

DOCKET No. 6

Number	Term	Year
2	Dec	1924

Petition to vacate road in

Burnside Twp

Versus

X

To the Honorable A.R.Chase, 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 your petitioners are all of the Supervisors
of Burnside Township.

SECOND: That a public road in said Township which leads
from a point on the State Road near A.W.Patchin's residence, to the
New York Central Railroad at Patchin Station has become useless,
and owing to the destruction of a bridge over the river cannot be
used and is unnecessary and burdensome upon the Township.

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

Frank Beck (SEAL)

S. S. Young (SEAL)

Ralph Hutton (SEAL)

SUPERVISORS OF BURNSIDE TOWNSHIP

CLEARFIELD COUNTY: SS:

J. Ralph Hutton, Secretary of Burnside Township, being duly sworn according to law says the facts set forth in the foregoing petition are true and correct as he verily believes.

J. Ralph Hutton

Sworn and subscribed before me this 15th day of September, 1924.

Wesley Pabst
Clerk

KNOW ALL MEN BY THESE PRESENTS: That We,
..... and and
are held and firmly bound unto the County of Clearfield, Pa., in
the sum of Fifty (\$50.00) Dollars, lawful money of the United
States of America, to which payment well and truly to be made, we
do bind ourselves, our and each of our heirs, executors and admini-
strators firmly by these presents. Sealed with our seals and dated
theday of September, 1924.

WHEREAS, the Supervisors of Burnside Township have pre-
sented a petition to the Court of Quarter Sessions of Clearfield
County for the appointment of viewers to vacate a public road in
said Township, extending from a point at or near A.W. Patchin's
residence, to the New York Central Railroad at Patchin Station.

NOW, THE CONDITION OF THIS OBLIGATION IS SUCH that if
the above bounden shall at all times save and keep harmless the
County of Clearfield from any expenses or costs relative to above
application in the event of the refusal of the Court to grant said
vacation as prayed for, then this obligation to be void or else to
be and remain in full force and virtue.

Frank Beck (SEAL)
S. S. Young (SEAL)
J. Ralph Futton (SEAL)

#2 Dec 20 1924

PETITION TO VACATE PUBLIC
ROAD IN BURNSIDE TOWNSHIP
FROM A POINT ON STATE ROAD
NEAR A.W. PATCHIN'S RESIDENCE
TO THE NEW YORK CENTRAL
RAILROAD NEAR PATCHIN STATION

Where Sept 15 1924 within
petition presented and
transmitted Sept 15 1924
Hesse, from the
are appointed herein to
meas and make said
road

By the Court

FILED

SEP 15 1924

GEO. W. RALSTON

CLERK

WHEELER & HARTSWICK
ATTORNEYS AT LAW
CLEARFIELD, PA.

275- by ally

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

eighth day of October, A. D. 1924, 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 ninth day of October A. D., 19 , at ten 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 S. S. Young, Frank Beck, J. R. Hutton Supervisors for petition and Jerry Fry, Elmer Leasure, John Nowry, John Patchin, Clyde Fulton, Ernest Deyarmin and D. Fry Citizens and against the petition

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 ninth day of October,

A. D. 1924, when the parties interested in the said road were in attendance: H. B. Hartswick Esq atty for petition, John M. Chase III Esq Atty for Aaron Patchin Est and J. P. O'Loughlin Esq. for N.Y.C. & P.R.R. John H. Patchin, Mrs. Harry Dowler, A. E. Fry, P. E. Smith, A. C. Lee, Merl Frank, Elmer Leasure, Dugan Fry, Jerry Fry, Clyde Fulton, Jas. Crossman, Miles Borabaugh, and Theodore Borabaugh, most of whom were sworn or affirmed and examined

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome The records of this Court show that the opening order for the Road asked to be vacated was issued about Oct. 1903. and was evidently opened to give access to the N.Y.C. & P.R. it runs from the main Highway from Burnside to Cherry Tree a distance of some 1100 feet to the line of the N.Y.C. & P.R. and crossed the Susquehanna river by means of a bridge privately constructed, with a span of some 75 feet, and the road has been used by the people in the vicinity as a means of ingress and regress to said R.R. which R.R. does not maintain a freight station on only a flag station for passengers at this point During a great flood in this section in the Spring or summer of 1924 the bridge in question was washed away so that the road in question is now useless. The Supervisors testify that Burnside Twp is unable to finance the rebuilding of the bridge to comply with the State requirements and that without the bridge the road is useless and therefore ask that it be vacated. A number of citizens of the Township, most of whom reside in the immediate vicinity of Patchinville testify that the road is a necessity to them and the public generally, while the Supervisors feel that it is under any conditions only a convenience.

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 _____ day of _____ in the year of our Lord, one thousand nine hundred and _____

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of _____, in the County aforesaid setting forth that

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 _____

_____ 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 Palstan

Clerk.

To The COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania to view for vacation a Road leading from a point on the State Road near A.W. Patchin's residence in Burnside Township, to the New York Central Rail Road at Patchin Station in Burnside Township, will meet at the House of A.W. Patchin in said Township of Burnside on WEDNESDAY the 8th day of October 1924 at ten o'clock A.M. to attend to the duty assigned them, and that the required Public Hearing will be held in the Court House, in the Borough of Clearfield Pa. on Thursday the 9th day of October 1924 at ten o'clock A.M. of which times and places you will take due notice and may attend and be heard if you so desire.

DuBois Pa. Sept. 23rd 1924

Frank Hullin

A. A. Reese

James Spangler

Viewers.

Now Sept. 24 1924 service of this notice is accepted for the Commissioners of Clearfield County.

L. E. Harris

Clerk

TO THE ROAD SUPERVISORS OF BURNSIDE TOWNSHIP, CLEARFIELD COUNTY,
PENNSYLVANIA

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view for vacation a Road leading from a point on the State Road, near A.W. Patchin's residence in Burnside Township to the New York Central Rail road at Patchin Station in Burnside Township, will meet at the House of A.W. Patchin in said Township of Burnside on WEDNESDAY the 8th day of October 1924 at ten o'clock A.M. to attend the duty assigned them. And that the required Public Hearing will be held at the Court House in the Borough of Clearfield, Pa. on THURSDAY the 9th day of October 1924 at ten o'clock A.M. At which times and places all parties interested may attend and be heard if they so desire.

DuBois, Pa. Sept. 23rd 1924

Frank Hutton
A. A. Reese
James Spangle
Viewers.

Now, Sept. 1924 service of this notice is accepted for the
Road Supervisors of Burnside Township

William Hutton Atty. for J.M.

It was contended by those opposing the vacation, that the question of the rebuilding of the bridge and its cost was not in this proceeding and not to be considered by your viewers, that it was a matter for later consideration and other proceedings. Your Viewers cannot concede this position, and hold that it should be considered.

After viewing the location and conditions and after hearing the testimony and considering the whole matter a majority of your viewers are of the opinion, that under present conditions the road is absolutely useless, and that the building of a bridge of the length required is far beyond the financial ability of the Township, that it is not so located that any aid would be granted by the County or State in the rebuilding and therefore recommend that the road be vacated as petitioned for.

They venture the suggestion to the officials of Burnside Twp and the citizens particularly interested, that it be considered whether or not ~~it~~ such contingency might arise, that it be to the interest of all the Tax payers of the Township if any road at this point be a private road.

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 vacation 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 damages

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

Witness our hands and seals this 18th day of November, A. D. 19 24

..... [SEAL.]

..... H. A. Reese [SEAL.]

James W. Spangle [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. 263 Term 19 24

ORDER TO VACATE

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

Now held 3rd Sessions 19 24
read and confirmed Ni. Si.

By the Court.

W. H. H. H. H.
Now February Sessions 1924
confirmed absolute.

By the Court.

W. H. H. H. H.
P. J.

Filed 19

Atty,

Fees \$1.25 paid by

