

Road

DOCKET No. 5

Number

Term

Year

3

Feb

1923

Petition for Road in Brady Twp.

Versus

P. D. #5 - Page 542

Twp. Road 1739.9

To the Supervisors of Brady Township:

You are hereby notified that a petition will be presented to the Court of Quarter Sessions on Monday ^{8th.} ~~the 18th day of December~~ ^{January} next, for the appointment of viewers to lay out a road,

To begin at a point on Public Road leading along Clearfield and Jefferson County Line, from H. E. Koppenhavers to East Branch Creek, about One hundred and sixty (160) rods South of Road at Koppenhavers at H. E. Ginter's Drive-way, leading To a point at or near corner of lands of Arthur Haag and S. G. Kuntz.

Perutz & Perutz
Attorneys for Petitioners

I accept service of above

H. W. Bonsall

President Board of Supervisors
of Brady Tp.

*Now, January 8, 1923, service accepted
on above.*

*County Commissioners
Per L. C. Norrie, Clerk.*

TO THE HONORABLE

THE JUDGE OF THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY PENNSYLVANIA:

THE PETITION OF THE UNDERSIGNED INHABITANTS OF BRADY TOWNSHIP
IN SAID COUNTY, RESPECTFULLY REPRESENTS THAT THEY LABOR UNDER
UNDER GREAT INCONVENIENCE FOR WANT OF A PUBLIC ROAD,

To begin at a point on Public Road leading along Clearfield
and Jefferson County line, from H.E. Koppenhavers to East Branch
Creek, about one hundred and sixty (160) rods South of Road
at Koppenhavers at H.E. Ginter's Drive-way, leading

To a point at or near corner of lands of Arthur Haag and
S.G. Kuntz.

Your petitioners therefore request you to appoint
viewers to lay out and report on the same.

AND THEY WILL EVER PRAY &c.

NAMES

NAMES

A. A. Adams

S. J. Brown

A. R. Adams

William Haag

A. R. Adams

William Haag

William Haag

A. R. Adams

A. M. Hartfield

William Haag

A. R. Adams

S. J. Brown

William Haag

A. R. Adams

William Haag

A. R. Adams

IN THE COURT OF QUARTER
SESSIONS

No. 3 February Term 1923

In re: PUBLIC ROAD IN
BRADY TOWNSHIP

PETITION FOR VIEWERS

8th day of January
1922, Petition read and
thereupon *3rd day of March*
William S. J. D. Wicks
1st

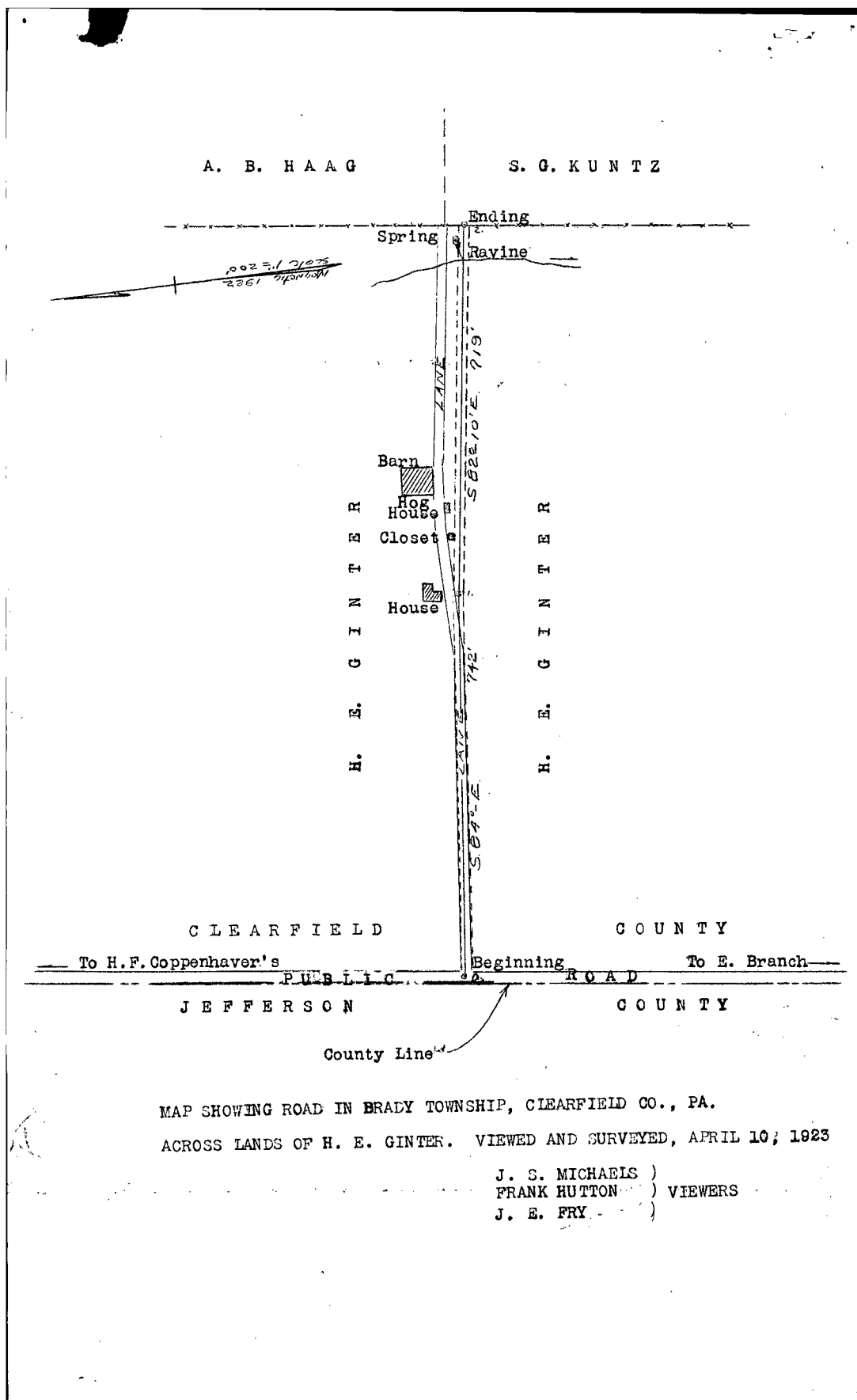
are appointed viewers as
provided by law to report
to next term of Court.

BY THE COURT

Wm. J. J.
P. J.

323
PENTZ & PENTZ
ATTORNEYS AT LAW
DUBOIS, PA.

275 Brady



TO THE 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 a Public Road to lead from a Public road at a point about 160 rods South of road at H.E. Koppenhavers at H.E. Ginter's driveway in Brady Township to a point at or near the corner of lands of Arthur Haag and S.G. Kuntz in Brady Township in the County aforesaid, will meet at said driveway of H.E. Ginter in Brady Township, on Tuesday the tenth day of April 1923 at 9:30 o'clock A.M. to attend to the duty assigned them. And that the Public Hearing required to be held will be held at the Court House in the Borough of Clearfield on Friday the 13th day of April 1923 at 9 o'clock A.M. of which time and places you and all interested persons will take note and may attend and be heard if you so desire.

J. E. Fry
Mark Sullivan
S. Michaels
Viewers

DuBois, Pa. March 26th 1923

Now March 27 1923, service of this notice is accepted for the County Commissioners.

L. C. Norris

Clerk

To The ROAD SUPERVISORS of BRADY TWP., CLEARFIELD COUNTY, PA.

Notice is hereby given you, that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Public Road leading from a Public road at a point about 160 rods south of road at H.E. Koppenhavers at H.E. Ginter's driveway in Brady Township, to a point at or near corner of lands of Arthur Haag and S.G. Kuntz in Brady Township, in the County of Clearfield aforesaid, will meet at said driveway of H.E. Ginter in Brady Township, on Tuesday the tenth day of April, 1923 at 9:30 o'clock A.M., to attend to the duty assigned them. And that the Public Hearing required to be held, will be held at the Court House in the Borough of Clearfield on Friday the 13th day of April 1923 at nine o'clock A.M.. At which times and places all parties interested may attend and be heard if they so desire.

DuBois, Pa March 26th 1923

J. E. Fry
Frank Sullivan
J. D. Michaels
Viewers.

Now March 26 1923 service of this notice accepted for the
Supervisors of Brady Township.

W. B. Barclay

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 8th day of January
in the year of our Lord one thousand nine hundred
twenty-three

Judge of the same Court: Upon the petition of sundry in-
habitants of the Township of Brady Township
in said County, setting forth that they labor under
great inconvenience for want of a public road to begin at a point
on public road leading along Clearfield and Jefferson County Line,
from H. E. Koppenhavers to East Branch Creek about 160 rods south
of road at Koppenhavers at H. E. Ginter's drive-way leading to a point
at or near corner of lands of Arthur Haag and S. G. Kuntz

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 J. E. Fry,
Frank Hutton Esq. J. S. Michaels

who have been duly appointed by the Court and filed their oaths of office and are duly quali-
fied 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.

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 Brady and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the tenth day of April A. D. 1923, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 13th day of April, 1923, 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 H.E.Ginter, H.I.Ginter, A.B.Haag, J.E.Yoho and S.G.Kuntz all of whom are parties in interest

~~parties in interest~~ That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 13th day of April A. D. 1923, when the following appearances were noted: no appearances

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 on the Public Road ~~is~~ running along the County line dividing Clearfield and Jefferson Counties, ~~at a~~ where same is intersected by a private driveway known as H.E.Ginter's driveway; thence ~~South~~ 84° East, seven hundred forty two feet; thence South 82°10' East seven hundred nineteen feet to line of land of S.G.Kuntz near corner of A.B.Haag land. Said road not to interfere with or obstruct the use of a spring now in the private driveway of H.E.Ginter and used by him for watering his stock at his farm barn.

Your viewers call the attention of the Court to the fact that this Order to view has but one termini on a Public Highway or public place which your viewers understand to be legal under the Act of June 20th 1919 P.L. page 509. They further report that the private driveway known in this proceeding as H.E.Ginter's and having the same beginning with nearly the same ending has been in use for some thirty years, that in recent years Mr Ginter has placed a gate across it at his farm building for the purpose of keeping his stock in restraint, which has made the use of this driveway an annoyance to other parties needing to use it.

The road as located by your viewers obviates the necessity of said gateway and at the same time gives to Mr Ginter his inclosure for his stock and use of said spring of water. The grade on said road as located is very light and will be little expense to open and keep in condition. Your viewers are of the opinion that for the present at least the road as viewed will be of material benefit to about three farmers and those having business with them. The only question with the viewers

being whether to recommend the road as a Private road or a public road as petitioned for, Inasmuch as ~~the~~ Road Supervisors of Brady Twp nor any taxpayer appeared in protest either at the view or the hearing it was deemed advisable to recommend the road as petitioned for.

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 (no exceptions)

when it was not practical 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

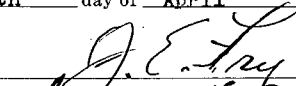

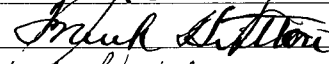




the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: H.E. Ginter One (\$1.00) dollar

Note:- Mr Ginter stated to your viewers that he would make no claim for damages, as the road had been located by the viewers, but if it was opened and the above mentioned Spring of water was interfered with in the opening, he would make claim for damages

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

WITNESS our hands and seals this 14th day of April

A. D. 192 3.

6

No. 3 Feb Sessions, 19 23

ORDER

To view _____ a
road for public use in the
township of Brady
Clearfield County Penna.

Way 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.

By the Court
Supreme Court
And on Sept. 6--1923.
Confirmed aforesaid.
By the Court.
H. M. H. H. H. H.
By the Court.
By the Court.

At 11:15 a.m.

Filed _____ 19____
Fees \$1.25 paid by _____
Pentz & Pentz. 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.

FILED
APR 16 1923
GEO. W. BALSTON
PROTHONOTARY

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 ensealing 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

In Re Public Road in Brady Twp

No. 3 Feb. 9, 1923

Now Jan 29, 1923

on motion of Mark Benton the powers
of the vicewas approved in this case
are enlarged and continued to
May 9, 1923

By the Court
Englewood

Mo 3 Feb 3 1923

Julius Road in
Brady Sup

1

FILED
JAN 29 1923
GEO. W. RALSTON
CLERK

2

FILED
JAN 29 1923
GEO. W. RALSTON
CLERK