

Road DOCKET No. 6

Number Term Year

2 " Feb ss 1929

Petition to vacate road in Karthaus

Township

Versus

Draft showing location of a  
sub Rosa, Kairthi S. Tw. 1.  
Clearyfield C. 471, Peoria  
Signed for Vacant by the undersig-  
nored viewers, January 23rd, A.D. 1924.

John Scoville,  
G. D. Biffle & Co.,  
Gassie, Ga.

910 *Geog.*

Total length of view 9110 feet

Draft 5  
Published by  
Clerical Field  
Services  
Signed viewer  
Serial # 100'

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. 2, February Sessions, 1929, to view and vacate a public road which has long since been laid out and opened in the Township of Karthaus from the Village of Cataract in a northwesterly direction for a distance of about two and one-half miles to the farm of James McGonigal, in Karthaus Township, in the County aforesaid, will meet in the Village of Cataract at the road leading in a northwesterly direction to the farm of James McGonigal in said Township on Wednesday, the 23rd 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:-

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

L. C. Moore  
Clerk

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

You are hereby notified that the undersigned viewers,  
appointed by the Court of Quarter Sessions of Clearfield County to No. 2,  
February Sessions, 1929, to view and vacate a public road which has long  
since been laid out and opened in the Township of Karthaus from the Village  
of Cataract in a northwesterly direction for a distance of about two and  
one-half miles to the farm of James McGonigal, in Karthaus Township, in the  
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and Rules of Court to be held by the viewers before the filing of their  
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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.

Dw. Scollard  
Edward Billotte  
Jesse E. Dale  
Viewers

Dated, January 3rd, 1929.

Karthaus, Pa.,  
January 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 Karthaus Township, Clearfield, Pa.

Jas. G. Solley  
Secretary, Board 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 ~~SEYMOUR~~, 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 been long since laid out and opened in said Township of Karthaus from the Village of Cataract in a northwesterly direction for a distance of about two and one-half miles to the farm of James McGonigal. That said road has now become useless, inconvenient and burdensome to said 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

23rd 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, Supervisors, and the following exceptants:

H. E. Rhodes, Guy Teats, J. E. Teats, Manuel Teats, A. B. Teats and Isaac Shade,

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, John Coudriet, Supervisors, with them John M. Urey, Esq., Attorney for Karthaus Township Board of Supervisors; Protestants: I. W. McConigal, Herbert Rhodes, J. T. McConigal and Jasper Cole, with them T. Elbridge Brown, Esq., Attorney. Witnesses 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 a post on the public road leading from Cataract, near the property of one Ditty; thence North 63 degrees East 300 feet to a post; thence North 76 degrees 15 minutes East 300 feet to a post; thence North 89 degrees 30 minutes East 400 feet to a post; thence South 80 degrees East 200 feet to a post; thence South 75 degrees East 600 feet to a post; thence South 72 degrees East 200 feet to a post; thence South 78 degrees East 200 feet to a post; thence North 79 degrees East 200 feet to a post; thence North 73 degrees East 200 feet to a post; thence North 63 degrees 15 minutes East 100 feet to a post; thence North 46 degrees East 100 feet to a post; thence North 36 degrees 45 minutes East 100 feet to a post; thence North 26 degrees 15 minutes East 200 feet to a post; thence North 30 degrees 30 minutes East 500 feet to a post; thence North 24 degrees 30 minutes East 200 feet to a post; thence North 33 degrees 30 minutes East 315 feet to a wooden bridge 12 feet wide and 85 feet in length over Run; thence North 18 degrees East 50 feet to a post; thence North 27 degrees West 150 feet to a post; thence North 24 degrees West 200 feet to a post; thence North 50 degrees 30 minutes West 100 feet to a post; thence North 74 degrees West 100 feet to a post; thence North 87 degrees 30 minutes West 200 feet to a post; thence North 12 degrees 30 minutes West 50 feet to a post; thence North 20 degrees 30 minutes East 350 feet to a post; thence

North 23 degrees 15 minutes East 500 feet to a post; thence North 22 degrees East 200 feet to a post; thence North 37 degrees 30 minutes East 200 feet to a post; thence North 18 degrees East 200 feet to a post; thence North 2 degrees 30 minutes East 100 feet to a post; thence North 12 degrees West 300 feet to a post; thence North 31 degrees 15 minutes West 100 feet to a post; thence North 44 degrees 30 minutes West 100 feet to a post; thence North 30 degrees West 100 feet to a post; thence North 52 degrees West 500 feet to a post; thence North 49 degrees West 100 feet to a post; thence North 32 degrees West 200 feet to a post; thence North 27 degrees 30 minutes West 100 feet to a post; thence North 13 degrees 30 minutes West 300 feet to a post; thence North 5 degrees East 200 feet to a post; thence North 27 degrees 30 minutes West 300 feet to a post; thence North 31 degrees West 100 feet to a post; thence North 26 degrees West 210 feet and ending in the public road leading to Cataract and Karthaus.

Your Board further finds and reports that the aforesaid road has fallen into dis-use, is expensive of up-keep and of excessively steep grades, one section thereof being testified to as being 17 $\frac{1}{4}$ , with a bridge to be kept in repair over a run between 70 and 85 feet in length, which is dangerous also for public travel; that two families occupy the New York Central Section-foreman's dwelling, neither of whom have any children of school age, attending the Cataract School; and that the tenant of the McConigal and Furst Farms have another out-let, though longer and which drifts in winter months. That the road as constructed is narrow, built for a considerable distance along a hillside with only a dry wall retainer, and we therefore find the aforesaid road having become useless, inconvenient and burdensome and recommend that it be vacated.

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 6th day of April, A. D. 19 29.

*John Seeling* [SEAL]  
*Ed Billott* [SEAL]  
*Jesse E. Dale* [SEAL]  
Viewers.

No. 2 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	Mile <sup>s</sup>	Am't
E. D. Billotte	3	67	\$25.85
Jesse Dale	2	78	\$18.90
John Scollins	3	106	\$27.80

Now May Sessions 19 29

read and confirmed Ni. Si.

By the Court

*A. McPhae. P. J.*

Now May Sessions 19 29

By the Court

*A. McPhae. P. J.*

confirmed absolute.

Filed 19

Atty, John M. Urey

Fees \$1.25 paid by <u>T. J. C.</u>
MAY 8 - 1929
GEO. W. RALEIGH CLERK

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 and State, respectfully represents:

FIRST. That a public road has been long since laid out and opened in said Township of Karthaus from the Village of Cataract <sup>about</sup> in a northwesterly direction for a distance of two and one-half miles to the farm of James McGonigal.

SECOND. That said road has now become useless, inconvenient and burdensome to said 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, agreeably to the Act of the General Assembly in such case made and provided. And they will ever pray, etc.

I. D. Moore  
T. H. P. Polley  
J. R. G. Giesland  
J. S. Legal  
J. J. Bird  
J. P. B. B.  
J. L. Sprindel

Y. A. Gantner, Supervisor  
P. P. Pavel, Supervisor  
W. C. Taylor  
P. C. Johnson  
W. E. Murphy  
H. H. McElhern

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 Coudriet

Sworn and subscribed to before me  
this 14th day of December, A. D. 1928.

Geo W Palston  
Dorothy

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD CO., PA.  
No. 2. Feb. Term, 1929.

IN RE:

Vacation of Public Road  
in Karthaus Township.

P E T I T I O N

Now, Dec. 28<sup>th</sup>, 1928, the within petition having been read and considered and ~~John H. Schaeffer~~ and ~~John H. Schaeffer~~ appointed viewers to view the road sought to be vacated in the within petition and to make report and recommendations as required by law.

By the Court

*John H. Schaeffer*  
R. L. Schaeffer  
DEC 27 1928

GEO. W. RALSTON  
PROTHONOTARY  
ATTORNEY AT LAW

CLEARFIELD TRUST COMPANY BUILDING  
CLEARFIELD, PA.

4<sup>th</sup> Rept