

Road DOCKET No. 5

Number Term Year

6 Dec 1923

Petition to vacate Public Road

in Burnside Twp.

Versus

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, Pennsylvania, respectfully represents:

FIRST: That a certain piece or part of a public road, beginning at a point on the new State Road, at or near the Huffman Farm and extending to a point near the Huffman Farm House, a distance of about three hundred (300) yards (the remaining portion of said public road having been already vacated) has become useless and burdensome to the Township and expensive for maintenance.

SECOND: That the new State Highway passes near said piece of road and as a result this piece of road is not traveled at all.

THIRD: That by vacation proceedings duly had a large portion of the public road of which the piece described to be now vacated is a part, was vacated, but this portion was inadvertently omitted.

Your petitioners therefore pray that viewers may be appointed to vacate said part of public road and they will ever pray, etc.

John Brown
J. Ralph Jett
Frank Beck

CLEARFIELD COUNTY: SS:

J. Ralph Hutton, Secretary of the Board of Supervisors,
being duly sworn says that the facts set forth in the foregoing
petition are true.

J. Ralph Hutton

Sworn and subscribed before me this 27. day of October, 1923.

*My Commission Expires
First Day of Jan. 1926*

W.B. Smith
J.P.

KNOW ALL MEN BY THESE PRESENTS, That we,
..... and and
the Supervisors of Burnside Township, are held and firmly bound
unto the County of Clearfield in the sum of Fifty (\$50.00) Dollars
lawful money of the United States to which payment well and truly
to be made, we do bind ourselves, our heirs, executors and ad-
ministrators firmly by these presents. Sealed with our seals
and dated the day of October, 1923.

WHEREAS the Supervisors of Burnside Township have
petitioned the Court for the vacation of a portion of a public
road as fully described in the petition hereto attached;

NOW THE CONDITION OF THIS OBLIGATION IS SUCH that if the
said above bounden shall at all times save and keep harmless the
County of Clearfield from any and all costs and expenses in the
event that the said vacation proceedings are rejected by the Court
then this obligation to be void.

John Hawry (SEAL)

(SEAL)

Frank Breech (SEAL)

6 Dec 23 1923

PETITION TO VACATE PUBLIC
ROAD:- Beginning at a point
on the new State Road, at
or near the Huffman Farm
and extending to a point
near the Huffman Farm House
a distance of about three
hundred yards.

Sept 22 1923 R. G. Kramer
Ed. Billotte & S. S. McEachen
and themselves as
proprietors
of property
located
Bogertown, Pa.

FILED

NOV 1 1923

W. O. W. RAJSTAFIA
MULLER & HAMSWICK
ATTORNEYS AT LAW
CLEARFIELD, PA.

275

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 1st day of November 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 ~~the~~ ~~Supervisors~~ ~~inhabitants~~ of the Township of Burnside, in the County aforesaid setting forth that a certain piece or part of a public road beginning at a point on the new State Road, at or near the Huffman Farm and extending to a point near the Huffman Farm House, a distance of about 300 yards (the remaining portion of said public road having been already vacated) has become useless and burdensome to the Twp and expensive for maintenance. That by vacation proceedings duly had a large portion of the public road of which the piece described to be now vacated is a part, was vacated, but this portion was inadvertently omitted

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. Billtoe 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. Palston

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

15th day of November _____, 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 16th day of November _____ 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 no one but the viewers; _____

~~AND WHEREAS, THE PUBLIC ROAD IS NO LONGER NEEDED~~. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 16th day of November , A. D. 1923, when the parties interested in the said road were in attendance: to wit John Nowrey and Adam Beck two of the Supervisors of Burnside Township with their Attorney H. B. Hartwick Esq.

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 said road be vacated; to wit; from the end of the said public road to where the public road from the Indiana County line to the former location of the State Highway in Burnside Township in Clearfield County Pa near the former residence of E. E. Huffman. Thence running south, sixty seven (67) degrees, thirty (30) minutes. East Three hundred and forty (340) feet to a point on the State Highway where the same formerly connected with the end of the public road recently vacated leading from the Cuss Creek School house to the State Highway near the residence of John Rose in Burnside Township Clearfield County Pa on the State Highway leading from Glen Campbell to McGee's;

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 Pa to view and vacate a public road leading from a point on the State Highway. Leading to Glan, Campbell; where the Township road leading from the CUSH School House, connects with the said State Highway, in Burnside Township to where the said road to be vacated connects with the end of said road formerly vacated, near the Dwelling house on the farm known as the Huffman farm; in Burnside Township in the County aforesaid, will meet at the end of the road to be vacated on the State Highway in Burnside Township on Thursday the fifteenth (15th) day of November A. D. 1923 at one (1) o'clock P. 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 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 to give all parties interested in the said proceedings a chance to be heard by the viewers, will be held by the viewers in the Arbitration Room in the Court House in Clearfield Pa on Friday the sixteenth (16th) day of November A. D. 1923 at nine (9) o'clock A. M. when and where all parties interested may attend and be heard.

A. G. Kramer
E. D. Billotta
J. S. Michaels

VIEWERS.

Now November 7 1923 service accepted for the County Commissioners of Clearfield County. Pa.

L. C. Narre

Clerk.

TO:- JOHN. NOWREY, J. RALPH. HUTTON AND FRANK BECK.

SUPERVISORS VISORS OF BURNSIDE TOWNSHIP, CLEARFIELD COUNTY;PA

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 on the State Highway, leading to Glen Campbell; where the Township road leading from the CUSH School House, connects with the said State Highway; in Burnside Township to where the said road to be vacated connects with the end of said road formerly vacated, near the Dwelling house on the farm known as the Huffman farm; in Burnside Township in the County aforesaid, will meet at the end of the road to be vacated on the State Highway in Burnside Township on Thursday the fifteenth (15th) day of November A. D. 1923 at one (1) o'clock P. 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 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 to give all parties interested in the said proceedings a chance to be heard by the viewers, will be held by the viewers in the Arbitration Room in the Court House in Clearfield Pa on Friday the (16th) sixteenth day of November A. D. 1923 at nine (9) o'clock A. M. when and where all parties interested may attend and be heard.

H G Kramer
E J Billotte
J S Michaels.

VIEWERS.

Now Nov 8 1923 served this notice on John Nowry, J, Ralph, Hutton and Frank Beck the Supervisors of Burnside Township personally by handing to each of them a true and correct copy of same.

John Nowry

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.

No. 6 E 23 Term 1923

ORDER TO VACATE

To view and vacate road situated in the Township of Burnside

Clearfield County.

Now Dec, Sessions 1923

read and confirmed Ni. Si.

By the Court
Frank J. Field Jr.

Now Dec, Sessions 19

confirmed absolute.

By the Court.

Feb 6 1924

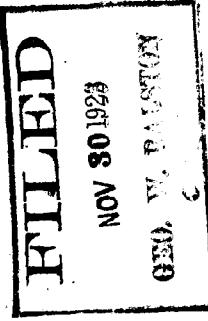
Approved absolutely
Frank J. Field Jr.

Filed Dec, 19

Atty,

Fees \$1.25 paid by

William R. Hartman, Atty.



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 vacating 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 vacating thereof, and that they received such release from:

And that the following persons having, in the opinion of the Viewers, been damaged by the vacating of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacating and closing up 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:

That in the opinion of the viewers none of the abutting property owners on the road vacated have in any way been damaged by the vacating of the said road therefore no damages are assessed.

WITNESSED AND SIGNED AS FOLLOWS:

Witness our hands and seals this 27th day of November ----, A. D. 1923.

A. G. Braeuer [SEAL.]

E. B. Billotte [SEAL.]

J. S. Michaels [SEAL.]

Viewers.