

road

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road

DOCKET No. 6

Number Term Year

3

Feb ss 1929

Petition to vacate road in Karthaus

Township

Versus

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

You are hereby notified that the undersigned viewors, appointed by the Court of Quarter Sessions of Clearfield County to Co. 3 February Sessions, 1929, to view and vacate a public road which has been long since laid out and opened in the Township of Marthaus from a point on what is known as the Sinnemahoning Road at the Hertlein farm buildings, thence extending in a northwesterly direction about three miles to the private road leading to the Hoover place, and being a part of said Sinnemahoning Road, in Marthaus Township, in the County aforesaid, will meet on the Sinnemahoning Road at the Hertlein farm buildings in said Township on Thursday, the 24th 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 viewors 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 Keeling
Edward Billotte
Esse E. Dale
Viewors

Dated, January 4th, 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. Norris
Clerk

To:- D. T. 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. 3,
February Sessions, 1929, to view and vacate a public road which has been long
since laid out and opened in the Township of Karthaus from a point on what is
known as the Sinnemahoning Road at the Hertlein farm buildings, thence extend-
ing in a northwesterly direction about three miles to the private road leading
to the Hoover place, and being a part of said Sinnemahoning Road, in Karthaus
Township, in the County aforesaid, will meet on the Sinnemahoning Road at the
Hertlein farm buildings in said Township on Thursday, the 24th 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 Keeling
Edward Billotte
Jesse E. Dale
Viewers

Dated, January 4th, 1929.

Karthaus, Pa.
Jan. 5, 1929.

I hereby accept and waive personal service of this notice
for; D.T. Moore, Frank A. Couteret, and Raymond Rauch, Supervi-
sors of Karthaus Twp., Karthaus, Clearfield County, Pa.

Jas. R. Kelly
Secretary, Board of Supervisors
Karthaus Twp. Road Dist.

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

By the Honorable ~~Simon B. Bick~~ ^{A. R. CHASE}, 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 a point on what is known as the Sinnemahoning Road at the Hertlein farm buildings, thence extending in a northwesterly direction about three miles to the private road leading to the Hoover place, and being a part of said Sinnemahoning Road.

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 Karthauss, 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

24th 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., 19 29, at ten 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 : Walter Leach, and Fred Caldwell of the Forestry Dept. of Penna.; Mrs. Louis Hertlein; Frank Coudriet, Supervisor of Karthauss Township; Paul Woodking, Clarence Hertlein, Von Miller and Claude Caldwell,

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. 19 29, when the parties interested in the said road were in attendance: Raymond Raugh, of the Board of Supervisors of Karthauss Township, with him John Coudriet, witness, and John M. Urey, Esq., Counsel; Clarence Hertlein; Mrs. Louis Hertlein; Walter Leach of the Penna. Dept. of Forestry. 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 not, become useless, inconvenient and burdensome, to wit: Beginning at a post on the public road leading from Karthauss to Sinnemahoning, opposite corner of State Forest Lands, thence North 26 degrees West 200 feet to a post; thence over State Forest Lands 3162 feet to line of Clarence Hertlein laid; thence across land of Clarence Hertlein 938 feet to line of Tinsman and thence across land of Tinsman 10357 feet and ending at the Covington Township line.

Your Board further finds that this road is the only inlet to the State Forest Range, comprising 100,000 acres, from Clearfield County; that 7000 acres of the State Forest is situate in Karthauss Township and is assessed and taxed by the Township; that the aforesaid Road has been kept in repair by the Department of Forestry at its own expense, and is the main connecting link between Karthauss and Driftwood.

After the view and hearing, your Board therefore finds that the aforesaid road is useful, convenient and not a burden to the Township of Karthauss, and therefore should not 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 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 assessed.

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

Witness our hands and seals this 8th day of May, A. D. 1929.

John Seeling [SEAL.]
Edw. Blotte [SEAL.]
J. J. 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
E. D. Billotte	4	67	\$33.35
Jesse Dale	3	79	\$26.45
John Scollins	4	80	\$34.00

No. 3 Feb ^{ss} Term 19 29

ORDER TO VACATE

To view and vacate road situate
in the Township of Karthaus
Clearfield County.

Now *May* Sessions 19 *28*
read and confirmed Ni. Si.

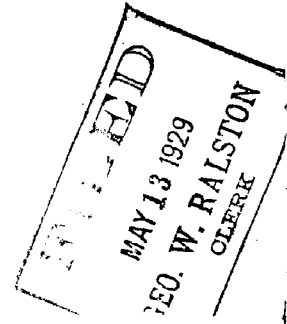
By the Court
A. McCase
Now *Sept* Sessions 19 *P. J.*
confirmed absolute.

By the Court.
A. McCase
P. J.

Filed _____ 19 _____

Atty, John M. Urey

Fees \$1.25 paid by _____



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 a point on what is known as the Sinnemahoning Road at the Hertlein farm buildings, thence extending in a northwesterly direction about three miles to the private road leading to the Hoover place, and being a part of said Sinnemahoning Road.

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.

Alfred Ballus
W. H. Gilliland
J. S. Jilegal
J. J. Brief
W. P. Rausch
J. C. Zinsler
Samuel Rees
James M. Jones

W. A. Cantor Supervisor
R. P. Panch Supervisor
W. E. Dyer
R. S. Schurz
W. L. Murphy
L. H. McEwen
J. L. Moore

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

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.

W. A. Lauterbach

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

Geo W Palston
Prothy

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

No. 3 Feb. Term, 1929.

IN RE:

Vacation of Public Road
in Karthaus Township.

P E T I T I O N.

Now, Dec. 27, 1928, the
within petition having been
read and considered by the
Court, the Court do hereby
order that the road
sought to be vacated in the
within petition and to make
report and recommendations
as required by law.

By the Court

[Signature]
JUDGE

DEC 27 1928

JOHN M. UREY

PROTHONOTARY IN CHIEF
CLEARFIELD, PA.

4-01-29