

Road

DOCKET No. 6

Number Term Year

5 Sept ss 1929

Petition to vacate road

in Bell Twp

Versus

X

PUBLIC ROAD IN BELL TOWNSHIP
CLEARFIELD COUNTY PA
VIEWED AND VACATED
AUG 22-1921 BY EARL BOOZE E.S.Q.
SCALE 1:5000 H.A. REESE
J.S. MICHAELS.

TO NEWTON BURG TO MAHAFEEY
PUBLIC ROAD BEGINNING
S 12° W 928

UNIMPROVED
DOWN HILL ROAD

LAND

S 21° W
S 13° W

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IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

RE: Vacation of Public Road : Notice of View and Public
In Bell Township. : hearing to Supervisors of
Of September Sessions, 1929 : Bell Township and Commissioners
No. 5 : of Clearfield County.

Please take notice that the undersigned have been appointed by the Court to view and Vacate a certain Public Road in Bell Township and to make return thereof to the Court on the first Monday of September, 1929. The said road proposed for vacation. The said road is described in the Order to view as follows; "A certain public road leading from the village of Newtonburg at Whiskey Run Bridge and thence down Whiskey Run to a point just below the barn of Frank Davidson intersecting at such point a road leading from Glover Run Road from Punxsutawney road, a distance of about two miles"

The Viewers will meet at Whiskey Run Bridge in Newtonburg in said Bell Township on THURSDAY, the 22nd day of August, 1929 at 1.00 o'clock, P. M. for purpose of said view and will hold the public hearing thereon required of the viewers by law, in the Arbitration Room of the Court House at Clearfield, Pa., on Monday, the 26th day of August, 1929 at 9.30 o'clock A. M., at which time and place you may appear and be heard if you wish.

VIEWERS

Earl Bouse
Harry Reese
Jack Michaels

Now, August 10th, 1929, service is accepted for the Supervisors of Bell Township.

Bell & Bell
Attorneys

Also, service is 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 5th day of August in the year of our Lord, one thousand nine hundred and twenty nine

A. R. CHASE
By the Honorable ~~Newton~~ Bell, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Bell, in the County aforesaid setting forth that a road starting at the village of Newtonburg at Whiskey Run Bridge and thence leading down Whiskey Run to a point just below the barn of Frank Davidson intersecting at such point a road leading from the Clover Run road from the Punxsutawney road a distance of about two miles

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 Earl G. Boose, 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 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. Palston

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 Bell Township, , 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 August, , 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 26th day of August, A. D., 1929, at 9.30 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 no-----

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 26th day of August , A. D. 19 29, when the parties interested in the said road were in attendance: no person attended the said public hearing.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has , become useless, inconvenient and burdensome for the reason that there is no travel thereon by the public and from the appearance of the road which is growing up in young timber, there has been no use of the road for many years.

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 were obtained from the owners of the land as no person appeared either at the view or at the public hearing to demand any damages and it is apparent that no damage has been or will be sustained by the vacation of said road.

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:

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

Witness our hands and seals this 31st day of August, A. D. 1929

James B. ... [SEAL.]

K. A. Reese [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.

No. 5 Sept Term 19 29

ORDER TO VACATE

To view and vacate road sit
in the Township of Bell
Clearfield County.

Earl G. Boose	2	64	18.20
Jack McMichael	1	45	9.75
Harry Reese	2	64	18.20

Now ~~1925~~ Sessions 1925
read and confirmed Ni. Si.
By the Court
John M. Palmer
Now ~~1925~~ Sessions 1925
confirmed absolute.

By the Court.

Abbé F.

19
Filed

Atty. Bell & Bell

Fees \$1.25 paid by

Fees \$1.25 paid by

FILE'D
SEP 2 - 1929
GEO. W. RALSTON
CLERK

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

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

The petition of the undersigned who are residents or tax payers in the Township of Bell in said County respectfully represents.

That there is in said Township of Bell a public road long existing and which by reason of lapse of time and changed conditions is unnecessary as a public road; and said road imposes an unreasonable burden upon the Township of Bell and in the opinion of your petitioners should be vacated.

Said public road is substantially described as follows: A road starting at the village of Newtonburg at Whiskey Run bridge and thence leading down Whiskey Run to a point just below the barn of Frank Davidson intersecting at such point a road leading from the Clover Run road from the Punxsutawney road a distance of about two miles. Other and further description of the road and its present location may be hereto attached.

Petitioners pray that the said road as so described be vacated and that viewers be appointed to act as required by law and report to your Honorable Court.

And they will ever pray.

J. F. Davidson
F. C. York
Mac'davidson
H. M. Johnson
E. L. H. Fisher
John Beatty
Foster Beatty
J. W. Davidson
Chas. S. Bick

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And they will ever pray.

G. F. Davidson
J. C. Stock
Frank Davidson
H. M. Davidson
E. L. Haider
John Beatty
Walter Beatty
F. W. Davidson
Chas. S. Brey

CLEARFIELD COUNTY:SS

being sworn according to
law deposes and says that he is one of the supervisors
of the Township of Bell and that the facts stated in the
above petition are true and that in the opinion of the
Board of Supervisors the road so asked to be vacated is
unnecessary for public use and is a burden and source of
danger to the Township of Bell.

Sworn and subscribed to
before me this ^{3rd} _{August}
day of July A. D. 1929

B. H. Bell Justice of Peace

B. H. Shaffer
Jack Beyer
Supervisors

B. H. BELL, JUSTICE OF THE PEACE
Mahaffey, Clearfield, Co., Pa.
My Commission Expires 1st Mon. in Jan. 1924

225 Sept. 22 1929

Now August 5th 1929
Enclosed S. B. Rose & Harry Blase
and back individuals
are approximately names
of persons in demand by the
and report to Court on
September term

By the court
Appellate

Aug 5 1929

GEORGE
M. RALSTON

Clerk

BELL, BOULTON & FORSYTH
ATTORNEYS AT LAW
KUNTZ BUILDING
CLEARFIELD, PA.