

Road

DOCKET No. 6

Number Term Year

8 Sept ss 1929

Petition to vacate road in Bell Twp.

Versus

Tom Morgan
found this in
his files.

X

IN 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 and tax payers of Bell Township, Clearfield County, Pennsylvania respectfully represents:

That there is now existing in said Township an old public road a portion of which is practically useless and which imposes an unnecessary burden upon the Township and in the opinion of your petitioners should be vacated.

The said road is substantially described as follows: Starting at a point in the old river road near Belknap Station thence running southerly past the old Sunderland Cemetery to a

Further description of said road may be attached hereto.

The petitioners pray that the said road be vacated and that viewers be appointed to act as required by law and report to the Court.

And they will ever pray.

J. W. Lee

W. Lee

H. J. Langman

H. C. Dittman

J. H. ...

Ely Kauffman

Wm. Kauffman

T. O. Mahaffy

J. H. Cunningham

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And they will ever pray,

J. M. Chesley
Mrs. J. M. Chesley

FURTHER DESCRIPTION of road beginning
at point in public road called Old River road near Belknap
Station at property of Ralph Barber and thence crossing
the river in a southerly direction and thence past the
old Sunderlin cemetery to a point in public road where it
intersects at the Timothy Sunderlin farm; the greater part
of said road being in Bell Township and a small portion
thereof, in Burnside Township.

8
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 ^{Third} _{August} ^{3rd}
day of ~~July~~ A. D. 1929.

B. H. Bell, Justice of Peace

B. H. BELL, JUSTICE OF THE PEACE
Mahaffey, Clearfield, Co., Pa.
My Commission Expires 1st Mon. in Jan. 1934

B. H. Shaffer
Jack Byers
Supervisors

8 Sept 1947

Mr. Brewster 26th 1924
S. S. Bass, Harry Reed,
and Beck, individuals
an approaching manner
expressed and repeat
words Counted
Jenn.

Ent. Ryde Count
Aug 26 1929
G. C. M. & A. S. C.
G. C. M. & A. S. C.

BELL, ~~BOULTON~~ & FORSYTHE
ATTORNEYS AT LAW
KURTZ BUILDING

No. 8 Sept Term 19 29

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	Amt
F. G. Boose	4	200	40.00
Jack Michael	2	88	19.40
Harry Reese	4	198	39.90

ORDER TO VACATE

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

Now 10/12 Sessions 19 29

read and confirmed Ni. Si.

By the Court
B. Bell & J. Michael
Sessions 19 29

confirmed absolute.

By the Court.

Filed 19

Atty, Bell & Bell

Fees \$1.25 paid by

FILED
OCT 1 - 1929
W. W. ALSTON

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 ~~no~~ release from: any of said interested parties for the reason that no person claimed any damages resulting from said vacation.

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.

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

-- Witness our hands and seals this 19th day of Sept., A. D. 1929

..... Ernest B. Doane [SEAL.]

..... K. A. Reese [SEAL.]

..... J. S. Michaels [SEAL.]
Viewers.

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 and Burnside, 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 fourteen day of September, 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 18th day of September A. D., 19 29 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 B. V. Shaffer, supervisor of Bell Township and divers citizens of Burnside and Bell Townships, in addition to all of the Viewers whose names are hereunto attached.

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 18th day of September, A. D. 19 29, when the parties interested in the said road were in attendance:

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has not, become useless, inconvenient and burdensome as a whole. That part of the said road beginning in the State Highway near the house of Ralph Barber and from thence across the Susquehanna River, part the Sunderlin Cemetery, to the Burnside Township line, affords access to the Sunderlin Cemetery, a place of public resort, and the Supervisors of Bell Township upon examination of the premises requested the viewers to deal with that particular part of the road as though no petition for the vacation of it had been filed. Accordingly the viewers do not return for vacation that part of the road described in the petition. The remainder of the road however beginning at said line between Bell and Burnside Townships and extending through the Hugh Sunderlin farm and the Timothy Sunderlin farm, and ending in a public road (now vacated) on the Timothy Sunderlin farm, mentioned in the petition as one of the Germini, the viewers do find to be useless, inconvenient and burdensome, as is averred in the petition, and they do hereby return the same for vacation,

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 26th day of August in the year of our Lord, one thousand nine hundred and twenty nine

By the Honorable ^{A. R. Chase} ~~John W. Ralston~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Bell, in the County aforesaid setting forth that...there... is now existing in said township on old public road a portion of which is practically useless and which imposes an unnecessary burden upon the township and in the opinion of your petitioners should be vacated.

The said road is described as follows: Starting at a point in the old river road near Belknap Station thence running southerly past the old Sunderland Cemetery - FURTHER DESCRIPTION of road beginning at point in public road called Old River road near Belknap Station at property of Ralph Barber and thence crossing the river in a southerly direction and thence past the old Sunderland Cemetery to a point in public road where it intersects at the Timothy Sunderland farm; the greater part of said road being in Bell Township and a small portion thereof, in Burnside 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 appoint from and among the County Board of Viewers E. G. BOOSE; 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. Ralston
Clerk.

ROAD VIEWERS' NOTICE

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and vacate a certain Public
Road leading from a point in the old river road near Belknap Station at the
property of Ralph Barber, in Bell-----

-----Township to and thence crossing the
river in a Southerly direction and thence past the old Sunderlin Cemetery
to a point in a public road where it intersects at the Timothy Sunderlin farm,
the greater part of said road being in Bell Township and a small portion thereof
in Burnside Township, in the County aforesaid, will
meet at the house of Ralph Barber

in Bell Township, on Saturday,
the fourteenth day of September A. D. 1929, at 10.00
o'clock A. M., to attend to the duty assigned them, of which
time and place aforesaid, all parties interested will take notice.

The public hearing required by the Act of Assembly and the Rules of the
Court, to be held by the viewers, will be held in the Arbitration Room of
the Court House at Clearfield, Pa., on Wednesday, September 18th, 1929 at
ten o'clock A. M.

Earle G. Boose

Harry Reese

Jack Michaels

Viewers.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

RE; Vacation of a Public : Viewers' Notice of View and
Road in Bell & Burnside : Hearing to Supervisors and
Townships. : County Commissioners.
Of Sept. Term, 1929 :
No. 8 :
:

Please take notice that the undersigned have been appointed from the Board of County Road Viewers to view and vacate a certain public road in Bell and Burnside Townships in Clearfield County, beginning at a point in the old river road, near Belknap Station, at the house of Ralph Barber and thence crossing the river in a southerly direction past the old Sunderlin Cemetery and ending in a public road at the Timothy Sunderlin farm.

The viewers have fixed upon Saturday, the 14th day of September, 1929, at 10⁰⁰ o'clock, A. M. as the time of the view and at the house of said Ralph Barber in Bell Township, as the place where the Viewers will meet for purpose of performing the duties of said appointment.

The public hearing required by the Rules of this Court and the Act of Assembly, to be held by the Viewers, will be held in the Arbitration Room in the Court House at Clearfield, Pa., on Wednesday, the 15th day of September, 1929, at ten o'clock A. M. at which time and place you may attend if you desire.

August 30th, 1929.

Tom Brown
Harry Pease
Jack McMichael
Viewers.

Now, August 30th, 1929, notice is hereby accepted for the Supervisors of Bell Township.

Ben Bue
Attorney

Now, August 30th, 1929, notice is accepted for the Supervisor of Burnside Township.

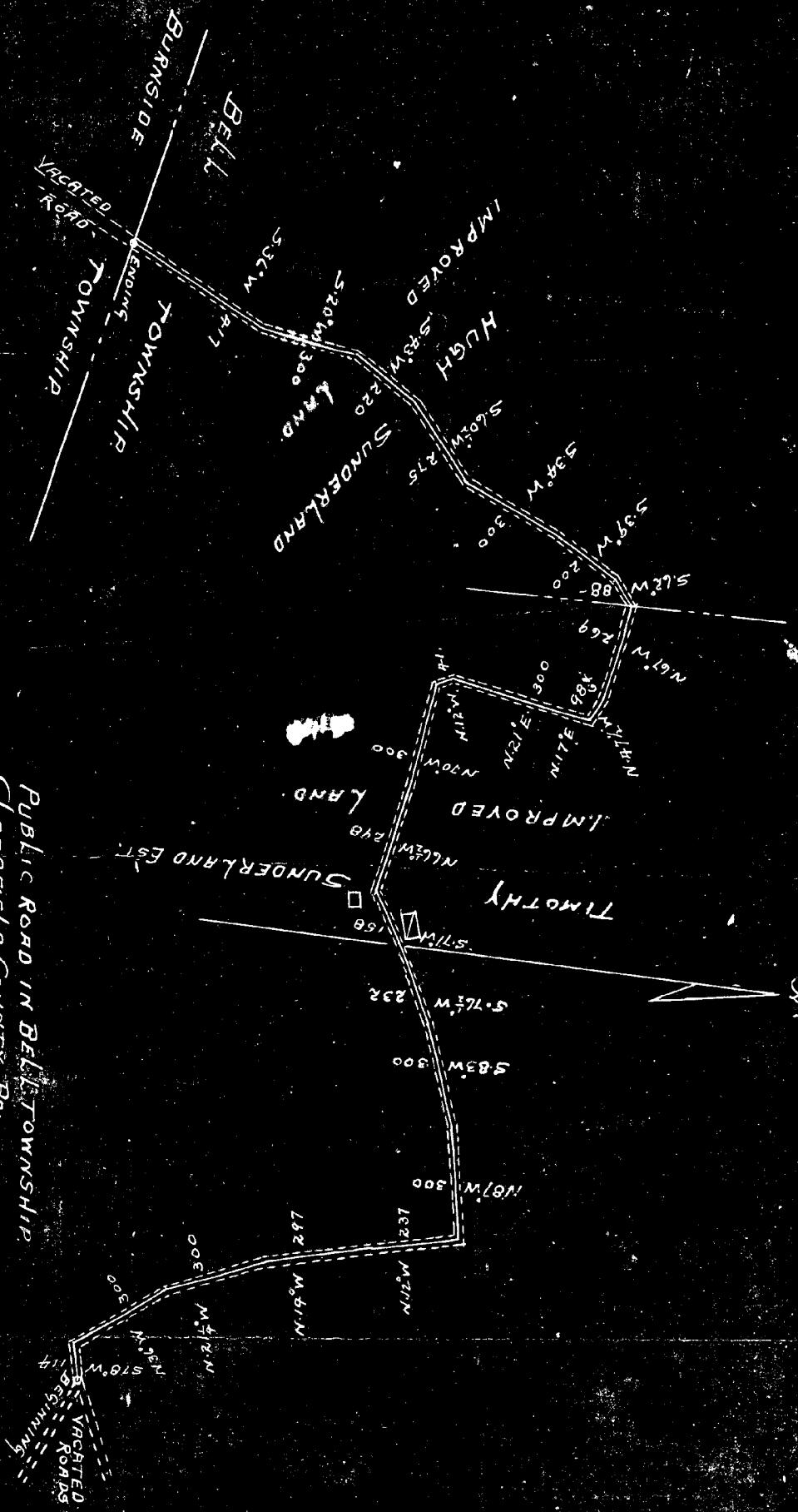
Donald Oliver
Attorney

So die notice is accepted for the Commissioners of Clearfield County

L. C. Morris
Commissioners' Clerk

Public Road in BELL Township,
CLEARFIELD COUNTY, PA.
VIEWED AND VACATED SEPT. 14-1929
BY EARL BOOZE Esq.
H. A. REESE.
J. S. MICHAELS

SCALE 1" = 400'



708 Sept 1929
5416

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

Re; Proposed Vacation of :
Public Road in Bell and : Petition of Viewers and Order.
Burnside Townships. :
:

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

Your undersigned petitioners respectfully represent that on a petition of sundry inhabitants of Bell Township for appointment of Viewers to view and vacate a public road partly in Bell Township and partly in Burnside Township in said Clearfield County, in said petition fully described; the said proceeding being docketed in the office of the Clerk of the Court of Quarter Sessions to No. 8, Sept. Term, 1929, your honor appointed the undersigned viewers for said purpose with directions to make report at next Term.

Said petition being presented and the viewers being appointed on August 26th, 1929, there is insufficient time intervening between issuing of said order and the first Monday of September Term, 1929, to give the notice to the Supervisors of said Townships and to the Commissioners of Clearfield County as required by the Rules of this Court and the Act of Assembly relating to viewing and vacation of public roads, and your petitioners would therefore pray that the Court make appropriate Order enlarging and extending the powers of said viewers so as to enable them to make report to the December Sessions of said Court, 1929. And they will ever pray.

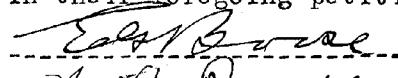

Earl G. Boose

Harry Reese

Viewers.

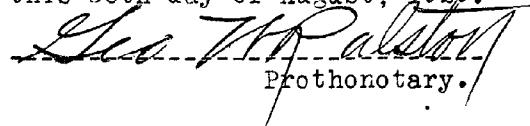
CLEARFIELD COUNTY SS;

Earle G. Boose, Harry Reese and Jack McMichaels, the above subscribed petitioners being by me duly sworn according to law, depose and say that the facts averred in their foregoing petition are true and correct.


Earl G. Boose


Harry Reese

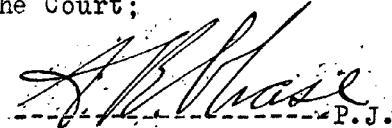
Sworn and subscribed before me
this 30th day of August, 1929.


G. M. Palston
Prothonotary.

O R D E R.

Now, August 30th, 1929, the foregoing petition read and it appearing to the Court that the matters averred in the said petition are true, the powers of the said viewers in said proceeding are enlarged and extended and the report of the viewers is directed to be presented to the Court the first Monday of December, 1929.

By the Court;



H. H. Hasel
P.J.

No 8 Sept. 33.3 1929
IN THE COURT OF QUARTER SESSION
OF CLEARFIELD COUNTY, PA.
Of Sept. Sessions, 1929, No. 8

Petition of Viewers to have
powers enlarged and extended to
December Sessions, 1929, and
Order of Court.