

DOCKET No. 6

Number	Term	Year
2	Sept	1925

Petition to vacate road in Decatur

Two

Versus

X

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

In re vacation of a portion of road in Decatur Township extending from station 2622-82 to station 2692-00 on state highway route No. 234 } No. Sept. SS, 1925.

To the Honorable President Judge of said Court:

The petition of the supervisors of Township of Decatur respectfully represents: -

That under date of March 20, 1925, they were notified by the Department of Highways of the Commonwealth that in the construction of highway route #234 the State found it necessary to divert the course of direction of said route between stations 2622-82 and 2692-00. By this change of location the portion of the road above designated, originally maintained as part of the state highway system, is abandoned on the part of the Highway Department and as a public highway ^{and} reverted to the jurisdiction of the Township of Decatur as part of its highway system. The portion of the road abandoned by the State Highway Department as indicated above is unnecessary for public use and travel and would be burdensome for the Township of Decatur to maintain.

The petitioners therefore pray that said portion of road being that part of former state highway route #234 between the stations aforesaid on the state highway route and being the part unimproved by the State Highway Department be vacated as a public road and they will ever pray.

Joe A. Ashurst, Esq.
R. D. Ephphar

R. H. Showers, Esq.

STATE OF PENNSYLVANIA) SS:
COUNTY OF CLEARFIELD)

ROBERT N. SHOWERS, one of the Supervisors of the Township of Decatur aforesaid being duly sworn according to law deposes and says that the facts stated in the foregoing petition are true to the best of his knowledge and belief.

R. N. Horner

Sworn and subscribed before
me this 11 day of April A. D., 1925.

P. J. COOBAN

NOTARY PUBLIC
My Commission Expires Feb. 28, 1927

No. 2 Sept. 25, 1925.

IN THE COURT OF MARCHER
SESSIONS OF CLERK CO., PA.

In re vacation of a por-
tion of road in Decatur Twp.,
extending from station 2622-
32 to station 2692-00 on state
highway route No. 234.

Now May 4th 1925

John Hammer Esq.
J. S. Mackie Esq.
Ed. Bellotte, Esq.
Appointed Arbitrators
to review and mark
up the board
A. J. Beck Esq.
Markets, grounding

RECEIVED H. A. WOODWARD MAY 15 1925 1925	CLERK MAY 15 1925 1925
GEO. W. RAISTRICK CLERK	

TO: JOSEPH, A, ASHCROFT, ROBERT, N, SHOWERS AND K. O. KEPHART;
SUPERVISORS OF DECATUR 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 and vacate that portion of the public road leading from the borough of Osceola Mills to the Borough of Houtzdale from section number 2692-82 on Route of the State Highway on said Route in Decatur Township to section Number 2692-00 on the said road supplied by the State Highway, in Decatur Township in the County aforesaid, will meet at section number 2692-00 off said highway in Decatur Township on Thursday the 18th day of June A. D. 1925 at nine thirty (9.30) o'clock A. M. to attend to the duty assigned them; of which time and place aforesaid all parties interested in the said road 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 in the said road, either in favor of or opposed to the vacating of the said road a chance to be heard will be held in the Arbitration Room in the Court House in Clearfield Pa, on Friday June 19th A. D. 1925 at nine o'clock A. M. at which time and place all parties in any way interested in the said road may attend and be heard.

A G Kramer
ED Billotte
J S Michaels

VIEWERS.

Now June 11th 1925 served this notice on Joseph, A, Ashcroft, Robert N, Showers and K. O. Kephart, the Supervisors of Decatur Township Clearfield County Pa personally by handing to each of them a true and correct copy of same.

For A Ashcroft
K O Kephart
R. N. Showers

TO: JESSE, E, DALE, T. R. WEIMER AND W. B. McCRAKEN.
COUNTY 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 and vacate that portion of the public road leading from the borough of Osceola Mills to the Borough of Houtzdale from section number 2692-82 on Route of the State Highway on said Route in Decatur Township to section Number 2692-00 on the said road supplied by the State Highway, in Decatur Township in the County aforesaid, will meet at section number 2692-00 on said Highway in Decatur Township on Thursday the 18th day of June A. D. 1925 at nine thirty (9,30) o'clock A. M. to attend to the duty assigned them, of which time and place aforesaid all parties interested in the said road 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 in the said road, either in favor of or opposed to the vacating of the said road a chance to be heard will be held in the Arbitration Room in the Court House in Clearfield Pa, on Friday June 19th A. D. 1925 at nine (9) o'clock A. M. at which time and place all parties in any way interested in the said road may attend and be heard.

A G Kramer,
E D Billotto.
J S Michaels

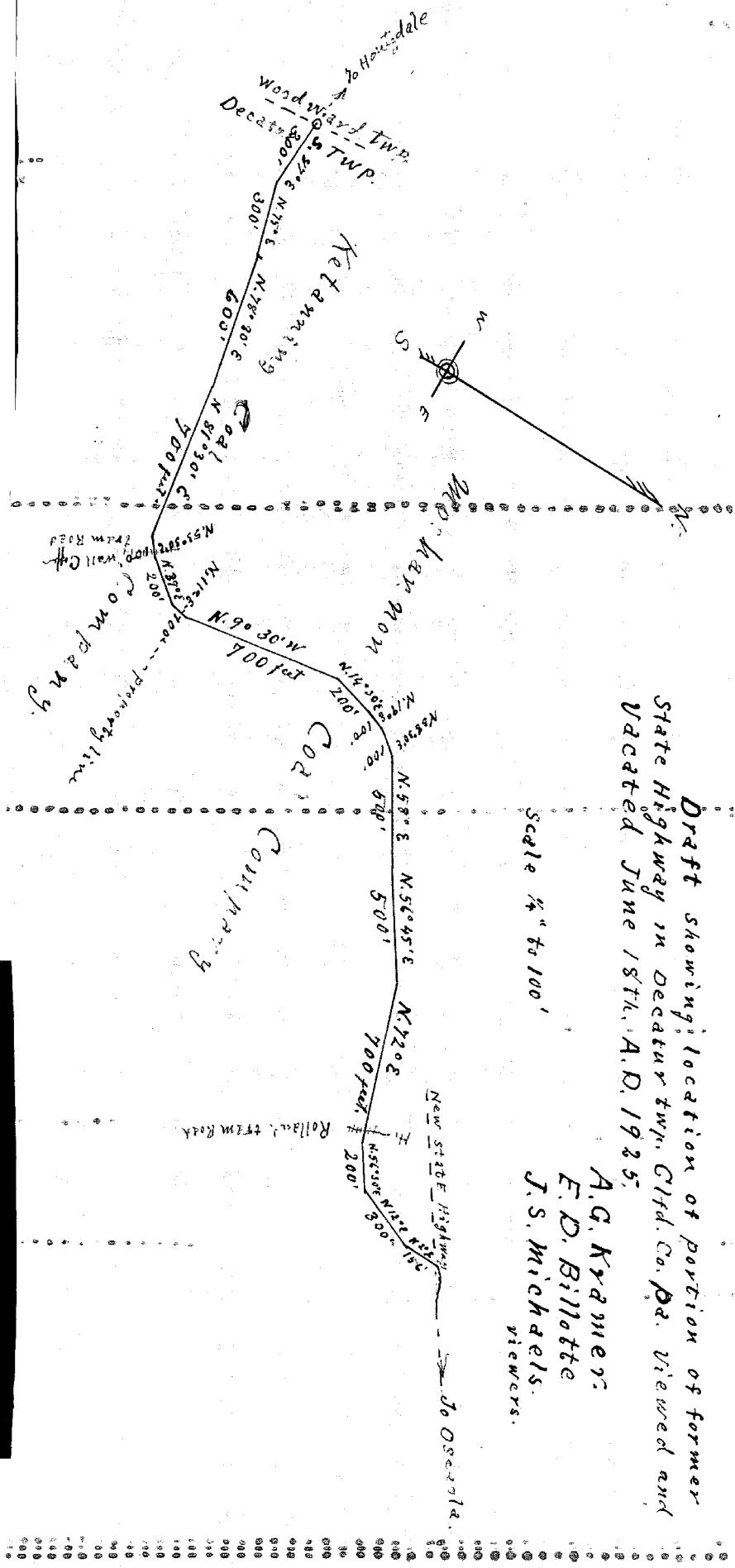
VIEWERS.

Now June 8, 1925 service accepted for the County Commissioners of Clearfield County Penn'a.

L C Morris, Clerk

Draft showing location of portion of former State Highway in Decatur twp. Clinton Co. Pa. Viewed and dictated June 18th, A.D. 1925.

A. G. Riddier.
E. D. Billotte
J. S. Michaels.
viewers.



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 9th day of May in the year of our Lord, one thousand nine hundred and twenty five

By the Honorable ^{W. Roy Glass} Singleton Bell, President Judge of the said Court: Upon the petition of sundry Supervisors inhabitants of the Township of Decatur, in the County aforesaid setting forth that March 20, 1925 they were notified by the Dept. of Highways that in the construction of highway route #234 the State found it necessary to divert the course of direction of said route between stations 2622-82 and 2692-00. By this change of location the portion of the road above designated, originally maintained as part of the state highway system, is abandoned on the part of the Highway Dept. and is a public highway, and reverted to the jurisdiction of the Twp. of Decatur as part of its system.

The petitioners therefore pray that said portion of road being that part of former state highway route #234 between the stations aforesaid on the state highway route and being the part unimproved by the State Highway Dept. be vacated as a public road on

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., J. S. Michaels and Ed. Billotte

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.

Ges W. Palstone
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 Decatur; _____, 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

18th day of June, _____, A. D. 1925, 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 19th --- day of June, _____ A. D., 1925, 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 Joseph A. Ashcroft and Robert N. Showers to of the Supervisors of Decatur Township _____ No one appearing opposed to vacating said road; _____

parties interested, all 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 19th, --- day of June, ---, A. D. 1925, when the parties interested in the said road were in attendance: to wit: Joseph A, Ashcroft, Robert, N, Showers and K. O. Kephart the Supervisors of Decatur Township in favor of vacating said road with their Attorney A. H. Woodward Esq, There being no appearance of any one opposed to the vacating of the said road; _____

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has _____, become useless, inconvenient and burdensome by reason of being supplied by a new concrete State road or Highway; running almost parallel between the same points to wit. Beginning at the Township line between Woodward and Decatur Township; Thence running over unimproved woods land of the Katanning Coal Company the following courses and distances to wit: South eighty seven (87) degrees, East; three hundred (300) feet; thence North seventy five (75) degrees, East three hundred (300) feet; Thence North seventy five (75) degrees, eighty (80) minutes; East six hundred (600) feet; Thence North eighty one (81) degrees, thirty (30) minutes; East seven hundred (700) feet; Thence North fifty three (53) degrees, thirty (30) minutes, East one hundred (100) feet; Thence North thirty nine (39) degrees, East two hundred (200) feet; Thence North eleven (11) degrees. East one hundred (100) feet to the property line of the Moshannon Coal Company: Thence over unimproved woods land of the Moshannon Coal Company the following courses and distances, to wit: North nine (9) degrees, thirty (30) minutes; West seven hundred (700) feet; Thence North fourteen (14) degrees; thirty (30) minutes; East two hundred (200) feet; Thence North nineteen (19) degrees, East, one hundred (100) feet. Thence North thirty eight (38) degrees, thirty (30) minutes East, one hundred (100)

feet: Thence North fifty eight (58) degrees, East five hundred (500) feet. Thence North fifty six (56) degrees, forty five (45) minutes, East five hundred (500) feet: Thence North, seventy two (.72) degrees, East seven hundred (700) feet to ~~trap~~ road of the Rolland Estate: Thence North fifty six (56) degrees, thirty (30) minutes. East two hundred (200) feet: Thence North, twelve (12) degrees, East three hundred (300) feet: Thence North twenty (20) degrees. East one hundred and fifty six (156) feet to the connection of the state concrete road the ending of the road to be vacated; the said road having therefore become useless inconvenient and a burden some to the taxpayers of the township to keep up they therefore recommend that the same be vacated. -----

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 vacating 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 damage that may arise from the vacating thereof, and that they received such release from:

And that the following persons having in the opinion of the Viewers, been damaged by the vacating of said road, and having refused to release the damages to which they may be respectively entitled by reason of the vacating, 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 one in the opinion of the viewers including the abutting property owners are in any way damaged by the vacating of said road they therefore after due consideration assess no damages.

and we will with ~~the~~ copy of the notices. served, attached.

Witness our hands and seals this 20th day of June, _____, A. D. 1925.

A. G. Kramer [SEAL.]

E. Billotte [SEAL.]

J. S. Michaels [SEAL.]

Viewers.

No. 2 Sept Term 19 25

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 the advantages as well as the disadvantages of the road, they will report to that effect.

	Days	Miles	Am't
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To view and vacate road situate in the Township of Decatur

Clearfield County.

Now Sept 1925 Sessions 1925

read and confirmed Ni. Si.

By the Court
J. H. Chase
Now Sept 1925 Sessions 1925

confirmed absolute.

By the Court

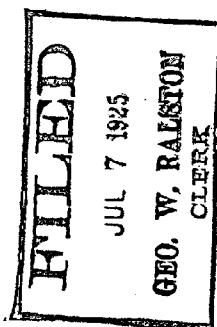
J. H. Chase

Filed 19

Atty.

Fees \$1.25 paid by

A. H. McDonald, Atty.



Done