

ROAD

DOCKET No. 6

| Number | Term     | Year |
|--------|----------|------|
| 1      | Sept. SS | 1939 |

Petition for Assessment of Damages  
to Property of  
TEOFILIUS AND MARY A. GUDINAS  
in Sandy Township  
Versus

In re: ASSESSMENT OF DAMAGES TO : IN THE COURT OF QUARTER  
PROPERTY OF TEOFILIUS GUDINAS AND : SESSIONS OF CLEARFIELD  
MARY GUDINAS IN SANDY TOWNSHIP, : COUNTY, PENNA.  
CLEARFIELD COUNTY, PENNSYLVANIA. : No. Sept. Sessions,  
1939.

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

The petition of Teofilus Gudinas and Mary Gudinas, husband and wife, respectfully represents:

1. That they are the owners of a certain tract of land in Sandy Township, Clearfield County, Pennsylvania, conveyed to them by deed of R. L. Wingert, et al, said deed being dated the 20th day of August, 1920, and recorded at Clearfield, Pennsylvania, in Deed Book No. 243, page 139, said parcel consisting of part of Lot No. 13 in the John E. Du Bois plan of lots of the East Suburb of Du Bois, Pennsylvania, and being fifty (50) feet wide facing the right of way of the Allegheny Valley Railroad and running back to the line of property of the Bogle heirs and being approximately three hundred (300) feet deep.

2. That the Highway Department of the Commonwealth of Pennsylvania has recently constructed and improved a concrete highway, known as State Highway Route No. 255, which Highway passes between the Pennsylvania Railroad tracks (formerly the Allegheny Valley Railroad) and the property of your petitioner, extending from Liberty Boulevard in the City of Du Bois to Morningside Cemetery in Sandy Township, Pennsylvania.

2.

3. 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 right of way but the Highway Department of the Commonwealth of Pennsylvania, in the relocation of the said road and highway has built the same on the North side of the land of the petitioners, taking some of the land of your petitioners and causing the damage hereinafter complained of:

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

(a) By the taking of a strip of land approximately twenty (20) feet wide and fifty (50) feet long on the southerly side of the said property, said property formerly being under cultivation.

(b) By the cutting of a fourteen (14) foot cut or ravine in front of the property of your petitioner causing drainage water to collect in front of the property of your petitioner and constituting a dangerous condition on the front of petitioner's property by reason of the abrupt and steep incline descending therefrom to the said Highway.

(c) By depriving your petitioners from access on foot to the said property except by means of a highway thereupon erected, which highway or driveway is at many times impassible during the winter months.

(d) By dismantling a coal shed, six (6) feet by ten (10) feet, to permit construction of a driveway to the house.

3.

(e) By cutting off a sewerage line across the highway.

(f) By damaging a cement walk in the front of petitioner's property and removing three (3) steps of the same.

(g) By removing and destroying three (3) maple shade trees, five (5) plum trees, one (1) pear tree and three (3) apple trees.

(h) By removing and destroying one (1) forty foot Barberry hedge.

(i) By removing and destroying four (4) flower beds and sixteen (16) various species of flowers.

5. That no compensation has been paid or given to your petitioner by reason of said damage, nor have your petitioners secured any compensation therefor.

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

And they will ever pray, etc.,

James O. Heasom  
Att'y for Petitioners

3.

STATE OF PENNSYLVANIA: SS.  
COUNTY OF CLEARFIELD :

Personally appeared before me, a notary public in  
GUDINAS  
the County and State aforesaid, ~~TEOPHILUS XXXXXX~~ and MARY A.  
GUDINAS, who being duly sworn according to law, depose and  
say that the facts set forth in the foregoing petition are  
true and correct to the best of their knowledge, information  
and belief.

Witness to mark:

Mary A. Gudinas  
Helen Gudinas

Teophilus Gudinas  
HERE  
MARY(X)GUDINAS  
MARK

Sworn and subscribed before me this 22<sup>nd</sup> day of April, 1939.

La Rue Wang

NOTARY PUBLIC  
My Commission Expires August 2, 1942

D E C R E E

Now, ~~April~~ <sup>May</sup> 1, 1939, the within petition having been read and considered, C. B. Boose, Esq.,  
J. E. Fry and H. A. Bussell  
are hereby appointed Viewers to go upon the premises herein mentioned and after view and hearing to determine and to assess any damages sustained by reason of the construction of the highway as herein averred and to make a report thereof.

By the Court,

J. Walter Smith P. J.

IN THE COURT OF QUARTER SES-  
SIONS OF CLEARFIELD COUNTY,  
Pa. No. 1. *Sept. 14.*

1939.

ASSESSMENT OF DAMAGES TO  
PROPERTY OF TAFILUS GUDI-  
NAS AND MARY A. GUDINAS,  
Sandy Township, Pa.

PETITION FOR VIEW.

*Filed May 1, 1939, service  
of the within petition  
for view accepted by  
copy served to Sheriff  
County Auditor*

FILED

MAY 2 1939

W. R. GALLACHER  
CLERK

JAMES A. GLEASON  
ATTORNEY AT LAW  
DuBois, Pa.

SCHAFFNER BUILDING

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

In the matter of:  
Petition of TAFILUS GUDINAS :  
and MARY A. GUDINAS, his wife, :  
for the appointment of Viewers : No. 1 September Sessions,  
to assess damages to their :  
property in Sandy Township, : 1939.  
Pennsylvania. :

EXCEPTIONS TO REPORT OF VIEWERS

The petition of TAFILUS GUDINAS and MARY A. GUDINAS, his wife, both of Sandy Township, Clearfield County, Pennsylvania, respectfully represents:

1. That upon the petition of your petitioners the Court of Quarter Sessions of Clearfield County did appoint Viewers to award damages incurred to the property of the petitioners by virtue of the construction by the State Highway Department of State Highway Route No. 255 which runs through the property of your petitioners.

2. That the Viewers so appointed by the Court, being Earle G. Boose, Esq.; Mr. Fry and Mr. Bonsall, did present to the Court a report in which damages in the sum of Six Hundred Dollars (\$600.00) were awarded to the petitioners for the taking and destruction of their property, which report was presented to the Court and confirmed Ni Si on the first Monday of May, 1939.

3. That the only means of ingress or egress to and from the property of your petitioners is over a driveway heretofore constructed by the State Highway Department on the land of Edie Peterson whose property adjoins that of your petitioners.

Evidence was presented at the hearing by the Viewers that the County Commissioners had never obtained a deed or release from Mrs. Peterson for the driveway so constructed over her premises and further evidence was produced to the effect that Mrs.



Peterson had warned your petitioners that she intended to block off this driveway thus depriving them of any means of entry to their property, which property is situate nine feet above the level of the road bed.

4. That the Viewers did not, in their report, award any damages to the petitioners because of the fact that they had no legal means of entry or egress to or from their property except the driveway over which they had no right to travel except as trespassers.

WHEREFORE they allege that substantial damages in addition to those already awarded to them should be given by virtue of the failure of the County Commissioners to obtain for them a lawful means of entry to their property.

WHEREFORE your petitioners except to the report of the said Viewers and request that the said exceptions be disposed of as hereinbefore made and provided by law.

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Attorney for Petitioners

STATE OF PENNSYLVANIA:

ss.

COUNTY OF CLEARFIELD :

Personally appeared before me, a notary public, the above named Tafilus Gudinas, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing exceptions are true and correct to the best of his knowledge, information and belief.

Tafilus Gudinas

Sworn and subscribed before me this 1st day of September, 1939.

La Rue Wang

NOTARY PUBLIC  
My Commission Expires August 2, 1942

IN THE COURT OF QUARTER SES-  
SIONS OF CLEARFIELD COUNTY,  
PENNSYLVANIA.  
No. 1 Sept. Sessions, 1939.

In the matter of:  
Petition of TAFILUS GUDINAS  
and MARY A. GUDINAS, his  
wife, for the appointment  
of Viewers to assess damages  
to their property in Sandy  
Township, Pennsylvania.

EXCEPTIONS TO REPORT OF  
VIEWERS

*9/6/39 received  
accepted.  
Frank G Smith  
County Collector*

FILED

SEP 5 1939

W. A. GALLAGHER  
CLERK

JAMES A. GLEASON  
ATTORNEY AT LAW  
DuBois, Pa.  
SCHAFFNER BUILDING

# 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 13th day of May, 1939,

A. D. ~~1932~~, and the hearing to be held in the <sup>Grand Jury</sup> ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 15th day of May, 1939, ~~1932~~, at 9.00 o'clock A.M. That

~~all the~~ viewers appointed by the said order viewed the ground <sup>described in the</sup> ~~proposed for the above~~ <sup>petition</sup> ~~mentioned~~ road, and that there were present at the view Teofilus Gudinas, one of owners of the land, damages to which are claimed; James A. Gleason, his counsel, and Wm. Nichols, and also divers citizens of Sandy Township, residing in the neighborhood of the property.

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 15th day of May, A. D. ~~1932~~ <sup>1939</sup>; when the following appearances were noted: Teofilus Gudinas, one of the owners of the property damaged, and with him, James A. Gleason Esq., his counsel; Frank G. Smith Esq., solicitor for the Commissioners of Clearfield, and T. R. Weimer and W. V. Carr, of the Board of County Commissioners; Jerry Brown, Supervisor of Sandy Township, and divers witnesses.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is ~~no occasion for a road as desired by the petitioner, and that the same is not 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 ~~a damage done the property of the claimant, due to the construction by the Department of Highways of the Commonwealth of Pennsylvania, of a part of State Highway Route No. 255, in the taking of land of the claimant, which was a part of his lawn in front of his house, about sixteen (16) feet in width from his property line, back toward the house, and a length of fifty (50) feet. On this part so taken, it appears that there were three shade trees and a number of fruit trees and flower beds and a fifty foot Barberry hedge, side walk and steps, all having material value. In addition, the sanitary sewer leading from the house was cut off, allowing the sewage to run out in the ditch along the highway in front of the house, so that of necessity, the owners will be put to expense in laying new sewer and constructing a receptacle elsewhere to receive the sewage. As, from the present level of the lawn, to the level of the constructed Highway, is a vertical distance of practically nine (9) feet, any direct approach to the front of the house from the Highway, can be accomplished only by erection of steps from the highway level to the lawn level, and, presumably only by leave of the Department of Highways. The Viewers taking into consideration the amount and value of the land taken and all the other facts referred to herein, have after consideration, appraised and fixed the amount which in their opinion ought to be paid to Teofilus Gudinas and Mary Gudinas, his wife, owners of the land, as damages, by Clearfield County, the sum of Six Hundred (\$600.00) Dollars, and have accordingly awarded that sum to the said~~

**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 2nd day of May

in the year of our Lord one thousand nine hundred  
and thirty-nine

Judge of the same Court: Upon the petition of ~~Teofilus~~  
Gudinas and Mary Gudinas, husband and wife  
~~unknown~~ of the Township of Sandy

in said County, setting forth that

That the are the owners of a certain tract of land in Sandy Township,  
Clearfield County, Pa., conveyed to them by deed of R. L. Wingert, et al, said  
deed being dated August 20, 1920 and recorded at Clearfield, Pa., in Deed Book  
No. 243, page 139, said parcel consisting of part of Lot No. 13 in the John E.  
DuBois plan of lots of the East Suburb of DuBois, Pa., and being fifty feet  
wide facing the right of way of the Allegheny Valley Railroad and running back  
to the line of property of the Bogle heirs and being approximately 300 feet deep.

That the Highway Department of the Commonwealth of Pennsylvania has  
recently constructed and improved a concrete highway, known as State Highway  
Route No. 255, which Highway passes between the Pa. Railroad tracks (formerly  
the Allegheny Valley Railroad) and the property of your petitioner, extending  
from Liberty Boulevard in the City of DuBois to Morningside Cemetery in  
Sandy Township, Pa.

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

(a) By the taking of a strip of land approximately twenty (20) feet wide  
and fifty (50) feet long on the southerly side of the said property, said  
property formerly being under cultivation.

(b) By the cutting of a fourteen (14) foot cut or ravine in front of the  
property of your petitioner causing drainage water to collect in front of the  
property of your petitioner and constituting a dangerous condition on the front  
of petitioner's property by reason of the abrupt and steep incline descending  
therefrom to said Highway.

(c) By depriving your petitioners from access on foot to the said property  
except by means of a highway thereupon erected, which highway or driveway is at  
many times impassible during the winter months.

(d) By dismantling a coal shed, six (6) feet by ten (10) feet, to permit  
construction of a driveway to the house.

(e) By cutting off a sewerage line across the highway.

(f) By damaging a cement walk in the front of petitioner's property and  
removing three (3) steps of the same.

(g) By removing and destroying three (3) maple shade trees, five (5) plum  
trees, one (1) pear tree and three (3) apple trees.

(h) By removing and destroying one (1) forty foot Barberry hedge.

(i) By removing and destroying four (4) flower beds and 16 various species  
of flowers.

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.

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

\*\*\*\*\*

In Re; View of premises of       \*       Of September Sessions,  
Teofilus Gudinas and Mary       \*  
Gudinas, to assess damages       \*       1939.  
done by construction of a       \*  
section of State Highway       \*       No. 1  
Route No. 255, in Sandy       \*  
Township.                       \*

To Teofilus Gudinas and Mary Gudinas, the property owners  
and to the Commissioners of Clearfield County, Penna.

You are hereby required to take notice that the undersigned  
appointed by the Court of Quarter Sessions of Clearfield County  
to view and assess damages done to the property of said Teofilus  
Gudinas and Mary Gudinas, situate in Sandy Township, county and  
state aforesaid, being a part of what is known as Lot No. 13,  
in the John E. DuBois plan of lots in the East Suburb of DuBois,  
by the State Highway Department in the construction of a section  
of State Highway Route No. 255, extending from Liberty Boulevard  
in the City of DuBois, to Morningside Cemetery, in Sandy Town-  
ship, will meet on the premises described on Saturday, the 13th.  
day of May, 1939, at 1.30 o'clock P. M., to view the premises  
for purpose of ascertaining what damage, if any, has been done  
to said premises.

The Viewers will meet for purpose of holding the public hear-  
ing in the matter as is by law and the Rules of this Court pro-  
vided, in the Grand Jury Room in the Court House at Clearfield,  
Pa., on the fifteenth (15th) day of May, 1939, at nine (9.00)  
o'clock A. M., when and where all parties in interest may appear  
and be heard.

*Elmer Boase*

*James*

*Herb Bonnell*

Viewers.

Now, May 3d., 1939, notice of the view and hearing given,  
with a copy of the above notice, and service of the same is  
hereby accepted.

*James O. Stearns*  
Atty. for petitioners.

Now, May *6th* 1939, notice of the view and hearing given  
with copy of the above notice, and service of the same is hereby  
accepted for the Commissioners of Clearfield County.

*Myra E. Lucas*  
Clerk.

RECEIVED BY THE DIRECTOR OF THE BUREAU OF THE ARMY OF THE UNITED STATES OF AMERICA

2010-2011

[illegible][illegible][illegible]

The Agents will meet for purpose of holding the public meeting  
 in the afternoon at 2 o'clock at the Court House at Clinton, N.Y.  
 and on the first day of the month of May, 1900, at 2 o'clock.  
 The Agents will meet for purpose of holding the public meeting  
 in the afternoon at 2 o'clock at the Court House at Clinton, N.Y.  
 and on the first day of the month of May, 1900, at 2 o'clock.

[illegible]

# V I E W E R S ' N O T I C E .

\*\*\*\*\*

Notice is hereby given that the undersigned, appointed by the Court of Quarter Sessions of Clearfield County, Penna., to view on a petition to assess damages done to the property of TROFILIUS GUDINAS and MARY GUDINAS, described as a part of Lot No. 13, in the John E. DuBois plan of lots in the East Suburb of DuBois, Pa., situate in Sandy Township, county and State aforesaid, by the Highway Department of the Commonwealth of Pennsylvania in the construction and improvement of a concrete State Highway, extending from the Liberty Boulevard, in the City of DuBois, to Morningside Cemetery in said Sandy Township, known as State Highway Route No. 255., will meet on the premises above mentioned, on SATURDAY, the thirteenth (13th) day of May, 1939, at 1.30 o'clock, P. M. to view the premises for purpose of ascertaining what damage, if any, has been done to the said premises.

The Viewers will meet for purpose of holding the public hearing in the matter as is by law and the Rules of said Court provided, in the Grand Jury Room in the Court House at Clearfield, Pa., on Monday, the fifteenth (15th.) day of May, 1939, at nine (9.00) o'clock A. M. when and where all parties interested in this proceeding may appear and be heard.

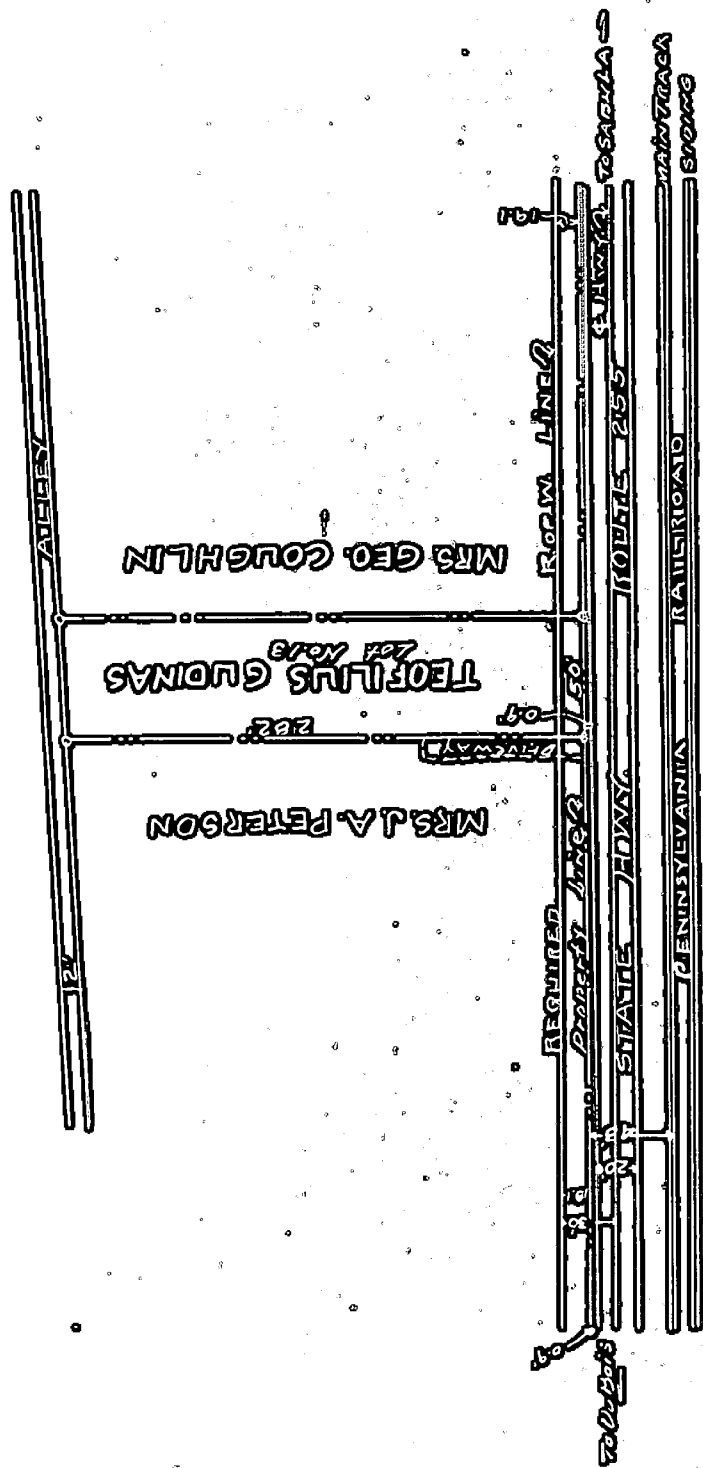
-----E. C. Boose-----

-----J. E. Fry-----

-----H. W. Bonsall-----

Viewers.





ROAD VIEW-ASSESSMENT OF DAMAGES  
TO PROPERTY OF TEOFILIUS GUDINAS  
ACCOUNT OF CONSTRUCTION OF  
ROUTE No. 255, NEAR SHAFER  
SIDING, SANDY TOWNSHIP.

VIEWED MAY 13-1932.

E.G. BOOGE  
J.E. FRY  
H.W. BONSALL } VIEWERS

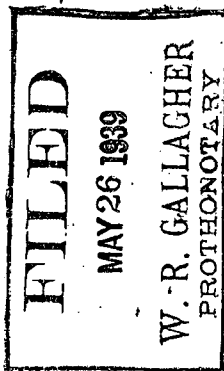
SCALE 1"=100'

No. 1 Sept. Sessions, 1939

## ORDER

To view and assess damages to Property of Teofilus Gudinas ~~and Mary Gudinas, husband & wife~~ township of Sandy, Clearfield County

Sessions, 1939,  
read and confirmed Ni. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there is to be 16 feet wide.



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

James A. Gleason, Atty.

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.   |
|---------------|------|-------|---------|
| H. W. Bonsall | 2    | 84    | \$24.20 |
| J. E. Fry     | 3    | 60    | \$33.00 |
| E. G. Boose   | 4    | 120   | \$46.00 |

*Non Jan. 26, 1939, the exception of having been within the right is confirmed absolutely.  
J. R. Gallagher*

## 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

land owners as damages, against Clearfield County, it appearing that the county had assumed liability for the damages done to land-owners, in the construction of the said State Highway by the Department of Highways of the Commonwealth of Pennsylvania.

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

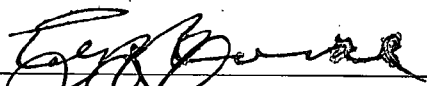

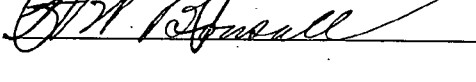

when it was not practical to preserve it within that limit

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 16th day of May, A. D. 1921 1939.

 Seal  
 Seal  
 Seal  
 Seal

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

In the matter of:

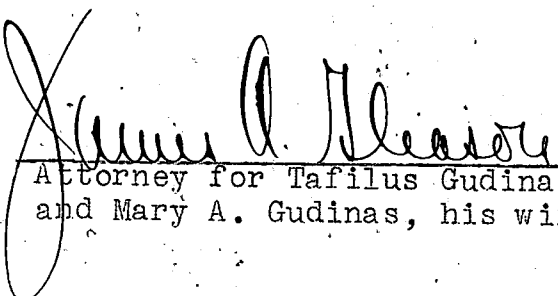
Petition of TAFILUS GUDINAS  
and MARY A. GUDINAS, his wife,  
for the appointment of Viewers  
to assess damages to their  
property in Sandy Township, Pa.

No. 1 September Sessions,

1 9 3 9.

To J. HAROLD MC FADDEN, Prothonotary:

Now, January 25, 1940, the exceptions filed by  
TAFILUS GUDINAS, and MARY A. GUDINAS, his wife, to the report  
of the Viewers in the above captioned case are herewith with-  
drawn and the same ordered discontinued.

  
Attorney for Tafilus Gudinas  
and Mary A. Gudinas, his wife.