

road

DOCKET No. 6

Number	Term	Year
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4	Sept	1931
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Petition to vacate road in Bell and

Brady Twp

Versus

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In Re: Vacation of	:	No.	September Sessions 1931
certain road in the	:		
Townships of Bell and	:		
Brady Townships, Clearfield	:		
County, Pennsylvania	:		
	:		
	:		

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

The petition of the Supervisors of Bell and Brady Townships, Clearfield County, Pennsylvania, respectfully represents:

FIRST: That, there is a certain road lying in the Townships of Bell and Brady that has become useless to the traveling public.

SECOND: That both Townships are burdened with the upkeep and maintenance of a number of miles of road.

THIRD: That, the road herein sought to be vacated is little used as no persons reside or live along said road.

FOURTH: That, it is a burden to the tax payers of the Townships of Bell and Brady to maintain and keep in a passable condition said road.

FIFTH: That, the Townships of Bell and Brady may be subject to damages occurring to any user of said road if they fail to keep and maintain the same in a passable condition.

SIXTH: That, there is a bridge situate on this road which has been condemned and which requires an expenditure of a considerable sum of money to replace or repair all of which is unnecessary to the convenience of the traveling public.

SEVENTH: That, the road herein sought to be vacated is known as the Buck Run Road and lies between the Beach Run Road and the road between Mahaffey and Troutville.

EIGHTH: That the portion of the road herein sought to be vacated is approximately two and 7/10 miles in length, one and 3/10 mile of the same lying in Bell Township and one and 4/10 mile of the same lying in Brady Township.

NINTH: That said road is described as follows:

Beginning at a point on the Beach Run Road
approximately four tenth (4/10) of a mile
Northeast of the intersection of the Beach Run Road
with what is known as the Troutville Road at
the property of Daniel Fryers; thence in a
Westerly direction along what is known as the Buck
Run Road, past and through other property of
Daniel Fryers and the property of Adam Haigyer
Henry Weber Estate and George Kougher and C. G.
Gregg to the intersection of said Buck Run Road
with another road running between Mahaffey and
Troutville.

TENTH: That, the only use of said road would be for the
purpose of hunters, fishermen and your petitioners believe that if the
same is vacated as a public road and allowed to remain open as a private
road that no one would be adversely affected.

WHEREFORE your petitioners pray that viewers be appointed
in accordance with the requirements of the Act of Assembly to view
said road and report to your Honorable Court with recommendation as
to the vacation of the same as required by law.

And they will ever pray.

SUPERVISORS OF THE TOWNSHIP OF BEEL

O. M. Kauffman
B. H. Shaffer

SUPERVISORS OF THE TOWNSHIP OF BRADY

A. W. Russell

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O. M. Kauffman
R. H. Shaffer

SUPERVISORS OF THE TOWNSHIP OF BRADY

H. W. Broull

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

Before me the subscriber hereto came *H. W. Bonnell*
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 17th day of
July A. D. 1931.

H. W. Bonnell

Geo. H. Ralston
Notary

Now, July 1931, the within petition
having been read and considered,
and and
are appointed viewers to view certain premises and after
hearing are to report to the Court their recommendation relative
to the same according to the Act of Assembly in such cases made
and provided.

By the Court.

RECEIVED
JUL 29 1931
GEO. W. RALSTON
CHICAGO

IN THE COURT OF QUARTER SS.
OF CLARKE CO. PENNA.

No. 4 September 25, 1931

In re: Vacation of a certain road in the townships of Bell and Brady townships, Clearfield County, Pennsylvania

PETITION FOR VACATION OF ROAD

Nov 28th 1981

Good People Inc.

de la

Jackie and

Wounded Nurse
BETTY O'LAUGHLIN & SILBERBLATT
with a foreword by
ANTHONY BROWN

2017
KYLE B. BAKER
CLEARFIELD PENN.

The Tuttle Law Firm, Publishers, Rutland, Vt.



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

Re; Petition for vacation of : Of Sept. Term,
Public Road in Bell & : 1931.
Brady Townships. : No. 4.

To the Supervisors of Bell and Brady Townships; the Commissioners of Clearfield County and counsel representing the petitioners;

You and each of you will please take notice that upon petition of divers citizens of said townships, the Court has appointed the undersigned to view and vacate as a public road a certain public road partly in Bell Township and partly in Brady Township, in said county, which in the Order issued to the undersigned Viewers, is described as follows;

"Beginning at a point on the Beach Run road approximately 4/10 of a mile northeast of the intersection of the Beach Run Road with that known as the Troutville road at the property of Daniel Fryers; thence in a Westerly direction along what is known as the Buck Run Road, past and through other property of Daniel Fryers and the property of Adam Haig, Henry Weber estate and George Kouger and C. C. Gregg to the intersection of said Buck Run road with another road running between Mahaffey and Troutville"

The Viewers have appointed Tuesday, the eleventh day of August, 1931, at two o'clock P. M., Standard Time as the time of holding said view; the Viewers to meet at the house of Daniel Fryers aforesaid, in Bell Township, and the Public hearing in the matter provided for by law and the Rules of this Court, will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on Friday, the fourteenth day of August, 1931, at nine o'clock A. M. Standard Time, at which time and place parties in interest may attend and be heard.

Aug. 3d. 1931.

Now Aug. 3, 1931, notice received and copy delivered and service accepted.

Paul Boose

Ed Billatte

Jack Michaels

Viewers.

J. N. Snyder

for Supervisors Brady Twp.
Bill Laughlin

Solicitors of Bell Twp.

Counsel for Petitioners
J. E. Norris

Commissioners' Clerk

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and to vacate for public travel, a certain public Road leading from the Beech Run Road, approximately 4/10 of a mile northeast of Daniel Fryers, and known as the "Buck Run Road" in Bell Township, to the point of intersection of this road with another road running between Mahaffey and Troutville in Brady Township, in Clearfield County, aforesaid, will meet at the house of Daniel Fryers in Bell Township, on Tuesday the eleventh day of August 19 31 at two o'clock, P. M. to attend the duty assigned them, of which time and place aforesaid all parties interested will take notice.

The Public Hearing in the matter required by the Act of Assembly, and the Rules of the aforesaid Court, to be held by Viewers, will be held in the Grand Jury Room of the Court House at Clearfield, Penna., on Friday the fourteenth day of August, 19 31 at nine o'clock A. M.

Earl Boose

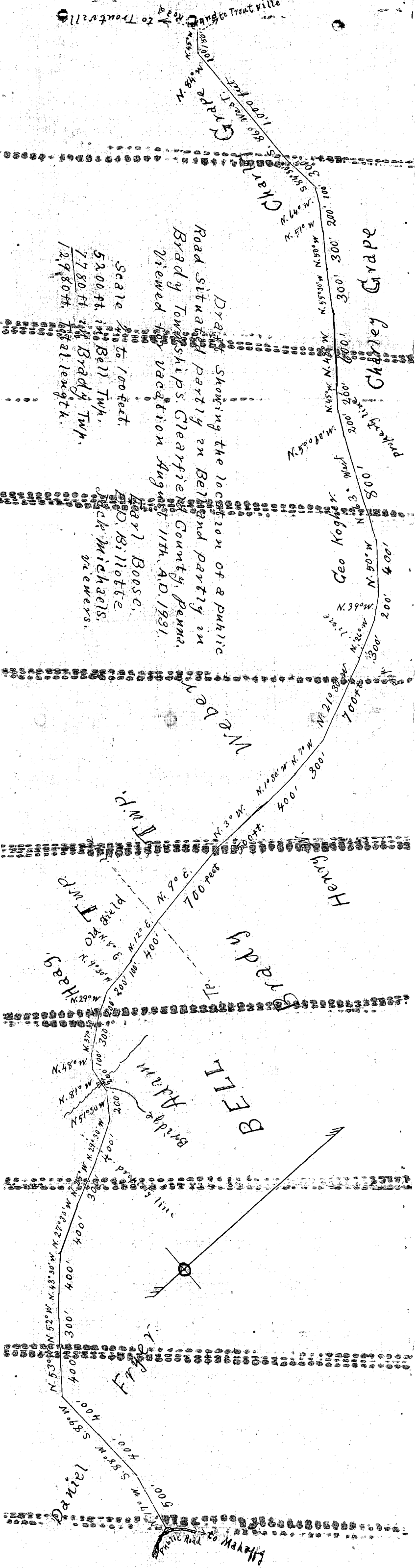
Ed. Billotte

Aug. 3d.

19 31

Jack Michaels

Viewers.



DRAFT Showing the location of a public Road situated partly in Bell and partly in Brady Townships, Clearfield County, Penna. Viewed for vacation August 11th, A.D. 1931.

Scale 1/4" = 100 feet.
5200 ft. into Bell Twp.
7780 ft. into Brady Twp.
12980 ft. total length.

Geo. B. Boose,
A.D. Billotte
J. C. Michaels,
viewers.

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 one

By the Honorable ~~Sir James~~ ^{A. R. CHASE}, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of ~~Sixty~~ ^{Brady} Bell and , in the County aforesaid setting forth that there is a certain road lying in the townships of Bell and Brady that has become useless to the travelling public: That the road sought to be vacated is approximately two and 7/10 miles in length, one and 3/10 mile of the same lying in Bell Township and one and 4/10 mile of the same lying in Brady Township. described as follows: Beginning at a point on the Beach Run road approximately 4/10 of a mile northeast of the intersection of the Beach Run road with what is known as the Troutville road at the property of Daniel Fryers; thence in a westerly direction along what is known as the Buck Run road, past and through other property of Daniel Fryers and the property of Adam Haig, Henry Weber Estate and George Kougher and C.G. Gregg to the intersection of said Buck Run Road with another road running between Mahaffey and Troutville That the only use of said road would be for the purpose of hunters and believe that if the same is vacated as a public road and allowed to remain open as a private road that no one would be adversely affected 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 EARL BOOSE, ESQ. 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, 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 & 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

eleventh day of August, 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 14th day of August, A. D., 1931 at nine 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

David Diem, B. H. Shaffer & H. M. Kaufman, the Supervisors of Bell Township, and J. H. Snyder, Supervisor of Brady Township, also O. D. Gould, Daniel Fryers, W. W. Soliday, William Parrish and divers other citizens of Bell Township.

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 August

A. D. 1931, when the parties interested in the said road were in attendance: All of the above named Supervisors of Bell Township and H. W. Bonsall Supervisor of Brady Township, and F. Cortez Bell Esq., representing the petitioners for the vacation

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome as a public road for the reason that there does not appear to be any considerable amount of travel thereon and that the same runs practically parallel with the main traveled road leading from Troutville to Mahaffey, which last named road has now been taken under direct supervision of the Department of Highways of the Commonwealth, to be by the said Department improved and kept open for travel by the said Department at sole expense of the Commonwealth; that along said road proposed for vacation there is a bridge crossing Buck Run which is in a bad state of repair and necessitating the erection of a new bridge which would entail upon Bell Township an expense of probably not less than eight hundred dollars. The Viewers do not recommend an absolute vacation of this road but do recommend that the Court make appropriate order or decree making the said road a private road for the use of the abutting landowners, as may be done in such case by the Act of Assembly now in force.

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 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:

None of the parties at the view or hearing claimed any specific damages resulting from vacation of said road and the viewers do not find that any party in interest will suffer any specific damage as a result of making the said road a private instead of a public road and they have therefore assessed no damages.

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

Witness our hands and seals this 20th day of August, A. D. 1931

Leure P. Brown..... [SEAL]

Ed. Billoette..... [SEAL]

J. S. Michael..... [SEAL]

Viewers.

No. 4 Sept Term 19 31

ORDER TO VACATE

To view and vacate road sit

in the Township of Bell & Brady
Clearfield County.

Now *Sept* Sessions 19 *31*

read and confirmed Ni. Si.

By the Court

Now *see* Sessions 19 *31*

confirmed absolute.

By the Court

Filed

Atty. Bell, O'Laughlin &

Silberblatt
Fees \$1.25 paid by

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
Earl Boose	3	60	\$28.50
Ed. Billotte	4	57	35.70
Jack Michaels	1	98	17.30

