

copy
No. 6 Sept Sessions, 19

COMMONWEALTH

VERSUS

Petition for
appointment of
viewers to view all
lay out public road
in Sandy Twp.

CHARGE

Prob. & Ct. Vags 337.

Part Denton St.
Wesson Ave
Hand St

Walter Welch,
District Attorney

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 5 day of July in the year of our Lord one thousand nine hundred sixteen

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

Sandy

in said County, setting forth that your petitioners labor under great inconvenience for the want of a public road, or highway, in the said Township of Sandy to begin at a point at the Mount Zion Methodist Church which point is at the intersection of a public road known on the Wilson Plot as Denton Avenue, and ~~which~~ another Public road known on the same plot as Wilson Avenue, and westward from the Public Road known as Dixon Avenue, a distance of three hundred feet; and to end at a point in the Public road known as Wilson Avenue and above mentioned, where the said Public road intersects with another public road known to the Wilson Plot as Main Street, and Westward from the public road known as S. Main Street a distance of 200 Ft 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 A. G. Kramer, H. A. Reese and George K. Weber

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 G. 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 Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 27th day of July, A. D. 1916, and ~~the hearing to be held in the Arbitration Room in the County House or Clearfield~~ ~~on the 27th day of July, A. D. 1916, in the Arbitration Room in the County House or Clearfield~~ And 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 M. A. Heberling, Bert. Whitmore, Joseph. P. Logan, E. G. Roose, Esq. and David Lyons one of the Supervisors of Sandy Township

~~parties in interest. The hearing was held in the Arbitration Room in the County House or Clearfield on the 27th day of July, A. D. 1916, when the following road was proposed:~~

There being no opposition to said road the viewers did not consider it necessary to hold a view which was therefore dispensed with,

After the view ~~above mentioned~~ above mentioned, the undersigned, ~~the majority of the~~ ~~viewers, do agree that there is an 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 the corner at the Mount Zion Methodist Church of the intersection of the public road known on the Wilson plot as Denton Avenue with what is known as Wilson Avenue in Sandy Township Thence running north eighty five (85) degrees, forty five (45) minutes; west, three hundred and forty one (341) feet. Thence south, four (4) degrees, fifteen (15) minutes, west five hundred and ninety five (595) feet: Thence south eighty five (85) degrees, forty five (45) minutes; east three hundred and forty one (341) feet to a public road known in the said Wilson plot as Hand Street, ^{which is} westward from the public road known as South Brady Street a distance of two hundred (200) feet, in Sandy Township~~

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.

Viewers 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.

NAME	Days	Miles A.M.T.
A. L. Hamer	2	60 1/3 00
H. R. Neely	3	100 20 40
Geo. K. Miller	1	20 6 00

To view road for public use in the township of Sandy, Clearfield County

24 Sept Session, 1916,
read and confirmed Ni. Si.
Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

By the Court
Magisterial
January Session 1917
Court absolutely
By the Court
Magisterial

19
Fees \$1.25 m
e

Filed

ED
August 1916
Court Clerk

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. 1916.



The viewers further report, that said road is laid out on streets of a town plot known as the Wilson plot, which said streets are fifty feet in width, and dedicated to the use of the lot owners along said streets and the public in general as and for a public highway; so that no one will in any way be injured or damaged by the laying out and opening of said public road; as the benefits derived by the opening of a public road along the front of their premises will exceed any damages that any of the property owners along said streets may sustain, and are therefore of opinion that no one is entitled to any damages for which reasons no damages are assessed.

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,

~~whereby we have practical title to the same.~~

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

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 as aforesaid return the same obtained and copy of the notices.

WITNESS our hands and seals this 27th day of July

A. D. 1910.

A. G. Kramer
T. A. Reese
Geo. T. Huber



TO:- Jessie E Dale, H. H. Spencer and Austin Haney,
COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PA.

YOU are hereby notified; that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public Road, leading from a point at the Mount Zion Methodist Church at the intersection of a public road known on the Wilson plot as Denton Avenue, and an other public road known on the same plot, as Wilson Avenue, and westward from the public road as Dixon Avenue, a distance of three hundred (300) feet, in Sandy Township in said County; to a point in the public road, known as Wilson Avenue, above mentioned, where the said public road intersects with another public road known in the Wilson plot as Hand Street; a distance of two hundred (200) feet.

Will meet at the Mount Zion Methodist Church in Sandy Township in the County aforesaid on Thursday the 27th day of July A. D. 1916 at nine (9) o'clock A. M. to attend to the duty of their appointment at which time and place you may attend if you see proper.

A. G. Kramer
H. D. Rees
George K. Weber

VIEWERS.

Now July 10th 1916 service of the above notice accepted for the County Commissioners of Clearfield County Pa.

L. C. Norrie

clerk.

TO:- Charles Dixon, W. H. Nupp and David Lyons,
Supervisors of Sandy Township Clearfield County Pa.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa, to view and lay out a public road leading from a point at the Mount Zion Methodist Church at the intersection of a public road known on the Wilson plot as Denton Avenue, and an other public road known on the same plot as Wilson Avenue, and westward from the public road known as Dixon Avenue, a distance of three hundred (300) feet, in Sandy Township in said County; to a point in the public road, known as Wilson Avenue, above mentioned, where the said public road intersects with another public road known in the Wilson plot as Hand Street; a distance of two hundred (200) feet.

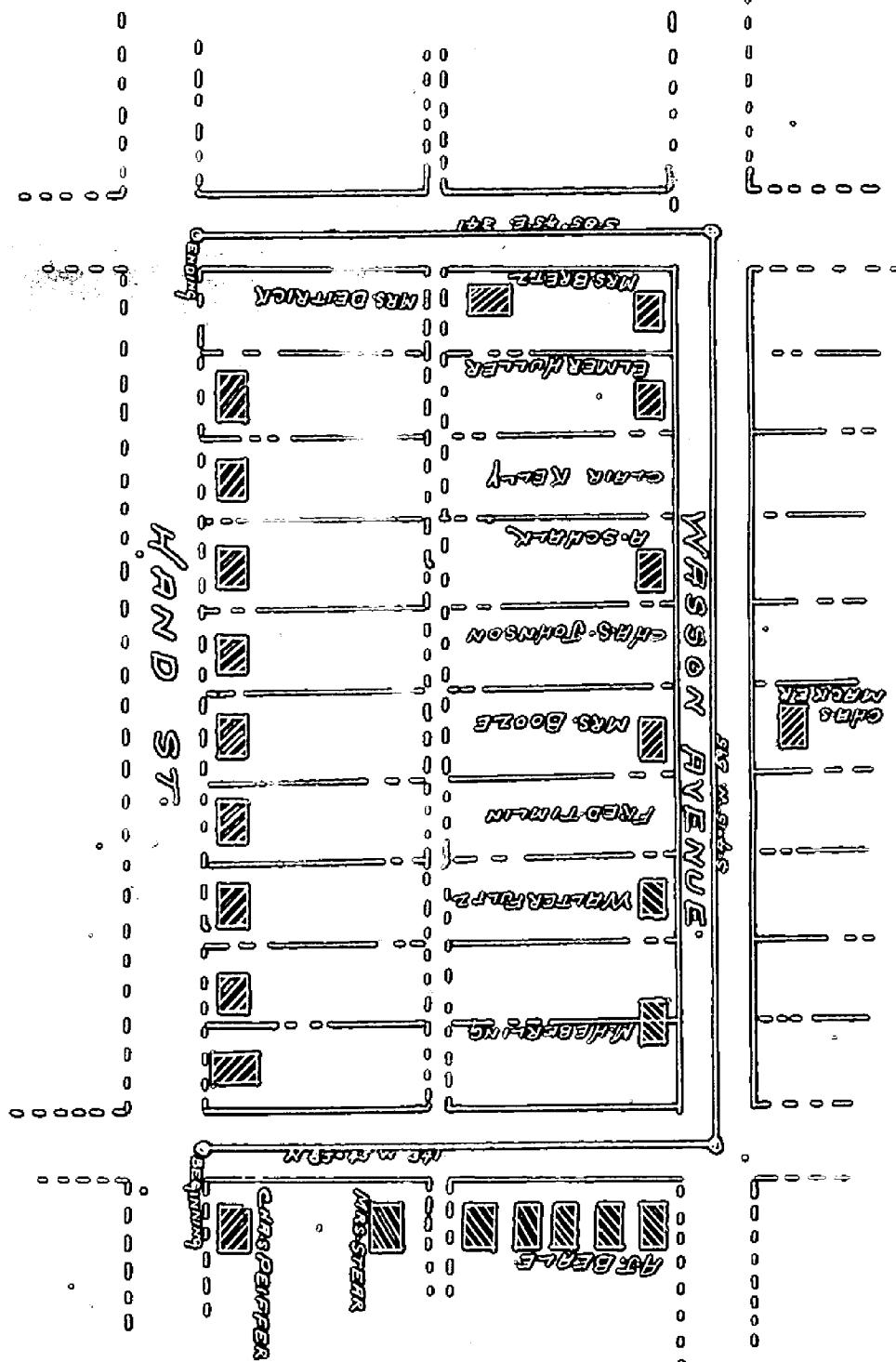
Will meet at the Mount Zion Methodist Church in Sandy Township in the County aforesaid on Thursday the 27th day of July A. D. 1916 at nine (9) o'clock A. M. to attend to the duty of their appointment at which time and place you may attend if you see proper.

A. G. Kramer
H. A. Reese
George K. Weber

VIEWERS.

Now July 1916 served this notice on Charles Dixon, W. H. Nupp and David Lyons the Supervisors of Sandy Township Clearfield County Pa personally by handing each of them a copy of same.

T. G. Buse
Atty for Petitioners



AFFIDAVIT OF PETITIONER.

County of Clearfield /
State of Pennsylvania /^{ss.}

Before me, a Notary Public duly commissioned in and for
the County and State aforesaid, personally appeared

M. A. Beberling one of the petitioners hereinbefore named, and
who by me being duly sworn according to law doth depose and say
the the matters set out in the foregoing petition, are to the
best of his knowledge and belief, true and correct.

M. A. Beberling

Sworn and subscribed before
me this 21st day of June, 1916.

James T. Boso

Notary Public.

My Commission expires May 2, 1919.

BOND OF PETITIONERS.

KNOW ALL MEN BY THESE PRESENTS, that we, Daniel Motter, A. J. Best
Wm. C. Key, August Schell, W. V. Gillies, C. E.
Bailey, J. H. Piper, W. H. Foeg, Jr. Emrich, W. O.
Emrich, Chas E. Hand, Elmer Hobler, W. A.
Heuling, J. M. Jimlin, C. E. Piper, and D. J. Kramer

all of the Township of Sandy, County of Clearfield and State of Pennsylvania, are held and firmly bound, jointly and severally, and as well, our heirs, executors and administrators, unto the Commonwealth of Pennsylvania in the full and just amount of One Hundred Dollars, to which payment we bind our selves and our heirs, executors, administrators and all of them firmly by these presents.

Witness our hands and signatures this 20th day of June, 1916.

WHEREAS, we the above named obligors have petitioned the Court of Quarter Session of Clearfield County, Penna., to appoint viewers to view any lay out a Public Road in Sandy Township, of said County and State, which proceeding is known to the Record as No , of Sept. Term, 1916,

Now, the condition of this obligation is such that if the costs of such view or any part thereof should be assessed to the petitioners, by the Court, that we jointly or severally will pay the costs or any part thereof so assessed, into the office of the Prothonotary of Clearfield County, within ten days after decree so made.

Witness our hands and signatures the day above written.

Daniel Motter (SEAL)

J. H. Emrich (SEAL)

Wm. C. Key (SEAL)

W. O. Emrich (SEAL)

August Schell (SEAL)

Chas E. Hand (SEAL)

W. V. Gillies (SEAL)

Elmer Hobler (SEAL)

C. E. Piper (SEAL)

F. H. Heuling (SEAL)

J. M. Jimlin (SEAL)

J. H. Foeg (SEAL)

C. E. Bailey (SEAL)

F. D. Kramer (SEAL)

W. A. Heuling (SEAL)

S. J. H. Motter (SEAL)

NOTICE TO COUNTY COMMISSIONERS.

To H. H. Spencer, Jesse E. Dale and Austin Haney, Commissioners of Clearfield County;

You will please take notice that a petition signed by divers citizens of Sandy Township, Clearfield County, Penns., paraying for the appointment of viewers to view and lay out a public road in Sandy Township will be presented to the Court on Monday, the 31st day of July at 10.00 A. M. - 1916.

The proposed Public Road is to begin at the Mount Zion Methodist Church and at a point at the intersection of a Public Road known to the Wilson Plot as Denton Avenue, and another Public Road known on the same plot as Wilson Avenue, Westward from the Public Road known as Dixon Avenue, a distance of two hundred feet; and to end at a point in the Public Road known as Wilson Avenue, above mentioned, where the said Public Road intersects with another Public Road known to the Wilson Plot as Hand Street, and Westward from the Public Road known as South Brady Street, a distance of two hundred feet.

Both the above named terminals of the proposed Public Road being in Sandy Township.

E. G. Boose

Atty for Petitioners.

Now, June 30, 1916, notice received by service of copy and service of same accepted.

L. C. Morris

Clerk for County Commissioners.

NOTICE TO SUPERVISORS.

To W. N. Nupp, Charles Dixon and David Lyons, Supervisors of the Township of Sandy;

You will please take notice that a petition signed by divers citizens of Sandy Township, Clearfield County, Penna., praying for the appointment of viewers to view and lay out a public road in Sandy Township will be presented to the Court on Monday, the 31 day of July at 10.00 A. M. - 1916

The proposed Public Road is to begin at the Mount Zion Methodist Church and at a point at the intersection of a Public Road known to the Wilson Plot as Denton Avenue, and another Public Road known on the same plot as Wilson Avenue, Westward from the Public Road known as Dixon Avehue, a distance of two hundred feet; and to end at a point in the Public Road known as Wilson Avenue, above mentioned, where the said Public Road intersects with another Public Road known to the Wilson Plot as Hand Street, and Westward from the Public Road known as South Brady Street, a distance of two hundred feet.

Both the above named terminals of the proposed Public Road being in Sandy Township.

Ed. B. Ross

Atty. for Petitioners.

Now, July 2, 1916, notice received by service of copy and service of same accepted.

Attest;

Charles Dixon
W.N. Nupp secy.
David Lyons
Secretary.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

To the Honorable Singleton Bell, Judge of the Court of Quarter Sessions in and for the County of Clearfield;

The petition of the undersigned inhabitants of Sandy Township, Clearfield County, Pennsylvania, respectfully sheweth;

That your petitioners labor under great inconvenience for the want of a Public Road, or highway, in the said Township of Sandy, to begin at a point at the Mount Zion Methodist Church which point is at the intersection of a Public Road known on the Wilson Plot as Denton Avenue, and another Public Road known on the same plot as Wilson Avenue, and westward from the Public Road known as Dixon Avenue, a distance of ~~three~~-hundred feet; and to end at a point in the Public Road known as Wilson Avenue and above mentioned, where the said Public road intersects with another Public Road known to the Wilson Plot as Hand Street, (an westward from the Public Road known as South Brady Street, a distance of two hundred feet.

Both the above named terminals of the proposed public road being in Sandy Township, aforesaid.

THEREFORE, your petitioners pray that the Court may appoint proper persons to view and lay out the same, according to law. And they will ever pray etc.

Daniel Miller John Miller
A. J. Beale Elmer Miller
Wm. C. Kelly John Miller
August Schell F. W. Giesche
John Miller C. Miller
B. C. Bailey B. J. Giesche
John Miller John Miller
W. O. Enwick John Miller

NO. 6, SEPT. TERM, 1916.

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

Now, July 3, 1916, this
Petition presented in open
Court, read and considered,
whereupon the Court appoints
A. G. Krause, H. A. Kline
and *Frank L. Ladd* Viewers,
they to view the premises,
and make return to Court to
September Sessions, 1916.

By the Court
Englehardt
P. J.

E. G. BOOSE
ATTORNEY AT LAW AND
NOTARY PUBLIC
DUBOIS, PA.

225 Main St., Dubois, Pa.