

DOCKET No. 6

Number	Term	Year
7	May SS	1932

Petition to vacate road in Knox

Township:

Versus

X

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

In re:)
Vacation of Road in)
Knox Township)

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

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

That a certain road beginning at Lester Bloom's property in Knox Township, on road leading from Turkey Hill to the cement road from Olanta to Kelleytown, and ending at the intersection of said cement or state road, has become useless, burdensome to maintain, and of no benefit to the public,

Your petitioners therefore pray that viewers be appointed to view and vacate the said road, and they will ever pray, etc.

A. M. Rowles
H. J. Straw
Ben Freeman
Supervisors of Knox Township Road District.

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

Ben Freeman 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.

Sworn and subscribed before me
this 5 day of March, 1932.

J. C. Snyder
Commission expires Jan. 1, 1934

Ben Freeman

In the Court of Quarter
Sessions of Clearfield County
Penna.

In re:

Vacation of Road in
Knox Township

*Done April 21st
1932,
Bond approved,
By the Court.
J. H. Board
P. J.*

FILED

APR 25 1932

W. R. GALLAGHER
Clerk
Attorney at Law
Clearfield, Pa.

KNOW ALL MEN BY THESE PRESENTS, That we, A.M. Roules
H. J. Straw and Ben Freeman
are held and firmly bound unto the Commonwealth of Pennsylvania, its
certain attorneys or assigns, in the sum of Fifty (\$50.00) Dollars,
lawful money of the United States, for the payment of which sum well
and truly to be made, we do bind ourselves, our and each of our heirs,
executors and administrators, jointly and severally, firmly by these
presents. Sealed with our seals and dated this 2 day of April,
1932.

WHEREAS, a petition has been presented in the Court of Quarter
Sessions by the Supervisors of Knox Township Road District, praying
for the vacation of a certain road set out and described therein.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, That if the said
petitioners shall diligently prosecute the said petition to its con-
clusion so as to provide for all costs incurred, then this obligation
to be null and void, otherwise to be and remain in full force and
effect.

A.M. Roules (SEAL)

H. J. Straw (SEAL)

Ben Freeman (SEAL)

No. 7 May Sessions, 1932.

In re: Petition for
vacation of Road in
Knox Township

B O N D

has been 21st 1932
John Wallace says
Edward Bellotte and
Jack Grimaldo are
appointed viewers
to view and report
by the Court.
W. Wallace.

Walter Welch
Attorney at Law
Cincinnati, Pa.

APR 25 1932

W. R. GALLAGHER
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 25th day of April in the year of our Lord, one thousand nine hundred and thirty-two.

A. R. CHASE

By the Honorable ~~Simon B. Bell~~ President Judge of the said Court: Upon the petition of sundry Supervisors

~~#####~~ of the Township of Knox, in the County aforesaid setting forth that ...
certain road beginning at Lester Bloom's property in Knox Township, on road leading from Turkey Hill to the cement road from Olanta to Kelleytown, and ending at the intersection of said cement or state road, has become useless, burdensome to maintain, and of no benefit 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., Edward 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.

H. R. Gallagher
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 Knox, 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

19th day of May, A. D. 19 32, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the ~~Boardman~~ ^{Grand Jury} Room in the Court House, in Clearfield.

Pa., on the 20th day of May A. D., 1932, at 10:00 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: Allen Walker, M. C. Rowles, Lester Bloom, H. D. Straw and Benj. Freeman,
Supervisors of Knox Township,

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Boardman~~ ^{Grand Jury} Room in the Court House, in Clearfield, Pa., on the 20th day of May,

A. D. 19 32, when the parties interested in the said road were in attendance: H. D. Straw, Maywood Rowles and Benj. Freeman, Supervisors, with Walter Welch, Esq., Solicitor for petitioners, and Allen Walker, Fred Baughman and Wade Turner as witnesses. M. C. Owens remonstrates in person. Petitioners, witnesses and remonstrant sworn and affirmed, 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, to wit:

Beginning at a post at the intersection of the hereinafter described road (proposed to be vacated) with the public road leading from Olanta to Kelleytown at the property line of D. Allen Walker and Lester Bloom, thence North 86 degrees 30 minutes East along lands of D. Allen Walker 300 feet to a post; thence South 86 degrees East thereby 200 feet to a post; thence South 48 degrees East still thereby 100 feet to a post; thence South 25 degrees East still thereby 300 feet to a post; thence South 48 degrees East still thereby 100 feet to a post; thence South 73 degrees 30 minutes East still thereby 400 feet to a post; thence South 75 degrees East thereby 100 feet to a post; thence South 84 degrees East, thereby, 400 feet to a post; thence South 89 degrees 45 minutes East thereby 100 feet to a post; and thence North 80 degrees East thereby 192 feet and ending at the State Highway leading from Olanta to Boardman, via Kelleytown.

We further find that the aforesaid is in reality only a short-cut across the Walker Farm, and that the main public roads have been permanently improved with concrete and macadam, the latter being only recently completed.

That the aforesaid road is impassable in winter and at places is soggy, wet and dangerous, passing over springs and underground water courses at out-cropping of coal-vein.

TO: The Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 7, May Term, 1932, to view and vacate a certain road beginning at Lester Bloom's property in Knox Township, on road leading from Turkey Hill to the cement road from Olanta to Kelleytown, and ending at the intersection of said cement or state road, in Knox Township, in the County aforesaid, will meet at Lester Bloom's property in said Township on Thursday, the 19th day of May, A. D. 1932 at one (1:00) o'clock P. 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 Grand Jury Room in the Court House in Clearfield on Friday, the 20th day of May, A. D. 1932 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 Collins
Edward Billatte
J. J. Michael
Viewers

Dated, May 7, 1932.

CLEARFIELD COUNTY, SS:

Now, this 9th day of May, A. D. 1932, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Harris
Clerk

of the above Notice
Clearfield County.

TO: Maywood Rowles, H. T. Straw and Ben Freeman, Supervisors
of Knox Township, Clearfield County:-

You are hereby notified that the undersigned viewers,
appointed by the Court of Quarter Sessions of Clearfield County to No. 7, May
Term, 1932, to view and vacate a certain road beginning at Lester Bloom's
property in Knox Township, on road leading from Turkey Hill to the cement road
from Olanta to Kelleytown, and ending at the intersection of said cement or
state road, in Knox Township, in the County aforesaid, will meet at Lester
Bloom's property in said Township on Thursday, the 19th day of May, A. D. 1932
at one (1:00) o'clock P. 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 Grand Jury Room
Court House in Clearfield on Friday, the 20th day of May, A. D. 1932
(10:00) o'clock A. M., or as soon thereafter as counsel can be
which time and place all parties interested may attend and

ers

Dated, May 7, 1932.

CLEARFIELD COUNTY, SS:

Now, th'
is accep

day of May, A. D. 1932, service
Supervisors of Knox Township.

Maywood Rowles

H. T. Straw

Ben Freeman
Supervisors

TO: Maywood Rowles, H. T. Straw and Ben Freeman, Supervisors
of Knox Township, Clearfield County:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to No. 7, May Term, 1932, to view and vacate a certain road beginning at Lester Bloom's property in Knox Township, on road leading from Turkey Hill to the cement road from Olanta to Kelleytown, and ending at the intersection of said cement or state road, in Knox Township, in the County aforesaid, will meet at Lester Bloom's property in said Township on Thursday, the 19th day of May, A. D. 1932 at one (1:00) o'clock P. 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 Grand Jury Room in the Court House in Clearfield on Friday, the 20th day of May, A. D. 1932 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 Zellins
Edward Billotte
J. D. Michaels
Viewers

Dated, May 7, 1932.

CLEARFIELD COUNTY, SS:

Now, this 12 day of May, A. D. 1932, service of the above notice is accepted for the Supervisors of Knox Township, Clearfield County.

Maywood Rowles
H. T. Straw
Ben Freeman
Supervisors

Remonstrant complains that no work has been done on said road by the Supervisors, accounting for its present impassable condition, and that its up-keep is inexpensive; that the said Road serves as an outlet to New Millport, Potts Run and Turkey Hill from his 140 acre farm (which at present is unoccupied) and would agree to its vacation provided Walker opened and permitted public use of his lane from the State Road to the Olanta-Kelleytown dirt Road.

After hearing all the parties interested and viewing the premises, and the stipulation of D. Allen Walker of record that he claims no damage, your Board recommends the vacation of the aforesaid described road.

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 herewith return releases obtained, and copy of the notices.

Witness our hands and seals this 29th day of August, A. D. 1932.

John E. Eddins [SEAL.]
Ed Willott [SEAL.]
J. S. Michael [SEAL.]

Viewers.

No. 7 May Term 19 32.

ORDER TO VACATE

To view and vacate road situate
in the Township of Knox
Clearfield County.

Now *Sept* Sessions 19 32
read and confirmed Ni. Si.

By the Court
recd
Now *APB* Sessions 19 32
confirmed absolute.

By the Court.
APB
P.J.

Filed 19

Atty. Walter Welch.
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.

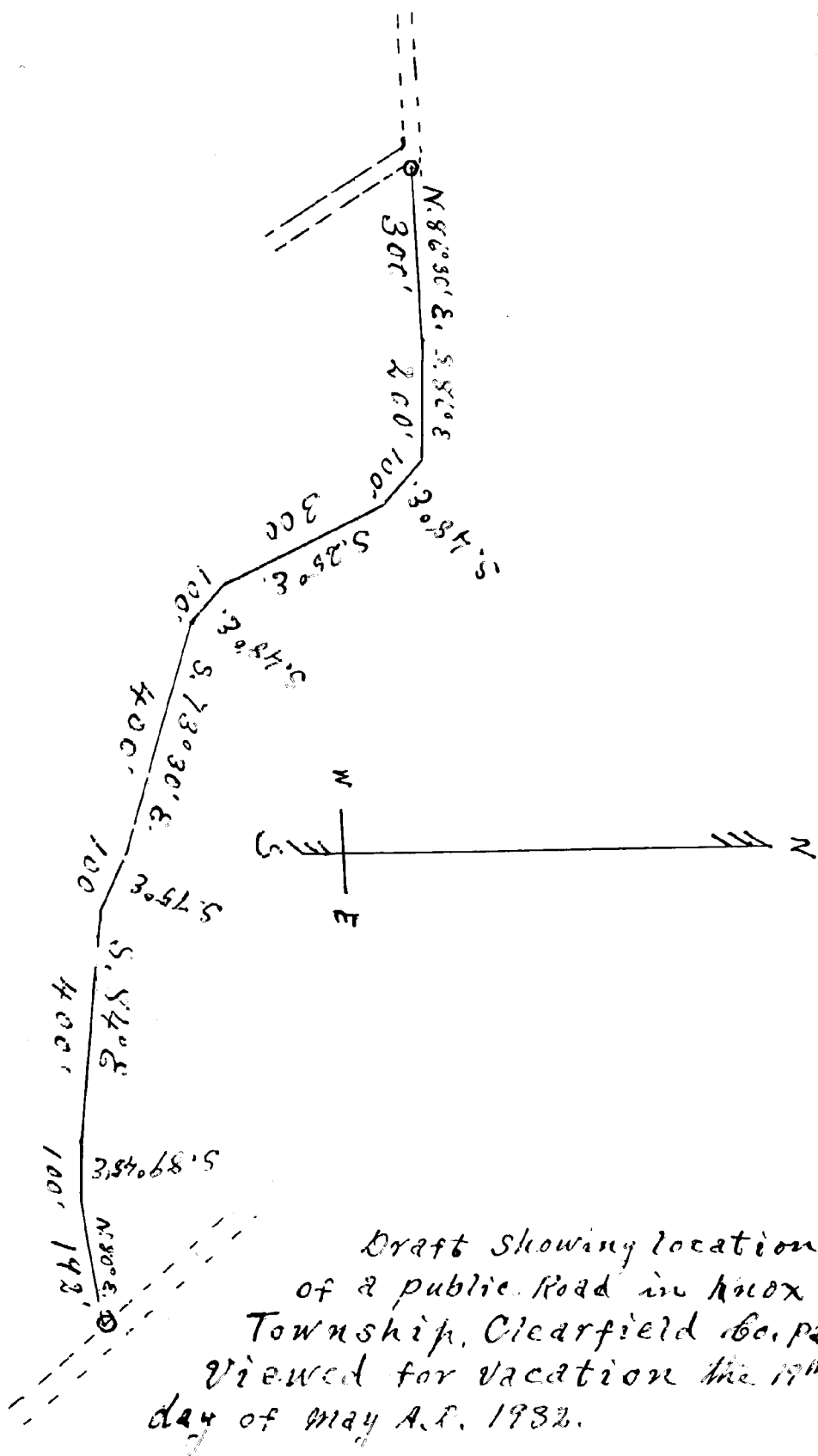
Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

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
J. S. Michaels	2	116	\$20.80
E. D. Billotte	5	68	\$40.90
John Scollins	4	114	\$35.70

FILED
SEP 1 1932
W. R. GALLAGHER
CLERK



John Scollins,
C.D. Billotte
J.S. Michaels,
viewers,

Scale $\frac{3}{8}$ in. to 100 ft.

Total Length 2,192 feet.