

DOCKET NO. 175

NUMBER	TERM	YEAR
419	November	1961

DAMUS BROTHERS COMPANY, INC.

**VERSUS**

CITY OF DUBOIS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAMUS BROTHERS COMPANY, INC. :

vs : No. 419 November Term, 1961

CITY OF DUBOIS :

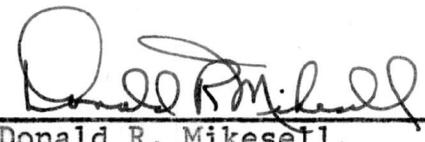
STATEMENT OF VIEWERS' COSTS

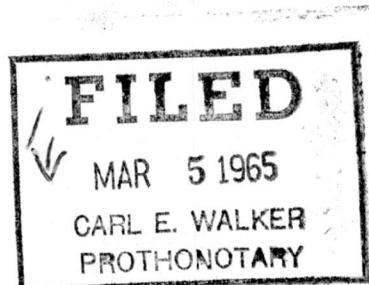
Counsel for the parties involved in this Proceedings have advised the Board of Viewers that this matter has been settled and will be discontinued upon payment of Court costs.

The Viewers have incurred the following expenses and costs in scheduling this matter for hearing and arranging the various continuances requested by counsel.

Donald R. Mikesell	Examining Condemnation Proceedings filed in this case, preparing Viewers' Notices and arranging hearing dates and continuances.	\$20.00
John D. Haines, Jr.	Arranging and scheduling hearing dates.	10.00
James Sybert	Arranging and scheduling hearing dates.	10.00
Alice Weis, Hearing Stenographer	Arranging and scheduling hearing dates.	10.00

BOARD OF VIEWERS

By   
Donald R. Mikesell,  
Attorney



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAMUS BROTHERS COMPANY, INC. :

vs

CITY OF DUBOIS

: No. 419 November Term, 1961

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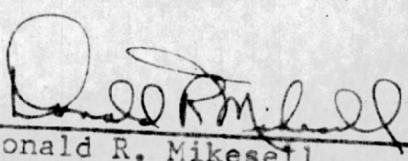
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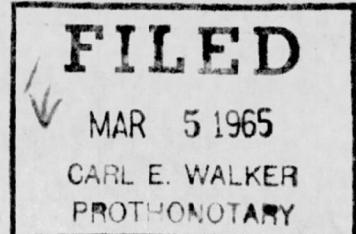
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BOARD OF VIEWERS

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Donald R. Mikesell,  
Attorney



1961 11/19

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAMUS BROTHERS COMPANY, INC. :

vs

: No. 419, Nov. Term, 1961

CITY OF DUBOIS

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PETITION FOR APPOINTMENT OF VIEWERS

TO: THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE:

The petition of Damus Brothers Company, Inc., a business corporation organized under the laws of the Commonwealth of Pennsylvania with its principal place of business in DuBois, Clearfield County, Pennsylvania, respectfully represents:

1. That Damus Brothers Company, Inc., is the owner of premises situate at 229 N. Brady Street, DuBois, Pennsylvania, and were the owners on December 29, 1961 of the aforesaid premises, more particularly described as follows:

BEGINNING at a point on the West curb line of North Brady Street, prolonged from the East side of the Iron Bridge over Sandy Lick Creek, at the Northeast corner of the Pennsylvania Railroad Freight Depot Grounds; thence by the same North  $51^{\circ} 41'$  West, 150 feet to a stake; thence by the same North  $53^{\circ} 16'$  West, 100 feet to lands of J. E. DuBois; thence by lands of J. E. DuBois North  $36^{\circ} 44'$  East 51.5 feet to a post; thence still by lands of J. E. DuBois South  $64^{\circ} 26'$  East 88.2 feet to a post at corner of land of Susie Mike; thence by land of Susie Mike South  $25^{\circ} 34'$  West, 29.9 feet to a post; thence South  $51^{\circ} 41'$  East 150 feet to a post on said West curb line of North Brady Street as above described (58.9 feet from the draft corner of stone abutment of bridge over Sandy Lick Creek); thence along the same, South  $27^{\circ} 9'$  West 40 feet to place of beginning.

That your petitioner acquired title to said property on July 13, 1940 by deed from Edward F. Andrews, et al., said deed being recorded in the Recorder of Deeds office for Clearfield County in Deed Book 333, Page 52.

2. That the defendant, City of DuBois, is a municipal corporation, being a Third Class city under the laws of the Commonwealth of Pennsylvania, located in Clearfield County, Pennsylvania.

3. That by virtue of the Act of June 23, 1931, P.L. 932, Art. XXVIII, Sec. 2801; June 28, 1951, P.L. 662, Sec. 28, 53 P.S. 37801, the City of DuBois is vested with the power to acquire by eminent domain any real property, including improvements and fixtures for the purpose of laying out and widening streets.

4. By ordinance finally enacted on December 29, 1961, the defendant did take, appropriate and condemn a portion of the above described premises of the petitioner, for the purpose of widening North Brady Street in the City of DuBois.

5. That constructed upon said premises of petitioner, is a large brick, three-story, commercial building, used by your petitioner as a soft drink bottling plant and beverage distribution plant, part of which exists upon the premises taken, appropriated and condemned by the defendant.

6. That the defendant has refused to discuss compensation to be made for the property taken, condemned and appropriated, although requested to do so by your petitioner, and that therefore your petitioner and the defendant have been unable to agree on said compensation.

7. That there are no liens or encumbrances against said premises.

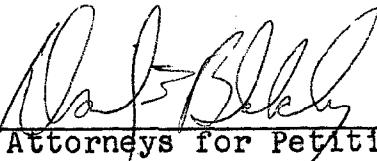
WHEREFORE, your petitioner prays your Honorable Court to appoint three viewers from the County Board of Viewers, to assess the damages to which your petitioner is entitled, by reason

of the appropriation and report the same to your Honorable Court  
sec. leg.

And your petitioner will ever pray.

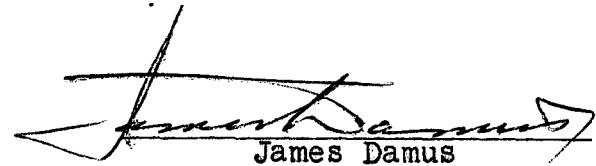
AMMERMAN & BLAKLEY

BY

  
Attorneys for Petitioner

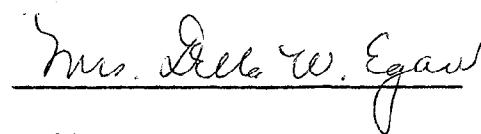
STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS

Personally appeared before me, JAMES DAMUS, who being duly sworn according to law, deposes and says that he is president of Damus Brothers Company, Inc., and as such and in such capacity, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.



James Damus

Sworn to and subscribed  
before me this 5th day of  
January, 1962.



Mrs. Della W. Egan

MRS. DELLA W. EGAN, Notary Public  
DU BOIS, CLEARFIELD CO., PA.  
By Commission expires Sept. 30, 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DAMUS BROTHERS COMPANY, INC. :

vs : No. 419, Nov. Term, 1962

CITY OF DUBOIS :

O R D E R

NOW, to wit, this 8 day of January, 1962, upon consideration of the foregoing petition and upon motion of Ammerman and Blakley, attorneys for petitioner, the Court appoints:

Don R. Kinsell  
John D. Staines  
James Sybert,

as a Board of View, and further orders that the Board of View perform its duties in accordance with the law and Acts of Assembly in such case made and provided.

By the Court,

John P. Reed  
P. J.

John Cherry '75

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
NO. 419, *Nov* TERM, 1961

DAMUS BROTHERS COMPANY, INC.

vs

CITY OF DUBOIS

PETITION  
FOR APPOINT OF VIEWERS

(C) 258-11062 - *def to offer*  
JAN 8 1962  
COURT CLERK  
FFC:HC  
13

LAW OFFICES  
AMMERMAN & BLAKLEY  
DUBOIS, PENNA.

*John Cherry*  
*John Cherry*  
*John Cherry*  
*John Cherry*