

DOCKET No. 6

Number	Term	Year
<u>9</u>	<u>Dec</u>	<u>1924</u>

Petition for public road in Sandy Twp

Versus

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TO THE COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

Notice is hereby given that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Public Road leading from the intersection of Hand Street and Wasson Avenue in Sandy Township to what is known as Wrights Alley and Northwood Avenue in Sandy Township, in the County aforesaid, will meet at the intersection of Hand Street and Wasson Avenue in Sandy Township, on Wednesday the 17th day of December 1934 at 9:30 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, on Friday the 19th day of December 1934 at 9:30 O'clock A.M. When and where all parties interested may attend and be heard.

Mark Shultz
J. E. Fry
Geoff Meber

PaBois, Pa. Dec. 5th 1934

Viewers

Now Dec 5, 1934 service of the above notice is accepted for the Commissioners of Clearfield County.

L. C. Morris
Clerk

To The ROAD SUPERVISORS OF SANDY TOWNSHIP, CLEARFIELD CO., 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 the intersection of Hand Street and Wasson Avenue in Sandy Township to what is know as Wrights Alley and Northwood Avenue, ~~will be~~ in Sandy Township, will meet at the intersection of Hand Street and Wasson Avenue in Sandy Township, on Wednesday the 17th day of December 1924 at 9:30 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 in said County on Friday the 19th day of December 1924 at 9:30 o'clock A.M. when and where all interested parties may attend and be heard.

Mark Sullivan
J. E. Fry
George Weber
Viewers

DuBois, Pa. Dec. 3rd 1924

Now Dec. 4 1924 service of the above notice is accepted for the Supervisors of Sandy Township.

Paul Benf
Atty for Sandy Twp
supervisors.

To The Honorable A.R.Chase, Judge of the Court of Quarter Sessions,
in and for the COUNTY of CLEARFIELD:-

The Petition of the undersigned, inhabitants and citizens of the
Township of Sandy, in the aforesaid County, respectfully represents:

That your Petitioners labor under great inconvenience for want of
public highway in said Township of Sandy, to begin at a certain point,
which said point of beginning is at the intersection of Public Highways
known as HAND STREET and WASSON AVENUE, and which is Seven Hundred Thirty
Two (732) feet from the intersection HAND STREET and SOUTH BRADY STREET,
the latter being a Public Highway leading from DuBois to Clearfield;
and thence proceeding ~~through what is known as The Wilson Turnpike,~~
~~along Hand Street for a distance of approximately ten hundred fifty~~
~~(1050) feet to a thoroughfare known as NORTHWOOD AVENUE; thence in a~~
~~South eastern direction along said avenue for a distance of approxi-~~
~~mately three hundred fifty feet (350') to what is known as Wright's~~
Alley. and Northwood Avenue.

Your petitioners, therefor, pray the Court to appoint proper
persons to view and lay out the same according to law; and they will
ever pray, etc.

Jos. P. Logan.
W. M. Leach
Mike Devine
Ben D. Dore
Paul Dertius
Harry T. Harris
L. M. Smiley
M. J. Gilbert

Charles S. Clark

A. J. Beal

G. H. Whitmore

F. M. Timlin

E. M. Liddle

W. C. Haug.

Jerry Brown

STATE OF PENNSYLVANIA ()
COUNTY OF CLEARFIELD, ()SS

Personally appeared before me
a Justice of the Peace in and for the County
and State aforesaid, *Paul Bertians*
and *C. M. Leach*, who being duly
sworn according to law deposes and says that
the facts contained in the foregoing petition
are true and correct.

Paul Bertians

Sworn and subscribed to
before me this 24th day
of November, A. D., 1924.

C. M. Leach

Geo. P. Logan, J.P.

MY COMMISSION EXPIRES
FIRST MONDAY JANUARY 1926.

IN THE COURT OF JUDICATURE
SESSIONS OF CHESTER COUNTY
NO. 9. DEC. SESSION, 1924. P.

IN RE: ELECTION FOR
HOLD IN CANDY TOWNSHIP.

DEC. 26th November, 1924
Franklin L. L. L. L.
W. L. L. L.
and *L. L. L. L.*
are appointed viewers to pro-
ceed as directed by the acts
of assembly.

BY THE COURT,
W. L. L. L.
J. J.

26th 1924
LAW OFFICES OF
MCCALL AND WOMER
DUBOIS, PA.

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 26th day of November in the year of our Lord one thousand nine hundred twenty four

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 highway in said Twp of Sandy, to begin at the intersection of public highways known as Hand Street and Wasson Avenue, and which is seven hundred thirty two 732 feet from the intersection of Hand Street and South Brady Street, the latter being a public highway leading from DuBois to Clearfield and thence proceeding to what is known as Wright's Alley and Northwood Ave.

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., George K. Weber and J. E. Fry

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 Palston, 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 17th day of December A. D. 1924, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 19th day of December, 1924, at 9:30 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 W.S.Hand, Jerry Brown, F.W.H. Liddle Supervisors of Sandy Township, E.S.Womer Esq., of McCall & W. Womer, Attys for petitioners, J. P. Logan, and George W. Johnstone

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 19th day of December A. D. 1924, when the following appearances were noted: (No appearances whatever)

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 _____ use the following described road, to wit ~~Beginning~~ This petition asks for a public road from intersection of Hand Street and Wasson Ave. to Wrights Alley at a point near the residence of J.P. Logan and is entirely within the boundaries of what is known as Wilson Terrace, a plotted piece of land, which plot is of road and entirely in Sandy Township. The distance between termini by the most feasible route is 1461 feet and would extend along what is known in said plot of lots as Hand St. and Northwood Ave. At the corner of Hand and Wasson is the Sandy Twp. Vocational High School, Wasson Ave is now a public road; Hand St. from Wasson Ave. is now graded and in fair condition for a short distance. The intersection at Hand and Northwood is a natural water way and would require a diagonally constructed water way; Wrights Alley is not now a public thoroughfare; the grade on the proposed road is in no place prohibitive and the greatest item of cost to open and construct the road would be the construction of approximately 70 or 75 feet of culvert.

None of the parties interested appeared at the hearing and your viewers are required to act entirely on their own opinion based on conditions found on the ground. It was their unanimous opinion that at the present time, the chief beneficiaries of the proposed road would be two families living near Wrights Alley and having at this time no public outlet. Those families living near the point of beginning, now having access to the Streets and Alleys of said Wilson Terrace plot, hence an outlet. Your Viewers are informed that Sandy Twp now has over 90 miles of roads to keep up, that their road district is in debt and that they are unable to keep in condition the roads they now have

We understand the general public policy, as to roads, to be, Fewer Roads
and Better Roads, this we think is a right public conception; that new
roads should be layed out and authorized only where they are required by
and needed by the public at large, or well settled communities where the
revenues to the District, in taxes, largely reimburses the District for
opening and maintaining.

It is our opinion that the road proposed in this Order does not meet
these requirements. The citizens who would be specially benefitted are as
good and worthy as any other citizens of the District, they went in where
they are and built their homes, several years ago, they knew the conditions
as to roads when they went in and made these improvements, the law provides
a remedy for them. If a larger portion of the public would be benefitted
by this road we would make other recommendation

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
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

No damages to be fixed

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 view-
ers, after having considered the advantages to be derived to them, do assess them damages and
make report thereof as follows: not any

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

WITNESS our hands and seals this 20th day of December

A. D. 1924 .

Frank Hutton Seal
George B. Walker Seal
J. E. Fry Seal
Seal

No. 9 Dec ssion 19 24

ORDER

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

February Sessions, 19 24,
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.

By the Court
A. McCall

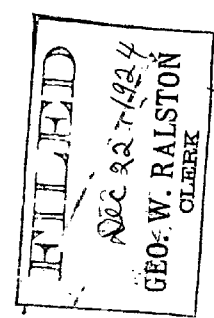
Now may 6 1925 no exceptions
from Confirmed absolutely.
By the Court
A. McCall
C. J.

Filed _____ 19 ____
Fees \$1.25 paid by _____

McCall & Womer, 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.
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.



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 ensembling 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