

no 2

No. 3 December Term, 1919.

IN RE:

PUBLIC ROAD IN CREST TOWNSHIP

Versus

Doll

vs me

vs.

Wm Bell
W.P.

LLER & HARTSWICK
ATTORNEYS AT LAW
CLEARFIELD, PA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

To the Honorable Singleton Bell, President Judge of said Court:-

The petition of J. F. Westover and W. H. Michaels as Supervisors of the Township of Chest, said county, would respectfully represent:-

FIRST. That they are all of the Supervisors of Chest Township at this time, the other Supervisor, Harry Killian, having resigned.

SECOND. That there is a public road running through Chest Township and extending from five points in Chest Township to the Borough of New Washington, long since laid out.

THIRD. That that part of said Township Road which lies between the West end of the public bridge across Chest creek at five points to the top of what is known as the "William Kitchen Hill", at the division line between Chest Township and Burnside Township, has become useless, inconvenient and burdensome, and is no longer necessary as a public road.

Your petitioners therefore pray the court that the said road may be vacated agreeably to the Act of the General Assembly in such case made and provided;

And they will ever pray, etc.

J. F. Westover
W. H. Michaels
Supervisors of Chest Township.

TO THE SUPERVISORS OF ROADS OF CHEST TOWNSHIP.

You are hereby notified that the petition of the Supervisors of said Township to vacate a part of the Public Road extending through Chest Township from five points to New Washington -- the part to be vacated being that part of this road which lies between the West end of the public bridge across Chest Creek at five points to the top of what is known as the "William Kitchen Hill", at division line between Chest Township and Burnside Township -- will be presented to the court for the appointment of viewers on Monday, the 29" day of September, A. D. 1919, at nine o'clock A. M.

Miller & Hartwick
Attorneys for Petitioners.

NOW, September 22 1919, we accept service of the above notice for the Board of Supervisors of Chest Township.

Miller & Hartwick
Attorneys for the Board of
Supervisors of Chest Township.

202 Dec. 28, 1979.

In the Court of Quarter Sessions of Clearfield County, Pennsylvania.

Petition to vacate a part of a public road in Chest Township.

Dear Senator, 29-1979
Attn: Chamberlain, Ed Bellotti
1/5. Mechanical
or apparently owners in
the vicinity, pattern.

By the Court
Engelhardt, Jr.

MILLER & HARTSMICK
ATTORNEYS AT LAW
CLEARFIELD, PA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the twenty-ninth day of September in the year of our Lord, one thousand nine hundred and nineteen.

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Chest, in the County aforesaid setting forth that
there is a public road running through Chest Township and extending from five points in Chest Township to the Borough of New Washington, long since laid out.

That that part of said road which lies between the West end of the public bridge across Chest Creek at five points to the top of what is known as the "William Kitchen Hill", at the division line between Chest Township and Burnside Township, has become useless, inconvenient and burdensome, and is no longer necessary as a public road.

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-

point from and among the County Board of Viewers A. G. Kraemer, E. D. Billotte

and J. S. Michaels who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; 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 the place where they would meet; to view said road and the time and place of hearing.

By order of the Court.

John S. Moore
Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE COUNTY OF CLEARFIELD, PA.

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 the 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 Chest -----, and that three ----- notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

24th day of October -----, A. D. 1919, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield,

Pa., on the 25th day of October ----- A. D., 1919, at nine o'clock A. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view besides the viewers, William H Michaels one of the Supervisors of Chest Township, and Horace Gorman and Russell Neff, which latter two were opposed to the vacating of said road. -----

part
parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 25th day of October, ,

A. D. 1919; when the parties interested in the said road were in attendance: William H, Michaels J, F, Westover two of the Supervisors of Chest Township, in favor of vacating said road. -----

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has not , become useless, inconvenient and burdensome and ought therefore not to be vacated, to wit: From the west end of the bridge across Chest Creek at Five Points, running the following courses and distances; to wit; north sixty (60) degrees, thirty (30) minutes, west two hundred and seventy five (275) feet; thence north seventy four (74) degrees, fifteen (15) minutes, west four hundred (400) feet; across the tract of the Penn'a Railroad; thence north, seventy six (76) degrees, thirty (30) minutes west five hundred (500) feet; thence north seventy two (72) degrees thirty (30) minutes west five hundred (500) feet; thence, north fifty four (54) degrees, thirty (30) minutes, west three hundred and twenty three (323) feet; thence south sixty four (64) degrees, west, six hundred and seventy seven (677) feet to the point where the road vacated, leading from the public road leading from Five Points to Harmony intersects with the said public road leading from Five points to Mount Joy on the Perry Kitchen farm in Chest Township. And therefore recommend that said part of the aforesaid public road be not vacated.

But the balance of said public road from said point to the top of the William Kitchen hill at the division line between Chest Township and Burnside Township running north, seventy six (76) degrees, west four hundred (400) feet; thence north eighty (80) degrees, west two hundred and sixty (260) feet; thence north, eighty (80) degrees, west three hund-

TO:- JESSE. 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 vacate that part of the public road leading from Five Points in Chest Township to the Borough of New-Washington; From the west end of the public bridge across Chest Creek at Five Points to the top of what is known as the William Kitchen hill, at the devision line between Chest Township and Burnside Township in Chest Township in the County aforesaid: Will meet at the west end of the bridge at Five Points in Chest Township on ~~Friday~~ the 24th day of October A. D. 1919 at nine (9) o'clock A. M. to attend to the duty assigned them; of which time and place aforesaid all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested, either in favor of or against the vacation of said road, will be held in the Arbitration Room in the Court House in Clearfield Pa on ~~Saturday~~ the 25th day of October A. D. 1919, at nine (9) o'clock A. M. at which time and place all parties interested, either for or against the vacating of said road may appear and be heard.

A. G. Marsteller
W. H. Billott
J. S. Michaels

VIEWERS.

Now October 11th 1919 service accepted of the above notice for the County Commissioners of Clearfield County Pa.

L. C. Norrell
Clerk.

TO:- J. F. WESTOVER AND W. H. MICHAELS, the Acting Supervisors of Chest Township, Clearfield County Penna:

You are hereby notified; That the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County Pa, to vacate that part of the public road leading from Five Points in Chest Township to the Borough of New-Washington from the west end of the public bridge across Chest Creek at Five Points to the top of what is known as the William Kitchen Hill; at the division line between Chest Township and Burnside Township in Chest Township in the County aforesaid will meet at the west end of the Bridge at Five Points in Chest Township on Friday the 24th day of October A. D. 1919 at nine (9) o'clock A. M. to attend to the duty assigned them of which time and place aforesaid all parties interested will please take notice.

And that the public hearing as required by the Act of Assembly and the Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested, either in favor of or against the vacating of said road, will be held in the Arbitration Room in the Court House in Clearfield Pa, on Saturday the 25th day of October A. D. 1919, at nine (9) o'clock A. M. at which time and place all parties interested either for or against vacating of said road may appear and be heard.

A. J. Brauner

E. D. Billotte

J. S. Michaels

VIEWERS.

Now October the 11th 1919 we mina J, F, Westover and W, H, Michaels the above named Supervisore of Chest Township Clearfield County Pa admit the service of the foregoing notice on each of us by copy.

J. F. Westover
W. H. Michaels

red and forty (340) feet; thence north seventy nine (79) degrees, west four hundred (400) feet; thence north, sixty eight (68) degrees, west four hundred (400) feet; thence north forty eight (48) degrees, forty five (45) minutes, west, five hundred (500) feet, over lands of Perry Kitchen. Thence over land of Horace Gorman the following courses and distances, to wit. North, sixty five (65) degrees, west seven hundred (700) feet; thence north, seventy six (76) degrees, west one hundred (100) feet; thence south, eighty five (85) degrees, forty five (45) minutes, west one hundred (100) feet; thence south sixty nine (69) degrees, west one hundred (100) feet; thence south, forty three (43) degrees, west one hundred (100) feet; thence south, thirty five (35) degrees, thirty (30) minutes, west three hundred and sixty two (362) feet; thence north seventy four (74) degrees thirty (30) minutes, west thirty eight (38) feet; thence north, forty (40) degrees, west two hundred (200) feet; thence north fifty five (55) degrees west, one hundred and thirty (130) feet to the Burnside Township line;

The most of which part of said road is up a steep hill at a grade of over twenty degrees and is in bad condition, and a hard and expensive road to keep in repair and as far as the viewers could judge is of no material benefit to any of the citizens of the township as no one lives along or close to said road that will be very much benefitted by keeping it up as according to the appearances of the road is traveled but very little as all the people living along the far end of said road in Burnside Township have a good and convenient outlet so that the viewers see no reason for keeping up said road; as in the judgment or opinion of the viewers the same is useless, inconvenient and burdensome to the taxpayers of Chest Township to keep it up. The viewers therefore recommend that that portion of said road be vacated. The viewers therefore recommend that that portion and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and

~~RELEASER~~

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up 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:

No person in the opinion of the viewers is damaged by the vacating of said road therefore no damages are assessed.

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

Witness our hands and seals this 25th day of October, A. D. 1919.

R. J. Kramer [SEAL]

E. B. Billotte [SEAL]

J. S. Michaels [SEAL]

Viewers.

No. 3 Dec. Term 1919.

ORDER TO VACATE

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.

To review and vacate road situated in the Township of Cheat,
Clearfield County.

Now Dec. Sessions 1919

read and confirmed Ni. Si.

By the Court

George H. Bell
Now July Sessions 1920 A.D.

confirmed absolute.

George H. Bell
By the Court
George H. Bell

Filed 19

Atty.

Fees \$1.25 paid by

KNOW ALL MEN BY THESE PRESENTS, That we, J. F. Westover and W. H. Michaels, of the Township of Chest, County of Clearfield, and State of Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania, in the sum of One Hundred Dollars (\$100), lawful money, to be paid to the said Commonwealth, her Attorney or assigns, to which payment well and truly to be made, we do bind ourselves, and each of us, our heirs, executors and administrators jointly and severally, firmly by these presents.

Sealed with our seals, dated the 22 day of September, A. D. 1919.

WHEREAS, The said J. F. Westover and W. H. Michaels, supervisors of Chest Township, intend presenting their petition to the Court of Quarter Sessions of Clearfield County on Monday, the 29 day of September, A. D. 1919, for the appointment of viewers to vacate a part of a public road, which said public road extends from five points in the Township of Chest to the Borough of New Washington, and the part of said road to be vacated being that part which lies between the West end of the public bridge across Chest Creek at five points to the top of what is known as the "William Kitchen Hill", at the division line between Chest Township and Burnside Township.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, That if the said petitioners asking for the appointment of said viewers shall pay into the County Treasury of Clearfield County all such costs as the said Court may order them to pay, then this obligation to be null and void, otherwise to be and remain in full force and effect.

J. F. Westover SEAL
W. H. Michaels SEAL

2nd Dec 18 1919

To the Court of Common Pleas
Schenks or Criminal Justice,
Pennsylvania.

Bond of ~~particulars~~ ~~for~~
payment of costs.

Max Schenck 1919
Theophilus H. Schenck

MILLER & HARTSWICK
ATTORNEYS AT LAW
CLEARFIELD, PA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE