

Road

DOCKET No. 6 Page 188

Number

Term

Year

3

May ss

1928

Petition for public road in Sandy Twp

Versus

X

Whereas, Mary F. Shaffer, William Shaffer, Ralph Shaffer, Daniel Smith, George Burfield, David Heberling, James Shaffer, and others, citizens, property owners and taxpayers of Sandy Township, Clearfield Co. Pa. are without proper public road facilities to and from our respective homesteads and farms, Your petitioners have for many years suffered disadvantages and have been obligated to trespass on private property and to use roadways heretofore provided, built and maintained at private expense.

Therefore the undersigned pray your Honor to make such order as will provide a public road to be maintained at public expense in said township;

Beginning at a point in the present public road at land of James Jeffrey and Mary E. Shaffer; thence on and along the private roadway known as Kiwanis Trail to a point at the intersection of the private road known as Shaffer Road, thence on and over said private road known as Shaffer Road westwardly to a point 600 feet south of Corner of land of T.J. Wayne and James Shaffer.

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You and each of you are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions, for the County of Clearfield and State of Pennsylvania to view for Public use a road leading from a point in the present public road at lands of James Jeffrey and Mary E. Shaffer in Sandy Township to a point six hundred feet South of the corner of lands of T.J. Wayne and James Shaffer in Sandy Township, will meet at the premises of Mary E. Shaffer in said Sandy Township on Tuesday the 10th day of April 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 on Wednesday the 11th day of April, 1928 at 9:30 o'clock A.M. when and where you may attend and be heard if you so desire.

DuBois, Pa. March 29th 1928.

Mark Hutton
J. E. Fry
Geo. Albrecht

Now, March 30 1928, service of the above notice is accepted for the Commissioners of Clearfield County, Pennsylvania.

L. C. Stewart
Clear

TO THE SUPERVISOR'S OF SANY TOWNSHIP ROAD DISTRICT.

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions for the County of Clarfield, Pennsylvania, to view for public use a road leading from a point in the present public road at lands of James Jeffry and Mary E. Shaffer in Sandy Township to a point six hundred feet South of the corner of lands of T.J.Wayne and James Shaffer, in Sandy Township will meet at the premises of Mary E. Shaffer in Sandy Township on Tuesday the 10th day of April 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 on Wednesday the 11th day of April 1928 at 9:30 o'clock A.M. when and where all interested parties may attend and be heard.

DuBois, Pa. March 29th 1928

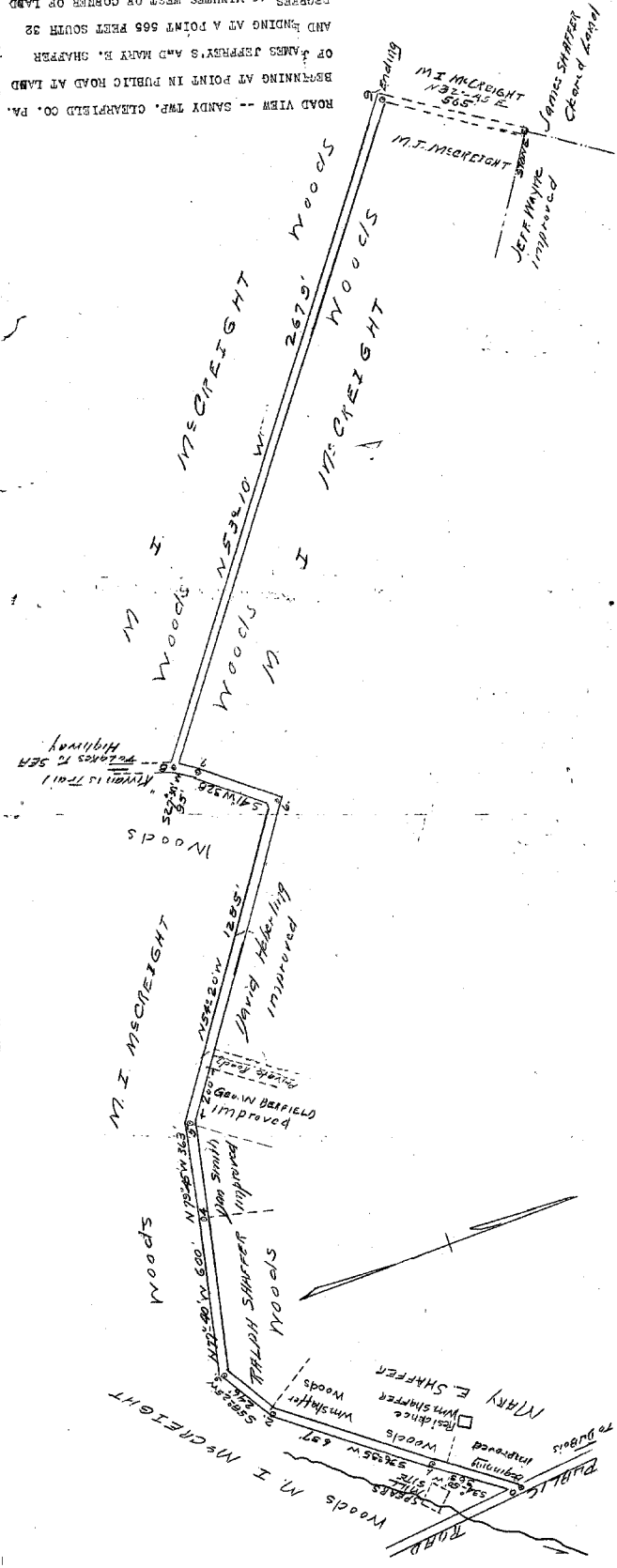
James Shaffer
E. J. Fry
Geo. K. Kleeber
Viewers

Now, March 30th 1928, service of this notice is accepted
Byr the Supervisors of Sandy Township Road District.

E. M. Liddle

ROAD VIEW -- SANDY TWP. CLEARFIELD CO. PA.
 BEGINNING AT POINT IN PUBLIC ROAD AT LAND
 OF JAMES JEFFREY'S AND MARY E. SHAFER
 AND ENDING AT A POINT 666 FEET SOUTH 32
 DEGREES, 46 MINUTES WEST OF CORNER OF LAND
 OF T. J. WAYNE AND JAMES SHAFER.
 TOTAL DISTANCE - 6596 FEET.
 VIEWED APRIL 10, 1928.

FRANK HUTTON)
 GEORGE W. WEBER) VIEWERS
 J. E. EBY)



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 13th day of March
in the year of our Lord one thousand nine hundred
twenty eight

Judge of the same Court: Upon the petition of sundry in-
habitants of the Township of SANDY
in said County, setting forth that

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.,
J. E. Fry and Geo. K. Weber

who have been duly appointed by the Court and filed their oaths of office and are duly quali-
fied 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 petitioner 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

SANDY and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the tenth day of April A. D. 1928, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 11th day of April, 1928, at 9:30 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 Wm. Shaffer, Ralph Shaffer, George Bearfield Citizens and Ralph Gray, Supervisor of Sandy Township

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 11th day of April A. D. 1928, when the following appearances were noted: On April 11th Hearing was adjourned to Apr. 20th 1928 at request of parties in interest, for the purpose of presenting an amended petition. On Apr. 20th 1928 M. I. McCreight, Wm. & Shaffer et. al appeared for the petition and S. Bell, of counsel for Sandy Twp road district appeared and offered legal exceptions to the form of petition in this case. M. I. McCreight asked that the hearing again be continued to the end that an amended petition could be presented to the court, which request was granted and continuance had until May 2nd 1928 at 9 o'clock A.M. at which time no appearances whatever were noted.

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 use the following described road, to wit

Beginning

At the adjourned hearing held April 20th 1928, Hon S. Bell on the part of Sandy Twp. Road District objected to the Petition filed in this case on the ground First, That it is fatally defective and no road can be confirmed in the proceeding for the reason that it undertakes to define a route of the road, which cannot be done under the law. Second That under the petition and order of Court, the viewers are without power to lay out a public road between the termini mentioned but are restricted to a defined route.

Mr Bell further stated he would renew his exceptions before the Court, if necessary. Wm. Shaffer was the only witness sworn and examined and he was strongly in favor of the ^{road} petition being granted as petitioned for.

The total length of the road asked for is 6596 feet all of which is over what is known as the Kiwanis trail except 2679 feet which leads from said Trail to or near the farm of Jas. Shaffer. From The point of beginning in a Public Road at lands of Jas Jeffrey and Mary Shaffer to the intersection of a private roadway of David Heberling with the Kiwanis Trail a distance of about 2409 feet there is located the lands and residences of Wm Shaffer, Ralph Shaffer, Dan Smith George Bearfield and David Hberling, who have farms and improvments and no public road. The Supervisors of Sandy Township are willing they should have a public road as an outlet and your Viewers are of like opinion, but under this proceeding the Viewers are without power to grant a portion of the road petitioned

they must grant all or none. James Shaffer is the owner of a farm near the end of the road asked for or 4187 feet from the private roadway of David Heberling. When the viewers were there Mr Shaffer was not living on his farm and we found a dwelling house in course of construction, no other farm buildings, a private roadway from the Kiwanis Trail, through the lands of M.I. McCreight is opened into his farm. There is no improvement whatever along the 4187 feet from David Heberlings to Jas. Shaffer's and the viewers are of the opinion that Sandy Township Road District should not be required to maintain a public road this distance for the use of one man. When Jas Shaffer bought this farm in 1923 there was no road and none yet except as privately constructed.

Attention is called to the fact that two continuances were granted by the viewers, at request of interested parties, that they might present to the Court amended petition, but no such amended petitions were presented to the Court so far as the viewers have knowledge or information, hence the Viewers have no choice than to act on the original Order, by the Court made in this case.

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 to assess

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

WITNESS our hands and seals this 4th day of May

A. D. 1928.

George H. Hutton Seal
George H. Hutton Seal
George H. Hutton Seal
George H. Hutton Seal

ORDER

To view _____ a
road for public use in the
township of Sandy
Clearfield County

Now May Sessions, 19 28,
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.

By the court
A. H. Hargreaves

Dep. J. J.
Now Dec. 28-1928

Confirmed absolutely
By the court

A. H. Hargreaves

P. J.

Filed
Fees \$1.25 paid by _____

Filed by Citizens

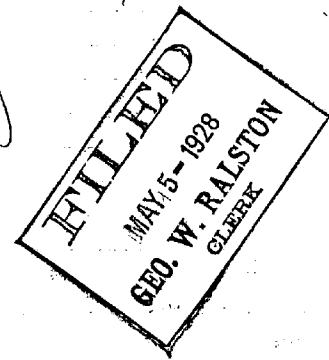
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
	direct		
Geo. K. Weber	3	64	28.90
J. E. Fry	4	64	36.40
Frank Hutton	4	64	36.40



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 ensembling 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 of 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 _____
A. D. 192 _____.

_____ Seal Seal Seal Seal

COURT OF QUARTER SESSIONS
CLEARFIELD COUNTY:

SANDY TOWNSHIP ROAD VIEW

No. _____

_____ TERM 1928

AMENDED PETITION MARY E. SHAFFER ET AL

THE HONORABLE COURT:

The undersigned pray the right to amend the foregoing
petition as follows:

The said road shall begin at public road corner land of
Mary E. Shaffer and James Jeffreys and shall end at intersection of private
roads known as Kiwanis Trail and road leading therefrom to land of James C.
Shaffer, a distance of three-quarters of a mile more or less.

Mary E. Shaffer
Wm. Shaffer
Ralph Shaffer
George W. Bearfield

Daniel M. Smith
P. E. Muehring

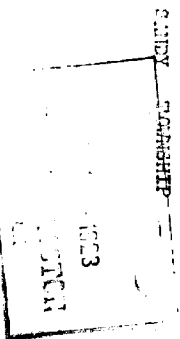
3 May 1925

MEMBER PENSION

MARY E. STEFFER ET AL

How long? 1913-15
Consent to all
By the court
H. H. Hodge.
P. J.

ROAD VIEW



TO THE HONORABLE COURT:

WHEREAS, Mary E. Shaffer, William Shaffer, Ralph Shaffer, Daniel Smith, George Burfield, David Heberling, James Shaffer and others, citizens, property owners and taxpayers of Sandy Township, Clearfield County, Pennsylvania, are without proper public road facilities to and from our respective homesteads and farms. Your petitioners have for many years suffered disadvantages and have been obliged to trespass on private property and to use roadways heretofor provided, built and maintained at private expense.

THEREFOR, the undersigned respectfully pray Your Honor to make such order as will properly provide a public road, for public use and to be maintained at public expense in said township:

Beginning at a point in the present public road at land of James Jeffrey and Mary E. Shaffer; thence on and along the private roadway known as Kiwanis Trail to a point at the intersection of the private road known as Shaffer Road, thence on and over said private road known as Shaffer Road westwardly to a point 600 feet South of corner of land of T. J. Wayne and James Shaffer.

March 6th 1928

Ralph Shaffer

R D #3 Dupois

William Shaffer

" " " "

Mrs. Mary E. Shaffer

George Burfield

James C. Shaffer

R 7 D #3 Box 104 Dupois

Daniel M. Smith

Dupois Gen rel

Mrs. Daniel M. Smith

" " " "

D 2 Heberling

Dupois A 10 3

TO ROAD SUPERVISORS;

GENTLEMEN:

The undersigned citizens and tax-payers hereby petition the Supervisors of Sandy Township, to take over keep up and improve the Kiwanis Trail and make the same a public highway from junction of the present highway at or near land of Chas Nelson and William Shaffer to farm of James Shaffer adjoining land of T.J. Wayne.

February 24th 1928.

666

Name

Name

Name

Rev. F. C. ... R.D. #3

Wm Shaffer R.D. #3

Robert Shaffer " "

Francis Jeffries R.D. #3

Emma Jeffries R.D. #3

James Jeffries R.D. #3

Frank Strawbridge R.D. #3

Anna Strawbridge R.D. #3

J. H. Keeney

Mrs. Elizabeth Keeney

Geo. Hinner

Charles Lyono

Mrs. Charles Lyono

Mrs. J. H. Mudgett

Blair Holman Box 106 - R.D. - 3 DuBois Pa

Chas Nelson R.D. #3

Mrs Chas Nelson

Wm Roy Shaffer R.D. #3

Mrs. L. H. Shaffer

Mrs. L. H. Shaffer

DuBois

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L J Meikle R F D No 3 Du Bois Pa
B. H. Bakas Esq Main St Du Bois Pa
D M Smith Du Bois Pa Handed
H E Heferng R F D 125 H B Bakas

Geo. Woika
Mrs Mary Hryniewicz

D. Hryniewicz

James Hryniewicz

Thomas & Fye

Du Bois A D H 3

Mrs M. H. Gervand

Lena
Ruben Holub.

L. Leech

Beatrice Hickman -

Mrs Walter Rupert, Main St. Ext,
W & Patterson
sit. home Patterson
Ruben Gutteridge
Mrs. Mary Gutteridge
Mrs H. Roy Shaffer.
Mr Isaac Shaffer.

Francis Shaffer

main st ext.

Mrs Wm Anderson
W. C. Anderson.

" " "

Mrs Wm Anderson
James Anderson
Joseph Speller

" " "

Lafayette Luther

Farmer Dubois R. 3

J H London

150 W Long ave Dubois

Mrs R H Whitcomb

Harry & Sons

R D # 3 Dubois

Joe. P. Logan

R. D. 3, Dubois

Mrs Joe. P. Logan

R. D 3 Dubois

Mrs May J Calvert

James D Calvert

Margaret Hiller

Dubois

August Schalk

Mrs Maud Boose

189 Wasson Ave. Sandy twp.

Paul Bertianx

105 Wasson ave Sandy

Mrs Paul Bertianx

105 Wasson Ave. Dubois Pa.

Luke Kite

Mary of Kite

Mrs E. H. Kessler

Rockrose

Mrs. A. Traut 8. Main St. Du Bois, Pa.
A. H. Kessler 8. Main St. Du Bois, Pa.
Kate Kessler
H. D. Dugan 231 Dixon Ave. Du Bois, Pa.
H. H. Kahler 634 1/2 Main St. Du Bois, Pa.

No 3 May 12 1925

Petition for New
Shanty Township
Road.

New March 18th 1925

Frank Hutton Secy

L. S. Hays and

William are

Appointed viewers
to view and report

By the Court

W. H. Hays

W. H.

