

Road

DOCKET No. 6

Number	Term	Year
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7

MAY SS 1931

Petition to vacate road in

Huston Twp.

Versus

X

In re: Road in Huston Township,
part of Penfield to Byrnedale
Highway

In the Court of Quarter Sessions
of Clearfield County

No. May Sessions, 1931

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TO THE HONORABLE THE JUDGE OF THE ABOVE NAMED COURT:

The petition of the undersigned, Supervisors of the Township of Huston, County of Clearfield and State of Pennsylvania respectfully represents:

That all of the undersigned are Road Supervisors of the Township of Huston, County of Clearfield and State of Pennsylvania and they respectfully represent to your honorable Court that a certain road heretofore laid out and existing for a long time past, leading from Penfield in Clearfield County, to Byrnedale in Elk County, a part thereof which begins at a point opposite the barn on the Phebe R. Tyler Estate, and extends through the lands of the said Phebe R. Tyler, East to the Elk County line, being approximately parallel to the concrete highway constructed from Penfield to Byrnedale, has now become useless, inconvenient and burdensome, by reason of the construction by the State Highway Department of Pennsylvania of an improved concrete highway through the said Township of Huston.

Your petitioners therefore respectfully pray your honorable Court that the said road may be vacated, agreeably to the Acts of

General Assembly of the Commonwealth of Pennsylvania in such case made and provided.

And they will ever pray, etc.

L. Thomas

John Kirchner
W. J. Lanich

State of Pennsylvania
County of Clearfield

ss:

Personally appeared before the undersigned, a Justice of the Peace in and for said County and State, L. W. THOMAS, J. C. KIRCHNER and W. J. LANICH, who being duly sworn according to law, depose and say that the facts contained in the foregoing Petition are true and correct.

Sworn and subscribed before me
this 4 day of April, 1931.

J. C. Kirchner

L. Thomas

John Kirchner
W. J. Lanich

O R D E R

NOW, day of April, 1931, the foregoing
Petition of the Supervisors of the Township of Huston, having
been duly presented to this Court, setting forth that the road
described in said Petition, or the portion thereof, has become
useless, inconvenient and burdensome, NOW, THEREFORE, this
Court do order and appoint and
..... and
Viewers to view the said road set forth in said Petition to be
vacated, and to consider and judge whether the same has become
useless, inconvenient and burdensome and to make report there-
of to this Court at the next term thereof, to wit: September
Sessions, 1931.

BY THE COURT

_____ P.J.

In the Court of Quarter
Sessions of Clearfield
County

No. **7** May Sessions, 1931

In re: Road in Huston
Township, part of Penfield
to Byrnedale Highway

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P E T I T I O N

Now April 27th 1931
Calder & Co. Inc.
Trigs & Co. Inc.
are applicants
to have and report
to the Court
of the County
of Clearfield

HILL
RENTZ & RENTZ
ATTORNEYS AT LAW
CLEARFIELD, PENNA.

APR 27 1931

GEO. W. PAULSTON
CLERK

Spencer

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 27th day of April in the year of our Lord, one thousand nine hundred and thirty one

A. R. CHASE
By the Honorable ~~Singleton Bell~~ President Judge of the said Court: Upon the petition of sundry Supervisors and Inhabitants of the Township of Huston, in the County aforesaid setting forth that a certain road heretofore laid out and existing for a long time past, leading from Penfield in Clearfield County, to Byrnedale in Elk County, a part thereof which begins at a point opposite the barn on the Phebe R. Tyler Estate, and extends through the lands of the said Phebe R. Tyler, east to the Elk County line, being approximately parallel to the concrete highway constructed from Penfield to Byrnedale, has now become useless, inconvenient and burdensome, by reason of the construction of an improved concrete highway through the said township of Huston

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 G. Boose, Esq., J. E. Frye

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 Huston, 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

13th day of May, 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 ^{Grand Jury} ~~Arbitration~~ Room in the Court House, in Clearfield,

Pa., on the sixteenth day of May A. D., 1931, at 9.30 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. C. Kirchner and T. J. Lanick, Supervisors of Huston Township,
and divers citizens of Huston Township and of Elk County,

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 sixteenth day of May,

A. D. 1931, when the parties interested in the said road were in attendance:

No person or official representing parties either in favor of the vacation or opposed to the vacation attended the hearing of the viewers.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome and they therefore return the same, as it appears by the petition by description and by the plot or map hereunto attached, showing the various courses and distances of said road.

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
J. S. Michaels	4	80	\$40.00
J. E. Fry	3	46	\$27.10
Earle G. Boone	3	64	\$28.90

FILED
MAY 22 1931
GEO. W. RALSTON
CLERK

No. 7 May Term 19 31

ORDER TO VACATE

To view and vacate road situated
in the Township of Huston
Clearfield County.

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

By the Court
Now *recd* Sessions *1931*
confirmed absolute.

By the Court.
A. H. H. H. H.
P. J.

Filed _____ 19

Atty, Pentz & Pentz

Fees \$1.25 paid by

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: _____

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

Witness our hands and seals this 16th day of May, , A. D. 19 31

..... *James B. ...* [SEAL.]
..... *J. E. Fry* [SEAL.]
..... *J. S. Whitchell* [SEAL.]

Viewers.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In Re; Vacation of Public Road : Of May Sessions, 1931
In Huston Township. : No. 7.

To the Supervisors of Huston Township and the Commissioners
of Clearfield County, Pa.

You and each of you will please hereby take notice that upon
petition of the Supervisors of Huston Township, the Judge of the
court has appointed the undersigned as Viewers to view and vacate
that part of the public road leading from Penfield to Byrnedale,
beginning at or opposite the barn on the Phoebe R. Tyler Estate,
in Huston Township, Clearfield County and ending at the Elk County
line,

The Viewers will meet to view the premises at the aforesaid
barn on the Phoebe Tyler Estate in Huston Township, Clearfield
County, Pa., on Wednesday, the thirteenth day of May, 1931, at
two (2) o'clock P. M., and the public hearing in the matter will
be held in the Grand Jury Room of the Court House at Clearfield,
Pa., on Saturday, the sixteenth day of May, 1931, at 9.30 o'clock
A. M. at which places you may attend if you desire.

May 1, 1931

Carl C. Brown
W. E. Fry
Jack Michaels
Viewers.

Now May 1, 1931, service of notice of aforesaid proceedings
received by copy and service thereof is hereby accepted.

Paul Lantz
Atty. for Petitioners
L. C. Norris
Clerk for County Commissioners.

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 vacate a part of a public road

Road leading from Penfield, Huston Township, Clearfield County, Pa., to Byrnedale, in Elk County, Pa., the part to be vacated being that part beginning opposite the barn on the Phoebe R. Tyler Estate in Huston Township, to and ending at the Elk County line

in Huston Township, in Clearfield County, aforesaid, will meet at the said barn on the Phoebe R. Tyler Estate in Huston Township, on Wednesday the 13th day of May 1931, 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 Saturday the sixteenth day of May 1931, at 9.30 o'clock A. M.

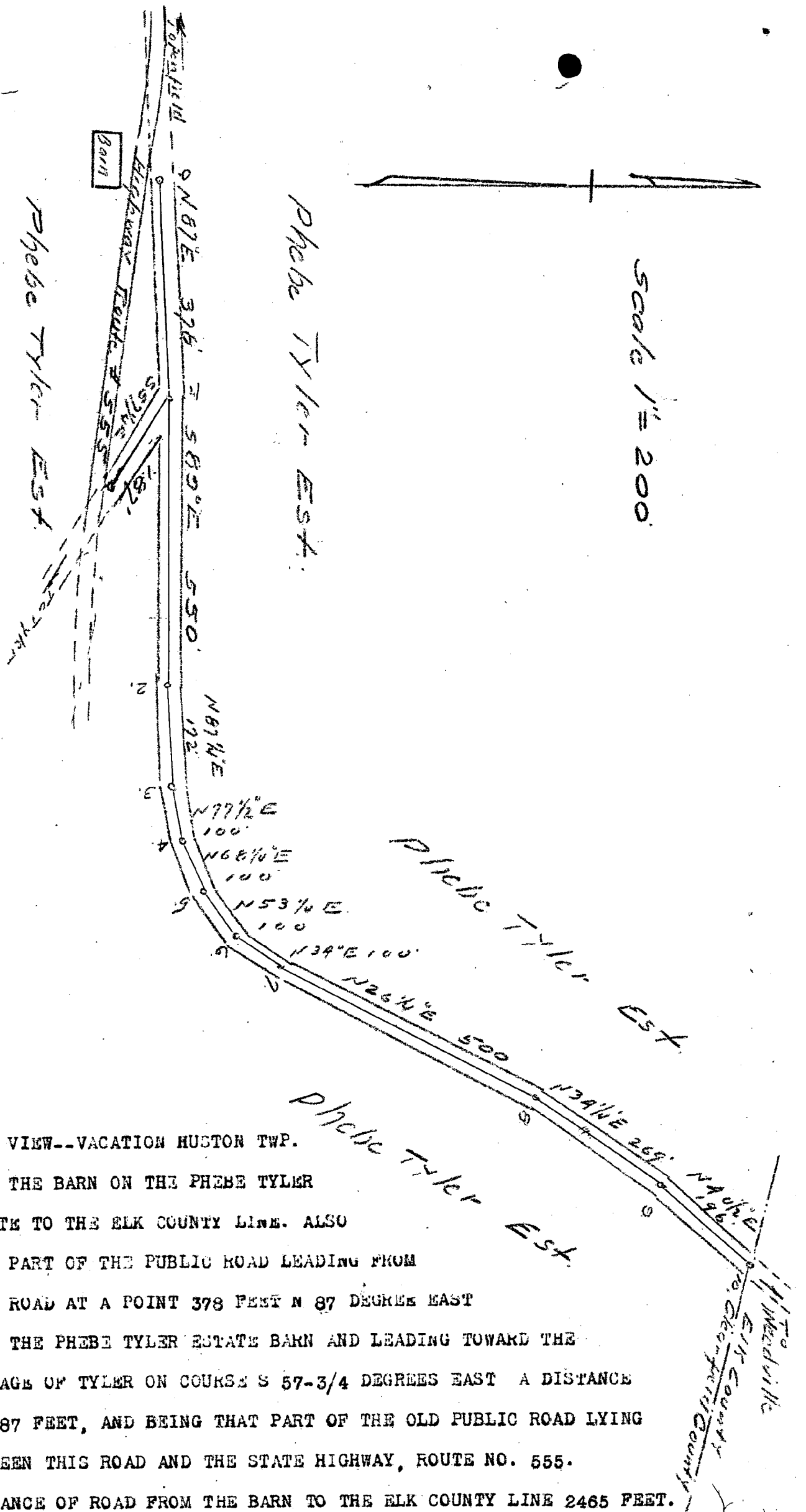
Earle G. Boose

J. E. Fry

May 1, 1931

Jack Michaels

Viewers.



ROAD VIEW--VACATION HUSTON TWP.
 FROM THE BARN ON THE PHEBE TYLER
 ESTATE TO THE ELK COUNTY LINE. ALSO
 THAT PART OF THE PUBLIC ROAD LEADING FROM
 THIS ROAD AT A POINT 378 FEET N 87 DEGREE EAST
 FROM THE PHEBE TYLER ESTATE BARN AND LEADING TOWARD THE
 VILLAGE OF TYLER ON COURSE S 57-3/4 DEGREES EAST A DISTANCE
 OF 187 FEET, AND BEING THAT PART OF THE OLD PUBLIC ROAD LYING
 BETWEEN THIS ROAD AND THE STATE HIGHWAY, ROUTE NO. 555.
 DISTANCE OF ROAD FROM THE BARN TO THE ELK COUNTY LINE 2465 FEET.
 VIEWED MAY 13, 1931.

EARL G. BOOSE,
 J. E. FRY) VIEWERS.
 JACK MICHAELS)