

PENNSYLVANIA PUBLIC UTILITY COMMISSION

C. 17728 - Pennsylvania Public Utility Commission

v.

The Pennsylvania Railroad Company, Department
of Highways of the Commonwealth of Pennsylvania,
Perry County, Borough of Millerstown,
Tuscarora Township, Greenwood Joint Board of
School Directors, The United Telephone Company
of Pennsylvania and Pennsylvania Power & Light
Company

D. C. 1 - Harry C. Long and June C. Long

v.

Department of Highways of the
Commonwealth of Pennsylvania

ORDER OF REFERRAL

NOW, to wit, March 18, 1968, the Pennsylvania
Public Utility Commission, under the provisions of
Section 411 of the Public Utility Law, submits to the
Court of Common Pleas of Perry County, wherein the
property is located, the claim of Harry C. Long and
June C. Long, his wife, docketed at Complaint 17728,
Damage Claim 1, for the determination of the amount of
damages due said claimants by reason of the improvement
ordered by the Commission on February 20, 1967, a copy
of which is attached hereto, at Complaint Docket
No. 17728.

DOCKETED
COMPLAINT DOCKET
MAR 20 1968
ENTRY No. <i>[initials]</i>

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[Signature]
J. W. REINHARD
SECRETARY

[Faint stamp]

RECEIVED

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S OFFICE
PUBLIC UTILITY
COMMISSION

Complaint Docket No. 17728, *S.C. 1*

In re: The Pennsylvania Railroad Company, Department of Highways of the Commonwealth of Pennsylvania Perry County, Borough of Millerstown, Tuscarora Township, Greenwood Joint Board of School Directors, the United Telephone Company of Pennsylvania and Pennsylvania Power & Light Company

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

The Department of Highways of the Commonwealth of Pennsylvania, by and through its attorneys, respectfully represents:

1. That the name and address of the Petitioner is Commonwealth of Pennsylvania, Department of Highways.
2. That the name and address of counsel for Petitioner is John R. Rezzolla, Chief Counsel, Department of Highways, Harrisburg, Pennsylvania.
3. That your Honorable Commission in Complaint Docket No. 17728, dated March 22, 1965, filed in Book 225, Page 521, issued an Order directing the Department of Highways to prepare and submit to the Commission final construction plans, estimate of costs (including the actual cost of the engineering investigation and the actual cost of preparing construction plans), and detailed descriptions, by metes and bounds, of all property required for the construction of the improvement of the rail-highway crossing in Tuscarora Township, Perry County, where Pennsylvania Traffic Route 17 (Legislative Route 191) is carried over and above the grade of the main line tracks of the Pennsylvania Railroad Company.

4. That your Honorable Commission ordered that testimony be received at a further hearing with reference to the adoption of a satisfactory plan and estimate of cost, the appropriation of property necessary for the construction of the project and estimate of property damages resulting therefrom.

DOCKETED
 MAR 20 1968
RECORD FOLDER

order 2/26/67

Par. 8 -
5. That certain properties affected by said improvement of the rail-highway crossing are the properties of Harry C. Long and June C. Long, his wife; being designated and described as follows:

(a) ALL THAT CERTAIN PIECE, parcel and lot of ground situate in Tuscarora Township, Perry County, Pennsylvania, bounded and described as follows, to wit:

Beginning at a point in the center of the State Road leading from Millerstown to Ickesburg; thence southward by an alley and lands of the grantees, 139 feet to a post; thence eastward by an alley and land of the grantees, 159 feet to a post; thence northward by lands of Paul Delbaugh, et ux., 160 feet to a point in the center of the said State Road; thence westward by the said State Road 148 feet to the place of beginning, containing about 2222 square feet, and having thereon erected a two-story dwelling house.

Recorded in Deed Book 184, Page 363, dated May 19, 1955 and filed on May 20, 1965.

(b) ALL THOSE TWO TRACTS OF LAND situate in Tuscarora Township, Perry County, Pennsylvania, bounded and described as follows:

Tract No. 1: Beginning at an iron pin; thence along a private alley South 88 degrees 22 minutes West, 78.7 feet to an iron pin; thence along said alley North 68 degrees 14 minutes West, 26.9 feet to an iron pin; thence still along said alley South 83 degrees 15 minutes West, 274 feet to an iron pin; thence by other land of Paul Delbaugh, South 0 degrees 42 minutes West; 448 feet to a wild cherry tree; thence by land of same South 87 degrees 56 minutes West 377 feet to an iron pin; thence by land of same North 0 degrees 33 minutes East 460 feet to an iron pin, the place of beginning, containing 3.97 acres, more or less.

Tract No. 2: Beginning at a stake of corner of land of Paul Delbaugh and other land of Roy D. Long and Mayme E. Long; thence in a southerly direction along lands of the said Delbaugh a distance of 87 feet to an alley at corner of land of Paul Delbaugh; thence in a westerly direction along said alley and land of Paul Delbaugh and Tract No. 1, herein described now conveyed to Harry C. Long and June C. Long, a distance of 161 feet to an alley and land of Harry C. Long and June C. Long; thence in a northerly direction along said land a distance of 43 feet to land of Roy D. Long and Mayme E. Long; thence along said land in an easterly direction a distance of 72 feet to land of same; thence along same in a northerly direction a distance of 22 feet to land of same;

thence along same in an easterly direction a distance of 95 feet to the place of beginning, having thereon erected a two-story frame hatchery building and garage.

Recorded in Deed Book 142, Page 104, dated August 16, 1950 and filed on August 21, 1950.

(c) ALL THAT TRACT OF LAND situate in Tuscarora Township, Perry County, Pennsylvania, bounded and described as follows:

BEGINNING in the middle : of the State Highway leading from Millerstown, Pennsylvania to Ickesburg, Pennsylvania; thence in a southerly direction along an alley a distance of $137\frac{1}{2}$ feet, more or less, to lands of Roy D. Long; thence in a westerly direction along lands of the said Roy D. Long, a distance of 60 feet, more or less, to a stone at lands of Charles E. Novinger; thence by said lands of Charles E. Novinger, in a northerly direction, a distance of $137\frac{1}{2}$ feet, more or less, to a point in the center of said State Highway; thence in an easterly direction along the center of said State Highway to the place of beginning.

Recorded in Deed Book 140, Page 431, dated September 1949 and filed on October 15, 1949.

(d) ALL THAT TRACT OF LAND situate in Tuscarora Township, Perry County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING in the middle of the State Highway leading from Millerstown to Ickesburg; thence in a southerly direction along other lands of the grantees $137\frac{1}{2}$ feet; thence in a westerly direction along other lands of the grantees and an alley 210 feet to land of Jessie Black; thence in a northerly direction along land of the aforesaid Jessie Black $137\frac{1}{2}$ feet to the middle of aforesaid State Highway; thence in an easterly direction along middle of aforesaid highway a distance of 210 feet to place of beginning.

Recorded in Deed Book 158, Page 543, dated May 6, 1959 and filed on May 6, 1959.

6. That since the date of the Order by your Commission, the Department of Highways and Harry C. Long and June C. Long have been unable to reach an agreement as to the amount of just compensation to be paid as

damages for the taking by the Department of Highways of a portion of the property of Harry C. and June C. Long.

WHEREFORE, your Petitioner respectfully requests Your Honorable Commission to submit and transfer this issue to the Court of Common Pleas of Perry County for the determination of the amount of damages due Harry C. and June C. Long.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

BY Charles A. Ziegler
Assistant Attorney General

