

DOCKET No. 5

Number	Term	Year
14	Sept	1923

Vacation of Road in Bell Twp near  
Greenwood Twp Line

Versus

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re vacation of road leading from a point at the line of Greenwood Township; thence by way of property of Charles Hulliham to residence of McClellan Johnson in said township.

PETITION

To the Honorable, the President Judge of Said Court:-

The petition of the board of supervisors of Bell township respectfully represents:-

THAT a certain portion of public road in the township of Bell has become useless and burdensome, to-wit: That portion of public road leading from Greenwood Township line by way of the Charles Hulliham place to residence of McClellan Johnson in said Township.

A petition is now pending for the vacation of the portion of said road in Greenwood township and the portion of said road in Bell township is useless and burdensome and will be of less use on the vacation of that part in Greenwood.

Your petitioners respectfully prays that the said portion of said road may be vacated.

And they will ever pray, etc.

*James Breth*  
*H D Buntz*  
Supervisor

STATE OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS.

On this first day of August A. D. 1923

before me, the clerk of the Quarter Sessions of Clearfield Co, Pennsylvania, personally came the above named James Breth and deposes and says that the facts stated in the foregoing petition are true and correct to the best of his knowledge and belief.

Sworn and subscribed before

me this first day of August 1923.

*Geo H Ralston*  
Clerk

*James Breth*

14 No. Sept. 28 1923	In re vacation of Road leading from a point at the life of Greenwood township, thence by way of property of Chas. Hulihan to residence of McCallen Johnson.	Return.	<p>FILED AUG 1 1923 GEO. W. RALSTON CLERK</p> <p>LAW OFFICES A. H. WOODWARD CLEARFIELD, PA.</p>
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August 1<sup>st</sup> 1923. Atty. General by "E. S. Ralston" and "J. S. McCallen" approved return on request for a right of way.

By Atty. Genl.  
Eugene Ralston

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 August 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~~ **Supervisors** ~~inhabitants~~ of the Township of Bell, in the County aforesaid setting forth that a certain portion of public road in the Twp of Bell has become useless and burdensome, to wit; That portion of public road leading from Greenwood Twp line by way of the Charles Hullihan place to residence of McClellen Johnson in said Twp. A petition is now pending for the vacation of the portion of said road in Greenwood Twp. and the portion of said road in Bell Twp. is useless and burdensome and will be of less use on the vacation of that part in Greenwood.

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, Esq., 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 Paley  
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 Bell, 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

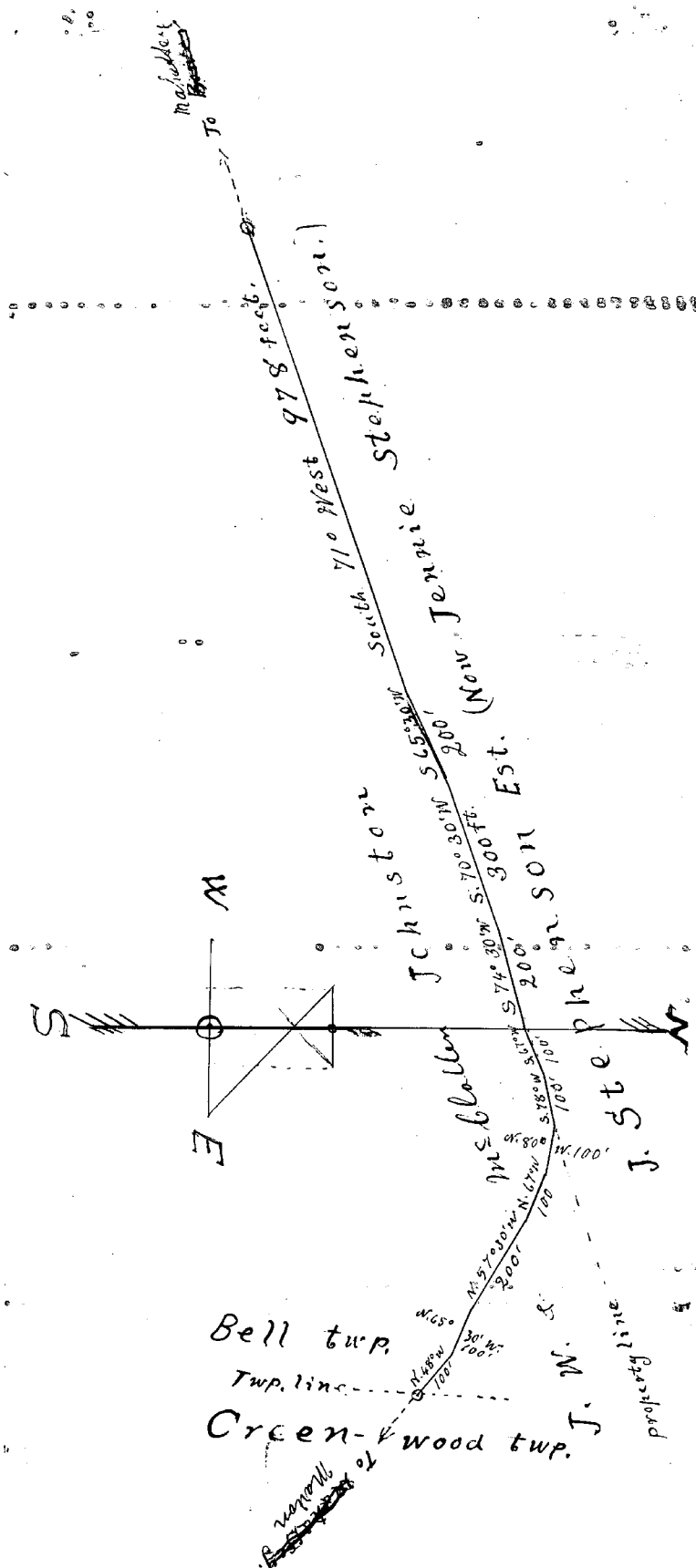
22d day of August, A. D. 1923 and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield.

Pa., on the 23d day of August 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 James Breth one of the Supervisors of Bell Township and McClellan Johnston and Raymond Johnston

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 23d day of August,

A. D. 1923, when the parties interested in the said road were in attendance: James Breth and Harvey Kuntz two of the Supervisors of Bell Township with their Attorney A. H. Woodward 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 portion of said road be vacated as follows: to wit. From a point on the Township line between Greenwood and Bell Township on land of McClellan and J M Johnston in Bell Township; thence running over land of the said McClellan and J M Johnson the following courses and distances, to wit: North sixty eight (68) degrees, West one hundred (100) feet. Thence North sixty five degrees thirty (30) minutes, West one hundred (100) feet Thence North fifty seven (57) degrees, thirty (30) minutes West two hundred (200) feet; Thence North sixty seven (67) degrees West one hundred (100) feet; Thence north eighty (80) degrees, West one hundred (100) feet to land of Jennie Stepheson on the right and McClellan Johnston on the left, thence over the dividing line of the said properties the following courses and distances; to wit: South seventy eight (78) degrees, West one hundred (100) feet; Thence south sixty seven (67) degrees, west one hundred (100) feet; Thence South seventy four (74) degrees, thirty (30) minutes; West two hundred (200) feet; Thence south seventy (70) degrees thirty (30) minutes; South three hundred (300) feet; Thence south sixty five (65) degrees; thirty (30) minutes; West two hundred (200) feet:



..... Draft showing location .....  
 of public Road in Bell township,  
 Clearfield County, Pa. Viewed  
 for vacation the 22nd. day of August  
 A.D. 1923.  
 A.G. Kramer.  
 C.B. Billotte.  
 J.S. Michaels.  
 viewers.  
 Scale 1/2" to 100'

TO: T. R. WEIMER, JESSE' E, DALE And M. L. FARRELL. County  
COMMISSION'S OF 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 portion of a public Road, leading from  
the Greenwood Township line by way of Charles Hullivan; in Bell  
Township: To a point in the Public road at or near the residence  
of McClellan Johnson in Bell Township in the County aforesaid will  
meet at the house of McClellan Johnson in Bell Township on Wednes-  
day the 22d day of August A. D. 1923 at nine o'clock A.M.  
to attend to the duty assigned them, of which time and place afore-  
said, 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, in order to give all parties  
either in favor of or against the vacation of the said road a  
chance to be heard by the viewers before the filing of their repo-  
rt in Court, will be held in the Arbitration Room in the Court  
House in Clearfield Pa, on the 23d day of August A. D. 1923  
at nine o'clock A. M. at which time and place all parties inter-  
ested may attend and be heard.

A. L. Kramer  
E. D. Billette  
J. L. Michaels  
VIEWERS:

Now August the // 1923 service accepted for the County Commis-  
sioners of Clearfield County.

L. C. Morris  
Clerk.

TO: JAMES, BRETH, HARVY, KUNTZ AND HARRY, LINGENFELTER: THE  
SUPERVISORS OF BELL 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 portion of a public road, leading from the  
Greenwood Township line by way of Charles Hullivan, in Bell Town-  
ship: To a point in the public road at or near the residence of  
McClellan Johnson in Bell Township in the County aforesaid, will  
meet at the house of McClellan Johnson in Bell Township on Wednes-  
day the 22d, day of August A. D. 1923 at nine (9) o'clock A.M.  
to attend to the duty assigned them, of which time and place afore-  
said, 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, in order to give all parties  
either in favor of or against the vacating of the said road a chan-  
ce to be heard by the viewers, before the filing of their report  
in Court, will be held in the Arbitration Room in the Court House  
in Clearfield Pa, on the 23d. day of August A. D. 1923 at  
nine o'clock A. M. at which time and place all parties interested  
may attend and be heard.

A. G. Kramer  
E. D. Billotte  
J. F. Michaels  
VIEWERS.

Now August 13<sup>th</sup> 1923 served this notice of James Breth, Harvy  
Kuntz and Harry Lingenfelter the Supervisors of Bell Township  
Clearfield County Penna personally by handing to each of them a  
true and correct copy of same.

*Served the within notice Aug 13-23*  
James Breth



Thence south seventy one (71) degrees West nine hundred and seventy eight (978) feet to a point in the public road leading to Mahaffey:

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:

That no one in the opinion of the viewers being damaged by  
the vacating of said road therefore no damages are assessed.

and we herewith return ~~three copies~~ copy of the notices. *Served*

Witness our hands and seals this 31d -- day of August -----, A. D. 19 23.

*A. G. Krangel*..... [SEAL.]

*E. D. Billotte*..... [SEAL.]

*J. S. Michaels*..... [SEAL.]

Viewers.

