

DOCKET No. ⁶

Number	Term	Year
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15	Dec	1925
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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 Burn-
side Township respectfully represent;

That a certain public road in Burnside Township, be-
ginning at a point at or near the residence of Brillhart and
thence in a northerly direction to a point, known as steep bank
at or near Chetremon Country Club, has become useless to the
travelling public and burdensome and expensive to the township
to maintain.

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

Frank Beech

Ralph Hutton

S. B. Young
SUPERVISORS BURNSIDE TOWNSHIP

Clearfield County, SS:

J. Ralph Hutton, Secretary of the Supervisors of Burn-
side Township, being duly sworn says the facts set forth in the
foregoing petition are true as he verily believes.

Sworn & Subscribed before me :

this 2nd day of October 1925 :

J. Ralph Hutton

W. L. Frazier N.P.
my com expires 4/5/27

KNOW ALL MEN BY THESE PRESENTS, THAT WE, Frank

Beck

and

J. Ralph Hutton

and

S. S. Young

are held and firmly

bound unto the County of Clearfield in the sum of Fifty (\$50.00) Dollars lawful money of the United States to which payment well and truly to be made, we do bind ourselves, our and each of our heirs, executors and administrators firmly by these presents.

Sealed with our seals and dated the ~~1st~~ day of October 1925.

Whereas, the Supervisors of Burnside Township have petitioned the Court to vacate a certain public road, as set forth in the petition hereto attached.

Now the condition of this obligation is such that if the above bounden shall at all times keep and save harmless the County of Clearfield from any costs or expenses connected with said vacation, should said prayer be refused by the Court, then this obligation to be void else to be and remain in full force and virtue.

Frank Beck (SEAL)

J. Ralph Hutton (SEAL)

S. S. Young (SEAL)

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 19th day of November in the year of our Lord, one
thousand nine hundred and twenty five

By the Honorable Singleton Bell, President Judge of the said Court: Upon the petition of ~~said~~ ^{undersigned}
~~Supervisors~~

~~inhabitants~~ of the Township of Beccaria, in the County aforesaid setting forth that ^a.....
public road in Burnside Twp. beginning at a point at or near the residence of
Brillhart and thence in a northerly direction to a point, known as steep bank
at or near Chetremon Country Club, has become useless to the travelling public
and burdensome and expensive to the township to maintain.

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 John Scollins, Esq., Harry Reese and

James Spangle 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 appoint-
ment, 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 trans-
mit 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 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

29th day of April, A. D. 1926 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 30th day of April A. D., 1926, at 10:00 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 Frank Beck and J. E. Shepherd, Supervisors; Dugan Frye, William Martis

and George Shepherd,

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 30th day of April

A. D. 1926, when the parties interested in the said road were in attendance: John C. Arnold, Esq., Attorney for petitioners, with Frank Beck, Supervisor; John M. Bain, Esq. with Dugan Frye and William Martis, protestants. Dugan Frye, William Martis and Frank Beck sworn, examined and cross-examined by counsel and your Board.

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 where the hereinafter described road intersects with the improved State Highway leading from Burnside to Cherry Tree on the McElvain Estate; thence North 12 degrees, East 792 feet to a post; thence North 16 degrees, East 398 feet to a post; thence North 42 degrees, East 496 feet to a post; thence North 62 degrees East 393 feet to a post; thence North 20 degrees East 329 feet to a post; thence North 8 degrees East 616 feet to a post; thence North 32 degrees West 438 feet to a post; thence North 34 degrees West 1025 feet to a post; thence North 38 degrees West 347 feet to a post; thence North 21 degrees West 567 feet to a post; thence North 39 degrees East 171 feet to a post; thence South 87 degrees East 50 feet to post; ending.

That in the improvement of the road leading from Burnside to Cherry Tree, the route thereof has been re-located and improved; and parallel roads are unnecessary, except that portion of the original road necessary as an outlet to the property of Dugan Frye.

DOUGAN FRY

COUNTRY CLUB

WILK MARTIN

McELVAIN
ESTATE

PUBLIC ROAD IN BURNSIDE TWP
CLEARFIELD COUNTY PA
VIEWED AND VACATED
APRIL 29- 1921 BY

JOHN SCOLLINS ESQ.
H.A. REESE
J.W. SPANGLER

McELVAIN
ESTATE
TOWNSHIP

To: Stanley Young, Frank Beck and J. B. Shepherd, 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, Pennsylv-
ania, in case No. 10, December Term, 1925, to view and locate a public
road in Burnside Township beginning at a point at or near the residence of
Drillhart and thence in a northerly direction to a point,
known as steep bank at or near Chestnut Country Club, will meet at the
Court-house of Drillhart in Burnside Township on Thursday,
the 20th day of April, A.D. 1926, at three (3:00) o'clock P. M., to attend
to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by act of
Assembly and 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
road and an opportunity to be heard will be held in the Arbitration Room
in the Court House in Clearfield on Friday, the 20th day of April, A.D.
1926 at ten (10:00) o'clock A. M., or at some thereafter as counsel can
be heard, at which time and place all parties interested may attend and
be heard.

John Scallan
Harry Reese
James Spangle
Viewers

Dated, April 20th, 1926.

Clearfield County, SS:

Now, this 24th day of April, A.D. 1926; service of the
above Notice is accepted for the Supervisors of Burnside Township.

Frank Beck
S. S. Young
J. B. Shepherd

TO: The 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, in re: No. 15, Recorder Sessions, 1925, to view and locate a public road in Burnside Township beginning at a point at or near the residence of _____ Brillhart and thence in a northerly direction to a point, known as steep bank at or near Chesham Country Club, will meet at the dwelling-house of _____ Brillhart in Burnside Township on Thursday, the 20th day of April, A.D. 1926, at three (3:00) o'clock P. M., to attend to the duties assigned them; all parties interested will take notice.

And that the public hearing as required by Act of Assembly and 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 an opportunity to be heard will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 30th day of April, A.D. 1926 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

Wm. Scallin
Harry Reese
James Spangle
Viewers

Dated, April 9th, 1926.

Clearfield County, SS:

Now, this 7th day of April, A.D. 1926, service of the above Notice is accepted for the Commissioners of Clearfield County.

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 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 assessed.

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

Witness our hands and seals this *third* day of *May*, A. D. 19*26*.

John McCain [SEAL]
H. A. Reese [SEAL]
James W. Hargis [SEAL]

Viewers.

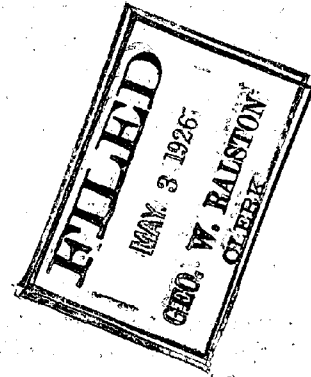
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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. 15 Dec Term 19 25

ORDER TO VACATE

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

Now *May* Sessions 19 *26* read and confirmed Ni. Si.

By the Court *H. W. [Signature]*
Now *Sept* Sessions 19 *26* confirmed absolute.

By the Court *H. W. [Signature]*
P. J.

Filed 19

Atty.

Fees \$1.25 paid by

Hartswick, Arnold & Pla

W