

DOCKET No. 5

Number	Term	Year
4	Feb	1924

Petition to vacate road in

Penn Twp

Versus

X

Ordered, 3/6/24 at 6:00

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 8th day of January in the year of our Lord, one thousand nine hundred and twenty four

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Penn, in the County aforesaid setting forth that
a certain road being the road leading from the John Porter road at or near the residence of George C. Passmore, deceased to the line of Pike Township, and thence to the State Highway Route leading from Lumber City to Curwensville, is no longer needed for travel and the same is burdensome to the Township of Penn

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. L. Edwards, Esq., Geo. Weber 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. Palston
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 Pine, 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

day of A. D. 19, 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.

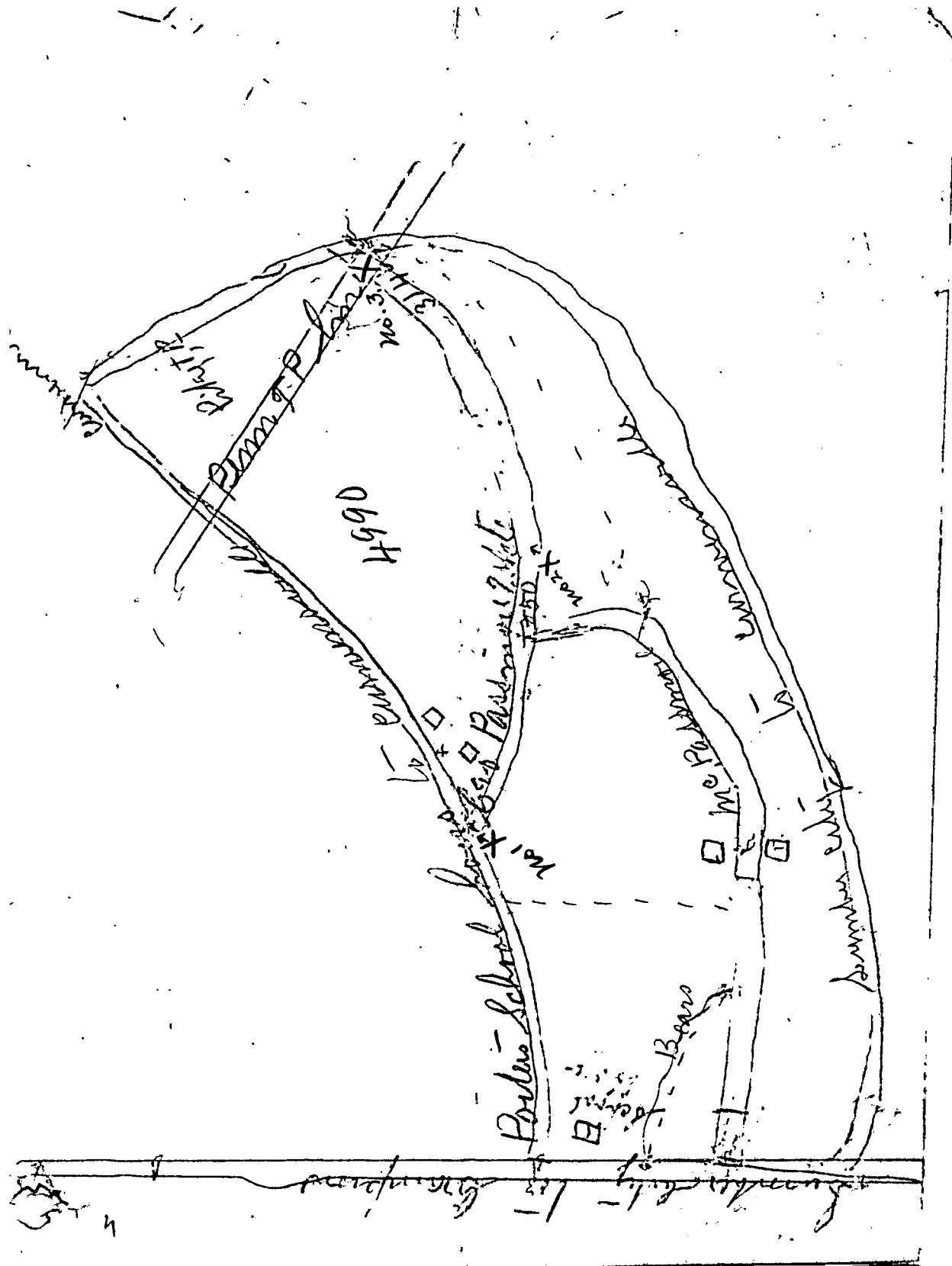
Pa., on the Second day of April A. D. 1924, at 11-30 o'clock A.M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view in favor of the vacation W. T. Throp, Chas. Phillips, & W. Helzer, Supervisors of Pine Twp. Those opposed to said vacation were M. C. Clegg, Passmore, John B. Otto, Chas. Addman, Leo Smith, Geo. Addman, Ruelius Whittaker.

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 Fourth day of April,

A. D. 1924, when the parties interested in the said road were in attendance: A. L. Edwards, George Weber and J. S. Michaels, myers, W. T. Throp, Wm. Helzer, Supervisors of Pine Twp. John H. Bloom, Supervisor of Pike Twp. & John R. Riddick, Supervisor in favor of vacation & their Atty. A. H. Woodward. Those opposed to vacation were G. M. Passmore, Geo. B. Otto, G. F. Beers, Leo Smith, Ruelius Whittaker, Geo. & Chas. Addman, Lulu Whittaker, Harry Smith & Chas. Caldwell & their Atty. Walter Weller Esq. & W. B. Hartman Esq.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said

road has become useless, inconvenient and burdensome from a point on the John Porter road, at or near the residence of George C. Passmore, intersected in Pine Township to the line of Pike Township as set forth in the petition asking for the vacation of said road, a distance of four thousand nine hundred ninety feet. The viewers therefore recommend that said public road be vacated for the reason that there are at present two other roads, in close proximity to the road which is herewith recommended for vacation, as set forth in the rough pencil sketch hereto attached & drafted by J. S. Michaels, one of the viewers. The road to be vacated is indicated on the sketch as that portion between no. 1 X and through no. 2 X and ending at no. 3 X.



ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and vacate a Public Road leading from the John Porter road at or near the residence of
George C. Passmore, Deceased

in Penn Township to the line of Pike Township,
and thence to the State Highway route leading from Lumber City to
Curwensville

in Penn Township, in the County aforesaid, will meet at the house of George C. Passmore, deceased
in Penn Township, on Wednesday
the 2d day of April A. D. 1924, at 11.30
o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take
And a hearing on said view will be held in the Arbitration Room of
notice. the Court House on Saturday, April 5th, 1924 at 10.15 A. M.

A. L. EDWARDS

GEORGE WEBER

J. S. MICHAELS

Viewers

March 12th.

19 24

Clarfield Pa. Mar. 24th 1904.
Service accepted for County Commissioners
L. C. Morris Clerk

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: Wm. C. Edwards

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: Wm. C. Edwards

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

Witness our hands and seals this 5th day of April, A. D. 1924

C. C. Edwards [SEAL.]

Geo. R. Walker [SEAL.]

J. S. Michaels [SEAL.]

Viewers.

No. 4 Feb Term 1924

ORDER TO VACATE

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 all the circumstances, they may award the same.

of the road, they will report to that effect.

Days	Miles	Am't
2	112	20.0

By the Court.

Stephens
P.J.

19
Filed

Atty,

Fees \$1.25 paid by

A. H. Woodward, At^t.y.



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

In Re: Public road leading from the)
road passed John Porter's residence at)
a point near the residence of George)
C. Passmore, deceased; thence to a)
public road leading from Lumber City)
to Curwensville, known as State High-)
way Route # .)
} No. Feb. T. 1924

Petition to Vacate.

To the Honorable the President Judge of said Court:

The petition of the undersigned supervisors of Penn Township in the County of Clearfield respectfully represents:

THAT a certain road, being the road leading from the John Porter road at or near the residence of George C. Passmore deceased to the line of Pike Township, and thence to the State Highway Route leading from Lumber City to Curwensville, is no longer needed for travel and the same is burdensome to the Township of Penn.

Your petitioners respectfully pray that the portion of said road in Penn Township may be viewed and vacated.

And they will ever pray, etc.

Wm Helfer (SEAL)
Wm Thorpe (SEAL)
Loc. Phillips (SEAL)

STATE OF PENNSYLVANIA } SS.
COUNTY OF CLEARFIELD }

W. T. Thorpe, one of the above named petitioners and one of the supervisors of Penn Township, being duly sworn according to law, 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 24th day of A. D. 1923

W. T. Thorpe

James D. Hall
Justice of the Peace

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY, 1928

To *A* Feb. Sessions 1924

RE: Public road leading
from the road passed John
Porter's residence at a
point near the residence of
George C. Passmore, deceased;
leading to a public road
Curwensville, known as
State Highway Route #

Petition to Vacate

Nov 1st 1924

J. L. Edwards says
he never saw
A. J. Nichols,
Names affixed
to said road sign

J. L. Edwards

FILLED

1 LAW OFFICES
S. H. WOODWARD
C. W. RAESFORD, P.A.
CLERK'S OFFICE