

ROAD

DOCKET No. 6

Number	Term	Year
9	Dec. SS	1940

Agreement between
Clearfield County Commissioners

and

Arthur Lansberry, sole surviving

Executor u/w Alfred C. Lansberry Dece

Versus

ENDING, NOVEMBER 14, 1940

NOTICE

The County Commissioners of Clearfield County, Pennsylvania, have entered into an agreement with Arthur Lansberry, sole surviving Executor under the will of Alfred C. Lansberry, deceased, as to the amount of damages to be paid on account of the taking of certain lands for State Highway purposes, as a result of the change in width, lines and location of State Highway Route 57, Section 5, where said State Highway crosses the land formerly owned by the said Alfred C. Lansberry, deceased, in Bradford Township, Clearfield County, Pennsylvania. Said agreement is dated November 12, 1940, and was filed in the office of the Prothonotary of Clearfield County, on November 13, 1940, any taxpayer of Clearfield County may file exceptions thereto on or before November 25, 1940; 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 2nd day of December, 1940, where any person may appear and be heard, together with his witnesses.

CLEARFIELD COUNTY
COMMISSIONERS'

11/14-1d-cn

Affidavit of Publication

STATE OF PENNSYLVANIA:

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COUNTY OF CLEARFIELD :

Wm. C. Plummer, having been duly sworn

according to law doth depose and say that he is Adv Mgr.

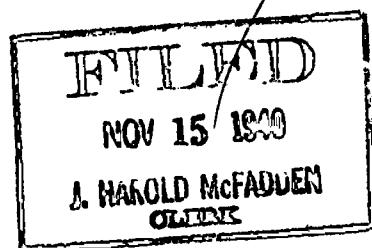
..... of the Clearfield Progress, a daily newspaper published in said County, and that the notice hereto attached was published in said newspaper on the following dates:

NOV, 14th, 1940.

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.

Sworn and subscribed 14th day of Nov., 1940.
before me. *C. D. [Signature]* N.D.

ALTON C. DAVIS
NOTARY PUBLIC
CLEARFIELD, PA.
Commission Expires
March 5, 1941



AGREEMENT Between W. V. CARR, IRA JAY AND J. O. KESSLER, County Commissioners of Clearfield County, Pennsylvania, hereinafter referred to as "County Commissioners", parties of the first part, and ARTHUR LANSBERRY, sole surviving Executor under the will of Alfred C. Lansberry, late of Bradford Township, Clearfield County, Pennsylvania, deceased, hereinafter referred to as "Owner", party of the second part.

WHEREAS, Alfred C. Lansberry acquired title to a certain piece or parcel of land located in Bradford Township, Clearfield County, Pennsylvania, by deed from Bigler Station Camp Meeting Association, et al., dated January 15, 1909, recorded at Clearfield, Pa., in Deed Book 172, page 150, and said premises were affected by the construction, relocation and improvement of a section of road designated on the records of the Department of Highways of the Commonwealth of Pennsylvania, as State Highway Route 57, Section 5, and

WHEREAS, under the statutory right conferred upon him, the Secretary of Highways of the Commonwealth of Pennsylvania, undertook the construction, relocation and improvement of said highway Route 57, Section 5, and ✓

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

✓WHEREAS, the said County Commissioners agreed in writing to such construction, relocation and improvement,

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 Owner to be kept and performed, the County Commissioners agree to pay the Owner the sum of Four Hundred (\$400.00) Dollars, as full compensation for the damages arising by reason of the construction, relocation, reconstruction and improvement of the said section of road in Brad-

ford Township, Clearfield County, Pennsylvania, designated as State Highway Route 57, Section 5, between stations 677/00 and 686/25, where said road passes through the land of Owner, such payment to be for all purposes full settlement for the land taken for slopes and right of way purposes, which land so taken embraces an area of 1.296 acres, more or less, for the inconvenience and incidental damages in connection therewith, as shown upon the construction and right of way plans of the Pennsylvania Department of Highways for said road, which said plan is herein incorporated by reference.

(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; 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 Owner the said sum of Four Hundred (\$400.00) Dollars, upon delivery to them of releases, quitclaims or other instruments as they may require, as aforesaid.

(3). It is further mutually agreed and understood 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 and indicate a sum which it would approve, if the County Commissioners and Owner agree thereon, said sum shall be acceptable by County Commissioners and Owner, and it is coveanted by and between the parties hereto that said sum shall take the place of the aforesaid sum of Four Hundred (\$400.00) 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 Owner if he so desires, shall proceed to present his 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 hereto affixed their signatures, duly attested by the Commissioners' Clerk, and Owner has hereunto set his hand and seal, this 12th day of November 1940.

ATTEST:

Fred B. Rues
COMMISSIONERS' CLERK

W. V. Carr

Ira Jay

J. O. Kusler
County Commissioners

ESTATE OF ALFRED C. LANSBERRY,
DEC'D.

BY Arthur Lansberry
Sole Surviving Executor

Signed, sealed and delivered in the presence of:

Albert H. Messer

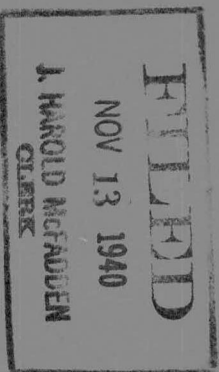
No 9 Dec 1940

CLEARFIELD COUNTY COMMISSIONERS

-with-

ARTHUR LANSBERRY, SOLE SURVIVING EXECUTOR U/W ALFRED C. LANSBERRY, DEC'D.

AGREEMENT



SMITH & MAINE
ATTORNEYS-AT-LAW
CLEARFIELD, PA.