

In re: Vacating a Portion of Former  
2016-527-CD

Dc	
s r	

Re: Earl Douglas Hoover, Assessment Map No. 1130-E14-000-00025  
John W. Poeta, Assessment Map No. 1130-E14-000-00012  
Stephen Banks, Assessment Map No. 1130-E14-000-00013 and 1130-E14-000-00014  
John P. Poeta Estate, Assessment Map No. 1130-E14-000-014.1  
Jason Poeta, Assessment Map No. 1130-E14-000-014.1  
Jennifer Steele, Assessment Map No. 1130-E14-000-014.1

FILED  
01/12/16 pm/KC  
APR 06 2016  
6 cc to Atty Wood  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

IN RE: VACATING A PORTION OF  
FORMER LEGISLATIVE ROUTE  
17025 ABANDONED BY THE  
COMMONWEALTH OF  
PENNSYLVANIA BETWEEN  
1935 AND 1949

ROAD DOCKET NO.: 2016-527-CO

for circumstances  
for our

REPORT OF THE BOARD OF SUPERVISORS OF FERGUSON  
TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA

TO THE HONORABLE COURT.

The Board of Supervisors of Ferguson Township, Clearfield County, Pennsylvania, respectfully represents as follows:

1. That they are the duly elected Supervisors of Ferguson Township, Clearfield County, Pennsylvania.
  2. That the roadway which was vacated is described as follows:

(a) BEING a right-of-way 50 feet in width according to old Pennsylvania Department of Transportation records for an approximate distance of 1,266.17 feet, which is further described as follows:

BEGINNING at a point being on the center line of Pennsylvania State Route 3016 (known as La Jose Road); said point also being the center line of the old abandoned state road (formerly known as Legislative Route 17025); said point being the westernmost point of the old abandoned state road being described herein; thence along the center line of the abandoned state road (formerly known as Route 17025) the following courses and distances: (1) North 47° 12' 52" East for a distance of 32.07 feet to a point, said point being the southwest corner of land formerly of the Herbert Poeta Estate, also being Assessment Tax Parcel No. 1130-E14-000-00012; thence continuing along said center line; (2) North 40° 45' 24" East

**COPY**

for a distance of 74.52 feet to a point; (3) thence North 38° 53' 06" East for a distance of 16.91 feet to a point; (4) thence North 51° 15' 10" East a distance of 117.47 feet to a point; (5) thence North 63° 37' 14" East 75.51 feet to a point; (6) thence North 82° 51' 15" East 189.87 feet to a point; (7) thence South 79° 42' 22" East 101.76 feet to a point; (8) thence South 83° 25' 11" East 191.35 feet to a point; (9) thence South 89° 12' 19" East 49.44 feet to a point; (10) thence North 85° 11' 31" East 54.92 feet to a point; (11) thence North 78° 49' 49" East 104.91 feet to a point; (12) thence North 71° 46' 15" East 63.07 feet to a point; (13) thence North 64° 52' 17" East 82.86 feet to a point; (14) thence North 57° 39' 39" East 111.51 feet to a point on the center line of State Route 3016.

Said old abandoned state road being shown on the retracement survey of the Herbert Poeta Estate, as shown on Plat Map prepared by Curry and Associates dated February 3, 2015, and recorded in the Office of the Recorder of Deeds in Clearfield County as Instrument No. 201501790 and set forth on the Line Table thereon beginning as Line L3 through Line L16. A copy of said Map is attached hereto as Exhibit B with the portion to be abandoned highlighted in yellow.

- (b) That included in the copy of the Ordinance attached hereto as Exhibit "L" is a copy of a USDA Adjustment Administrative Photo dated October 7, 1939, being Exhibit "A" of said Ordinance with the roadway to be vacated highlighted in yellow.
- (c) That included in the copy of the Ordinance attached hereto as Exhibit "L" is a copy of the Plat Map prepared by Curry and Associates dated February 3, 2015, and recorded in the Office of the Recorder of Deeds in Clearfield County as Instrument No. 201501790, being Exhibit "B" of said Ordinance with the abandoned State roadway highlighted in yellow.
- (d) That attached hereto and made a part hereof and marked as Exhibit "C" is a map from Clearfield County Mapping with the area being vacated marked in red.

3. That the affected property owners are Earl Douglas Hoover, John W. Poeta, Stephen Banks, the John P. Poeta Estate, Jason Poeta and Jennifer Steele, who were served by mail with a copy of Notice of the proposed enactment of the Ordinance affecting the roadway and a hearing thereon. Copies of said Notices are attached hereto and made a part hereof and marked as Exhibits "D", "E", "F", "G", "H", and "I".

4. That pursuant to 53 P.S. § 10304 (a)(1), the Clearfield County Planning Office reviewed documents relating to this vacation, which review is confirmed by letter dated February 17, 2016, a copy of which is attached hereto as Exhibit "J".

5. That prior to enactment, a full copy of the Ordinance was advertised in The Progress, a newspaper of general circulation, on February 26, 2016. A copy of the Affidavit of Publication is attached hereto as Exhibit "K".

6. That prior to the enactment of said Ordinance, a hearing was held at the Ferguson Township Building on March 7, 2016, at 6:30 p.m. at which time the proposed Ordinance and vacation were discussed.

7. That, pursuant to said Notice and following advertisement and hearing, as required by law, the Board of Supervisors of Ferguson Township did enact Ordinance No. 2016:1 to carry out the vacation of said roadway at the regular Township meeting on March 7, 2016. A copy of said Ordinance is attached hereto as Exhibit "L".

Respectfully submitted,

FERGUSON TOWNSHIP  
CLEARFIELD COUNTY,  
PENNSYLVANIA  
BOARD OF SUPERVISORS  
BY:

Attest:

Beth Peoples  
Beth Peoples, Secretary

Date: April 5, 2016

Scott Blackburn  
Scott Blackburn, Chairman

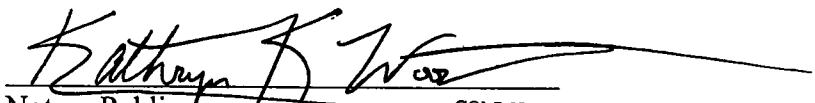
Donald P. Sheeder  
Donald Sheeder, Vice-Chairman

Lloyd Harnish  
Lloyd Harnish

COMMONWEALTH OF PENNSYLVANIA :  
: SS  
COUNTY OF CLEARFIELD :  
:

On this, the 5th day of April, 2016, before me, the undersigned officer,  
personally appeared BETH PEOPLES, Secretary of Ferguson Township, Clearfield County,  
known to me (or satisfactorily proven) to be the person whose name is subscribed to the within  
Instrument and acknowledged that she has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

  
\_\_\_\_\_  
Notary Public / COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
Kathryn K. Wood, Notary Public  
Clearfield Boro, Clearfield County  
My commission expires May 24, 2019



NOTICE

Notice of proposed vacating by Ferguson Township of a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949

To: Earl Douglas Hoover  
7728 Manor Drive  
Harrisburg, PA 17112

NOTICE is hereby given that the Supervisors of Ferguson Township will meet at the Kermoor Municipal Building, 14718 Tyrone Pike, Curwensville, Clearfield County, Pennsylvania 16833 on Monday, March 7, 2016, at 6:30 p.m. for a hearing upon the proposed action to vacate a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949:

BEING a right-of-way 50 feet in width according to old Pennsylvania Department of Transportation records for an approximate distance of 1,266.17 feet, which is further described as follows:

BEGINNING at a point being on the center line of Pennsylvania State Route 3016 (known as La Jose Road); said point also being the center line of the old abandoned state road (formerly known as Legislative Route 17025); said point being the westernmost point of the old abandoned state road being described herein; thence along the center line of the abandoned state road (formerly known as Route 17025) the following courses and distances: (1) North 47° 12' 52" East for a distance of 32.07 feet to a point, said point being the southwest corner of land formerly of the Herbert Poeta Estate, also being Assessment Tax Parcel No. 1130-E14-000-00012; thence continuing along said center line; (2) North 40° 45' 24" East for a distance of 74.52 feet to a point; (3) thence North 38° 53' 06" East for a distance of 16.91 feet to a point; (4) thence North 51° 15' 10" East a distance of 117.47 feet to a point; (5) thence North 63° 37' 14" East 75.51 feet to a point; (6) thence North 82° 51' 15" East 189.87 feet to a point; (7) thence South 79° 42' 22" East 101.76 feet to a point; (8) thence South 83° 25' 11" East 191.35 feet to a point; (9) thence South 89° 12' 19" East 49.44 feet to a point; (10) thence North 85° 11' 31" East 54.92 feet to a point; (11) thence North 78° 49' 49" East 104.91 feet to a point; (12) thence North 71° 46' 15" East 63.07 feet to a point; (13) thence North 64° 52' 17" East 82.86 feet to a point; (14) thence North 57° 39' 39" East 111.51 feet to a point on the center line of State Route 3016.

Said old abandoned state road being shown on the retracement survey of the Herbert Poeta Estate, as shown on Plat Map prepared by Curry and Associates dated February 3, 2015, and recorded in the Office of the Recorder of Deeds in Clearfield County as Instrument No. 201501790 and set forth on the Line Table thereon beginning as Line L3 through Line L16.

The Township meeting to take action by adoption of an Ordinance on the proposed vacation of said roadway will follow at 7:00 p.m.

You are notified that you may appear at the hearing to present your position on the proposed action.

Ann B. Wood  
Ann B. Wood, Esquire  
Ferguson Township Solicitor

NOTICE

Notice of proposed vacating by Ferguson Township of a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949

To: John W. Poeta  
628 Irvine Drive  
Erie, PA 16511

NOTICE is hereby given that the Supervisors of Ferguson Township will meet at the Kermoor Municipal Building, 14718 Tyrone Pike, Curwensville, Clearfield County, Pennsylvania 16833 on Monday, March 7, 2016, at 6:30 p.m. for a hearing upon the proposed action to vacate a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949:

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Ann B. Wood  
Ann B. Wood, Esquire  
Ferguson Township Solicitor

NOTICE

Notice of proposed vacating by Ferguson Township of a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949

To: Stephen Banks  
1963 La Jose Road  
La Jose, PA 15753

NOTICE is hereby given that the Supervisors of Ferguson Township will meet at the Kermoor Municipal Building, 14718 Tyrone Pike, Curwensville, Clearfield County, Pennsylvania 16833 on Monday, March 7, 2016, at 6:30 p.m. for a hearing upon the proposed action to vacate a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949:

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Ann B. Wood  
Ann B. Wood, Esquire  
Ferguson Township Solicitor

NOTICE

Notice of proposed vacating by Ferguson Township of a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949

To: John P. Poeta Estate  
c/o Jason Poeta  
891 La Jose Road  
La Jose, PA 15753

NOTICE is hereby given that the Supervisors of Ferguson Township will meet at the Kermoor Municipal Building, 14718 Tyrone Pike, Curwensville, Clearfield County, Pennsylvania 16833 on Monday, March 7, 2016, at 6:30 p.m. for a hearing upon the proposed action to vacate a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949:

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Ann B. Wood  
Ann B. Wood, Esquire  
Ferguson Township Solicitor

NOTICE

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To: Jason Poeta  
891 La Jose Road  
La Jose, PA 15753

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Ann B. Wood  
Ann B. Wood, Esquire  
Ferguson Township Solicitor

NOTICE

Notice of proposed vacating by Ferguson Township of a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949

To: Jennifer Steele  
205 Crosse Point Court, Unit 3A  
Abingdon, MD 21009

NOTICE is hereby given that the Supervisors of Ferguson Township will meet at the Kermoor Municipal Building, 14718 Tyrone Pike, Curwensville, Clearfield County, Pennsylvania 16833 on Monday, March 7, 2016, at 6:30 p.m. for a hearing upon the proposed action to vacate a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949:

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Ann B. Wood  
Ann B. Wood, Esquire  
Ferguson Township Solicitor

**Clearfield County Planning and Community Development Office**

212 East Locust Street • Suite 128 • Clearfield, PA 16830-2447  
Phone 814-765-5149 • Fax 814-765-6056  
[www.planning.clearfieldco.org](http://www.planning.clearfieldco.org)

February 17, 2016

Ann B. Wood  
Bell, Silberblatt & Wood  
318 East Locust Street  
P.O. Box 670  
Clearfield, PA 16830

RE: Ferguson Township/Vacation of a portion of former Legislative Route 17025  
abandoned by Commonwealth between 1935 and 1949

Dear Ann:

As required under the Municipalities Planning Code Section 304 (a)(1) regarding notification to the county planning agency when a municipality plans to vacate a road let this letter serve as your receipt of providing such notification to our office.

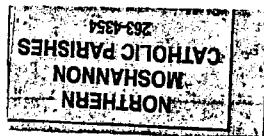
Our understanding, as per your notification letter, is that the section of roadway you describe was abandoned by the State years ago and that it was the Township's intention to vacate that section at that time but for some reason that never occurred. As such we can see no reason such vacation should not occur and have no additional comments regarding the Township's intention to vacate this abandoned section of road.

Sincerely,

Jodi Brennan, Director



AFFP  
ORDINANCE NOTICE



## Affidavit of Publication

STATE OF PENNSYLVANIA } SS  
COUNTY OF CLEARFIELD }

Pat Patterson, being duly sworn, says:

That he is Pat Patterson, Publisher of the Progress, est April 5, 1913, a daily newspaper of general circulation, printed and published in Clearfield, Clearfield County, Pennsylvania; that the publication, a copy of which is attached hereto, was published in the said newspaper on

February 26, 2016

### ORDINANCE NOTICE

NOTICE IS HEREBY GIVEN that on March 7, 2016 at 7 P.M. at a regular meeting of the Ferguson Township Board of Supervisors to be held at the Kermoor Municipal Building, 14718 Tyrone Pike, Curwensville, Clearfield County, Pennsylvania 16833, the Board will enact the following Ordinance:

FERGUSON TOWNSHIP  
CLEARFIELD COUNTY  
PENNSYLVANIA  
ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF FERGUSON TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA VACATING A PORTION OF FORMER LEGISLATIVE ROUTE 17025 ABANDONED BY THE COMMONWEALTH OF PENNSYLVANIA BETWEEN 1935 AND 1949.

The Board of Supervisors of Ferguson Township, Clearfield County, Pennsylvania, hereby enacts and ordains as follows:

#### SECTION I DECLARATION OF PURPOSE

Section 1.01: Whereas, Section 2304(a) of The Second Class Township Code [53 P.S. §67304 (a)] permits the Board of Supervisors by ordinance to enact, ordain, survey, lay out, widen, straighten, vacate and relay all roads and bridges and parts thereof which are located within the Township; and

Section 1.02: Whereas, in the judgement of the Board of Supervisors, in consultation with the adjacent property owners, it is a benefit to the Township citizens and the public generally to vacate a portion of former Legislative Route 17025 which roadway had been abandoned by the Commonwealth of Pennsylvania between 1935 and 1949.

Section 1.03: Whereas, the roadway to be vacated is highlighted in yellow on a copy of a USDA Adjustment Administrative Photo dated October 7, 1939, attached hereto as Exhibit A.

#### SECTION II VACATION

Section 2.01: The Township does hereby vacate a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949.

BEING a right-of-way 50 feet in width according to old Pennsylvania Department of Transportation records for an approximate distance of 1,266.17 feet, which is further described as follows:

BEGINNING at a point being on the center line of Pennsylvania State Route 3016 (known as LaJose Road); said point also being the center line of the old abandoned state road (formerly known as Legislative Route 17025); said point being the westernmost point of the old abandoned state road being described herein; thence along the center line of the abandoned state road (formerly known as Route 17025) the following courses and distances: (1) North 47 degrees 12' 52" East for a distance of 32.07 feet to a point, said point being the southwest corner of land formerly of the Herbert Poeta Estate, also being Assessment Tax Parcel No. 1130-E14-000-00012; thence continuing along said center line; (2) North 40 degrees 45' 24" East for a distance of 74.52 feet to a point; (3) thence North 38 degrees 53' 06" East for a distance of 16.91 feet to a point; (4) thence North 51 degrees 15' 10" East a distance of 117.47 feet to a point; (5) thence North 63 degrees 37' 14" East 75.51 feet to a point; (6) thence North 82 degrees 51' 15" East 189.87 feet to a point; (7) thence South 79 degrees 42' 22" East 101.76 feet to a point; (8) thence South 83 degrees 25' 11" East 191.35 feet to a point; (9) thence South 89 degrees 12' 19"

That said newspaper was regularly issued and circulated on those dates.

SIGNED:

Pat Patterson, Publisher

Subscribed to and sworn to me this 26th day of February 2016.

Cheryl J. Robison, Notary Public, Clearfield County, Pennsylvania

My commission expires: October 31, 2019

00010518 00073403

BELL, SILBERBLATT & WOOD, ATTYS  
P.O. BOX 670  
CLEARFIELD, PA 16830

East 49.44 feet to a point; (10) thence North 85 degrees 11' 31" East 54.92 feet to a point; (11) thence North 78 degrees 49' 49" East 104.91 feet to a point; (12) thence North 71 degrees 46' 15" East 63.07 feet to a point; (13) thence North 64 degrees 52' 17" East 82.86 feet to a point; (14) thence North 57 degrees 39' 39" East 111.51 feet to a point on the center line of State Route 3016.

Said old abandoned state road being shown on the retracement survey of the Herbert Poeta Estate, as shown on Plat Map prepared by Curry and Associates dated February 3, 2015 and recorded in the Office of the Recorder of Deeds in Clearfield County as Instrument No. 201501790 and set forth on the Line Table thereon beginning as Line L3 through Line L16. A copy of said Map is attached hereto as Exhibit B with the portion to be abandoned highlighted in yellow.

### SECTION III EFFECTIVE DATE

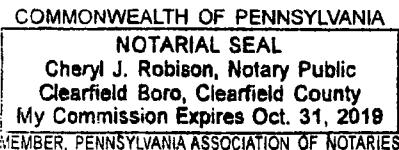
Section 4.01: This Ordinance shall become effective five (5) days after the date of enactment.

DULY ENACTED, this 7th day of March, 2016 by the Board of Supervisors of Ferguson Township, Clearfield County, Pennsylvania, following hearing as required by Section 2305(a) of The Second Class Township Code [53 P. S. §67035(a)], in lawful session duly assembled.

A copy of the photo and Map attached to the Ordinance may be examined by contacting the Township Secretary and the Map may be viewed in the Office of the Recorder of Deeds in the Clearfield County Courthouse.

Ann B. Wood, Esquire  
Solicitor-  
Ferguson Township

2:26-1d-b



FERGUSON TOWNSHIP  
CLEARFIELD COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2016:1

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF FERGUSON  
TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA VACATING  
A PORTION OF FORMER LEGISLATIVE ROUTE 17025 ABANDONED BY  
THE COMMONWEALTH OF PENNSYLVANIA BETWEEN 1935 AND 1949.

The Board of Supervisors of Ferguson Township, Clearfield County, Pennsylvania, hereby enacts and ordains as follows:

SECTION I

DECLARATION OF PURPOSE

Section 1.01: Whereas, Section 2304(a) of The Second Class Township Code [53 P.S. § 67304 (a)] permits the Board of Supervisors by ordinance to enact, ordain, survey, lay out, widen, straighten, vacate and relay all roads and bridges and parts thereof which are located within the Township; and

Section 1.02: Whereas, in the judgement of the Board of Supervisors, in consultation with the adjacent property owners, it is a benefit to the Township citizens and the public generally to vacate a portion of former Legislative Route 17025 which roadway had been abandoned by the Commonwealth of Pennsylvania between 1935 and 1949.

Section 1.03: Whereas, the roadway to be vacated is highlighted in yellow on a copy of a USDA Adjustment Administrative Photo dated October 7, 1939, attached hereto as Exhibit A.

SECTION II

VACATION

Section 2.01: The Township does hereby vacate a portion of former Legislative Route 17025 abandoned by the Commonwealth of Pennsylvania between 1935 and 1949:

BEING a right-of-way 50 feet in width according to old Pennsylvania Department of Transportation records for an approximate distance of 1,266.17 feet, which is further described as follows:

BEGINNING at a point being on the center line of Pennsylvania State Route 3016 (known as La Jose Road); said point also being the center line of the old abandoned state road (formerly known as Legislative Route 17025); said point being the westernmost point of the old abandoned state road being described herein; thence along the center line of the abandoned

state road (formerly known as Route 17025) the following courses and distances: (1) North 47° 12' 52" East for a distance of 32.07 feet to a point, said point being the southwest corner of land formerly of the Herbert Poeta Estate, also being Assessment Tax Parcel No. 1130-E14-000-00012; thence continuing along said center line; (2) North 40° 45' 24" East for a distance of 74.52 feet to a point; (3) thence North 38° 53' 06" East for a distance of 16.91 feet to a point; (4) thence North 51° 15' 10" East a distance of 117.47 feet to a point; (5) thence North 63° 37' 14" East 75.51 feet to a point; (6) thence North 82° 51' 15" East 189.87 feet to a point; (7) thence South 79° 42' 22" East 101.76 feet to a point; (8) thence South 83° 25' 11" East 191.35 feet to a point; (9) thence South 89° 12' 19" East 49.44 feet to a point; (10) thence North 85° 11' 31" East 54.92 feet to a point; (11) thence North 78° 49' 49" East 104.91 feet to a point; (12) thence North 71° 46' 15" East 63.07 feet to a point; (13) thence North 64° 52' 17" East 82.86 feet to a point; (14) thence North 57° 39' 39" East 111.51 feet to a point on the center line of State Route 3016.

Said old abandoned state road being shown on the retracement survey of the Herbert Poeta Estate, as shown on Plat Map prepared by Curry and Associates dated February 3, 2015, and recorded in the Office of the Recorder of Deeds in Clearfield County as Instrument No. 201501790 and set forth on the Line Table thereon beginning as Line L3 through Line L16. A copy of said Map is attached hereto as Exhibit B with the portion to be abandoned highlighted in yellow.

### SECTION III

#### EFFECTIVE DATE

Section 4.01: This Ordinance shall become effective five (5) days after the date of enactment.

DULY ENACTED, this 7<sup>th</sup> day of March, 2016, by the Board of Supervisors of Ferguson Township, Clearfield County, Pennsylvania, following hearing as required by Section 2305(a) of The Second Class Township Code [53 P.S. § 67305 (a)], in lawful session duly assembled.

FERGUSON TOWNSHIP  
CLEARFIELD COUNTY,  
PENNSYLVANIA  
BOARD OF SUPERVISORS  
BY:

ATTEST:

Beth Peoples  
Beth Peoples, Secretary

Scott Blackburn  
Scott Blackburn, Chairman

Donald Sheeder  
Donald Sheeder, Vice-Chairman

Lloyd Harnish  
Lloyd Harnish

## CERTIFICATION

I, the undersigned, Secretary of the Ferguson Township, Clearfield County, Pennsylvania (the "Township"), certify that the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which was duly enacted by affirmative vote of a majority of all members of the Board of Supervisors of the Township at a meeting duly held on March 7, 2016; that said Ordinance has been duly recorded in the Ordinance Book of the Township; said Ordinance has been duly published, as required by law; and that said Ordinance remains in effect, unaltered and unamended, as of the date of this certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 7<sup>th</sup> day of March, 2016.

Beth Peoples  
Beth Peoples, Secretary



