

Road

DOCKET No. 5

Number	Term	Year
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4

Sept ss

1929

Petition to vacate road in

Decatur Township

Versus

X

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

In Re:

Vacation of Road in
Decatur Township.

To the Honorable A. R. Chase, President Judge of said Court

Petition of the Supervisors of the Township of Decatur and the various citizens and tax payers of said Township respectfully represents:

That the Township of Decatur has a large number of roads and bridges to be maintained, many of which are used but seldom.

That it is the desire of the Supervisors and tax payers to eliminate the expense of maintenance on roads and bridges of little use.

That there exists a highway about 1/2 mile in length running to the Centre County line at which point a bridge spans the Moshannon Creek, said bridge consisting of two spans 45 feet in length, expense of maintenance of which is borne equally by Decatur Township, Clearfield County and Rush Township, Centre County. Your petitioners are informed that the bridge originally constructed consisted of one span but because of the swampy ground surrounding said Creek an additional span was put on over said swampy territory on the Rush Township side.

That said bridge has recently become broken down making it necessary that a new span be built, according to the requirements of the highway department, which will cost a sum that is impossible for the Township of Decatur to pay.

That the Commissioners of Clearfield County have refused to assist the Township of Decatur with the expense of the construction said bridge.

That the road herein sought to be vacated extends from the State Highway laid from Philipsburg to Osceola for a distance of 1/2 mile to Moshannon Creek where said bridge needs repair.

That the route herein sought to be vacated is little used. The Highway's number of vehicles passing said road being possibly six to ten each day.

That the Decatur Township citizens by reason of the short distance from the State Highway have reasonable access to and from their properties and those in Centre County are but a short distance from the road leading from Philipsburg to Sandy Ridge which has also become a State Highway and which your petitioners are informed will be improved in the near future.

That the road which has become useless and burdensome is all that certain portion of the Highway between the Osceola and Philipsburg State Highway and Decatur Township, Clearfield County and Dunbar in Rush Township, Centre County. Beginning at Garbey's Corner on the State Highway to the boundary line between Decatur Township, Clearfield County and Rush Township, Centre County at or near the bridge spanning Moshannon Creek.

Wherefore your petitioners pray that said road be vacated.

And they will ever pray. _____

Joe A. Astor

Charles W. Fisher

W. W. Wingfield

Supervisors of Decatur
Township

F. M. Cadman	J. Henry Brain
William P. Poirer	M. B. Brain
W. G. Mattem	Geo. Ashworth
Lidie Mattem Campbell	Wm. Mays
Martin Keller	Patrick J. Bowman
Clayton Kephart	Joseph Dunlap
B. F. Hughes	Raymond Sankey
A. A. Mineweaser	H. S. Brink
Fred. J. Meyer	Jonathan Taylor
W. G. Carver	Richard Ashworth
Samuel George	Elmer Sankey
	Harper J. Meyer

ORDER

Now July 1929 the within
petition having been read and considered
and are appointed
viewers to view the road sought to be vacated in the above
petition and to make the report on recommendation as required
by law.

By the Court

4 Sept 22 1929

IN SENATE
SEPTEMBER 23 1929

IN SENATE

RECEIVED OF SENATE
IN 1929
IN SENATE

RECEIVED

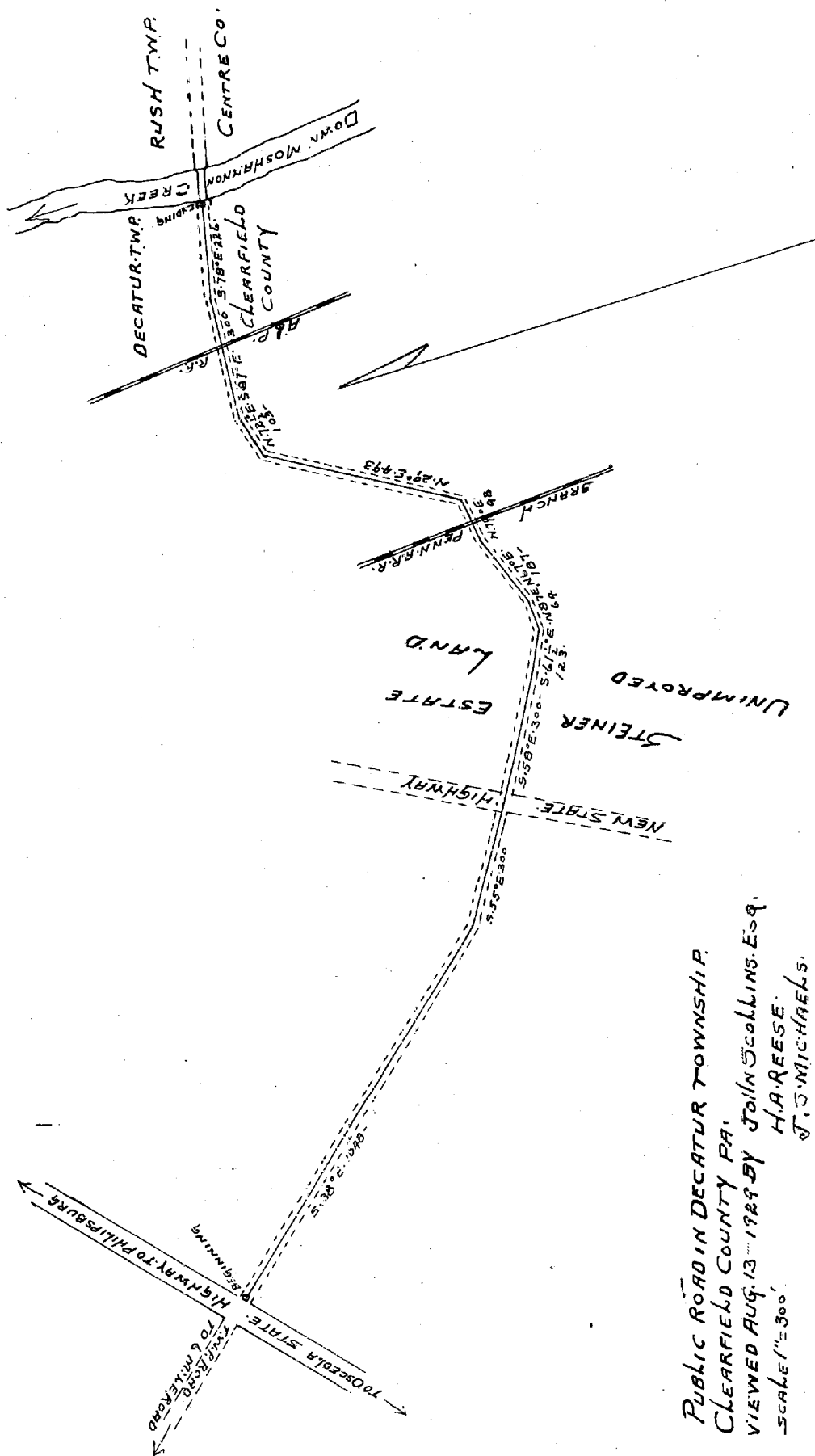
June July 15th 1929

*the Secretary,
Henry Rees, and
back himself are
appointed to receive
and report.*

GEO.

W. RALSTON

BELL, BOULTON & FOSDYTH
ATTORNEYS AT LAW
KUNTS BUILDING
CLEARFIELD, PA.



To:- Herbert Wigfield, Charles Kizer, and Joseph Ashcroft, Supervisors
of the Township of Decatur, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County to No. 4,
September Sessions, 1929, to view and vacate that portion of the Highway
between the Osceola - Philipsburg State Highway in Decatur Township,
Clearfield County, and Dunbar in Rush Township, Centre County, beginning at
Garbey's Corner on the State Highway to the boundary line between Decatur
Township, Clearfield County, and Rush Township, Centre County, at or near
the bridge spanning Moshannon Creek, in the County aforesaid, will meet at
Garbey's Corner in said Township of Decatur on Tuesday, the 13th day of
August, A. D. 1929 at 10:00 o'clock A. 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 16th day of August, A. D. 1929
at ten (10) 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
Harry Reese
Jack Michael
Viewers

Dated, July 27th, 1929.

CLEARFIELD COUNTY, SS:

Now, this 29th day of July, A. D. 1929, service of the
above Notice is hereby accepted for the Supervisors of Decatur Township.

Herbert Wigfield
Joe A. Ashcroft
Charles W. Kizer
Supervisors

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. 4, September Sessions, 1929, to view and vacate that portion of the
Highway between the Occoche - Philipsburg State Highway and Decatur Township,
Clearfield County, and Dunbar in Rush Township, Centre County, beginning at
Garbey's Corner on the State Highway to the boundary line between Decatur
Township, Clearfield County, and Rush Township, Centre County, at or near
the bridge spanning Moshannon Creek, in the County aforesaid, will meet at
Garbey's Corner in said Township of Decatur on Tuesday, the 13th day of
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the Court House in Clearfield on Friday, the 16th day of August, A. D. 1929
at ten (10) 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 Collins
Harry Reese
Jack Michael
Viewers

Dated, July 27th, 1929.

CLEARFIELD COUNTY, SS:

Now, this 29th day of July, A. D. 1929, service of
the above Notice is hereby accepted for the Commissioners of Clearfield
County.

L. C. Morris
Clerk

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 19th day of July in the year of our Lord, one
thousand nine hundred and twenty nine

on A. R. CHASE,
By the Honorable ~~Singmon~~ President Judge of the said Court: Upon the petition of sundry
and Supervisors and Tax Payers
inhabitants of the Township of Decatur, in the County aforesaid setting forth that

the road the road has become useless and burdensome as follows:

All that certain portion of the Highway between the Osceola and

Philipsburg State Highway and Decatur Township, Clearfield County and

Dunbar in Rush Township, Centre County. Beginning at Garbey's Corner

on the State Highway to the boundary line between Decatur Township,

Clearfield County and Rush Township, Centre County or or near the

bridge spanning Moshannon Creek

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.,

Harry Reese 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 appoint-
ment, 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 trans-
mit 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, ^{to No. 4, September Sessions, 1929} 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 Decatur, 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

13th day of August, A. D. 19 29 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 16th day of August 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: Herbert Wigfield, Jos. A. Ashcroft and C. W. Kizer, Supervisors of Decatur Township, petitioners; Jos. McGonigal, John W. S. Peterson, Rural Mail Carrier, Samuel Adam, Frank Krika, Thomas Burton, Jonathon Taylor, Thomas Wayne, Exceptants,

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 16th day of August,

A. D. 19 29, when the parties interested in the said road were in attendance: Bell & Bell, Attorneys for petitioners; A. L. Edwards, Esq., for Exceptants; a delegation of citizens interested in opposing the granting of the petition.

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 its intersection with the old State Highway leading from Osceola to Philipsburg (at Garby's Corner); thence South 38 degrees East 1048 feet to a post; thence South 55 degrees East 300 feet to intersection with new State Highway leading from Osceola to Philipsburg; thence South 58 degrees East along lands of Steiner Estate 300 feet to a post; thence thereby the following courses and distances, to wit: South 61½ degrees East 123 feet to a post; thence North 87 degrees East 64 feet to a post; thence North 67 degrees East 187 feet to a post; thence North 79 degrees East across the Branch of the Penna. Railroad 98 feet to a post; thence North 29 degrees East 493 feet to a post; thence North 72½ degrees East 103 feet to a post; thence South 87 degrees East across the right-of-way of the Pittsburgh & Susquehanna (A&P) Railroad, 300 feet to a post; thence South 78 degrees East 226 feet and ending in the Moshannon Creek dividing Decatur Township, Clearfield County, and Rush Township, Centre County.

We further find and return that upon view, we found the wooden bridge spanning Moshannon Creek broken down and unsafe for other than foot traffic and dangerous for public travel; the matter of erecting a new bridge was then submitted to the September (1929) Grand Jury, and the hearing adjourned pending the report of the Grand Jury. It was conceded

that the road was necessary for public use, that the working mines were all located on the Centre County side; and that the only roads thereto were this one and that at Osceola Mills and one at Philipsburg, both equidistant therefrom but requiring the public to travel from 6 to 8 miles farther to get to and from their work to their homes; and that the road was a rural mail route.

It was subsequently agreed that the County Commissioners would repair the bridge, and having done so, your Board recommends that the prayer of the petitioners be denied and the aforesaid road retained for public use.

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 16th day of March, A. D. 1932.

John Seelins [SEAL.]
H. A. Keen [SEAL.]
J. S. Michael [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. S. Michaels	5	232	\$49.10
H. A. Reese	5	198	\$47.40
John Scollins	6	198	\$55.40

No. 4 Sept Term 19 29

ORDER TO VACATE

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

Now *Mary Sessions* 19 *32*
read and confirmed Ni. Si.

By the Court.

Now *W. R. Gallagher*
Sessions 19 *32*
confirmed absolute
By the Court.

Filed _____ 19

Atty.

Fees \$1.25 paid by

Bell & Bell, Attys.

