

DOCKET No. 6

Number	Term	Year
10		May ss 1926

Petition to vacate road in Pike Twp

Versus

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

In re:
Vacation of Road in Pike Township :

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

The petition of the Supervisors of the Township of Pike and of diverse citizens and taxpayers of said Township, respectfully represents:

There is a large mileage of public roads in the Township of Pike, much greater than the financial condition of said Township enables it to keep and maintain in a reasonably safe condition.

That some of these roads are seldom used and are a source of danger to the Township and of little use to anyone.

That one of these roads, which has become useless and burdensome, begins at a point on the Township Road at the intersection of the road coming from the Pleasant Grove Church and School house with the road leading to George Finkbinders and A. Y. Stmaw's; thence past the farm occupied by Joseph Smay; and ends at a road known as the Card Machine Road, leading from Ferncliffe to A. Y. Straws; being approximately one mile in length.

They therefore pray that said road be vacated.

And they will ever pray.

John H. Bloom
Joseph Smay
Supervisors of Pike Township

Albert W. Straw
Chas. C. Bailey
Chas. E. Boal
Calb. S. Boal
B. Frank Barr

Theodore Lawhead
John Lawhead
W. S. Carr
Tom McLean
Geo. A. Finkbine

John C. Green
Wm. Finkbine

ORDER

Now, this 16th day of ~~March~~^{April}, A. D. 1926, the within petition having been read and considered, ~~Frank Bellotte~~^{Say}
~~Ed Bellotte~~ ~~Ed. J. Weber~~ George K. Weber
are appointed viewers to view the road sought to be vacated in the above petition, and to make their report and recommendation as required by law.

BY THE COURT

A. W. Hausey
A. W. Hausey
S. J.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

10 May 20 1926

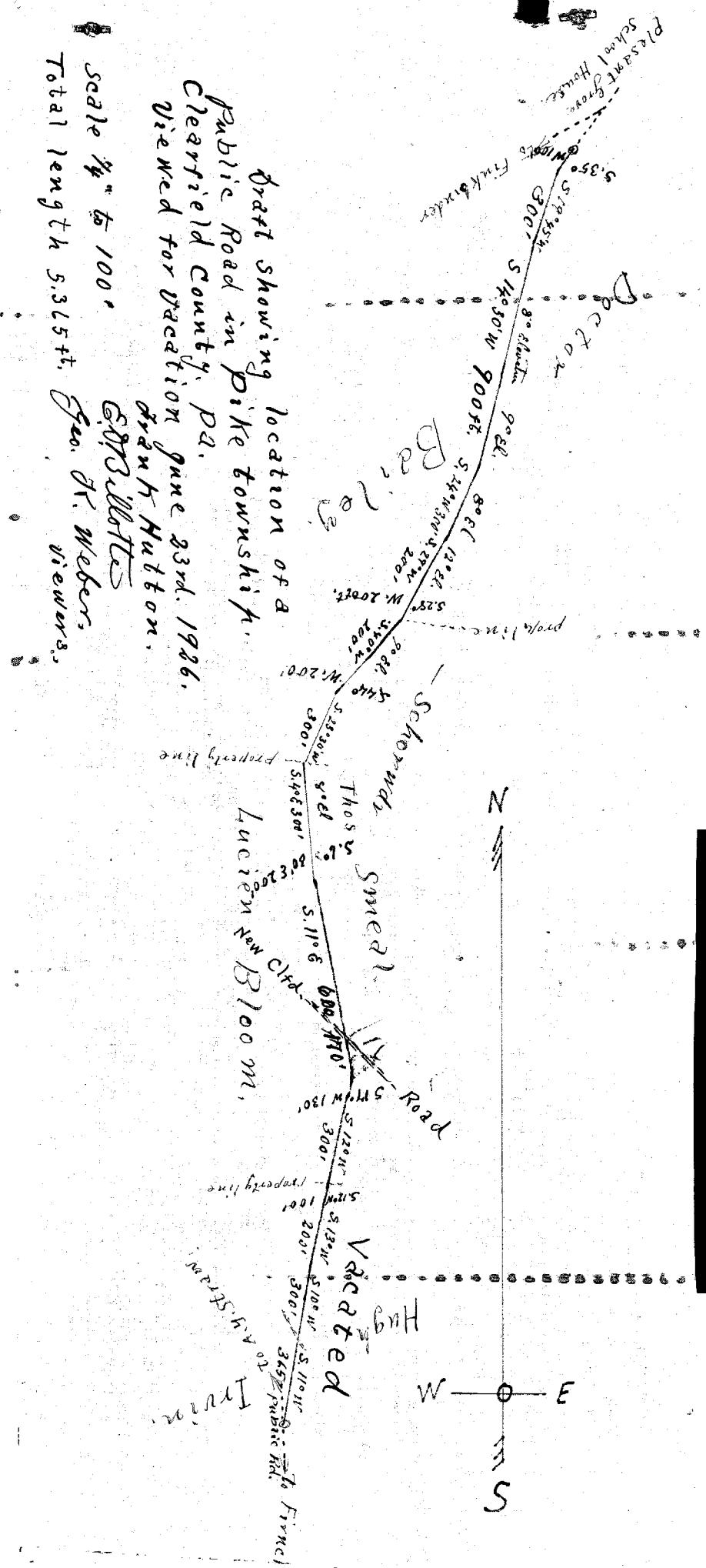
In re:

Vacation of Road in
Pike Township.

PETITION

MR. 10. 12
1430. 14. 15

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



To The SUPERVISORS of PIKE TOWNSHIP ROAD DISTRICT.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Session of Clearfield County, Pennsylvania to view for VACATION a Road, Beginning at a point on the Township Road at the intersection of the Road coming from the Pleasant Grove Church and School House with the road leading to George Finkbinder's and A.Y. Straw's in Pike Township, thence past the farm occupied by Joseph Smay and ends at a Road known as the "Card Machine Road" leading from Ferncliffe to A.Y. Straw's and being approximately one mile in length in Pike Township, in the County aforesaid, will meet at the intersection of said Road with the road coming from the Pleasant Grove Church, in Pike Township on Wednesday the 23rd day of June 1926 at 10:30 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, Pa. on Tuesday the 29th day of June 1926 at ten o'clock A.M., when and where all interested parties may attend and be heard.

Franklin
Ed. Beesley
Geo. K. Weber

DuBois, Pa. June 11th 1926

Viewers

Now June 15 1926 service of above notice is accepted for the Supervisors of Pike Township Road District.

Bill. Coulter, Lusby

~~for Review~~

To The COMMISSIONERS OF CLEARFIELD COUNTY, PENNA.

Notice is hereby given that, the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view for VACATION a Road Beginning at a point on the Township Road at intersection of the Road coming from the Pleasant Grove Church and School House with the Road leading to George E Finkbinders and A.Y. Straw's in Pike Township, thence past the Farm occupied by Joseph Smay and ending at a Road known as the "Card Machine Road" leading from Ferncliffe to A.Y. Straw's in Pike Township, and being approximately one mile in length, will meet at the intersection of said Road with the Road coming from the Pleasant Grove Church in Pike Township in the County aforesaid, on Wednesday the 23rd day of June 1926 at 10:30 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, Pa. on Tuesday the 29th day of June, 1926 at ten o'clock A.M. when and where you may attend and be heard if you so desire.

Frank Shuman
Ed Bielotte
Geo. H. Weber

DuBois, Pa. June 11th 1926

Viewers.

Now, June 22 1926 service of above notice is accepted for the Commissioners of Clearfield County, Pa.

L. O. Morris
Clerk.

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 10th day of April in the year of our Lord, one thousand nine hundred and twenty six

A. R. CHASE

By the Honorable ~~W. H. Chase~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Pike, in the County aforesaid setting forth that

That one of these roads which has become useless and burdensome, begins at a point on the Township road at the intersection of the road coming from the Pleasant Grove Church and School House with the road leading to George Finkbinders and A.Y. Straw's; thence past the farm occupied by Joseph Smay; and ends at a road known as the Card Machine Road, leading from Ferncliffe to A. Y. Straws; being approximately one mile in length.

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 Frank Hutton, Esq. E.D. Billotte,

and George K. Weher 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. 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 PIKE, 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

23rd day of June, 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 29th day of June, A. D., 19 26 at ten 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 W. Albert Ramsey, Atty for Supervisors of Pike Twp, John H. Bloom, Walter Long and Joseph Smay Supervisors of Pike Twp, Wm. Dunnell, Lucien Bloom, Russel Cochrane, Mido Lawhead, S.A. Smeal, J.C. Royer all of whom were either sworn or affirmed

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 29th day of Jun, ,

A. D. 19 26, when the parties interested in the said road were in attendance: W. Albert Ramsey Atty for the Supervisors, John H. Bloom, Walter Long and Joseph Smay Supervisors Chas Bailey, Wm. Dunnell, Lucien Bloom, Russel Cochrane, Mido Lawhead, S.A. Smeal, J.C. Royer all of whom were either sworn or affirmed

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has not all become useless, the Road petitioned to be vacated the Viewers found to begin at the Pleasant Grove School House and Church, thence extending a distance of 5365 feet to its intersection with what is known as the "Carding Machine Road". The first two thousand feet is in fair condition, shows use and travel but shows a grade running from 8 degrees to 12 degrees and quite a portion of it 12°. The remaining portion of the road shows no travel or traffic marks, in fact is grass grown and several steep grades on this portion, there is some improved lands abutting, but mostly unimproved. Its vacation was opposed by several citizens and for various reasons. The one and only reason which was deemed good by your Viewers, was, that it appeared in evidence that there are some twelve children of school age now and several that soon will be of school age, who use this road to get to school and it is the only Public Road that will get them to school in less than two miles, to vacate this road would leave them from two to 3 miles to get to school by Public Road. This distance would make the School authorities and the Twp. liable to the cost of transporting them to school.

It is only on account of these school children that your Viewers do not recommend the vacation of the whole road. All parties present at the Hearing united in the opinion that that portion of the Road from its intersection with what is known as the "New Road" to Clearfield has become useless and burdensome to the Township and should be vacated and your Viewers join in that opinion and recommend that the road Beginning at the "New Road" to Clearfield, thence S.11°E.170 feet; thence S.12° W. 300 feet; thence S.13°W.200 feet; thence S.10° W. 300 feet; thence S.11°W.365 feet to intersection with Public Road leading to Fern Cliffe and known as the "Carding Machine Road" be vacated. The remaining portion of the Road for reasons assigned is not recommended for vacation.

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: no releases required

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 thereto, as follows:

No Damages to be assessed

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

Witness our hands and seals this

day of July, A. D. 19

Frank Billotte [SEAL.]

E. S. Billotte [SEAL.]

George St. Weber [SEAL.]

Viewers.

No.10 May Term 19 26

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.

To view and vacate road situated
in the Township of Pike.....
Clearfield County.

Now depth Sessions 19-26

By the Court.
H. H. H. *for the Plaintiff*
Sessions 19
Now
1 1 1
6

By the Court,

19
Atty, Bell, Bourton & Forstyh
Fees \$1.25 paid by

