

DOCKET

Number	Term	Year
5	Sept. SS	1932

Petition to re-view road in Townships of Union and Sandy.

Versus

To Honorable A. R. Chase, the Judge of the Court of Quarter Sessions of Clearfield County, Pa.

Your undersigned petitioners would respectfully set out that they are residents of the townships of Union and Sandy and the City of DuBois, or are landowners affected by the public road hereinafter described;

That there is a certain public road situate in Union Township which was long since layed out and opened by authority of orders of the Court of Quarter Sessions of Clearfield County, which begins at the public road leading from Home Camp to Sabula, at the farm of the late George Bowersox and leads generally in a northwest direction to the State Highway at Narrows Creek, in Sandy Township;

That recently, upon petition a petition was filed asking the appointment of Viewers by this Court to vacate so much of the said public road as is within Union Township, describing the part as beginning at the southern boundary of the Bowersox place and continuing northwestward to the Township line and being known as the Narrows Creek Road;

That accordingly viewers were appointed who viewed the said part and made report to the Court at May Term of 1932, recommending that said part be vacated. The proceeding is known as No. 2 May Term, 1932.

That the road as a whole is in good condition and is much traveled. That part of the road within Sandy Township has been recently ashed and is in excellent condition. The road gives a good and short means of communication between the Home Camp district and the City of DuBois and its vacation would work a hardship upon a large number of residents.

In addition to these matters, the road leads past the Dressler Cemetery, in which many people have cemetery lots and there is continual use of this place of burial by people from many sections.

Your petitioners believe that the vacation of this road would work a hardship on many of the people and therefore petition that the court appoint proper persons to re-view this road or the part that has thus been returned for vacation. All of which is very respectfully submitted.

Archie Petermann
F. W. Weber
O. Nelson
J. F. Shantz

George H. Gifford
B. S. Bloom
W. H. Taylor
J. S. Kline

J. H. Smith
W. C. Thole
S. H. Conway
W. W. Cook

Jerry Brown
G. W. Barnard
Mrs. Matthea Kline
Mary S. Strong
J. H. Pintz

Clearfield County,)
Pennsylvania.) SS

Before me a Notary Public commissioned in and for Clearfield county, Pennsylvania, personally came J. F. Shannon, one of the signers of the foregoing petition and being sworn according to law says that the said petition is true and correct.

J. F. Shannon

Sworn and subscribed before me
the 25 day of July, 1932.

W. R. Gallagher
Notary Public

MY COMMISSION EXPIRES
FIRST MONDAY OF JANUARY, 1936

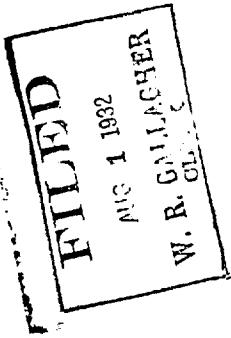
In the Court of Quarter Sessions
of Clearfield County, Pa.
No. 5 Sept. Term, 1932
.....

PETITION TO APPOINT VIEWERS

Nov 9 1932

The Court having considered this
petition hereby appoints
Carl J. Rose and C. E.
Frye and W. G. Black
to be the
Viewers.

The Viewers to make report at
next Term.
By the Court
W. R. Glass



2. 50 720

Your undersigned petitioners would res~~u~~
that they are residents of the townships of
and the City of DuBois, or are landowners affected by the
public road hereinafter described:

That there is a certain public road situate in Union
Township which was long since laid out and opened by
authority of order of the Court of Quarter Sessions of Clear-
field County, which begins at the public road leading from
Home Camp to Sabula, at the farm of the late George Bowersox
and leads generally in a northwest direction to the State
Highway at Narrows Creek, in Sandy Township;

That recently, upon petition a petition was filed asking
the appointment of Viewers by this Court to vacate so much of
the said public road as is within Union Township, describing
the part as beginning at the southern boundary of the Bowersox
place and continuing northwestward to the Township line and
being known as the Narrows Creek Road;

That accordingly viewers were appointed who viewed the said
part and made report to the Court at May Term of 1932, re-
commending that said part be vacated. The proceeding is known
as No. 2 Feb. Term, 1932.

That the road as a whole is in good condition and is much
traveled. That part of the road within Sandy Township has
been recently ashed and is in excellent condition. The road
gives a good and short means of communication between the
Home Camp district and the City of DuBois and its vacation
would work a hardship upon a large number of residents.

In addition to these matters, the road leads past the
Dressler Cemetery, in which many people have cemetery lots
and there is continual use of this place of burial by people
from many sections.

Your petitioners believe that the vacation of this road
would work a hardship on many of the people and therefore
petition that the court appoint proper persons to re-review this
road or the part that has thus been returned for vacation.
All of which is very respectfully submitted.

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 1st day of August in the year of our Lord one thousand nine hundred and thirty-two.

Judge of the same Court: Upon the petition of sundry inhabitants of the Townships of Union and Sandy in said County, setting forth that

respectfully set out
Union and Sandy

and therefore, praying the Court to appoint proper persons to re-view and lay out the road between the points mentioned, whereupon the 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 J. K. Michaels as Re-Viewers

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to re-view the ground proposed for the said road, and if they re-view the same, and a majority of the actual re-viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioners as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the re-viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the re-viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said re-viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; 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 place where, they should meet, to view and lay out said road, and the time and place of hearing.

By order of the Court.

W. R. Gallagher, Clerk.

RETURN OF VIEWERS

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield;

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, be leave to report as follows:

That notice of the time of 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

Union and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 12th. day of August, ¹⁹³² A. D. 1932, and the hearing to be held in the ~~Registration~~ Room, at the Court House, in Clearfield, Pa., on the 15th day of August, ¹⁹³² at 9.30 o'clock A.M. That all the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view G. W. Brown, J. F. Shannon John Peterman, Geo. Gifford, Mrs. Geo. Gifford, Hon. N. L. Strong, Mary Strong, John Nelson, Mrs. John Nelson, William Miller, H. G. Dressler, Fred Weber and divers other persons.

parties in interest. That the hearing was held in the ~~Association~~ room, in the Court House, at Clearfield, Pa., on the 15th day of August, A. D. 1932, when the following appearances were noted: J. H. Riddle, Supervisor of Union Twp., and with him, W. Wallace Smith Esq., Solicitor for the township, proponents for the vacation of the road. For remonstrants against the vacation there appeared, J. F. Shannon, Geo. Gifford, Geo W. Brown, John Peterman, Sherman Smith, William Miller, Hon. N. L. Strong and others.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is _____ occasion for a road as desired by the petitioner; and that the same is _____ necessary for a _____ road. And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for _____ use the following described road; to wit Beginning they are unable to agree with the findings of the original Board of View, which recommended the vacation of this road. From an examination of the marks of travel on this road, of recent origin, and from observation of the traffic on the road while engaged in the view, and from the testimony offered by many witnesses, this Board of view is convinced that there is a very considerable volume of traffic on the road; that it is very easily maintained and that its vacation would not be justified under existing conditions. The Board therefore respectfully recommends that no vacation of the road be decreed.

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

In the Matter of the : Of September Sessions,
Review of Vacation of : 1932.
Narrows Creek Road in :
Union Township . : No. 5.

To the Petitioners; the Supervisors of Union Township, and
the Commissioners of Clearfield County;

You and each of you will hereby take notice that upon petition of divers citizens of Union Township and elsewhere in the county of Clearfield, setting out that a part of a public road in said Union Township, commonly known as the Narrows Creek Road, and which piece begins at the southern boundary line of the farm of the late George Bowersox and continuing northwestward to the township line, had been recommended for vacation by a Board of Viewers, in the Board's report to February Term of this Court, 1932, docketed as No. 2 February Sessions, and that such vacation would work a hardship on many of the people of Union Township and in Clearfield County, and upon a petition for a re-view of the matter, the Court has appointed the undersigned as Viewers to re-view the said vacated section, with order to report at September Sessions of the Court of the year 1932. The Viewers will accordingly meet at the Levi Dressler place in said Union Township, which is near the first named termini of the said section of road, to re-view the said road, on Friday, the twelfth day of August, 1932, at 1.30 o'clock P. M., and will hold the public meeting as required by law and the rules of this court, in the Grand Jury Room of the Court House at Clearfield, Pa., on Monday, the fifteenth day of August, 1932, at 9.30 o'clock A. M., at which latter named time and place, all parties having any interest in the matter may appear and be heard.

James Bone.....
John D. May.....
Jack Michaels.....
Viewers

Aug. 5, 1932.

Now, August 5th, 1932, the above notice served upon us, with a copy of same delivered, and service is hereby accepted.

Arnold A. Smith.....
Solicitors for Union Twp.

L. C. Morris..... Clerk
For the County Commissioners

J. F. Sherman.....
For the Petitioners

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view re-view part of a certain public..... Road leading from the southern boundary line of the farm of the late George Bowersox..... in Union..... Township, to the township line, between Union and Sandy Townships, commonly known as the Narrows Creek Road in Union..... Township, in Clearfield County, aforesaid, will meet at the Levi Dressler place..... in Union..... Township, on Friday, the twelfth day of August,..... 1932 at, 1.30..... 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 Monday,..... the fifteenth..... day of August,..... 1932, at 9.30..... o'clock A. M.

Earle G. Boose

J. E. Fry

Aug. 5, 1932.

Jack Michaels

Viewers.

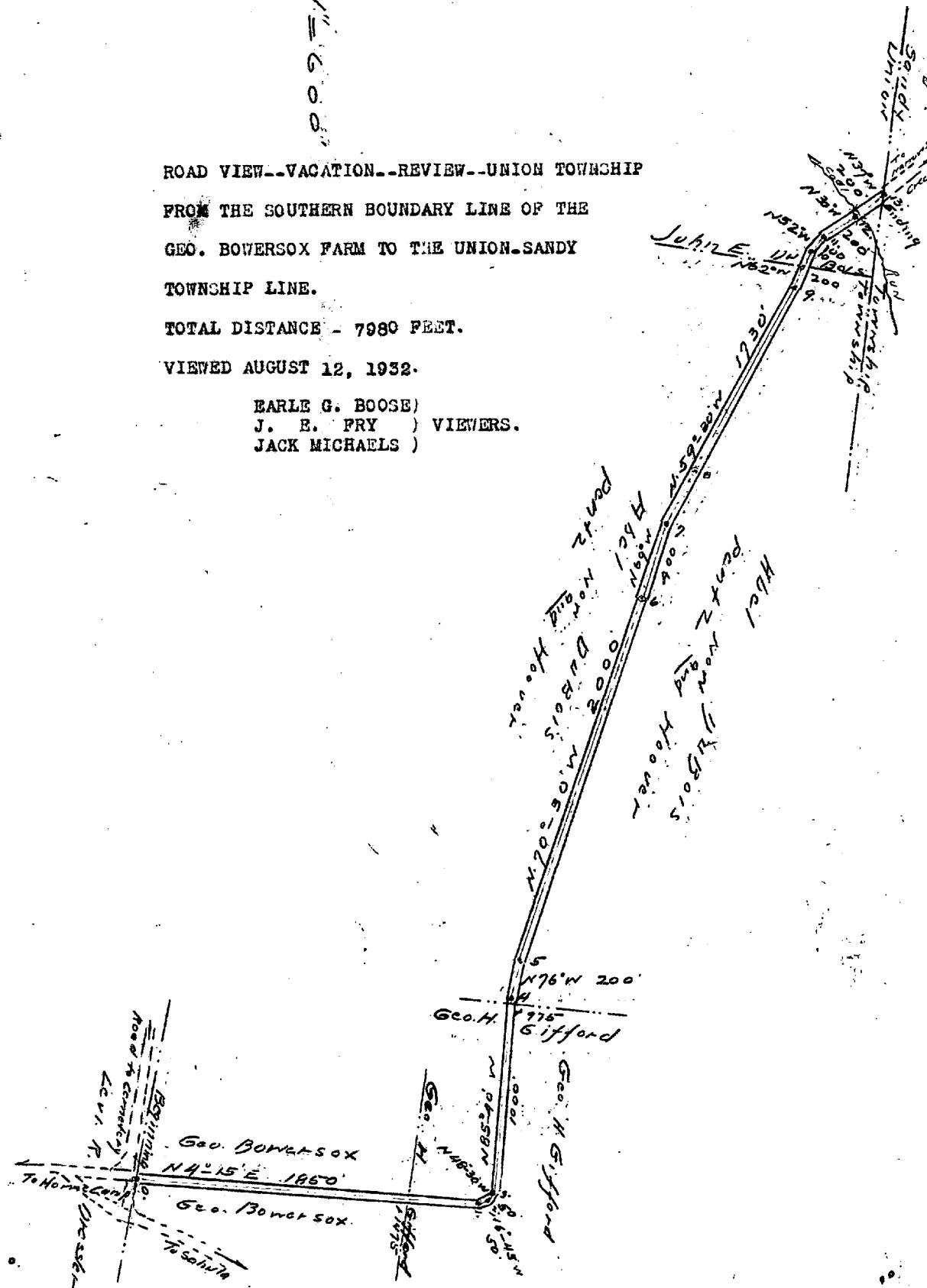
Scale: 1" = 600'

ROAD VIEW--VACATION--REVIEW--UNION TOWNSHIP
FROM THE SOUTHERN BOUNDARY LINE OF THE
GEO. BOWERSOX FARM TO THE UNION-SANDY
TOWNSHIP LINE.

TOTAL DISTANCE - 7980 FEET.

VIEWED AUGUST 12, 1932.

EARLE G. BOOSE)
J. E. FRY) VIEWERS.
JACK MICHAELS)



and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting -----

when it was not practical to preserve it within that limit.

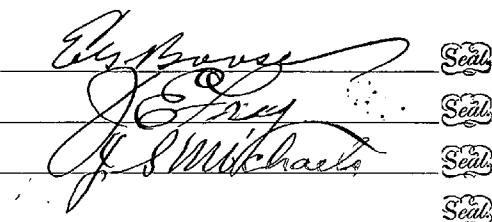
The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from -----

the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening 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 August.

A. D. 1932.


A. D. Brown Seal
J. E. Gray Seal
J. S. Michaels Seal
Seal

6.

No. 5 Sept. Sessions, 1932.

ORDER

To view a
road for public use in the
townships of Union and Sand
Clearfield County

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.

	DAY	MILES	AMT.
Earle G. Boose	4	124	\$36.70
J. E. Fry	3	70	26.00
J. S. Michaels	2	140	32.00

Sept 5 Sessions, 1932
read and confirmed Ni. Si. Boose
opened 35 ft Boose
inside hill cutting or embankment
Boose
By the Grant
J. E. Fry
W. R. GALLAGHER
CLERK
8 Aug 1932
Clerk of the County
A. P. Blane
P. J.

Filed 19
Fees \$1.25 paid by Boose

RELEASE OF DAMAGES

Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by _____

at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said _____

all damages that may arise to us respectfully by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____

A. D. 192 _____

Seal

Seal

Seal

Seal