

ROAD

DOCKET No. 6

Number	Term	Year
6	MAY SS	1931

Petition to vacate road in Graham Twp.

Versus

X

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

IN RE: )

VACATION OF ROAD IN )  
GRAHAM TOWNSHIP, CLEARFIELD )  
COUNTY, PENNSYLVANIA. )

TO THE HONORABLE A. R. CHASE, P. J.:

Your petitioners respectfully represent:

FIRST: That James Bock, Fred Koble and Walter Hubler are the duly authorized Supervisors of the Township of Graham, County of Clearfield and State of Pennsylvania, and that James Bock is Secretary and Treasurer of the Board and Fred Koble is President of the Board.

SECOND: That there has been long since laid out a public road leading from the town of Allport in a Northwesterly direction a distance of approximately three and one half (3-1/2) miles to a point where said road intersects with the Deer Creek Road, running North and South.

THIRD: That Morris Township, Clearfield County, Pennsylvania has had a portion of the road described in paragraph two (2) vacated, beginning at a point on the road leading from Allport to Sington and thence in a Northwesterly direction where said road intersects Graham Township Line.

FOURTH: That portion of the road described in paragraph two (2) beginning at Graham Township Line, thence extending in a Northwesterly direction where said road intersects the Deer Creek Road, approximately one half (1/2) mile, has become useless, inconvenient and burdensome to maintain and repair.

WHEREFORE Your petitioners pray your learned Court to

appoint viewers to have said road vacated according to law so provided.

A E Morris  
Ed. Morris

W H Smith  
RB Morris

Jesse Beck  
Ernest Hubler  
E K. Smeal

John Ward  
James Tansbury  
Leon Tansbury

Ollie Tansbury  
Willard Evans

Fred Goble  
Robert Hurley

Walter Spangler

STATE OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS:

Personally appeared Before me the subscriber,

Walter Spangler  
Hubler, who after being duly sworn according to law, deposes and says that the facts set forth in the above petition are true and correct, and the signers thereon are taxpayers and citizens of the State of Pennsylvania.

Sworn and subscribed to before  
me this 10 day of April, A. D.  
1931.

Walter Spangler

Yes W R Palstoy  
Prothonotary

6 May 1931

Raw April 16<sup>th</sup> 1931

John Fletcher Secy  
Harvey Reese M.P.  
Chairman of Committee  
Voting to recommend  
report.

By res cont.

J. Fletcher  
J. F.

FILED
APR 13 1931
GEO. W. P. HILLST
CLERK

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 16th day of April in the year of our Lord, one

thousand nine hundred and thirty one

A.R.CHASE

By the Honorable ~~Singerton~~, President Judge of the said Court: Upon the petition of sundry Supervisors

~~inhabitants~~ of the Township of Graham, in the County aforesaid setting forth that ...there...  
2nd has been long since laid out a public road leading from the town of Allport in a northwesterly direction a distance of approximately 3 1/2 miles to a point where said road intersects with the Deer Creek Road. running north and south

3rd That Morris Township has had a portion of the road described in Parag. 2 vacated, beginning at a point on the road leading from Allport to Singerton and thence in a Northwesterly direction where said road intersects Graham Township Line.

4th That portion of the road described in Paragraph 2 beginning at Graham Township line, thence extending in a northeasterly direction where said road intersects the Deer Creek Road, approximately one half mile, has become useless, inconvenient and burdensome to maintain and repair.

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 H.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, <sup>to the 6th May Sessions, 1931</sup> 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 Graham, 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 9th day of June, 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 12th day of June, 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: J. A. Bock and Walter Hubler, Supervisors of Graham Township, \_\_\_\_\_

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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 12th day of June, A. D. 1931, when the parties interested in the said road were in attendance: J. A. Bock and Walter Hubler, Supervisors of Graham Township, who being sworn, examined and cross-examined by your Board, \_\_\_\_\_

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And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has \_\_\_\_\_, become useless, inconvenient and burdensome Find, to wit: \_\_\_\_\_

(a) Beginning at the intersection of the Public Road leading from the town of Allport to the Deer Creek Road with the division line between Graham and Morris Townships (at the end of the vacated continuance thereof through Morris Township) upon lands of Howard Bumbarger; thence thereby North 17 degrees West 367 feet to a post; thence North 32 degrees West 600 feet to Right-of-way of State Improved Highway (Bigler-Allport Cut-off).

We further find that the aforesaid described portion of said Road serves no public use, is burdensome and inconvenient for public travel, but does serve as an outlet to the State Improved Highway for John Hubler and Howard Bumbarger. We therefore recommend that that portion be vacated for public use but retained as a private road for the convenience of the individuals for whom it serves as an outlet to the Improved Highway. \_\_\_\_\_

(b) Beginning at a post on the North side of the right-of-way of the State Improved Highway (Bigler-Allport Cut-off); thence along lands of Howard Bumbarger North 32 degrees West 900 feet to a post; thence North 82 degrees West 390 feet to common corner of Morris and Graham Townships; and thence North 82 degrees West 485 feet and ending with its intersection with the public road leading to Deer Creek.

We further find that that portion of the Road (b) described herein is useless, \_\_\_\_\_

inconvenient and burdensome to the public, and recommended for vacation- those owning abutting properties being among the petitioners for its 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 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 assessed.

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

Witness our hands and seals this 13th day of June, A. D. 19 31.

*John Scelling* [SEAL]  
*W. A. Pease* [SEAL]  
*J. H. Taylor* [SEAL]

Viewers.

No. 6 May 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.

	Days	Miles	Am't
H. A. Reese	3	98	\$34.90
H. P. Dowler	2	62	\$23.10
John Scollins	4	110	\$45.50

Now Sept Sessions 1931

read and confirmed Ni. Si.

By the Court.

*W. A. Hagerty*  
Sessions 1931

confirmed absolute.

By the Court.

*W. A. Hagerty*  
Sessions 1931

Filed 19

Atty, W. A. Hagerty and  
Carl A. Belin  
Fees \$1.25 paid by



TO: James Bock, Fred Coble and Walter Hubler, Supervisors of  
Graham Township, Clearfield County:-

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 6, May Sessions, 1931, to view and vacate public Road leading from the Town of Allport in a northwesterly direction, a distance of approximately  $3\frac{1}{2}$  miles to a point whereon said road intersects with the Deer Creek Road running North and South in Graham Township, a portion of which Road located in Morris Township beginning at a point on the Road leading from Allport to Sington and thence in a Northwesterly direction where said Road intersects Graham Township line having been vacated, in Graham Township, in the County aforesaid, will meet at the Line of Morris and Graham Townships on said Road on Tuesday, the 9th day of June, A. D. 1931 at ten (10) 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 12th day of June, 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 attend and be heard.

John Scellins  
Harry Reese  
N. R. Dowler  
Viewers

Dated, May 13th, 1931.

CLEARFIELD COUNTY, SS:

Now, this 21 day of May, A. D. 1931,  
service of the above Notice is accepted for the Supervisors of Graham  
Township, Clearfield County.

Fred Coble  
James Bock  
Walter Hubler  
Supervisors