

DOCKET No. 5

Number Term Year

1 Feb ss 1923

Vacate & Supply road in Cooper Twp
from Howe Hotel to N. Y. C. Station
in Munson

Versus

R. S. 45 - Page 560

*Rt. 17063 from Morris Twp. line 500;
then skipping 695, continues on 17063
to intersection with Rt. 17708*

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

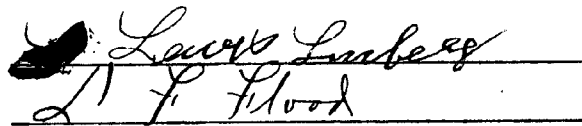
The petition of the undersigned, Supervisors of Cooper Township, Clearfield County, Pennsylvania, represents:

That in said Township is a certain public road known as the Winburne-Munson public road, which extends from a point at or near the Howe Hotel in Winburne to a point at the Station of the New York Central Railroad Company in the village of Munson.

SECOND: That a portion of said road is very hilly and expensive to the Township to maintain, and difficult for travel. That a more advantageous and better piece of road can be obtained by extending said road around the base of the hill from a point at or near the residence of *Ervin Ladue*.... to a point at or near the trolley track, close to the Pardee Block of houses.

THIRD: That in the opinion of your petitioners it would be more advisable and advantageous to the Township that said road should be changed and the new location adopted.

Your petitioners therefore pray that viewers may be appointed to vacate that portion of the said road between the points as herein given and to supply the same with a new road as hereinbefore suggested, and they will ever pray, etc.


L. P. Flood

Supervisors of Cooper Township

Clearfield County: SS:

James A. Pearce, Secretary of the Board of Supervisors
being duly sworn according to law, says the facts set forth in
the foregoing petition are true as he verily believes.

Sworn and subscribed to
before me this 18th.....
day of December, 1922.

James A. Pearce

Chas. D. Irving J.P.

*Mythouch
Ingblun Bell*

*New-Hellry & Seaton 1923 the house of the
newers enlarged to May Seaton 1923*

1 Feb 1923

PETITION TO VACATE AND
SUPPLY PUBLIC ROAD IN
COOPER TOWNSHIP, KNOWN
AS WINBURNE-MUNSON ROAD,
FROM HOME HOTEL IN WINBURNE
TO STATION OF N.Y.C. IN
LUNSON.

*For Dec. 5, 1922 within
section vacated and
known as Ed. M. Bell
and M. & Seaton to
undisturbed Union to
their vacate and price
placed on property*

*Mythouch
Ingblun Bell*

MILLER & HARTSWICK
ATTORNEYS AT LAW
CLEARFIELD, PA.

275 Bay City

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, be 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 COOPER and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 29th day of March A. D. 1923, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 30th day of March, 1923, at 9.30 o'clock A.M. 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 Lewis Linberg, Harry H Berg and Lawrence F Flood the Supervisors of Cooper Township and Julius Schachtsneider;

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 30th day of March A. D. 1923, when the following appearances were noted: Lewis Linberg one of the Supervisors with H B Hartswick Esq of the firm of Miller and Hartswick Attorney's for the Supervisors of Cooper Township;

After the view and hearing above mentioned, the undersigned ~~viewers~~ ^{the undersigned} ~~do agree that there is occasion for a road as desired by the petitioner, and that the same is necessary for a public road.~~ ^{the change of the said 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 public road leading from Munson to Winburn near the residence of Irvin Ladue one hundred and thirty (130) feet east of the public road leading from Munson to Kylertown near the residence of August Cittrick; Thence over improved land of the said August Cittrick, south eighty seven (87) degrees thirty (30) minutes, west one hundred and thirty (130) feet to public road, leading from Munson to Winburn. Thence across the public road thirty three (33) feet to line of land of Julius Schachtschneider. Thence over improved land of said Julius Schachtschneider south sixty seven (67) degrees, west two hundred (200) feet to line of land of August Cittrick. Thence over improved land of the said August Cittrick, south fifty six (56) degrees thirty (30) minutes, west one hundred (100) feet. Thence south, forty five (45) degrees, west one hundred (100) feet. Thence over unimproved land of the said August Cittrick the followin courses and distances to wit; south fourteen (14) degrees, west one hundred (100) feet. Thence, south two (2) degrees, west eight hundred (800) feet to a point in the public road leading from Munson to Winburn, as shown on the draft attached as part of the report of the viewers. The part of the said road marked on the draft by dots has not been changed supplied or vacated. But the part of the said road near the block of houses of the Pardee mines as shown on the draft has been vacated and supplied as follows. The part of read as shown on the draft to wit Beginning at a point as shown on draft; thence running south fifty five (55) degrees, thirty (30) minutes, west fifty (50) feet; Thence south nineteen (19) degrees west three hundred (300) feet. thence south twelve (12) degrees, east fifty fifty (50) feet; Thence south thirty three (33) degrees forty five

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 19th day of December in the year of our Lord one thousand nine hundred twenty-two

Judge of the same Court: Upon the petition of ^{Supervisors} ~~and~~ ~~inhabitants~~ of the Township of Cooper

in said County, setting forth that a certain public road known as the Winburne-Munson public road, which extends from a point at or near the Howe Hotel in Winburne to a point at the Station of the New York Central Railroad Company in the village of Munson.

That a portion of said road is very hilly and expensive to the Township to maintain, and difficult for travel. That a more advantageous and better piece of road can be obtained by extending said road around the base of the hill from a point at or near the residence of Irvin Ladue to a point at or near the trolley track, close to the Pardee Block of houses.

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, Esq. E. D. Billotte, Esq. and J. W. Spangle

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 judgement, 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.

Geo W. Palston, Clerk.

TO; T, R, WEIMER, JESSE, E, DALE AND M, 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, vacate and supply that part of the public road leading from the village of Munson to the village of Winburn, from a point at or near the residence of Irvin Ladue in Cooper Township to a point in the said road close to the Pardee block of houses in said township, County and State aforesaid; will meet at the house of Irvin Ladue in Cooper Township on Thursday the 29th day of March A. D. 1923 at nine thirty (9.30) o'clock A. M. to attend to the duty assigned them, of which time and place you 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 in the change of the location of the 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 Friday the 30th day of March A. D. 1923 at Nine (9), o'clock A. M. at which time and place all parties interested in the said road may attend and be heard.

A. G. Kramer
E. D. Billotts
J. W. Spangle
VIEWERS.

Now March the 19 1923 service accepted for the County Commissioners of Clearfield County Pa. of the above notice.

L. C. Morris
Clerk.

TO, LEWIS, LINBERG AND H. H. BERG. and L F Flood the Supervi-
sors of Cooper Township Clearfield County Penn'a.

You are hereby notified; that the undersigned viewers appo-
inted by the Court of Quarter Sessions of Clearfield County Penn-
sylvania, to view, vacate and supply that part of the public road
leading from the village of Munson to the village of Winburn ,
from a point at or near the residence of Irvin Ladue in Cooper
Township; To a point in the said road close to the Pardee block
of houses in said township, County and State aforesaid; will meet
at the house of Irvin Ladue in Cooper Township on Thursday the
29th day of March A. D. 1923 at nine thirty (9.30) o'clock A. M
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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 Friday the 30th day of March A. D.
1923 at nine (9), o'clock A. M. at which time and place all par-
ties interested in the said road may attend and be heard.

A. G. Kramer
E. W. Billotte
J. W. Spangler
VIEWERS

Now March 19- 1923 served this notice on Lewis Linberg H. H. Berg
and L. F. Flood the supervisors of Cooper Township personally by
handing to each of them a true and correct copy of same.

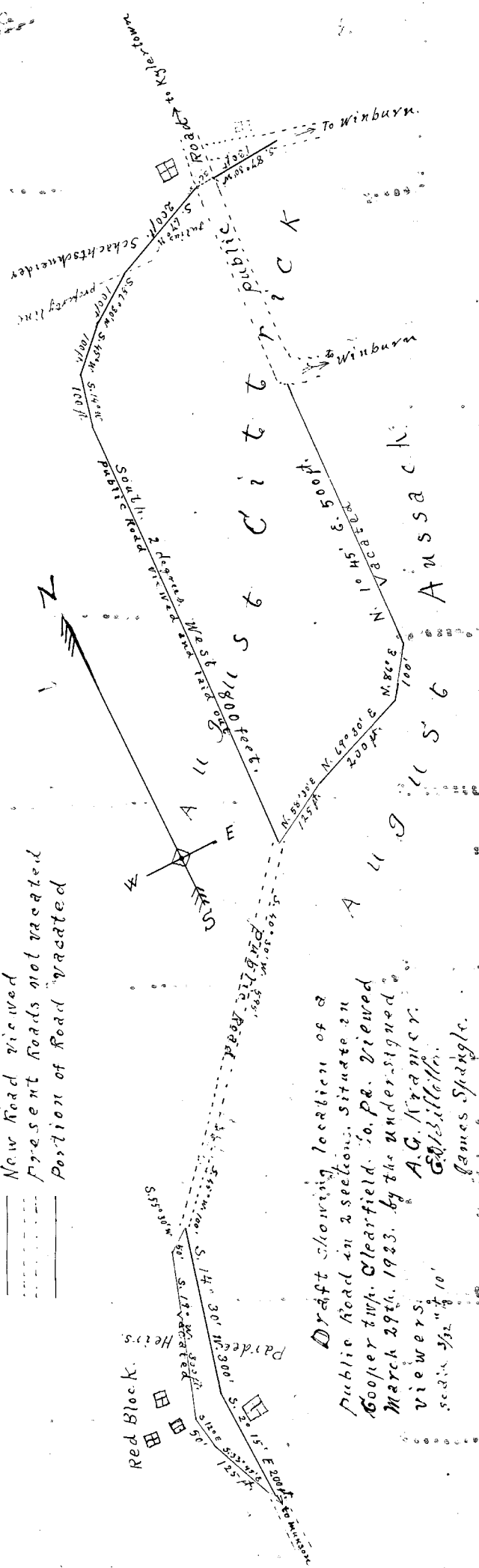
Jas. A. Pearce Sec

Explanation.

— New Road viewed

- - - Present Roads not vacated

— Portion of Road vacated



Draft showing location of a
Public Road in a section, situated in
Cooper township, Clearfield Co. Pa. Viewed
March 29th, 1923, by the undersigned
viewers:
A.G. Kravner.
Ed. J. Miller.
James Spangle.

A. G. Kramer Seal
C. J. Billotte Seal
James W. Spangle Seal
Seal

No. 1 Feb 1923 Sessions, 1923

ORDER

To vacate and supply a
road for public use in the
township of Cooper
Clearfield County

May Sessions, 1923,
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. &

Myrtle Couch
Inspector Bell
And on Sept. 6 - 1923
Confirmed absolute
By the Court
H. H. Whitehead
By 292-10000 Dist.
Specialty presiding.

Filed 19
Fees \$1.25 paid by
Miller & Hartswick, Atty's,

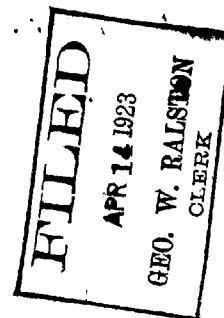
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	AMT.
<i>A. G. Kramer</i>	<i>4</i>	<i>45</i>	<i>\$32.25</i>
<i>E. D. Billotte</i>	<i>4</i>	<i>73</i>	<i>33.65</i>
<i>J. W. Shangle</i>	<i>3</i>	<i>165</i>	<i>27.75</i>



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 ensembling 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 respectfully 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. 192_____.

Seal
Seal
Seal
Seal