

Road

DOCKET No. 6

Number Term Ye.

1 Feb ss 1929

Petition to vacate road in Karthaus

Township

Versus

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

To Hon. A. R. Chase, President-Judge of said Court.

The petition of the undersigned, citizens and tax payers of the Township of Karthaus, in said County, respectfully represents:

FIRST. That a public road has long since been laid out ~~and opened~~ beginning at a point about 200 feet southeast of the Creek Bridge on the road leading from Karthaus to Dutch Hollow, ~~and~~ extending in a southwesterly direction about two miles to the Covington Township line.

SECOND. That said road has now become useless, inconvenient and burdensome to the Township. X

THIRD. That there is a large mileage of public roads in the Township of Karthaus, and owing to the financial condition of said township the Supervisors thereof are unable to keep and maintain all of said roads in a reasonably safe condition.

Your petitioners, therefore, pray the Court that the said road may be vacated agreeable to the Act of the General Assembly in such case made and provided. And they will ever pray, etc.

<u>W. A. Gardner</u>	<u>J. C. Moore</u>
<u>P. P. Pauch</u>	<u>Steph. Holley</u>
<u>W. E. Dwyer</u>	<u>J. S. Flegal</u>
<u>R. S. Schmaus</u>	<u>J. P. Pauch</u>
<u>W. J. Murphy</u>	<u>E. G. Biddle</u>
<u>J. H. McSorley</u>	<u>Samuel Reed</u>
<u>J. G. Brie</u>	<u>John G. H. Smith</u>

State of Pennsylvania, : SS:
County of Clearfield. :

Frank A. Coudriet, one of the petitioners above named, being duly sworn according to law deposes and says that he is one of the Supervisors of the Township of Karthaus, in the County of Clearfield, and State of Pennsylvania, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

Frank A. Coudriet)

Sworn and subscribed to before
me this day of December,
A. D. 1928.

Jane D. Shore

Commission Expires at end of
next Session of Senate.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY,
PA. 1. Feb Term 1929.

IN RE:

Vacation of Public Road
in Karthaus Township.

Ca
PETITION TO VACATE
ROAD.

Now, Dec. 27th 1928,
the within petition having
been read and considered
*John Fiehler, Fred
Kilts, Spain & Co* and
are appointed viewers to view
said road and report to the
Court.

By the Court,

H. H. Miller
H. H. MILLER
DEC 27 1928

GEO. W. RALSTON
PROT^Y JOHN M. JUREY

ATTORNEY AT LAW
CLEARFIELD TRUST COMPANY BUILDING
CLEARFIELD, PA.

400 By atq

To:- The Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 1, February Sessions, 1929, to view and vacate a public road which has long since been laid out and opened in Karthaus Township, beginning at a point about 200 feet southeast of the Creek Bridge on the road leading from Karthaus to Dutch Hollow and extending in a southwesterly direction about two miles to the Covington Township line, in Karthaus Township, in the County aforesaid, will meet at the Creek Bridge in said Township on Tuesday, the 22nd day of January, A. D. 1929 at 1:00 o'clock P. M., to attend to the duties assigned them: all parties interested will take notice.

And that the public hearing as required by Act of Assembly and Rules of Court to be held by the viewers before the filing of their report in Court, in order to give all parties interested in the said road an opportunity to be heard, will be held in the Arbitration Room in the Court House in Clearfield on Friday, the 1st day of February, A. D. 1929 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scollins
Edward Billotte
Jesse E. Dale
Viewers

Dated, January 3rd, 1929.

Clearfield County, SS:

Service of the above notice is hereby accepted for the Commissioners of Clearfield County, this 8th day of January, A. D. 1929.

L. C. Morris
Clerk

To:- D. F. Moore, Frank A. Couteret and Raymond Rauch, Supervisors
of Karthaus Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County to No. 1,
February Sessions, 1929, to view and vacate a public road which has long
since been laid out and opened in Karthaus Township, beginning at a point
about 200 feet southeast of the Creek Bridge on the road leading from
Karthaus to Dutch Hollow and extending in a southwesterly direction about
two miles to the Covington Township line, in Karthaus Township, in the County
aforesaid, will meet at the Creek Bridge in said Township on Tuesday, the
22nd day of January, A. D. 1929 at 1:00 o'clock P. M., to attend to the
duties assigned them: all parties interested will take notice.

And that the public hearing as required by Act of
Assembly and Rules of Court to be held by the viewers before the filing of
their report in Court, in order to give all parties interested in the said
road an opportunity to be heard, will be held in the Arbitration Room in
the Court House in Clearfield on Friday, the 1st day of February, A. D. 1929
at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard,
at which time and place all parties interested may attend and be heard.

John Decline
Edward Billalte
Jesse E. Dale
Viewers

Dated, January 3rd, 1929.

Karthaus, Pa.,
Jan. 5, 1929.

I hereby accept service and waive personal service of
this notice for; D.T. Moore, Frank A. Couteret, and Raymond
Rauch, Supervisors of the Twp. Of Karthaus, Clearfield County
Pennsylvania.

John F. Polley
Secretary, Board of Supervisors,
Karthaus, Twp. Road District.

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 27th day of December in the year of our Lord, one thousand nine hundred and twenty eight

A. R. CHASE
By the Honorable ~~Stephen~~ ^{Stephen} Bell, President Judge of the said Court: Upon the petition of sundry

By the Honorable ~~██████████~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Karthaus, in the County aforesaid setting forth that a public road has long since been laid out and opened beginning at a point about 200 feet southeast of the Creek Bridge on the road leading from Karthaus to Dutch Hollow and extending in a southwesterly direction about two miles to the Covington Township line.

That said road has now become useless, inconvenient and burdensome to the township.

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 John Scollins, Esq., Edward Billotte

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 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 Karthaus, 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

22nd day of January, A. D. 1929, 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 1st day of February A. D., 1929 at 10 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: John Coudriet and Raymond Raugh, Supervisor,

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 1st day of February,

A. D. 1929, when the parties interested in the said road were in attendance: Raymond Raugh, Supervisor of Karthaus Township, with him John M. Urey, Esq., Attorney for the Board of Supervisors; Raymond Raugh, sworn, examined and cross-examined by counsel and your Board

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome, to wit: Beginning at the point of intersection of said Road with the Road leading from Karthaus Village to Dutch Hollow near the Mosquito Creek Bridge on lands of Karthaus Estate; thence South 35 degrees West 345 feet to a post; thence South 48 degrees West 200 feet to a post; thence South 30 degrees West 200 feet to a post; thence South 24 degrees West 400 feet to a post; thence South 52 degrees West 200 feet to a post; thence South 74 degrees West 100 feet to a post; thence South 82 degrees West 200 feet to a post; thence South 69 degrees West 200 feet to a post; thence South 57 degrees West 200 feet to a post; thence South 66 degrees 30 minutes West 400 feet to a post; thence South 74 degrees West 400 feet to a post; thence South 82 degrees West 400 feet to a post; thence South 70 degrees West 200 feet to a post; thence South 62 degrees West 400 feet to a post; thence South 50 degrees West 200 feet to a post; thence South 41 degrees 30 minutes West 500 feet to a post; thence South 77 degrees West 300 feet to a post; thence South 34 degrees 30 minutes West 700 feet to a post; thence South 38 degrees West 400 feet to a post; thence South 41 degrees West 700 feet to a post; thence South 35 degrees West 200 feet to a post; thence South 23 degrees West 300 feet to a post; thence South 34 degrees West 400 feet to a post; thence South 18 degrees 30 minutes West 300 feet and ending at the Covington Township Line on the road leading to Keewaydin.

That the said Road has long passed into disuse, is of steep and excessive grades and dangerous to public travel and along unseated and uninhabited territory, and therefore recommended for vacation.

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:

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 claimed or assessed.

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

Witness our hands and seals this 5th day of April, A. D. 19 29

John Seaman [SEAL.]

John Billotte [SEAL.]

Jesse E. Hale [SEAL.]

Viewers.

No. 1. Feb Term 19 29

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	Am't
E. D. Billotte	3	60	\$25.50
Jeese Dale	2	74	\$18.70
John Scollins	3	120	\$28.50

Now January Sessions 19 & 2

read and confirmed Ni. Si.

By the Court.

John M. Urey
Now ~~February~~ Sessions 19 & 2

confirmed absolute.

By the Court.

Filed 19

Atty. John M. Urey

Fees \$.25 paid by <u>John M. Urey</u>
1923
GEO. W. RAY
CLERK

ABAND