

road

DOCKET No. 6

Number	Term	Year
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4

May ss 1928

Petition to vacate and supply road

at Landing Field in Sandy Twp

vs

Versus

X

WHEREAS, The Government of the United States has entered into a lease with C. Luther Lowe, for a certain sixty (60) acres of the central portion of his farm in Sandy Township, including certain town lots in the Village of Oklahoma, for the purpose of establishing thereon Air Mail Landing Field and Service for the transportation of U.S. Mail, express, passengers, etc. over the Transcontinental air route between New York and San Francisco. For the purpose of making the said land available for such government uses, a modern electric lighting system will be installed, with necessary appurtenances and varied equipment, possibly to include hangars, gas, oil and repair service, and a weather bureau. It is desired to have the field in operation not later than June 1st, next, and

WHEREAS, a township road bisects the landing area from North to South which the Government, according to the terms of its lease, requires to be abandoned and a new section supplied by the township authorities along the West border of the said landing field; all as shown by the survey of the City of DuBois, D.S. Watkins, City Engineer, dated February 1928, and

WHEREAS, the Government of the United States pursuant thereto has requested township authorities to immediately take such steps as may be required by law to vacate and supply this portion of said public road,

THEREFORE the undersigned citizens and taxpayers, resident in Sandy Township, ^{and DuBois} hereby petition the Honorable Court and Supervisors of Highways in Sandy Township, to make such orders as may be legally necessary, and to vacate that portion of the said public road as the Government of the United States requires to be abandoned and to supply a new section of public road over and across the said landing field and lands of C. Luther Lowe to a connection with the improved highway in the Village of Oklahoma, - according to the survey of said D.S. Watkins,

City Engineer, which said survey is attached hereto, and made a part
hereof.

APRIL 9, 1928.

J. A. Nelson. Tax Collector, 713 S. Brady St.
Chas. W. Spigelhuyser Dist. Supt. 720 S. "
Herbert Allison -
Charles E. Hoand Farmer. 121 Wilson Ave.
Fred Loch Real Estate 8 South Brady St.
John Hartnett Hotel Prop.
B. R. Bailey Mgr. J. A. Penney Co.
W. M. Jones - Mgr. Dubois Turn. Co.
Geo. A. Stockdale - Iron Horse Coal Co.
V. Roy Heberling Phumber
Silas P. Luman Real Estate. Dubois, Pa.
J. H. Keefer Garage Dubois Pa.
E. H. McCratten, Sec. Dubois Chamber of Commerce
W. L. McClelland Transfer Dubois Pa.
J. A. Sawyer Clerk Dubois, Pa.
J. M. Jones Banker Dubois Pa.
J. H. Munnick Banker Dubois Pa.
W. H. Munnick Banker Dubois Pa.
H. C. Hingsburg, Chief Engr. Airways Div.
Dept. of Commerce.

City Engineer, which said survey is attached hereto, and made a part
hereof.

APRIL 9, 1928.

M. Nelson	Tax Collector	Sandy Township
L. W. Smiley	Constable	R.D. Township
Walter Frankoski		637 S. Brady St
John Page		
James Colley		4 Hand St
Kenny E. Dwyer Jr.		205 Forest Ave
R. D. Schalk		111 1/2 Front Ave
James Jeffery		29 Wilson Ave
James K. Gilroy		R.D. #3 Dupris
Burnette Lott		Sandy Township
J. Kranitz	Merchant	101 1/2 Dixon Ave
Philip Keanet	"	619 - S. Brady St.
Kenny Walk	Boiler maker	" " " "
E. E. Pifer	Mfg	218 1/2 Wilson Ave.
W. A. Engwiler		
J. H. Pifer	Printer	28 Wilson Ave
G. L. Pifer	Bookkeeper	110 - Wilson Ave
M. J. Wright		26 Wilson Ave
		711 S Brady St.

into a lease with C. Luther Lowe, for a certain sixty (60) acres of the central portion of his farm in Sandy Township, including certain town lots in the village of Oklahoma, for the purpose of establishing thereon Air Mail Landing Field and Service for the transportation of U. S. Mail, express, passengers, etc. over the Transcontinental air route between New York and San Francisco. For the purpose of making the said land available for such government uses, a modern electric lighting system will be installed, with necessary appurtenances and varied equipment, possibly to include hangars, gas, oil and repair service, and a weather bureau. It is desired to have the field in operation not later than June 1st, next, and

WHEREAS, a township road bisects the landing area from North to South which the Government, according to the terms of its lease, requires to be abandoned and a new section supplied by the township authorities along the West border of the said landing field; all as shown by the survey of the city of Du Bois, D. S. Watkins, City Engineer, dated February 1928, and

WHEREAS, the Government of the United States pursuant thereto has requested township authorities to immediately take such steps as may be required by law to vacate and supply this portion of said public road.

THEREFORE the undersigned citizens and taxpayers, resident in Sandy Township and Du Bois, hereby petition the Honorable Court and Supervisors of Highways in Sandy Township to make such orders as may be legally necessary, and to vacate that portion of the said public road as the Government of the United States requires to be abandoned and TO SUPPLY A NEW SECTION OF PUBLIC ROAD OVER AND ACROSS THE SAID LANDING FIELD AND LANDS OF C. LUTHER LOWE TO A CONNECTION WITH THE IMPROVED HIGHWAY IN THE VILLAGE OF OKLAHOMA, - ACCORDING TO THE SURVEY OF SAID D. S. WATKINS, City Engineer, WHICH SAID SURVEY IS ATTACHED HERETO AND MADE A PART HEREOF.

4 May 1928

Petition

FOR

Vacation & Supply

ROAD

Gov't. Air-Mail Service

Sandy Township

Nov 16th 1928,

Frank Weston Secy.

J. E. Tyler & lease

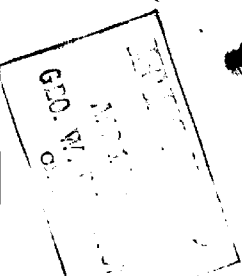
E. Wade are appointed

man and report.

By the Court

W. H. H. H.

DeBois Field B.



To THE COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

You are hereby notified that the undersigned Viewers, appointed by the Court of Quaterx Sessions of Clearfield County, Pennsylvania, to view for Vacation and Supply

FIRST:- For VACATION, that portion of a Public Road which bisects that portion of the C.L.LOWE farm, leased by the UNITED STATES GOVERNMENT, for a Landing Field.

SECOND:- To Supply a new section of Public Road over and across said Landing Field and lands of C.LUTHER LOWE, to connect with improved Highway in the Village of Oklahoma, and along the West border of said Landing Field, all of which is in Sandy Township, in the County aforesaid, will meet at said Landing Field, in Sandy Township, on Tuesday the first day of May 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 Wednesday the 2nd day of May, 1928 at 9 o'clock A.M. when and where all parties interested may attend and be heard.

Myron Hutton
Ed. J. M.
Jesse B. Dale
Viewers

DuBois, Pa. April 17th 1928

Now, April 19, 1928, service of the above notice is accepted for the Commissioners of Clearfield County.

L. C. Norris, Clerk

To THE SUPERVISORS OF SANDY TOWNSHIP ROAD DISTRICT.

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 and Supply :

First for VACATION that portion of a Public Road which bisects that portion of the C.L. LOWE farm, leased by The UNITED STATES GOVERNMENT, for a Landing Field.

Second:-To Supply a new section of Public Road over and across said Landing Field and lands of C. LUTHER LOWE, to connect with improved Highway in the Village of Oklahoma and along the West border of said Landing Field all of which is in Sandy Township, in the County aforesaid, will meet at the said Landing Field in Sandy Township, on Tuesday the first day of May 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 2nd day of May, 1928 at nine o'clock, A.M. when and where all parties interested may attend and be heard.

Irish Sullivan
J. E. Fry
James E. Dale
Viewers

DuBois, Pa. April 17th 1928

Now, April 23 1928, service of the above notice is accepted for the Supervisors of Sandy Township Road District.

E. M. Liddle (Seal)

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 16th day of April in the year of our Lord, one thousand nine hundred and twenty eight

By the Honorable ~~Samuel B. Bitt~~ President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Sandy, in the County aforesaid setting forth that

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 Jesse E. Dale

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 VIEW

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 SANDY, 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

first day of May, 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 second day of May, A. D., 1928, at nine 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 Jerry Brown and E.M. Liddle, Supervisors of Sandy Twp. J.A. Bush, G.M. Keel and J.A. Lyons^e citizens

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 second day of May,

A. D. 1928, when the parties interested in the said road were in attendance: Singleton Bell, Atty for Supervisors of Sandy Twp. who entered a denial of the legal validity of the petition filed in this case, A.M. Hutchinson et al representing the American Legion, Supervisors Ralph Gray, Jerry Brown and E.M. Liddle, Citizens Fred Shaffer, W.G. Chick, A.E. Liddle, Eli Dixon, J.M. Reasinger, Charles Platt, C.L. Lowe, Luther Lukehart, J.B. Reinberg and Norman Tamler by agreement was continuance was had to May 14th at 9 A.M. when it was continued to May 28th; again until June 18th and again to Aug. 27th

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road petitioned for vacation is an obstruction to an important Government-road ~~the road is a great inconvenience and burdensome~~ al improvement, in that it bisects a proposed Landing Field for Government Mail Planes and other planes and interferes with the construction and use of such field, which obstruction would be removed by the construction of the Supply road petitioned for, and the public travel would in fact be improved by said Supply road. At the Hearing on May 2nd it developed that Montgomery Post No. 17 of THE AMERICAN LEGION offered to construct the Supply road without cost or expense to the tax payers of Sandy Twp., which proposition was accepted by the Supervisors of Sandy Twp Road District, subject to the provision that the road should be constructed on certain specifications designated by the Supervisors. Because of the weather conditions and for other reasons, the several continuances of the Hearing was had until the road could be so constructed by said Legion Post and the Post report to the viewers that it was so completed. Such report having been made to the Viewers by the representatives of the Post, you viewers together with a Committee of said Post and the Supervisors of said Road District went onto the ground for an inspection. The Supervisors alleged that a section of said road about 500 feet in length did not have a sufficient covering of cinders to hold up, and keep the traffic out of mud. The Legion felt they had done a good and complete job and that it

should be accepted by the Supervisors. The Viewers unanimously agreed with the position of the Legion.

The Legion and Supervisors then went into an executive session and it was agreed and reported to the Viewers, That the Legion was to furnish on board cars at a convenient siding nearest to said road and free of cost to Sandy Twp Road District sufficient cinder to re-surface with about five or six inches a section of about 500 feet of said road and that said cinder would be taken from the cars and placed on said road by and at the expense of Sandy Township Road District.

The Supervisors agreed further that they would and do withdraw any objections or exceptions to the legal validity of the petition filed in this case. In accordance with this agreement and upon its report to us, your Viewers unanimously agree that the old road beginning at a point at or near the property line of Mrs D.R. Moore thence about 1878 feet to where said road is intersected by a road to Rockton should be vacated.

Said vacated road to be supplied by a road Beginning at a point in or near the property line of Mrs D.R. Moore thence in a curved line with a radius of 410.3 feet 505 feet; thence N. 43 degrees 15' West 623.4 feet; thence N. 16 degrees 45' West 989 feet to intersection with another public road.

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 except that already filed by C.L. Lowe.

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:

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

Witness our hands and seals this 28th

day of August A. D. 19 28

Mark Sutton [SEAL]

J. E. Fry [SEAL]

James E. Dale [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
J. E. Dale	1	32	10.70
J. E. Fry	5	33	40.80
J. E. Fry, helper			5.00
Frank Hutton	4	34	33.40

No. 4 May Term 19 28

ORDER TO VACATE

To view and vacate/road situate _____ and supply a

in the Township of Sandy
Clearfield County.

Now the Sessions 19 28
read and confirmed Ni. Si.

By the Court.

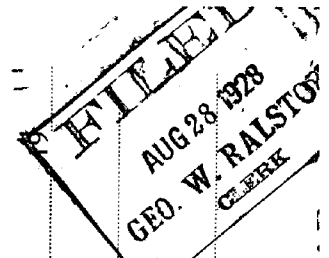
Now the Sessions 19
confirmed absolute.

By the Court.

Filed

Atty,

Fees \$1.25 paid by



In The County of Jackson Session
of Clearfield Co Pa
No. 4 May Session 1928

In Re Order to vacate and supply
Public Road in Sandy Lick

Now May 1st 1928, on motion of
Frank Hutton, viewee. The powers
of the viewees appointed in above
case are enlarged and extended
to Sept. 3, 1928

By the court
A. R. Hesse.
R. J.

FILED
MAY 2 - 1928
GEO. W. RALSTON
CLERK

DuBois Pa April 25-28

Mr Geo H Ralston
Clearfield Pa

Dear Sir. I am returning Bill for Filing Petition,
and would advise that You render this Bill to
the Party who, presented Petition for Filing
The Supervisor of Sandy Township had nothing to^{do} with
Petition and absolutely refuse to pay this Bill

Yours Truly
E. M. Liddle (Secy)
DuBois Pa. R. D #2