

DOCKET No. ROAD DK 7

No. 88-7-RD

VACATING OF 0.7 MILE SECTION

OF GRAHAM TWP RD T-716

Versus

5-87

88-7-Road

ORDINANCE NO. 5-87

AN ORDINANCE PROVIDING FOR THE VACATING OF A 0.7 MILE SECTION OF GRAHAM TOWNSHIP ROAD T-716 RUNNING IN A NORTH-WESTERLY DIRECTION FROM THE BOUNDARY OF GRAHAM TOWNSHIP WITH COOPER TOWNSHIP THROUGH PROPERTY OF THE ROBERT BAILEY ESTATE AS RECORDED AT CLEARFIELD, PENNSYLVANIA, IN DEED BOOK 516 AT PAGE 559.

WHEREAS, on the Map of Graham Township, the property of the Robert Bailey Estate extends from the boundary of Graham Township with Cooper Township in a westerly direction as described in a deed recorded at Clearfield, Pennsylvania, in Deed Book 516 at page 559; and

WHEREAS, on the Map of Graham Township, Township Road T-716 extends a distance of 0.7 mile from the boundary of Graham Township with Cooper Township through the property of the Robert Bailey Estate; and

WHEREAS, the section of T-716 to be vacated is an untraveled extension of the road from Cooper Township; has not been maintained for in excess of twenty (20) years; serves no dwellings or any residents known to the Township Supervisors; and the Township receives no state or federal funds to maintain said section of Township Road T-716;

WHEREAS, the Graham Board of Township Supervisors have determined that for the above reasons, it is necessary to enact an ordinance to vacate the 0.7 mile of T-716 as set forth above; and

FILED

NOV 18 1980

RAY WITHEROW
Prothonotary

WHEREAS, in accordance with Section 1102, Article XI, of the Second Class Township Code, notice of hearing for the purpose of considering the vacating of the 0.7 mile of Township T-716 was advertised in The Progress on December 1, 1987, setting forth that a hearing would be held by the Graham Township Board of Supervisors on Saturday, December 12, 1987, at 10:00 A.M., at the Palestine United Methodist Church Social Hall, Morrisdale, Pennsylvania; and

WHEREAS, the Graham Township Board of Supervisors did hold said hearing at the time and date aforesaid; and

WHEREAS, as a result of said hearing, the Graham Township Board of Supervisors is of the opinion that the said 0.7 mile section of Township Road T-716 is not needed as a public way.

NOW, THEREFORE, the Graham Township Board of Supervisors hereby ordains as follows:

That the 0.7 mile section of Graham Township Road T-716 extending from the boundary of Graham Township with Cooper Township in a northwesterly direction through property of the Robert Bailey Estate as described in a deed recorded at Clearfield, Pennsylvania, in Deed Book 516 at page 559 is hereby vacated.

ORDAINED and ENACTED as an Ordinance of the Township of Graham this 12 day of December, 1987.

GRAHAM TOWNSHIP BOARD OF SUPERVISORS

BY: Lester Weller

BY: Jeanne Johnson

BY: Lester E. Smal

ATTEST:

Glennce Latah

88-7-Road

X/20 cc

FILED

as

Franklin Twp

EDW 18 1990

10:37 P.M.

RAY WITHEROW

Prothonotary

1 Court Franklin Twp

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA
CIVIL ACTION - LAW

In Re: Petition for a Private : CIVIL DIVISION
Road in Sandy Township,:
Clearfield County, : NO. 88-7 - ROAD
Pennsylvania (Amended):
by Joseph J. Good : Type of Pleading:
: PETITION TO OPEN
: PRIVATE ROAD AMENDED
: UNDER 36 P.S. SECTION
: 2731
: Filed on behalf of:
: JOSEPH J. GOOD

Counsel of Record for
this Party:

Matthew B. Taladay
Supreme Court No. 49663
Robert M. Hanak, P.C.
311 Main Street
Reynoldsville, PA 15851

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: Petition for a Private : No. 88-8-ROAD
Road in Sandy Township :
Clearfield County, : PETITION TO OPEN
Pennsylvania by : PRIVATE ROAD
Joseph J. Good : AMENDED
: UNDER 36 P.S.
: SECTION 2731

PETITION TO OPEN PRIVATE ROAD AMENDED
UNDER 36 P.S. SECTION 2731

AND NOW, comes the Petitioner, Joseph J. Good, by his Attorney Matthew B. Taladay, and files the following Petition pursuant to 36 P.S. Section 2731, averring as follows:

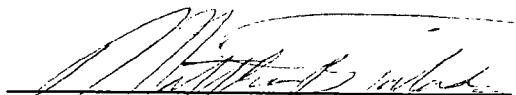
1. Petitioner is Joseph J. Good, an adult individual, who resides at 107 Hill Street, DuBois, Clearfield County, Pennsylvania.
2. The Petitioner owns real estate located in Sandy Township, Clearfield County, which was acquired by him by deed from John Joseph Spinda III and Jill A. Spinda, dated April 8, 1987 and recorded in Clearfield County Deed Book Vol. 1152, page 16.
3. The most proximate public highway to Petitioner's property is Township Road 401 known as the Paul Short Road.
4. Petitioner's property is currently landlocked, having no means of ingress and egress.
5. The only practicable means of ingress and egress to Plaintiff's property from T-401 is an unimproved dirt road which lies upon and across the properties of Weldon G. Frost and Colleen C. Overturf, which parties have claimed exclusive ownership over this road and have denied Petitioner its use.

6. Petitioner requests that a private road be opened from his property to Township Road 401 under 36 P.S. Section 2731. A survey report prepared by Alexander Surveying describing the proposed right-of-way is attached hereto and marked Exhibit "A".

7. Enlargements of the proposed right-of-way taken from the survey map are attached hereto and marked Exhibits "B" and "C".

8. This Honorable Court has previously appointed a Board of View on this matter and it is hereby requested that this amended Petition be forwarded to the Board, and that a view be had by them of the property and a report thereof be made.

WHEREFORE, it is respectfully requested that this Petition to Open a Private Road be granted.



Matthew B. Taladay
Attorney for Petitioner

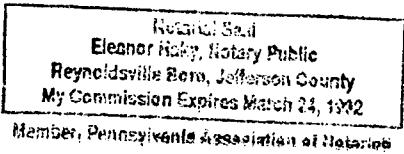
COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF Jefferson :
SS :

I, JOSEPH J. GOOD, being duly sworn according to law, deposes and says that the facts set forth in the foregoing PETITION TO OPEN PRIVATE ROAD (AMENDED) are true and correct to the best of his knowledge, information and belief.

Joseph J. Good
Joseph J. Good

Sworn to and subscribed
before me this 17th day of
November, 1989.

Eleanor Holley

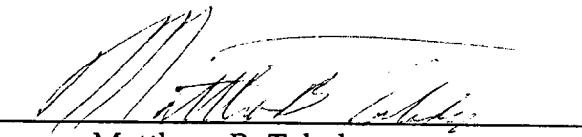


CERTIFICATE OF SERVICE

I, Matthew B. Taladay, Attorney for Joseph J. Good, hereby certify that I have served, by first class mail, postage prepaid, one (1) copy of the Petition to Open Private Road (Amended) has been served by First Class Mail on the following parties:

John J. Cherry
Attorney at Law
23 Beaver Drive
DuBois, PA 15801

Weldon G. Frost
Mobil North Sea Ltd.
Mobil Ct.
3 Clements Inn
London, England WCZ2EB



Matthew B. Taladay
Attorney for Joseph J. Good

Date: November 10, 1989

ALEXANDER SURVEYING
112 CHURCH STREET
P.O. BOX 378
FALLS CREEK, PA 15840
(814) 371-5578

Date: August 9, 1989

Prepared
for:
JOSEPH J. GOOD

Surveyor: Lionel Alexander, P.L.S.

Client Address: 107 Hill Street
DuBois, PA 15801

Location of the Survey: The property is located along the easterly side of T-401 (aka Paul Short Road), 1000 +/- feet from the intersection of L.R. 17031 and T-401, Sandy Township, Clearfield County, State of Pennsylvania.

Actions Taken:

1. Record search in the Clearfield County Courthouse on August 1, 1989.
2. Field reconnaissance and search on August 2, 1989.
3. Field survey on August 2, 1989.
4. Computations completed on August 7, 1989.
5. Plat of survey prepared on August 7, 1989.
6. Review of the results on August 9, 1989.
7. Monuments can be set at a later date.

Suggested Deed Description:

Parcels A and B are an intended to grant a twenty foot right-of-way from T-401 to lands now or formerly of Joseph J. Good..

PARCEL A:

GRANTORS: RONALD L. AND COLLEEN OVERTURF

GRANTEE: JOSEPH J. GOOD

ALL that certain piece, parcel, or tract of land lying and being situate in Sandy Township, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at an existing stone monument, said monument being the southern corner of lands now or formerly of Ronald L. and Colleen C. Overturf, a corner of lands now or formerly of Weldon G. Frost, and also being the southeast corner of the herein described parcel;

THENCE, N 75 degrees 23 minutes W through lands now or formerly of Ronald L. and Colleen C. Overturf a distance of 12.16 feet to a point, said point being the southwest corner of the herein described parcel;

THENCE, N 20 degrees 00 minutes W through lands now or formerly of Ronald L. and Colleen C. Overturf a distance of 91.49 feet to a point;

THENCE, N 36 degrees 10 minutes W through lands now or formerly of Ronald L. and Colleen C. Overturf and through the southern right-of-way for Township Road T-401 a distance of 357.39 feet to a point in Township Road T-401, said point being the northwest corner of the herein described parcel;

THENCE, N 58 degrees 31 minutes E through Township Road T-401 a distance of 10.03 feet to a point, said point being the northeast corner of lands now or formerly of Ronald L. and Colleen C. Overturf and the northeast corner of the herein described parcel;

THENCE, S 36 degrees 10 minutes E through the southern right-of-way for Township Road T-401 and along lands now or formerly of Ronald L. and Colleen C. Overturf and lands now or formerly of Weldon G. Frost a distance of 358.00 feet to a point;

THENCE, S 20 degrees 00 minutes E along lands now or formerly of Ronald L. and Colleen C. Overturf a distance of 99.82 feet to an existing stone monument, said monument being the southeast corner of the herein described parcel, the point of beginning.

CONTAINING 4,537 square feet or 0.10 acres and being subject to any easements that may be of record.

PARCEL B:

GRANTOR: WELDON G. FROST

GRANTEE: JOSEPH J. GOOD

ALL that certain piece, parcel, or tract of land lying and being situate in Sandy Township, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

BEGINNING at an existing stone monument, said monument being the southern corner of lands now or formerly of Ronald L. and Colleen C. Overturf and a corner of lands now or formerly of Weldon G. Frost;

THENCE, N 20 degrees 00 minutes W along lands now or formerly of Ronald L. and Colleen C. Overturf and lands now or formerly of Weldon G. Frost a distance of 99.82 feet to a point;

THENCE, N 36 degrees 10 minutes W along lands now or formerly of Ronald L. and Colleen C. Overturf and lands now or formerly of Weldon G. Frost and through the southern right-of-way for Township Road T-401 a distance of 358.00 feet to a point in Township Road T-401, said point being the northeast corner of "Parcel A" of this survey and the northwest corner of the herein described parcel;

THENCE, N 58 degrees 31 minutes E through Township Road T-401 a distance of 10.05 feet to a point in Township Road T-401, said point being the northeast corner of the herein described parcel;

THENCE, S 36 degrees 10 minutes E through lands now or formerly of Weldon G. Frost a distance of 358.59 feet to a point;

THENCE, S 20 degrees 00 minutes E through lands now or formerly of Weldon G. Frost a distance of 101.99 feet to a point;

THENCE, S 11 degrees 25 minutes E through lands now or formerly of Weldon G. Frost a distance of 102.63 feet to a point along the eastern line of lands now or formerly of Joseph J. Good, said point being the southeast corner of the herein described parcel;

THENCE, S 69 degrees 01 minutes W along lands now or formerly of Joseph J. Good a distance of 20.28 feet to a point along the eastern line of lands now or formerly of Joseph J. Good, said point being the southwest corner of the herein described parcel;

THENCE, N 11 degrees 25 minutes W through lands now or formerly of Weldon G. Frost a distance of 104.50 feet to a point;

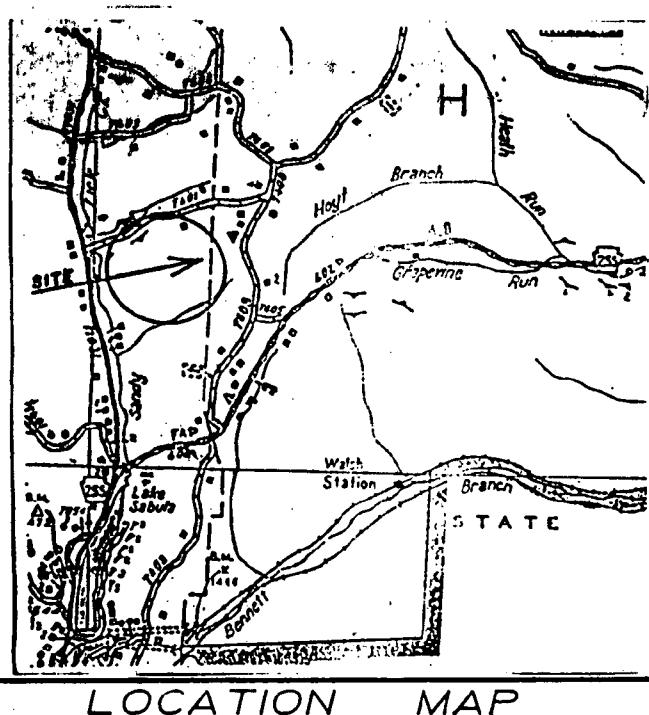
THENCE, N 20 degrees 00 minutes W through lands now or formerly of Weldon G. Frost a distance of 6.16 feet to a point along the southwestern line of lands now or formerly of Ronald L. and Colleen C. Overturf, said point being the southwest corner of "Parcel A" of this survey;

THENCE, S 75 degrees 23 minutes E along lands now or formerly of Ronald L. and Colleen C. Overturf (Parcel A) a distance of 12.16 feet to an existing stone monument, the point of beginning.

CONTAINING 6,689 square feet or 0.15 acres and being subject to any easements that may be of record.

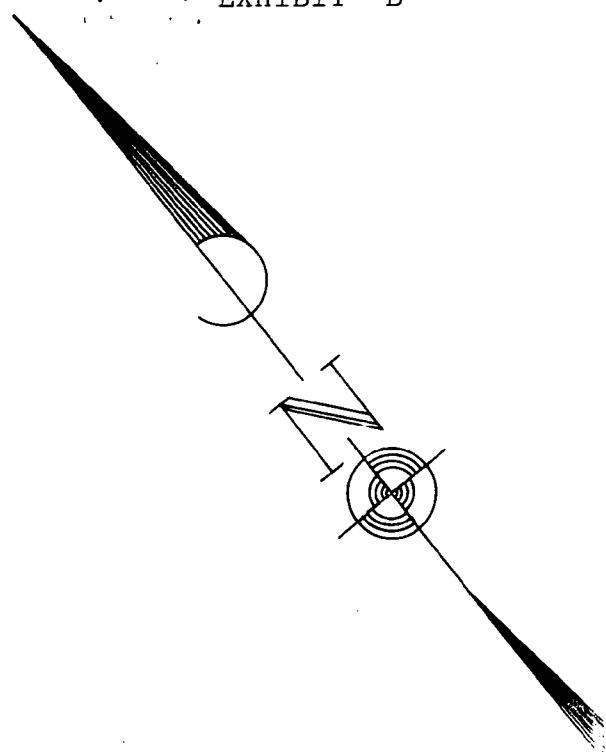


Lionel Alexander
Professional Land Surveyor
SU-22887-E



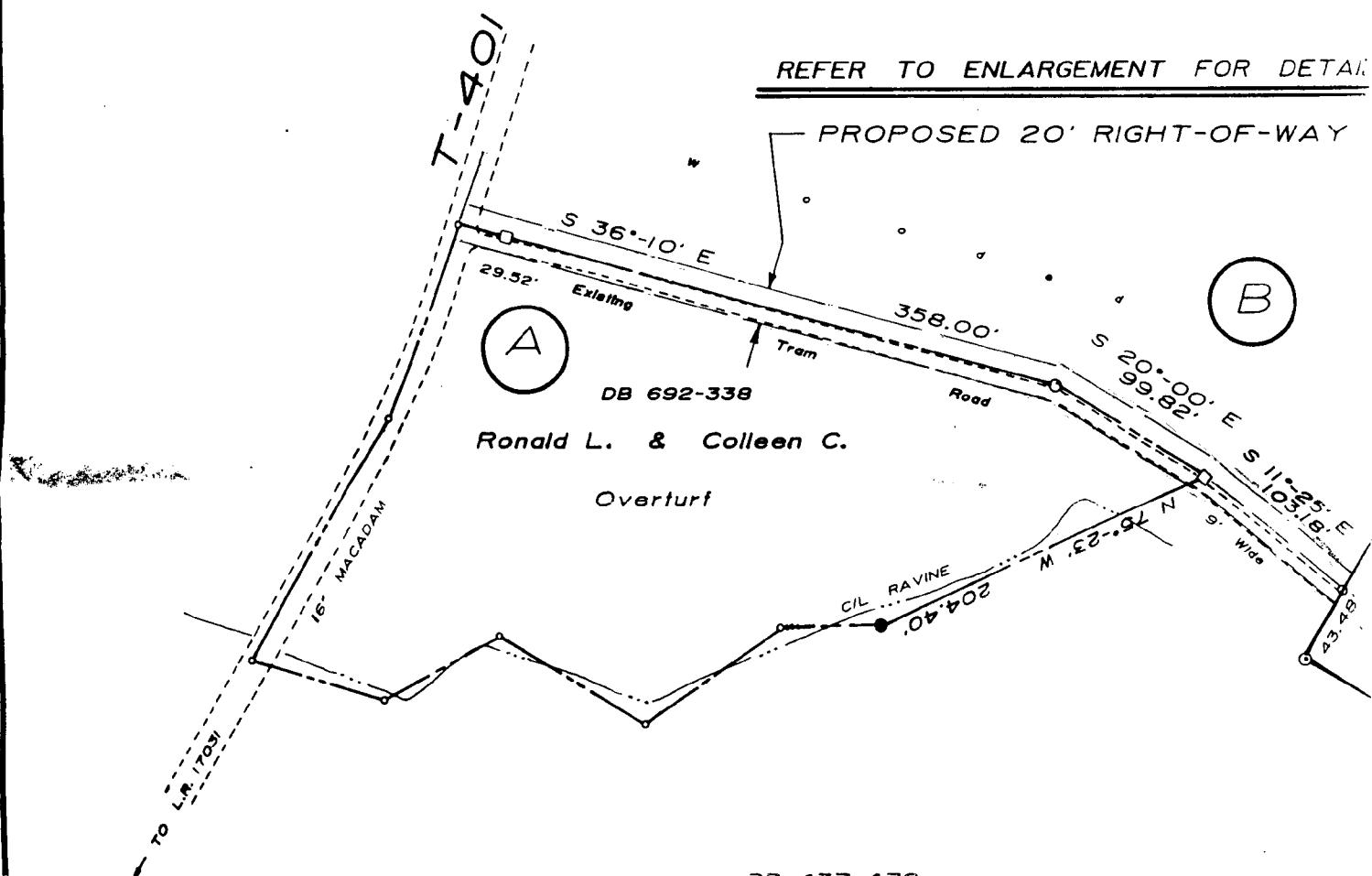
LOCATION MAP

EXHIBIT "B"



Weldon G. Frost

DB 437-479



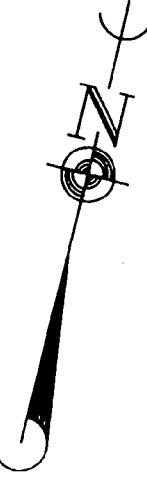
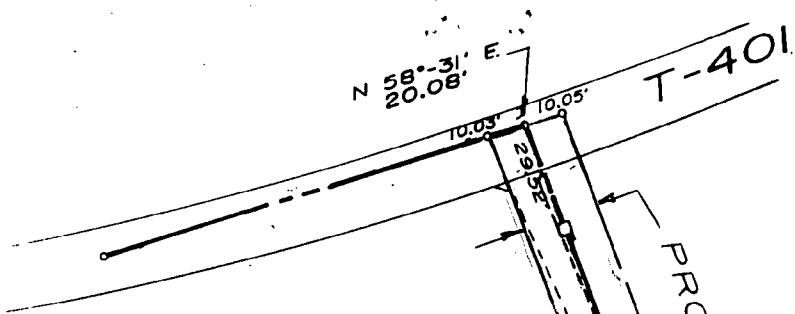
Weldon G. Frost

PROPOSED RIGHT-OF-WAY

S i t u a t i o n i n

SANDY TOWNSHIP CLEARFIELD CO.

Pennsylvania



PROPOSED
S 36° - 10' E
S 36° - 10' E
S 36° - 10' E

Ronald L. & Colleen C.

Overturf

ENLARGEMENT

Scale: 1" = 50'

O' RIGHT-OF-WAY

AREA

"A"

Ring: 4,537 sq.ft.

0.10 Ac.

"B"

Ring: 6,689 sq.ft.

0.15 Ac.

