

Road Docket

DOCKET No. 6

Number Term Year

2

Sept ss 1930

Petition to vacate road andx

Union Twp

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In Re; Petition of Supervisors () Of September Sessions,
of Union Township for vacation () 1930,
of Public Road. () No. 2.

To the Supervisors of Union Township, Petitioners, and to
the Commissioners of Clearfield County;

Your undersigned being appointed by the Court to view and
vacate a part of the Snowshoe and Packerville Turnpike, in Union
Township aforesaid, beginning at the east line of the Henry Whitehead
place in said Union Township, and ending at the line between said
Union Township and Pine Township, have fixed upon Saturday, the
ninth day of August, 1930, at 1.30 o'clock P. M. as the time of
holding the said view, and for that purpose will meet at said hour
at the site of the Henry Whitehead farmhouse in said Township of
Union, at which time and place you may attend if you desire. The
public hearing in the matter required by law and the Rule of this
Court will be held in the Arbitration Room of the Court House at
Clearfield, Pa., on Tuesday, the twelfth day of August, 1930, at
nine o'clock A. M., where all parties in interest may attend and
be heard.

Carl G. Boore

J. E. Fry

Geo. K. Weber

Viewers.

Now, August 2, 1930, the foregoing notice served upon us by copy
and the same is hereby accepted for the the Supervisors of Union
Township, the petitioners, and the usual ten day notice is hereby
specifically waived.

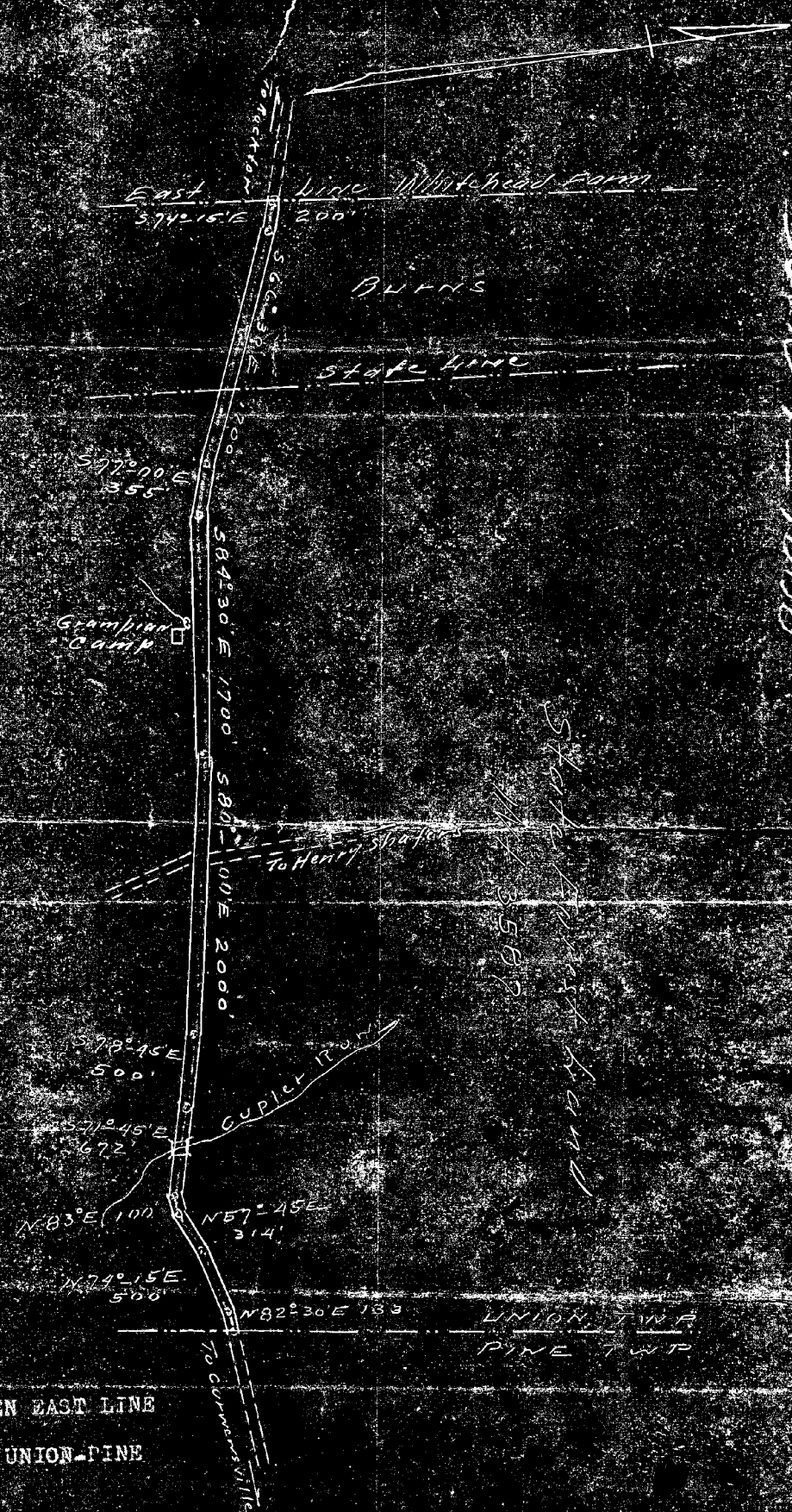
Arnold & Smith

Counsel for Petitioners.

Now August 2, 1930, the foregoing notice served upon us by copy
and the same is hereby accepted for the Commissioners of Clearfield
County, and the usual ten day notice is hereby specifically waived.

L. C. Morris

Commissioners' Clerk.



ROAD VIEW--VACATION

ROCKTON PIKE BETWEEN EAST LINE
WHITEHEAD FARM AND UNION-PINE
TOWNSHIP LINE.

TOTAL DISTANCE 6174 FEET.

VIEWED AUGUST 9, 1930.

E. G. BOOZE)
GEO. K. WEBER) VIEWERS.
E. FAY)

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In Re; Vacation of Public : Amended Report of Viewers.
Road in Union Township
Of Sept. Term, 1930,
Number 2.

To the Honorable the President Judge of the said Court;

Subsequent to the filing of the foregoing Report of the Viewers in this case on August 1, 1930, attention of the Viewers has been called to the provisions of the Act of Assembly approved the 17th day of April, 1929, P. L. 530, such Act inadvertently not having been examined at the time of making said report.

Upon petition being made at bar by Earle G. Boose Esq., one of the Viewers on August 25, 1930 the Court made appropriate order allowing the Viewers to withdraw their report made on August 1, 1930, for purpose of amendment and the Report was withdrawn for said purpose.

The Viewers, or a majority of them whose names are appended to this amended report, after further consideration of the premises being still of the opinion that the said part of said public road should not be vacated, but being of the opinion that the road that it is useful largely only to the persons owning lands adjacent to or abutting the same, believe that if that part of said public road were made a private road by order of the Court, according to the provisions of the above cited Act of Assembly, it would fully serve the purposes of said landowners and would at the same time relieve Union Township of the burden of keeping it in repair and of the constant liability for actions at law for damages done to the person and property of those who occasionally use it.

The Viewers therefore as an amendment to their original Report respectfully recommend to the Court that the said part of said public road described, that the Court make appropriate order or decree constituting said portion of said public road as a private road of a width of twenty-five (25) feet for the entire length of said part of the road under consideration in this proceeding, for the use and benefit of the owners through or along which it passes, to be maintained and used as private roads are now maintained and used under the existing laws.

Witness our hands and seals this thirtieth day of August,
A. D. 1930.

Earle G. Boose (SEAL)
J. E. Fry (SEAL)
Geo. K. Weber (SEAL)

Viewers.

VIEWERS COSTS.

Geo. K. Weber, I Da. Amended Report, -----\$7.50
Mileage, 9 Mi. Direct, .90
Earle G. Boose, I Da. Amended Report \$7.50
J. E. Fry, Same--- 7.50

condition, the Supervisors of the township are unable to improve upon the present wretched condition of the road. It is evident to the Viewers from the testimony and from an examination of the road itself that if this road is to be put into a proper condition to accommodate the present mode of travel and to maintain this condition so that travel over this road may be reasonably safe and comfortable for travelers, the fund therefor must necessarily come from some source other than money raised by taxes assessed to the property in Union Township.

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:

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

Witness our hands and seals this 14th day of August A. D. 1930

Geo. B. Steiner [SEAL.]
J. E. Key [SEAL.]
Carl E. Brown [SEAL.]

Viewers.

No. 2 Sept Term 19 30

ORDER TO VACATE

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

Now *Dec 1930* Sessions 1930
read and confirmed Ni. Si.

By the Court.

Now *Dec 1930* Sessions 1930
confirmed absolute.

By the Court.

J. W. Ralston
P. J.

Filed 19

Atty. Arnold & Smith

Fees \$1.25 paid by

W

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
Earle G. Boose	4	78	\$37.80
J. E. Fry	3	43	26.80
Geo. K. Weber	2	39	18.90

FILED
AUG 1 1930
GEO. W. RALSTON
CLERK

FILED
AUG 16 1930
GEO. W. RALSTON
CLERK

*On New August 1 1930 Court found
that the same in session 1930 term by them
to be the same. Report for purpose of same
to be the same.*

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 Union, 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 ninth day of August, 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 twelfth day of August A. D., 1930, at 9.00 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 E. W. Hollopeter and J. H. Riddell, Supervisors of Union Township representing the petition to vacate, and D. M. Hollopeter, N. M. Treharne Dr. M. D. Rensler, H. B. McQuown, E. Steigle, E. A. Gray, S. C. Reed, W. H. Harmon, M. C. Henry, F. D. Henry, W. J. Shelley, C. P. Hollopeter and others opposing the vacation.

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 twelfth day of August, A. D. 1930, when the parties interested in the said road were in attendance: E. W. Hollopeter and J. H. Riddell, Supervisors of Union Township, and with them, John C. Arnold Esq., their counsel, representing the petition to vacate; F. Cortez Bell Esq representing the various hunting camps on or near the road opposing the vacation and among the witnesses called opposing the vacation were Wm. Dague, A. L. Way, D. M. Hollopeter, W. L. Nolder, Geo Shugarts and others.

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 it would appear from the weight of the testimony that the road in question, while not traveled extensively at all times, is yet used to such extent by the traveling public, as precludes a finding that it is useless, inconvenient and burdensome. The burden of travel on this road is by hunters and persons going to and from the several hunting lodges built upon lands abutting upon or adjacent to the road. With a possible exception, there are no residences along the road. Regardless of the purposes of the persons who travel the road or that they do not contribute in road tax and considerable amount for maintenance of the public roads in Union Township, there is such user of it that the Viewers cannot return to the Court a report recommending its vacation. The Viewers in submitting this report think it proper as a part of the Report to find as a matter of fact that the revenue of Union Township actually available for the maintenance of its roads, at the present time, amounts to something less than one thousand dollars per year, and this amount is all of the resources at command of the Supervisors for the upkeep of about forty miles of dirt road in the township, and that confronted with this

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 29th day of July in the year of our Lord, one thousand nine hundred and thirty

A. R. CHASE
By the Honorable ~~Sir James B. Smith~~, President Judge of the said Court: Upon the petition of ~~xxxxx~~
Supervisors 32
~~inhabitants~~ of the Township of Union, in the County aforesaid setting forth that

by proceedings in the Court of Common Pleas of Clearfield County, Pa No 350

Dec. T. 1929, your petitioners sought to obtain a decree of mandamus upon the Commissioners of Clearfield Co. to take over the maintenance of an abandoned Turnpike extending eastward from Rockton Mills to the Pine Twp. line, being formerly a portion of the Snow Shoe and Packersville Turnpike; that said action proceeded to the taking of testimony but no final disposition of the same has yet been made.

Your petitioners therefore pray the Court that the portion of the road formerly known as the Snow Shoe and Packersville Turnpike lying east of the Whitehead place and extending to the Pine Twp line may be vacated

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., J. E. Fry and

Geo. K. Weber

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.

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

In re: Petition to Vacate and :
Supply Road in Union Township. :

PETITION.

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

The petition of P. A. Sheeser, E. W. Hollopeter and
J. H. Riddle, Supervisors of Union Township, respectfully
represents:-

That heretofore by proceedings in the Court of Common Pleas
of Clearfield County, Pennsylvania, to No. 350 December Term,
1929, your petitioners sought to obtain a decree of mandamus
upon the Commissioners of Clearfield County to take over the
maintenance of an abandoned turnpike extending Eastward from
Rockton Mills to the Pine Township line, being formerly a
portion of the Snowshoe and Packerville Turnpike; that said
action proceeded to the taking of testimony but no final
disposition of the same has yet been made.

That in the taking of said testimony in the proceeding
hereinbefore referred to, it has been clearly developed and
proved that the portion of said Turnpike leading Eastwardly
from Rockton Mills to the Whitehead place was a portion of the
former Turnpike and is required to be maintained as a public
road; that as to the portion from the Whitehead place to the
Pine Township line, the testimony raises some question as to
whether or not the same is any longer useful or necessary to
be maintained as a public road; that the same is a mountain road

and used by comparatively few people and is difficult and expensive to maintain.

That if the said proceeding should fail as to the portion of said road between the Whitehead place and the Pine Township line, and the maintenance of said portion shall not be placed upon the County but shall remain upon the Township, the same will be useless, inconvenient and burdensome to the Township.

YOUR PETITIONERS THEREFORE PRAY THE COURT that the portion of the road formerly known as the Snowshoe and Packerville Turnpike lying East of the Whitehead place and extending to the Pine Township line may be vacated, agreeably to the Acts of Assembly in such case made and provided.

P. A. Sheerer
J. H. Riddle
E. W. Hollopeter

STATE OF PENNSYLVANIA :
:SS
COUNTY OF CLEARFIELD :

J. H. Riddle, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct as he verily believes.

Sworn and subscribed before me

this 26 day of July

A. D. 1930.

Dorsey D. Neff ALDERMAN
COMMISSION EXPIRES JANUARY 4th, 1932

O R D E R

AND NOW July 28th, 1930, the foregoing petition being presented, the Court appoints Paul Boone Esq., Frank Tye and J. K. Weeks as Viewers to view the road in the foregoing petition prayed to be vacated and to consider and judge whether it has become useless, inconvenient and burdensome; and if they agree that the same has become useless, inconvenient and burdensome as aforesaid, they shall make report to the next Court of Quarter Sessions to be held for said County.

By the Court,

A. B. Blum
President Judge.

#2 Sub 3/19/30

IN THE COURT OF QUARTER
SESSIONS OF CLEARFELD
COUNTY, PENNSYLVANIA

Y
In re: Petition to

Vacate and Supply Road in
Union Township

PETITION

102

FILED
JUL 29 1930
GEO. W. RAISTORF
CLERK
LAW OFFICES
ARNOLD & SMITH
CLEARFIELD, PA.