

road

DOCKET No. <sup>6</sup>

| Number | Term   | Year |
|--------|--------|------|
| 1      | Dec ss | 1930 |

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Petition to vacate road in

Beccaria Twp

Versus

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To the Honorable the Judge of the Court of Quarter Sessions of Clearfield County:

We, the undersigned citizens of the Township of Beccarria, County of Clearfield and State of Pennsylvania, respectfully represent:

That a portion of a public road, long since laid out and extending from the Borough of Coalport to Flynn City in the County of Cambria has become useless and burdensome. That that portion of said road leading from a point on the improved State Highway to a point on said road near what is known as the white elephant has become useless and burdensome by reason of the State Highway building an improved road and changing the line of the same.

Your petitioners therefore pray your honorable court to appoint viewers to view and vacate the same.

And they will ever pray.

|                       |       |                          |
|-----------------------|-------|--------------------------|
| <u>Earl Wallace</u>   | ##### | <u>Charles Wilkinson</u> |
| <u>J. E. Wallace</u>  | ##### | <u>Frank Heibauer</u>    |
| <u>L. B. Werling</u>  | ##### | <u>M. S. Goble</u>       |
| <u>Bert Werling</u>   | ##### | <u>S. Pennington</u>     |
| <u>James Copeland</u> | ##### | <u>L. B. Goble</u>       |
| <u>H. Villiger</u>    | ##### | <u>W. H. Hegarty</u>     |
| <u>J. M. Willard</u>  | ##### |                          |
| <u>J. D. Rubin</u>    | ##### |                          |

72 17

1 Dec 22 1930

In re

Beccaria Township

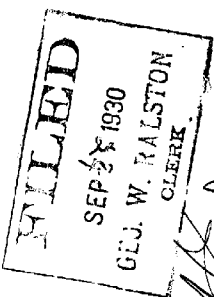
Petition to vacate road.

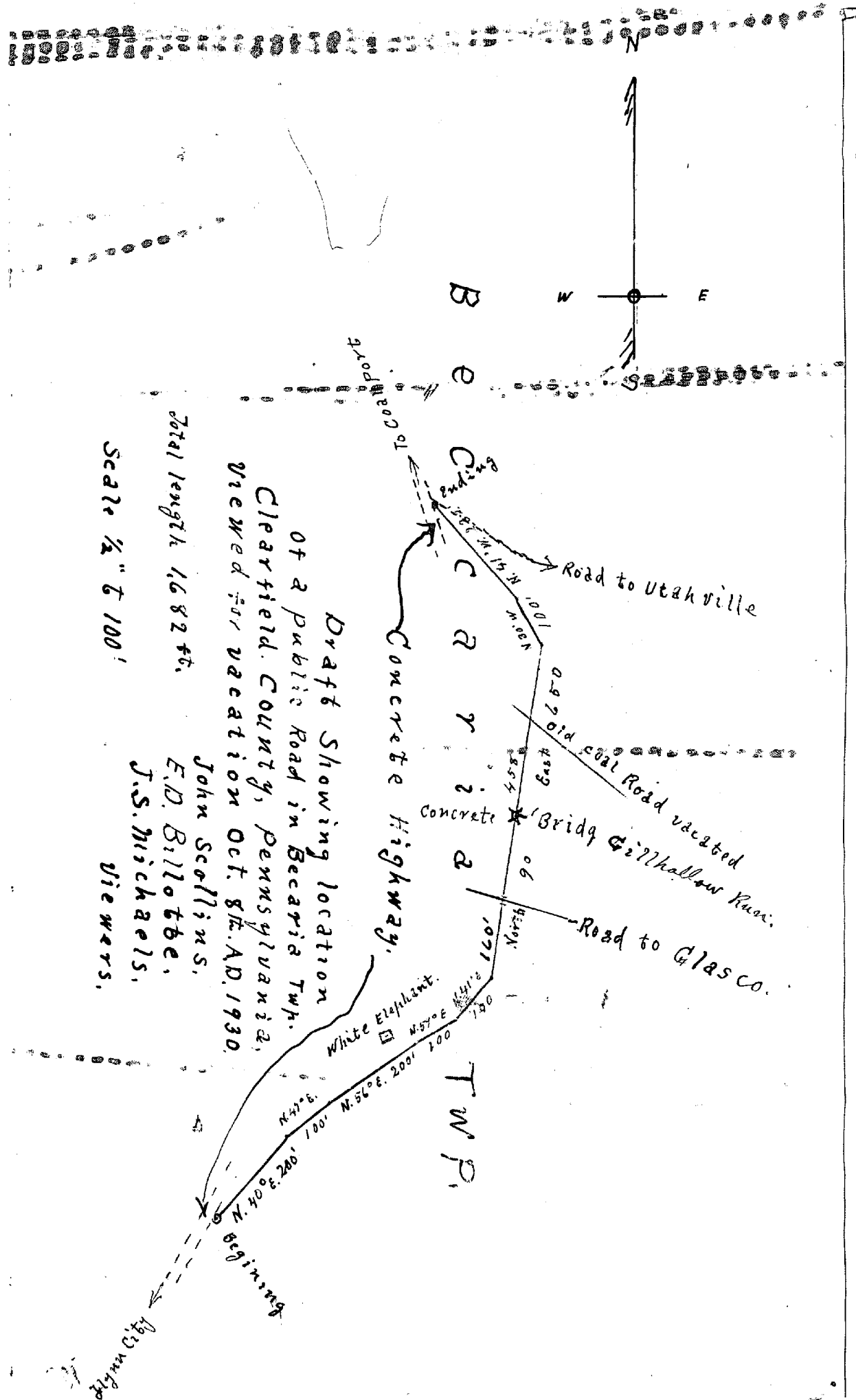
Recd Sept 24<sup>th</sup> 1930

John DeWitt & Co,  
Ed. DeWitt, & Jack  
DeWitt, are appointed  
to view and report

Beccaria Court

J. H. DeWitt  
P. J.





TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 1, December Sessions, 1930, to view and vacate that portion of a public road long since laid out and extending from the Borough of Coalport to Flynn City in the County of Cambria, leading from a point on the improved state Highway to a point on said road near what is known as the white elephant, in the Township of Beccaria, in the County of Clearfield aforesaid, will meet at what is known as the "White Elephant" in said Township on Wednesday, the 8th day of October, A. D. 1930 at eleven (11:00) 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 10th day of October, A. D. 1930 at two (2:00) o'clock P. 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  
Ed. Billotte  
J. S. Michael  
Viewers

Dated, September 27, 1930.

CLEARFIELD COUNTY, SS:

Now, this 1st day of October, A. D. 1930,  
service of the above Notice is hereby accepted for the Commissioners of Clearfield County.

L. C. Harris  
Clerk

The are hereby notified that the undersigned Vincent, appointed by the Court of Quarter Sessions of Gloucestershire County to Do. E. December Sessions, 1893, to view and locate that portion of a public road long since sold out and extending from the Borough of Stroud to Fyfe City in the County of Bristol, leading from a point on the improved state highway to a point on said road near what is known as the radio element, in the Township of Evesham, in the County of Gloucestershire, will meet at what is known as the "White Elephant" in said Township on Wednesday, the 22nd day of October, A. D. 1893 at O'clock (11:00) o'clock A. M., to attend to the duties assigned them and that portion interested will take notice.

John Collins  
Ed. Billotte  
J. S. Michaels  
Vicente

CLEARFIELD COUNTY, SS:-

Lemuel Temple  
J W Pickner  
Ashley Lissen  
Supervisors

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 **24th** day of **September** in the year of our Lord, one thousand nine hundred and **thirty**

By the Honorable **A. R. CHASE** ~~XXXXXXXXXX~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of **Beccaria**, in the County aforesaid setting forth that .....  
a portion of a public road long since laid out and extending from the  
Borough of Coalport to Flynn City in the County of Cambria has become  
useless and burdensome. That that portion of said road leading from a  
point on the improved state Highway to a point on said road near what is  
known as the white elephant has become useless and burdensome by reason  
of the state highway building an improved road and changing the line  
of the same

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., Ed Billotte**  
**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.

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 Beccaria, 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

8th day of October, A. D. 1930, 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 10th day of October A. D., 1930, at 2:00 o'clock P. 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: Lemuel Semple, Joseph Niebauer and Ashley Dillon, Supervisors, with Harry Killian, clerk.

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 10th day of October,

A. D. 1930, when the parties interested in the said road were in attendance: Ashley Dillon, J. N. Niebauer, Supervisors, with Harry Killian, Sec'y., together with Carl A. Belin, Esq., Counsel.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome, to wit: that portion of a public road long since laid out and extending from the Borough of Coalport to Flynn City (Cambria County) beginning at a point on said road near what is known as the "White Elephant" (the property of S. Hegarty's Sons), at its intersection with Improved State Highway; and thence thereby North 40 degrees East 200 feet to a post; thence thereby North 47 degrees East 100 feet to a post; thence thereby North 56 degrees East 200 feet to a post; thence thereby North 59 degrees East 100 feet to a post; thence thereby North 41 degrees East 100 feet to a post; thence thereby North 90 degrees East 160 feet to Southern side of Township Road leading to Glasgow (or Airport); and thence from the Northern side of the aforesaid road North 90 degrees East across Gill Hollow Run 458 feet to post; thence North 30 degrees West 100 feet to post; thence North 41 degrees West 232 feet and ending at the Improved Highway leading to Coalport.

We further find that the aforesaid road proposed to be vacated parallels the Improved State Highway No. 53 leading from Coalport to Ashville; that it has fallen into dis-use and serves no public interest and is a burden to the Township of Beccaria to maintain; that the only property served thereby is that of S. Hegarty's Sons; who have a convenient out-let to the new Improved State Highway, and one of the petitioners for its



vacation.

We therefore recommend its 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 that they procured such release from: No damages claimed or assessed.

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 11th day of October, A. D. 19 30.

*John Seccina*... [SEAL.]  
*Ed Billotte*..... [SEAL.]

*J. S. Michael*..... [SEAL.]  
Viewers.

No. 1 Dec Term 19 30

## ORDER TO VACATE

To view and vacate road situate

in the Township of Beccaria

Clearfield County.

Now Due Sessions 19 30

read and confirmed Ni. Si.

By the Court.

Now Sessions 19 30

confirmed absolute.

By the Court.

Filed 19

Atty, W. A. Hagerty

Fees \$1.25 paid by

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 | 2    | 102   | \$20.10 |
| E. D. Billotte | 4    | 99    | \$34.95 |
| John Scollins  | 4    | 86    | \$34.80 |

