

ROAD
DOCKET No. 7

Number	Term	Year
1	May SS	1942

Petition for Assessment of Damages to
FRANK A. DeLARME in Sandy Township

Versus

IN THE COURT OF Quarter Session
OF CLEARFIELD COUNTY, PA.

VERSUS

No. 1 May S.E. Term, 19 42

To

Sir: Enter my appearance for

in above case.

Attorney for

No. 1 May SS Term, 42

Consent of Attorney to
Grant A. De Haven, Secy
Corp.

VS.

APPEARANCE

For Deputy Secretary -
Comm of Penna

FILED
MAY 14 1969
J. HAROLD McFADDEN
CLERK

No. 1 May 58 Term, 42

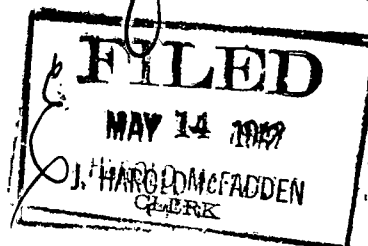
Assessment of Damages to
Frank A. DeBarre, Sandy
Twp.

vs.

APPEARANCE

For

Dept of Highways -
Comm of Penna



VERSUS

IN THE COURT OF
OF CLEARFIELD COUNTY, PA.

Arthur S. ...

No. 1 May SS Term, 19 42

*Patricia A. Greenwalt v
Thomas T. Green & C. O. Green
in Sandy, Pa.*

To *Edward M. ...*

Sir: Enter

appearance for

Department of Highway

Greenwalt v Green

in above case.

Attorney for

*Edward M. ...
Green v Green, Sandy, Pa.*

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

In re: ASSESSMENT OF DAMAGES }
TO PROPERTY OF FRANK A. DeLARME } No. / May Sessions, 1942.
IN SANDY TOWNSHIP, CLEARFIELD }
COUNTY, PENNSYLVANIA. }

To the HONORABLE W. WALLACE SMITH, President Judge of the said Court:

The petition of FRANK A. DeLarme of Sandy Township, Clearfield County, Pennsylvania, respectfully represents:

- ✓ 1. That he is the owner of a certain tract of land situate in Sandy Township, Clearfield County, Pennsylvania, the description of which is contained in the deed of George W. Lenkerd, et al, to Frank A. DeLarme, et al, said deed being dated October 9, 1911, and recorded in Clearfield, Pennsylvania, on December 28, 1911, in Deed Book 189, page 225.
2. That the Highway Department of the Commonwealth of Pennsylvania has recently constructed and improved a concrete highway, known as State Highway Route No. 322, which highway begins near the C. & M. Junction of the Baltimore and Ohio Railroad in Brady Township, Clearfield County, Pennsylvania, and extends thence through Brady and Sandy Townships to the Jefferson County line.
3. That the said road or highway hereinbefore referred to extends a distance of approximately 1700 feet over the property of your petitioner and in width a distance of approximately 135 feet.
4. That the property of your petitioner has been damaged by reason of the construction of the said highway and its value lessened in the following respects:

(a) By the taking and condemnation of valuable farming land traversing the property of your petitioner a distance of 1700 feet and extending in width a distance from 60 feet to 135 feet.

(b) By the construction of a straight, high speed highway with attendant risk to live stock and equipment caused by the large volume of fast moving traffic thereon which also invades the quiet and privacy of your petitioner.

(c) By the destruction of approximately 124 feet of corrugated metal pipe draining the barn yard and fields in front of your petitioner's garage and implement shed.

(d) By the destruction of four trees which served as a wind and fire break between the barn and home of your petitioner.

(e) By the removal of your petitioner's implement shed to a position westerly of the barn and failing to provide adequate private approach for egress and ingress to and from the farm.

(f) By the destruction of your petitioner's right of ingress and egress to and from approximately 35 acres of timber and cleared land.

(g) By the destruction of the water supply and water line from a spring which supplied water for a mill sight and other uses, formerly running from the southwestern to the north side of the highway.

(h) By the destruction of valuable fruit and other trees situated on the right of way taken.

(i) By the destruction of drains and attendant obstruction of natural drainage.

(j) By the taking of additional property of your petitioner by reason of the sliding of stone and earth from fills upon

the highway.

(k) By occasioning long hauls in the construction of any approaches to the highway in order to properly farm the land of your petitioner and remove the merchantable timber thereon.

(l) By otherwise damaging the property of your petitioner thereby causing greivous depreciation in the merchantable value of his land and rendering it difficult to operate the same profitable.

5. That no compensation has been paid or given to your petitioner by reason of said damage, nor has your petitioner secured any compensation for the same.

WHEREFORE, your petitioner prays that Viewers be appointed to ascertain and determine the extent of the damage sustained by him according to law.

And he will ever pray, etc.

Frank A. DeLarue
Petitioner

STATE OF PENNSYLVANIA:
COUNTY OF CLEARFIELD : SS:

Personally appeared before me, a Notary Public in the County and State aforesaid, FRANK A. DeLARME, who being duly sworn according to law, deposes and states that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

Frank A. DeLarme
Petitioner

Sworn to and subscribed
before me this 15 day
of April, 1942.

La Rue Shing
NOTARY PUBLIC
My Commission Expires August 2, 1942
My commission expires _____

D E C R E E

Now, ^{May}~~April~~ 4th, 1942, the within Petition having been read and considered, John Cherry Esq. J. E. Fry and H. W. Russell are hereby appointed Viewers to go upon the premises 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,

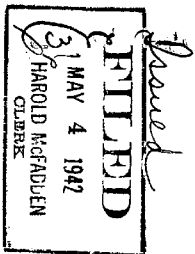
H. Walter Smith P.J.

IN THE COURT OF QUARTER SES-
SIONS OF CLEARFIELD CO., PA.

No. 1 May Sessions, 1942.

In re: ASSESSMENT OF DAM-
AGES TO PROPERTY OF FRANK A.
DELAUNE IN SANDY TOWNSHIP,
CLEARFIELD COUNTY, PENNSYL-
VANIA.

Petition for
Appointment of Viewers

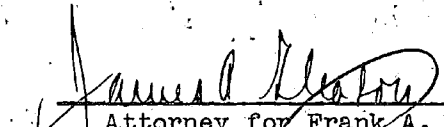


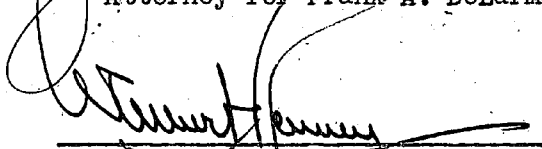
JAMES A. GLEASON
ATTORNEY AT LAW
DuBois, Pa.
SCHAFFNER BUILDING

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

IN RE: FRANK A. DeLARME : No. 1 May Sessions, 1942

NOW, November 13, 1942, notice of the filing of the Return of Viewers as of October 12, 1942, by the Board of View fixing the amount of damages awarded to Frank A. DeLarme, is accepted and advance notice of the proposed filing thereof is hereby waived. It is intended that the parties hereto shall be bound as if Rule 23, Section 5 of the Rules of Court of Clearfield County had been complied with and that the Prothonotary shall mark the report of the Board of View, Confirmed ~~Ni~~. ~~Si~~ as of October 12, 1942, and Confirmed Absolutely as of November 12, 1942, and that the thirty day period for the filing of exceptions and/or an appeal as provided by Rule 26, Section 6 of the Rules of Court of Clearfield County is hereby waived and it is understood and agreed that the award as made by the Board of View has now become final.


Attorney for Frank A. DeLarme


Attorney for Commonwealth of
Pennsylvania, Department of
Highways.

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

IN RE: FRANK A. DELARME
No. 1
May Sessions, 1942

NOW, November 13, 1942, notice of the filing of the
Return of Viewers as of October 12, 1942, by the Board of View
fixing the amount of damages awarded to Frank A. Delarme, is
accepted and advance notice of the proposed filing thereof is
hereby waived. It is intended that the parties hereto shall be
bound as if Rule 23, Section 5 of the Rules of Court of Clearfield
County had been complied with and that the Prothonotary shall
mark the report of the Board of View, Confirmed No. 1, as of
October 12, 1942, and Confirmed Absolutely as of November 13, 1942,
and that the thirty day period for the filing of exceptions and/or
an appeal as provided by Rule 26, Section 6 of the Rules of Court
of Clearfield County is hereby waived and it is understood and
agreed that the award as made by the Board of View has now become
final.

Attorney for Frank A. Delarme

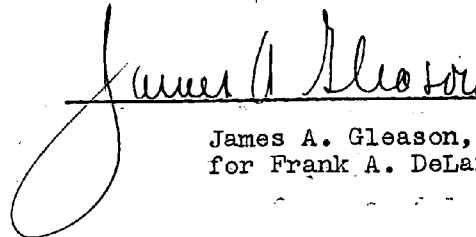
Attorney for Commonwealth of
Pennsylvania, Department of
Highways

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

In re: Assessment of damages :
to property of Frank A. DeLarme :
in Sandy Township, Clearfield : No. 1 May Sessions 1942
Pennsylvania. :

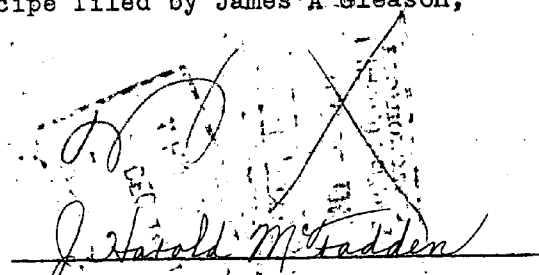
PRAECIPE FOR DISCONTINUANCE AND SATISFACTION

NOW, December 14, 1942, having received payment in full for the amount of the Viewer's award in the above styled case, to wit, Six Hundred (\$600.00) Dollars, said award is directed to be marked paid and satisfied and the Prothonotary is directed to discontinue the proceedings in the above styled case and to mark the records accordingly.


James A. Gleason, Attorney
for Frank A. DeLarme

CERTIFICATE

NOW, December 14, 1942, I, J. Harold McFadden, Clerk of the Court of Quarter Sessions of Clearfield County, Pennsylvania, do hereby certify that the proceedings in the above styled case have been discontinued and the Viewers' award of Six Hundred (\$600.00) Dollars has been marked paid and satisfied by virtue of authority of the above Praecipe filed by James A. Gleason, attorney for Frank A. DeLarme.


Clerk of the Court of
Quarter Sessions.

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

In re: Assessment of damages
to property of Frank A. Delamere
in Sandy Township, Clearfield
Pennsylvania.
No. 1 May Sessions 1942

PRECIPUE FOR DISCONTINUANCE AND SATISFACTION

NOW, December 14, 1942, having received payment in full
for the amount of the Viewers' award in the above styled case, to
wit, Six Hundred (\$600.00) Dollars, said award is directed to be
marked paid and satisfied and the Prothonotary is directed to
discontinue the proceedings in the above styled case and to mark
the records accordingly.

James A. Gleason
James A. Gleason, Attorney
for Frank A. Delamere.

CERTIFICATE

NOW, December 14, 1942, I, J. Harold McFadden, Clerk of
the Court of Quarter Sessions of Clearfield County, Pennsylvania,
do hereby certify that the proceedings in the above styled case
have been discontinued and the Viewers' award of Six Hundred
(\$600.00) Dollars has been marked paid and satisfied by virtue
of authority of the above Precipue filed by James A. Gleason,
attorney for Frank A. Delamere.

FILED
DEC 14 1942
J. HAROLD MCFADDEN
CLERK
COURT OF QUARTER SESSIONS
CLEARFIELD, PA.

No. 1 May 22 1942

W. ALBERT RAMEY
ATTORNEY AT LAW
CLEARFIELD, 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 4th day of May
in the year of our Lord one thousand nine hundred
and Forty-two.

Frank A. DeLarme
Judge of the same Court: Upon the petition of ~~SANDY TOWNSHIP~~
~~habitants~~ of the Township of Sandy
in said County, setting forth that

The petitioner is the owner of a certain tract of land situate in Sandy Township, Clearfield County, Pennsylvania, the description of which is contained in the deed of George W. Lenkerd, et al, to Frank A. DeLarme, et al, said deed being dated October 9, 1911, and recorded in Clearfield, Pennsylvania, on December 28, 1911, in Deed Book 189, page 225.

The the Highway Department of the Commonwealth of Pennsylvania has recently constructed and improved a concrete highway, known as State Highway Route No. 322, which highway begins near the C. & M. Junction of the Baltimore and Ohio Railroad in Brady Township, Clearfield County, Pa., and extends thence through Brady and Sandy Townships to the Jefferson County line.

The said road or highway hereinbefore referred to extends over the property of your petitioner and in width a distance of approximately 135 feet. approximately 1700 feet

That the property of your petitioner has been damaged by reason of the construction of said highway and its value lessened in the following respects:

(a) By the taking and condemnation of valuable farming land traversing the property of your petitioner a distance of 1700 feet and extending in width a distance from 60 feet to 135 feet.

(b) By the construction of a straight, high speed highway with attendant risk to live stock and equipment caused by the large volume of fast moving traffic thereon which also invades the quiet and privacy of your petitioner.

(c) By the destruction of approximately 124 feet of corrugated metal pipe draining the barn yard and fields in front of your petitioner's garage and implement shed.

(d) By the destruction of four trees which served as a wind and fire break between the barn and home of your petitioner.

(e) By the removal of your petitioner's implement shed to a position westerly of the barn and failing to provide adequate private approach for egress and ingress to and from the farm.

(f) By the destruction of your petitioner's right of ingress and egress to and from approximately 35 acres of timber and cleared land.

(g) By the destruction of the water supply and water line from a spring which supplied water for a mill sight and other uses, formerly running from the southwestern to the north side of the highway.

(h) By the destruction of valuable fruit and other trees situated on the right of way taken.

(i) By the destruction of drains and attendant obstruction of natural drainage.

(j) By the taking of additional property of your petitioner by reason of the sliding of stone and earth from fills upon the highway.

(k) By occasioning long hauls in the construction of any approaches to the highway in order to properly farm the land of your petitioner and remove the merchantable timber thereon.

(l) By otherwise damaging the property of your petitioner thereby causing greivous depreciation in the merchantable value of his land and rendering it difficult to operate the same profitable.

Wherefore, petitioner prays that Viewers be appointed to determine the extent of the damage sustained.

J. Harold W. Gadden, 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, do 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 five notices thereof were posted along the route of the proposed road, that the said view would be held on the 15th day of August

A. D. 1942, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 17th day of August, 1942, at 10:00 o'clock A. M. That

viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view James A. Gleason, Esq., Attorney for Frank DeLarme; W. A. Ramey, Esq., Attorney for Pa. Department of Highways; O. H. Rickenbrode; and Frank DeLarme.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 29th day of August A. D. 1942, when the following appearances were noted: James A. Gleason, Esq., Attorney for Frank DeLarme; W. A. Ramey, Esq., Attorney for Pa. Department of Highways; Frank DeLarme; O. H. Rickenbrode.

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

After view and hearing in the above matter, the undersigned, the viewers, do find that Frank DeLarme, petitioner, has been injured as a result of the construction of said road, that damage has resulted to his premises through the taking of a portion of his said premises and through interference with and the limitation of the use of other portions of said land. As a result of the construction, a large fill was built at either end of said land, which causes considerable interference with the use of a portion of land on which there is valuable timber, although access to the same is not actually destroyed. As a result thereof, also, drainage of the land has been effected. There were also four trees destroyed by reason of said construction, the same being shade trees. Testimony was offered regarding increased risk to petitioner and to his live stock, but in the opinion of the viewers, this was not such as to allow for damages to petitioner for the same, since there had been a road at said point prior thereto, being public highway and so used. Claim was made for damages resulting from the moving of the implement shed of the petitioner, but it would appear from the testimony that said removal was by agreement between the Pa. Department of Highways and Petitioner and no claim can now be made therefor. The viewers further find that there is no damage from sliding stone, for the reason that it does not touch land of the petitioner but land already appropriated by the Commonwealth, for

damages are claimed, and will be herein allowed. The testimony further shows the destruction of 124 feet of metal corrugated pipe which had been used for drainage of the land of the petitioner, and for which compensation is payable. After consideration of the testimony, and investigation thereof, it is the opinion of the viewers, and they do find, that petitioner has suffered damage in the sum of Six Hundred (\$600.00) Dollars.

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 _____ day of _____

A. D. 192____.

John D. Cherry Seal
W. H. O. H. H. Seal
Henry W. Bonnell Seal
Seal

No. 1 May Sessions, 1942

ORDER

To view and assess damages to property of FRANK A. ~~viewers~~ ~~viewers~~ DELARME in the township of Sandy, Clearfield County

October 12 Sessions, 1942

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.

Harold McGadden, Clerk of Court of Quarter Sessions of Clearfield County, Pa.

Now, Nov. 12, 1942, No Exceptions having been filed nor appeal taken the damages awarded by the Viewers is confirmed absolutely, Harold McGadden, Clerk of the Court of Quarter Sessions of Clearfield County, Pa.

Fees \$1.25 paid by

James A. Gleason, Att.

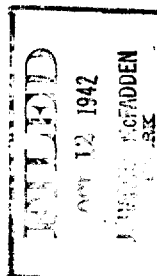
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
W. B. Russell	3	76	33.80
J. B. Fay	3	66	33.30
John D. Cherry	3	68	33.40



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