

Road

DOCKET No. 5

Number	Term	Year
7	Dec	1923

Petition to vacate 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, Pennsylvania, respectfully represents:

FIRST: That a certain public road in said Township of
Burnside, beginning at a point at or near the farm of John L.
Byers on the main road leading from Burnside to New Washington,
and extending to a point at or near the mouth of Saw Mill Run,
near the concrete Bridge on the State Road, has become useless,
burdensome and expensive to maintain.

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 inadvertent-
ly omitted.

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

John Limony
J. Ralph Futton
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.

Notary Public
Clearfield County, Pa.

W. H. 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 theday 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 Grouy (SEAL)

_____ (SEAL)

Frank Beck (SEAL)

#17 Dec 20 1923

PETITION TO VACATE PUBLIC
ROAD - Beginning at a point
at of near the farm of
John L. Byers on the main
road leading from Burnside
to New Washington, and ex-
tending to a point at or
near the mouth of Saw Mill
Run, near the concrete
Bridge on State Road.

Sept. 28 1923. H. G. Kramm
J. D. Bell & J. S. Nichols
Applicants
vs
for the Town
Superintendent
19.

FILED

NOV 1 1923

Geo. W. Ralston
C. E. Miller
ATTORNEYS AT LAW
HARTSWICK
CLEARFIELD, PA.

275

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

Besides the viewers and John Nowery and Adam Beck two of the Supervisors of Burnside Township county and State aforesaid; -----

parties interested, ~~namely~~ in favor of ~~vacating~~ vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 15th day of November,

A. D. 1923, when the parties interested in the said road were in attendance: to wit John Nowery and Adam Beck two of the Supervisors of Burnside Township Clearfield County Pennsylvania 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 the same be vacated as follows, to wit: Beginning at a point in the State Highway leading from Burnside to Cherry Tree in Indiana County near at what is known as the mouth of Saw Mill Run in Burnside Township in the county of Clearfield and State of Pennsylvania: to wit. Thence running over unimproved woods land of the John W Gregg Estate as follows: North seventy three (73) degrees, East two hundred (200) feet; Thence North fifty (50) degrees, thirty (30) minutes, East Three hundred (300) feet; thence North Twenty one (21) degrees East three hundred (300) feet to property line on the north side of the road at Lovelace on the North and John W Gregg Estate on the South the following courses and distances the Lovelace land being improved and the Gregg land on the South unimproved wood land as follows: thence North twenty (20) degrees, East two hundred (200) feet; Thence North twenty two (22) degrees, fifteen minutes (15) East two hundred and seventy seven (277) feet to the property line of the John W Gregg Estate. Thence over unimproved woods land of the John W Gregg Estate the following courses and distances to wit: Thence North twenty two (22) degrees, fifteen (15) minutes East one hundred and twenty three (123) feet; Thence North thirty two (32) degrees

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 ~~supervisors~~ ^{Supervisors} ~~inhabitants~~ of the Township of Burnside, in the County aforesaid setting forth that ~~a~~..... certain public road in Twp. of Burnside beginning at a point at or near the farm of John L. Byers on the main road leading from Burnside to New Washington and extending to a point at or near the mouth of Saw Mill Run, near the concrete Bridge on the State Road, has become useless and expensive to maintain. 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

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 appoint from and among the County Board of Viewers A. G. Kramer, Esq. E. D. Billotte, Esq.

J. C. 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.

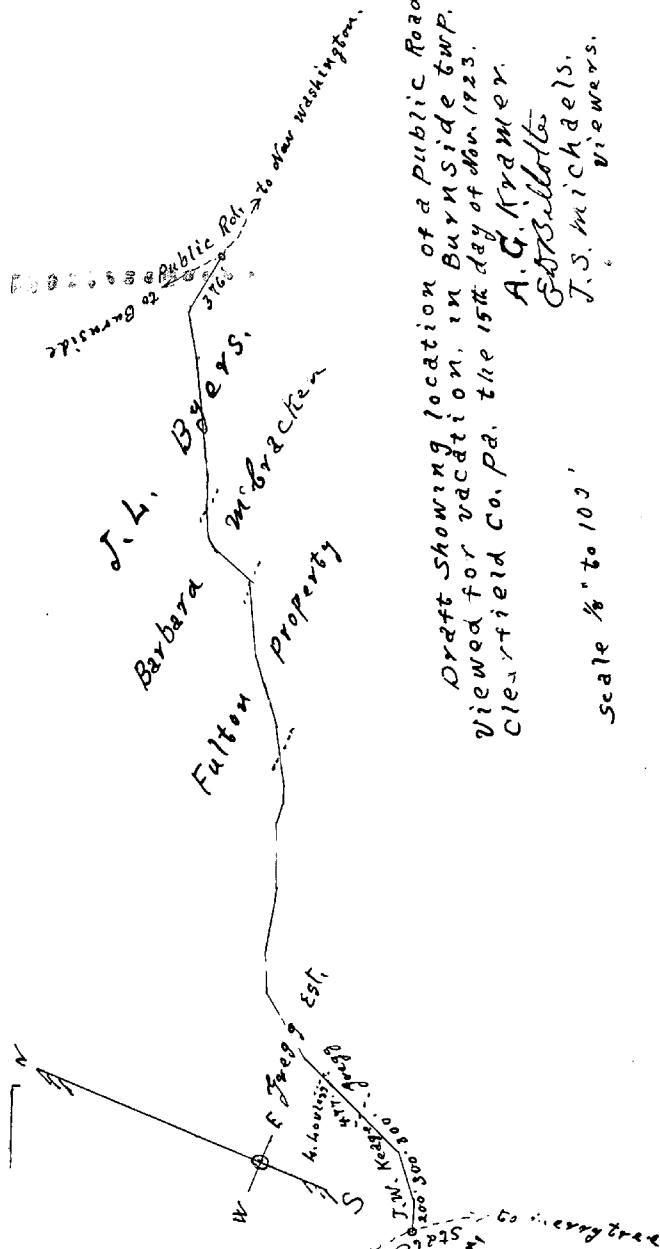
And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and 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. Balcaster
Clerk.

Explanation

N. 73° E. 200' N. 50° 30' 300'
 N. 21° E. 250' N. 20° E. 50' over lands
 of John W. Redg.
 N. 20° E. 200' N. 22° 15' E. 277' over
 lands L. Levless on North Gregg Est. on South
 N. 22° 15' E. 123' N. 32° E. 100' N. 38° 30' E. 450'
 N. 65° E. 300' N. 79° E. 150' N. 77° 45' E. 300'
 N. 68° E. 450' N. 87° 30' E. 150' N. 69° 30' E. 100'
 N. 59° E. 164' over Gregg Est.
 N. 59° E. 235' N. 50° 30' E. 300' N. 51° E. 200'
 N. 64° 15' E. 500' over land of ~~Frederick~~
 Frederick
 N. 19° 15' E. 300' N. 40° 30' E. 100'
 N. 60° 30' E. 200' over land of B. McGracken
 N. 69° E. 200' N. 63° 30' E. 300'
 N. 62° 30' E. 500' N. 56° 30' E. 300'
 N. 78° 15' E. 50' S. 80° E. 376'
 Over land of J. L. Byers.



Draft showing location of a public Road.
 Viewed for vacation, in Burnside twp.
 Clearfield Co. Pa. the 15th day of Nov. 1923.
 A. G. Krumer
 J. S. Michalek
 Viewers.

Scale 1/4" to 100'

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 in the public road; leading from Burnside Borough to Patchinville at or near the mouth of Saw Mill Run in Burnside Township; to a point at or near the farm of John L Byers, on the main road leading from Burnside to New Washington in Burnside Township in the County aforesaid will meet at the end of of the road to be vacated near the mouth of Saw Mill Run in Burnside Township on Thursday the fifteenth (15th) day of November A. D. 1923 at nine (9) 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 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. Billotte
J. S. Michaels
VIEWERS.

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

L. C. Norris
Clerk.

TO:- JOHN, NOWREY, J. RALPH. HUTTON. AND FRANK BECK.
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 the public road, leading from Burnside Borough to Patchinville at or near the mouth of Saw Mill Run in Burnside Township; to a point at or near the farm of John L. Beyers, on the main road leading from Burnside to New Washington in Burnside Township in the County aforesaid; will meet at the end of the road to be vacated near the mouth of Saw Mill Run in Burnside Township on Thursday the fifteenth (15th) day of November A. D. 1923 at nine (9) 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 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 either in favor of or against the vacating of the said road 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. H. Kramer
E. D. Billotte
J. D. Michaels
VIEWERS.

Now Nov 9 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

sixty three (63) degrees, thirty (30) minutes; East three hundred (300) feet. Thence north sixty two (62) degrees, thirt (30) minutes; East five hundred (500) feet. Thence North Fifty six (56) degrees, thirty (30) minutes, East three hundred (300) feet. Thence North seventy eight (78) degrees, fifteen (15) minutes, East fifty (50) feet. Thence North, eighty (80) degrees, East three hundred and seventy six (376) feet to a point in the public road leading from Burnside to New Washington in the Township of Burnside County and State aforesaid.

East one hundred (100) feet. Thence North, thirty eight (38) degrees, thirty (30) minutes, East four hundred and fifty (450) feet. Thence North sixty five (65) degrees, East three hundred (300) feet. Thence North seventy nine (79) degrees, East, one hundred and fifty (150) feet. Thence north seventy seven (77) degrees, forty five (45) minutes, East three hundred (300) feet. Thence north sixty eight (68) degrees, East four hundred and fifty (450) feet. Thence North eighty seven (87) degrees, thirty (30) minutes; East one hundred and fifty (150) feet. Thence north sixty nine (69) degrees, thirty (30) minutes, East one hundred (100) feet. Thence North fifty nine (59) degrees, East one hundred and sixty four (164) feet, to the property line of Fulton. Thence over improved land of the Fulton Estate the following courses and distances North fifty nine (59) degrees, East two hundred and thirty six (236) feet Thence north fifty (50) degrees thirty (30) minutes East three hundred (300) feet; Thence North fifty one (51) degrees, East two hundred (200) feet; Thence north sixty four (64) degrees, fifteen (15) minutes, East five hundred (500) feet to the property line of Barbara McCracken, Thence over unimproved woods land of the said Barbara McCracken the following courses and distances, to wit. North nineteen (19) degrees, fifteen (15) minutes East three hundred (300) feet. Thence North forty (40) degrees, thirty (30) minutes; East one hundred (100) feet. Thence North sixty (60) degrees thirty (30) minutes, East two hundred (200) feet to the property line of John L. Beyers. Thence over improved land of the said John L. Beyers. The following courses and distances; to wit. North sixty nine (69) degrees, thirty (30) minutes; East two hundred (200) feet. Thence North 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, do assess them damages and make report thereof, as follows:

No one of the abutting property owners along the road vacated being in the opinion of the viewers in any way damaged by the vacating of the said road therefore no damages are assessed.

~~THE UNDERSIGNED VIEWERS HAVE BEEN FULLY ADVISED OF THE RIGHTS OF THE PARTIES INTERESTED IN THE VACATION OF SAID ROAD AND HAVE CONSIDERED THE SAME AND HAVE MADE THIS REPORT THEREON.~~

Witness our hands and seals this 26th day of November, A. D. 1923.

A. G. Kramer [SEAL]

E. B. Billotte [SEAL]

J. S. Michael [SEAL]

Viewers.

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	Am't

No. 7 Dec Term 19 23

ORDER TO VACATE

To view and vacate road situate
in the Township of Burnside
Clearfield County.

Now Dec Sessions 1923
read and confirmed Ni. Si.

By the Court.
Engelhardt
Now Sessions 19

confirmed absolute.

By the Court.

Feb 6 1924

unimproved absolute

Filed

Atty,

Fees \$1.25 paid by

