

DOCKET No. 5.....

Number	Term	Year
3	Dec SS	1923

Petition to vacate public road in

Burnside Twp.

Versus

.....

.....

.....

X

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, Clearfield County, respectfully represents:

That a certain public road in the said Township of Burnside, which extends from a point at or near the Cush Creek School House to a point on the improved highway, at or near the farm of Huffman in said Township, has become burdensome, useless and inconvenient and of great expense to the Township to maintain. Your petitioners therefore pray the Court that said road may be vacated agreeably to the Act of Assembly in such case made and provided, and they will ever pray, etc.

John Harvey
J. Ralph Hutton
Frank Beck

Clearfield County: ss:

J. Ralph Hutton, one of the Supervisors of Burnside Township, being duly sworn according to law says that the facts set forth in the foregoing petition are true and correct.

J. Ralph Hutton

Sworn and subscribed before me this ...~~st~~ day of October, 1923.

W. H. Smith
Justice of the Peace

*My Commission Expires
First Day of Jan. 1926.*

KNOW ALL MEN BY THESE PRESENTS, that we
.....andand
.....are held and firmly bound unto the
County of Clearfield in the sum of Fifty (\$50.00) Dollars, lawful
money, to the payment of which we do bind our heirs, executors and
administrators firmly by these presents, sealed with our seals and
dated theday of October, 1923.

WHEREAS, the above bounden, being the Supervisors of
Burnside Township, Clearfield County, have petitioned the Court for
the appointment of viewers to vacate a certain public road as
described in said petition hereto attached.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH that if the
above bounden in the event of the said vacation being refused by
the Court shall save and keep harmless the County of Clearfield
from all costs and expenses, then this obligation to be void, or
else to be and remain in full force and virtue.

John Tracy (SEAL)

(SEAL)

Frank Beck (SEAL)

ff
3 Dec 23 1923

Petition for appointment
of review to view and
locate public road in
Bunmees Branch from
Smil at or near Cut Creek
School House to a point on upland
ridge near residence of H. J. Hopper

Mo. September 18, 1923

the author, Nathan Faccio
and C. H. Krumm, Jr. E. S.
Bellotta & S. Michael
represented review to
view and locate public road
of location of road on
upland

After Council

H. J. Hopper

Oct 1 1923

Oct 9 1923

C. H. MILLER & HARTSWICK
COUNSEL ATTORNEYS AT LAW
CLARKSBURG, W. VA.

275 Bif at top

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 9th day of October in the year of our Lord, one thousand nine hundred and twenty three

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 in the said Twp. of Burnside, which extends from a point at or near the Cush Creek School House to a point on the improved highway, at or near the farm of Huffman in said Twp. has become burdensome, useless and inconvenient and of great expense to the Twp. to maintain.

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 A. G. Kramer, Esq. E. D. Billotte 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.

Geo W. Balston

Clerk.

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:

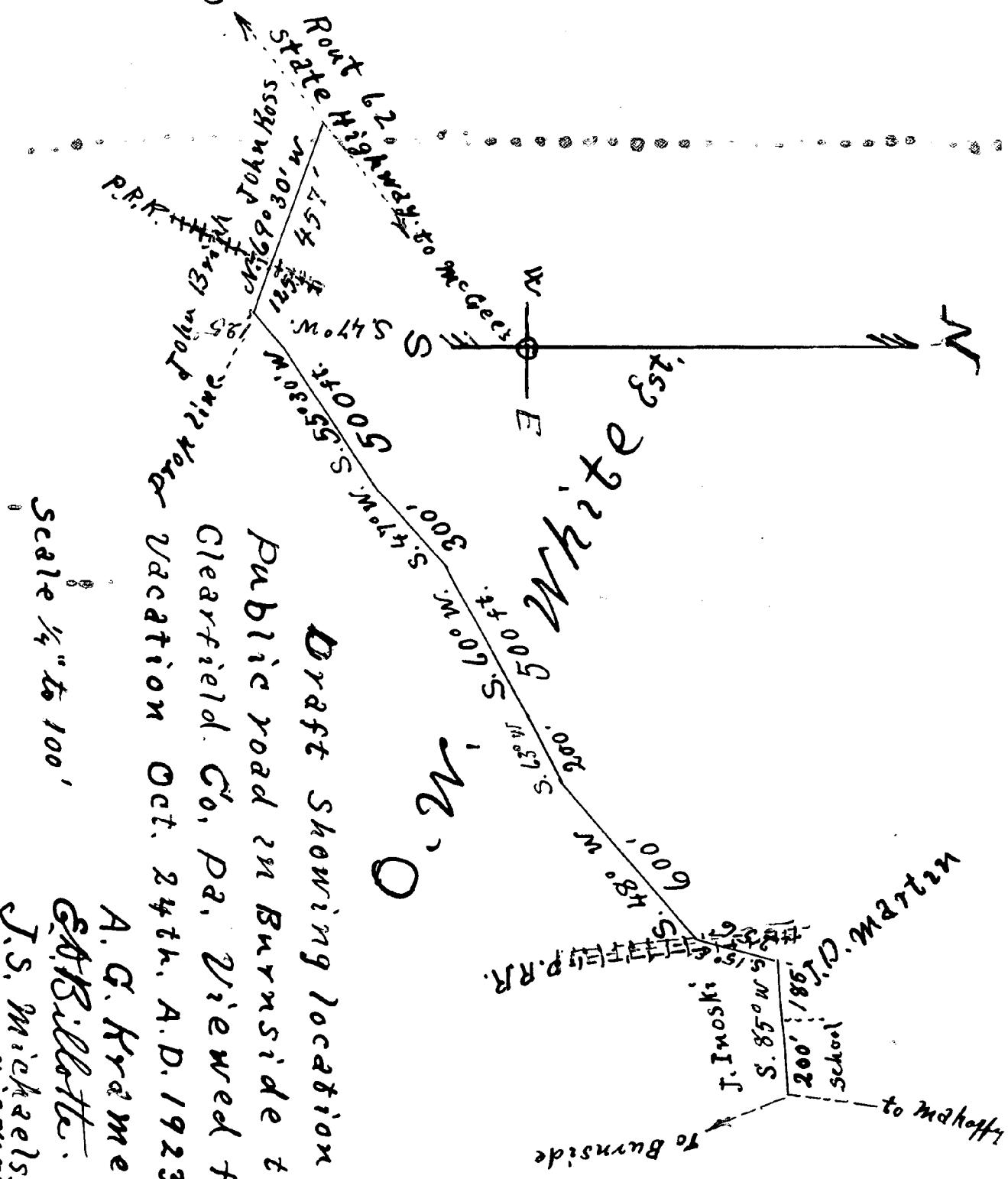
That notice of the time of the view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County, and the Board of Supervisors of the Township of Burnside -----, and that Three ----- notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

22, day of October -----, A. D. 1923, 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 24th ----- day of October ----- A. D., 1923, 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 Adam Beck two of the Supervisors of Burnside Township County and State aforesaid -----

parties interested: ----- in favor of ----- vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 24th ----- day of October -----, A. D. 1923, when the parties interested in the said road were in attendance: -----

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has -----, become useless, inconvenient and burdensome and therefore recommend that the same be vacated as follows. Beginning at a point in the State Highway at the corner of the School House lot known as the Cuss School House said State Highway leading from Burnside to Mahaffey in Burnside Township in the County aforesaid. Thence running south eighty five (85) degrees west along School House lot on the right two hundred (200) feet and on the left the same distance along land of J. Inoski; Thence north eighty five (85) degrees, west one hundred and eighty five (185) feet on the right along land of J. D. Martin and on the left by land of J. Inoski; Thence along the dividing line of the properties of the said J. D. Martin and J. Inoski south fifteen (15) degrees East two hundred and fifty six (256) feet to the center of the tract of the P. R. R. Thence running over unimproved land of the O. W. White Estate the following courses and distances to wit: South forty eight (48) degrees, west six hundred (600) feet; Thence south sixty three (63) degrees, west two hundred (200) feet; Thence south sixty (60) degrees west, five hundred (500) feet; Thence south forty seven (47) degrees, west three hundred (300) feet; Thence south fifty five (55) degrees thirty (30) minutes, west, five hundred (500) feet; Thence south



Scale $\frac{1}{4}$ " to 100'

A. G. Krammer
E. Billotte
J. S. Michaels
Wiemers.

Draft Showing location of
Public road in Burnside twp.
Clearfield Co., Pa. Viewed for
vacation Oct. 24th. A.D. 1923.

TO: T. R. WEIMER, JESSE. E. DALE AND M. L. FARRELL.
COUNTY COMMISSIONERS OF CLEARFIELD COUNTY; PENNA.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County to view and vacate a public road leading from a point in a public road near the Cush Creek School House in Burnside Township; to a point on the improved State Highway at or near the farm of Hoffman in Burnside Township in the County aforesaid; will meet at the Cush Creek School House in Burnside Township on Wednesday the 24th day of October A. D. 1923 at nine thirty (9.30) 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 before the filing of their report in Court, in order to give all parties interested, either in favor of or against the vacating of the said road a chance to be heard by the viewers before the filing of their report in Court, will be held by the viewers in the Arbitration Room in the Court House in Clearfield Pa on Thursday the 25th day of October A. D. 1923 at nine (9) o'clock A. M. when and where all parties interested either in favor of or against the vacating of the said road may attend and be heard.

A G Kramer
E D Billatty
J S Michals
VIEWERS.

Now October 13 1923 service accepted for the County Commissioners of Clearfield County Penna.

L Q Morris
Clerk.

TO: John, Nowrey. J. Ralph. Hutton and Frank, Beck.
The Supervisors of Burnside Township, Clearfield County, Penna.

You are hereby notified; that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and vacate a public road, leading from a point in a public road near the Cuss Creek School House in Burnside Township, to a point on the improved State Highway at or near the farm of Hoffman in Burnside Township, in the County aforesaid; will meet at the Cuss Creek School House in Burnside Township on Wednesday the 24th day of October A. D. 1923 at nine thirty (9.30) o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested will please take notice.

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A. G. Kramer,
E. D. Billotte,
J. S. Michells,

VIEWERS.

Now October 15th 1923 served this notice on John Nowry, J. Ralph Hutton and Frank Beck the Supervisors of Burnside Township by handing to each of them a true and correct copy of same.

John Nowry

forty seven (47) degrees, west one hundred and twenty five (125) feet of John Brin property line; Thence north sixty nine (69) degrees thirty (30) minutes, west, one hundred and twenty five (125) feet to the property line of John Ross; Thence north sixty nine (69) degrees, thirty (30) minutes; west four hundred and fifty seven (457) feet to the State Highway leading from Glen Campbell to McGees in Clearfield County Pa.

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 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 vacation thereof, and that they procured such release from:

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, to assess them damages and make report thereof, as follows:

That none of the abutting property owners are in any way damaged therefore no damages are assessed.

Witness our hands and seals this 14th day of November, A. D. 1923.

A. G. Kramer [SEAL.]

E. Billotte [SEAL.]

J. S. Michaels [SEAL.]

Viewers.

