

DOCKET No. 5

Number	Term	Year
18	Sept	1923

Public Road in Sandy Twp

to begin on the Valley Road

Versus

Pat. v. - Page v. 73

Part Twp. Rd. 1740's

On the 26th of October
in the County of Clarendon
host of the County of Clarendon

John C. Davis
Secretary

Service of the above petition accepted for the Supervisors of Sandy
Townsip.

Attorneys for Petitioner
John C. Davis

said Township, where and when you can be present if you so wish.
known as the Hill Road, at the property of F. M. Schreuer in
intersection of Hill Road and extending westward to what is
to begin in the Valley Road, about nine hundred feet North from
mountain, for the laying out of a public road in Sandy Township
on Tuesday, the 4th day of September, 1923, at 9 o'clock in the
presented to the Court of Quarter Sessions of Clearfield County
You are hereby notified that a petition will be

To the Supervisors of Sandy Township:

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 4th day of September in the year of our Lord one thousand nine hundred twenty three

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Sandy

in said County, setting forth that they labor under great inconvenience for want of a public road to begin at a point on the Valley Road, or concrete road, nine hundred feet north from intersection of the Valley Road and Hill Road, at lands of F. M. Schrauger, in Sandy Twp. and to end at a point on land of F. M. Schrauger, opposite the corner of the North line and South line between land now occupied by Widow of Lou Duttrey & H. I. Merris, and 1600 ft. North of the intersection of the Valley Road and Hill Road; AND ALSO to vacate that part of what is known as the Hill Road in Sandy Twp. beginning at the intersection of the Valley Road & Hill Road, thence extending north about 1600 ft. at or near the line between property of H. I. Merris & Widow Duttrey which has become useless and burdensome.

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 Frank Hutton, Esq., J. E. Fry and Geo. K. Weber

who have been duly appointed by the Court and filed their oaths of office and are duly qualified 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.

Geo W 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 first day of October A. D. 1923, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the third day of October, 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 Jerry Brown, Supervisor, and F. M. Shrauger

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the third day of October A. D. 1923, when the following appearances were noted: John J. Pantz, Esq., of Pantz and Pantz Attys for petitioners, Jerry Brown and W. S. Hand, Supervisors of Sandy Twp., F. M. Shrauger, Chas. Dixon, W. A. Hoyt, H. T. Calgreen citizens favoring the petition and George Cole, citizen not favoring the petition, all of whom were sworn and examined

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 public use the following described road, to wit Beginning at a point in the concrete road nine hundred feet from intersection of concrete road and the Hill road, thence N. 61° 40' W. fifty one feet; thence North 65° 30' W. one hundred feet; thence N. 88° 50' W. one hundred feet; thence S. 89° 45' W. one hundred feet; thence S. 85° 45' W. one hundred feet; thence N. 66° 45' W. one hundred feet; thence N. 56° 15' W. one hundred feet; thence N. 63° 45' W. one hundred feet; thence N. 73° W. one hundred feet; thence N. 61° 45' W. one hundred feet to point in middle of Public road known as the Hill road opposite line between lands of H. I. Morris and Mrs Lou Duttry.

Your viewers also recommend for vacation that part of the Hill road described as follows: - Beginning at the Concrete or Valley road thence North 4° 10' W. three hundred fifty feet; thence N. 8° 50' W. three hundred eight feet; thence N. 30° 15' W. one hundred feet; thence N. 50° 25' W. one hundred thirty six and one-half feet; thence N. 68° 40' W. three hundred feet; thence N. 64° 40' W. two hundred eight feet; thence N. 43° W. one hundred forty four feet; thence N. 32° 30' W. one hundred forty four and six tenth feet to point opposite line between lands of H. I. Morris and Mrs Lou Duttry in all a distance of 1691.1 feet

Your viewers desire to call the attention of the Court to certain conditions existing in this view to wit: - The length of the proposed road is 951 feet, the difference in elevation from the point of beginning as set forth in the Order of view, at concrete road and point of ending in the Hill road is ninety nine feet, the termini being fixed in the Order to view it was not practical nor possible

to lay out this road and not exceed a five degree grade but after viewing the situation on the ground and after hearing the witnesses who were all representative citizens of the vicinity and reasonable and fair men your viewers decided to recommend the road as petitioned for regardless of the excess grade, the maximum of which is 11 feet to the 100 and submit our reasons for our decisions which are

first Every witness, but one (Mr Cole) at present uses the Hill road to get on to the concrete and testified they would prefer the new road with its increased grade to the old one the maximum grade of which is 8.4 feet to the hundred feet, because of the danger of the old one.

Second The vacation of the Hill road as recommended eliminates an acute angle at the junction of the Hill and concrete roads which curve is considered by your viewers as extremely dangerous for the Hill road for some 700 feet from its intersection with the concrete has an elevation of 8.4 feet to the hundred and coming down it and making left hand turn, or those coming down the Valley road for a right hand turn up the Hill Road have a very acute angle to turn.

Third, the hill part of the Hill road is icy and dangerous in winter and has a sharp curve dangerous for traffic and is also expensive to maintain and drifts in winter. Fourth, at least 700 feet of the Hill road should be protected by guard rails, while no action for damages have ever been brought, in its present condition it may happen at any time and to properly guard it would be about as expensive as the opening the new road. Fifth, the intersection of the proposed road with the concrete is such that in approaching from the proposed road a good view of the traffic on the concrete is had.

Mr Hand of the Supervisors favored the road, but not the allowance of any damages for land taken. It is the opinion of your viewers and the witnesses that the proposed road would be much more easily and cheaply maintained.

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~~^{SEVEN} degrees, excepting no exceptions

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

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: Mrs F. W. Shrauger though whose improved field the road wholly runs on a hundred dollars

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

WITNESS our hands and seals this 8th day of October
A. D. 1923.

Henry Sutton Seal
E. F. Foy Seal
George R. Huber Seal
Seal

No. 18 Sept. Sessions, 1923

ORDER

To view a
road for public use in the
township of Sandy
Clearfield County

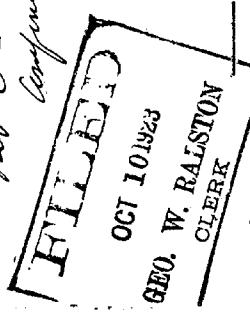
Dec. Sessions, 1923,

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.

See Bill of Complaint
hereunder

*Myke Louch
Magister Burch*

*Feb 6th 1924
Confined absolutely
C. H. Louch, Jr.*



Filed 19
Fees \$1.25 paid by 19

Pentz & Pentz, Attorneys

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.

Viewers 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.

DAY'S	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

TO THE HONORABLE, THE JUDGE OF THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY

The petition of the undersigned citizens
of the Township of Sandy respectfully represents:

That they labor under great inconvenience
for want of a public road to begin at a point on the Valley
Road, or concrete road, ~~hundreds~~ feet North from in-
tersection of the Valley Road and Hill Road, at lands of
F. M. Schrauger, in the said Township of Sandy, and to end
at a point on land of F. M. Schrauger, opposite the corner
of the North line and South line between land now occupied
by widow of Lou Duttrey and H. I. Merris, and sixteen (1600)
feet North of the intersection of the Valley Road and Hill
Road; and for that purpose to appoint competent viewers.

And also, to vacate that part of what
is known as the Hill Road in said Township of Sandy, beginning
at the intersection of the Valley Road and Hill Road, thence
extending North about sixteen (1600) feet, at or near the line
between property of H. I. Merris and the Widow Duttrey, which
has become useless and burdensome.

J. H. Smith And they will ever pray, etc.

W. M. Newell Rural Barker
W. M. Schrauger Fred Hockin

H. J. Albright

H. K. Shifman

Walter Brown

James H. Cudenck

W. R. Burns

Chas Drayton

W. C. Buncley

B. H. Hodde

W. R. Buncley

Chas. Solada
Geo. Solada
Edwin Fiddle
George Wren
Edgar Dodd
J. F. Shraeger
E. A. Hoyt
W. A. Hoyt
B. C. Dodd
Alvin Kelgren
James Brown
Daniel Rose
Geo. Brown
William H. Brown
Arthur Bundy
J. A. Bundy
Ed. Hale
James Puttry
John Puttry
James McLaughlin
Arthur Hartley
Elmer Burns
C. H. Clinton
A. P. Burns
James S. Hartley
Stanley Schenck

Mary O. Hess
F. L. Hess
Pearle S. Christian
Charles Goodwin
Addie Dodd
D. P. Christian
Ved Christian
John Christian
Sue Jaylor.
A. S. Kline
S. S. Kline
W. H. Taylor
Katherine Colley
Walter Colley
David Devore
J. E. Naugle
W. R. Naugle
W. L. Snobles
A. W. Dunlap
William Dunlap
Earl Dunlap
F. H. Forsythe
J. E. Clinton
A. P. Olson
Jennie Brown
John Van

Carl Bundy William Ferrier
Ray Bundy Charles Ellings
Sarah Boyle Simon Burnside
Joseph Oliver Robert Mc Donald Charles Beer.
John Dittay
S. H. Conway
J. H. Conway
H. A. Dunn
Wes Hand
A. M. Pearson
Edward a Charlton
L. E. D. Umloph
Phil S. Donald
Bert Keen
Chas Delp
W. J. Pursey
R. G. Dickinson
David Barbaugh
Fred Keen
J. M. Matheson
P. J. Pearson
W. G. Kinslop
H. J. Murray

Ma 18 September 1923

In re:

JIMMY TO MSHIP. ROADS

P A T I T I O N

4 Sept. 1923 Relating

to and threatening
Franklin, Pa., to
a short time
are sufficient means
to make the road too
and the road closed
for vacation and
refugee use say

By the Court

John J. Dwyer
J. J. Dwyer

SEP 4 1923

PENTZ & PENTZ
W. R. RANTONNIES AT LAW
CLERK DUBOIS, PA.

Commissioners Subpoena.

COUNTY OF CLEARFIELD, SS:

The Commonwealth of Pennsylvania, to

James Hendricks J. M. Shrager Charles Dixon
E. A. Hoyt H. J. Calgreen

We Command you, that setting aside all manner of business and excuses whatsoever, you be and appear in your proper person before Frank Hunter J. E. Foye Geo. K. Miller
~~new~~ Esq., Commissioner at Court House in Clearfield

Pa., on the 21 day of Oct next, at 9 o'clock A. M., there to testify the truth according to your knowledge in a certain case now pending and then and there to be tried, wherein Mr. Re. Sandys Tenant road bellant, and

Respondent, and that on the part of the Petitioners. And this you are not to omit under penalty of five hundred pounds.

WITNESS, the Honorable SINGLETON BELL, President Judge of our said Court, at Clearfield, Pa., the 2 day of Oct.

Anno Domini, one thousand nine hundred and Twenty three

Geo. W. Calston
Prothonotary.

No. Term, 191..

VS.

Commissioner Subpoena.

....., Attorney.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY,

CLEARFIELD COUNTY, -ss:

Personally appeared before me..... Jerry Brown....., who being duly sworn, saith the above Bill of Costs is correct, that the witnesses named were subpoenaed, necessary, material, and in attendance as above stated, and that the mileage is correct as he believes.

Sicorn to and subscribed before me this
2nd day of October A.D. 1923

...and day of October, A. D. 1903. Jerry, 5,000

John Bent, Prothonotary

1. **1970** (1970-1971)

NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 7, 1928

MY COMMISSION EXPIRES MARCH 7, 1884

No.....September.....Sessions.....19023.

Versus

SUPERVISOR'S.....Bill of Costs

For.....Term 190.....

Date.....October 2,.....19023

Amount - - - \$19.54.....

To the County Commissioners of Clearfield County, Penna.

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 on the Valley or Concrete Road in Sandy Township, nine hundred feet North from the intersection of the Valley Road and Hill Road at lands of F.M. Schrauger, in Sandy Township, and to end at a point on land of F.M. Schrauger opposite the corner of the North line and South line between the lands now occupied by widow of Lou Duttry and H.I. Morris and sixteen hundred feet North of the intersection of Valley Road and Hill Road in Sandy Twp., AND ALSO to vacate that part of what is known as the Hill Road in Sandy Township, beginning at the intersection of Valley Road and Hill Road, thence extending North about sixteen hundred feet at or near line between property of H.I. Morris and the widow Duttry, in Sandy Township, will meet at the intersection of the Valley Road and Hill Road in Sandy Township in the County aforesaid, on Monday the first day of October 1923 at nine o'clock A.M. to attend to the duty assigned them, of which time and place all parties interested will take due notice. And that the required Public Hearing will be held at the Court House in the Borough of Clearfield on Wednesday the third day of October 1923 at nine o'clock A.M. when and where all interested parties may attend and be heard.

DuBois Pa. Sept. 18th 1923

Frank Shullin
J. E. Fry
George Keebler
Viewers

Now Sept. 19 1923 service of this notice is accepted for the
County Commissioners

L. O. Morris
Clerk

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 on the Valley Road or Concrete Road in Sandy Township, nine hundred feet North from the intersection of the Valley Road and the Hill Road at lands of F.M. Schrauger, in Sandy Township, and to end at a point in lands of F.M. Schrauger opposite the corner of the North line and the South line between lands now occupied by the widow of Lou Duttrey and H.I. Morris, and sixteen hundred feet North of the intersection of the Valley Road and Hill Road in Sandy Township.

AND ALSO to vacate that part of what is known as the Hill Road in Sandy Township, beginning at the intersection of the Valley Road and the Hill Road thence extending North about sixteen hundred feet at or near the line between the property of H.I. Morris and the widow Duttrey in Sandy Township, in the County aforesaid, will meet at the intersection of the Valley Road and Hill Road, in Sandy Township, on Monday the first day of October 1923 at nine o'clock A.M. to attend to the duty assigned them of this you will take due notice.

And that the required Public Hearing will be held at the Court House in the Borough of Clearfield on Wednesday the 3rd day of October 1923 at nine o'clock A.M. when and where you may attend and be heard if you so desire,

DuBois, Pa. Sept. 18th 1923

Frank A. Bellin

J. E. Troy

George R. Weber

Viewers

Now Sept. 10 1923 service of this notice accepted for the Road Supervisors of Sandy Township

Frank A. Bellin
Atty's for supervisors