

No. 7 May 1890 Term, 191 3

Petition for viewers to  
lay out a public Road

VERSUS

an Sandy Prop

R. J. 75 - Page 209

Part Twp. Rd. 17380 & 17391

No. 7 May S.S. 1913.

# 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 the public highway or road in Sandy Township commonly known as "Dixon Avenue" at a point near the residence of Grant Kirtzbauer

in Sandy Township to point in public road leading from DuBois to Luthersburg and commonly known as South Brady Street near the residence of Mrs. Elizabeth Shea

in Sandy Township, in the county aforesaid, will meet at the house of Kirtzbauer, in Sandy Township, on Friday, the 25th day of April A. D. 1913, at 10:30 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid all parties interested will take notice.

H. B. Woodward

H. S. McMin

E. H. Harmon

VIEWS

April 15, 1913.

Now, this *16<sup>th</sup>* day of April, A. D. 1913, service of  
within notice is hereby accepted for the Commissioners of  
Clearfield County.

.....*L. C. Morris, clerk*.....

Now, this *18<sup>th</sup>* day of April, A. D. 1913, service of  
within notice is hereby accepted for the supervisors of Sandy  
Township.

.....*George Beer*.....  
.....*George Brown*.....

Now, this *16<sup>th</sup>* day of April, A. D. 1913, service of  
within notice is hereby accepted for petitioners.

.....*B. E. Piper*.....

Now, this ..... day of April, A. D. 1913, service of withi  
notice is hereby accepted by the following property owners.

.....  
.....  
.....

#*May S.S. 1913*

## 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 Tenth day of April.*

*in the year of our Lord one thousand nine hundred Thirteen.*  
The Hon Allison O Smith. P.J.

*Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Sandy.*

*in said County, setting forth that The Citizens of the Said Sandy Township in said Co. labor under great inconvenience for the want of a Road, or High way. to lead from the Public Highway or Road in sandy Twp commonly known as "Dixon Avenue" at A point near the residence of Grant Kirtzbauer. to point in public road leading from Du Bois, to Luthersburg. and commonly known as South Brady" St. near the residence of Mrs. Elizabeth Shea. all the proposed roads in Sandy Township.*

*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 H.B.Woodward. H.S.Mac Minn. and E.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 T. 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 Sandy and that five notices thereof were posted along the route of the proposed road, that the said view would be held on the 25th day of April A. D. 1913, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the \_\_\_\_\_ day of \_\_\_\_\_, 191\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.— That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view the supervisors of Sandy Township and various of the petitioners,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 191\_\_\_\_, when the following appearances were noted: That several witnesses were examined at the time of said view as to the necessity for said road. That owing to certain questions as to the location of property lines, it was necessary to hold an adjourned hearing, and this was held on the ground on Saturday, May 3rd at 2:00 P. M., of which due notice was given at the time of the view.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is \_\_\_\_\_ occasion for a road as desired by the petitioner, and that the same is \_\_\_\_\_ 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 public use the following described road, to-wit: Beginning at a point in the centre of the Public Highway known as "Dixon Avenue" near the residence of Grant Kirtzbaurer, thence south seventy four degrees ten minutes west ( $S74^{\circ}10'W$ ) by Hartland Avenue, (50' wide), of a plan of Lots known as "Wilson Terrace", eighty five feet (85'), to the intersection of the centre line of of Wilson Avenue (60' wide), thence by said Avenue South fifteen minutes west ( $S15^{\circ}15'W$ ) fourteen hundred eighty five and eight tenths feet (1485.8') to the centre line of "Pentz Alley", at the southerly end of the Wilson Terrace plot of lots, thence north eighty nine degrees forty minutes east, ( $N.89^{\circ}40'E$ ) along the centre line of said Alley, three hundred fifty two and one half feet, (352.5') to the centre line of the Public road leading from Du Bois to Luthersburg, commonly known as south Brady street, Said Pentz Alley, lying alongside and adjoining the south end of the Wilson Terrace plan of Lots and the lot of Mrs Elizabeth Shea, is recommended by said Viewers, to be made twenty three and six tenths feet in width (23.6') to conform to a space laid open for an alley way, for said Public Road or Highway, A total length of nineteen hundred twenty three and three tenths feet (1923.3).

The said road had already been dedicated to the public use by the owners of adjoining land at the time when the plot known as Wilson Terrace was laid out in building lots.

We recommend to the Court that a public road be opened of a width of Fifty (50) feet from Dixon Avenue to the intersection with Wilson

Avenue along what is known as Mortland Avenue; that the road be laid out a width of Sixty (60) feet along Wilson Avenue to the point of intersection with Pentz Alley; that the road be laid out a width of Twenty-three and six-tenths (23.6) feet along Pentz Alley between Wilson Avenue and South Brady Street.

All of which is in accordance with and more specifically set forth upon the draft hereunto attached and made a part of this report.

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 20 day of May

A. D. 1913

*Hugh Woodward*  
*W. H. MacMillan*  
*E. H. Casman*



No. 7. May Sessions, 1913

## ORDER

To view ..... a  
road for Public use in the  
township of Sandy,  
Clearfield County to

Sept. Session, 1913,  
read and confirmed Ni. Si.  
Road to be opened 33 feet  
wide, except where there is  
side hill cutting or embank-  
ment and bridging, there to  
be 16 feet wide, By the Court

December Session 1913  
Confirmed absolutely  
By the Court  
Harrison O. Smith

FILED  
Fees \$1.25  
MAY 22 1913  
JOHN H. MOORE  
CLERK.

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.

	DAYS	MILES AM'T.
W. Woodward	3	\$60.21.00
Ed. Magill	4	\$12.21.20
E. H. O. O. O. O.	2	\$12.11.20
Lenny Clinton	2	\$4.00
Lenny O. O. O.		

### RELEASE OF DAMAGES.

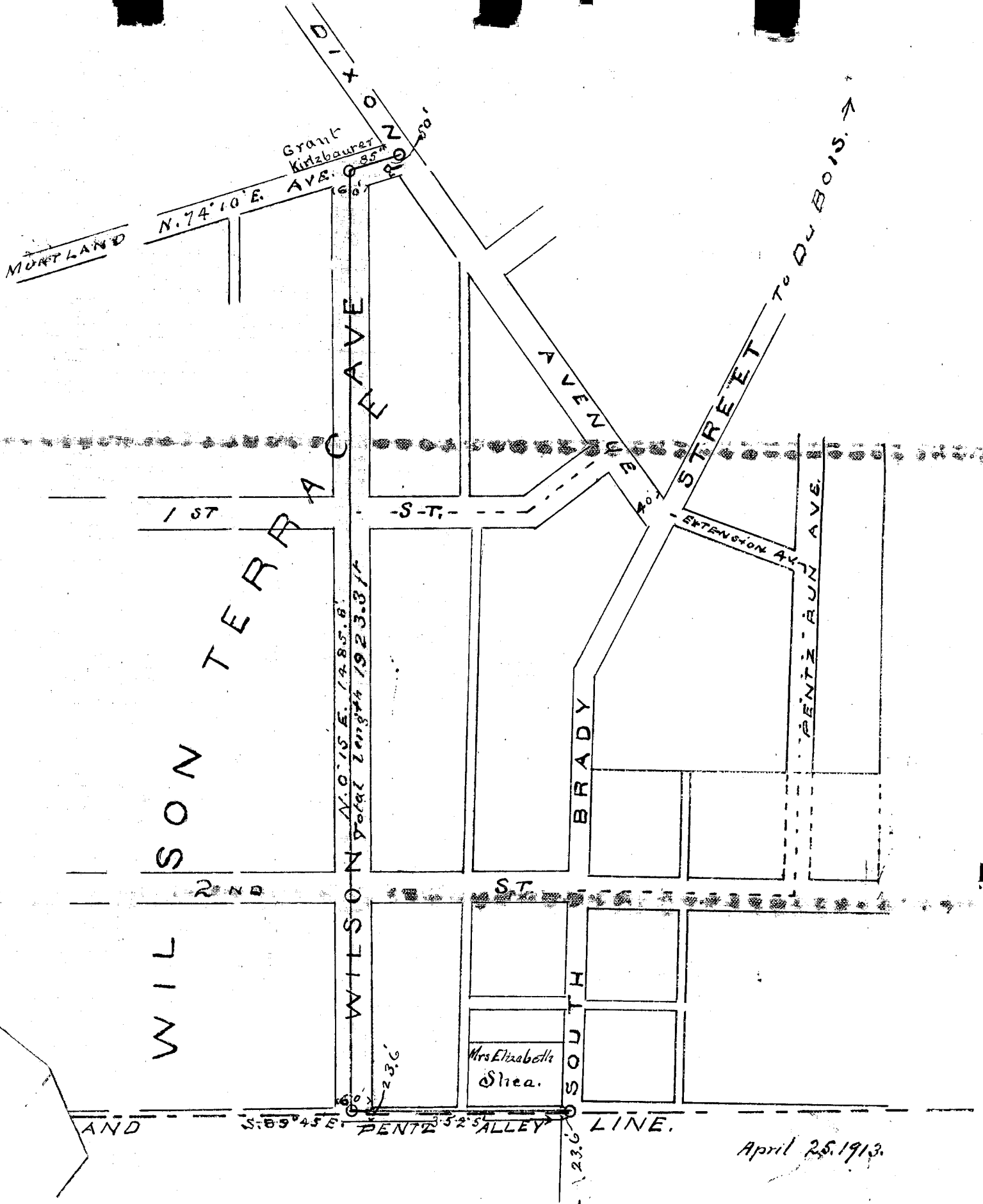
Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by

..... at and before the enrolling and delivery hereof, have remised, released and forever quit-claimed, and do hereby re-mise, 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. 191.....







IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.  
TO THE HON. ALLISON O. SMITH, PRESIDENT JUDGE OF SAID COURT:

The petition of the undersigned citizens of the township of Sandy in the said County respectfully sheweth:-

That your petitioners labor under great inconvenience for the want of a Public Road or highway to lead from the Public Road in Sandy Township commonly known as "Dixon Avenue", at a point near the residence of Grant Kirtzbauer, to a point in the Public Road leadinh from DuBois to Luthersburg and commonly known as "South Brady Street" near the residence of Mrs. Elizebeth Shea, All of the proposed Public Road to be within Sandy Township.

Your petitioners therefore pray the Court to appoint proper persons to view and lay out the same, according to law and they will ever pray, etc.

CERTIFICATE.

I certify that the foregoing petition for the appointment of Road Viewers, is lawful and conforms to the purpose of the petitioners, and that the same is regular and in due form.

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Atty. for Petitioners.

PETITIONERS.

NAME.	OCCUPATION.	RESIDENCE.
G. W. Whitmore	JP	Rd 2, Dubois Pa
A. J. Bear		Dubois Pa
M. H. Seckinger	Lab.	Wilson Ave Luthersburg Pa
Steve Rich	Lab.	Wilson Ave Dubois Pa
H. V. Leck		Wilson Ave Dubois
J. H. Piper	mfg	" " " Pa
W. C. Linder		815 S. B. " " Pa
		Wilson Ave Dubois

W. A. Emrich	Blacksmith	LaBois Pa
J. E. Emrich	Machineist	DuBois Pa
Seth T. Bailey	Barber	DuBois Pa
F. M. Gindlin	Merchant	DuBois Pa
W. W. Emrich	Blacksmith	DuBois Pa
O. M. Wolfe	Carpenter	DuBois Pa
Matthew J. J. J.	Miner	DuBois Pa
B. J. Hayes	Blacksmith	DuBois Pa
Geo. L. Howard	Clerk	DuBois Pa
W. B. Wilson	Clerk	601 Wilson Ave
Geo. K. Alamyandu	Merchant	DuBois Pa
William H. H.	Miner	628 Brady
E. W. Bailey	Counsellor	430 Brady St
M. A. Reberling	Laborer	Wilson Pa
Chas. E. Hand	Bookkeeper	DuBois
William Kester	Glass worker	DuBois
A. Rishel	Carpenter	DuBois
E. E. Pifer	Miner	DuBois
M. N. Corniel	Carpenter	Wilson Ave

BOND.

KNOW ALL MEN BY THESE PRESENTS, THAT - A. J. Beal J. H.  
Piper W. A. Emerick J. E. Emerick T. M.  
Simlin W. W. Emerick and C. E. Piper

all of the Township of Sandy, County of Clearfield, and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania in the sum of One Hundred Dollars lawful money of the United States, to be paid unto the said Commonwealth or its certain Attorney, we do bind ourselves, our heirs, administrators and executors, firmly by these presents. Sealed with our seals and dated the first day of April, 1913.

Now the condition of this obligation is such that if the expenses of Record attending the view of a certain proposed Public Road in Sandy Township, for which we are petitioners, and known to the Record as No. May Sessions, <sup>1913</sup> in the Court of Quarter Sessions for Clearfield County, should be imposed upon the petitioners by the Judge of the said Court, then in such case we or any of us shall at once pay into the office of the Prothonotary of the said County the amount of such costs, this obligation to become void, otherwise to be and remain in full force and virtue.

Signed, Sealed and Delivered  
in presence of

A. J. Beal (SEAL)

J. H. Piper (SEAL)

W. A. Emerick (SEAL)

J. E. Emerick (SEAL)

T. M. Simlin (SEAL)

W. W. Emerick (SEAL)

C. E. Piper (SEAL)

(SEAL)

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

IN RE PETITION OF CITIZENS OF SANDY TOWNSHIP FOR THE APPOINTMENT OF ROAD VIEWERS.

NOTICE TO COMMISSIONERS.

To J. S. Richards, W. C. Langsford, and H. M. Bowman, Commissioners of Clearfield County;

You will please take notice that a petition on the part of certain citizens of Sandy Township, for the appointment of Road Viewers to view and lay out a Public Road in Sandy Township, will be made to the Court on Monday April , 1913 at ten o'clock A.M. the said Road to lead from the Public Road in Sandy Township and commonly known as "Dixon Avenue", at a point near the residence of Grant Kirtzbauer, to a point in the Public Road leading from DuBois to Luthersburg and commonly known as "South Brady Street" and the proceeding being known to the Record as No May Term, <sup>1913</sup> Quarter Sessions of Clearfield County.

*E. L. Boose*

Atty for Petitioners.

And now, April 7 1913, notice received and service is accepted for the Commissioners of Clearfield County.

*X. L. Moore*

Clerk.

NOTICE TO SUPERVISORS.

To H. A. Troutman, George Beers and George Brown, Supervisors of the Road District of Sandy Township;

You will please take notice that a petition on the part of certain citizens of Sandy Township, for the appointment of Road Viewers to view and lay out a Public Road in Sandy Township, will be made to the Court on Monday April , 1913 at ten o'clock A. M., the said Road to lead from the Public Road in Sandy Township and commonly known as "Dixon Avenue", at a point near the residence of Grant Kirtzbauer, to a point in the Public Road leading from DuBois to Luthersburg and commonly known as "South Brady St." and the proceeding being known to the Record as No. May Term <sup>1913</sup> Quarter Sessions of Clearfield County.

*E. L. Boose*

Atty. for Petitioners.

And now, April 1913, notice received and service is accepted.

*H. A. Troutman*

*George Beers*

Supervisors.

No 7 May Ad 1913

PETITION FOR APPOINTMENT OF  
JUDGES TO VIEW AND LAY OUT  
PUBLIC ROAD IN SANDY TWP.

NO. 7 MAY SESSION, 1913.

And now appear?  
1913. The within Petition  
read and considered  
and H.B. Woodward  
H.S. MacMinn and  
E.H. Harmon  
are appointed  
to view and make  
report. at. Sept. Re-  
strip. 1913, by the Court.  
William A. Smith

FILED  
APR 10 1913  
F. G. BOOSE  
ATTORNEY AT LAW AND  
NOTARY PUBLIC  
CHERRY, ILL.  
CLERK  
CHERRY, ILL.

V