

Road DOCKET No. 6

Number Term Year

5

Dec ss 1927

Petition to vacate road in Brady Twp

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY
PENNSYLVANIA.

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

Your undersigned petitioners who are the Supervisors of Brady Township in said County, and divers citizens in said township who names are also hereunto attached as petitioners would respectfully represent:-

That many years ago there was layed out by viewers appointed by the Court of Quarter Sessions of Clearfield County, and by order issuing out of the same, opened for public travel in said Township of Brady, a certain public road about one mile in length, beginning at the saw mill of George Hartzfeld in the road leading from the Coal Hill Road, to the Faudie School House, and ending at the David Reams Saw Mill;

That the same has long since been practically abandoned by the traveling public; that it is layed out through low swampy ground, and has three bridges built over the stream whose general course it follows, which are in bad state of repair, to replace which would entail a large sum of money which would practically be a loss to the people of said Township, and that in consideration of these circumstances, the said road has become useless, inconvenient and burdensome to the inhabitants of said Township of Brady.

Your petitioners would therefore pray that the Court appoint proper persons to view and vacate the said public road, agreeably to the Acts of Assembly in such case made and provided. And they will ever pray.

H. H. Conwell

Supervisor

D. A. Walker

Supervisor

H. H. Snyder

Supervisor

John M. Morgan

J. H. Bent, Jr.

C. H. Gray

Ron Wright

John V. Morgan

Jno. H. Morgan

E. E. Morgan

Eli Morgan

W. H. Morgan

G. A. Morgan

J. B. Ecclestad

W. P. Morgan

P. J. Morgan

W. G. Morgan

Clearfield County)
Pennsylvania.)
 SS

On the 18th day of October, 1928, before me, a
Notary Public came H. E. Nolder, who being duly sworn
according to law deposes and says that he is one of the
Supervisors of Brady Township, and that the facts set out
in the foregoing petition are true and correct.

H. E. Nolder

Sworn and subscribed before
me the day and year aforesaid.

Ernest Bovoe ----- Notary Public

My Commission Expires
Apr. 12, 1931.

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

RE: Vacation of Public Road) Of December Term, 1927
in Brady Township.) No.

To the Commissioners of Clearfield County:

You will please take notice that the Supervisors and divers citizens of Brady Township, in said county of Clearfield will present to the Judge of the said Court on Monday, the 24th day of October, 1927, at ten o'clock A. M. a petition for the appointment of Viewers to view and vacate a certain public road in said Brady Township, which said public road is in said petition described as follows:-

"Beginning at the saw mill of George Hartzfeld in the road leading from the Coal Hill Road, to the Faudie School House, and ending at the David Keams saw mill"

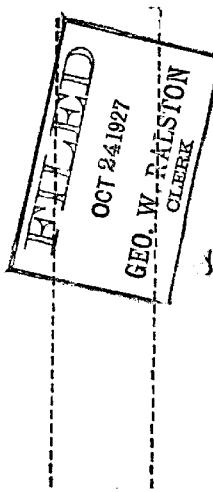
James Borse
Atty. for Petitioners.

Now October 24th, 1927, the above notice is received and accepted for the Commissioners of Clearfield County.

L. Colomis,
Clerk.

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY
OF DECEMBER TERM, 1927, NO. 5

Petition for appointment of
Viewers to view and vacate a
Public Road in Brady Township.



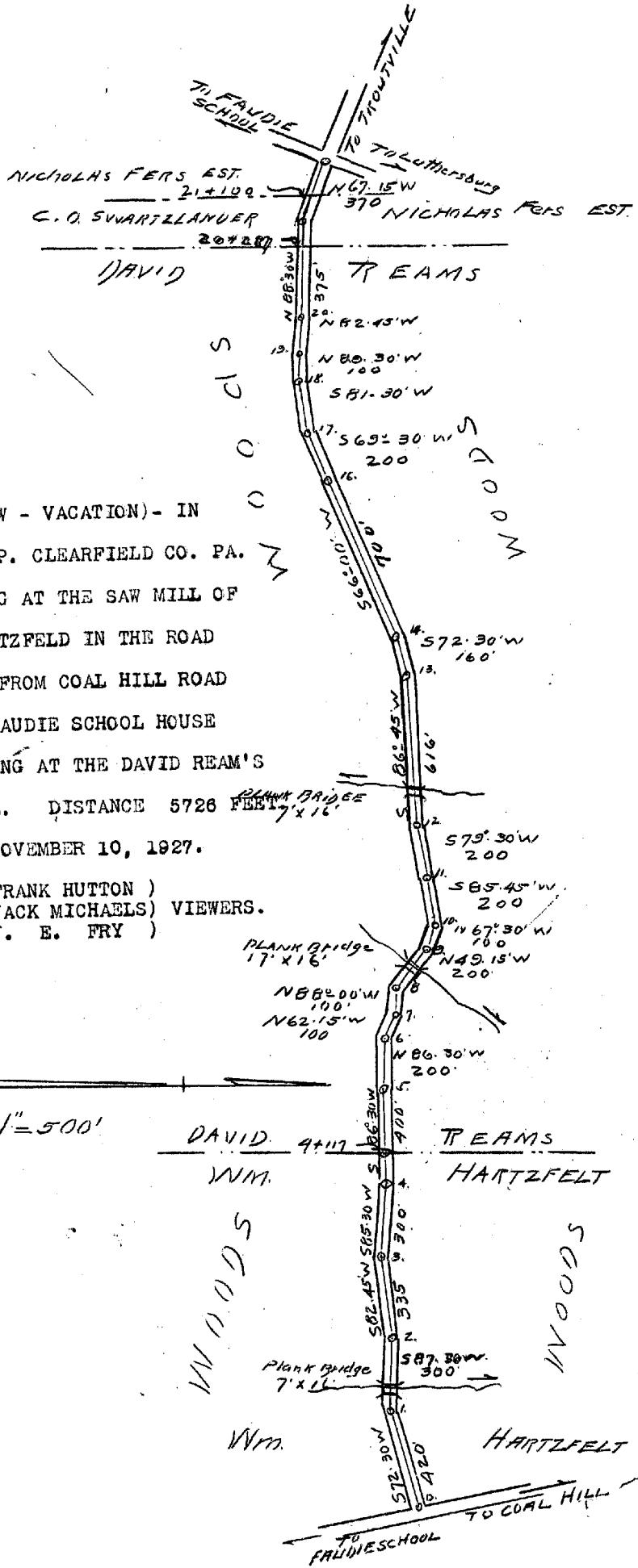
Now, October 24, 1927, the within
Petition read and considered and
Hamilton S. C. Lyle
and Jack Moshell
are appointed viewers agreeably to
prayer of the petitioners, and
the viewers are directed to make
report on the first Monday of Dec.
1927.

By the Court,
John J. Hanrahan

ROAD VIEW - VACATION) - IN
 BRADY TWP. CLEARFIELD CO. PA.
 BEGINNING AT THE SAW MILL OF
 GEO. HARTZFELD IN THE ROAD
 LEADING FROM COAL HILL ROAD
 TO THE FAUDIE SCHOOL HOUSE
 AND ENDING AT THE DAVID REAM'S
 SAW MILL. DISTANCE 5726 FEET
 VIEWED NOVEMBER 10, 1927.

FRANK HUTTON)
 JACK MICHAELS) VIEWERS.
 J. E. FRY)

SCALE: 1" = 500'



To The SUPERVISORS OF BRADY TOWNSHIP ROAD DISTRICT.

You are noticed hereby that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view for Vacation a road leading from the saw mill of George Hartsfeld in the Road leading from the Coal Hill road to the Faudie School House in Brady Township to the David Reams Saw Mill, a distance of about one mile, in BRADY Township, will meet at the house of George S.Swoope, in Brady Township on Thursday the ^{10th} ~~ninth~~ day of November 1927 at nine o'clock A.M. to attend to the duties assigned them.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield, on Friday the ^{11th} ~~tenth~~ day of November, 1927, at 9:30 o'clock, A.M. when and where all parties interested may attend and be heard.

Frank Kellor
E. Fry
Jack Michaels
Viewers

DuBois, Pa. Oct. 27th 1927.

Now, Oct. 26 1927, sefice of the above notice is accepted for the Supervisors of Brady Township Road District. ,

James B. House

To the COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You and each of you are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions, of Clearfield County, Pennsylvania, to view for Vacation a road leading from the Saw Mill of George Hartsfeld in the road leading from the Coal Hill road to the Faudie School House in BRADY Township to the David Reams Saw Mill, a distance of about one mile, in BRADY Township, will meet at the house of George S. Swoope in BRADY Township on Thursday the ~~10th~~^{10th day of November, 1927 at nine o'clock A.M. to attend to the duties assigned them.}

And that the required Public Hearing will be held in the Court House, in the Borough of Clearfield on Friday the ~~10th~~^{11th day of November, 1927 at 9:30 o'clock A.M., at which time and place all parties interested may attend and be heard.}

Frank Sutton
Geo. Swoope
Jack Michaels
Viewers

DuBois, Pa. Oct. 27th 1927.

Now, Oct. 27, 1927, service of the above notice is accepted for the Commissioners of Clearfield County.

J. C. Morris, Clerk.

To the Hon. Members
Board of Viewers-
A Petition having been filed with the Hon Court to vacate a certain road leading from what is known as the George Hartzfeld farm to what was formerly known as the David Reams saw mill road and as this road is the only outlet for a large number of citizens we the under signed respectfully petition that the said road is not to be vacated.

Opp H. Hartzfeld Gutherborg
Ralph L. Wigert "
H. H. Hartzfeld "
Daniel Marshall "
G. A. Marshall "
J. H. Hartzfeld "
S. F. Hartzfeld "
G. H. "
Raymond O. Haag "
Leo A. Donahue "
Lehas A. Hartzfeld "
W. M. Oswald "
W. M. Oswald "
L. E. Donahue "
E. O. Swartzlander "
Jess L. Dodge "
William S. Ream "
Jesse Korb "
C. W. Kohler "
W. P. Marshall "
J. L. Marshall "

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 24th day of October in the year of our Lord, one thousand nine hundred and twenty seven

A. R. CHASE

By the Honorable ~~Singletown~~ ~~Beall~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Brady, in the County aforesaid setting forth that there was layed out by viewers, opened for public travel a certain public road about one mile in length, beginning at the saw mill of George Hartsfeld in the road leading from the Coal Hill Road, to the Faudie School House, and ending at the David Reams Saw Mill.

That the same has long since been practically abandoned by the travelling public; that it is layed out through low swampy ground, and has three bridges built over the stream whose general course it follows, which are in bad state of repair, to replace which would entail a large sum of money which would practically be a loss to the people of said Twp. and has become useless and burdensome to the inhabitants of Brady Twp.

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. J. E. Frye and

Jack Michaels 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. Ralston

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 BRADY , 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

10th day of November , A. D. 19 27 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 11th day of November A. D., 19 27, at 9:30 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 J.H.Snyder Harry Nolder and Harry Bonsall Supervisors of Brady Twp road district, G.A.Faudie, Geo. S.Swope, Geo S. Wingert, Wm. Oswald, Wm. Hartzfeld, Danile Marshall, Clair Wingert, Arthur Wingert, Chales Hartzfeld, W.P.Wingert, and Samuel Hartzfeld, Citizens and

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 11th day of November ,

A. D. 19 27 , when the parties interested in the said road were in attendance: J.H.Snyder, Harry Nolder, Harry Bonsall Supervisors as aforesaid, George Faudie, W.P.Wingert, George Wingert, Clair Wingert, Daniel Marshall and Wm.H.Hartzfeld all of whom were severally sworn or affirmed, and examined, their testimony heard. ~~Your Viewers find on the ground that this road extends entirely through woodland a distance of more than 6000 feet.~~

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has , become useless, inconvenient and burdensome ~~Your Viewers find that the road is something over 6000 feet in length and extend entirely through woodland and no residence along it.~~ The greater portion of it is on low, wet land, with many rocks; there is no evidence on the ground of any work having been done on it for yrs, except that some plank have been placed on bridges; Tress have extended their branches over the roadway in many places; There is very little evidence on the ground of user; There are three streams or bridges to be kept up which at the present time have the appearance of having to be soon reconstructed, two of these bridges are small and reconstruction not be exprnsive the other is across a larger stream and will require a briidge with a 7 foot span the minimum cost of which was put at \$1500.00 which in the opinion of the viewers was low. In addition to the cost of reconstruction of bridges the evidence produced as to cost of putting the roadway in passable condition, varied from \$1000.00 to \$5000.00. The evidence generally was to the effect that the road was never used except in the winter when other roads were drifted, though two witnesses claimed to use the road in all seasons

All of the Supervisors and four citizens of Brady Twp., residing in the vicinity of the road testified that in their opinion the road should be vacated because of the limited use of it by the general public and for the reason of the great cost to the District to make it safe for travel.

Two witnesses testified that the road should not be vacated principally for the reason it was their chief outlet in the winter season and other roads closed with drifts. These men as were all the witnesses sincere in their opinions, the opposition admitted that they had other outlets to their markets which they used when not drifted and that these other roads were the main thoroughfares some of them mail routes.

There was no evidence that the road in question was being used by other than Messrs. Hartzfeld and Marshall.

A Petition in Remonstrance against the vacating of the road, signed by some 21 citizens was presented to your Viewers. Only two of these remonstrants were present at the Hearing and pertaining to this Remonstrance the Viewers wish to state, that, while it is not in evidence, yet they have information from sources deemed reliable and who were not present at either the View or Hearing, that a majority of the Remonstrants were in fact in favor of the vacation of the road, but signed the remonstrance, rather than offend a neighbor. This is no unusual condition in procuring signatures to petitions.

The Viewers are of the unanimous opinion after being over the road and hearing the evidence for and against the petition that there is not sufficient public use or necessity for the road to justify the expense necessary to repair and maintain it and that it should 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 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 thereof, as follows:

No Damages to assess

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

Witness our hands and seals this 12th day of November, A. D. 1927

F. Hartzfeld [SEAL.]

J. E. Tug [SEAL.]

J. S. Michaels [SEAL.]

Viewers.

No. 5 Dec. Term 19 27.

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	Amt
JACK MICHAELS	3	82	30.70
J. E. FRY	3	41	26.60
FRANK HUTTON	3 1/2	41	30.35

To view and vacate road situate in the Township of Brady

Clearfield County.

Now here Sessions 19 27

read and confirmed Ni. Si.

By the Court.

E. G. Booze, Atty.
Now here Sessions 19 27

confirmed absolute.

By the Court.

E. G. Booze, Atty.

Filed 19

Atty.

Fees \$1.25 paid by

E. G. Booze, Atty.

