

DOCKET No.6

Number Term Year

6

Dec ss 1930

Petition to vacate and supply a
road in Beccaria Twp

Versus

R.d. #6 - Page 2v7

X

Part Twp, Rd. 17535

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

IN RE:)
)
BECCARIA TOWNSHIP)
)
)

PETITION TO VACATE AND SUPPLY ROAD

TO THE HONORABLE A. R. CHASE, President Judge of said Court:

Your petitioners respectfully represent:

FIRST: There has long since been laid out a public road in Beccaria Township, Clearfield County, Pennsylvania, described as follows:

BEGINNING at a point two hundred (200) feet South of the Dakota School House on the road leading from Utahville to Glasgow; thence toward the town of Glasgow, a distance of approximately eight hundred and sixty (860) feet to a point at Stevens' Curve. This road has a very steep hill and three (3) very sharp curves.

SECOND: Said road has become useless, inconvenient and burdensome.

THIRD: In order to eliminate the three (3) curves and the steep hill on the aforesaid road, the Township Supervisors propose to change the location of the old road, beginning at a point two hundred (200) feet South of the Dakota School House and thence making one big curve to a point at Steven's Curve. A map of the old road and the proposed changes is marked Exhibit "A" and is made a part of this petition.

WHEREFORE, your petitioners pray the learned Court to appoint viewers according to the law so provided to vacate said road and to supply said road with a new road according to the map marked Exhibit "A" and get releases from the property owners and assess damages to the property owners who will not give releases.

And they will ever pray.

Supervisors of Beccaria Twp.

Fred G. Henerly
T. W. Flick
E. B. Williams
William Bennett
Lewis Smith
Herbert Henerly
J. J. Peterson
J. H. Peterson
Ernest Davis
A. V. Chapman
G. D. Williams
Harry Mathews

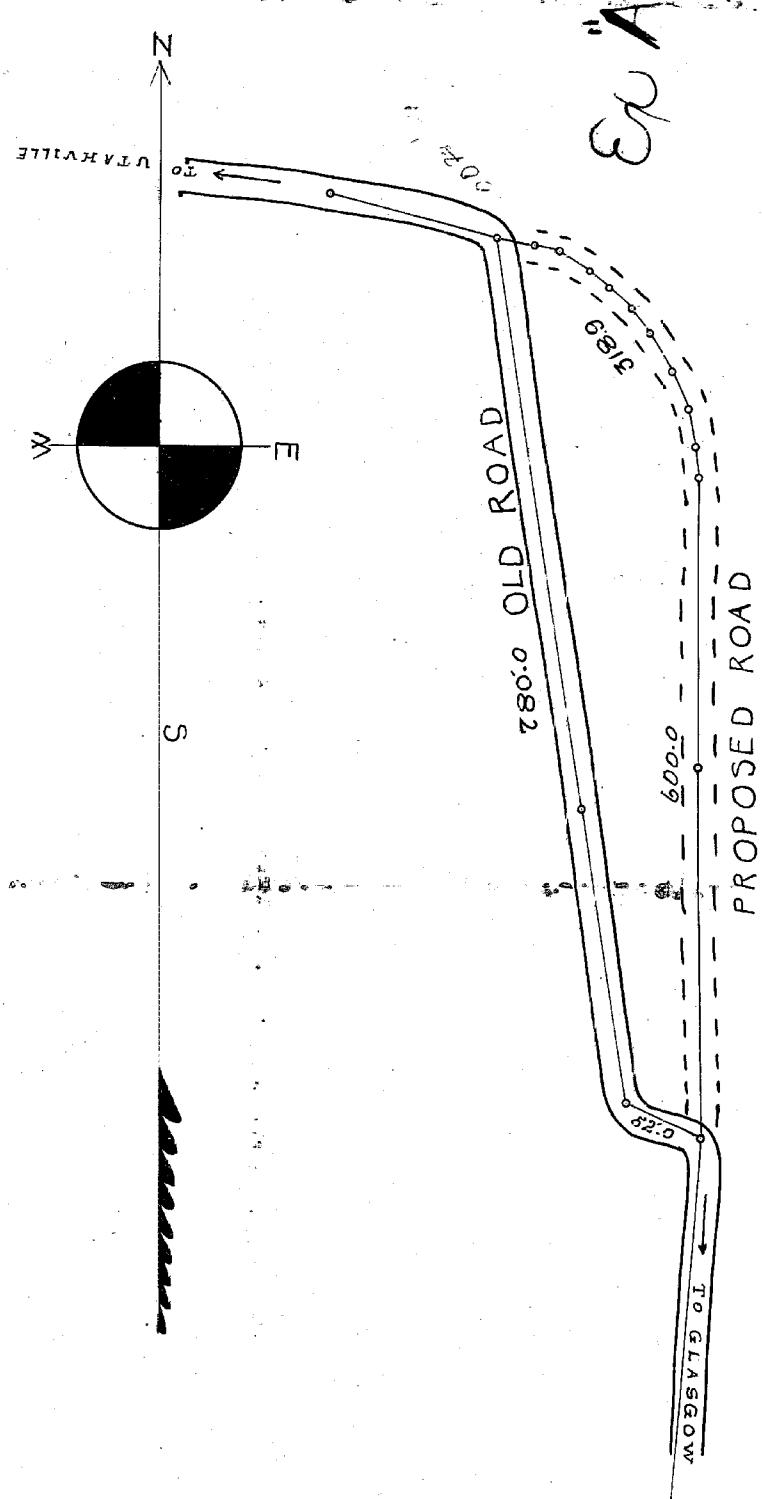
STATE OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

Personally appeared before me the subscriber, James

Simpson, one of the Supervisors of Beccaria Township, Clearfield County, Pennsylvania, who after being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed to before)
me this 20-day of October,)
A. D. 1930.)

Frank E. Herdman
Justice of the Peace



6 Dec 1930

Franklin County, Ohio
U. S. Post Office, U.S. Sub. Office.

To: Mrs:

Miss Anna Lee, Shultz

Franklin Co. U.S. Sub. Office
Attn: Mrs. Lee

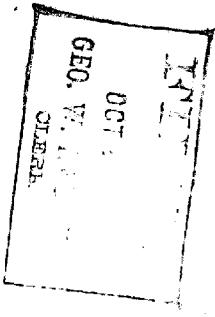
Now Act 22nd 1930

for sellers in Franklin
Buckeye Bank
which is an amateur
business to run and
knows the same

Attn: Mrs. Lee

J. F.

...
Carl A. Boen,
... Lawyer at law,
Clearfield, Pa.



OCT 1
GEO. V.
CLERK

05130185

stone
wall

Dear Mr. H. C. Herzen, known as

The Statesmen of the Civil War

6. - *Superny (New) 6001.*
From Pittsburgh, known as
the Steel City.

Draft showing location of vaccination and supply of
a public road in Beccaria Township, Cambria Co., Pennsylvania.
Viewed May 12th, A.D. 1930.

Scale 1" to 100'.
Length of vacation 935 ft.
Length of stay 900 ft.
Red lines show vacation route.

John Scottius
E. D. Billotte,
J. S. Michals,
V. W. Verner.

To Utahville

Dakota Schoolhouse

TO: The Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viceroys appointed by the Court of Charter Sessions of Clearfield County to No. 6, December Sessions, 1930, to view and resurvey that portion of a public road beginning at a point 200 feet South of the Dakota School House on the road leading from Utchville to Glasgow, thence toward the town of Glasgow, a distance of approximately 060 feet to a point at Stevens' Curve, and to supply the same with by changing the location of the old road, to wit: beginning at a point 200 feet South of the Dakota School House and thence making one big curve to a point at Stevens' Curve, in Decatur Township, in said County of Clearfield, will meet at the Dakota School House in said Township on Wednesday, the 15th day of October, A. D. 1930 at one thirty (1:30) o'clock P. 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 viceroys 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 16th day of October, A. D. 1930 at ten (10) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend to hear.

John Scollard
Ed. Billatte
J. D. Michael
Viceroys

Dated, October 24, 1930.

CLEARFIELD COUNTY, SS:

Now, this 27th day of October, A. D. 1930, service of the above notice is hereby accepted for the Commissioners of Clearfield County.

L. L. Morris
Clerk

TO: J. W. Niebauer, Ashley Dillon and Lemuel Semple, Supervisors of Beccaria Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers appointed by the Court of Quarter Sessions of Clearfield County to No. 6, December Sessions, 1930, to view and vacate that portion of a public road beginning at a point 200 feet South of the Dakota School House on the road leading from Utahville to Glasgow; thence toward the town of Glasgow, a distance of approximately 860 feet to a point at Stevens' Curve, and to supply the same ~~with~~ by changing the location of the old road, to wit: beginning at a point 200 feet South of the Dakota School House and thence making one big curve to a point at Stevens' Curve, in Beccaria Township, in said County of Clearfield, will meet at the Dakota School House in said Township on Wednesday, the 12th day of November, A. D. 1930 at one thirty (1:30) o'clock P. 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 14th day of November, A. D. 1930 at ten (10) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend be heard.

John Scollins
Ed. Billotte
J. D. Michaels
Viewers

Dated, October 24, 1930.

CLEARFIELD COUNTY, SS:

Now, this 27th day of October, A. D. 1930, service of the above notice is hereby accepted for the Supervisors of Beccaria Township, Clearfield County.

J. W. Niebauer
Ashley Dillon
Lemuel Semple
Supervisors

TO: W. A. Hagerty and Carl A. Belin, Esqs., Attorneys for
Petitioners:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 6 December Sessions, 1930, to view and vacate that portion of a public road beginning at a point 200 feet South of the Dakota School House on the road leading from Utahville to Glasgow; thence towardtthe town of Glasgow a distance of approximately 860 feet to a point at Stevens' curve, and to supply the same by changing the location of the old road, to wit: beginning at a point 200 feet South of the Dakota School House and thence making one big curve to a point at Stevens' Curve, in Beccaria Township, in the County aforesaid, will meet at the Dakota School House in said Township on Wednesday, the 12th day of November, A. D. 1930 at one thirty (1:30) o'clock P. 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 14th day of November, A. D. 1930 at ten (10) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scallion
Ed. Billotte
J. S. Michael
Viewers

Dated, October 24, 1930.

Now Oct 27-1930 I hereby
accept service of written
notice for Beccaria Aug.

Carl A. Belin
atty for Beccaria
Township

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 22nd day of October in the year of our Lord, one thousand nine hundred and thirty

A. R. CHASE

By the Honorable ~~Singhman~~, President Judge of the said Court: Upon the petition of sundry and Supervisors inhabitants of the Township of Beccaria, in the County aforesaid setting forth that there... has long since been laid out a public road beginning at a point 200 feet south of the Dakota School House on the road leading from Utahville to Glasgow; thence to ward the town of Glasgow, a distance of approximately 860 feet to a point at Stevens' Curve. This road has a very steep hill and three very sharp curves. Said road has become useless, inconvenient and burdensome.

In order to eliminate the three curves and steep hill on the aforesaid road, the Township Supervisors propose to change the location of the old road, beginning at a point 200 feet south of the Dakota School House and thence making one big curve to a point at Steven's Curve. A Map of the old road and the proposed changes is marked Exhibit "A" and is made a part of this petition.

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., and

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, ^{to No. 8 December Term, 1930} 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 and three notices upon the road pro- thereof were posted along the route of the said road to be vacated, that the said view would be held on the posed to be supplied.

12th day of November, 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 14th day of November 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: Lemuel Semple, Ashley Dillon, Joseph Niebauer, Supervisors of Beccaria Township, with Harry Killian, Secretary of the Board. Flem Mulholland and Blaine Mulholland.

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 14th day of November,

A. D. 1930, when the parties interested in the said road were in attendance: Ashley Dillon, Joseph Niebauer and Lemuel Semple, Supervisors of Beccaria Township, with Carl A. Belin, Esq., as counsel. Flem Mulholland, Blaine Mulholland, and A. M. Liveright, Esq., County Solicitor. Lemuel Semple, Ashley Dillon, Joseph Niebauer, Flem Mulholland, Blaine Mulholland, 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 200 feet South of the Dakota School House on the public road leading from Utahville to Glasgow, thence South 6 degrees West 785 feet to a post; thence South 81 degrees East 150 feet and ending in the public road leading to Glasgow.

We further find that that said road has three sharp right-angle turns; is of excessively steep grade and dangerous for public travel; that it becomes impassable in inclement weather, drifting with snow, and slippery in wet and rainy seasons by reason of the clay-nature of the earth. We therefore recommend its vacation and supplying therefor a public road through the Stevens property, now owned by Flem Mulholland, as necessary for public use, beginning at the intersection of the private road leading to Glasgow; thence North 10 degrees 30 minutes East 600 feet to a post; thence curving North 8 degrees West 50 feet; North 18 degrees West 50 feet; North 33 degrees West 50 feet; North 43 degrees West 50 feet; North 53 degrees West 50 feet and North 63 degrees West 50 feet and ending in the public road leading to Utahville (200 feet South of the Dakota School House). We find that the Road proposed to be supplied passes over and through a 10-acre plot of cleared land of Flem Mulholland; that sharp right angle turns would be eliminated with

a gradual curve and the grade more uniform and less dangerous to public travel.

We find further that the proposed supply road will take approximately $\frac{3}{4}$ acres of surface of Flem Mulholland as well as a part of a fruit orchard thereon; that Flem Mulholland will be required to re-build fence along either side thereof, for all of which he claims three hundred dollars damages, and this in the opinion of your Board is excessive.

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; as also, the plan or draft of the road laid out and supplied in lieu thereof with courses and distances.

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:

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:

To Flem Mulholland, One Hundred Dollars (\$100.00)

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

Witness our hands and seals this 28th day of November, A. D. 19 30

John Scelling [SEAL.]
E. D. Billotte [SEAL.]
J. S. Michael [SEAL.]

Viewers.

No. 6 Dec Term 1930

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.

Viewers 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
J. S. Michaels	1	.58	\$10.40
E. D. Billotte	2	.71	\$18.85
John Scollins	2	.43	\$17.15

Now Feb. Sessions 1931

read and confirmed Ni. Si.

By the Court
G. F. Hager
Now May Sessions 1931
confirmed absolute.

By the Court.

G. F. Hager
G. F. Hager

Filed 19

FILED
DEC 4- 1930
GEO. W. RALSTON
CLERK

Atty. W. A. Hager and
Carl A. Bellin
Fees \$1.25 paid by

150 (Signature)