

ROAD

DOCKET No. 6

Number

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Year

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Sept. SS

1939

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Agreement between the  
Clearfield County Commissioners  
and

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Edward and Minnie Shimel, et al

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Versus

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Notice

The County Commissioners of Clearfield County, Pennsylvania, entered into an agreement with Edward Shimel and Minnie Shimel, his wife, Howard Shimel and Wilma Shimel, his wife, as to the amount of damages to be paid on account of the taking of certain land for State Highway purposes, as the result of the change in width, lines and location of State Highway Route 57, Section 5, where said highway crosses the land owned by said individuals in Boggs Township, Clearfield County, Pennsylvania. Said agreement was filed in the office of the Prothonotary of Clearfield County, on the 9th day of August 1939, and any taxpayer of Clearfield County may file exceptions thereto on or before the 21st day of August 1939, if exceptions to said agreement are filed, the proceeding will be presented to the Court of Quarter Sessions of Clearfield County, Pennsylvania, at ten o'clock A.M. on the 24th day of August 1939, where any taxpayer may appear and be heard, together with his witnesses.

Clearfield County Commissioners

8110-1d-ch

## Affidavit of Publication

STATE OF PENNSYLVANIA:

: S. S.

COUNTY OF CLEARFIELD :

WM. C. PLUMMER

, having been duly sworn

according to law doth depose and say that he is **ADV MANAGER**.

of the Clearfield Progress, a daily newspaper published in said County, and that the notice hereto attached was published in said newspaper on the following dates:

**August, 10th, 1939.**

The affiant also states that he has no personal interest in the notice attached hereto and that the dates and place of publication are true to the best of his knowledge and belief.

*Wm C Plummer*

Sworn and subscribed this 10th day of August, 1939.

before **ALTON C. DAVIS**

NOTARY PUBLIC  
CLEARFIELD, PA.

My Commission Expires

March 5, 1941

*Alton C. Davis* N.P.

FILED  
AUG 14 1939  
W. R. GALLAGHER  
CLERK

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AGREEMENT between J. C. GATEHOUSE, T. R. WEIMER and W. V. CARR, County Commissioners of Clearfield County, Pennsylvania, hereinafter referred to as "County Commissioners", parties of the first part, and EDWARD SHIMEL and MINNIE SHIMEL, his wife, and HOWARD SHIMEL and WILMA SHIMEL, his wife, hereinafter referred to as "Owners", parties of the second part.

WHEREAS, The said Owners were the owners of a certain tract of land situate in Boggs Township, Clearfield County, Pennsylvania, which was affected by the improvement of a section of road designated on the records of the Department of Highways of the Commonwealth of Pennsylvania, as State Highway Route No. 57, Section 5, and

WHEREAS, under statutory right conferred upon him, the Secretary of Highways of the Commonwealth of Pennsylvania, undertook the construction, reconstruction and improvement of said State Highway Route No. 57, Section 5, and

WHEREAS, the Secretary of Highways so notified the County Commissioners, in writing, of the contemplated improvement and reconstruction, and

WHEREAS, the said County Commissioners agreed, in writing, to such improvement and reconstruction,

Now, therefore, this agreement

W I T N E S S E T H:

(1). In consideration of the premises and of the promises hereinafter set forth on the part of the Owners to be kept and performed, the County Commissioners agree to pay Owners the sum of Twelve Hundred (\$1200.00) Dollars as full compensation for damages arising by reason of the construction, reconstruction and improvement of the said section of road in Boggs Township, Clearfield County, Pennsylvania, designated as State Highway Route No. 57, section 5, between Station 480/00 and the Wallaceton Borough Line, where said route passes through land of the Owners for right of way purposes and for the inconvenience and incidental damages in

connection therewith, as shown on the construction and right of way plans of the Department of Highways for said road.

(2). It is mutually understood and agreed that this agreement shall be filed by the County Commissioners in the office of the Prothonotary of Clearfield County; that if no exceptions are filed thereto within ten days after notice given by publication, as required by law, the County Commissioners will pay over to Owners the said sum of Twelve Hundred (\$1200.00) Dollars, upon delivery to them of releases, quitclaims or other instruments as they may require, as aforesaid.

(3). It is further mutually understood and agreed that if exceptions to this agreement are filed within ten days after such notice, the proceeding shall be presented to the Court of Quarter Sessions of Clearfield County for its approval, that the Court shall fix a time for hearing the matter, at which time the parties hereto and any taxpayer interested therein and their witnesses, shall be heard, and the Court shall either approve or disapprove the agreement, as it deems proper; if the Court disapproves the agreement and indicates a sum which it would approve, if the County Commissioners and Owners agree thereon, said sum shall be acceptable by County Commissioners and Owners, and it is covenanted by and between the parties hereto that said sum shall take the place of the aforesaid sum of Twelve Hundred (\$1200.00) Dollars; provided, however, that if the Court disapproves the agreement and fails to indicate a sum which it would approve, then and in such case, this agreement shall be null and void, and Owners, if they so desire, shall proceed to present their petition to the Court of Quarter Sessions for the appointment of Viewers to ascertain and assess damages in the manner provided by law.

IN WITNESS WHEREOF, the County Commissioners of Clearfield County, Pennsylvania, have hereunto affixed their signatures, duly attested by the Commissioners' Clerk, and Owners have hereunto set

their hands and seals, this 7<sup>th</sup> day of August A. D. 1939.

Attest:

Myra E. Lucas  
Commissioners' Clerk

J. C. Hutchhouse (SEAL)

D. R. Quinn (SEAL)

A. V. Carr (SEAL)  
County Commissioners

Signed, sealed and delivered  
in the presence of:

James Shinnel

A. V. Carr

Edward Shinnel (SEAL)

Myrtle M. Shinnel (SEAL)

Howard Shinnel (SEAL)

Wilma J. Shinnel (SEAL)  
owners

No. 8 Sept. 22 1939

AGREEMENT  
between  
COUNTY COMMISSIONERS  
and  
EDWARD SHIMEL ET AL

THAT  
COUNTY COMMISSIONERS  
DO HEREBY AGREE

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