

Road

DOCKET No. 5

Number Term Year

4 May SS 1921

Petition to vacate public road

in Burnside Twp

Versus

X

TO THE HONORABLE THE PRESIDENT JUDGE OF THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CLEARFIELD.

The petition of the undersigned inhabitants of the Township of Burnside, in the County of Clearfield, respectfully represents:-

That a road has been long since laid out from the line of the Borough of Glen Campbell and extending through Banks Township in the County of Indiana, crossing the county line into the Township of Burnside, in the County of Clearfield, and extending to the new state road in said Burnside Township, which new state road is from Dowler Junction, in the County of Clearfield, to the Borough of Glen Campbell, in the County of Indiana.

That the said Township road is over a steep hill and longer than the new state road between the Borough of Glen Campbell and the point where said Township road now connects with the new state road.

Petitioners further represent that the said Township road has become useless, inconvenient and burdensome to the inhabitants of the Township of Banks and the Township of Burnside; that since the grading and opening of the new state road the said township road is not traveled by the general traveling public; that only two persons reside on the said portion of said township road and they both can have access to the new state road across and over their own lands; that the proposed vacation will be greatly to the public interest in that it will dispense with a railroad crossing and relieve the public authorities of the expense of keeping up said township road.

Your petitioners therefore pray the Court that said township road may be vacated agreeably to the Acts of Assembly in such cases made and provided. And they will ever &c.

W H Smith
J. Eisenhower
John Griffith
Carlisle Breth
Radford Meadamer
C. L. Westover

Clearfield County, ss;

Before me, the subscriber, personally came
one of the above named petitioners, who being duly sworn accord-
ing to law deposes and says that the facts set forth in the
foregoing petition are true to the best of his knowledge, in-
formation and belief.

Sworn and subscribed before me
this 12 day of April 1921.

W H Smith Jr
my commission expires
Jan 1 1926

George W. Griffith

We the undersigned, Supervisors of the Township of
Burnside, in the County of Clearfield, have read the fore-
going petition, accept notice of the presentation of the same
to the Court of Quarter Sessions of the County of Clearfield,
and do agree that the facts set forth are correctly stated.

{ John Derry
J. Ralph Buttles
G. L. Brothers

Now, April 23rd 1921
Service accepted on part of the
Clearfield County Commissioners
L. C. Hornsby Clerk

KNOW ALL MEN BY THESE PRESENTS, that we the undersigned, are held and firmly bound unto the Commonwealth of Pennsylvania, in the sum of One Hundred Dollars, lawful money to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, and every of them, firmly by these presents. Sealed with our seals and dated this 5th day of April, 1921.

WHEREAS the foregoing petition for the vacation of a certain public road in the Township of Banks, in the County of Indiana, and in the Township of Burnside, in the County of Clearfield, is about to be presented to the Court of Quarter Sessions of the County of Clearfield.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH That if the petitioners shall well and truly pay all costs and charges of said view which they may be ordered to pay by the said Court, and indemnify and County of Clearfield therefrom, then this obligation shall be null and void and of no effect, otherwise to be and remain in full force.

Ernest Deyarnin

(Seal).

Elmer Leasure

(Seal).

(Seal).

(Seal).

(Seal).

(Seal).

Now, Apr 23, 1921, A. G. Krauer Esq. & D. Billotti Esq.
and J. S. Michaels are appointed viewers as
proposed for, to act and report as provided by law

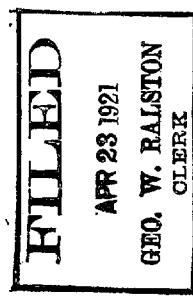
By the Court
Franklin Bell

Powers of viewers enlarged to Sept session 1921
See back of order for details

No. 4 May 28, 1921.

Last the Court of Common
Session

Petition to Vacate
Public Roads in
Brynnside Town-
ship.



Taylor & May

That a road has been long since laid out from the line of the Borough of Glen Campbell and extending through Banks Township in the County of Indiana, crossing the county line into the Township of Burnside, in the County of Clearfield, and extending to the new state road in said Burnside Township, which new state road is from Dowler Junction, in the County of Clearfield, to the Borough of Glen Campbell, in the County of ~~xxxxxx~~ Indiana.

That the said Township road is over a steep hill and longer than the new state road between the Borough of Glen Campbell and the point where said township road now connects with the new state road. Petitioners further represent that the said township road has become useless, inconvenient and burdensome to the inhabitants of the Township of Banks and the Township of Burnside; that since the grading and opening of the new state road the said township road is not traveled by the general traveling public; that only two persons reside on the said portion of said township road and they both can have access to the new state road across and over their own lands; that the proposed vacation will be greatly to the public interest in that it will dispense with a railroad crossing and relieve the public authorities of the expense of keeping up said township road.

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 Burnside -----, 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

25th day of May -----, A. D. 1921, 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 26th -- day of May ----- A. D., 1921, at 9.30 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 also the viewers of Indiana County and John Nowry one of the Supervisors of Burnside Township and E. E. Hoffman.

All in favor of vacating the road; no one appearing opposed to the vacating of the same

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 26th day of May ,

D. 1921, when the parties interested in the said road were in attendance: McMasters and John M Uray Esq Attorney for the petitioners in favor of vacating the same; no one appearing opposed to vacating the same.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has -----, become useless, inconvenient and burdensome on account of being supplied by a state road close by the same road between the same points, to wit from Dowler Junction in Burnside Township Clearfield County to the Borough of Glen Campbell in Indiana County and is therefore of no further use and on account of the steep grade is an expensive road to keep up washes out every hard rain and is traveled but very little if any; and that the only person living along the same E. E. Hoffman is in favor of having the same vacated.

The viewers therefore recommend that the said road from where it connects with the State road to the Indiana County line be vacated as per draft hereto attached as a part of their report.

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 **23**, day of **April** in the year of our Lord, one thousand nine hundred and **twenty-one**

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of **Burnside**, in the County aforesaid setting forth that

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 appoint from and among the County Board of Viewers A. G. Kramer, Esq., E. D. Billotte, Esq.,

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.

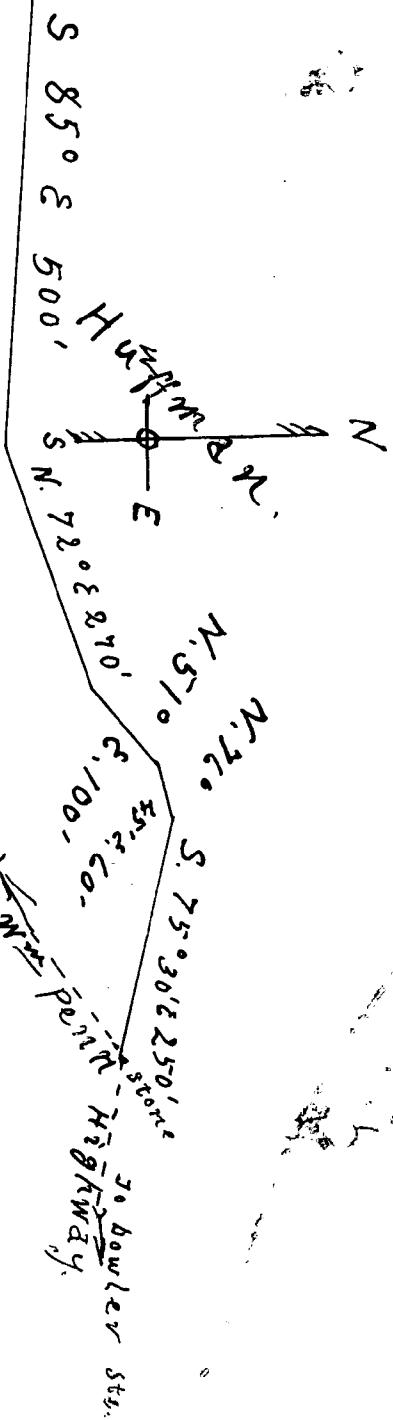
By order of the Court.

Rev St Ralston

Clerk

Indiana County

County - - - - - line



Draft showing location of public road.

Situated in Burnside twp. Clifd. Co., Pa;

Viewed for vacation May 25th, 1921.

Scale $\frac{1}{2}$ " to 100'

A. G. Kramer.
G. Billotte
J. S. Michalewski
Viewers.

No. 4 May 1921.

TO, T. R. WEIMER, JESSE. E. DALE AND H, L. FARRELL;
COUNTY COMMISSIONERS OF CLEARFIELD COUNTY PENNSYLVANIA.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania, to view and vacate a public road leading from the intersection of the Township Road to be vacated; with the new State Road, leading from Dowler Junction in Burnside Township to Glen Campbell in Indiana County, to where the said Road to be vacated crosses the Indiana County line in Burnside Township, in the County aforesaid, will meet at the End of the Road to be vacated at the Indiana County line in Burnside Township on Wednesday the 25th day of May A. D. 1921 at nine 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 required by the Act of Assembly and the Rules of Court to be held by the viewers in order to give all parties interested in said road to be vacated, either for or against vacating said road a chance to be heard by the viewers before the filing of their report in Court, will be held in the Arbitration Room in the Court House in Clearfield Pa, on Thursday the 26th day of May A. D. 1921 at nine o'clock A. M. when and where all parties interested in said road may appear and be heard

A. G. Kramer

E. D. Billotte

J. S. Michaels
VIEWERS.

Now, May, 12 1921 service accepted for the County Commissioners of Clearfield County Pa.

L. C. Harris

Clerk

To John Nowrey, J, Ralph Hutton and J. L. Brothers
Supervisor's of Burnside Township Clearfield County Pa.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pennsylvania, to view and vacate a public road leading from the intersection of the Township Road to be vacated; with the new State road, leading from Dowler Junction in Burnside Township to Glen Campbell in Indiana County, to where the said road to be vacated crosses the Indiana County line in Burnside Township, in the County aforesaid: Will meet at the end of the road to be vacated at the Indiana County line in Burnside Township; on Wednesday the 25th day of May A. D. 1921 at nine 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 required by the Act of Assembly and the Rules of Court to be held by the viewers in order to give all parties interested in said road to be vacated, either for or against vacating said road a chance to be heard by the viewers before the filing of their report in Court, will be held in the Arbitration Room in the Court House in Clearfield Pa, on Thursday the 26th day of May A. D. 1921 at nine o'clock A. M. when and where all parties interested in said road may appear and be heard.

A G Kramer.

ED Billotte.

J S Michaels.

VIEWERS.

Now May / 27 1921 served this notice on John Nowrey J, Ralph Hutton and J, L, Brothers the supervisors of Burnside Township Clearfield County Pa personally by handing each of them a true and correct copy of same.

John Nowrey

We the Under Signed Citizens of Clearfield County do request
that the road leading from Emery Huffmans to Bellmore and Urey be
Maintained as A PWP Road this said Road passing by the way of Joe
Sunderlands by way of Rockwood School, also being a Mail Route.

J. A. Martin
W. D. Martin
John Kowalek
Joe Kowalek
W. B. Stauffer
William Comer
J. D. Campbell
John St. L.
Gas G. Darr
A. J. Leng
W. B. Stauffer
Henry Holzert
Paul Peters
Geo. McKeage
Joseph Lefark
W. M. Powley
John T. Pearce
R. G. Lain Griffith
D. H. Brady

Michael Fabick
John Ross

H. W. THOMAS

Undertaker Justice of the Peace

ESSEX AUTOMOBILES

GLEN CAMPBELL, PA.

No. 4 May 55 Term 19 21

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.

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
A. G. Brammer	8/4/34	20	
E. B. Billotte	8/12/35	60	
J. S. Michael	8/4/26	30	

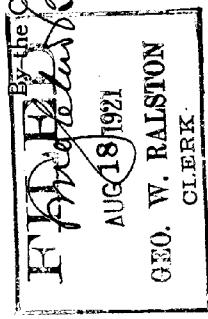
To view and vacate road situate in the Township of Burnside.

Clearfield County.

Now left Sessions 1921

read and confirmed Ni. Si.

By the Court
Engleman Bell Jr.
Now Dec 2 Sessions 1921
confirmed absolute.



Filed 19

Atty, Taylor & Urey

Fees \$1.25 paid by

Urey and Taylor Atty

*Now May Session 1921 the powers of the viewers
enlarged to September Session 1921*

*Myth Court
Engleman Bell Jr.*

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 property 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 that they procured such release from:

No one being damaged by the vacating of said road therefore no damages are assessed.

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:

[REDACTED] copy of the notices.

Witness our hands and seals this 26th day of May, -----, A. D. 1921.

A. G. Kramer [SEAL.]

E. W. Bickelot [SEAL.]

J. Michaels [SEAL.]
Viewers.