

Road

DOCKET No. 6

Number Term Year

6 Dec 1929

Petition to vacate road in

Decatur Twp

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

The petition of the Supervisors of the Township of
Decatur and of viewers and other citizens and tax payers
thereof respectfully represents:

That by reason of the reconstruction of state highway
road No. 234-7 within the boundaries of Decatur Township,
Clearfield County the ^{Department} State Highway diverted the said highway
from a point at station 2733+68 to a point at station
2751+61 in said highway being a distance of approximately
1793 feet.

The Department of highways has abandoned the road
which was a part of the state highway system between the
stations above referred to and have given notice thereof to
the supervisors of Decatur Township.

The said road so abandoned is not and will not be
of any use by the general public for general travel.

There are no residents along the said highway so
abandoned except one person who is located practically at the
junction of the newly adopted highway with the abandoned
portion thereof and that ^{the} so abandoned portion is of no
advantage or use to said resident.

That the said road so abandoned is useless and would be
expensive and burdensome to the Township to maintain and serves
no substantial public use.

That the interests of Decatur Township require that it
should not be obliged to maintain useless highways, having a
very large amount of mileage to be cared for as public highways.

Therefore, pray your Honorable Court that the said
piece of road so described be vacated as a public highway, and
that viewers be appointed and the necessary proceedings taken

to that end.

And they will ever pray.

<u>H. Wiggfield</u>	<u>Supervisor</u>
<u>Joe A. Abbott</u>	<u>Supervisor</u>
<u>Elmer C. Sankey</u>	<u>Dinner</u>
<u>Charles W. Kizer</u>	<u>Supervisor</u>
<u>George Taysey Jr.</u>	<u>Butcher</u>
<u>Harry S. Mitten</u>	<u>Harmer</u>
<u>R. H. Abbott</u>	<u>Farmers</u>
<u>Samuel Fossom</u>	<u>Coal Farmer</u>
<u>Howard L. Mitten</u>	<u>Farmers</u>
<u>W. H. Mitten</u>	<u>Farmers</u>
<u>Clayton Kehlback</u>	<u>Labourer</u>
<u>W. M. Fossom</u>	<u>Clerk</u>
<u>William Fossom</u>	<u>Farmers</u>
<u>F. W. Cadman</u>	<u>Farmers</u>
<u>Barney Bock</u>	<u>Farmers</u>
<u>John Klinger</u>	<u>Dinner</u>
<u>Barney J. Meyer</u>	<u>Farmers</u>
<u>Alberta Mirewasser</u>	<u>Farmers</u>
<u>Joseph L. Mirewasser</u>	<u>Labourer</u>
<u>George Taysey</u>	<u>Butcher</u>
<u>William Harriman</u>	<u>Dairy</u>

CLEARFIELD COUNTY: SS

H. Wiggfield being sworn according
to law deposes and says that he is a member of the board
of supervisors of Decatur Township and that the facts
above stated are true as he verily believes.

Sworn and subscribed to

before me this 15

day of November A. D. 1929.

H. Wiggfield

Geo W. Palley
Prothonotary

6 Dec 1929

Philion to Martin

of Public Road

in

Greater Snows

Nov 16th 1929

Carl D. Moore says
Ed Billotte, & Jess
Hale are appointed
Wains to review and
report to the court
of the same.

Nov 15 1929
P. J.
R. M. L. S. T. M.

15
15
15
15

BELL, BODDINGTON & FORTIN
ATTORNEYS AT LAW
KURTZ BUILDING
CLEARFIELD, PA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

Of December Sessions, : Re Petition for Vacation of
1929. : Public Road in Decatur
No. 6. : Township.
:

To the Commissioners of Clearfield County and the Supervisors of Decatur Township;

Please take notice that the Supervisors of Decatur Township have filed petition in this court setting forth that by reason of the reconstruction of State Highway Road No. 234-7, in Decatur Township, the State Highway Department has diverted the said highway from a point at station 2733-68 to a point at station 2751-61, in the highway, a distance of approximately 1793 feet, which said portion of the old highway has been abandoned by the highway department and notice thereof has been given the Supervisors of Decatur Township; that the road so abandoned is not and will not be of any use to the general public for general travel; that the said road so abandoned is useless and would be expensive and burdensome to the township to maintain and serves no substantial public use, and praying that the same be vacated.

Pursuant thereto the Court appointed the undersigned as Viewers to view and vacate the said road.

The Viewers will meet on said State Highway at Station No. 2733-68 on Tuesday, Nov. 26, 1929, at 10.00 o'clock A. M. for the purpose of attending to the duties of said appointment and will hold the public hearing required of them by the Rules of this Court and the Act of Assembly, on Wednesday, November 27th, 1929, at 10.00 o'clock A. M. in the Arbitration Room in the Court House at Clearfield, Pa., at which time parties interested will be heard.

Carl G. Boos
Grace S. Dales
Ed. Bierman
Viewers

Now, November 19, 1929, service of the above notice is accepted for the Commissioners of Clearfield County, the notice of ten days by law required being hereby waived.

L. C. Johnson
Clerk

Be it, service is accepted for the Supervisors of Decatur Township, the ten days notice being hereby waived.

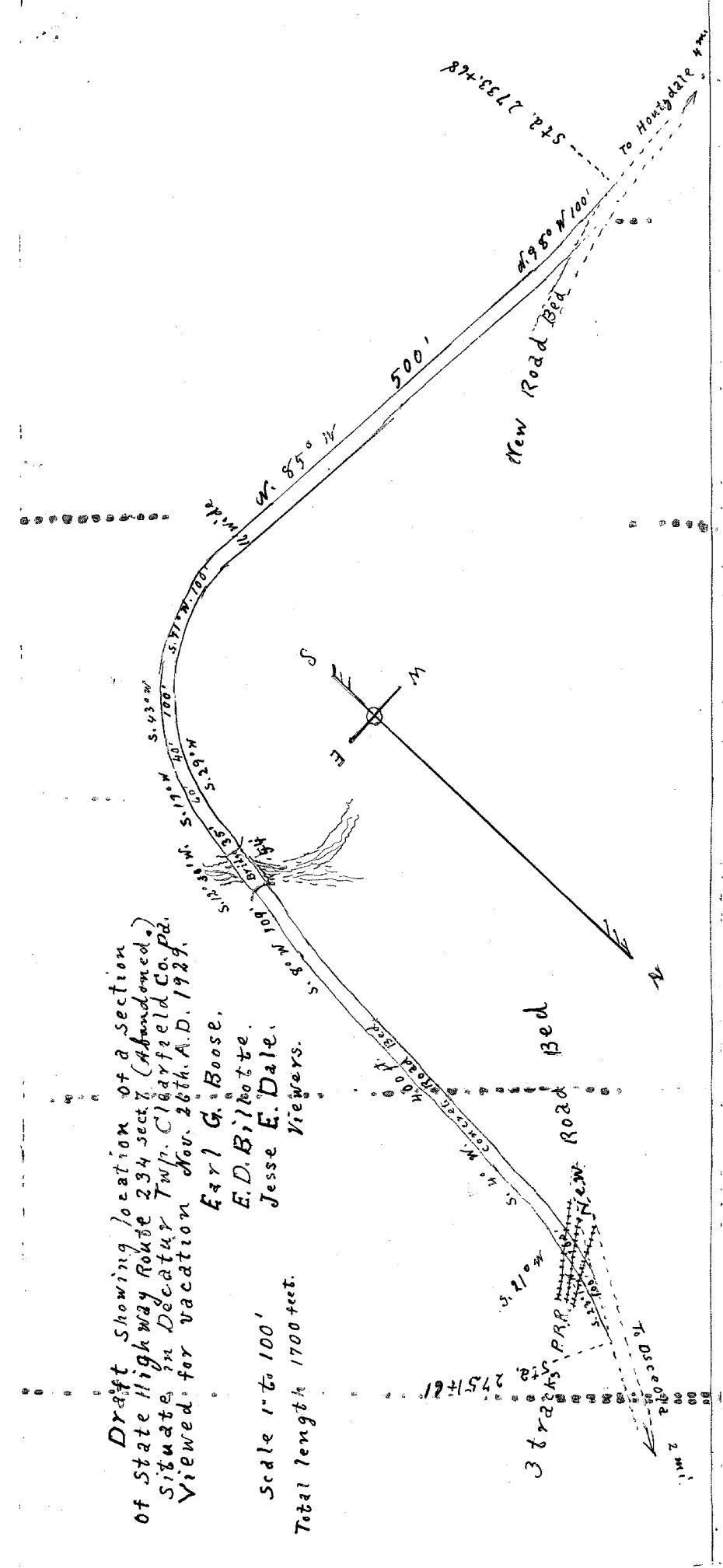
Bill & Bill
Solicitors for Decatur Township.

Draft showing location of a section
of State Highway Route 234 sect. (abandoned.)
Situated in Decatur Twp. Cuyahoga Co. Ohio.
Viewed for vacation Nov. 26th, A.D. 1923.

Earl G. Booze,
E. D. Billotte.

Jesse E. Dale,
Viewers.

Scale 1" to 100'
Total length 1700 feet.



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 16th day of November in the year of our Lord, one thousand nine hundred and twenty nine

A.R.CHASE
and Supervisors
By the Honorable ~~Supervisors~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Decatur, in the County aforesaid setting forth that by reason of the reconstruction of State highway road No 234-7 within the boundaries of Decatur Township, the state highway department diverted the said highway from a point at station 2733-68 to a point at station 2751-61 in said highway being a distance of approximately 1793 feet. The department of highways has abandoned the road which was a part of the state highway system between the stations above referred to and have given notice thereof to the supervisors of Decatur Township

THE said road so abandoned is not and will not be of any use by the general public for general travel.

That the said road so abandoned is useless and would be expensive and burdensome to the township to maintain and serves no substantial public use.

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.,

Ed Billotte and Jesse 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 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 26th day of November, 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 27th day of November, A. D., 1929, at 10.00 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, Joseph A. Ashcroft and Charles W. Kiser, Supervisors of Decatur Township, and also Elmer Sankey, a citizen of said township.

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 27th day of November, A. D. 1929, when the parties interested in the said road were in attendance: Herbert Wigfield, Joseph A. Ashcroft and Charles W. Kiser, the aforesaid Supervisors of Decatur Township, and with them, their counsel, Hon. Singleton Bell, of the law firm of Bell & Bell.

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 with the opening of the new section of State Highway, now under construction, this piece described in the foregoing petition, which is a long sweeping curve in the highway, will be eliminated as an avenue of travel by the public, thereby making this section useless and inconvenient. It would be burdensome to maintain because that a bridge across Moshannon Creek is in bad state of repair, and would have presently to be replaced by a new structure at a cost of a large sum of money. The Viewers recommend the vacation of the piece so described in the Petition and in the foregoing Order; such vacation to take effect coincident with the opening for public travel by the Department of Highways of the Commonwealth of Pennsylvania, of that section which is now under construction by authority of said Department of Highways, and which is intended by that state governmental agency, to supply the piece hereby returned 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 vacating of said road, a release in writing of all claims to damages that may arise from the vacation thereof, ~~and~~ ^{if not} that they procured such release from ~~for the reason that no one appeared demanding the assessment of damages and for the further reason that it does not appear to the viewers that any person will be damaged by the vacation of the said piece of public 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 28th day of November, A. D. 1929

James B. Rose [SEAL.]

E. K. Bellotto [SEAL.]

J. Redale [SEAL.]
Viewers.

No. 6 Dec 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
Jesse J. Tale	2	24	17.40
Ed. Billotte	4	38	34.80
Earl J. Bcose	4	132	43.20

Now Dec Sessions 1928

read and confirmed Ni. Si.

By the Court.
John C. Bell
Now Dec Sessions 1928

confirmed absolute.

By the Court.

John C. Bell

Filed 19

Atty,

Fees \$1.25 paid by

Bell & Bell Atty's.