

ROAD

ET No. 7

Number

Term

Year

1

MAY SS

1941

To view and assess damages

Erdie L. Solida, in Sandy Twp.

Versus

**PROOF OF PUBLICATION OF NOTICE IN THE DUBOIS COURIER**  
Under Act No. 587, Approved May 16, 1929, P. L. 1784

State of Pennsylvania  
County of Clearfield

ss:

*W. B. Ross*

of THE GRAY PRINTING COMPANY,

a corporation of the County, and State aforesaid, being duly sworn, deposes and says that THE DUBOIS COURIER is a daily newspaper published at 56-58 West Long Avenue, City of DuBois, County and State aforesaid, which was established in the year 1884, since which date said daily newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said daily newspaper on the following dates, viz: the 8<sup>th</sup> day of May, A. D., 1941.

Affiant further deposes that he is an officer duly authorized by THE GRAY PRINTING COMPANY, a corporation, publisher of THE DUBOIS COURIER, a daily newspaper, to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

THE GRAY PRINTING COMPANY

Publisher of

THE DUBOIS COURIER

By

*W. B. Ross*

Sworn and subscribed to before me this 29 day of May, 1941

*W. B. Ross*  
Notary Public  
*May com. exp 8/2/42*  
Statement of Advertising Costs

**NOTICE**  
Notice is hereby given that the viewers report to assess damages to Erdie L. Solida sustained by the construction and improvement of a concrete highway, known at State Highway No. 322 in Sandy Township, Clearfield County, Penna. was filed on May 5, 1941 in the Court of Quarter Sessions of Clearfield County, Penna. to No 1 May SS 1941. Damages assessed \$1900.00 and unless exceptions be filed thereto within thirty days from the date of filing, the report will be confirmed absolutely.

J. HAROLD McFADDEN,  
Clerk of the Court of  
Quarter Sessions,  
Clearfield County, Pa.

THE GRAY PRINTING COMPANY

Publisher of

THE DUBOIS COURIER

DuBois, Pa.

To *J. Harold McFadden* Dr.

For publishing the notice or advertisement attached hereto on the above stated date \$ 2.00

Probating same \$ 50

Total \$ 2.50

**Publisher's Receipt for Advertising Costs**

THE GRAY PRINTING COMPANY, a corporation, publisher of THE DUBOIS COURIER, a daily newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office, 56-58 West Long Avenue, DuBois, Pa.  
Established 1884, Phone 42

THE GRAY PRINTING COMPANY

Publisher of

THE DUBOIS COURIER

By

I hereby certify that the foregoing is the original Proof of Publication and Receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

1741 22 June 1941

See Appeal filed to No. 63 September  
Term 1941

## NOTICE

Notice is hereby given that the viewers report to assess damages to Erdie L. Solida sustained by the construction and improvement of a concrete highway, known as State Highway No. 322 in Sandy Township, Clearfield County, Penna. was filed on May 5, 1941 in the Court of Quarter Sessions of Clearfield County, Penna., to No. 1 May SS 1941. Damages assessed \$1900.00 and unless exceptions be filed thereto within thirty days from the date of filing, the report will be confirmed absolutely.

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Clerk of the Court of Quarter Sessions  
Clearfield County, Pa

## 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 11th day of February in the year of our Lord one thousand nine hundred and Forty-One.

Erdien L. Solida  
Judge of the same Court: Upon the petition of ~~sundry in-~~  
~~habitants of the Township of~~ Sandy Township

in said County, setting forth that her property situated along  
Pennsylvania State Highway Route No. 119 and extending back a distance of  
approximately 600 feet has been damaged by the construction and improvement  
of a concrete highway, known as State Highway Route No. 322

assess damages  
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 John Cherry, Esq.,  
J. M. Fry and H. W. Bonsell

who have been duly appointed by the Court and filed their oaths of office and are duly quali-  
fied 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.

J. Harold McFadden, 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

\_\_\_\_\_ and that THREE notices thereof were posted along the route of the proposed road, that the said view would be held on the 28th day of March, A. D. 1941, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 29th day of March, 1941, at 10:00 o'clock A. M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Erdie L. Solida; James A. Gleason, Esq; W. Albert Ramey, Esq.,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 29th day of March A. D. 1941, when the following appearances were noted: James A. Gleason, Esq, attorney for Erdie L. Solida; and W. Albert Ramey, Esq., attorney for Commonwealth of Pennsylvania;

~~After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is \_\_\_\_\_ 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 \_\_\_\_\_~~

~~After the view and hearing above mentioned, the undersigned, viewers, do agree that the damages caused the property of the said Erdie L. Solida, are in value the sum of Nineteen Hundred (\$1900.00) Dollars. The loss to said Erdie L. Solida was so arrived at, upon the following basis: Strip of land approximately Seventy (70) feet wide and Six Hundred (600) feet long, valued at Five Hundred (\$500.00) Dollars; destruction of Well and consequent increase cost of new Well, One Hundred Thirty-Nine (\$139.00) Dollars; Iron Pipe carrying water from spring to house, Eleven (\$11.00) Dollars; Hedges and Trees destroyed, Fifty (\$50.00) Dollars; easement by reason of safe sight, Five Hundred (\$500.00) Dollars; construction of ravine through property, resulting in loss of use of cabins and land adjourned for said purpose, together with resulting inconvenience by reason of separation of business property from residence, Seven Hundred (\$700.00) Dollars.~~

~~The construction of this road has greatly and permanently deminished the value of the land for any prospective use, both as a business and as home sites, and has also decreased the value of homes and cottages thereon, by reason of a ravine and filling upon the construction of said road.~~

~~The findings of the viewers are based not only upon their own observation, but also upon their investigation with regard to values of lands in that vicinity. There also was testimony provided,~~

with regard to value, by the claimant, but it was the opinion of the viewers, that claimant's witness stated a loss much in excess of actual loss. Upon a consideration of all the circumstances, it is the opinion of the viewers that the said sum, to wit, Nineteen Hundred (\$1900.00) Dollars, is a fair, just and reasonable assessment for such loss and damages, as was occasioned by the building of said road.

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 \_\_\_\_\_

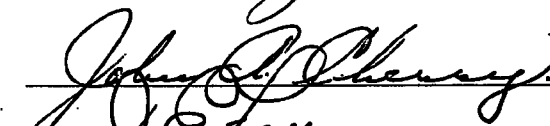

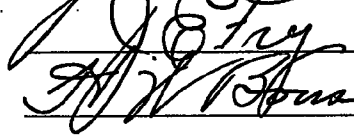




when it was not practical to preserve it within that limit.

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 29<sup>th</sup> day of April  
A. D. 1911.

No. 1 May Sessions, 19 41

# ORDER

To view and assess damages a  
road for Erdie L. Solida ~~use in the~~  
township of Sandy,  
Clearfield County

May Sessions, 19 41,

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

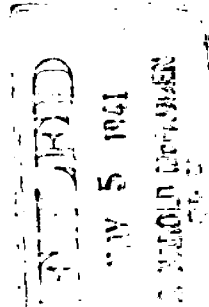
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
<i>Harvey W. Bonnell</i>	2	80	\$ 24.00
<i>J. E. Tracy</i>	3	64	33.75
<i>John A. Cherry</i>	3	64	33.75



James A. Gleason, Atty.  
Filed 19  
Fees \$1.25 paid by \_\_\_\_\_

## 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 ensembling 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



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: Order to View and Assess :  
Damages to Property of Erdie L. :  
Solida in Sandy Township, Clear- :  
field County, Pennsylvania. : No. 1 May Sessions 1941.

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to view and assess damages to the property of Erdie L. Solida, situate along Pennsylvania Highway Route No. 119 and extending back a distance of approximately 600 feet , in Sandy Township, in Clearfield County, will meet at the above premises, in said Sandy Township, on Friday, March 14, 1941, at 3:00 o'clock P. M., to attend to the duty assigned to them, of which time and place aforesaid, all parties interested will take notice.

And that the public hearing required by Act of Assembly and the Rules of Court to be held by the Viewers before the filing of their Report in Court, in order to give all parties interested in the said matter an opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Saturday, March 15, 1941, at 10:00 o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend with their witnesses and be heard.

John A. Cherry  
H. W. Bousall  
J. E. Fry Viewers.

*New, March 10, 1941, service of the  
above notice by copy accepted.*

*Fred B. Reed  
Chief Clerk*



JOHN A CHERRY }  
H. W. BONSALE } VIEWERS.  
J. E. FRY }

ACREAGE TAKEN:

R. of W.	0.75
SLOPES	0.24
SAFE SIGHT	0.28
TOTAL	<u>1.27</u>

(Cultivated Field)