

Road

DOCKET NO. 7

Number Term Year

4 February 1957

Petition for Appt. of Viewers to
Assess damages to Stewart Eng. Corp.
in Girard Township.

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

Re: Assessment of damages to :
property of Stewart Engineer- :
ing Corporation in Girard : No. 4 Feb Sessions,
Township, Clearfield County, : 1957
Pennsylvania : *Road Doc. 7-Page 225*

PETITION FOR APPOINTMENT OF
VIEWERS TO ASSESS DAMAGES

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The Petition of Stewart Engineering Corporation, a Pennsylvania corporation, with offices in Clearfield County, Commonwealth of Pennsylvania, respectfully represents:

(1). Your Petitioner is the owner of a certain tract of land situate in Girard Township, Clearfield County, Pennsylvania, conveyed to it by deed of Levina Billotte Martel et al, dated June 15, 1955, and recorded in Clearfield County in Deed

Book , page , and described as follows:

BEGINNING at a stone corner being the northwest corner of 50 acre lot of E.D. Billotte, which was bought from Jeanpier Coudriet Est. on line of A.T. Renaud; thence along line of said Renaud, north 7.8 perches to stake and stones, being the northeast corner of A.P. Renaud Farm; thence west along line of said Renaud 24 perches to stake and stones corner established October 6, A.D. 1917; thence north on line run October 6, A.D. 1917 61 perches to center of Deercreek, (ash and maple witness); thence down said Creek its several courses to line of E.D. Billotte (mill property); thence south along said Billotte lot three (3) perches to post corner; thence down public road 28.3 perches to corner of store lot; thence south along public road leading to Coudley, Pa., to line of south wall of new store; thence east along said wall to center of Deer Creek; thence down said Creek, its several courses to line of the 50 acre lot of E.D. Billotte, above mentioned at beginning; thence west along said 50 acre lot about 50 perches to stone and place of beginning, containing about 8 to 10 acres, more or less.

EXCEPTING AND RESERVING from the parcel hereinabove described, the second parcel as described in the deed from E.D. Billotte and Eliza Billotte, his wife, to Ashley Kyler, dated September 1, 1922, and recorded in Deed Book 259, page 500, and which exception and reservation from parcel hereinabove described is bounded and described as follows:

BEGINNING at Deer Creek at the southeast corner of the above mentioned piece; thence west along line of same to center of road leading to Frenchville Station; thence down the same to six feet beyond tool house; thence parallel with south end of same to center of Deer Creek; thence up Deer Creek to place of beginning.

Being a part of the same premises which Arthur Merat and Hazel Merat, his wife, conveyed to Edmund D. Billotte by deed dated the 31st day of October, 1917, and recorded in Deed Book 223, page 264.

(2). That the Highway Department of the Commonwealth of Pennsylvania has recently constructed and improved a concrete highway known as Traffic Route 879, Legislative Route 17052, Section 3, which begins in the Borough of Clearfield, Clearfield County, Pennsylvania, and extends to the Caledonia Pike, and through Girard Township, Clearfield County within the territorial limits of which the Petitioner's property is located.

(3). That the said road or highway extends through your Petitioner's property for a distance of 275 feet, and there has been taken and appropriated approximately 64,500 square feet of the Petitioner's property for the right-of-way, in addition to which damage to the Petitioner's property has also resulted in the particulars hereinafter set forth.

(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 taking a strip of land approximately 275 feet in length and 100 feet in width, and other portions for cuts and fills.

(b). By necessitating the removal of approximately 125 to 130 trees of various species.

(c). By making the remainder of the Petitioner's property north of the new highway inaccessible.

(d). By diverting a stream away from the premises.

(e). In other ways locating the said highway and constructing the same at such points and in such manner as to cause other and further damages to the Petitioner's property.

(5). No compensation has been paid or given to your Petitioner by reason of said damage, nor has your Petitioner se-

cured or obtained any compensation for the same.

WHEREFORE, your Petitioner prays that Viewers be appointed to ascertain and determine the extent of the damages sustained by it according to law.

And it will ever pray.

STEWART ENGINEERING CORPORATION

BY: E. M. Stewart Jr.
President

STATE OF PENNSYLVANIA:
:SS
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public in and for said County and State, Edmund Stewart, who being duly sworn according to law, deposes and says that he is the President of the Petitioner, Stewart Engineering Corporation, and as such is authorized to make this affidavit, and that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

Edmund Stewart
(Edmund Stewart)

Subscribed and sworn to before
me this 29 day of April, 1957.

Mrs. Edmund B. Singher

NOTARY PUBLIC
My Commission Expires
January 7, 1959

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Property of Stewart Engineer- :
ing Corporation in Girard : No. :
Township, Clearfield County, : Sessions, 1957
Pennsylvania : :

O R D E R

AND NOW, April 30th, 1957, the within Petition having
been presented, after due consideration, and it appearing that
the Petitioner is seized of real estate in the Township of Girard,
and that the Department of Highways of the Commonwealth of Penn-
sylvania is improving and constructing a highway through the
Petitioner's land, on motion of Whitsett & Lee, Esqs., attorneys
for the Petitioner, IT IS ORDERED AND DECREED that AB Shaw

Jay A. Kil, _____, and

J Ben 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 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 Reed
P.J.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY,
PENNSYLVANIA

No. 4 *Stewart* Sessions, 1957

End Ex. 7 Page 225
RE: ASSESSMENT OF DAMAGES TO
PROPERTY OF STEWART ENGINEER-
ING CORPORATION IN GIRARD
TOWNSHIP, CLEARFIELD COUNTY,
PENNSYLVANIA

PETITION FOR APPOINTMENT OF
VIEWERS TO ASSESS DAMAGES

WHITSETT & LEE
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

400