

DOCKET No. 65

Number

5

Term

Dec

Year

1926

Petition to vacate road in

Jordan Twp

Versus

X

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

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

The petition of the undersigned, who are the Board of Supervisors of the Township of Jordan, Clearfield County, respectfully represents:

That there has long existed a certain township road from Potts Run to the property of W. W. Nevling at a point in the public road from Ansonville to McCartney.

That a portion thereof, extending from near the house of Albert McNeal to the said point in the road from Ansonville to McCartney, has long ago been practically abandoned by the public and has not been maintained by the township for a long period and it is useless and burdensome for the township to maintain.

That, as your petitioners are informed and believe, many years ago George Pearce, then owner of the land, opened for public use and dedicated to the public a road from point near the residence now of Albert McNeal to a point in the road from Ansonville to McCartney at a house owned by Angelo Fiasco, which road has been in general public use for a long period of time, and upon which at certain times public moneys and work has been expended by the Supervisors, and which road has been accepted by the township of Jordan as a Township road.

Petitioners are informed that there is to be presented to your Honorable Court a petition praying that this road from Albert McNeals to the house of A. Fiasco be declared a public road under the provisions provided by the Acts of Assembly.

Your petitioners pray that the vacation of the road herein described as useless be referred to the Viewers, to be appointed as a part of the proceedings, to the end that the said viewers shall consider the vacation of the road herein described in accordance with any action to be taken as to the piece of road

WHEREAS the Board of Supervisors of Jordan Township is credibly informed that many years ago George Pearce dedicated to public use, through his land in Jordan Township, a strip of land for road purposes, extending from a point in the road from Potts Run to W. W. Nevling near the house where Albert McNeal now resides to a point near the house owned by Angelo Fiasco, in the public road from Ansonville to McCartney, and that said road has been used by the public for many years, and, on some occasions, public monies were expended and work done thereon by the Board of Supervisors.

RESOLVED that this Board accept the road so dedicated as a public road by George Pearce as one of the roads of the Township of Jordan/

RESOLVED that, because of this road, the old township road from the point near the house of Albert McNeal to property of W. W. Nevling in the road from Ansonville to McCartney is useless and would be burdensome for the township to maintain, and has in fact not been in general use for many years and has not been maintained by the township for a long period of time; it is ordered that a petition be presented to the Court of Quarter Sessions of Clearfield County, asking for vacation of the said road.

5 Dec 7, 1926

Have her 3rd 1524,
John Scollins' boy,
James Dangle, and
Henry Reese, are
appointed here
to run and report
by the court.

W. H. H. H.
P. H.

BOULTON, FORSYTH & BELL
ATTORNEYS AT LAW
CLEARFIELD, PA.

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

that there has long existed a certain township road from Potts Run to the property of W. W. Nevling at a point in the public road from Ansonville to McCartney.

That a portion thereof, extending from near the house of Albert McNeal to the said point in the road from Ansonville to McCartney, has long ago been practically abandoned by the public and has not been maintained by the township for a long period and it is useless and burdensome for the township to maintain.

That, as your petitioners are informed and believe, many years ago George Pearce, then owner of the land, opened for public use and dedication to the public a road from point near the residence now of Albert McNeal to a point in the road from Ansonville to McCartney at a house owned by Angelo Fiasco, which road has been in general public use for a long period of time. and upon which at certain times public moneys and work has been expended by the Supervisors, and which road has been accepted by the township of Jordan as a Township road.

Petitioners are informed that there is to be presented to Your Honorable Court a petition praying that this road from Albert McNeals to the house of A. Fiasco be declared a public road under the provisions provided by the Acts of Assembly.

Your petitioners pray that the vacation of the road herein described as useless be referred to the Viewers, to be appointed as a part of the proceedings, to the end that the said viewers shall consider the vacation of the road herein described in accordance with any action to be taken as to the piece of road from the property of Albert McNeal to the house of A. Fiasco.

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, to No. 5, December Sessions, 1926, to view and vacate that portion of the Township Road leading from Potts Run to the property of W. W. Nevling at a point in the public road from Ansonville to McCartney, to wit: extending from near the house of Albert McNeal to the said point in the road from Ansonville to McCartney, in the Township of Jordan, in the County of Clearfield aforesaid, will meet at the dwelling-house of Albert McNeal in said Township of Jordan on Thursday, January 6th, A. D. 1927 at eleven (11:00) o'clock A. 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, January 7th, A. D. 1927, 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.

John Collins
James Spangle
Harry Reese
Viewers

Dated, December 18th, 1926.

Clearfield County, SS:

Now, this *22nd* day of December, A. D. 1926, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Norris
Clerk

To: Joseph F. Johnson, Blair Tubbs and Stewart Straw, Supervisors of Jordan Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 5, December Sessions, 1926, to view and vacate that portion of the Township Road leading from Potts Run to the property of U. W. Havling at a point in the public road from Ansonville to McCartney, to wit: extending from near the house of Albert McNeal to the said point in the road from Ansonville to McCartney, in the Township of Jordan, in the County of Clearfield aforesaid, will meet at the dwelling-house of Albert McNeal in said Township of Jordan on Thursday, January 6th, A. D. 1927 at eleven (11:00) o'clock A. 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, January 7th, A. D. 1927 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.

John Collins
James Spangle
Harry Reese
Viewers

Dated, December 18th, 1926.

Clearfield County, SS:

Now, this 20th day of December, A. D. 1926, service of the above Notice is accepted for the Supervisors of Jordan Township.

Joseph F. Johnson
Blair Tubbs
Stewart Straw

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 3rd day of November in the year of our Lord, one thousand nine hundred and twenty six

A. R. CHASE
By the Honorable ~~James M. Ball~~, President Judge of the said Court: Upon the petition of ~~James M. Ball~~
Supervisors
~~inhabitants~~ of the Township of Jordan, in the County aforesaid setting forth that

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 appoint from and among the County Board of Viewers John Scollins, Esq. James Spangle

and Harry Reese 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. H. 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 Jordan, 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

6th day of January, A. D. 1927, 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 7th day of January A. D., 1927, at 10 o'clock A. M., and that a majority of said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view James H. Quinn, Joseph F. Johnston, E. A. Pearce, Wm. McMonigal and Jesse Patterson,

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 7th day of January,

A. D. 1927, when the parties interested in the said road were in attendance: F. C. Bell, Esq., of Bell, Boulton & Forsyth, Attorneys, and W. A. Hagerty, Esq., Attorney with Joseph F. Johnston, James H. Quinn, petitioners, and Carl Ecklund, William McMonigal, witnesses.

Petitioners and witnesses, being duly 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: all that portion of the Township Road leading from Potts Run to the McCartney-Ansonville Road, Beginning (at the intersection with the Township Road this day viewed and laid out near the property of Albert McNeal) the centre line thereof extending thence South 27 degrees West 122 feet; thence South 5 degrees West 227 feet; thence South 9 degrees West 466 feet; thence South 32 degrees West 173 feet; thence South 38 degrees West 206 feet; thence South 25 degrees West 105 feet; thence South 44 degrees West 941 feet; thence South 26 degrees West 110 feet; thence South 14 degrees East 182 feet to and ending at post on Township Road leading from McCartney to Ansonville.

That the aforesaid piece of Road has long since been practically abandoned by the public, and has not been maintained by the Township authorities for a period estimated at 33 years, is inconvenient, and has become useless and burdensome to maintain.

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 31st

day of January, A. D. 19 27.

..... *John Scassin* [SEAL.]

..... *W. A. Reese* [SEAL.]

..... [SEAL.]

Viewers.

