

Road

DOCKET No. 6

Number	Term	Year
1	Sept	1928

Petition to vacate 5 pieces of
road in Union Twp

Versus

X

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

In re: Petition to vacate roads)
in Union Township.)

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

The undersigned Supervisors of the township of Union respectfully represent:-

FIRST: That a road has long since been laid out in Union Township, commonly known as the Rockton road.

SECOND: That intersecting and leading off of said road in the vicinity of the village of Rockton are many byroads of the average width of township roads but varying in length from one-half to three-fourths of a mile:

The first thereof being a road of approximately one-fourth mile in length, beginning at a point on the Rockton road and extending to what is now known as the J.B. Welty property.

The second thereof being a road of approximately one-half mile in length, beginning at a point on the Rockton road and extending to what is now known as the S.E. Bloom property.

The third thereof being a road of approximately one-fifth mile in length, beginning at a point on the Rockton road and extending to what is now known as the Geo. Brubaker property. *Geo.*

The fourth thereof being a road of approximately one-fifth mile in length, beginning at a point on the Rockton road and extending to what is now known as the Lizzie Dressler property.

The fifth thereof being a road of approximately three-fourths of a mile in length, beginning at a point on the Rockton road leading from Rockton to Sabula and extending to what is now known as the Frank Bloom property.

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

1 Sept. 22 1928

In re: Petition to vacate
roads in Union

Township

Received June 11th 1928

Frank Kullen Esq;

J. E. Luge Esq George

*W. W. Wiser are appointed
to view and report;*

Per the court

W. W. Wiser

JUN 11 1928

GEO. W. RALSTON

CLERK

LAW OFFICES
WOODWARD & SHAW
CLEARFIELD, PA.

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 11th day of June in the year of our Lord, one thousand nine hundred and twenty eight

A. R. CHASE

By the Honorable ~~Sagator BSM~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Union, in the County aforesaid setting forth that a road has long since been laid out in Union Twp. commonly known as the Rockton road.

That intersecting and leading off of said road in the vicinity of the village of Rockton are many byroads of the average width of township roads but varying in length from one half to three fourths of a mile;

The first being a road of approximately one fourth mile in length, beginning at a point on the Rockton road and extending to what is now known as the J.B. Welty property.

The second being a road of approximately one half mile in length, beginning at a point on the Rockton road and extending to what is now known as the S.E. Bloom property.

The third being a road of approximately one fifth mile in length, beginning

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

George K. Weber 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.

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 UNION, and that ten 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 July, A. D. 1928, 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 24th day of July, A. D., 1928, 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 S.E. Bloom, J.B. Welty, Jos Brubaker, Frank Bloom Citizens and tax payers and Alfred Bailey one of the Supervisors of Union Twp

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 24th day of July,

A. D. 1928, when the parties interested in the said road were in attendance A.B. Shaw Esq., Counsel for Union Twp Road Dist. Wallace Smith Esq., Atty for J.B. Welty J.B. Welty for himself, M.R. Bailey and W.T. DeHass S.E. Bloom, Frank Bloom Citizens and Alfred Bailey and D.N. Hollopeter Supervisors

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has, become useless, inconvenient and burdensome and report as follows

The First: The J.B. Welty road: We find that said road extends a distance of 921 feet from its intersection with the Rockton road to the dwelling of J.B. Welty, that the Welty property extends to the Rockton road that Mr. Welty is and has been maintaining this road at his own expense except that the Twp built a bridge that except in the hunting season the road is little used by the public at other times. Mr Welty states under oath that he has maintained this road and is willing to continue to do, except the bridge, which is a ten foot span and the only expense on it will be replanking. In view of the fact that the road is maintained by Mr Welty the Viewers are of the opinion that the Twp should be relieved of any possible liability for any damage that might accrue to the Township on account of any accident thereon and for this reason recommends that it be vacated as prayed for.

The Second, being the Road to the S.E. Bloom property. This road extends from the Rockton Road to the farm buildings of S.E. Bloom and serves this one property only. The total distance is 3888 feet. At the Hearing it developed that Mr Bloom has three children of school age and who use this road to attend public school at Rockton and have no other public road to said school. Mr Bloom stated that he was willing that portion of the road running through his farm land should be vacated, but objected to the vacation from intersection with the Rockton road to his property line. X Because of the necessity of a public road for the Bloom children to get to school, the Viewers refuse to recommend that said road be vacated from the Rockton road to the farm gate of S.E. Bloom which is 2691 feet from the Rockton Road.

But that portion of the road from the Bloom line and farm Gate a distance of 1197 feet is recommended for vacation

To The COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

Notice is hereby given that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view for vacation the following roads, all located in Union Township in said County and State, respectively designated as follows:

The First:-Being a road approximately one-fourth of a mile in length, beginning at a point on the Rockton Road and thence extending to what is known as the J.B.Welty property.

The Second:- Being a road approximately one- half mile in length, beginning at a point on the Rockton Road and extending to what is known as the S.E.Bloom property.

The Third:- Being a road approximately one-fifth of a mile in length, beginning at a point on the Rockton Road and extending to what is now known as the Jos. Brubaker property.

The Fourth:- Being a road approximately one- fifth of a mile in length, beginning at a point on the Rockto Road and extending to what is now known as the Lizzie Dressler property.

The Fifth:- Being a road approximately three- fourths of a mile in length, beginning at a point on the road leading from Rockton to Sabula, and extending to what is now known as the Frank Bloom property.

Will meet at the intersection of the Rockton Road with the road leading to the property of S.E.Bloom, on Monday the 23rd day of July 1928, 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, Pa., on Tuesday the 24th day of July 1928, at 9:30 o'clock A.M. when and where all interested parties may attend and be heard.

Amos Sullivan 6
J. E. Fry
George H. Weber
Viewers

DuBois, Pa. July 5th 1928.

Now, July 6, 1928, service of the above notice is accepted for the Commissioners of Clearfield County.

L. C. Norris
Commissioners Clerk

To The SUPERVISORS OF UNION TOWNSHIP ROAD DISTRICT, CLEARFIELD COUNTY,
PENNSYLVANIA,

The undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view for vacation the following roads, all located in the Township of Union, in said County and State - and respectively designated as follows:

The First:- being a road approximately one-fourth of a mile in length, beginning at a point on the Rockton road and extending to what is known as the J.B.Welty property.

The Second:- being a road approximately one-half mile in length, beginning at a point on the Rockton road and extending to what is known as the S.E.Bloom property.

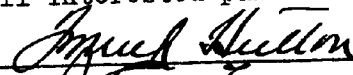
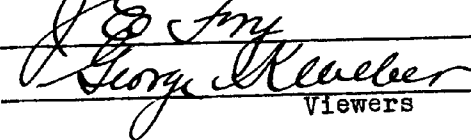
The Third:- Being a road approximately one-fifth of a mile in length, beginning at a point on the Rockton Road and extending to what is now known as the Jos. Brubaker property.

The Fourth:- Being a road of approximately one-fifth of a mile in length, beginning at a point on the Rockton Road and extending to what is now known as the Lizzie Dressler property.

The Fifth:- Being a road approximately three-fourths of a mile in length, beginning at a point on the road leading from Rockton to Sabula, and extending to what is now known as the Frank Bloom property.

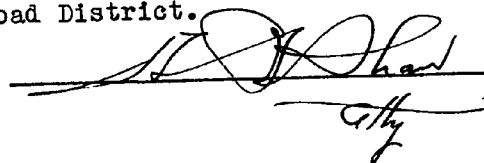
Will meet at the intersection of the Rockton Road with the road leading to the property of S.E.Bloom on Monday the 23rd day of July, 1928, at 9 o'clock A.M. to attend to the duties assigned them.

And that the required Public Hearing will be held in the Court House in the Borough of Clearfield, Pa. on Tuesday the 24th day of July, 1928, at 9:30 o'clock A.M. when and where all interested parties may attend and be heard.



Viewers

DuBois, Pa., July 5th 1928.

Now, July 6 1928, service of the above notice is accepted for the Supervisors of Union Township Road District.


J. H. Shaw

No. Term, 19....

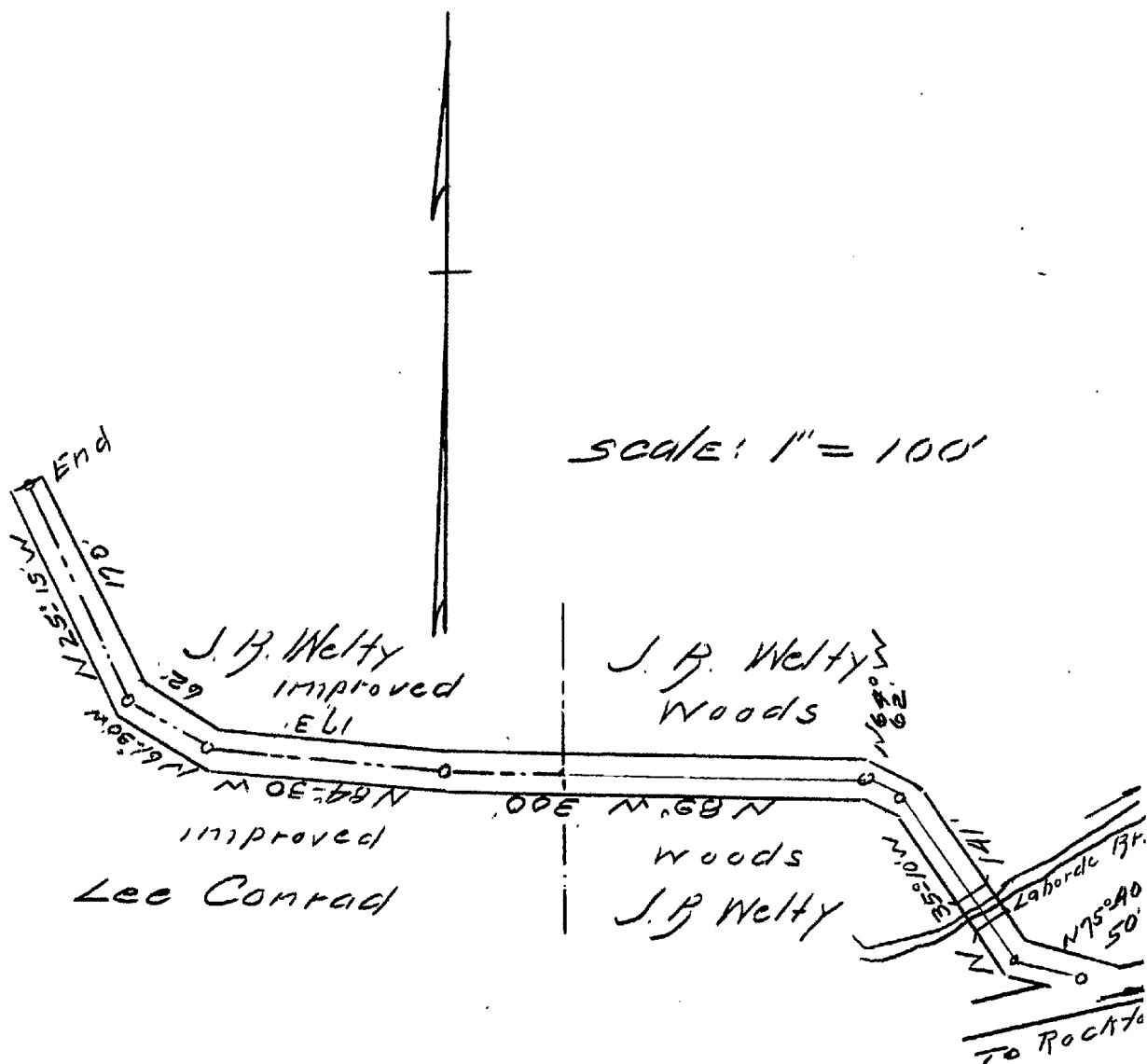
Versus

Bill of Costs

For Term, 19....

Date 19....

Amount — — — \$



VIEW NO. 1 - VACATION

IN UNION TWP. CLEARFIELD CO. PA.

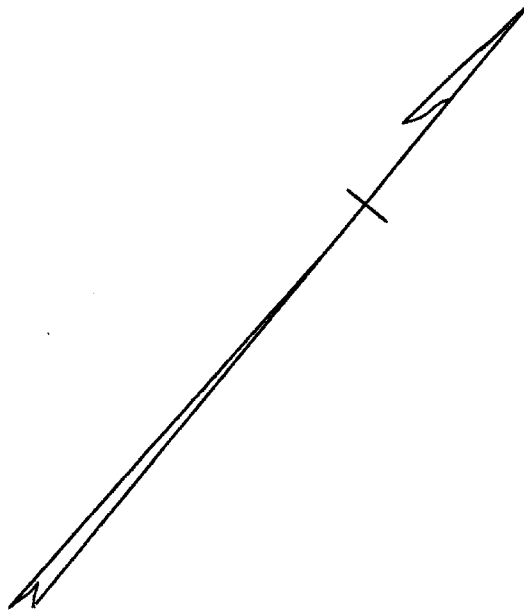
FROM THE ROCKTON ROAD TO THE

J. B. WELTY PROPERTY.

TOTAL DISTANCE 921 FEET.

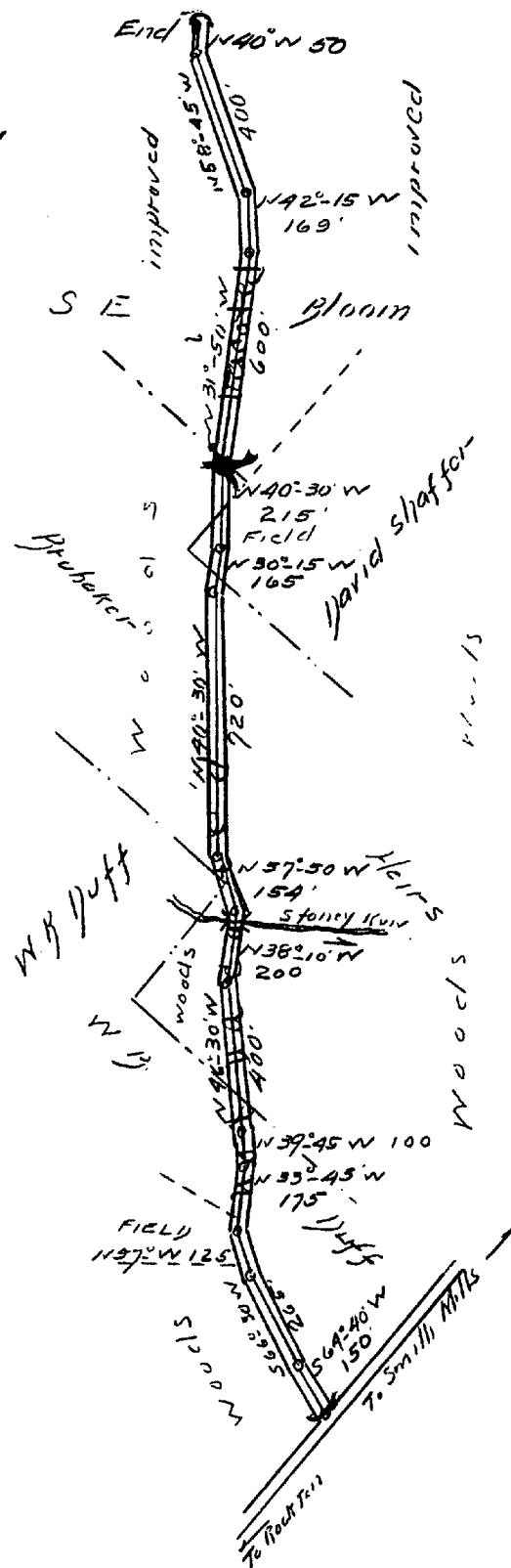
VIEWED JULY 23, 1928.

FRANK HUTTON)
 GEO. K. WEBER) VIEWERS.
 J. E. FRY)



SCHLE: 1" = 400'

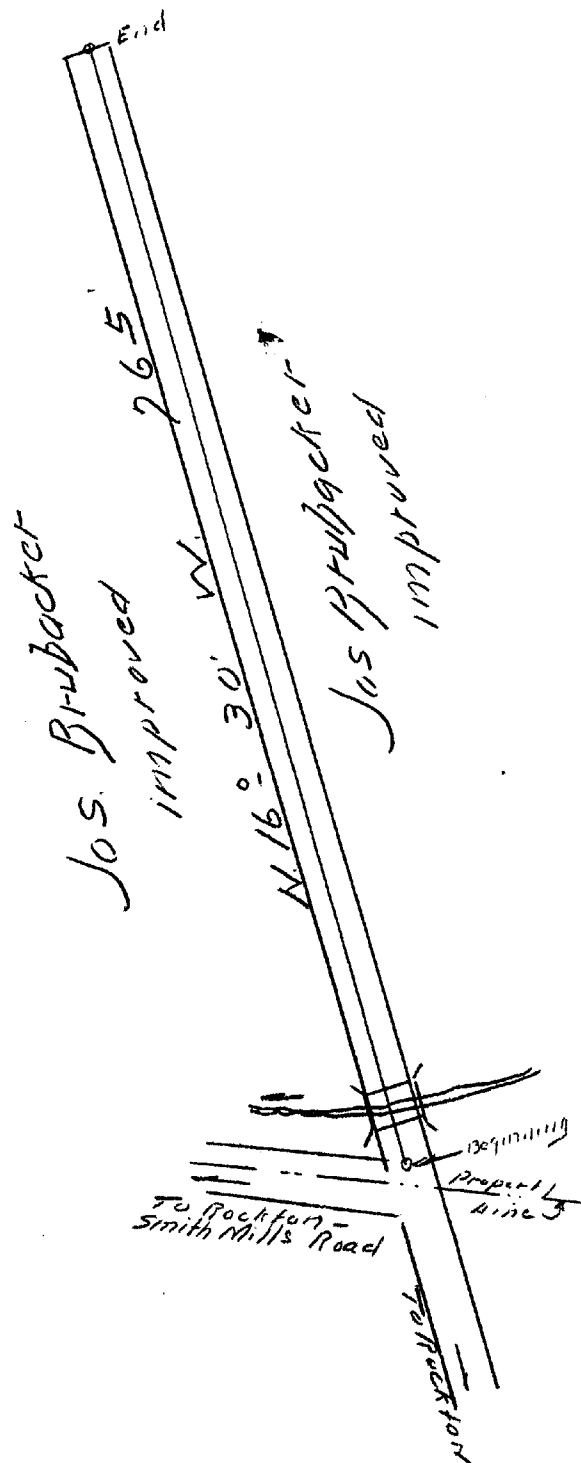
VIEW NO. 2 - FOR VACATION
IN UNION TWP. CLEARFIELD CO. PA.
FROM THE ROCKTON ROAD TO THE
S. E. BLOOM PROPERTY.
TOTAL DISTANCE 3888 FEET.
VIEWED JULY 23, 1928:
FRANK HUTTON)
GEO. K. WEBER) VIEWERS.
J. E. FRY)

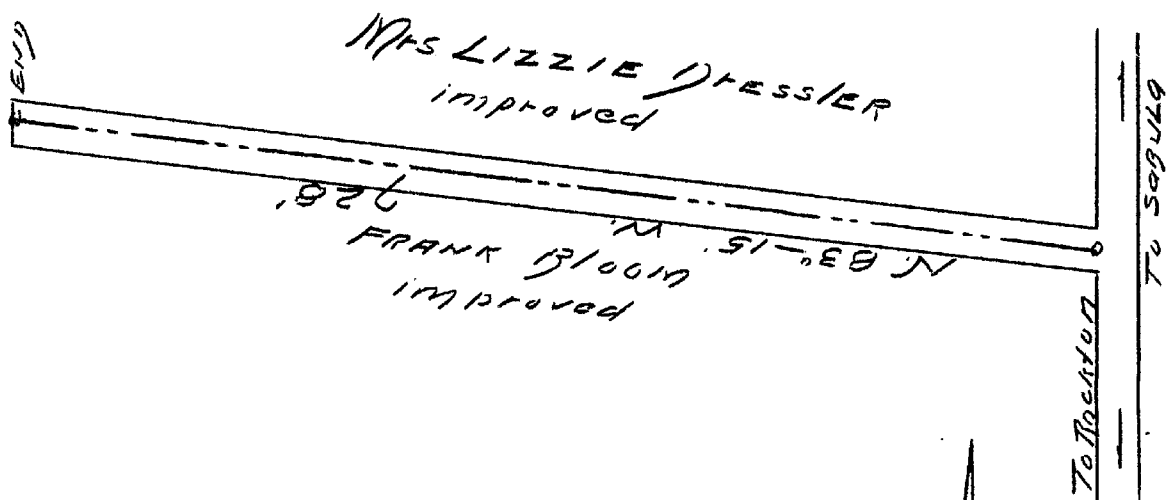




scale: 1" = 100'

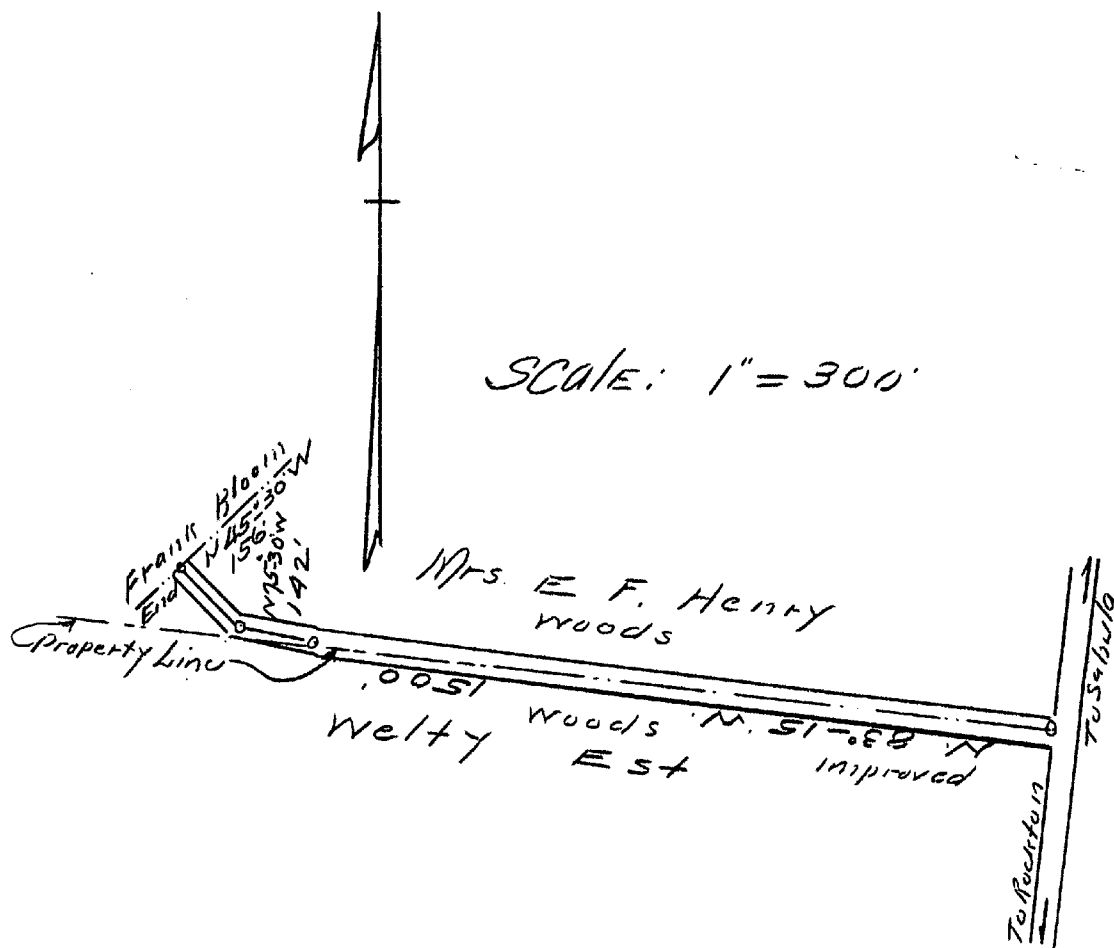
VIEW NO. 3 - FOR VACATION
IN UNION TWP. CLEARFIELD CO. PA.
FROM THE ROCKTON ROAD TO THE
JOS. BRUBAKER PROPERTY.
TOTAL DISTANCE 765 FEET.
VIEWED JULY 23, 1928.
FRANK HUTTON)
GEO. K. WEBER) VIEWERS
J. E. FRY)





VIEW NO. 4 - VACATION
 IN UNION TWP. CLEARFIELD CO. PA.
 FROM THE ROCKTON - SABULA ROAD
 TO MRS. LIZZIE DRESSLER'S PROPERTY.
 TOTAL DISTANCE 726 FEET.
 VIEWED JULY 23, 1928.
 FRANK HUTTON)
 GEO. K. WEBER) VIEWERS
 J. E. FRY)

SCALE: 1"=100'



VIEW NO. 5 - VACATION

IN UNION TOWNSHIP, CLEARFIELD CO. PA.

FROM THE ROCKTON - SABULA ROAD

TO THE FRANK BLOOM PROPERTY.

TOTAL DISTANCE 1798 FEET.

VIEWED JULY 23, 1928.

FRANK HUTTON)
GEO. K. WEBER) VIEWERS.
J. E. FRY)

The Third; The Jos Brubaker Road: This road extends from another Public road a distance of 765 feet to the farm buildings of Jos Brubaker and is all through the lands of Jos Brubaker. Mr Brubaker's land extends to the first mentioned public road and he has access to it.

The Viewers see no necessity for said road as a Public Road and is used only by Mr Brubaker who can continue to use it even though vacated. The Viewers report in favor of the prayer of the petition and recommend its vacation.

The Fourth, The Lizzie Dressler Road. This road extends from the Rockton road along the line between the property of Lizzie Dressler and Frank Bloom a distance of 728 feet ending at the farm buildings of Lizzie Dressler, whose land extends to the first mentioned Rockton road and serves this property only. The Viewers feel that no hardship will be inflicted on Mrs Dressler by vacating it as prayed for and therefore recommends that it be vacated.

The Fifth, The Frank Bloom Road. This road intersects the Rockton - Sauble Road and extends a distance of 1798 feet to the property of Frank Bloom. Mr Bloom does not live on this property, but farms it some 1500 feet of this road is between the lands of the Welty estate and the lands of Mrs E.F. Henry. The road is in good condition, but gives no appearance of having been used this year at least nor since it was gone over by the Supervisors which they say was some two yrs ago. Mr Bloom objects to vacation because it is his only public outlet. But admits that he has permission to get out over private property by another route when its not to wet. The Viewers are of the opinion that the Township of Union should not be required to maintain it as a Public road when it is so little used by the public, therefore recommends its vacation. It developed that the assessed valuation of the Twp of Union is \$145,000; That the Twp has some 43 miles of roads to maintain; that its road tax millage is 10 mills hence they have but \$1400.00 for road if it is all collected. The condition of its roads indicate that the millage should be increased and the mileage decreased 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 obtained

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 25th day of July, A. D. 1928

Amos L. Hittore [SEAL]

J. E. Fry [SEAL]

George H. Weber [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
direct			
J. E. Fry	3	42	26.70
Geo. K. Weber	2	41	19.10
Frank Hutton	4	42	34.20
Witness			
M. R. Bailey	1	19	4.54

No. 1 sept Term 1928

ORDER TO VACATE

To view and vacate road situate

in the Township of Union

Clearfield County.

Now *Sept* Sessions 1928

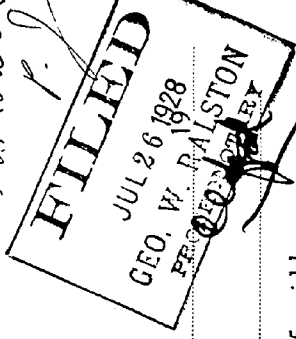
read and confirmed Ni. Si.

By the Court.

Now *May* Sessions 1925 p. j

confirmed absolute.

By the Court.



Filed

Atty.

Fees \$1.25 paid by

A. B. Shaw, Atty.,

at a point on the Rockton Road and extending to what is now known as the Jos. Brubaker property.

The fourth being a road of approximately one -fifth mile in length, beginning at a point on the Rockton Road and extending to what is now known as the Lizzie Dressler property.

The fifth thereof being a road of approximately three-fourths of a mile in length, beginning at a point on the Rockton road leading from Rockton to Sabula and extending to what is now known as the Frank Bloom property.

That the roads or sections of road hereinabove mentioned have through time become abandoned to the use of the general public and at present are used exclusively as private roads or lanes leading from certain properties herein mentioned which lie inland some few hundred yards from the main highway.

That to keep and maintain said private roads at the expense of Union Twp. has become useless, inconvenient and burdensome.