

Road DOCKET No. 6

Number	Term	Year
5	Dec	1924

Petition to vacate road in Bell Twp

Versus

TO: JESSE, E. DALE, T. R. WEIMER AND B. W. McCACKEN
COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You are hereby notified, that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County Pa to view and vacate that portion or piece of a public road about three fourth of a mile in length; leading from Mahaffey to McGees near the intersection of the Newtonburg road with the concrete road Route 62, in Bell Township, extending South West over the tracts of the Pennsylvania Railroad and by subway under the said Railroad tracts, and extending in a south westerly direction to a point on the said concrete road known as route No 62, at or near the house of W. W. McGee in Bell Township in the County aforesaid will meet at the house of W. W. McGee in Bell Township on Thursday the 23d day of October A. D. 1924 at nine (9) 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 interested, either in favor of or opposed to the vacating of the said road a chance to be heard by the viewers, will be held by the viewers in the Arbitration Room in the Court House in Clearfield Pa, on Friday the 24th day of October A. D. 1924 at nine (9) o'clock A. M. when and where all parties interested may attend and be heard.

A. G. Kramer
George K. Weber
J. S. Michals

VIEWERS.

Now October 11 1924 service accepted for the County Commissioners of Clearfield County Pa.

L. C. Morris
Clerk.

TO: H. D. KUNTZ, S. W. LEE AND O. D. GOULD. THE
SUPERVISOR'S 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 that portion or piece of a public road about three fourth of a mile in length; leading from Mahaffey to McGees near the intersection of the Newton Burg road with the said concrete State road Route No 62, in Bell Township extending south west over the tracts of the Pennsylvania Railroad and by subway under the said Railroad tracts, and extending in a south westerly direction to a point on the said Concrete road known as route No 62, at or near the house of W. W. McGee in Bell Township in the County aforesaid, will meet at the house of W. W. McGee in Bell Township on Thursday the 23d day of October A. D. 1924 at nine (9) 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 interested, either in favor of or opposed to the vacation of the said road a chance to be heard by the viewers will be held by the viewers in the Arbitration Room in the Court House in Clearfield Pa, on Friday the 24th day of October A. D. 1924 at nine (9) o'clock A. M. when and where all parties interested may attend and be heard.

A. G. Kramer
George K. Weber
J. Michaels.

VIEWERS.

Now October 14th 1924 served this notice of H D Kuntz. S. W. Lee and O. D. Gould the Supervisors of Bell Township personally by by handing to each of them a copy of the above notice.

M. B. Stephenson

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 **2nd** day of **October** 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 **Bell**, in the County aforesaid setting forth that **a certain piece of road situate in Bell Twp and about three-fourths of a mile in length, being that portion of public road beginning at a point on the concrete road known as "Route #62" near where the Newtonburg road intersects with the same and extending Southwest over the Pennsylvania Railroad tracks and also by a subway under said tracks and along the old school site across four railroad tracks of said Pennsylvania Railroad Company to a point on said concrete road known as "Route #62" near the house of W. W. McGee, has become useless and burdensome to said township and ought to be vacated.**

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. Geo. K. 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 Palstan
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 (3) _____ notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the 23d, -- 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 24th day of October, _____ A. D., 1924, 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 besides the viewers H. D. Kuntz, and S. W. Lee two of the Supervisors of Bell Township; _____

parties interested, either in favor of ~~vacating~~ vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 24th -- day of October, , A. D. 1924 , when the parties interested in the said road were in attendance: H. D. Kuntz, S. W. Lee, two of the Supervisors of Bell Township and William B Stephenson of Bell Township. _____

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has _____, become useless, inconvenient and burdensome to wit; Beginning at a point at the intersection of the new concrete State road leading from Mahaffey to McGee's on Route No. 62 six hundred and fifty (650) feet west of the intersection of the public road known as the Newtonburg or Clover Run road with the said concrete State road in Bell Township.

Thence running South West one hundred and thirteen (113) feet to the Rail Road tract of the Pennsylvania Railroad. Thence across said Railroad tract twenty three (23) feet. Thence in a South Westerly direction, four hundred and forty eight (448) feet to a bridge across what is known as Whiskey Run, thence over said bridge across said run, forty (40) feet in length. Thence South West, two hundred and seventy eight (278) feet to a subway where said road passes through under said railroad twenty feet (20). Thence in a South Westerly direction eleven hundred (1100) feet to the crossing of the four tracts of the Pennsylvania Railroad a distance of eighty three (83) feet across said Railroad tracts.

Thence in a North Westerly direction, Six Hundred and Ninety Five (695) feet to where the said road intersects with the said Concrete State Road Route Number sixty two (62) leading from Mahaffey to McGees near the residence of W. W. McGee in Bell Township Clearfield County Penna. They therefore recommend that said portion of said road as described be vacated. having by reason of the construction of the said State become useless and burdensome upon the taxpayers of the Township to keep up. 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

The viewers after a careful inspection of the premises are fully convinced that none of the property owners along said road vacated are in any way damaged they therefore assess no damages.

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 herewith return ~~RECEIVED IN THE~~ ^{Copy} of the notices.

Witness our hands and seals this 25th day of October ---, A. D. 1924.

A. G. Kramer [SEAL]

George R. Behr [SEAL]

J. S. Michaels [SEAL]

Viewers.

No. 5 Dec Term 19 24

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.

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.

To view and vacate road situate in the Township of Bell

Clelfeld County.

Now the 3rd - 1924
Sessions 19

read and confirmed Ni. Si.

By the Court.

A. H. Woodward
Now February 1924
Sessions 19

confirmed absolute.

By the Court.

A. H. Woodward
J. D.

Filed 19

Atty, _____
Fees \$1.25 paid by

A. H. Woodward, Atty.

RECEIVED
OCT 23 1924
GEO. W. RALSTON
CLERK

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

In re vacation of public road in Bell Township) # SS. 1924.

To the Honorable A. R. Chase President Judge of said Court:-

The petition of the undersigned, constituting the board of Supervisors of the Township of Bell, Clearfield County, Pennsylvania, and a number of other citizens of said township respectfully represents:-

That a certain piece of road situate in Bell Township aforesaid and about three-fourths (3/4) of a mile in length, being that portion of public road beginning at a point on the concrete road known as "Route #62" near where the Newtonburg road intersects with the same and extending Southwest over the Pennsylvania Railroad tracks and also by a subway under said tracks and along the old school site across four railroad tracts of said Pennsylvania Railroad Company to a point on said concrete road known as "Route #62" near the house of W. W. McGee, has become useless and burdensome to said township and ought to be vacated.

That said portion of road was formerly a part of Route #62 but when the State Highway was constructed the route thereof was changed to the present route #62, thus eliminating the various railroad crossings referred to; that the school house along said road has also been moved and that there are now no houses or places of business whatsoever located along said portion of road desired to be vacated.

Wherefore, your petitioners respectfully pray that an order may be granted by the Court for the viewing and vacation of said portion of public road.

And they will ever pray, etc.

A. D. Kurty
W. W. Gee
O. D. Gandy
Supervisors of Bell Township

Frister Realty
J.W. Palston
Geo. F. Davidson
J. H. Bissett
J. W. Yee
J. P. Knutz
R. R. Hard
Peter Frazee
W. B. Stephenson
H. J. Davidson
Frank F. Davidson
Conrad D. Johnson
Tom Hoffmann
W. H. Frazee
J. E. Galveston
Geo. H. E. Galveston
Mr. William G. Thompson
W. M. Morris
W. W. Yee
J. Schubert
Ed. Geppi
H. Hart
C. H. Sundelin
A. Mackley
J. S. Rogers

STATE OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) ss.

above named petitioners being duly sworn according to law deposes and says that the facts set forth in the above and foregoing petition are true and correct to the best of his knowledge and belief.

Sworn and subscribed before me this
10th day of Sept)
A. D. 1924.)

Geo W Palston, Prothonotary

W. B. Stephenson

ORDER OF COURT.

And now, A. D. 1924, upon presentation of the
above petition the Court hereby appoints
and and
viewers to view the portion of said
road sought to be vacated in the within petition and report to
the Court thereon in accordance with the provisions of law and the
rules of court.

5 # Dec SS. 1924

In re vacation of public
road in Bell Township.

Petition to vacate.

Pet. Oct 2nd 1924

J. S. Mann Esq,
George H. Brown and
J. S. Woodward affiant
miners to whom
and others
by the County

Attest
J. S. Woodward

OCT

GEO W. RAW OFFICES
G. W. WOODWARD
CLEARFIELD, PA.