

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 Decd
Versus

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. 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 publica-
tion are true to the best of his knowledge and belief.

Wm. C. Plummer.

NOTING, NOVEMBER 14, 1940

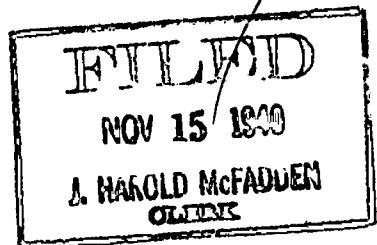
THE COUNTY COMMISSIONERS OF
CLEARFIELD COUNTY, PENNSYLVANIA, HAVE
ENTERED INTO AN AGREEMENT WITH AR-
THUR LANSBERRY, SOLE SURVIVING EXEC-
UTOR UNDER THE WILL OF ALFRED C.
LANSBERRY, DECEASED, AS TO THE AMOUNT
OF DAMAGES TO BE PAID ON ACCOUNT OF
THE TAKING OF CERTAIN LANDS FOR STATE
HIGHWAY PURPOSES, 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 AL-
FRED C. LANSBERRY, DECEASED, IN BRAD-
FORD 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 WIT-
NESSES.

CLEARFIELD COUNTY
COMMISSIONERS

1114-1d-ch

DAVIS
Sworn and subscribed this 14th day of Nov., 1940.....
before me.

ALTON C. PLUMMER, Esq.
NOTARY PUBLIC, 1941
CLEARFIELD, PENNSYLVANIA
Commissioned March 6, 1941
RECEIVED
March 6, 1941



AGREEMENT Between W. V. CARR, IRA JAY AND J. O. KESSLER, County Commissioners of Clearfield County, Pennsylvania, herein-after 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 adquired 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 covenanted 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:

Frederick B. Reed
COMMISSIONERS' CLERK

G.V. Carr
Dr. Jay
J.O. Kessler
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 M 1940

CLEARFIELD COUNTY COMMISSIONERS

-with-

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

A G R E E M E N T

556

FILED
NOV 13 1940
J. HAROLD MAGADEN
CLERK

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