

Road

DOCKET. No. 5

Number Term Year

3 Feb 1923

Petition for Road in Brady Twp.

Versus

P. J. 45 - 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. January the 18th day of December 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.

Perry & Gutz
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. Morris, Clerk.

TO THE HONORABLE
THE JUDGE OF THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY PENNSYLVANIA:
THE PETITION OF THE UNDERSTATED INHABITANTS OF BRADY TOWNSHIP
IN SAID COUNTY, RESPECTFULLY REPRESENTS THAT THEY LABOR UNDER
UNDEN GRATE INCONVENIENCE FOR WANT OF A PUBLIC ROAD,
TO BEGUN AT A POINT ON PUBLIE ROAD LEADING ALONG CLEARFIELD
AND JEFFERSON COUNTY LINE, FROM H. E. KOPPENHAGERS TO BATTBRANCH
CREEK, ABOUT ONE HUNDRED AND SIXTY (160) ROADS SOUTH OF ROAD
AT KOPPENHAGERS AT H. E. GINTER'S DRIVE-WAY, LEADING
TO A POINT AT THE CORNER OF LANDS OF ARTHUR HAGG AND
S. G. KUNZ.
YOUR PETITIONERS THEREFORE REQUEST YOU TO APPOINT
VETERANS TO LAY OUT AND REPORT ON THE SAME.
AND THEY WILL EVER PRAY &c.

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

W. H. F. J. J. McNeil

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

BY THE COURT

W. H. F. J. J. McNeil

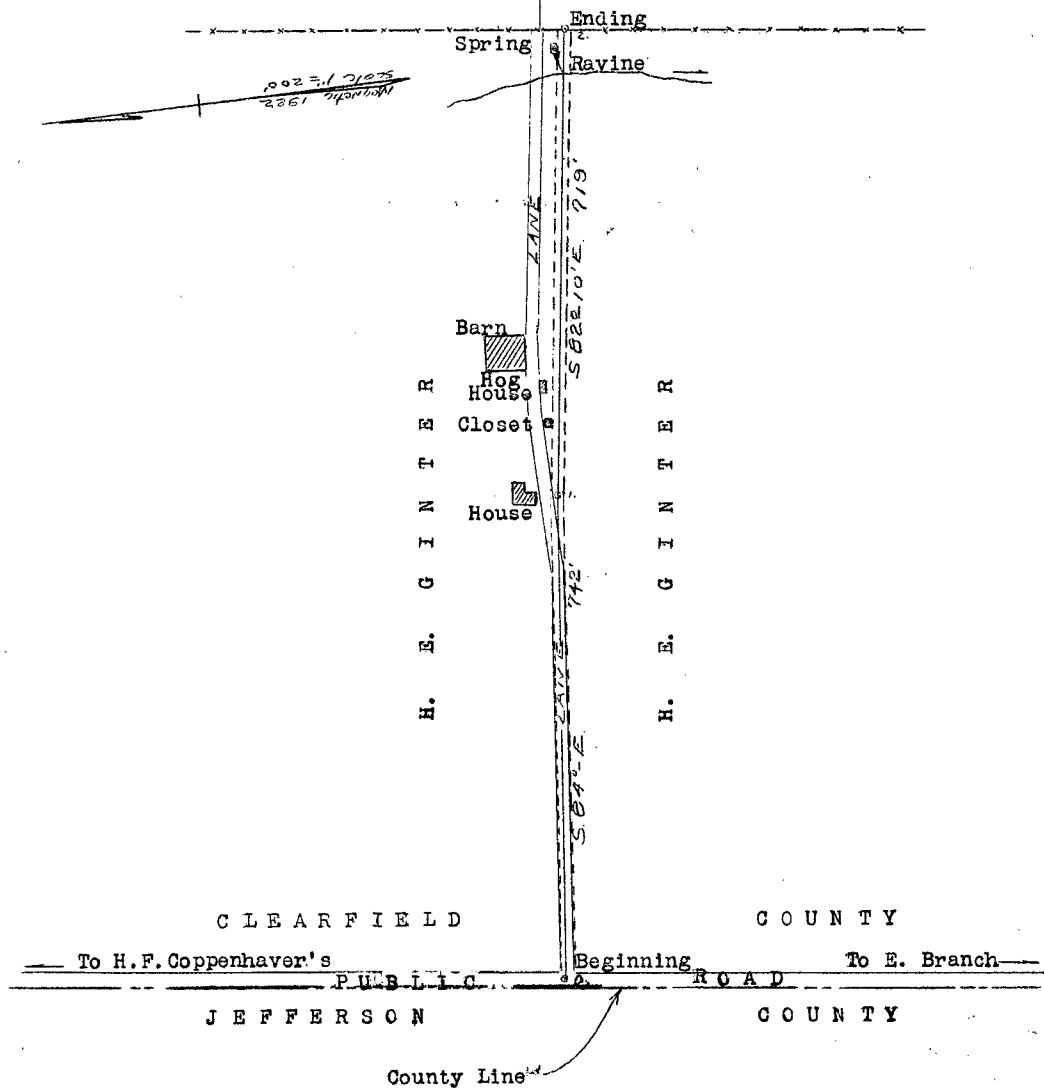
R. J.

1/23
PENTZ & PENTZ
ATTORNEYS AT LAW
DUPONT, P.A.

2/15 by attorney

A. B. H A A G

S. G. K U N T Z



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
J Mark Bellin
J Michaels

DUBois, Pa. March 26th 1923

Viewers

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

D. C. Morris

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

Viewers.

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

Les Basch

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 inhabitants 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 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 whereever 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 H 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.

J. E. Try Seal
Frank S. Stith Seal
J. S. Michaels Seal
Seal

In Re Public Road in Brady Twp

No. 3 Feb. 9, 1923

Now Dec 29, 1923

On Motion of Frank Hartman the powers
of the trustees appointed in this case
are enlarged and continued to
May 9, 1923

By the Court
Frank Hartman

No 3 Feb 3 1923

Public Record
Brady Co

FILED

JAN 29 1923

GEO. W. RAISTON

CLERK

E

FILED

JAN 29 1923

GEO. W. RAISTON

CLERK