

ROAD

DOCKET No. 6

Number Term Year

6

Dec ss 1931

Pet to vacate road in Boggs Twp

Versus

X

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Petition to vacate)
a public road in Boggs) No. December Sessions, 1931.
Township, Clearfield County,)
Pennsylvania)

TO THE HONORABLE A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

The petition of the undersigned, Supervisors of Boggs Township Road District, respectfully represents:

, That a road in said Township, Beginning at the County Road at Stoneville and ending at the State road at Merritt's Mill in said Township, being about two miles, has become useless, burdensome to maintain, and unnecessary to the public, and your petitioners desire it to be vacated.

Your petitioners therefore pray the Court to appoint viewers to view and vacate said road; and they will ever pray,
etc.

J. W. Lanahan
Clark Goss
E. Burns

STATE OF PENNSYLVANIA : : SS:
COUNTY OF CLEARFIELD :

Clark Goss being duly sworn according to law doth depose and say that the facts set forth in the foregoing petition are true and correct, to the best of his knowledge, information and belief.

Clark Goss

Sworn and subscribed before
me this 11th day of September,
1932

Jesus E. Daily

1935

IN THE COURT OF QUARTER SS.
OF CLEARFIELD COUNTY, PA.
No. 6 December SS. 1931.

In re: Petition to vacate
a public road in Boggs
Township, Clearfield County,
Penna.

Court held 10/2/31
John Schindler
Harry Bass and
Ferry P. Schreiter
are appointed commissioners
to view and report.
"By the Court
A. J. Chase

SEP 15 1931
GEO. W. RALSTON
CLERK

FILED

Walter Welch
Attorney at Law
Clearfield, Pa.

No December Term 1931

In re: Petition to vacate a
Public Road in Boggs Township,
Clearfield County, Penna.

B O N D

Received Sept 15 1931
Bond approved
By the Court
By W. Ralston
RJ

33

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|-----------------|
| FILED |
| SEP 15 1931 |
| GEO. W. RALSTON |
| CLERK |

KNOW ALL MEN BY THESE PRESENTS, That we, CLARK GOSS,
J. W. LANSBERRY and E. E. BURNS, are held and firmly bound to the
Commonwealth of Pennsylvania, in the sum of Fifty Dollars, lawful
money of the United States, to be paid to the said Commonwealth
of Pennsylvania, its certain attorneys, to which payment well and
truly to be made we do bind ourselves, our heirs and assigns,
firmly by these presents. Sealed with our seals and dated this
11th. day of September, A. D. 1931.

THE CONDITION OF THIS OBLIGATION IS SUCH, That Whereas, a
petition has been presented in the Court of Quarter Sessions of
Clearfield County to vacate a certain road in Boggs
Township, Clearfield County, Pennsylvania, that if the said petition
is proceeded to a conclusion, then this obligation is null and
void; otherwise to be and remain in full force and effect.

Clark Goss (SEAL)

J. W. Lansberry (SEAL)

E. E. Burns (SEAL)

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 15th day of Sept in the year of our Lord, one thousand nine hundred and thirty one

A. R. CHASE

By the Honorable ~~Singhmonx Beck~~ President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of BOGGS, in the County aforesaid setting forth that a road in said tow ship beginning at the County Road at Stoneville and ending at the State Road at Merritt's Mill in said township, being about two miles, has become useless and unnecessary to the 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 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, ^{to No. 6 December Sessions, 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 Boggs, 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

17th day of October, A. D. 19 31 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 19th day of October A. D., 19 31, 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 : Clark Goss, J. W. Lansberry, E. E. Burns, Supervisors of Boggs Township, and O. P. 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 19th day of October,

A. D. 19 31, when the parties interested in the said road were in attendance: Walter Welch, Esq., with him E. E. Burns and J. W. Lansberry, Supervisors, petitioners. E. E. Burns and J. W. Lansberry 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 as a Public Road, to wit:

Beginning at its intersection with the County (Pike) Road leading from Clearfield to Blue Ball, at Stoneville, thence South $12\frac{1}{2}$ degrees West 300 feet; thence South 2 degrees West 600 feet; thence South 669 feet; thence South 16 degrees East 456 feet; thence South $14\frac{1}{2}$ degrees East 448 feet; thence South $2\frac{1}{2}$ degrees East 102 feet; thence South 10 degrees East 524 feet; thence South 17 degrees East 128 feet; thence South 6 degrees East 113 feet; thence South $9\frac{1}{2}$ degrees East 184 feet; thence South 14 degrees East 173 feet; thence South 164 feet; thence South 21 degrees East 222 feet; thence South 50 degrees East 143 feet; thence South 66 degrees East 350 feet; thence South 86 degrees East 225 feet; thence South 62 degrees East 105 feet; thence South 71 degrees East 204 feet; thence South 74 degrees East 180 feet; thence South 83 degrees East 163 feet; thence South 67 degrees East 100 feet; thence South $85\frac{1}{2}$ degrees East 162 feet; thence North 81 degrees East 132 feet; thence North 76 degrees East 91 feet; thence North 65 degrees East across Morgan Run 170 feet; thence North 72 degrees East 121 feet; thence North 19 degrees East 320 feet; thence North $6\frac{1}{2}$ degrees West 174 feet; thence North 15 degrees East 100 feet; thence North 60 degrees East 76 feet; thence South $66\frac{1}{2}$ degrees East 67 feet; thence South $49\frac{1}{2}$ degrees East 149 feet; thence South $47\frac{1}{2}$ degrees East 207 feet; thence South 44 degrees

East 203 feet; thence South 57 degrees East 338 feet; thence South 62 degrees East 269 feet; thence South 75 degrees East 89 feet; thence North 88 $\frac{1}{2}$ degrees East 300 feet; thence North 83 degrees East 139 feet; thence South 87 degrees East 178 feet; thence South 84 degrees East 227 feet; thence South 55 $\frac{1}{2}$ degrees East 144 feet; and thence South 50 degrees East 385 feet and ending at the State Road near Merretts Old Mill site.

We further find that the aforesaid Road passes through unimproved land, is not used; has overgrown with brush and requires a new bridge over Morgan Run; that it is fenced at the beginning, and is dangerous and inconvenient for public travel and an unnecessary burden to the tax-payers to maintain.

We therefore recommend its vacation as petitioned 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 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:

No damages claimed or assessed.

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

Witness our hands and seals this 7th day of November, A. D. 1931.

J. R. Scuddard [SEAL.]

H. A. Reese [SEAL.]

G. H. Weller [SEAL.]

Viewers.

No. 6 Dec 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 consider-
ation the advantages as well as the disadvantages
of the road, they will report to that effect.

| | Days | Miles | Am't |
|---------------|------|-------|-------|
| H. A. Reese | 3 | 101 | 35.05 |
| H. P. Dowler | 2 | 20 | 21.00 |
| John Scollins | 3 | 98 | 34.90 |

Now Dec Sessions 1931

read and confirmed Ni. Si.

By the Court

Now Dec Sessions 1931

confirmed absolute.

By the Court.

W. Welch

Filed 19

Atty, Walter Welch

Fees \$1.25 paid by

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|------------------|
| FILED |
| NOV 17 1931 |
| GEO. W. R. LSTON |
| CLERK |

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. 6, December Term, 1931, to view and vacate a road in Boggs Township beginning at the County Road at Stonerville and ending at the State Road at Marritt's Mill in said Township, being about two miles in length, in said county, will meet at Stonerville in the Township of Boggs aforesaid, in said County, on Saturday the 19th day of October, A. D. 1931 at ten (10:00) 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 at Clearfield, Pa., on Monday the 19th day of October, A. D. 1931 at ten (10:00) 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 Scelling
Harry Reese
H. P. Beuler
Viewers

Dated, October 1st, 1931.

CLEARFIELD COUNTY, SS:

Now, this 5th day of October, A. D. 1931, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Harris
Clerk

J. W. Gansberry

TO: Clark Goss, Harry J. Goss and E. E. Burns, Supervisors of Boggs Township, Clearfield County:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 6, December Term, 1931, to view and vacate a road in Boggs Township beginning at the County Road at Stoneville and ending at the State Road at Herritt's Mill in said Township, being about two miles in length, in said county, will meet at Stoneville in the Township of Boggs aforesaid, in said County, on Saturday, the 17th day of October, A. D. 1931 at ten (10:00) 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 at Clearfield, Pa., on Monday, the 19th day of October, A. D. 1931 at ten (10:00) 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 Scollard
Harry Reese
N. P. Dowler

Viewers

Dated, October 1st, 1931.

CLEARFIELD COUNTY, SS:

Now, this 5th day of October, A. D. 1931, service of the above Notice is accepted for the Supervisors of Boggs Township, Clearfield County.

Clark Goss
J. W. Gansberry
E. E. Burns