

Road

DOCKET No. 6

Number	Term	Year
11	Sept	1928

Petition to vacate and supply road
in Penn Twp.

Versus

R.D. #6 - Page 104

Vacate

See Comm

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 20th day of August in the year of our Lord, one thousand nine hundred and twenty eight

A. R. CHASE

By the Honorable ~~Supervisors~~, President Judge of the said Court: *Upon the petition of sundry

Supervisors

Residents of the Township of Penn, in the County aforesaid setting forth that in the said Township of Penn there is a certain public road which begins at a point at the farm of Leo Smith on the road leading from Curwensville to Lumber City and extends to a point on a public road leading from Grampian to Lumber City at or near the farm of Cler Passmore. Your petitioners pray that a portion of this road, beginning at the Pike Twp. line and extending to the Cler Passmore farm be vacated and supplied as follows: Beginning at the Pike Township line and extending to the Haag Farm to intersect with the road leading from Grampian to Lumber City.

The piece of road asked to be vacated is of dangerous grade and crosses a bridge which is very expensive to keep up; the piece to be supplied in place thereof is of uniform grade, would eliminate the bridge and could be repaired at reasonable cost.

Wherefore your petitioners pray that said road be vacated and supplied

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., Ed. Billotte 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.

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 PENN, 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

2nd day of October, 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 fourth day of October A. D., 1928, at 9:30 o'clock A.M., and that all said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view J.E.Rafferty and Wm. Helper Supervisors of Penn Township Road District

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 fourth day of October,

A. D. 1928, when the parties interested in the said road were in attendance: J.E.Rafferty and William Helper, Supervisors who were each affirmed and examined

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome that the said road asked to be vacated extends from the Pike Township line to the farm of G.M.Passmore in Penn Twp. ; That it runs entirely through unimproved lands and has no visible marks of usage; That a bridge over what is designated as Passmore Run is in a very dilapidated condition, entirely unfit for use and to replace said bridge would involve very considerable expense to Penn Township Road District. Your Viewers unanimously agree in reporting in favor of its vacation.

The Order in this case directed the view of a supply road to take the place of the above road to be vacated, such supply road to begin at the Pike Township line and to extend so as to intersect with a road leading from Grampian to Lumber City at or near the Haag farm which we find to be now owned by Claud Freeman. We find an old road, which we are informed was vacated some 3 or 4 years ago and which vacation is now considered to have been a mistake, connecting these termini and to be reasonably well located and that the adoption of this old road for the Supply road would very materially lessen the cost of construction. A Supply road is manifestly necessary for the use and convenience of a very considerable number of properties and citizens of both Penn and Pike Townships.

Neither of the Supervisors at the view could definitely locate the Pike Township line but in order to tie our survey to a definite point we started at a point where the road hereinbefore reported for vacation intersects with an extension of the Supply road and run the following courses and distances:- S.71deg. 45' W.357 feet; S.66 deg. W.100 feet; S.72 deg. W. 600 feet; S. 75deg. W.250 feet; N.88 deg. W. 50 feet; N.72 deg. W.100 ft; N.61 deg. 300 feet; N.68deg.30'W.100 feet; N.63 deg W.100 feet; N.62 deg; W. 200 feet; N.63 W. 500 feet; N 73 $\frac{1}{2}$ W.300 feet; N. 68 W. 100 feet; N.63 W. 100 feet; N.57 W.200 feet; N 59 $\frac{1}{2}$ W 200 feet to intersection of a road leading from Grampian to Lumber City at or near the Haag farm now owned by Claud Freeman. The viewers report in favor of supplying the road hereinbefore vacated with that portion of the above described and designated road found to within the boundaries of Penn Township.

We are of the opinion that the point of beginning in the above Supply road is in Pike Twp which as before stated was used for the purpose of having a point at which to tie our survey and it is our intention to use for Supply road only that portion of it found to be in Penn Twp.

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 vacating 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 5th day of October, A. D. 19 28

Frank Billott [SEAL.]

E.D.Billott [SEAL.]

J.S.Michael [SEAL.]

Viewers.

No. 11 Sept Term 19 28

ORDER TO VACATE

and supply a
To view and vacate/road situate

in the Township of Penn

Clearfield County.

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
.....
.....
.....
.....

Now Dec Sessions 1928

read and confirmed Ni. Si.

By the Court,

John C. Arnold
Now Dec Sessions 1928
confirmed absolute.

By the Court.

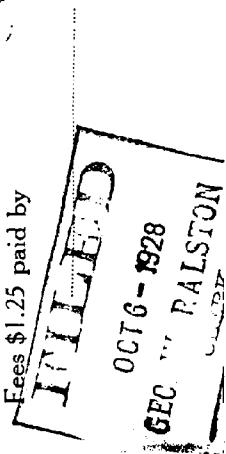
John C. Arnold
P. O. Box 6

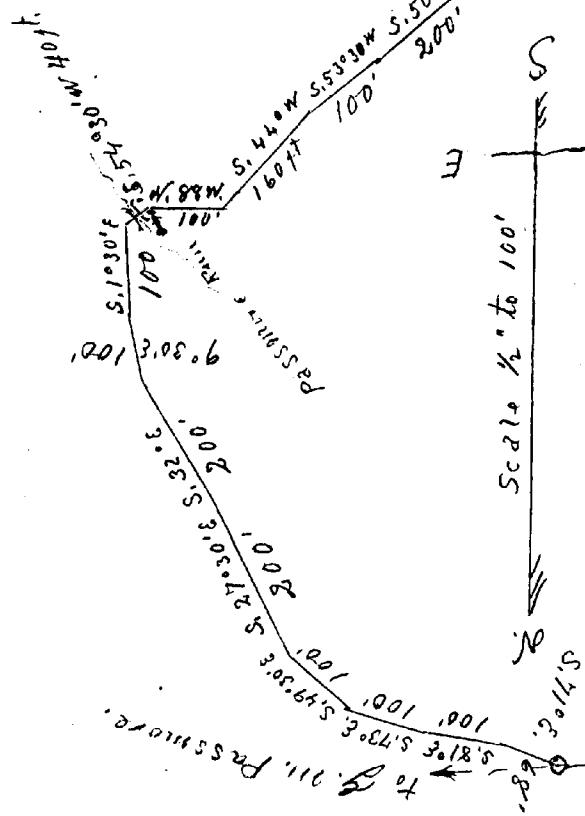
Filed

19

Atty, John C. Arnold

Fees \$1.25 paid by





Draft showing location of
a Public Road in Penn. Twp. Blff. Co., Pa.
leading from the pike township line to a
point on a public road leading from
to F. M. Passmore,
viewed for vacation on Oct 2nd, 1928,

Frank Hutton,
G. S. Miller,
J. S. Michael,
Viewers,

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 the County of Clearfield to view for Vacation and Supply a road in the Township of Penn beginning at the Pike Township line and extending in said Penn Township to the Clel Passmore farm and to view for Supply a road beginning at the Pike Township line and thence extending in Penn Township to the Haag farm to intersect with a road leading from Grampian to Lumber City, will meet at the intersection of the State Highways, in the Borough of Grampian, on Tuesday the 2nd day of October, 1928 at nine o'clock A.M. to attend to the duties assigned them.

And that the Public Hearing thereon will be held in the Court House in the Borough of Clearfield, Pa., on Thursday the 4th day of October 1928, at 9:30 o'clock A.M. when and where all interested parties may attend and be heard .

Frank Shullin
Ed Gellotte
Jack Michael
Viewers.

DuBois, Pa. Sept. 12th 1928.

Now, Sept. 13, 1928, service of the above notice is accepted for the Commissioners of Clearfield, County,

L. C. Morris
Clerk.

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

In Re: Road in the Township of Penn, Clearfield County, Penna. : No. September Sessions 1928

TO THE HON. A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of William Helper, James E. Rafferty and E. C. Everett, Supervisors of the Township of Penn, Clearfield County, Pennsylvania, respectfully sets forth;

That the said William Helper, James E. Rafferty and E. C. Everett are duly qualified Supervisors of the said Township of Penn, Clearfield County, Pennsylvania.

That in the said Township of Penn there is a certain public road which begins at a point at the farm of Leo Smith on the road leading from Curwensville to Lumber City and extends to a point on a public road leading from Grampian to Lumber City at or near the farm of Cler Passmore.

Your petitioners pray that a portion of this road, beginning at the Pike Township line and extending to the Cler Passmore farm be vacated and supplied as follows: Beginning at the Pike Township line and extending to the Haag farm to intersect with the road leading from Grampian to Lumber City.

The piece of road asked to be vacated is of dangerous grade and crosses a bridge which is very expensive to keep up; the piece to be supplied in place thereof is of uniform grade, would eliminate the bridge and could be repaired at reasonable cost.

Wherefore your petitioners pray that said road be vacated and supplied and that viewers be appointed for that pur-

pose. And they will ever pray,

Wm Helper

Jas E Rafferty

E B Conwell

SUPERVISORS PENNTOWNSHIP

CLEARFIELD COUNTY, SS:

Personally appeared before me the subscriber,
William Helper, James E. Rafferty and E. C. Everett, who being
duly sworn according to law doth depose and say that they are the
Supervisors of the Township of Penn, that the facts set forth in
the foregoing petition are true and correct.

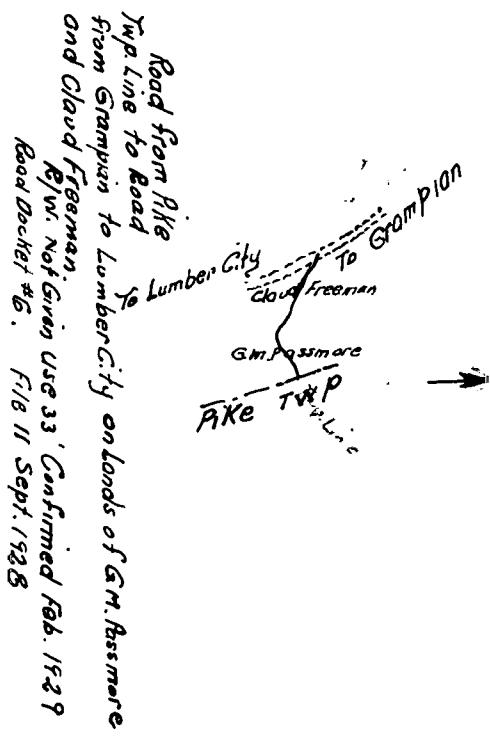
Wm Helper

Jas E Rafferty

E C Everett

Sworn & Subscribed before me :
this 31 day of July 1928 :

John G. Rafferty
J. G. R.
MY COMMISSION EXPIRED
JANUARY 1st 1934



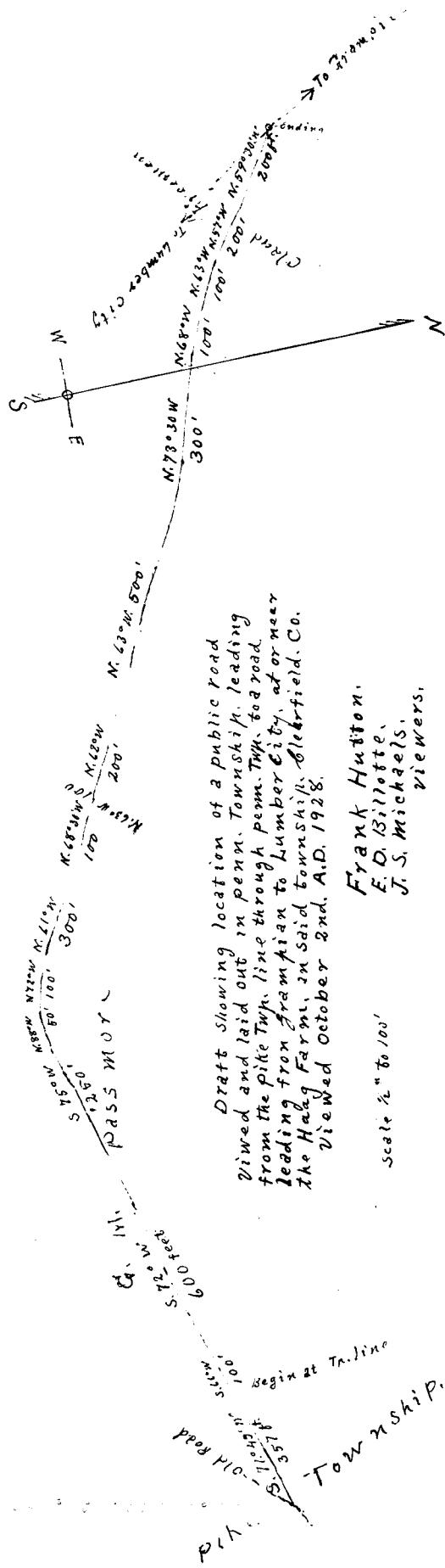
Dear Dr. Senn 20-1928.

Frank Luther Ladd,
Ed Kellott, and
Jack McClellan are
affiliated members to
main and branch

APPENDIX TO VACATE & SUPPLY

4-20-1988 10:45 AM

LAW OFFICES
JOHN C. ARNOLD
CLEARFIELD, PA.



Draft showing location of a public road
divided and laid out in Penn. Township, leading
from the Pittsburg line through Penn. Twp. to a road
leading from Gramman to Lumber City, at or near
the Haag farm, in said township, Clelfield, Co.
Viewed October 3rd, A.D. 1928

Frank Hutton,
E. O. Billotte,
J. S. Michaels,
Viewers,
Scale 1/2" to 100'