

DOCKET No. 6

Number	Term	Year
9	DEC ss	1930

Petition to vacate road in

Decatur Twp

Versus

X

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

In re: Vacation of certain roads in :
Township of Decatur : No.
: Dec. SS. 1930

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

The petition of the Supervisors of Decatur Township respectfully
represents:

The Supervisors of the Township of Decatur aver that they have to repair and maintain approximately 68 miles of road and by reason of the constantly decreasing return from taxes received and the increased care required on said roads due to additional vehicular traffic, it is desireable that all roads not essential to the travelling public be vacated.

There are a number of roads in the Township of Decatur of little use to the citizens thereof and the expenses required to keep and maintain the same should be applied on the more travelled thoroughfare.

That, the Township desires to be relieved from any possibility of damage from accidents that may or might possibly occur to any person travelling said roads which are of little use to the citizens of said Township or to the public in general.

Your petitioners aver that the roads hereinafter named are burdensome on the Township of Decatur and unnecessary to the citizens of Decatur or to the travelling public and pray that an order be made directing the vacation of the same.

That, said roads herein sought to be vacated are as follows:

1. Beginning at the Ashland road leading towards Brisbin on land of the Nevling heirs, thence from the road leading to Parsonville, a distance of approximately one half mile. Said road being little travelled and unnecessary to the travelling public.

2. A portion of what is known as the Waring road leading from the house of Frank Waring to the Beaver Run road approximately two miles in distance. This road has no inhabitants living along it and due to the swampy condition thereof is impassable, a great portion of the year.

3. Beginning at Bordas' corner; thence to the Township road leading to the Clay Mines about one and one half miles in distance. This road has been undermined in a number of places and it is practically impassable and as far as your petitioners know only one family lives along the same.

4. A portion of the road on Hale's Hill made unnecessary by reason of the recent construction of the new concrete highway between Osceola and Philipsburg, Beginning at the State Highway from Garvey's corner down to the Mapleton Branch of #1 of the Pennsylvania Railroad, approximately one mile in length of no use to the travelling public and liable to become dangerous in wet seasons of the year, the State Highway having located the main thoroughfare road to avoid this condition.

WHEREFORE your petitioners pray that viewers be appointed to view said roads and after hearing had to report to your Honorable Court with recommendation for the vacation of said road.

H. W. Bigfield

Thomas Kerfoot

Charles W. Wager

STATE OF PENNSYLVANIA:
:SS
COUNTY OF CLEARFIELD :

Before me the subscriber hereto came
Herbert Wigfield, who being duly sworn according to law,
deposes and says that the facts set forth in the within
petition are true and correct to the best of his knowledge
and belief.

Sworn and subscribed
to before me this 10th
day of November A. D. 1930.

H. Wigfield

Geo. W. Ralston
Notary

Now November A. D. 1930,
the within petition having been presented,

and are appointed viewers to view said roads, take testimony and report to this Honorable Court with recommendation regarding same as required by the Act of Assembly.

By the Court.

P. J.

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNA.
No. 9
December SS. 1950

In re: Vacation of certain
roads in the Township of
Decatur

PETITION FOR VACATION OF
ROADS

Now her 17th day of 1930
I, Carl Borse, of the first
House of Harry Borse
am apprehended to swear
and report,
By the comth
H. Borse.

H.
Borse
GEORGE V. CLEER
NOV 17 1930
MAILSTO

BELL, OLAZZELLI & SILBERBLATT

1. Beginning at the Ashland road leading towards Brisbin on land of the Nevling heirs, thence from the road leading to Personville, a distance of approximately one half mile. Said road being little travelled and unnecessary to the travelling public.
2. A portion of what is known as the Waring road leading from the house of Frank Waring to the Beaver Run road approximately two miles in distance. This road has no inhabitants living along it and due to the swampy condition thereof is impassable, a great portion of the year.
3. Beginning at Bordas' corner; thence to the Township road leading to the Clay Mines about one and one half miles in distance. This road has been indetermined in a number of places and it is practically impassable and as far as your petitioners know only one family lives along the same.
4. A portion of the road on Hale's Hill made unnecessary by reason of the recent construction of the new concrete highway between Osceola and Phillipsburg, Beginning at the State Highway from Garvey's corner down to the Mapleton Branch of #1 of the Pennsylvania Railroad, approximately one mile in length of no use to the travelling public and liable to become dangerous in wet seasons of the year, the State Highway having located the main thoroughfare road to avoid this condition.

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 **17th** day of **November** in the year of our Lord, one thousand nine hundred and **thirty**

A. B. CHASE **Supervisors**
By the Honorable ~~Supervisors~~, President Judge of the said Court: Upon the petition of ~~supervisors~~

inhabitants of the Township of Decatur, in the County aforesaid setting forth that

Your petitioners aver that the roads hereinafter named are burdensome

on the township of Decatur and unnecessary to the citizens or to the

traveling public and pray that an order be made directing the vacation of the same.

That said roads herein sought to be vacated are as follows:

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 Booze, Esq. Harry Reese and

Harry P. Dowler..... 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 Decatur , 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 26th 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 ~~Grand Jury~~ Arbitration Room in the Court House, in Clearfield.

Pa., on the 28th day of November 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 all of the Supervisors of Decatur Township, the petitioners, and citizens of Decatur Township, while in opposition to the vacation of the first piece described in the petition and Order, there appeared John P. Martin and other citizens of Decatur Township, and with them, John Scollins Esq., their counsel. Elbridge Brown Esq., representing the Clearfield Trust Company, Exr. of John Wrigley Estate, entered formal objection to vacation of the second described piece, parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Grand Jury~~ Arbitration Room in the Court House, in Clearfield, Pa., on the 28th day of November ,

A. D. 1930, when the parties interested in the said road were in attendance: all of the Supervisors of Decatur Township, and with them, Morris Silberblatt Esq. of counsel for the petitioners, while in opposition thereto, there appeared John P. Martin and other citizens of Decatur Township, with John Scollins Esq., their counsel, opposing the vacation of the first described piece, and also Elbridge Brown Esq. for the Executor of John Wrigley, to oppose vacation of the second piece.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said second, third, and fourth pieces described in the petition and order have roadsxxxxxx, become useless, inconvenient and burdensome because practical non-user and therefore return for vacation said pieces which are severally described as follows:

SECOND PIECE: Beginning at the house of Frank Tering, thence S. 50° W. 900 ft; thence S. 58° W. 900 ft; thence S. 62° W. 300 ft; thence S. 80° W. 300 ft; thence N. 88° W. 1500 ft; thence S. 83° W. 300 ft; thence J. 300 ft; thence S. 74° W. 300 ft; thence S. 27° W. 242 ft; thence S. 67° W. 235 ft; thence S. 60° W. 600 ft; thence S. 54° W. 600 ft; thence S. 59° W. 300 ft; thence S. 50° W. 300 ft; thence S. 60° W. 300 ft; thence S. 56° W. 300 ft; thence 50° W. 600 ft; thence S. 40° W. 572 ft; thence S. 45° W. 600 ft; thence S. 35° W. 300 ft; thence S. 23° W. 290 ft to the Beaver Run Road.

THIRD PIECE: Beginning in the Scotch Hollow Road at Borda's corner; thence N. 24½° W. 405 ft; thence N. 6° W. 481 ft; thence N. 79° W. 482 ft; thence N. 46° W. 600 ft; thence N. 39° W. 416 ft; thence N. 85° W. 218 ft; thence S. 88° W. 447 ft; thence N. 73° W. 300 ft; thence N. 26° W. 136 ft; thence N. 11° E. 1250 ft; thence N. 14° W. 211 ft; thence N. 49° W. 347 ft. to public road leading to Clay Mines.

FOURTH PIECE; Beginning in the State Highway (now abandoned) at Garvey's corner; thence along said state highway as follows; N. 17° E. 300 ft; thence N. 21° E. 300 ft; thence N. 34° E. 300 ft; thence N. 74° E. 300 ft; thence N. 78° E. 300 ft; thence N. 69° E. 1050 ft to Mapleton Branch No. 1. of the Pennsylvania Railroad and the place of ending.

FIRST PIECE; The Viewers find that a part of the piece described as piece No. 1 is as described in the petition, unnecessary and burdensome as a public road, but is useful occasionally to the persons who own the abutting land, and they therefore respectfully recommend that the Court make an order making a private road and for use of the abutting landowners that part of the road described in the petition, which begins at the road leading to Brisbin; thence S. 80° W. 300 ft; thence S. 88° W., 300 ft; thence S. 83° W. 248 ft. to the property line of George Phillips, as is by Act of Assembly in such case made and provided. The remainder of the road as described in the petition as ending in the road leading from Parsonville, the Viewers find to be useful to the traveling public and not burdensome or unnecessary and they do therefore decline to recommend this part of said road for 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 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 owners of land effected by the vacation appeared to ask for damages and the Viewers do not find that any damage has been sustained by any landowner by reason of any of the said vacations and they do not assess any damages.

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

Witness our hands and seals this 29th day of November, A. D. 1930.

Ernest Boe [SEAL]

G. A. Reese [SEAL]

W. H. Dowers [SEAL]

Viewers.

No. 9 Dec Term 19 30

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.

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	Amount
H. P. Dowler	2	18.90	18.90
Mr. Harry Bergman	4	60.00	336.00
Charles G. Daniels	5	160.00	553.50

Now Dec Sessions 19 30

read and confirmed Ni. Si.

By the Court,

H. P. Dowler

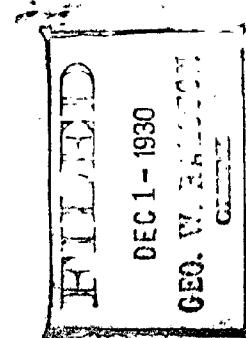
By the Court,

H. P. Dowler

Filed

19

Atty Bell, O'Laughlin and
Silberblatt
Fees \$1.25 paid by



19

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

In Re; Vacation of Public : Of December Term, 1930,
Road in Decatur Township. : No. 9.

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

You and each of you are hereby required to take notice that
the undersigned, appointed by the Court to view and vacate a cer-
tain Public Road, which in the Order issued to the Viewers, is
described as follows,

"Beginning at the Ashland road leading toward Brisbin on
land of the Newling heirs, thence from the road leading to
Parsonville, a distance of approximately one half mile. Said
road being little traveled and unnecessary to the traveling
public",

Will meet at the point of intersection of the road sought to
be vacated, with the aforesaid Ashland Road, on WEDNESDAY, the
twenty-sixth day of November, 1930, at eleven o'clock, A. M., to
view the premises, and that the public hearing required of the
Viewers, to be held, will be held in the Grand Jury Room of the
Court House at Clearfield, Pa., on FRIDAY, the twenty-eighth day
of November, 1930, at nine o'clock A. M.

Emmett B. Davis
Harry Rease
H. P. Dowler
Viewers.

Nov. 19, 1930.

Now, November 20, 1930, notice given by copy and service
thereof is hereby accepted.

Bell, O'Laughlin, Sherratt
Atty. for Petitioners,
Supervisors of Decatur
Township.

Now, November 20, 1930, notice given by copy and service
thereof is hereby accepted.

L. C. Harris
Clerk of Commissioners
of Clearfield County.

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

In Re; Vacation of Public : Of December Term, 1930,
Road in Decatur Township. : No. 9.

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

You and each of you are hereby required to take notice that
the undersigned, appointed by the Court to view and vacate a cer-
tain Public Road, which in the Order issued to the Viewers, is
described as follows:-

"A portion of what is known as the Waring Run road leading
from the house of Frank Waring to the Beaver Run road approximately
two miles in distance",

Will meet at the house of Frank Waring on Wednesday, the
twenty-sixth day of November, 1930, at 2.30 o'clock P. M. to view
the premises, and that the public hearing required of the viewers,
to be held, will be held in the Grand Jury Room of the Court House
at Clearfield, Pa., on Friday, the twenty-eighth day of November,
1930, at nine o'clock A. M.

Earl Bouse
Harry Rice
H. P. Davies
Viewers.

Nov. 19, 1930.

Now, November 20, 1930, notice given by copy and service
thereof is hereby accepted.

Bill O'Laughlin & Herbert
Atty. for Petitioners,
Supervisors of Decatur
Township.

Now, November 20, 1930, notice given by copy and service
thereof is hereby accepted.

L. C. Morris
Clerk of Commissioners of
Clearfield County.

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

In Re; Vacation of Public : Of December Term, 1930
Road in Decatur Township. : No. 9.

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

You and each of you are hereby required to take notice that the undersigned, appointed by the Court to view and vacate a certain Public Road, which in the Order issued to the Viewers, is described as follows:-

"Beginning at Bordas' corner; thence to the Township road leading to the Clay Mines about one and one-half miles in distance",

Will meet at Bordas' corner on Wednesday, the twenty-sixth day of November, 1930, at one o'clock A. M. to view the premises, and that the public hearing required of the Viewers, to be held, will be held in the Grand Jury Room of the Court House at Clearfield, Pa., on Friday, the twenty-eighth day of November, 1930, at nine o'clock A. M.

Nov. 19, 1930.

Emmett Dove
Harry Reese
R. P. Davies
Viewers

Now, November 20, 1930, notice given by copy and service thereof is hereby accepted.

Bell, O'Farrell, Abbott
Atty's. for Petitioners,
Supervisors of Decatur
Township.

Now, November 20, 1930, notice given by copy and service thereof is hereby accepted.

J. C. Morris
Clerk of Commissioners
of Clearfield County.

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

In Re; Vacation of Public : Of December Term, 1930
Road in Decatur Township. : No. 9.

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

You and each of you are hereby required to take notice that
the undersigned, appointed by the Court to view and vacate a cer-
tain Public Road, which in the Order issued to the Viewers, is
described as follows;

"Beginning at the State Highway from Garvey's corner down
to the Mapleton Branch of #1 of the Pennsylvania Railroad",

Will meet at Garvey's corner on Wednesday, the twenty-sixth
day of November, 1930, at ten o'clock A. M., to view the premises,
and that the public hearing required of the Viewers, to be held,
will be held in the Grand Jury Room of the Court House at Clearfield,
Pa., on Friday, the twenty-eighth day of November, 1930, at nine
o'clock A. M.

Charles Barse
Harry Rose
H.P. Dover
Viewers

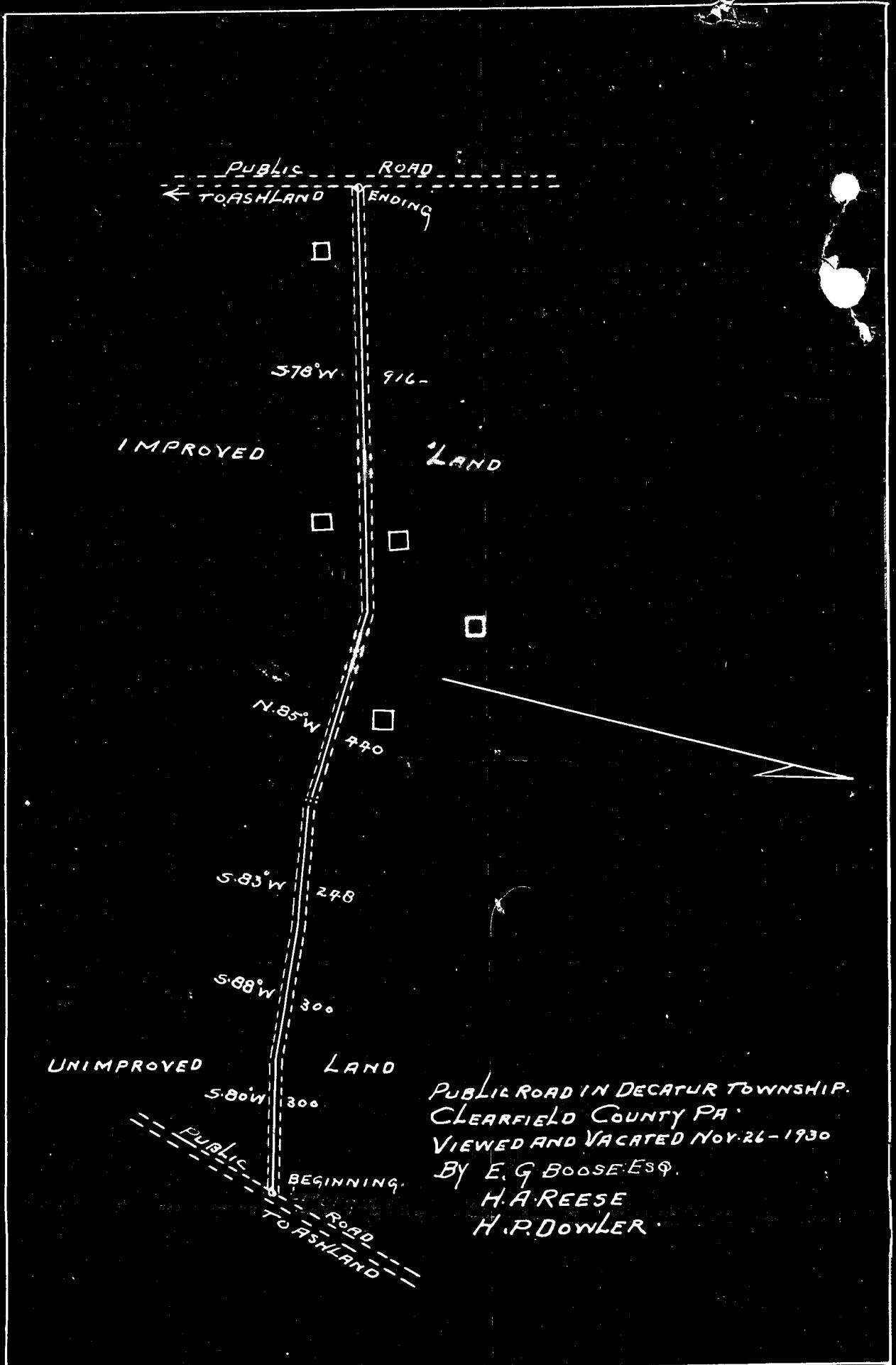
Nov. 19, 1930.

Now, November 20, 1930, notice given by copy and service
thereof is hereby accepted.

Bill O'Faylin, Alabellott
Atty's for Petitioners
Supervisors of Decatur
Township.

Now, November 20, 1930, notice given by copy and service
thereof is hereby accepted.

L.C. Morris
Clerk of Commissioners
of Clearfield County.



Public Roads in Decatur Township

CLERFIELD COUNTY PA.
VIEWED AND VACATED Nov. 26 - 1930
BY E. G. BOOSE E.S.Q.

PUBLIC ROAD IN DECATUR TOWNSHIP,
CLEARFIELD COUNTY PA
VIEWED AND VACATED NOV. 26-1930
By E.G. BOOSE Esq.
H.A. REESE
H.P. DOWLER

