

DOCKET No. 5

Number Term Year
8 May ss 1922

Petition to vacate two sections
of road in Burnside Twp.

No.

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Versus

To the Honorable Singleton Bell, President Judge of the Court of Quarter Sessions of Clearfield County:

The petition of the undersigned, Supervisors of Burnside Township and citizens and tax payers of Burnside Township, respectfully represent:

FIRST: That a certain public road extending through parts of Bell Township and Burnside Township has become burdensome and expensive to the Township to maintain and is of no use whatever to the traveling public.

SECOND: That the portions of said public road in the Township of Bell have already been vacated by your Honorable Court.

THIRD: That the portions of said road in Burnside Township which are to be vacated are as follows:

(a) Beginning at a point at Bell Township line near the Susquehanna River; thence extending to the Bell Township line at or near the Hugh Sunderland farm.

(b) Beginning at a point at the Bell Township line 300 yards, more or less, west to Deer Run and thence extending to a point at a Wild Cherry Tree, at or near the farm of Ralph Hutton.

FOURTH: Your petitioners therefore pray the Court that viewers may be appointed to view and vacate said road, and they will ever pray, etc.

S. L. Wilson
W.M. Pollock
J. R. Rupton
Frank Learner

F. E. Gable
John Lambkin
M. S. Brothers
M. C. Learner

Frank Steyer
C. F. Brothers
J. L. Miller

W H Smith
Jas Ronabough
Chas G Mitchell
Jno R. Weaver
J B Byles
Jack Weaver
Mary
Walter Riddle
J Harry Weaver
Eva Weaver
Mrs H. B. Young
James D. Neff
Ida Haag
Samuel Troxell
Belle Troxell

Clearfield County: ss:

Ralph Hutton being duly sworn according to law says
the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me
this 4th day of January, 1922.

W H Smith
J P

Perry Smyder
L. F. Deamer
Fainey Culmer
O W Ross
J G Peterbaugh
Carl P. P.
Samuel Sisowalt
H. C. Deamer
W. J. Beck
E. B. Brothers
J. E. Smith
Geo H. Griffith
James Hutton
J B Haag
C. E. Kunkle
J. H. Mitchell
D. T. Mitchell Jr
Ernest Riddle

J. Ralph Hutton

No 8 May 1922

Petition to vacate two
sections of public
road in Burnside to

E

Case No 55 1922 the
within petition presented
and Ed Bellotte and
Krauer. Of Smucks
one appointed manager to
have and receive and
hold a fee simple definite
allowance to Bellotte before
the Conc.

Engelbert Bellotte

APR 26 1922

W. MILLER & HARTSWICK
ATTORNEYS AT LAW
CLEARFIELD, PA.

BALTIMORE OFFICE SUPPLY CO., BALTIMORE

8275 by attorney

nient and burdensome on the taxpayers of the Township they therefore recommend that the same be vacated.

Section (b) or number (2) Beginning at a point on the Bell Township line about three Hundred (300) yards more or less, west of Deer Run; thence running over land of Hopkins and Irvin the following courses and distances, to wit: south eighteen (18) degrees East twelve (12) perches; thence south twenty three (23) degrees, East sixteen (16) degrees; thence south, fifty four (54) degrees, thirty (30) minutes East four (4) perches thence north sixty (60) degrees, East four (4) perches; thence north fifty two (52) degrees, thirty (30) minutes, East sixteen (16) perches; thence north forty five (45) degrees, forty five (45) minutes, East eight (8) perches; north sixty one (61) degrees, East four (4) perches; thence south eighty two (82) degrees thirty (30) minutes, East four (4) perches; thence south fifty nine (59) degrees, East twelve (12) perches; to property line of John and Benjamin Lee, thence over property of the said John and Benjamin Lee the following courses and distances to wit; south forty eight (48) degrees, thirty (30) minutes, East twenty (20) perches; thence south forty five (45) degrees, East sixteen (16) perches; thence south forty six (46) degrees, East eight (8) perches; thence south seventy eight (78) degrees, East twenty (20) perches; thence south thirty two (32) degrees, thirty (30) minutes, East four (4) perches; thence south seven (7) degrees, West twenty (20) perches; thence south nine (9) degrees, West eight (8) perches; thence south two (2) degrees, West sixteen (16) perches; thence south no (0) degrees, thirty (30) minutes, East twelve

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 vacating 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 vacating thereof, and that they procured such release from

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

No one claiming any damages and as far as the opinion of the Viewers justifies only damages by the vacating of said road therefore no damages are assessed.

Witness our hands and seals this

20th day of July, A. D. 1922

H. G. Kramer [SEAL.]

E. B. Billotte [SEAL.]

J. S. Michaels [SEAL.]

Viewers.

No. 8, May 19, 1922.

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.

ORDER TO VACATE

To view and vacate road situate in the Township of *Clearfield*

Clearfield County.

Now *Sept.* Sessions 1922.

read and confirmed Ni. Si.

By the Court.

Frankland Bell, Jr.
Now *Dec.* Sessions 1922.

confirmed absolute.

By the Court.
Frankland Bell, Jr.

Filed 19

Atty.

Fees \$1.25 paid by

Miller & Hartwick, Atty's.

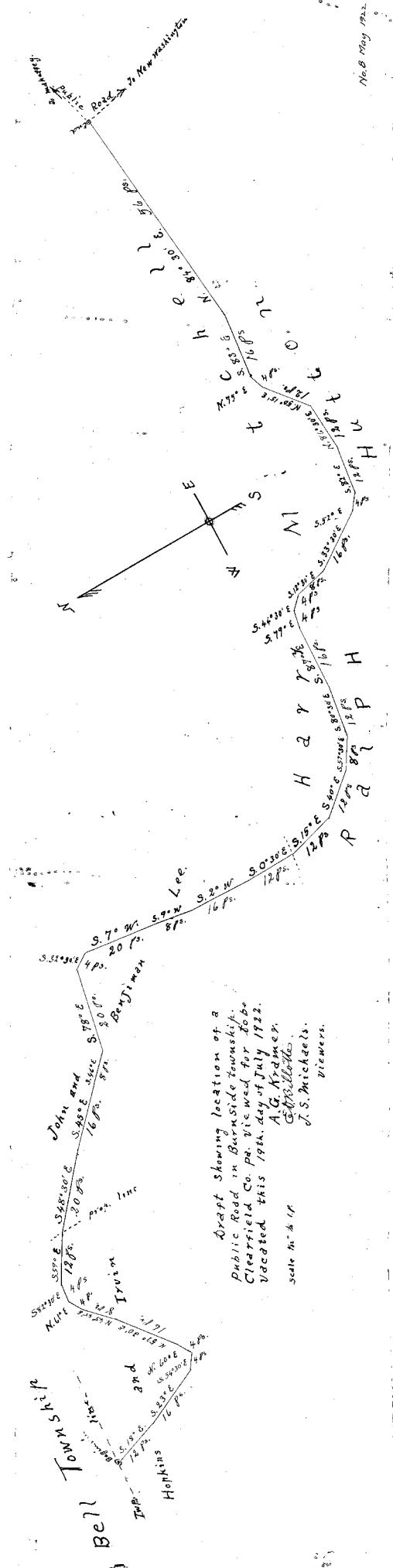
Map showing location of Public Road in Burnside Township, Clearfield County, Penna. Viewed for location by the undersigned viewers July 19th A.D. 1922.

A. G. Kramer
G. J. Billotte
T. S. Michaels
Viewers

scale $\frac{1}{82}$ " to 10'.

No. 8 May 1922

No. 8 May 1922



TO, T. R. WEIMWE, JESSE. E. DALE AND M. L, FARRELL, 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, two sections of a public road; The first section thereof beginning at the Bell Township line near the Susquehanna River; thence extending along or close by the Bell Township to at or near the Hugh Sunderlin farm.

The second piece beginning at a point on the Bell Township line some (300) yards more or less west of Deer Run; The beginning of both sections to be vacated, being in Burnside Township. The first section extending to the Hugh Sunderlin farm:

The second section extending to a point at a Wild Cherry tree at or near the farm of Ralph Hutton; Both sections Ending in Burnside Township; in the County aforesaid, Will meet at the Beginning of the section to be vacated near the Susquehanna River in Burnside Township on Wednesday the 19th day of July A. D. 1922 at nine(9) o'clock A. M. to attend to the duty assigned them, of which time and place 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, 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 a chance to be heard by the viewers, before the filing of their report in Court will be held in the Arbitrarium Room in the Court House in Clearfield Pa; on Thursday the 20th day of July A. D. 1922 at nine (9) o'clock A. M. when and where all parties interested in said road May attend and be heard.

A G Kremser
E W Billotte
J S Michaels

VIEWERS.

Now July the 8 1922 service of the above notice accepted for the County Commissioners of Clearfield County Pa.

H C Chapman
Clerk.

(12) perches to the property line of Ralph Hutton, thence over the property of Ralph Hutton and Harry Mitchell the following courses and distances, to wit; south fifteen (15) degrees, East twelve (12) perches; thence south forty (40) degrees, East twelve (12) perches thence south fifty seven (57) degrees, thirty (30) minutes, East eight (8) perches; south eighty (80) degrees, thirty (30) minutes East twelve (12) perches; thence south eighty seven (87) degrees East sixteen (16) perches; thence south seventy nine (79) degrees East four (4) perches; thence south forty four (44) degrees thirty (30) minutes, East four (4) perches; thence south twelve (12) degrees, thirty (30) minutes, East eight (8) perches; thence south thirty three (33) degrees thirty (30) minutes East sixteen (16) perches; thence south fifty two (52) degrees, East four (4) perches; thence south eighty two (82) degrees East twelve (12) perches; thence north, eighty six (86) degrees, thirty (30) minutes, East twelve (12) perches; thence north fifty (50) degrees, fifteen (15) minutes, East twelve (12) perches; thence north seventy five (75) degrees, East four (4) perches; south eighty three (83) degrees, East sixteen (16) perches; thence north eighty four (84) degrees, thirty (30) minutes, East fifty six (56) perches; to a point at a Wild Cherry tree at or near the farm of Ralph Hutton. As in the opinion of the viewers from all the knowledge they acquired by the view of said road and the information they have are fully convinced that said road has become useless, inconvenied and burdensome upon the tax payors of the township and would therefore recommend that the same be vacated.

TO: John, Nowrey, J. Ralftth, Hutton and Frank, Beck,
SUPERVISORS OF BURNSIDE 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 vacate, those two certain sections of a public road, the first section thereof beginning at the Bell Township line near the Susquehanna River; thence extending along or close by the Bell Township line to at or near the Hugh Sunderlin farm.

The second piece, beginning, at a point on the Bell Township line some (300) yards more or less, west of Deer Run; The beginning of both sections to be vacated, being in Burnside Township. The first section extending to the Hugh Sunderlin farm:

The second section extending to a point at a wild Cherry tree at or near the farm of Ralph Hutton; Both sections ending in Burnside Township; in the County aforesaid, will meet at the beginning of the section to be vacated near the Susquehanna River in Burnside Township on Wednesday the 19th day of July A. D. 1922 at nine o'clock A. M, to attend to the duty assigned them, of which time and place 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, 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 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 20th day of July A. D. 1922 at nine (9) o'clock A. M. when and where all parties interested in said road may attend and be heard.

A. G. Kramer
E. D. Billotte
J. A. Michaels

VIEWERS.

Now July the 12th 1922 served the above notice on John, Nowrey J. Ralftth, Hutton and Frank Beck, the Supervisors of Burnside Township personally by handing to each of them a true and correct copy of same.

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

19th day of July, A. D. 1922, 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 20th day of July A. D., 1922, 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 John Nowery, and Ralph Hutton two of the Supervisors of Burnside Township and James Rorabaugh part of the time.

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 20th day of July, A. D. 1922, when the parties interested in the said road were in attendance: John Nowery one of the Supervisors of Burnside Township;

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome. That part of said road as set out in section A; Beginning at a pine stump on the Bell Township line near the Susquehanna River in Burnside Township; thence running over land of Russell McGee the following courses and distances, to wit: running south one (1) degree, East twenty (20) perches; thence running south eighty eight (88) degrees, East sixteen (16) perches; thence running north seventy five (75) degrees, forty five (45) minutes, East twelve (12) perches thence north fifty eight (58) degrees, thirty (30) minutes, East sixteen (16) perches; thence north eighty eight (88) degrees, East twelve (12) perches; thence running south seventy four (74) degrees, thirty (30) minutes, East eight (8) perches; thence running south forty three (43) degrees, forty five (45) minutes, East twenty (20) perches; thence south fifty six (56) degrees, East four (4) perches; thence south seventy four (74) degrees, East sixteen (16) perches; thence south sixty eight (68) degrees fifteen (15) minutes East eight (8) perches; thence south eighty (80) degrees, forty five (45) minutes, East twelve (12) perches; thence north seventy five (75) minutes, East eight (8) perches; thence north eighty one (81) degrees, forty five (45) minutes, East eight (8) perches; thence north fifty (50) degrees, thirty (30) minutes East twenty (20) perches; thence north forty (40) degrees, East four (4) perches; to the Bell Township line at or near the Hugh Sunderland's farm in Burnside Township which said portion of said road having become useless, inconve-

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 14th day of April in the year of our Lord, one thousand nine hundred and twenty two

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 a certain public road extending through parts of Bell Twp and Burnside Twp, has become burdensome and expensive to the to maintain and is of no use whatever to the travling public. That the portion of said public road in the Twp of Bell have already been vacated by your Honorable Court. That the portions of said road in Burnside Twp which are to be vacated are as follows. Beginning at a point at Bell Twp. line near the Susquehanna River; thence extending to the Bell Twp line at or near the Hugh Sunderland farm!

(b) Beginning at a point at the Bell Twp line 300 yards, more or less, west to Deer Run and thence extending to a point at a Wild Cherry Tree at or near the farm of Ralph Hutton.

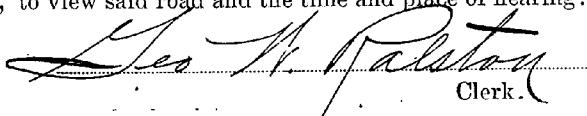
and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-

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

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.


Clerk.