

ROAD  
DOCKET NO. 7

NUMBER	TERM	YEAR
1	NOVEMBER	1957

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COOPER TOWNSHIP. PETITION OF

---

GEORGE WILLIAMS TO ASSESS DAMAGES

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VERSUS

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IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: ASSESSMENT OF DAMAGES :  
TO PROPERTY OF GEORGE WILLIAMS OF : No./ November Session 1957  
COOPER TOWNSHIP, CLEARFIELD COUNTY, :  
PENNSYLVANIA. :

P E T I T I O N

To the Honorable John J. Pontz, President Judge of the said Court:

The petition of George Williams, resident of Cooper Township, Clearfield County, Pennsylvania, respectfully represents:

✓ 1. That your petitioner is the owner of a certain tract of land situate in Cooper Township, Clearfield County, Pennsylvania, with improvements thereon, conveyed to him and his deceased wife, Ruth Williams, by the deed of Clarence Brown et al, said deed being dated June 13, 1936 and recorded in Clearfield, Pennsylvania, in Deed Book 313, page 65, and described as follows:

BOUNDED on the North by lands of Victor Rydberg; on the East by lands of Arthur Brown; on the South by lands of James and William Pearce; and on the West by lands of Julia Thompson and Alfred Brown, Containing ten acres, more or less and being the same premises recorded in Deed Book 6, page 89 and Deed Book 11, page 140, and the same premises which D. P. Yocum and wife by deed dated July 9th, 1931 and recorded in Deed Book 299, page 107 conveyed to George Williams and Clarence Brown.

2. That Ruth Williams died June 7, 1956 and the premises described above did thereby vest in George Williams, the surviving spouse and petitioner herein.

3. That the Highway Department of the Commonwealth of Pennsylvania has recently constructed and improved the Highway, known as State Highway Route No. 53 and which Highway in part extends from the Village of Eylertown to the Village of Black Mahanah through the Township of Cooper to the Centre County line.

4. That the said road or highway extends through your petitioner's property and being a distance of five hundred forty five (545) feet, more or less on the northern side of the highway and approximately one thousand seventy five (1,075) feet on the southern side of said highway at various and diverse depths, taking approximately one and one tenth (1.1) acres of the petitioners land for right of way, and also causing the damage hereinafter complained of.

5. 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 of one and one tenth (1.1) acres as described in paragraph 4, above.

b. By the taking of valuable strawberry beds located on the southern part of the right of way condemned by the State Highway Department.

c. By the destruction and removal of 3 or more fruit and shade trees.

d. By construction of a ravine between the property of your petitioner and the travel portion of the state highway.

e. By the relocation and grading of approaches to the dwelling of the petitioner and which deprives your petitioner of valuable frontage along the said highway.

f. That the taking of the petitioners property has deprived him of valuable income from the strawberry business which he has conducted for a period of fifteen or more years and which beds have been destroyed and taken for right of way by the said State Highway Department.

g. That the said taking by the said State Highway Department and the grading of the said highway has reduced the value of the lands to the south of the said right of way for building lots.

h. That the said taking has reduced the value of the dwelling house and home of the petitioner.

i. That the land lying south of the right of way will be damaged and lessened in value by virtue of the drains concentrating the force of surface water on and over lots lying south of the right of way.

6. 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.

GEORGE WILLIAMS  
George Williams

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

Personally appeared before me, a  
in the County and State aforesaid, George Williams, who,  
being duly sworn according to law, deposes and says that the  
facts set forth in the foregoing petition are true and  
correct to the best of my knowledge, information and belief.

George Williams  
George Williams

Sworn to and subscribed  
before me this 2 day  
of NOVEMBER 1957.

Wm T. Hagerty  
Notary

NOW, November 7<sup>th</sup>, 1957, the within petition having been read and considered and it appearing that the petitioner is seized of real estate in the Township of Cooper and that the Pennsylvania Department of Highways are improving and constructing a highway through the petitioners' land, it is on motion of John B. Gates, Esq., attorney for the petitioner, ordered and decreed that JOHN SCOLLINS, GUY A. HEIL  
BENJAMIN HUGHES are hereby appointed Viewers to go upon the premises mentioned and described in the said petition and after view and hearing to determine and to assess any damages sustained by reason of the construction and improvement of the highway as herein averred and to make a report thereof.

BY THE COURT

sy JOHN S. PENTZ  
P. J.

IN THE COURT OF QUARTER SES-  
SIONS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
No. / November Term, 1957

In re: Assessment of dam-  
ages to property of George  
Williams of Cooper Township,  
Clearfield County, Penna.

P E T I T I O N

*Wm. L. Staherty*

JOHN B. GATES  
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 12th day of November in the year of our Lord one thousand nine hundred and Fifty seven.

George Williams,  
Judge of the same Court: Upon the petition of ~~and by~~  
~~and by~~ of the Township of Cooper

in said County, setting forth that by reason of a recently constructed said highway has reduced the value of the land of George Williams and prays that Viewers be appointed to ascertain the extent of the damage sustained by him according to law, BOUNDED on the North by lands of Victor Rydberg; on the East by lands of Arthur Brown; on the South by lands of James and William Pearce; and on the West by lands of Julia Thompson and Alfred Brown, Containing ten acres, more or less and being the same premises recorded in Deed Book 6, page 99 and Deed Book 11, page 140, and the same premises which D. P. Yocum and wife by deed dated July 9, 1931 and recorded book 299, pg 107 conveyed to Geo. Williams and Clarence

and therefore, praying the Court to appoint proper persons to view and ~~lay out the road~~ Brown.  
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 Scollins,  
Guy A. Heil and Benjamin Hughes

who have been duly appointed by the Court and filed their oaths of office and are duly qualified 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 and assess damages

By order of the Court.

John J. Pentz,

Wm J. Hagerty, 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 \_\_\_\_\_

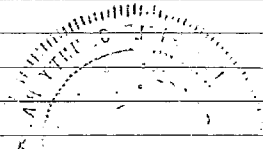
and that \_\_\_\_\_ notices thereof were posted along the route ~~of the proposed road~~, that the said view would be held on the \_\_\_\_\_ day of \_\_\_\_\_

A. D. 192\_\_\_\_, and the hearing to be held in the ~~Arbitration Room~~ at the Court House, in Clearfield, Pa., on the \_\_\_\_\_ day of \_\_\_\_\_, 192\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ 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 \_\_\_\_\_

parties in interest. That the hearing was held in the ~~Arbitration Room~~, in the Court House, at Clearfield, Pa., on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 192\_\_\_\_, when the following appearances were noted: \_\_\_\_\_

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, ~~do agree that the~~ \_\_\_\_\_ occasion ~~for a road as desired by the petitioner, and that the same is~~ \_\_\_\_\_ necessary for a \_\_\_\_\_ road: And ~~the~~ ~~high~~ ~~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 the~~ \_\_\_\_\_ for \_\_\_\_\_ use the following described road: it Beginning \_\_\_\_\_



No. 1 November Sessions, 19 58

## ORDER

To view and Assess Damages in  
road road  
township of Cooper  
Clearfield County to George  
Williams.

Feb Sessions, 19 58,

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

*John B. Gates*

WM. T. HAGER  
CLERK

John B. Gates, Attorney

Filed 19

Rees \$1.25 paid by

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.
John Scollins	4	21	44.55
Guy C. Heil	2	121	26.05
Benj. Hughes	2	91	24.55

*Feb 12, 1958 Petition filed*

*John B. Gates*

*Attorney for petitioner*

*Feb. 21, 1958*

*Confirms absolutely  
By Order of Court  
Filed*

*Wm. T. Hager  
Clerk of Court*

## 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 ensealing 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

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, extending \_\_\_\_\_

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

The undersigned further report that they endeavor 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: To George Williams, \$2450.00, as herein stated

and we herewith return ~~releases obtained and~~ copy of the notices.

WITNESS our hands and seals this 25th day of January  
A. D. 1958.

*John Scellin* Seal  
*Wm. A. Hill* Seal  
*Ben Hughes* Seal  
Seal

RETURN OF VIEWERS.

To the Honorable John J. Pentz, President Judge of the Court of Quarter Sessions in and for the County of Clearfield:

We, the undersigned Viewers, duly appointed by your Honorable Court by the attached 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, beg leave to report as follows:

1. That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County, the Board of Supervisors of the Township of Cooper, and the District Office of the Pennsylvania Department of Highways, Clearfield, Pa., and that three notices thereof were posted upon the property that the said view would be held on the 3rd day of January, A.D. 1958 at 2:30 P.M., That the three Viewers appointed by said order viewed the ground, and that there were present at the view: George Williams, Petitioner; John B. Gates, his Counsel; Harry Fred Bigler, Jr., Hugh Milligan, Robert Kepner of the District Office of the Department of Highways, and Eugene Kitko, Esq., Counsel; and Charles Simcox, George Marcinko and John Kovash, Supervisors of Cooper Township, parties in interest.

2. That the hearing was held in the Grand Jury Room, in the Court House, at Clearfield, Pa., on Monday, January 6th, 1958 at 10:30 o'clock, A.M., when the following appearances were noted: George Williams, Petitioner; John B. Gates, Esq., Counsel; and Robert M. Hershey, witness in behalf of Petitioner. Eugene Kitko, Esq., Counsel; Harry Fred Bigler, Jr., Robert S. Kepner, Hugh Milligan, of the District Office of the Department of Highways; and Charles Woodring and Herman C. McCloud, witnesses in behalf of the Commonwealth. All of whom were ~~shown~~ examined and cross-examined by Counsel and your Board.

3. After the View and Hearing aforesaid, your Board makes the following findings of fact:

A.- That the Petitioner is the owner of a 10-acre tract of land, situate in Cooper Township, Clearfield County, improved with a Gas Service Station, Fruit Stand, Strawberry Beds and Fruit Trees, and a Dwelling-house.

B.- That State Highway Route 53 which in part extends from the Village of Kylertown to the Centre County Line was re-located, re-constructed and improved following condemnation and Survey in 1955, as shown on the Map thereof hereto attached and made a part hereof.

C.- That in the re-construction and improvement of said Highway, one and one-tenths (1.1) acres of Petitioner's land cultivated for the production of strawberries and fruit was taken; and the relocating of said Highway has changed the grades and approaches to Petitioner's dwelling-house and business locations, requiring enlargement of culverts, and the concentration of surface waters on and over Petitioner's fruit-producing land lying to the South of said Highway.

D.- Petitioner claims damage for the taking of his land cultivated for the production of fruit and strawberries, and interruption and loss of business, as well as inconvenience in the approaches to his property, and alleges a loss of \$5500. in the depreciated value of his property, based at \$10,000 prior to the condemnation and \$4,500 after condemnation, or a loss of \$5500.00.

E.- Robert M. Hershey, Realtor, of Clearfield, Pa., witness in behalf of the Petitioner, appraised Petitioner's damage at \$4,638.00.

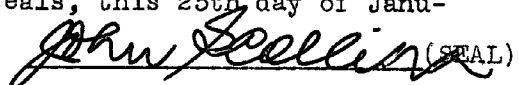
F.- On behalf of the Department of Highways of the Commonwealth Charles Woodring, a Licensed Real Estate Broker of State College, Pa., and Herman C. McCloud, Realter, of Clearfield, Pa., appeared and testified to the value of the property, both before and after re-construction of said Highway Route 53; the former, Mr. Woodring, being of the opinion that the property was damaged to the extent of \$2155.00; and the latter, Mr. McCloud gave like testimony, being of the opinion that the damages suffered was \$2175.00.

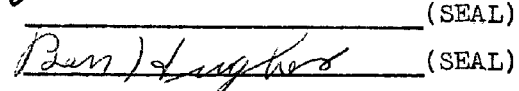
G.- Robert S. Kepner, in the Engineering Department of the District Office was examined as to the changes in the elevation of the Highway, and the provisions for drainage, as well as the angles of the approaches to the property, averring that it was not necessary to move Petitioner's Gas Service Station to the new location, except for the benefit of Petitioner's business.

H.- H. F. Bigler, Jr., on direct- and Hugh Milligan as of cross- examination, testified to the location of Petitioner's Gas Pumps within the ultimate right-of-way lines of Route 53.

4. After viewing the premises and exhibits and hearing proofs and allegations, on behalf of both the Petitioner and the Department of Highways, and taking into consideration the benefits accruing to Petitioner's property your Board of Viewers concludes that Petitioner has been damaged in the amount of \$2450.00, which amount is awarded to the petitioner, George Williams, and assessed against the Pennsylvania Department of Highways.

Witness our hands and seals, this 25th day of January, A.<sup>D</sup>. 1958.

 (SEAL)

 (SEAL)

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: ASSESSMENT OF DAMAGES :  
TO PROPERTY OF GEORGE WILLIAMS OF :  
COOPER TOWNSHIP, CLEARFIELD COUNTY, : No. | November Session, 1957  
PENNSYLVANIA :  
:

S T I P U L A T I O N

It is stipulated by and between John B. Gates, attorney for George Williams, and Eugene Kitko, attorney for the Department of Highways of the Commonwealth of Pennsylvania, as follows:

1. That the above captioned proceedings for assessment of damages was filed in the Court of Quarter Sessions of Clearfield County, Pennsylvania by George Williams.

2. That by Order of Court dated November 7, 1957, John Scollins, Esquire, Guy A. Heil and Benjamin Hughes were appointed Viewers to go upon the premises described in the said action and after view and hearing to determine and to assess any damages sustained by reason of the construction and improvement of State Highway Route No. 53 through the premises in question of George Williams.

3. That the Viewers appointed by the Order of Court, dated November 7, 1957 held a view on the premises on Friday, January 3, 1958 at 2:30 P. M. and in addition held a public hearing in accordance with the Act of Assembly in the Grand Jury room on Monday, January 6, 1958 at 10:30 A. M.

4. That proper notice of the view and hearing were given by the Viewers in accordance with the rules of Court and the Act of Assembly.

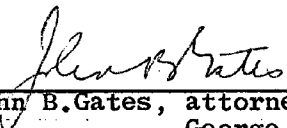
5. That the Viewers filed with the Court of Quarter Sessions of Clearfield County their report and award, assessing damages to the property of George Williams situate in the Township of Cooper, Clearfield County, Pennsylvania, in the sum of Two thousand four hundred fifty (\$2,450.00) Dollars.


6. That no appeal is contemplated by George Williams or the Department of Highways of the Commonwealth of Pennsylvania to the report and award of the Viewers mentioned above.

7. The purpose of this stipulation is to waive the time for appeal of the said George Williams and the Department of Highways of the Commonwealth of Pennsylvania and request that the Viewers report and award of damages be confirmed absolutely by the Court of Quarter Sessions of Clearfield County.

8. That John B. Gates, attorney at law, is the attorney appearing of record in the above proceedings for George Williams and that Eugene G. Kitko is the attorney appearing of record for the Department of Highways of the Commonwealth of Pennsylvania.

9. That attached to this stipulation is a copy of the award of the Viewers appointed in the above captioned proceedings.

  
\_\_\_\_\_  
John B. Gates, attorney for  
George Williams

  
\_\_\_\_\_  
Eugene G. Kitko, attorney for  
Department of Highways of the  
Commonwealth of Pennsylvania

February , 1958.



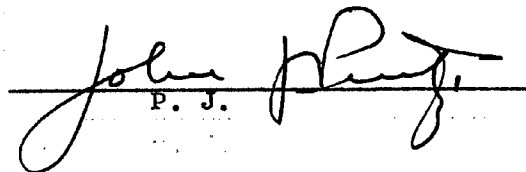
IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: ASSESSMENT OF DAMAGES :  
TO PROPERTY OF GEORGE WILLIAMS OF : No. November Session,  
COOPER TOWNSHIP, CLEARFIELD COUNTY, : 1957  
PENNSYLVANIA. :

O R D E R

NOW, February 21<sup>st</sup>, 1958, a stipulation having been agreed upon and executed by and between John B. Gates, attorney for George Williams and Eugene G. Kitko, attorney for the Department of Highways of the Commonwealth of Pennsylvania, approving the award of the Viewers appointed in the said proceedings, averring that no appeal is contemplated and waiving the time for appeal on the part of the said George Williams and the Department of Highways of the Commonwealth of Pennsylvania and requesting that the Viewers' report and award of damages be confirmed absolutely by this COURT; it is therefore ordered and decreed that the stipulation be approved and that in accordance with the said stipulation the Viewers' report and award of damages in these proceedings be and is hereby confirmed absolutely.

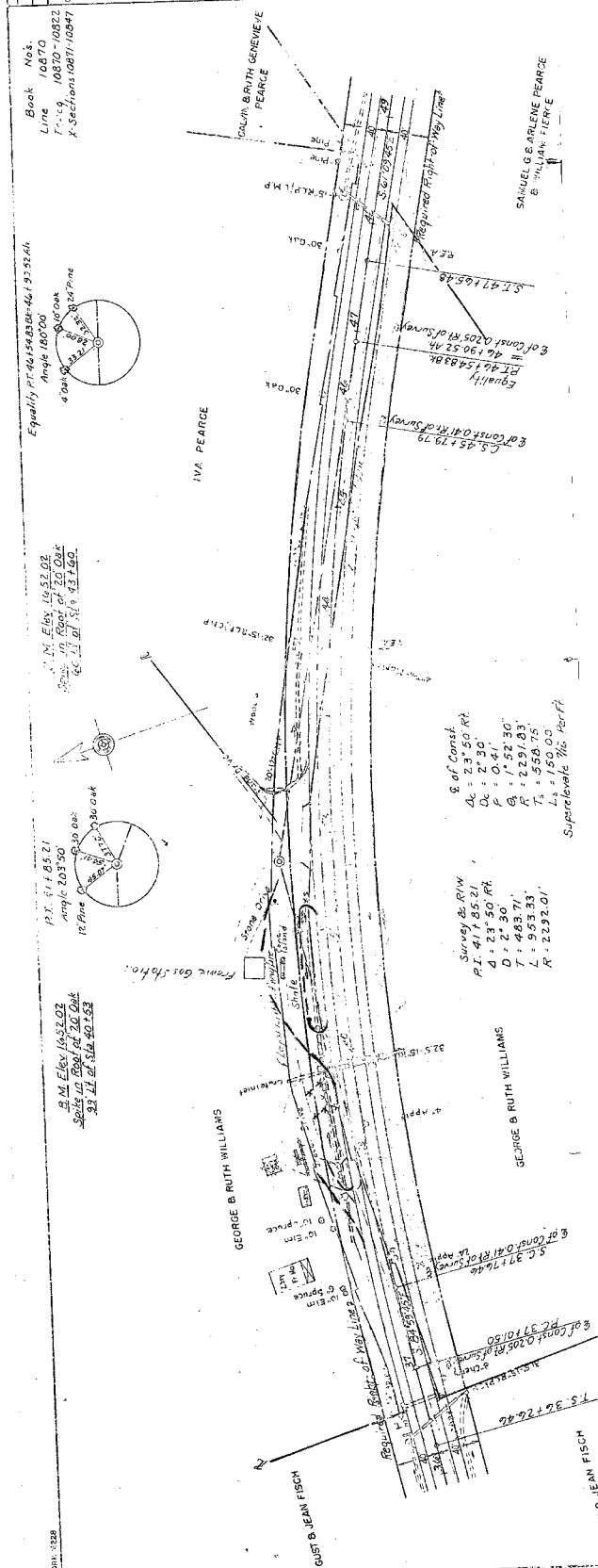
BY THE COURT

  
P. J.

FILED  
FEB 21 1958  
WM. T. HAGERLIN  
CLERK

16	CY	38700	to 316	38765	LF	
						CY C/E Enclav (Appl. Removal)
				316	38765	
60	LF	R.C.C. Pipe				
66	CY	C/B Conn (1 Endwall 15;				
32	CY	42' Enclav (to E & Enwall)				
36	42' Enclav (to 316	45 100	LF			
14	CY	C/E Enclav (Widened Cul)				
54	CY	C/E Enclav (Enlarged Ditch)				
316	39780	to 316	41165	LF		
85	CY	C/E Enclav (Appl. Removal)				
35	42 130	to 316	43750	LF		
32	CY	42' Enclav (Appl. Removal)				
				316	43750	
68	LF	R.C.C. Pipe				
30	CY	C/B Conn (10' Endwall 15)				
17	CY	C/E Enclav (to E & Enwall)				
36	48 125	to 316	45100	LF		
26	CY	42' Enclav (Appl. Removal)				

B.M. Elev 1452.02  
Spike in Roof of 20" Oak  
99' Lt. of Sta. 40 + 53

[illegible]

No 7526745

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO <i>Dept. of Agriculture</i>		POSTMARK OR DATE <i>PA 1354 1955</i>
STREET AND NO. <i>Dept. of Agriculture</i>		HOUTSDALE
CITY AND STATE <i>Clearfield Pa</i>		
If you want a return receipt, check which <input type="checkbox"/> 7¢ shows to whom and when delivered		If you want re- stricted deliv- ery, check here <input type="checkbox"/> 20¢ fee

POD Form 3800 July 1955 Replaces previous editions of this form which MAY be used.

1. Stick postage stamps to your letter to pay:  
15-cent certified mail fee  
First-class or airmail postage  
Either return receipt fee (*optional*)  
Restricted delivery fee (*optional*)  
Special-delivery fee (*optional*)
2. If you want this receipt postmarked, stick the gummed stub on the address side of the letter, leaving the receipt attached, and present the letter to a postal employee.
3. If you do not want this receipt postmarked, stick the gummed stub on the address side of the letter, detach and retain the receipt, and mail the letter.
4. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card and attach it to the back of the letter.
5. Save this receipt and present it if you make inquiry.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In Re: ASSESSMENT OF DAMAGES : No. 1, November Term, 1957  
TO PROPERTY OF GEORGE WILLIAMS :  
OF COOPER TOWNSHIP, CLEARFIELD :  
COUNTY, PENNSYLVANIA. :

To John B. Gates, Esq.,  
Atty. for George Williams,  
Clearfield, Pa.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County on the 12th day of November, 1957, to assess damages to the Property of George Williams situate in Cooper Township, Clearfield County, Pennsylvania, described as follows:

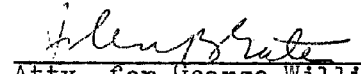
BOUNDED on the North by lands of Victor Rydberg; on the East by lands of Arthur Brown; on the South by lands of James and William Pearce; and on the West by lands of Julia Thompson and Alfred Brown, Containing ten acres, more or less and being the same premises recorded in Deed Book 6, page 99 and Deed Book 11, page 140, and the same premises which D. P. Yocum and wife by deed dated July 9, 1931 and recorded in Deed Book 299, page 207, conveyed to George Williams and Clarence Brown and conveyed to George Williams and his deceased wife, Ruth Williams by deed of Clarence Brown et al., dated June 13, 1936 and recorded in Deed Book 313, page 65, in Cooper Township, and County aforesaid, will meet at the house of George Williams in Kylertown, Cooper Township, on Friday, the 3rd day of January, A.D. 1958 at 2:30 o'clock P.M., to attend to the duty assigned them of which time and place aforesaid all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rule of Court, to be held by the Viewers before the filing of their Report in Court, in order to give all parties interested an opportunity to be heard will be held in the Grand Jury Room in the Court House in Clearfield, Pennsylvania, on Monday, January 6th, 1958 at 10:30 o'clock A.M., or as soon thereafter as counsel can be heard.

JOHN SCOLLINS  
GUY A. HEIL  
BENJAMIN HIGHER,  
Viewers.

Dated: At Houtzdale, Pa.,  
December 12, 1957.

AND NOW Dec 14, 1957 1957, Service of the above Notice accepted for George Williams, and I hereby acknowledge receipt of a copy thereof.

  
Atty. for George Williams,  
Petitioner.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In Re: ASSESSMENT OF DAMAGES : No. 1, November Sessions, 1957  
TO PROPERTY OF GEORGE WILLIAMS :  
OF COOPER TOWNSHIP, CLEARFIELD :  
COUNTY, PENNSYLVANIA. :

To: The COUNTY COMMISSIONERS OF CLEARFIELD COUNTY,  
Clearfield, Pennsylvania:

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, on the 12th day of November, 1957, to assess damages to the Property of George Williams situate in Cooper Township, Clearfield County, Pennsylvania, described as follows:

BOUNDED on the North by lands of Victor Rydberg; on the East by lands of Arthur Brown; on the South by lands of James and William Pearce; and on the West by lands of Julia Thompson and Alfred Brown, Containing ten acres, more or less, and being the same premises recorded in Deed Book 6, page 99 and Deed Book 11, page 140, and the same premises which D.P. Yocum and wife by deed dated July 9, 1951 and recorded in Deed Book 299, page 107, conveyed to George Williams and Clarence Brown and conveyed to George Williams and his deceased wife, Ruth Williams by deed of Clarence Brown et al., dated June 13, 1936 and recorded in Deed Book 313, page 65, in Cooper Township, and County aforesaid, will meet at the house of George Williams in Kylertown, Cooper Township, on Friday, the 3rd day of January, A.D. 1958 at 2:30 o'clock P.M., to attend to the duties assigned them, of which time and place aforesaid, all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rule of Court, to be held by the Viewers before the filing of their Report in Court, in order to give all parties interested an opportunity to be heard will be held in the Grand Jury Room in the Court House in Clearfield, Pennsylvania, on Monday, January 6th, 1958 at 10:30 o'clock A.M., or as soon thereafter as counsel can be heard.

JOHN SCOLLINS  
GUY A. HEIL  
BENJAMIN HUGHES,

Dated: At Houtzdale, Pa.,  
December 12, 1957.

Viewers.

COUNTY OF CLEARFIELD, SS:

Service of the above Notice accepted for the County Commissioners of Clearfield County, Pennsylvania, and I hereby acknowledge receipt of a copy thereof.

Witness my hand and the seal of Clearfield County, this  
16th day of December, 1957.

By

Clerk

*Stanley M. Grogg*



original

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In Re: ASSESSMENT OF DAMAGES : No. 1, November Sessions, 1957  
TO PROPERTY OF GEORGE WILLIAMS:  
OF COOPER TOWNSHIP, CLEARFIELD:  
COUNTY, PENNSYLVANIA. :

*Charles Simcox*

*George H. MARCINKO*

To: John Kovash; John ~~(Rommel)~~ Gurbal and Alex Josephson;

Supervisors of Cooper Township, Clearfield County, Pa.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, on the 12th day of November, 1957, to assess damages to the Property of George Williams situate in Cooper Township, Clearfield County, Pennsylvania, described as follows:

BOUNDED on the North by lands of Victor Rydberg; on the East by lands of Arthur Brown; on the South by lands of James and William Pearce; and on the West by lands of Julia Thompson and Alfred Brown, Containing ten acres, more or less and being the same premises recorded in Deed Book 6, page 99 and Deed Book 11, page 140, and the same premises which D. P. Yocum and wife by deed dated July 9, 1931 and recorded in Deed Book 299, page 107, conveyed to George Williams and Clarence Brown and conveyed to George Williams and his deceased wife, Ruth Williams by deed of Clarence Brown et al., dated June 13, 1936 and recorded in Deed Book 313, page 65, in Cooper Township, and County aforesaid, will meet at the house of George Williams in Kylestown, Cooper Township, on Friday, the 3rd day of January, A.D. 1958 at 2:30 o'clock P.M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rule of Court, to be held by the Viewers before the filing of their Report in Court, in order to give all parties interested an opportunity to be heard will be held in the Grand Jury Room in the Court House in Clearfield, Pennsylvania, on Monday, January 6th, 1958 at 10:30 o'clock A.M., or as soon thereafter as counsel can be heard.

JOHN SCOLLINS

GUY A. HEIL

BENJAMIN HUGHES

Dated: At Houtzdale, Pa., Dec. 12, 1957

Viewers.

Now, December 20, 1957, Service of the above Notice accepted, and I hereby acknowledge receipt of a copy thereof.

*John Kovash* ✓  
*George H. Marcinko* ✓  
Supervisors of Cooper Township.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: ASSESSMENT OF DAMAGES :  
TO PROPERTY OF GEORGE WILLIAMS OF : No./ November Session 1957  
COOPER TOWNSHIP, CLEARFIELD COUNTY, :  
PENNSYLVANIA. :

P E T I T I O N

To the Honorable John J. Pentz, President Judge of the said Court:

The petition of George Williams, resident of Cooper Township, Clearfield County, Pennsylvania, respectfully represents:

1. That your petitioner is the owner of a certain tract of land situate in Cooper Township, Clearfield County, Pennsylvania, with improvements thereon, conveyed to him and his deceased wife, Ruth Williams, by the deed of Clarence Brown et al, said deed being dated June 13, 1936 and recorded in Clearfield, Pennsylvania, in Deed Book 313, page 65, and described as follows:

BOUNDED on the North by lands of Victor Rydberg; on the East by lands of Arthur Brown; on the South by lands of James and William Pearce; and on the West by lands of Julia Thompson and Alfred Brown, Containing ten acres, more or less and being the same premises recorded in Deed Book 6, page 99 and Deed Book 11, page 140, and the same premises which D. P. Yocum and wife by deed dated July 9th, 1931 and recorded in Deed Book 299, page 107 conveyed to George Williams and Clarence Brown.

2. That Ruth Williams died June 7, 1956 and the premises described above did thereby vest in George Williams, the surviving spouse and petitioner herein.

3. That the Highway Department of the Commonwealth of Pennsylvania has recently constructed and improved the Highway, known as State Highway Route No. 53 and which Highway in part extends from the Village of Kylertown to the Village of Black Moshannon through the Township of Cooper to the Centre County line.

4. That the said road or highway extends through your petitioner's property and being a distance of five hundred forty five (545) feet, more or less on the northern side of the highway and approximately one thousand seventy five (1,075) feet on the southern side of said highway at various and diverse depths, taking approximately one and one tenth (1.1) acres of the petitioners land for right of way, and also causing the damage hereinafter complained of.

5. 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 of one and one tenth (1.1) acres as described in paragraph 4, above.

b. By the taking of valuable strawberry beds located on the southern part of the right of way condemned by the State Highway Department.

c. By the destruction and removal of 37 or more fruit and shade trees.

d. By construction of a ravine between the property of your petitioner and the travel portion of the state highway.

e. By the relocation and grading of approaches to the dwelling of the petitioner and which deprives your petitioner of valuable frontage along the said highway.

f. That the taking of the petitioners property has deprived him of valuable income from the strawberry business which he has conducted for a period of fifteen or more years and which beds have been destroyed and taken for right of way by the said State Highway Department.

g. That the said taking by the said State Highway Department and the grading of the said highway has reduced the value of the lands to the south of the said right of way for building lots.

h. That the said taking has reduced the value of the dwelling house and home of the petitioner.

i. That the land lying south of the right of way will be damaged and lessened in value by virtue of the drains concentrating the force of surface water on and over lots lying south of the right of way.

6. 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 heey will ever pray.

  
George Williams

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

Personally appeared before me, a  
in the County and State aforesaid, George Williams, who,  
being duly sworn according to law, deposes and says that the  
facts set forth in the foregoing petition are true and  
correct to the best of my knowledge, information and belief.

George Williams  
George Williams

Sworn to and subscribed  
before me this 2 day  
of November 1957.

Wm J Hagerty

PROTHONOTARY

My Commission Expires  
January 4, 1958

NOW, November 7<sup>th</sup> 1957, the within petition having been read and considered and it appearing that the petitioner is seized of real estate in the Township of Cooper and that the Pennsylvania Department of Highways are improving and constructing a highway through the petitioners' land, it is on motion of John B. Gates, Esq., attorney for the petitioner, ordered and decreed that John Collins Guy A. Heil and Benjamin Hughes are hereby appointed Viewers to go upon the premises mentioned and described in the said petition and after view and hearing to determine and to assess any damages sustained by reason of the construction and improvement of the highway as herein averred and to make a report thereof.

BY THE COURT

John P. King  
P. J.

IN THE COURT OF QUARTER SES-  
SIONS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
No. / November Term, 1957

In re: Assessment of dam-  
ages to property of George  
Williams of Cooper Township,  
Clearfield County, Penna.

P E T I T I O N

JOHN B. GATES  
ATTORNEY-AT-LAW  
CLEARFIELD, PA.