

No. 6 May 1913 Term, 191

#Petition to vacate public
road in Cooper Twp leading from a
point at the May Place on Old Plumb
road. **VERSUS**

X

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 3rd day of March in the year of our Lord one thousand nine hundred Thirteen. 1913.
Allison O Smith.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Cooper

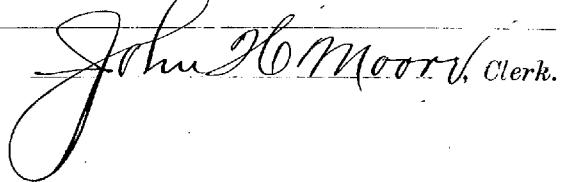
in said County, setting forth that A Petitions of the Board of Supervisors and Citizens of Cooper Twp in said Co. Respectfully represents, That A certain public road in said township leading from a point at the Mays place on the old plum road to a point on the railroad track of the New York Central & H.R.R. Co. at viaduct has become useless is not traveled by the public and is expensive to maintain and burdensome on the Township. They therefore pray the court to appoint viewers to vacate said road. and they will ever pray etc.

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers Walter Telsh, H.A. Reese, and F.H. Harmon.

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgment, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road, they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; which report they shall in like manner transmit to the next Court of Quarter Sessions, with the draft or plot aforesaid. In which said reports they shall state that they have been sworn or affirmed according to law, and that due and legal notice was given of the time when, and place where, they should meet, to view and lay out said road, and the time and place of hearing

By order of the Court.


John H. Moore, Clerk.

RETURN OF VIEWERS.

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order, from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, beg leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of Cooper Township and that five notices thereof were posted along the route of the proposed road, that the said view would be held on the 18th day of June, A. D. 1913, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 21st day of June, 1913, at 1.00 o'clock P. M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view no person, except the Viewers,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 21st day of June A. D. 1913, when the following appearances were noted: No persons appeared.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is un- necessary for a public road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for use the following described road, to wit: Beginning

And that the same should be vacated as a public road for the road is no longer in use, is becoming grown up with grass and weeds showing that there is no travel thereon and is unnecessary and burdensome to the taxpayers of the Township to maintain.

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting

when it was not practicable to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

the following persons having refused to release the damages to which they respectfully may be entitled by the reason of the location and opening of the said road, we the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows:

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 31st day of June

A. D. 1913.

Walter Welch 
T. A. Reese 
O. J. Harman 

No. 6 May Sessions, 1913

ORDER

NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

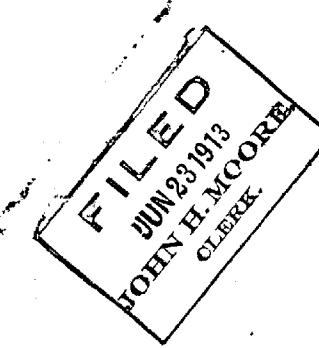
To view and locate a road for use in the township of Coopers, Clearfield County Pa.

Days	Miles Amt.
Walter Welsh	3 days 35 18.50
H. A. Reed	2 days 11
E. H. Gannon	2 days 18.70

Sept Session, 1913, read and confirmed Ni. Si. Road to be opened 16 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

By the County of Altoona A. Smith of December December 1913 confirmed absolutely allision of Smith of

19
Fees \$1.25 paid by B. K.
Filed



RELEASE OF DAMAGES.

Know all men by these presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by

at and before the sealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said

all damages that may arise to us respectively by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____
A. D. 1911.



ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view A PUBLIC Road leading from A POINT AT THE MAYS PLACE ON THE OLD PLUM ROAD TO A POINT ON THE RAILROAD TRACK OF THE NEW YORK CENTRAL & HUDSON RIVER RAILROAD COMPANY AT VIADUCT, THAT IS ALLEGED TO HAVE BECOME USELESS, IS NOT TRAVELED BY THE PUBLIC AND IS EXPENSIVE TO MAINTAIN AND BURDENOME ON THE TOWNSHIP, SAID ROAD BEING LOCATED

in COOPER Township to DETERMINE IF SAID ROAD SHOULD BE VACATED ACCORDING TO THE PRAYER OF THE PETITION FILED IN SAID COURT BY THE SUPERVISORS AND CITIZENS RESIDING IN SAID TOWNSHIP, W I L L M E E T AT THE MAYS PLACE ON WEDNESDAY JUNE 18th, 1913, AT ELEVEN O'CLOCK AND VIEW SAID ROAD

in COOPER Township, in the county aforesaid, will meet at the ~~house of~~ ARBITRATION ROOM IN THE COURT HOUSE, in CLEARFIELD BOROUGH, PENNA. Township, on SATURDAY, the 21st day of JUNE A. D. 1913, at 1:00 o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

H. A. REESE.

E. H. HARMON.

WALTER WELCH.

VIEWERS

JUNE 7th, 1913.

AND NOW, June 7th, 1913 notice of the time and place of the within mentioned view is hereby accepted on behalf of the County Commissioners of Clearfield County.

L. G. Morris

Commissioners' Clerk.

AND NOW, June 16th 1913 notice of the time and place of the within mentioned view is hereby accepted on behalf of the Road Supervisors of Dooper Township.

M. Hubbard
Atty for

Supervisors.

AND NOW, June 10th, 1913 notice of the time and place of the within mentioned view is hereby accepted on behalf of the Petitioners for said view.

M. Hubbard
Atty for Petitioners.

KNOW ALL MEN BY THESE PRESENTS That we, -----

are held and firmly bound unto the Commonwealth of Pennsylvania
for the use of Clearfield County, in the sum of one hundred dollars
lawful money of the United States, for which payment well and truly
to be made, we do bind ourselves, our and each of our heirs firm-
ly by these presents. Sealed with our seals and dated the
day of March 1913.

WHEREAS, a petition has been presented to the Court of
Quarter Sessions of Clearfield County, asking for a vacation of a
certain road in *Cooper* Township, which petition has been filed
to No. May Session 1913.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that in
case of the failure of the petitioners to sustain said petition,
if the above bounden shall save and keep harmless the County of
Clearfield from any and all costs connected therewith, then this
obligation to be void, or else to be and remain in full force
and virtue.

Andrew Dahl ----- (SEAL)

Walter Stewart ----- (SEAL)

----- (SEAL)

TO THE HONORABLE ALLISON O. SMITH, PRESIDENT JUDGE OF
THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY:-

The Petition of the undersigned, the Board of Supervisors of Cooper Township, as also of the resident tax payers of said Township, respectfully represents; That a certain public road in said Township leading from a point at the May place on the old Plumb road to a point on the railroad track of the New York Central & H. R. R. Co., at Viaduct, has become useless, is not travelled by the public and is expensive to maintain and a burden on the Township. They, therefore, pray the Court to appoint viewers to vacate said road, and they will ever pray etc.

Andrew Petersen
Jab A Pearson } Supervisors
O L Hughes
A. Walbridge Johnson
W D Dukeman
G. D. Dukeman
Robert Jameson
Andrew A Dahl
George D. Dukeman
Walter Stewart
W. S. Hoover
E. C. Hamblane
A. O. Dahl
Andrew Johnson

C May 29/93

Petition to vacate public road in Cooper Township leading from a point at the May place on the old Plank road to a point at the modern track of the N.Y.C. & P.R.R. as indicated

Now May 24th the within petition presented and the Hon. ~~W. H. Peck~~, W. A. Pease and C. H. Harmon are appointed viewers to view the same and make report thereof to the court.

Is this done /
William Abbott
J. C.