

ROAD

DOCKET No. 6

Number	Term	Year
2	Sept	1931

Petition to vacate road in Bell Twp

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

Re: Vacation of Road in :
Bell Township. : No. September Sessions 1931.

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

The petition of the Supervisors of the Township of Bell respectfully represents:

(1). That during the year 1930 the State Highway Department of Pennsylvania, acting by and through its agents and employes, constructed a hard surface road from Mahaffey Borough to Newberg Borough; and in some places followed the lines and locations of the old highway, and at some places established new lines and locations, resulting in the leaving of spurs starting from and connecting with said road.

(2). That by order of the State Highway Commissioner, the Highway Department of the State of Pennsylvania has manifested its intention to abandon that portion of the old road not now used as part of the road bed of the hard surface road.

(3). That the portions of the old road as now existing, are of no use or convenience to any of the citizens of Bell Township or to the traveling public.

(4). That prior to this route becoming a State Highway, the road was a Township road belonging to the Township of Bell.

(5). That the portion of the road sought to be abandoned is all that portion of the highway beyond the Borough of Mahaffey and the Borough of Newberg, not used as a State Highway, which has been abandoned by the recent action of the State Highway Department, which road is useless and of no benefit to the citizens or traveling public.

Wherefore, your petitioners pray your Honorable Court that viewers be appointed to inspect said road and report to the Court recommendations relative to the vacation of the same, and they will ever pray.

B.H. Shaffer
P.M. Kauffman

Supervisors of Bell Township.

STATE OF PENNSYLVANIA : :
COUNTY OF CLEARFIELD : : SS

Before me the subscriber hereto, personally came D. E. BAIRD Secretary of the Board of Supervisors of Bell Township, 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 to and subscribed before :
me this 24 day of June A.D. :
1931. :
Leslie H. Palston :
Clerk

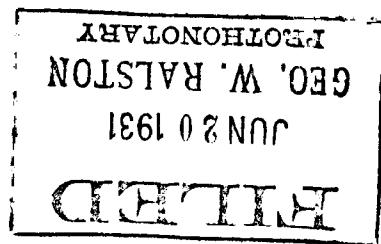
D. E. Baird

ORDER.

Now, June 13th = 1931, the within petition having been read and considered, John Collins Jr., Harry Reese and J.W. Daniels, are appointed viewers to inspect said premises and report to the Court.

BY THE COURT

A.R. Chase
P.J.



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

No. ~~2~~ Sept. Sessions 1931

Re:

Vacation of Road in
Bell Township.

PETITION

BELL, O'LAUGHLIN & SILBERBLATT
ATTORNEYS AT LAW
KURTZ BUILDING
CLEARFIELD, PENNA.

The Tuttle Law Print, Publishers, Rutland, Vt.

No. 2 Sept Term 19 31

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.

ORDER TO VACATE

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

	Days	Miles	Amt'
H. A. Reece	3	180	\$39.00
J. S. Michaels	3	114	\$35.70
John Scollins	4	130	\$46.50

Now ~~Sept~~ Sessions 19 31
read and confirmed Ni. Si.

By the County
Judge.
Sessions 19 31

confirmed absolute.

By the Court.

W. R. Ralston

Filed 19

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

F. J. H. D.
AUG 21 1931
GEO. W. RALSTON
CLERK

Viewers.

John Hinchey [SEAL]

John Hinchey [SEAL]

John Hinchey [SEAL]

Witness our hands and seals this 18th day of July, A.D. 1931

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

No damages claimed or awarded.

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, 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:

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 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 a plan, or draft, of said road to be vacated showing the courses and distances, and over whose properties every the said road passes, is hereto attached and made a part hereof.

TO: B. H. Shaffer, D. D. Diem and Mark Kauffman, Supervisors of Bell Township, Clearfield County:-

We are hereby notified that the commissioners, appointed by the Court of Quarter Sessions of Clearfield County, to do, on September Sessions, 1931, to view and vacate that portion of road, to wit: the portion of the old highway running between the Borough of Ellwasy and the Borough of Rutherford not used as a State Highway, which has been abandoned by the recent action of the State Highway Department, in Bell County, in the County aforesaid, will meet at the point where the State Highway leading from Ellwasy Borough intersects with the Ellwasy Borough line in said County on TUESDAY, the 15th day of July, A. D. 1931 at 2:00 o'clock A. M. to attend to the action assigned them. All parties interested will take notice.

And that the public hearing on required by Act 62 Assembly and Rules of Court to be held by the witness 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 Auditorium Room in the County Hotel in Clearfield on Friday, the 17th day of July, A. D. 1931 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 appear and be heard.

Dhu Bell
Harry Reese
J. S. Michaels
VICTORY

Dated, July 1st, 1931.

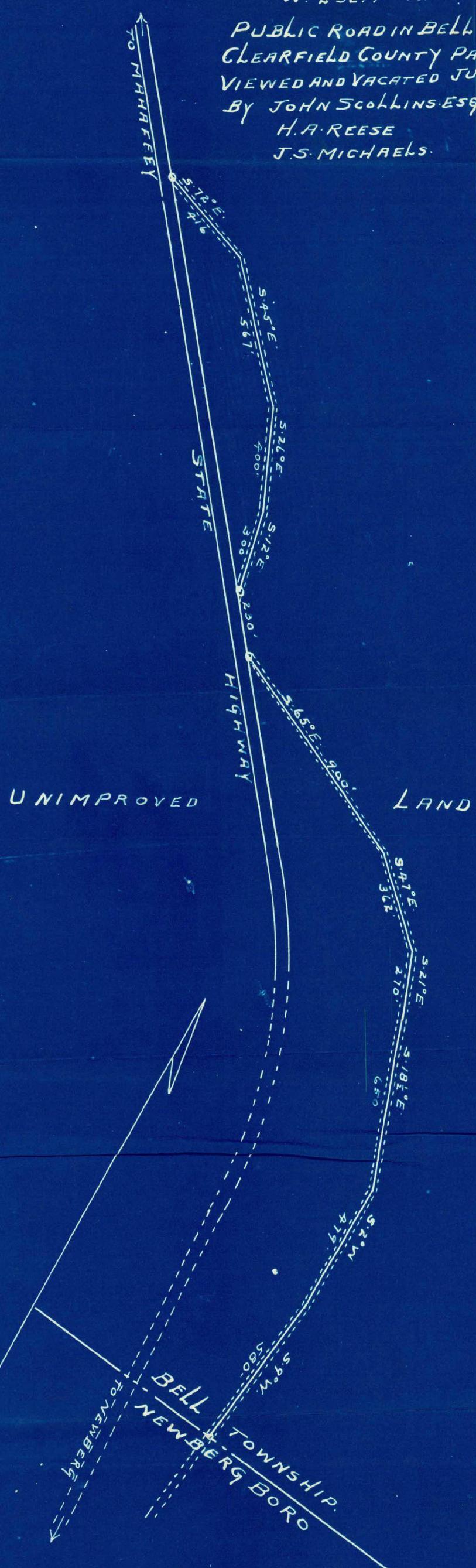
CLEARFIELD COUNTY, SS:-

Now, this 14 day of July, A. D. 1931, service of the above Notice is accepted for the Supervisors of Bell Township, Clearfield County.

D. D. Diem
B. H. Shaffer
B. H. Shaffer
Supervisors

NO 2 SEPT 1931

PUBLIC ROAD IN BELL TOWNSHIP
CLEARFIELD COUNTY PA.
VIEWED AND VACATED JULY 14-1931
By JOHN SCOLLINSESS.
H.A. REESE
J.S. MICHAELS.



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. 5, September Sessions, 1931, to view and vacate that portion of road, to wit: the portion of the old highway running between the Borough of Mahaffey and the Borough of Rosbury not used as a State Highway, which has been abandoned by the recent action of the State Highway Department, in Bell Township, in the County aforesaid, will meet at the point where the State Highway leading from Rosbury Borough intersects with the Mahaffey Borough line in said Township on TUESDAY, the 14th day of July, A. D. 1931 at 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 27th day of July, A. D. 1931 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 appear and be heard.

John Sollard
Harry Reese
J. S. Michaels

Dated, July 1st, 1931.

CLEARFIELD COUNTY, SS:

Now, this 3rd day of July, A. D. 1931, service of the above Notice is hereby accepted for the Commissioners of Clearfield County.

L. C. Morris
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. 3, September Term, 1931} ~~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 Bell, 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

14th day of July, A. D. 1931, 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 17th day of July A. D., 1931, at ten 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: H. M. Kaufman, Supervisor of Bell Township, and L. K. Reese.

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 17th day of July,

A. D. 1931, when the parties interested in the said road were in attendance: H. M. Kaufman and B. H. Shaffer, Supervisors of Bell Township, with F. Cortez Bell, Esq., counsel.

H. M. Kaufman and B. H. Shaffer 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 the point of intersection of the new Improved State Highway with the old Township Road location near the Line of Mahaffey Borough; thence South 72 degrees East 416 feet to a post; thence South 45 degrees East 567 feet to a post; thence South 26 degrees East 400 feet to a post; thence South 12 degrees East 300 feet to a post in the new Improved State Highway; thence beginning at a post South 230 feet East therefrom and running South 65 degrees East 900 feet to a post; thence South 47 degrees East 362 feet to a post; thence South 21 degrees East 270 feet to a post; thence South $48\frac{1}{2}$ degrees East 650 feet to a post; thence South 2 degrees West 479 feet to a post; thence South 9 degrees West 580 feet and ending at the intersection of the dividing line between Bell Township and Newbergh Borough.

That the aforesaid Township Road passes over unimproved land and parallels the new Improved State Highway in the new location. It serves no public interest and is useless, burdensome and inconvenient, and recommended for vacation.

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 20th day of June in the year of our Lord, one thousand nine hundred and thirty one

A. R. CHASE
By the Honorable Singleton Ball, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of BELL, in the County aforesaid setting forth that during the year 1930 the State Highway Department acting by its agents constructed a hard surface road from Mahaffey Borough to Newburg Boro. and in some places followed the lines and locations of the old highway and in some places established new lines, leaving spurs starting from and connecting with said road. That portions of old road as now existing are of no use to the citizens of Bell Township.

The portion of road to be abandoned is all that portion of the highway beyond the Borough of Mahaffey and the Borough of Newberg, not used as a State Highway, which has been abandoned by the recent action of the State Highway department, which road is useless and of not benefit to the citizens or traveling public.

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., Harry Reese and J. W. 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.