

Road

DOCKET No. 5

Number Term Year

4

Sept

1923

Petition for Public road in Sandy

Twp

Versus

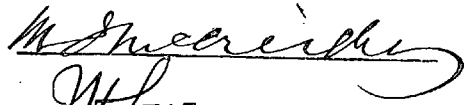

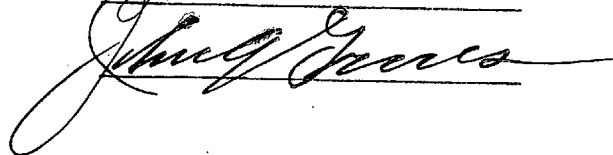
X

KNOW ALL MEN BY THESE PRESENTS, THAT WE, M. I. MC CREIGHT,
J. H. LOWE AND JOHN Q. GROVES, of the City of DuBois, County of
Clearfield and State of Pennsylvania, are held and firmly bound
unto the Commonwealth of Pennsylvania for the use of any party
or parties whatsoever entitled thereto, in the sum of One Hundred
(\$100.00) Dollars, to which payment well and truly to be made
and done, we do hereby bind ourselves, our executors and adminis-
trators.

Sealed with our seals and dated the Nineteenth day of May,
1928.

NOW, THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas,
divers citizens of the County of Clearfield, Pennsylvania, have
filed in the Court of Quarter Sessions in said County, a petition
for the establishment of a public road in Sandy Township in said
County and praying the Court to appoint viewers in connection
therewith;

Now, if the obligors above named shall pay or cause to be
paid all costs in connection with said proceeding at the conclusion
of the same, in the event that the said proceeding shall be decided
against said petitioners, then this obligation to be void and of
no effect, otherwise to be and remain in full force and virtue.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY,
PENNA.

NO. 4 SEPTEMBER SESSIONS, 1923.

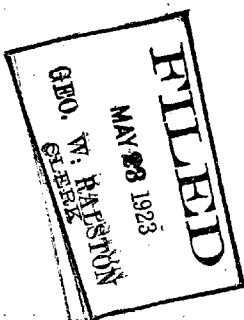
IN RE: PROPOSED PUBLIC ROAD
IN SANDY TOWNSHIP, CLEARFIELD
COUNTY, PENNSYLVANIA.

BOND.

May 23. 1923. approved

By the Court

Superior / Dec 19.



L. E. BOYER.

TO THE HONORABLE COURT, OF QUARTER SESSIONS:--

The undersigned hereby petition:

1. That Viewers be appointed to lay out public road in Sandy Township, Clearfield County as follows;
Beginning at a point intersection of Dixon Avenue and Mertland Street. thence on and along Mertland Street in a westerly direction as now layed out on survey of Wilson addition, to line of land of and thence through lands of Logan, Johnston Heberling Jefferys and Nelson to point in public road at or near old mill site near William Shaffer's, in said Township.
2. That said road is less than one mile in length requiring to be opened and constructed. That it will be substantially water grade; that it will eliminate several very steep grades now necessary to overcome in reaching that section; that it will open and make available valuable homesites to suburban residents; that right-of-way will be furnished by land owners for said purpose at a nominal sum.

Chas Shaffer Masson ave Sandy Twp
Fred Loch North Brady St Dubois Pa
Leander Allmon Du Bois, Pa.

- D.R. Giesbinder 114 Long Ave. Du Bois, Pa.
J.W. Wagon 312 S Main Du Bois Pa
E.E. Blakeslee 312 E. Sentinella Du Bois Pa

Hotel Du Bois John Hartnett Pres
John H. Marshall 500 Main St Du Bois Pa
G.B. Wachob Washburn St 222

C.C. Cooney Du Bois
Du Bois Chamber of Commerce, Effort Du Bois Pa.

J. Cleaveland 153 E. Logan Du Bois Pa

E.W. Robinson 102 East Du Bois Du Bois Pa.

Walter Kautz 219 S. Brady St Du Bois Pa

Lloyd Kautz Brady St Du Bois Pa

H.E. Heberling
J.P. Gmunkle 29 S. Brady St Du Bois Pa

Chas Nelson S. Main St. Ex. Box 128 1/2

Leick Brouser Du Bois Pa

E. B. Proshus
Ch. Hallen

A. A. Gribble
W. E. Colley

Ch. Lee & Laid

Mr W. M. Northey
David Sheffer

S. H. Kemp
Wm. L. Linder
A. K. K. K.

Luke Kite

J. Krantz

M. J. Krantz

Geo. Whitmore

Scott Wilson

Chas. Wilson

J. T. Spencer

Wm. Waggoner

Mrs M. J. Waggoner

Alb. Ruffin

Lewis Thomas

J. L. M. M.

J. A. Overdorf

J. R. Delp

Sandy of

George Frantz

Thas. Frantz

J. J. Muckle

J. J. Levine

W. A. Bandy 23 1/2 blk near
R. Berry

Lloyd J. Wingert. Du Bois Pa.
M. D. Dyer, Du Bois Pa.

R. D. Duncick Du Bois Pa.

Douglas McEught Du Bois Pa.

J. A. K. Emons Sandy Strip

J. A. Dyer Sandy Strip

J. P. Heilbrun

W. M. Lisatevich Sandy Strip

E. J. Munderger

Thomas D. Colvert AFD 3

Ortuck Johnson Sandy Township

George Mirvis Sandy Township

Reuben Whitman Sandy

H. H. Smith. 530 So. Brady St. Du Bois Pa

Joseph A Allen

Mrs Annie Allen

Mrs Victoria Cramer.

H. R. Maze

Geo. J. Kessler

Charles Lyons

Walter Rupert

Geo. W. W.

J. H. Hargrett

Wm. E. Hargrett

W. H. Civerdick

S. W. Salomon

S. W. Putney

J. R. Putney

John J. Berryman

Du Bois

Thomas L. Fye

John Atwell

Chas. R. Horn Sandy Township

Jesse Woods Sandy Township

Wm. Horn Kenton

S. Smiley

M. R. Wilson

George L. Clark

Charles E. K. and

B. P. Hayes

Michael. W. W.

Du Bois Pa

Du Bois Pa

121 Wilson Ave Du Bois Pa

Sandy Township

Carl Johnson
M E Gordon
Joseph Lockwood
W J Johnson
H Matthes
J M D Garm
A J Dietz

M, E, Dixon

L W Shaffer
H L Shaffer
H W Shaffer
R Shaffer
Fred Bowser
James L. Keryn
Joseph M. Keryn

Mike Devine
E M Liddle
D. L. L. Kier
Blair Holman
W D Dixon

206 Du Bois St.
Du Bois Pa.
1 Oak St Du Bois
329 W. Long Du Bois,
Du Bois

Du Bois Pa

Sabula, Pa

Sandy, Pa
Du Bois Pa
Du Bois Pa
Du Bois Pa
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IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

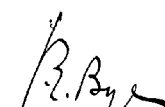
IN RE: PROPOSED PUBLIC ROAD IN SANDY : NO. SEPTEMBER SS: 1923.
TOWNSHIP, CLEARFIELD COUNTY. :

TO THE SUPERVISORS OF SANDY TOWNSHIP, PA:

Notice is hereby given that an application will be made to the Court of Quarter Sessions on Monday May 21st, 1923 at 10 A. M., for the appointment of viewers in connection with an application for the viewing and laying out of a proposed new ^{public} road in Sandy Township, Clearfield County, Pennsylvania, briefly described as follows:

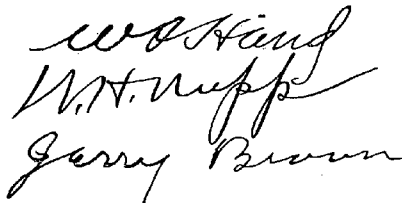
Beginning at a point intersection of Dixon Avenue and Mertland Street, thence on and along Mertland Street in a westerly direction as now layed out on survey of Wilson Addition to line of land of and thence through lands of Logan, Johnston Heberling Jeffreys and Nelson to point in public road at or near old mill site near William Shaffer's in said Township.

That said road is less than one mile in length requiring to be opened and constructed. That it will be substantially water grade; that it will eliminate several very steep grades now necessary to overcome in reaching that section; that it will open and make available valuable homesites to suburban residents; that right-of-way will be furnished by land owners for said purpose at a nominal sum.



Attorney for Petitioners.

Now, the 5 day of May, 1923, service of the within notice is hereby accepted.


W. H. Nupp
Jerry Brown

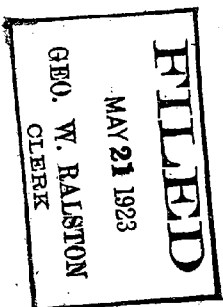
IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNA.

NO. *4* SEPTEMBER SS: 1923.

IN RE: PROPOSED PUBLIC ROAD
IN SANDY TOWNSHIP, CLEARFIELD
COUNTY.

NOTICE.

(*hereinafter*.)



L.E. Boyer, Atty.
for Petitioners.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: PROPOSED PUBLIC ROAD IN SANDY TOWNSHIP :
CLEARFIELD COUNTY.

:NO. SEPTEMBER 25:19

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PA:

Notice is hereby given that an application will be made to the Court of Quarter Sessions on Monday May 21st, 1923 at 10 A. M., for the appointment of viewers in connection with an application for the viewing and laying out of a proposed new road in Sandy Township, Clearfield County, Pennsylvania, briefly described as follows:

Beginning at a point intersection of Dixon Avenue and Mertland Street, thence on and along Mertland Street in a westerly direction as now layed out on survey of Wilson. Addition to line of land of and thence through lands of Logan, Johnston Heberling Jeffreys and Nelson to point in public road at or near old mill site near William Shaffer's in said Township.

That said road is less than one mile in length requiring to be opened and constructed. That it will be substantially water grade; that it will eliminate several very steep grades now necessary to overcome in reaching that section; that it will open and make available valuable homesites to suburban residents; that right-of-way will be furnished by land owners for said purpose at a nominal sum.

R.B.

Attorney for Petitioners.

Now, the 7th day of May, 1923, service of the within notice is hereby accepted. *for County Commissioners of Clearfield County*
L. C. Harris
Clerk.

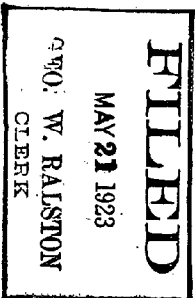
IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY
PENNA.

NO. ⁴ SEPTEMBER SS: 1923.

IN RE: PROPOSED PUBLIC ROAD
IN SANDY TOWNSHIP, CLEARFIELD
COUNTY.

NOTICE.

(Sandy Commission.)



L. E. Boyer, Atty.
for Petitioners.

IN THE COURT OF QUARTER
SESSIONS OF CHESAPEAKE
COUNTY, VA. NC. ~~1923~~ 1923. SS:

1831C
IN RE: IMPROVED/ROAD
IN SANDY TOWNSHIP, CHESAPEAKE
FIELD COUNTY.

PETITION.

May 21, 1923. J. L. T. M.
Frankston, Va. and
George Nelson and associates
as owners of property

By the Court
Frankston Va.

FILED

MAY 21 1923

Geo. W. BARTON
OF LOUIS E. BOYER
ATTORNEY AT LAW
DUBOIS, PA.

273 by atty

that it will eliminate several very steep grades now necessary to overcome in reaching that section; that it will open and make available valuable homesites to suburban residents; that right-of-way will be furnished by land owners for said purpose at a nominal sum.

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 21st day of May
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 Sandy

in said County, ~~setting forth that~~ that viewers be appointed
to lay out a public road Beginning at a point intersection of Dixon Ave.,
and Mertland St. thence on and along Mertland St. in a westerly direction as
now layed out on survey of Wilson Addition to-line of land of
and thence through lands of Logan, Johnston Heberling Jeffreys and Nelson
to point in public road at or near old mill site near William Shaffer's
in said Twp. That said road is less than one mile in length requiring
to be opened and constructed. That it will be substantially water grade;

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., George Weber

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.

Wm. H. Ralston, 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 Sandy and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 31st day of July A. D. 1923, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the sixth day of August, 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 W.S.Hand, Supervisor of Sandy Township and P.S.Heberling

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 6th day of August A. D. 1923, when the following appearances were noted: W.C.Pentz, Esq. Attorney for Sandy Township Road Dist. L.E.Royer Esq., Atty for petitioner, W.S.Hand Supervisor, J.P.Logan George Bearfield, Mary Calvert, William Anderson, William Dixon, P.S. Heberling, Samuel Postlethwaite, T.J.Wayne, Hugh Jefferys, C.A.Mitchell, Ira Marshall and Charles Nelson, and William Shaffar all of whom were sworn and testified

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 _____ use the following described road, to wit Beginning We attach herewith a draft of our view as made and in accordance with this Order.

The chief reasons which prompts us to make this negative report are
First:-The proposed road parallels another road from Dixon Avenue to
the Spear's mill point of intersection which present road has been
open and in use for many years, and has a number of residences along
it who are served by it, hence there is little probability of its ever
being vacated, while the proposed road has no residents on it who are not
now served by convenient road.

Second:- While the proposed road would have a much better grade it
would be an expensive road to build, some of it through low swampy
ground, which would have to be filled and drained.

Third:- The proposed road would go through improved property, the owners
of which are demanding heavy damages, and who would in some cases be
damaged out of proportion to the entire value of their properties

Fourth:- The evidence offered to your viewers was entirely adverse
to the petition, the abutting property owners alleging the road to be
unnecessary, that it would materially damage their properties, while
other citizens and taxpayers alleged that it was not only unnecessary
but would be a burden which Sandy Township, Road District, in its pres-
ent financial condition is unable to assume.

TO The ROAD SUPERVISORS OF SANDY TOWNSHIP, CLEARFIELD COUNTY, PA.

You are hereby notified that the undersigned Viewers, Appointed by the Court of Quarter Sessions of Clearfield, County, Pennsylvania, to view a Public Road leading from a point at intersection of Dixon Avenue and Mertland Street, thence on and along Mertland Street in a westerly direction as now layed out on survey of Wilson Addition in Sandy Township to line of land of _____ and thence through lands of Logan, Johnston, Heberling, Jeffreys and Nelson to a point in public road at or near old Mill Site near William Shaffer's in Sandy Township, in the County aforesaid, will meet at the intersection of Dixon Avenue and Mertland Street in Sandy Township on Tuesday the 31st day of July 1923 at nine o'clock A.M. to attend to the duty assigned them of which time and place you will take due notice.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield on Monday the 6th day of August 1923 at nine o'clock A.M. at which time and place you may attend and be heard if you so desire.

J. E. Fry
Mark Shultz
George Weber
Viewers.

Now July 14th 1923 service of this notice accepted for the Supervisors of Sandy Township

Paul Paul
Attys for Supervisors of
Sandy Township

DuBois, Pa. July 14th 1923

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 leading from a point at intersection of Dixon Avenue and Mertland Street, thence on and along Mertland Street in a westerly direction as now layed on on survey of Wilson Addition in Sandy Township, to line of land of _____ and thence through lands of Logan, Johnston, Heberling, Jeffreys and Nelson to a point in Public Road at or near old Mill Site near William Shaffer's in Sandy Township, in the County aforesaid, will meet at the intersection of Dixon Avenue and Mertland Street in Sandy Township, on Tuesday the 31st day of July A.D. 1923 at nine o'clock A.M. to attend to the duty assigned them, of which time and place aforesaid, you will take due notice.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield, on Monday the 6th day of August 1923 at nine o'clock A.M. ~~you~~ at which time and place you may attend and be heard if you so desire.

DuBois, Pa. July 14th 1923

J E Fry
Frank McElm
George Heber
Viewers.

Now July 14 1923 service of this notice is accepted for the Commissioners of Clearfield County.

L. C. Nannis
Clerk

No. 4 Sept Sessions, 19 23

ORDER

To view _____ a
road for PUBLIC use in the
township of SANDY
Clearfield County _____

Left Sessions, 19 23,

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
H. W. Whitehead,
Pl. 245 Jackson Dist.
Specialty permit.

Dec. 55. 1923. Compromised
absolutely Myrtle Couch
Englewood 19.

Filed _____ 19__

Fees \$1.25 paid by _____

L. E. BOYER, ATTY.

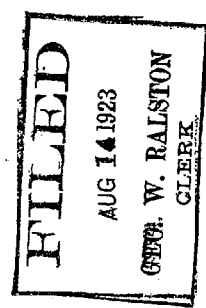
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.



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

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 _____

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 _____

(Inasmuch as your viewers are making a negative report no releases have been obtained nor no damages fixed)

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: _____

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

WITNESS our hands and seals this 13th day of August

A. D. 1923.

J. E. Fry Seal
Wm. Hutton Seal
George K. Weber Seal
 Seal