

02-895-CD
IN RE: SANDY TOWNSHIP - ECKERBERG vs. IRACA et al

COPY original in CS
file

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

EDWIN R. ECKBERG and SONJA J. :
ECKBERG, husband and wife, :
Petitioners, :
vs. : No. 02 - 895 - C.D.
EARL L. IRACA and MELANIE L. HIGGINS, :
husband and wife, :
Respondents :
:

**PETITION TO OPEN
PRIVATE ROAD**

Filed on behalf of
Petitioners

Counsel of Record for
this party:

Carl A. Belin, Jr.
PA ID #06805

BELIN & KUBISTA
15 North Front Street
Clearfield, PA 16830

(814) 765-8972

FILED

JUN 05 2002

William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and SONJA J. :
ECKBERG, husband and wife, :
Petitioners, :
vs. : No. 02 - 895 - C.D.
EARL L. IRACA and MELANIE L. HIGGINS, :
husband and wife, :
Respondents :
:

ORDER

AND NOW, this 5 day of June, 2002, upon
reading and considering the foregoing Petition, a rule is
hereby issued to show cause why a Board of View should not be
appointed in the above-captioned action to determine the
necessity of the road.

Rule returnable July 1, 2002, and hearing to
be held if necessary on the 3rd day of July,
2002, at 10:00 o'clock A.M. in Courtroom No. 1 of the
Clearfield County Courthouse, Clearfield, Pennsylvania.

FILED

/s/ JOHN K. REILLY, JR.

JUN 05 2002

William A. Shaw
Prothonotary

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

EDWIN R. ECKBERG and SONJA J. :
ECKBERG, husband and wife, :
: Petitioners, :
: : No. 02 - - C.D.
vs. :
: :
EARL L. IRACA and MELANIE L. HIGGINS, :
husband and wife, :
: Respondents :
:

PETITION TO OPEN A PRIVATE ROAD

NOW COME, the Petitioners, and by and through their attorneys, Belin & Kubista, file the following petition to open a private road, and in support thereof aver as follows:

1. That the Plaintiffs are Edwin R. Eckberg and Sonya J. Eckberg, husband and wife, of R.D. #3, Box 294, Tyrone, Pennsylvania.

2. The Respondents are Earl L. Iraca and Melanie L. Higgins, husband and wife, whose last known address is R.R. 1, Box 361, Houtzdale, Pennsylvania.

3. That the Petitioners are the owners of a tract of land consisting of 57 acres which is further identified in the Clearfield County Tax Maps as Parcel Number 130-L11-51, which is located in Woodward Township, Clearfield County, Clearfield

Pennsylvania, more particularly bounded and described as follows:

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

BEGINNING at a post corner of land now or formerly owned by Henry Faunce and Charles Louden; thence South along the line of lands now or formerly owned by Richard Whitehead and Charles Louden, One Hundred and Three (103) perches to a post corner of land now or formerly owned by Austin Kline; thence West along the line of land now or formerly owned by the said Austin Kline One Hundred Seventy-Nine (179) perches to a post on said line; thence North ten (10°) degrees East One Hundred and Five (105) perches to a post on line of land now or formerly owned by Henry Faunce; thence East along said line One Hundred and Six (106) perches to the place of beginning. The same containing One Hundred and Nine (109) acres, more or less.

EXCEPTING from this conveyance, real estate containing approximately fifty (50) acres, which was conveyed by Mary E. Kline and Albert Kline, her husband to David Hallman, by deed dated May, 1921, recorded in Clearfield County Deed Book Volume 254, page 517.

The above-described premises are also described in accordance with a survey prepared by Lex W. Curry, Registered Surveyor, dated December 23, 1986, as follows:

BEGINNING at an iron pin set on line of land now or formerly of Earl Kline; thence South nine (9°) degrees ten (10') minutes twenty (20") seconds West sixteen hundred and ninety-nine and fifty hundredths (1,699.50) feet to an iron pin set; thence North eighty (80°) degrees forty-nine (49') minutes forty (40") seconds West fifteen hundred ninety-four and fifty-six hundredths (1,594.56) feet along line of land now or formerly of Roland G. Tiracorda to an iron pin set; thence North eighteen (18°) degrees four

(4') minutes forty (40") seconds East seventeen hundred and twenty and twenty-five hundredths (1,720.25) feet along line of land now or formerly of John Goss, et al., to an iron pin set; thence South eighty (80°) degrees forty-nine (49') minutes forty (40") seconds East thirteen hundred twenty-eight and seventeen hundredths (1,328.17) feet along line of land now or formerly of Earl Kline to an iron pin set at the place of beginning. CONTAINING 57.015 acres.

BEING designated as Clearfield County Tax Map Parcel No. 130-L11-51.

4. Respondents are the owners of a tract of land consisting of 50 acres which is further identified in the Clearfield County Tax Maps as Parcel Number 130-L11-10.

5. That Petitioners' tract of land is landlocked as there is no public road leading to the property.

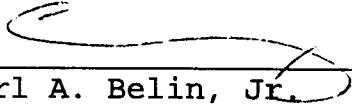
6. That an existing dirt road traverses the northern edge of Respondents' property and leads from Legislative Route T-580 to Petitioners' property.

7. That Petitioners request that the Court appoint a Board of View and direct a view to be held at the place where the road is requested in accordance with Act of 13 June 1836, June 13, P.L. 551, §11, as amended 36 P.S. §2731, et seq.

WHEREFORE, Petitioners request Your Honorable Court to appoint a Board of View to view the property and determine whether said road is necessary to access the property of Petitioners.

Respectfully submitted,

BELIN & KUBISTA

By 
Carl A. Belin, Jr.

COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF CLEARFIELD)

We, EDWIN R. ECKBERG and SONYA J. ECKBERG, hereby acknowledge that the facts set forth in the foregoing Petition to Open Private Road are true and correct to the best of our knowledge, information and belief.

Edwin R. Eckberg
EDWIN R. ECKBERG

Sonya J. Eckberg
SONYA J. ECKBERG

Subscribed and sworn before me this 24th day of

May, 2002.

Lisa G. Blake

notary public

NOTARIAL SEAL
LISA G. BLAKE, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD CO.
MY COMMISSION EXPIRES NOV. 10, 2003