

DOCKET No. Road 8

No. 93-7-ROAD

CHESTER A. OGDEN

Versus

PIKE TWP SUPERVISORS

VACATING ROAD PIKE TWP T-978

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHESTER A. OGDEN, *
Petitioner *
vs. * No. 93-7-Road
PIKE TOWNSHIP SUPERVISORS, *
Defendant *

CERTIFICATE OF SERVICE

I, Chester A. Ogden, hereby certify that a true and correct copy of Petition To Vacate Pike Township Road T-978 was served upon Defendant and his Counsel on December 18, 1993 and by mailing same U.S. Mail, first class, postage prepaid as follows:

Pike Township Supervisors
P.O. Box 219
Curwensville, Pa. 16833

Daivd S. Ammerman, Esquire
Ammerman & Ammerman
310 East Cherry Street
Clearfield, Pa. 16830


Chester A. Ogden, Petitioner

FILED

DEC 20 1993

ALLEN D. BIETZ
Prothonotary

FILED

DEC 20 1993

Qf

M/J: 30pm
ALLEN D. BIETZ
Prothonotary
No cert copies

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHESTER A. OGDEN, Plaintiff * No. 93-7-Road
vs. * Type of Case: Civil
* PIKE TOWNSHIP SUPERVISORS, * Type of Pleading: Petition
Defendant *
*
*
*
* Filed by Plaintiff
* Chester A. Ogden
* RD.4, Box 63-A
* Clearfield, Pa. 16830
* (814) 765-4682
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FILED

DEC 10 1993

ALLEN D. BIETZ
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHESTER A. OGDEN, *
Plaintiff *
*
*
* vs. * No.
*
*
PIKE TOWNSHIP SUPERVISORS, *
Defendant *

PETITION TO VACATE PIKE TOWNSHIP ROAD T-978

N O T I C E

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Allen D. Bietz, Prothonotary/Clerk of Courts

Clearfield County Courthouse

1 North Second Street

Clearfield, Pa. 16830

(814) 765-2641

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

CHESTER A. OGDEN,

*

vs.

* No.

PIKE TOWNSHIP SUPERVISORS,
Defendant

*

*

*

PETITION TO VACATE PIKE TOWNSHIP ROAD T-978

AND NOW, comes Chester Ogden, Petitioner, and files the following Petition in a Civil Action against the above named Defendant upon causes of action, whereof the following are statements:

1. The Petitioner, Chester Ogden, is an adult individual residing in Pike Township at RD.4, Box 63-A, Clearfield, Pennsylvania 16830.

2. The Defendant, Pike Township Supervisors, are the duly elected representatives of the residents of Pike Township and with business address at P.O. Box 219, Curwensville, Pennsylvania 16833.

3. Pike Township is of the Second Class and regulated by COMMONWEALTH OF PENNSYLVANIA, SECOND CLASS TOWNSHIP CODE, Act of May 1, 1933 (P.L.103, No.69) Reenacted and amended July 10, 1947 (P.L.1481, No.567) as amended.

4. At a time prior to May 1958, George Horn, prior owner in Title of Petitioner's property, authorized the Supervisors of Pike Township to construct a road through his property and to the property of George Keller, his brother-in-law.

5. On May 20, 1958 Curwensville Engineers prepared a MAP SHOWING .3-MILE ROAD FROM INTERSECTION WITH PIKE TWP. ROUTE No. 517 TO KELLER FARM.

6. Since laying out the road in May 1958, more than thirty five (35) years have passes and Defendant has failed to physically open the road for public use, and that of Petitioner, pursuant to Second Class Township Code, Section 1111:

Section 1111. Time Within Which Roads To Be Opened.

Whenever proceedings have been heretofore or may hereafter be begun for the opening and laying out of any public road in any township, such public road shall be physically opened upon the ground for use by the public within a period of five years next after the completion of such proceedings, and if not so opened, or if no proceedings have been commenced to compel such opening in five years, then such proceedings shall be deemed to be void and of no effect, and the land proposed to be taken shall revert to the owners of the land, as in the case of the vacation of a public road free of any easement or right of the public to use the same.

7. Defendant has failed, throughout the past thirty five years, to effectually open and constantly keep the road in repair, pursuant to Second Class Township Code, Section 1110:

Section 1110. Opening, Reparing and Closing Roads.-

Public roads in townships shall, as soon as may be practicable, be effectually opened and constantly kept in repair. All public roads shall at all seasons be kept reasonably clear of all impediments to easy and convenient traveling at the expense of the township.

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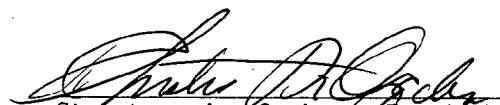
8. Throughout the past thirty five years Township Road T-978 has been a dead end trail terminating on the property of Petitioner.

9, Since taking over the property as a public road, Pike Township has failed to widen the trail to permit the passing of vehicles traveling in opposing directions. And

10. Although Defendant has placed a " NO OUTLET" sign in the area of Township Road T-978, no provision has been provided at the end of the road to permit a motor vehicle to be turned around and exit the area.

11. The Defendants failure to effectually open a public road on the property of Petitioner, his conduct as aforesaid, constitutes willful and intentional violations of Duties of Supervisors (SCTC,Section 516).

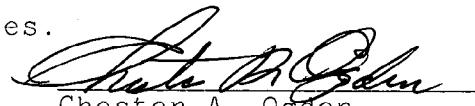
WHEREFORE, Petitioner requests of the Court that an Order be issued upon Defendant, whereby, Pike Township Road T-978 is Vacated and the land involved returned to the owner free of any easement or right of the public to use the same.



Chester A. Ogden, Petitioner

VERIFIED:

The statements contained in this Petition is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



Chester A. Ogden

Submitted for Filing with the Court November 11, 1993

FILED *R. \$45
C. Coper*

DEC 10 1993

M. D. 00 pm

ALLEN D. BIETZ

Prothonotary

2 court to Mr. Coper