

DOCKET No. 5

Number Term Year

15 Sept 1923

Vacation of public road in Bell

Twp southwest of Clover Run

Versus

X

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

In re vacation of public road leading from a point on Punxutawney road at or near residence now occupied by Thomas Bowser; thence to the Punxutawney road leading from Clover Run at a point on the land of Thomas Bowser about two miles southwest of Clover Run.

PETITION

To the Honorable the President Judge of said court:-

The petition of the undersigned board of supervisors of Bell Township respectfully represents:-

THAT a certain portion of public road in said township, to-wit; that portion of public road leading from the main Punxutawney road at or near the residence of Thomas Bowser to the Punxutawney road leading from Clover Run at a point on land of Thomas Bowser about two miles southwest of Clover Run has become useless and burdensome to said township.

Your petitioners respectfully pray that said portion may be vacated as a public road.

And they will ever pray, etc.

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

} SS.

James Breth
H D Rantz
Supervisor

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 W. Palstod Clerk

James Breth

*W. H. Woodward
Attala County, Mississippi*
Aug. 1, 1923, to return & file on 1923.
Aug. 1, 1923, attorney & et al. vs. Bowser, et al.

	No. 15	Sept. 5 th	1923
	In re vacation of public road leading from a point on Punxsutawney road at or near residence now occupied by Thomas Bowser; thence to the Punxsutawney road leading from Clover Run at a point on the land of Thomas Bowser about two miles southwest of Clover Run		
	Section		
	Attala County		
	Law Offices		
	A. H. WOODWARD		
	CLEARFIELD, PA.		
	1923		

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 twentythree

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of ~~any~~
~~Supervisors~~
~~inhabitants~~ of the Township of Bell, in the County aforesaid setting forth that a certain
portion of public road in said Twp. to wit; that portion of public road leading
from the main Punxsutawney road at or near the residence of Thomas Bowser to
the Punxsutawney road leading from Clover Run at a point on land of Thomas
Bowser about 2 miles southwest of Clover Run has become useless and burdensome
to said Twp

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.

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 Ralston

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

21st 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 and Harvey Kuntz two of the Supervisors of Bell Township

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 same be vacated as prayed for as follows:- Beginning at a point in the public road leading from Newtonburg to Punxsutawney near the residence of Thomas Bowser, in Bell Township Clearfield County Pennsylvania; Thence running North eighteen (18) degrees; West two hundred (200) feet over land of Thomas Bowser; Thence over unimproved land of the said Thomas Bowser the following courses and distances, to wit: North thirty-five (35) degrees, West two hundred (200) feet; Thence North forty two (42) degrees, West five hundred (500) feet; Thence North thirty six (36) degrees; West two hundred (200) feet to property line on the West of John Zufall and on the East of Thomas Bowser; thence thence along property line on the west of John Zufall and on the East by land of Thomas Bowser the following courses and distances, to wit; North two (2) degrees thirty (30) minutes, East one hundred (100) feet; thence North nine (9) degrees East one hundred and twenty (120) feet to property line on the North side of the road between John Zufall and Thomas Bowser and on the South side property of Thomas Bowser the following course and distances; The North side of the road adjoining the Jefferson County line; Thence North thirty

TO: T, R, WEIMER, JESSE, E, DALE AND M, L, FARRELL. COUNTY
Commissioner'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 main Punxsutawney road at a point at or near the residence of Thomas Bowser in Bell Township, to a point on the Punxsutawney road; leading from Clover Run on land of Thomas Bowser about two miles South-West of Clover Run, in Bell Township in the County aforesaid, will meet at the house of Thomas Bowser in Bell Township on Tuesday the 21st day of August A. D. 1923 at nine 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, in order to give all parties, 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 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. D. Michaels

VIEWERS.

Now August the 11th 1923 service accepted for the County Commissioners of Clearfield County Pa.

L. C. Morris

Clerk

Harry Lingenfelter
TO: James Breth. Harry Kuntz and The Supervisors
of Bell 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 portion of a public road, leading from the main Punxsutawney road at a point at or near the residence of Thomas Bowser, in Bell Township, to a point on the Punxsutawney road; leading from Clover Run on land of Thomas Bowser, about two mile South west of clover Run, in Bell Township in the County aforesaid, will meet at the house of Thomas Bowser in Bell Township on Tuesday the 21st day of August A. D. 1923 at nine 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, in order to give all parties, 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 in the Arbitration Room in the Court House in Clearfield Pa on the 23d, day of August A. D. 1923 at nine o'clock M. at which time and place all parties interested may attend and be heard.

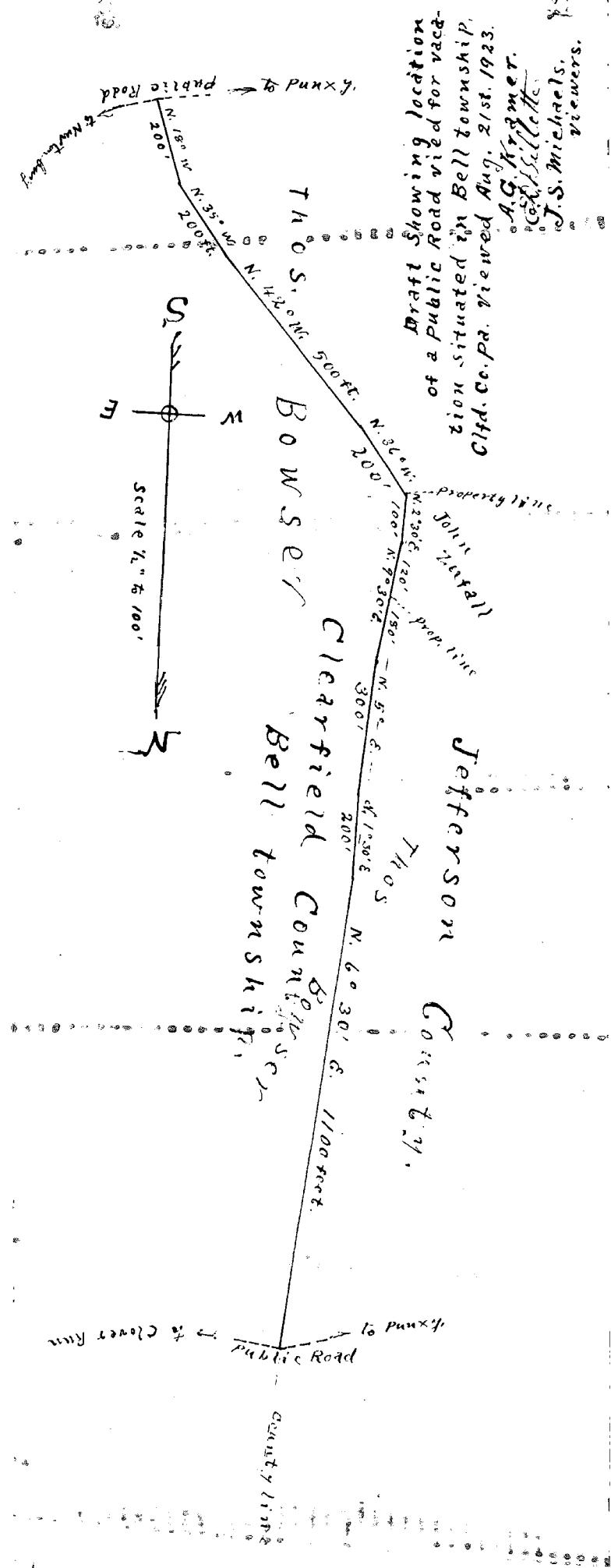
A G Kramer

E D Billotte

J S Michaels

VIEWERS.

Now August 13th 1923 served this notice on James Breth, Harry Kuntz and Harry Lingenfelter the Supervisors of Bell Township Clearfield Penna personally by handing to each of them a true and correct copy of same
Served the within notice Aug 13th James Breth



(.30) degrees, East one hundred and eighty (180) feet; Thence North five (5.) degrees, East three hundred (300) feet; Thence North one (1) degree thirty (30) minutes, East two hundred (200) feet; Thence North five (5) degrees, thirty (30) minutes, East eleven hundred (1100) feet to a point in the public road leading Clover Run to Punxsutawney in Jefferson County. The end of said road to be vacated which is hereby recommended to be vacated: --

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 and favored 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:

The viewers further report that no one is damaged by the vacating of said road therefore no damages are assessed. --

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:

and we have with us no releases obtained, and copy of the releases

Witness our hands and seals this 28th day of August, A. D. 1923.

..... A. G. Kramer [SEAL.]

..... E. Billotte [SEAL.]

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

Viewers.

No. 15 Sept Term 1923

ORDER TO VACATE

To view and vacate road situate

Clearfield County.

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read and confirmed Ni. Si.

By the Court.
Singleton *July 17, 1917*

19
Filed

Atty. A. H. Woodward,
Fees \$125 paid by

Fees \$1.25 paid by

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.

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FILED

SEP 1 1923

GEO. W. BALSTON

CLERK