

Road

DOCKET No. 6

Number	Term	Year
2	Feb ss	1930

Petition to vacate road in

Brady Twp

Versus

X

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

Re; Vacation of Public Road : Of February Term, 1930
in Brady Township. : No.

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

Your undersigned petitioners, Supervisors and divers
other citizens of Brady Township would respectfully represent;

That there has long since been layed out by order of
Court and opened for public travel, as a public road, a certain
road in Brady Township, and that part thereof, which begins in
the public road leading from Luthersburg to Sykesville, at the
bridge over the North Branch of Stump Creek near the site of the
Stanley Shaft, and extending Northwesterly across the line of
the Buffalo, Rochester & Pittsburgh Ry. to the point where it is
intersected by the private driveway therefrom into the house owned
by the Helvetia Mining Company, and formerly known as the McLeavy
House and now occupied by Samuel Weldon, has been abandoned by the
traveling public and in consequence has become useless, inconven-
ient and burdensome.

The said road is no part of the system of public highways
taken over for improvement and maintainance by the Department of
Highways of the Commonwealth of Pennsylvania.

Your petitioners would therefore pray that the Court ap-
point Viewers to view and vacate the said portion of said public
road, agreeable to the Act of General Assembly in such case made
and provided. And they will ever pray etc.

H. E. Mabler
Supervisor of Brady Township

Geo. A. Kriner

W. H. Kriner

Gottlieb Krach

J. L. Salada

Walter Amiston

C. W. Clark

J. R. Potter

S. M. Smith

W. C. Krach

J. H. Snyder
Supervisor of Brady Township

E. W. Shaffer

Edna Clark

Lee J. Selmer

J. L. Marsh

E. H. Kishel

E. H. Goodland

Esther Krach

Grace Salada

Emma Krach

*Witness.
Franklin Marsh*

Clearfield County,)

Pennsylvania.)

SS

On the eleventh day of January, 1930, before me, a Notary Public personally came JAMES SNYDER, who being by me duly sworn according to law deposes and says that he is one of the Supervisors of Brady Township and as such is familiar with the facts averred in the foregoing petition and that the same are true and correct.

J H Snyder

Sworn and subscribed before me
the day and year above written

James O. Dine
Notary Public

My Commission Expires *April 12-1931*

2 Feb 22 1930

IN THE COURT OF QUARTER
SESSIONS OF CHAMFIELD
COUNTY.

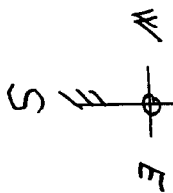
RE: Application for ap-
pointment of Viewers to
view and vacate a public
road in Brady Township.

Of February Term, 1930
No.

Now, January 13, 1930, the
foregoing petition read and
considered and
John S. Sullivan, Jr.
Edward B. Sullivan, Jr.
and *George L. Sullivan*
are appointed Viewers, who
are directed to view and
make report to the first
Monday of February, 1930.

By the Court
W. H. Sullivan
P.J.

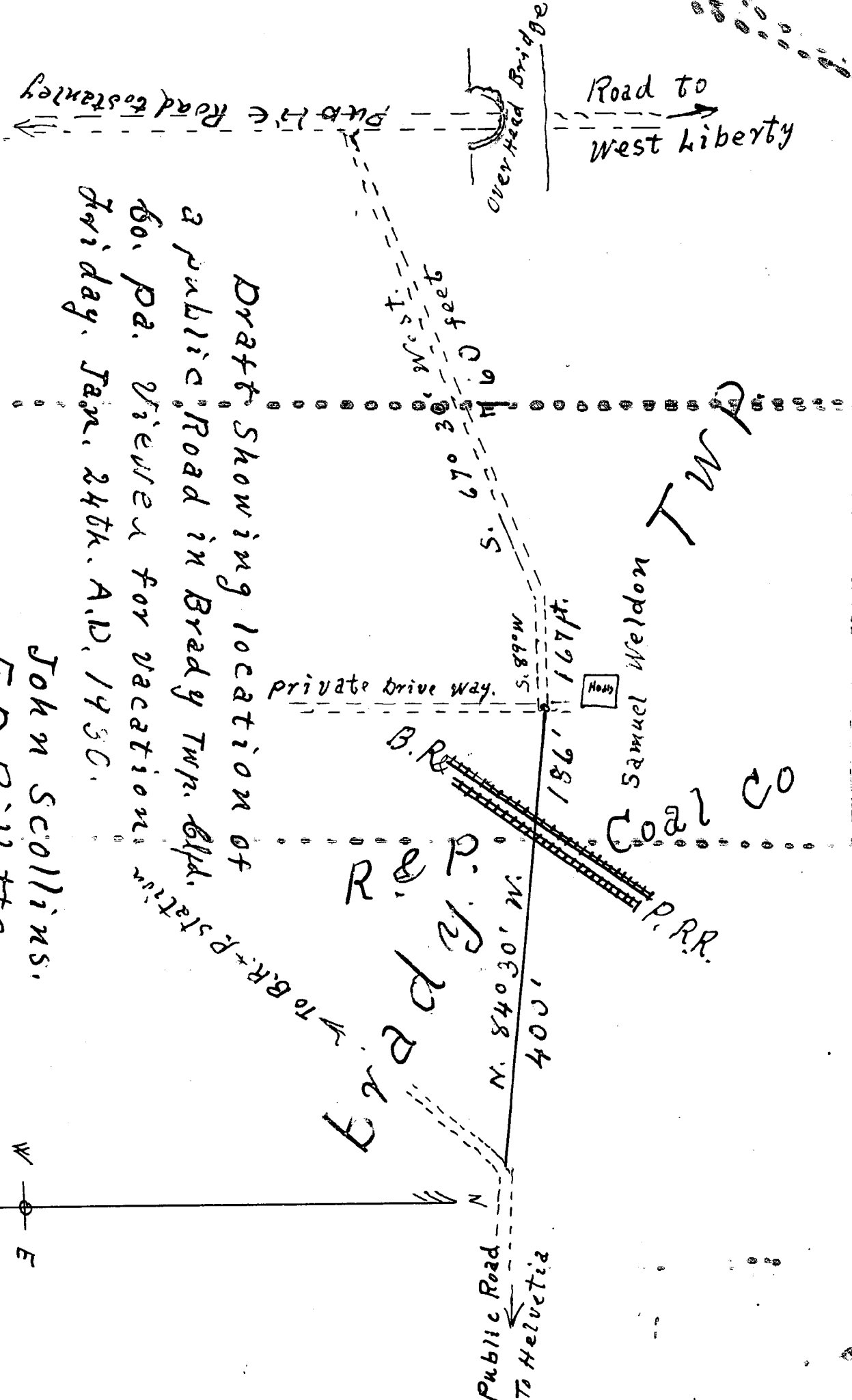
JAN 13 1930
GEO. W. RAIST
PROTHONOTARY
Harrisburg, Pa.
Harrisburg, Pa.
Harrisburg, Pa.



Scale 1/2" to 100 feet.

John Scollins.
E. D. Billotte.
Geo. K. Weber,
viewers.

Draft Showing location of
a public Road in Brady Twp. Appd.
Geo. K. Weber for vacation
Friday, Jan. 24th. A.D. 1930.



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

RE; Vacation of Public Road : Notice of View.
in Brady Township. :

To the Supervisors of Brady Township;-
To the Commissioners of Clearfield County;-

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 in Brady Township "beginning in the public road leading from Luthersburg to Sykesville, at the bridge over the North Branch of Stump Creek near the site of the Stanley Shaft, and extending Northwesterly across the line of the Buffalo, Rochester & Pittsburgh Ry. to the point where it is intersected by the private driveway therefrom into the house owned by the Helvetia Mining Company, and formerly known as the McLeavy House and now occupied by Samuel Weldon", will meet at the said house occupied by Samuel Weldon in Brady Township on Friday the 24th day of January, A.D. 1930, at ten 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 Monday the 27th day of January 1930, at 10 o'clock a.m.

Jan. 14, 1930

John Seeling
Geo. H. Weber
E. D. Ricketts
Viewers.

Now, January 14, 1930, service is accepted by copy for the Commissioners of Clearfield County.

L. C. Norris
Clerk

Now, January 14, 1930, service is accepted by copy for the Supervisors of Brady Township.

Ed. B. Bane
Solicitor.

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 13th day of January in the year of our Lord, one thousand nine hundred and thirty

A. R. CHASE

By the Honorable ~~Samuel Weldon~~, President Judge of the said Court: Upon the petition of sundry and supervisors inhabitants of the Township of Brady, in the County aforesaid setting forth that

there has long since been layed out by order of the Court and opened for public travel, as a public road, a certain road by Brady Twp. and that part thereof which begins in the public road leading fro Luthersburg to Sykesville, at the bridge over the North Branch of Stump Creek near the site of the Stanley Shaft, and extending northwesterly across the line of the Buffalo Rochester and Pittsburgh, Ry. to the point where it is intersected by the provate driveway therefrom into the house owned by the Helvatia Mining Company, and formerly known as the McLeavy House and now occupied by Samuel Weldon, has been abandoned by the traveling public and in consequence has become useless,

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 John Scollins, Esq.,

Edward Billotte 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.

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 Brady, 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

24th day of January, 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 27th day of January A. D., 1930, 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: J. H. Snyder, Supervisor of Brady Twp., W. P. Organ, S. M. Leis, S. W. Weldon, Superintendent, and Geo. White,

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 January,

A. D. 1930, when the parties interested in the said road were in attendance: J. H. Snyder and H. W. Bonsall, Supervisors of Brady Township, with their counsel, E. C. Boose, Esq. H. W. Bonsall and J. H. Snyder sworn, examined and cross-examined by counsel and your Board.

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: Beginning at a point in the public road leading from Luthersburg to Sykesville, at the bridge over the North Branch of Stump Creek ("Public Road from Helvetia to B. R. & P. Station"): thence along lands of R. & P. Coal Company North 84 degrees, 30 minutes West 400 feet to right-of-way of B. R. & P. Railway; and thence thereby across the right-of-way of the B. R. & P. Railway 186 feet to the point of intersection with the private driveways into the dwelling of Samuel Weldon, owned by the Helvetia Mining Company and formerly known as the McLeavy House.

Your Board further finds that the aforesaid road parallels another public road on the opposite side of the Railroad, which other road is used almost exclusively by the traveling public for the reason that it is of uniform grade, practically level with good view of railroad traffic at the railroad crossing; that the road asked to be vacated is dangerous in that it contains a steep grade and the approach of trains at the Railroad crossing is obscured by embankment on the one side and the crossing has no signal lights or warning bells and no watchman. That the road is used principally by four families living in Coal Company houses, who have another outlet to the main traveled public roads, beginning at the private driveway leading to the Superintendent's dwelling-house now

occupied by Samuel Weldon, and thence running South 89 degrees, West 167 feet to a post; and thence South 67 degrees 30 minutes West 760 feet and ending in the public road leading from Stanley to West Liberty, which portion was inadvertently omitted in the petition for vacation and in the opinion of your Board should likewise be vacated, as it serves private rather than public interests and travel, and therefore unnecessary, inconvenient and a burden to the Township of Brady.

Your Board therefore recommends that the aforesaid Road be vacated as prayed for.

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:

~~No damages claimed or assessed.~~

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

Witness our hands and seals this 30th day of January, A. D. 19 30.

John E. McCain [SEAL]

E. D. Billotte [SEAL]

George B. Weber [SEAL]

Viewers.

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
Geo. K. Weber	1	34	\$9.20
E. D. Billotte	2	57	\$17.85
John Scollins	2	94	\$19.70

No. 2 Feb Term 19 30

ORDER TO VACATE

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

Now *Jan* Sessions 19 *30*

read and confirmed Ni. Si.

By the Court

Now *May 28* Sessions 19 *30*
confirmed absolute.

By the Court

J. J. Chase
J. J.

Filed _____ 19 _____

Atty, EARL. G. BOOSE

Fees \$1.25 paid by _____

