

DOCKET No. <sup>6</sup>

Number	Term	Year
11	May	1926

Petition to supply road in Pike Twp

Versus

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

In re: Application to supply  
a road in Pike Township

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

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

That there is being presented, at this time, petitions to vacate various useless pieces of road existing in Pike Township, and it being the consensus of opinion of all concerned that a short piece of road can and should be constructed, which will take the place of one of the pieces sought to be vacated and be of such a nature and character as to avoid cumbersome and dangerous grades, and thereby rendering passage safer and secure, as well as being shorter and of greater benefit of all persons desiring to use the same.

WHEREFORE the undersigned, in behalf of the citizens and taxpayers of Pike Township, Clearfield County, Pennsylvania, and being joined with by the Supervisors of said Township, petition for the supplying of a public road in said Township, beginning at a point at the foot of the hill at Pickle Run near the farm house occupied by Joseph Smay; thence in a westwardly direction, following the course of Pickle Run, across the road from the Pleasant Grove School House to A. Y. Straw's, through to end at the intersection with the road leading from the Charles Bailey Farm, to a point near the Pleasant Grove School House and Church; being approximately three-fourths (3/4) of a mile in length.

And they will ever pray.

Albert Y. Straw

Chas. L. Bailey

Chas. E. Boal

Calb. J. Boal

B. Frank Barr

John C. Smeal

Herbert Lawrence

James W. Hartman

W. S. Gwin

John H. Lamm

Geo. A. Gunkin

W. & Wm. D.

John H. Bloom

W. F. Lindner

-----  
Joseph Smay  
Walter Long  
Supervisors of Pike Township.

ORDER

Now, this ~~14~~<sup>15</sup> day of ~~March~~<sup>April</sup> A. D. 1926, the within petition having been read and considered, ~~Frank Hutton~~<sup>Frank Hutton</sup>, ~~Ed Billotte~~<sup>Ed Billotte</sup>, ~~Ed Feltman~~<sup>Ed Feltman</sup>, George K. Weber are appointed viewers to view the road sought to be supplied in the above petition and to make their report and recommendation as required by law.

BY THE COURT

*A. Billotte*  
A. Billotte

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

*11. May 21, 1926*

In re:

Application to supply a  
road in Pike Township.

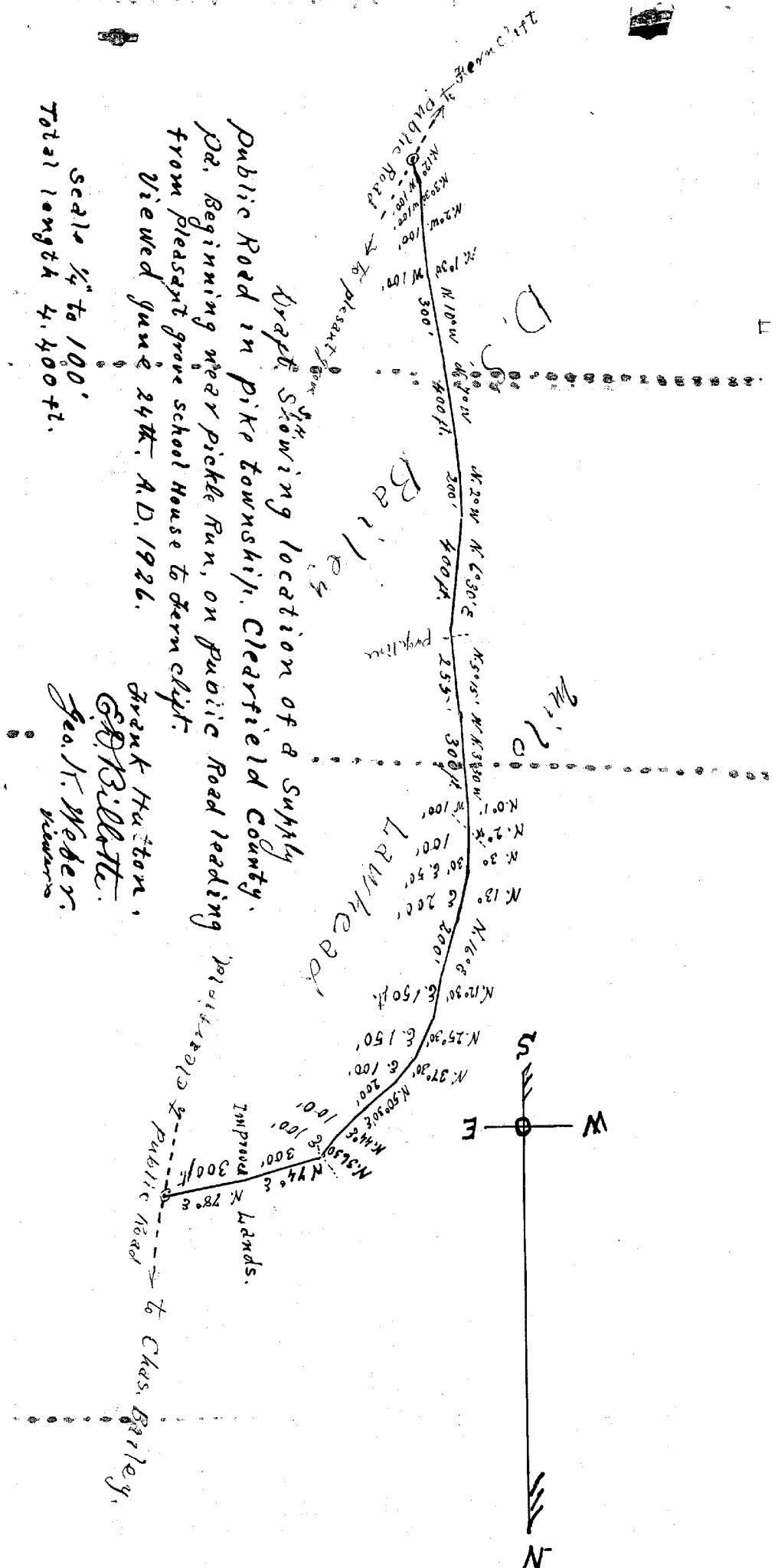
PETITION

10.535

BOULTON, FORSYTH & BELL

ATTORNEYS AT LAW

CLEARFIELD, Pa.



To the COMMISSIONERS of CLEARFIELD COUNTY, PENNA.

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions, of Clearfield County, Pennsylvania, to view for SUPPLY, a Public Road leading from a point at the foot of the Hill at Pickle Run, near the farm occupied by Joseph Smay; thence in a Westerly direction, following the courses of Pickle Run across the Road from the Pleasant Grove School House to A.Y. Straw's in Pike Township, to end at the intersection of the Road leading from Charles Bailey farm, near the Pleasant Grove School House and Church, and approximately three fourths of a mile in length, in Pike Township, in the County aforesaid, will meet at the foot of the hill at Pickle Run, near the house occupied by Joseph Smay, in Pike Township, on Wednesday the 23rd day of June 1926 at three o'clock P.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.

Amuk Sheller  
Ed Bellotte  
Geoff Leber

DuBois, Pa. June 11th 1926

Viewers

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

L. C. Morris  
Clear

TO THE SUPERVISORS OF PIKE TOWNSHIP ROAD DISTRICT.

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view for SUPPLY a Public Road leading from a point at the foot of the Hill at Pickle Run near the Farm House occupied by Joseph Smay; thence in a Westwardly direction, following the courses of Pickle Run across the Road from the Pleasant Grove School House to A.Y. Straw's in Pike Township to end at the intersection of the Road leading from the Charles Bailey farm near the Pleasant Grove School House and Church, and approximately three-fourths of a mile in length, in Pike Township, in the County aforesaid, will meet at the foot of the Hill at Pickle Run, near the house occupied by Joseph Smay, in Pike Township, on Wednesday the 23rd day of June 1926, at three o'clock P.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.

Frank Bellm  
Ed Bellotte  
George Kieber

DuBois, Pa. June 11th 1926

Viewers.

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

Bill Boulton & J. A. J. Tugth

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

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Pike in said County, ~~setting forth that~~ petition for the supplying of a public road in said Twp. beginning at a point at the foot of the hill at Pickle Run near the farm house occupied by Joseph Smay; thence in a westwardly direction, following the course of Pickle Run, across the road from the Pleasant Grove School House to A. Y. Straw's through to wnd at the intersection with the road leading from the Charles Bailey Farm, to a point near the Pleasant Grove School House and Church; being approximately three-fourths of a mile in length.

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., Ed. Billotte and George K. Weber

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 petitioners 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 PIKE and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 23rd day of June A. D. 1926, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 29th day of June, 1926, at 10 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 John H. Bloom, Walter Long, Joseph Smay, Supervisors of Pike Twp. Note: the Viewers were unable to reach this view on the 23rd and it was continued until the 24th of June inasmuch as the Vacation views set for same date took the entire day to complete. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 29th day of June A. D. 1926, when the following appearances were noted: W. Albert Ramey, Atty for Supervisors, John H. Bloom, Joseph Smay and Walter Long, Supervisors of Pike Twp. Wm Bunnell, Lucien Bloom, Russell Cochrane Milo Lawhead S. A. Smal, Chas Bailey and J. C. Royer

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 the following described road, to wit beginning The Petition in this case was intended to supply primarily the Road asked to be vacated in proceedings brought to No. 10 May Term 1926, in this court. And it was the intention of the Supervisors that if the Road mentioned in No. 10 May Term 1926 was not vacated, that the Supply Road should not be recommended. Our reason for not vacating in No. 10 May Term are given in our report in that case. Only one citizen present at the hearing testified that the Supply Road should be granted regardless of action in No. 10 May Term. The Viewers concur with the opinion of the Supervisors and a majority of the witnesses that it should not be granted. They made a survey of the proposed Supply Road and staked it out over a water grade of not over 3 degrees at any point and an average grade of about two degrees, 3800 feet through wood land and 600 feet of improved land. It would not be an expensive road to construct and would avoid heavy grades and much snow shoveling in winter season and doubtless be a great convenience to some 6 or 8 farms, but we find the Road District is now in debt in addition to its bonded debt, some \$6000.00, its assessed valuations little over \$500,000. with an 18 mill cash road tax levy and a 6 mill special tax to pay present indebtedness. In view of all the conditions we reluctantly report against the granting of the Supply Road

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 releases required

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 viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: no damages

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

WITNESS our hands and seals this 30th day of June  
A. D. 192 6.

Frank Weller Seal  
E. Billotte Seal  
George K. Weber Seal

No. 11 May Sessions: 19 26

## ORDER

To view and supply road for public use in the township of Pike Clearfield County,

Sessions, 19\_\_\_\_\_,  
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.

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

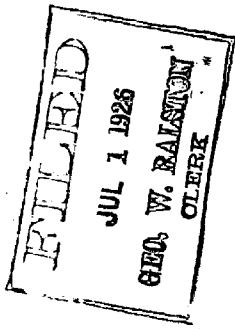
## RELEASE OF DAMAGES

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 ensealing 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 af 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 \_\_\_\_\_*



Seal.