbank, attys.*

Filed \_\_\_\_\_ 19\_\_\_\_  
Fees \$1.25 paid by \_\_\_\_\_

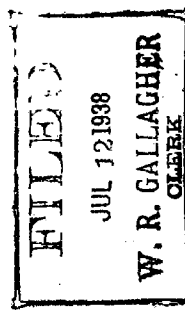
NOTE—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	AM'T.
E. G. Boose	2	23	\$21.15
J. E. Fry	1	23	\$11.15
Harry Bonsall	1	34	\$11.70



## 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

*W. B. Bovee* Seal  
*J. E. Fry* Seal  
*D. W. Farnell* Seal  
Seal

# 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 SAMUEL LARSON, occasioned by construction of a section of State Highway Route No. 255, by the Highway Department of Pennsylvania; a-----  
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 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 terminus, that is at house of Samuel Larson, the petitioner,-----  
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.

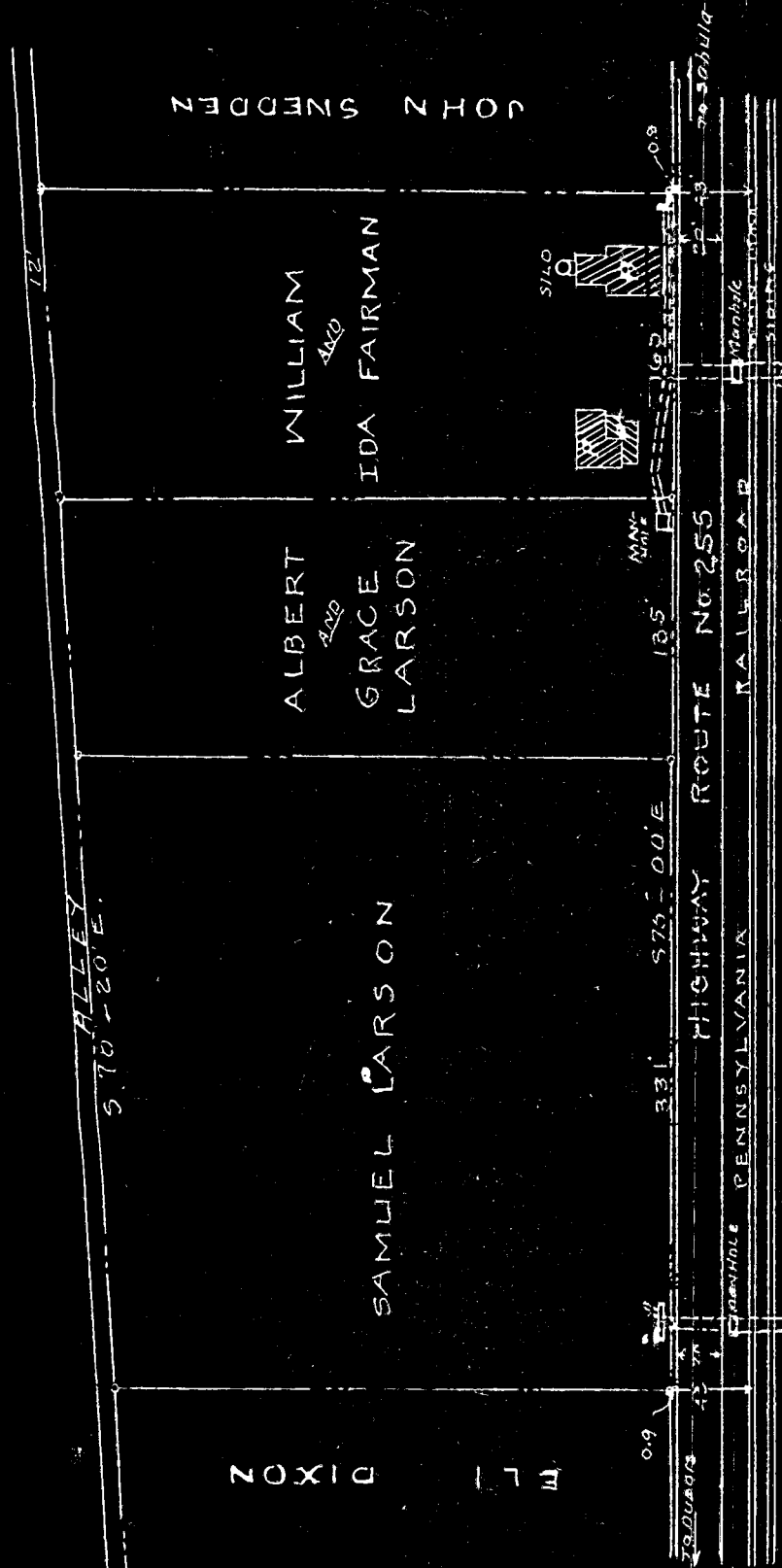
The Public Hearing in the premises provided for by law and the Rules of this Court, will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on Monday, , the 27th. day of June, 1938, 1937, beginning at 9.00 o'clock A. M. , at which time and place all parties in interest may appear and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

E. G. Boose

J. M. Fry

Harry Bonsall

Viewers.



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.



## 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 so 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

E. 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

In re: ASSESSMENT OF DAMAGES TO ) IN THE COURT OF QUARTER  
PROPERTY OF SAMUEL LARSON IN SANDY ( SESSIONS OF CLEARFIELD  
TOWNSHIP, CLEARFIELD COUNTY, PENN- ) COUNTY, PENNSYLVANIA  
SYLVANIA (

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

Petition of Samuel Larson of Sandy Township, Clearfield County,  
Pennsylvania respectfully represents:

FIRST: That he is the owner of a certain tract of land situate  
in the Township of Sandy, County of Clearfield and State of Penn-  
sylvania, being the residue of a certain tract conveyed by John E.  
DuBois and Willie G. DuBois to the said Samuel Larson by a deed  
dated the 24th., day of January, 1898 and recorded in Clearfield  
County in Deed Book 105, at page 98. That various deeds and  
conveyances were made by your petitioner from the original grant,  
leaving a residue of approximately three hundred twenty seven (327)  
feet facing the Allegheny Valley Railroad, commonly known as  
Pennsylvania Railroad, and extending back on the westerly side  
two hundred ninety nine and five tenths (299.5) feet more or less  
and on the easterly side three hundred twenty three (323) feet more  
or less and being at the rear three hundred thirty five (335) 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  
petitioner, 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 petitioner and causing damage as hereinafter complained of.

FOURTH: That the property of your petitioner 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 hedge, fence and other markers and foliage that formerly grew thereon.

(c) By change in the drainage of said property as result of which considerable portion thereof has become swampy and unusable and the placing of a culvert at a location, other than formerly existed, at a point so located as to not properly drain the surrounding terrain.

(d) By causing a fill of four or five feet in height, preventing the flow of the water from the premises of your petitioner and rendering access to the lots of your petitioner difficult and hazardous.

(e) By the construction of an open ditch, running parallel with said Highway, which ditch, together with the fill made and the fact that the culvert is not placed at the low point along said Highway, destroys the value of the building lots of your petitioner for residence purposes and makes them impossible of access without going over property of other persons or parties.

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

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

Samuel Larson

STATE OF PENNSYLVANIA

:SS:

COUNTY OF CLEARFIELD

Before me, the subscriber hereto, came Samuel Larson who being duly sworn according to law, deposes and says that the facts set forth in the within petition are true and correct to the best of his knowledge and belief.

Samuel Larson

Sworn and subscribed to before me

this 8 day of June, A. D. 1938

R. Binkbank

SOLATY PUBLIC  
BY COMMISSIONER BENTON  
MARCH 21, 1937

O R D E R

Now, June 15 A. D. 1938 the within petition having been read and considered

E. S. Dore E. J. M. Fry and Harry Bmsall 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. S. Sollen  
P. J.

No. 9 Sept. 22 1938

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: ASSESSMENT OF DAMAGES TO PROPERTY OF SAMUEL LARSON IN SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA

PETITION FOR VIEW

*From June 13-1938  
Sum paid accepted by copy  
of money to Smith  
County Auditor*

FILED  
JUN 15 1938  
W. R. GALLAGHER  
RECORDER

478  
LEO R. BROCKBANK  
ATTORNEYS AT LAW  
SUITE 240, 242, 244 DEPOSIT NATIONAL  
BANK BUILDING  
DUBOIS, PENNSYLVANIA