

Road DOCKET No. 5

Number	Term	Year
<u>3</u>	<u>Sept SS</u>	<u>1921</u>

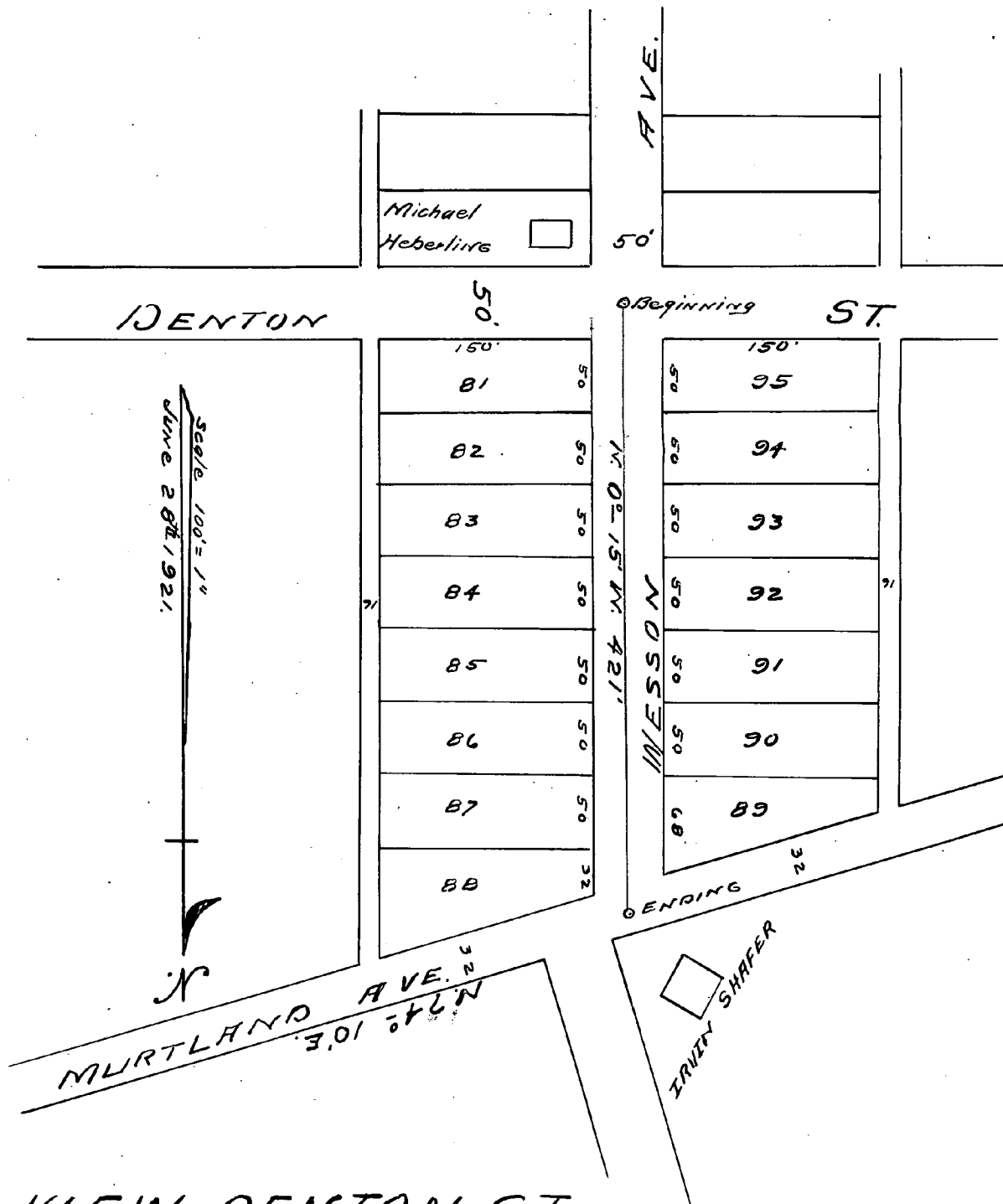
Public road in Sandy Twp.

Versus

*R.O. vs. Page Co*

*Part Twp. Rd. 17390*

No. 3 Sept. 1921



ROAD VIEW-DENTON ST.  
VIA WESSON AVE. TO  
MURLAND AVE. IN  
SANDY TWP., CLEARFIELD  
CO., PA.

FRANK HUTTON  
GEO. H. Weber  
J.E. FRY

Viewers.

Maximum slope - 12° for 100'  
Can be graded to an 8° slope.

To, T.R.WEIMER, JESSE E.DALE and M.L.FARREL, Commissioner of  
Clearfield, County.

You are hereby notified, that the undersigned Viewers, appointed  
by the Court of Quarter Sessions of Clearfield County, Pennsylvania,  
to view a Public Road leading from a point BEGINNING in the Public  
Road opposite the house of Michael Heberling, said point being the  
intersection of what is known as Denton Street and Wesson Avenue, on  
The Wilson Realty Company's Plat in Sandy Township to a public road  
which at this point is known as Murtland Avenue, opposite the house  
of Irvin Shaffer in Sandy Township, in the County aforesaid, will meet  
at the house of Michael Heberling in Sandy Township, on Tuesday the  
28th day of June A.D. 1921 at nine o'clock A.M., to attend to the duty  
assigned them, of which time and place all parties interested will  
take notice. And that the Public Hearing required, will be held at  
the Court House at Clearfield, Pa., on Thursday the 30th day of June  
1921 at nine o'clock A.M. when and where all parties interested  
may attend and be heard.

Amos Shultz  
J. E. Fry  
George H. Leeb

DuBois Pa. June 15th 1921

Viewers

Now June 20 1921 service of this notice is accepted for the  
Commissioners of Clearfield County

L. C. Morris, Clerk

To THE SUPERVISORS OF SANDY TOWNSHIP ROAD DISTRICT.

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 BEGINNING in the Public Road opposite the house of Michael Heberling, said point being the intersection of what is known as Denton Street and Wesson Avenue, on The Wilson Realty Company's Plat in Sandy Township to a Public Road which at this point is known as Murtland Avenue, opposite the house of Irvin Shaffer in Sandy Township, in the County aforesaid will meet at the house of Michael Heberling, in Sandy Township on Tuesday the 28th day of June A.D. 1921 at nine o'clock A.M. to attend to the duty assigned them. And that the Public Hearing required, will be held at the Court House in Clearfield, Pa. on Thursday the 30th day of June 1921 at nine o'clock A.M. of which times and places all interested parties will take notice.

"DuBois Pa. June 15th 1921

Frank Shultz  
J. E. Fry  
George Kleeber  
Viewers.

Now June 18 1921 service of this notice is accepted for the Supervisors of Sandy Township Road District.

W. H. Napp  
Secy.

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

To the Honorable, the President Judge of the said Court;

The undresigned petitioners who are inhabitants of the Township of Sandy, in said County of Clearfield, respectfully represent;

That they labor under great inconvenience for the want of a public road in said Township of Sandy, beginning in the Public road opposite the house of Michael Heberling, said point being the intersection of what is known as Denton Street and Wesson Avenue, on the Wilson Realty Co's Plat, and ending in a Public road which at this point is known as Murtland Avenue, opposite the house of Irvin Shaffer, the point of beginning and also the point of ending being in the said Township of Sandy.

Your undersigned petitioners do therefore pray that the court may appoint viewers to view and lay out a Public Road and make return to the court of their proceedings according to law in such case made and provided. And they will ever pray etc.

*Irvin Shaffer*  
-----  
*J. G. Mosher*  
-----  
*E. Brown*  
-----  
*D. B. Hoover*  
-----  
*M. A. Pittler*  
-----  
*Ralph Gray*  
-----

*Chris Arley*  
-----  
*Harry Arley*  
-----  
*L. W. Shaffer*  
-----  
*Samuel Book*  
-----  
*W. C. Shaffer*  
-----  
*Geo. H. Lent*  
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County of Clearfield ss;  
State of Pennsylvania

Before me, a Notary Public duly commissioned in and for the said County of Clearfield, personally came W. C. Calloun of date of May 14, 1921, and by me being duly sworn according to law deposes and says that the facts set forth in the foregoing petition, to which the name of the deponent is affixed as a petitioner, are to the best of deponent's knowledge and belief, true and correct.

Sworn to and subscribed before  
me this 19th day of May,  
1921.

*W. C. Calloun*  
-----

*Charles Book*  
----- N.P.

My Commission Expires May 2, 1923.

To the Board of COMMISSIONERS of the COUNTY of  
CLEARFIELD, PENNA.;

You will please take notice that a petition signed by divers inhabitants of Sandy Township, Clearfield County, Penna., will be presented to the Court of Quarter Sessions of the County of Clearfield on Monday, the twenty-third day of May, 1921, at ten o'clock A. M. in open court, praying that the Court Appoint viewers to view and lay out a public road in Sandy Township, Clearfield County, Pa., described in the said petition as follows, to wit;

"Beginning in the Public road opposite the house of Michael Heberling, said point being the intersection of what is known as Denton Street and Wesson Avenue, on the Wilson Realty Co's Plat, and ending in a Public road which at this point is known as Murtland Avenue. opposite the house of Irvin Shaffer, the said point of beginning and also the point of ending being in the said Township of Sandy"

Witness the names of the said petitioners hereunto attached.

C. J. Shaffer  
J. J. Moshier  
D. B. Hoover  
M. A. Pittsley  
Ralph E. Gray

C. B. Bailey  
A. J. G. G. G. G.  
L. B. Shaffer  
Henry G. G.  
W. C. G. G.  
G. M. G. G.

Now, May 17, 1921, the foregoing notice served by copy and service thereof accepted for the Board of Commissioners of Clearfield County, Penna.

L. C. Morris  
clerk

To the Board of Supervisors of the Township of  
Sandy, Clearfield County, Pa.

You will please take notice that a petition signed by divers inhabitants of Sandy Township, Clearfield County, Penna., will be presented to the Court of Quarter Sessions of the County of Clearfield on Monday, the twenty-third day of May, 1921, at ten o'clock A. M. in open court, praying that the Court Appoint viewers to view and lay out a public road in Sandy Township, Clearfield County, Pa., described in the said petition as follows, to wit;

"Beginning in the Public road opposite the house of Michael Heberling, said point being the intersection of what is known as Denton Street and Wesson Avenue, on the Wilson Realty Co's Plat, and ending in a Public road which at this point is known as Murtland Avenue. opposite the house of Irvin Shaffer, the said point of beginning and also the point of ending being in the said Township of Sandy"

Witness the names of the said petitioners hereunto attached.

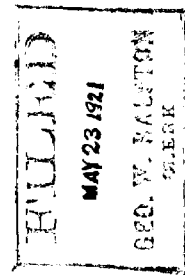
C. D. Apple  
J. J. Mosher  
R. E. Brown  
M. A. Pittsley  
D. B. Hoover  
Ralph Gray

C. Bailey  
Harry Barley  
L. W. Sheffer  
Henry Kopf  
W. C. Edelman  
Geo. N. Gent

Now, May 18th 1921, the foregoing notice served by copy and service thereof accepted for the Board of Supervisors of Sandy Township.

W. H. Nupp  
Secretary.

#3 Lips ss 1921



88 Bone Alley,  
275 Pa by ally.

Now May 23, 1921 French Hutter Eq. J.E. Fry and  
George Mln are appointed to serve and make  
report on directly the acts of assembly.

Mythe Lowy  
Ingphur Hall  
17



No. 3 Sept Sessions, 19 21

## ORDER

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

Sept. Session, 1921,  
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.

*Mythe Court*

*Singleton Bell*

*Dec. 55. 1921 / Amput.*

*Abolition Mythe Court*

*Mythe Court*

FILED	
Filed JUL 9 1921	19
FRED W. RAISTON CLERK	

*E. H. Boone*

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.
Frank Hutton	3	62 25.60
J. E. Fry	3	62 25.60
Geo. K. Weber	2	70 18.50

### 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 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. 191 \_\_\_\_\_.



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~~ all of said road as laid out exceeds five degrees, as it

~~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 all the land occupied or to be taken has been dedicated by the owners for a public thoroughfare~~

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 30th day of June

A. D. 1921

*Imah Shulten*  
*J. E. Taylor*  
*George Weber*



# 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 28th day of June, A. D. 1921, and the hearing to be held in the Arbitration room, at the Court House, in Clearfield, Pa., on the 30th day of June, 1921, at 9 o'clock A. 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 besides the viewers, W. H. Nupp Secretary of the Board of Supervisors of Sandy Twp

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 30th day of June A. D. 1921, when the following appearances were noted: no appearances either for or against the proposed road

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 not 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 center of Denton Street and Wesson Avenue, where said Street and Avenue cross opposite the property of Michael Heberling, thence North 0° 15' West, in a line running through the center of what is known, and shown on the plan of lots in The Wilson Terrace as Wesson Avenue Four Hundred Twenty One (421) feet to a point in the center of what is shown on said plan of lots in Wilson Terrace as Murtland Avenue. The maximum grade is greater than contemplated by the Act of Assembly being about 12° for one hundred feet of the proposed road, but can be graded without great expense to an average slope of about 8° and your viewers are of the opinion it is not practical to lay out said road between the designated points any other way without great damage to improved property, the road as laid out is mostly built up along one side and runs over what is designated on the Plan of lots in The Wilson Terrace as "Wesson Avenue" which has been dedicated as a public Street or road Fifty (50) feet wide on said plan of lots, therefore your Viewers suggest, that if this report is confirmed, that the road be made Fifty (50) feet wide, thereby avoiding possible future complications

## 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 23rd day of  
May in the year of our Lord  
one thousand nine hundred twenty-one.

Judge of the same Court: Upon the petition of  
Sundry inhabitants of the Township of  
Sandy

in said County, setting forth that they labor  
under great inconvenience for the want of a public road in said  
Township of Sandy, beginning in the public road opposite the house  
of Michael Heberling, said point being the intersection of what is  
known as Denton Street and Wesson Avenue, on the Wilson Realty Co's  
Plat, and ending in a public road which at this point is known as  
Murtland Avenue, opposite the house of Irvin Shaffer, the point of  
beginning and also the point of ending being in the said Township  
of Sandy.

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 Frank Hutton, Esq. J.E. Fry and  
George 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 impar-  
tiality 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 dis-  
tance, 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.

Geo W Ralston, Clerk.