

DOCKET No. 6

Number Term Year

1

MAY SS 1933

PETITION TO OPEN GOOD STREET

KERR ADDITION LAWRENCE TWP

Versus

H. L. #6 - Page 340

Good to be known

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY PENNSYLVANIA

IN RE PETITION TO OPEN GOOD :  
STREET IN KERR ADDITION, : No. May Sessions, 1933  
LAWRENCE TOWNSHIP :  
:

PETITION FOR APPOINTMENT OF VIEWERS

The petition of the undersigned residents and citizens of the Township of Lawrence, County of Clearfield and State of Pennsylvania, respectfully represents:

That they labor under great inconvenience for the want of a public road in Kerr Addition, Lawrence Township beginning at the river road at a point near the Marano vacant lots, now owned by the August Marano estate and ending at Thompson Street opposite the property of James Carson.

They therefore pray your Honorable Court to appoint viewers to view the same and make a report thereon in accordance with the Acts of Assembly in such case made and provided.

*Albert Hubler*  
\_\_\_\_\_  
*Mrs. Albert Hubler*  
\_\_\_\_\_  
*M. B. Sinewhite*  
\_\_\_\_\_  
*Mrs. M. B. Sinewhite*  
\_\_\_\_\_  
*Leahy J. Buck*  
\_\_\_\_\_  
*Mrs. Clara Buck*  
\_\_\_\_\_  
*Charles B. Hubler*  
\_\_\_\_\_  
*Mrs. Dan McLaughlin*  
\_\_\_\_\_  
*Randy J. Valliant*  
\_\_\_\_\_  
*James H. Barton*  
\_\_\_\_\_  
*Roy Carson*  
\_\_\_\_\_  
*Lester C. Carson*  
\_\_\_\_\_

Geo Gansberry  
Mar Raymond  
Emilie Raymond  
H.E. Morrison  
Harry Buck  
Lewis Bowman  
S.B. Keith  
Earnest Grabowski  
Howard Miles  
Albert Bowman  
P.J. Luger  
Jacob Ludwig  
Roy Haines  
Raymond Henderson  
Dan Bradford  
Claude Luger  
Effie Rowles  
Walter Baney  
Ada Dixon  
A. J. Dixon  
J. E. Maine  
Bessie E. Alessio  
Paul Chmura  
Mrs Mary Chmura  
Mr Joseph Morol.  
~~Harry Chmura~~  
Lena Marano  
Lance Shan  
Mrs H.E. Morrison  
Mrs Andrew Johnson  
Andrew Johnson

Fred Johnson  
John A. Johnson  
W.E. Kitchen  
H.H. Ziegler  
~~Samuel H. Rodden~~  
Earl Karoubb.  
Boyd Lauer.  
Harold L. Schucker  
John J. Collins  
A. E. Wooding.  
W.H. Ogden  
O. F. Polachar  
Jos. C. Pry  
Frank Ludwig  
Geo Kallman  
Mrs Earl Brandell  
Miss Florence L. Brandell.  
Wm C. Lippart  
Robert Lauer  
Andy Koresko  
Mrs Anna Koresko  
James E. Goudon  
Geraldine Goudon  
Rudolph Barry  
Harry Baney  
Caleb Bowman

State of Pennsylvania :

SS

County of Clearfield :

Before me the subscriber, the Clerk of the Court of Quarter Sessions, personally appeared Albert Hubler who being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct.

Albert Hubler -----

Sworn to and subscribed before  
me this 20 day of February, 1933

W. P. Gallagher -----

WOL 324  
J. E. & G. L. L. L.  
H. J. & G. L. L. L.  
H. J. & G. L. L. L.

Attest  
G. J.

KRAMER & KRAMER  
ATTORNEYS AT LAW  
CLEARFIELD, PA.

# 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, <sup>to the Court of Quarter Sessions, 1933</sup> 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

Lawrence and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 24th day of March <sup>at 9:30 A. M.</sup> A. D. 1933, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 27th day of March, 1933 at 10 o'clock M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view: J. R. Fullerton and Joseph Young, Supervisors of Lawrence Twp. and Albert Hubler, of petitioners; and at the hearing March 27, 1933, C.R. Kramer, Atty. for petitioners; W. A. Hegarty, Atty. for Supervisors of Lawrence Twp., and F. G. Smith, Esq., for County Solicitor; M.W. Pifer, Hayes W. Anderson and Archer Owens, representing Lawrence Twp. Tax-payers Association. parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 3rd day of April A. D. 1933, when the following appearances were noted: C.R. Kramer, Esq., W.A. Hegarty, Esq., and F. G. Smith, Esq., in their representative capacities. Albert Hibler, C. E. Roseberry, Geo. W. Lansberry, Homer Zeigler, J.R. Fullerton, J. W. Young and E.E. Lewis, and other interested parties: all of whom were duly sworn, examined and cross-examined by counsel and your Board.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an occasion for a road as desired by the petitioner, and that the same is necessary for a public 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 public use the following described road, to wit Beginning at its intersection (Good Street in the Village of Kerr Addition) with the Improved State Highway leading from Clearfield to Karthaus and the Marano Estate; thence North 49 degrees East 205 feet to a post; thence North 7 degrees 15 minutes East 1881 feet and ending at its intersection with Thompson Street, at the property of Lester Carson.

We further find that the aforesaid public road abuts upon the properties of H. Buck, Messecarte, Blake Hubler, Geo. Lansberry and Lester Carson, in addition to the Marano Estate on the West; and Samuel Cabell, Roy Haines, Paul Chinapa, Samuel Maines, A. Hubler, Alethia Buck, A. Chenawak, Max Raymond, R. Valimont, Albert Woodring and Clarence Condon on the East: and it was agreed to be stipulated of record that no damages were incurred to abutting properties by reason of the laying out of said (Good Street) as a public Road, inasmuch as the original owner had laid out the Kerr Addition in a town plot and had dedicated a portion thereof to public streets and alley-ways.

We further find said Road is necessary for the convenience of the Rural Mail Carrier and that this service was liable to discontinuance and abandonment unless made useable in all seasons of the year. We also find that by reason of the improvement and taking over of 24 miles of Township roads by the State Highway Department, and that this road could be properly drained and maintained at nominal cost.

The Lawrence Township Tax-payers Association at its meeting held March 29, 1933, at Mt. Joy resolved in favor of the granting of this petition.

Your Board recommends that the prayer of the petitioners be granted, and that the aforesaid described Road be laid out and maintained as a public

**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 3rd day of March  
in the year of our Lord one thousand nine hundred  
thirty three

Judge of the same Court: Upon the petition of sundry in-  
habitants of the Township of Lawrence

in said County, setting forth that they labor under great  
inconvenience for want of a public road in Kerr Addition, Lawrence Twp.  
beginning at the river road at a point near the Marano vacant lots, now  
owned by the August Marano estate and ending at Thompson Street opposite  
the property of James Carson.

open Good St.

and therefore, praying the Court to appoint proper persons to 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 John Scollins Esq  
Harry Reese and H. P. Dowler

who have been duly appointed by the Court and filed their oaths of office and are duly quali-  
fied to perform the duties of their appointment with impartiality and according to the best of  
their judgement, are to view the ground proposed for the said road, and if they view  
the same, and a majority of the actual viewers agree that there is occasion for such road  
they shall proceed to lay out the same, as agreeable to the desire of the petitioner 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 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 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 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.

Township Road.

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 14th day of April

A. D. 1923.

Wm. Beeline Seal  
H. A. Reese Seal  
A. Howler Seal  
\_\_\_\_\_ Seal



No. 1 May 1933 Sessions, 19 33

## ORDER

To view and open Good Street in  
~~road~~ for in Kerr Addition in the  
township of Lawrence,  
Clearfield County

May Sessions, 19 33,  
read and confirmed Ni. Si. ~~road to be~~  
opened 33 feet wide, except ~~where there~~  
is ~~side hill cutting or embankment and~~  
bridging, there to be 16 feet wide.

By the Court

T. R. Chase.

Sept. Sessions 1933

Confirmed by agreement

By the Court

T. R. Chase.

P. J.

Filed 19

Fees \$1.25 paid by

Kramer & Kramer, Attys.

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	5	168	\$45.90
H. P. Dowler	3	5	\$22.75
John Scollins	5	172	\$46.10

Notice of filing accepted

May 1 1933

Kramer & Kramer

attys for petitioners

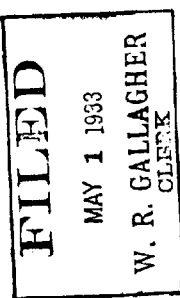
May 1 1933

N. G. Hogg

attorney for Henry Top

A. M. Fugate

Co. Solicitor



## 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 ensembling 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

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. 1, by Sessions, 1933, to view and lay out a public road (open Good Street) in Kerr Addition, Lawrence Township, beginning at the river road at a point near the Marano vacant lots, now owned by the August Marano estate and ending at Thompson Street opposite the property of James Carson, in the County aforesaid, will meet at the Marano vacant lots in Kerr Addition, said Township, on Friday the 24th day of March, A. D. 1933 at 9:30 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 Grand Jury Room in the Court House in Clearfield on Monday, the 27th day of March, A. D. 1933 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 Scollins  
Harry Reese  
H. P. Dawler  
Viewers

Dated, March 11th, 1933.

CLEARFIELD COUNTY, SS:

Now, this 14 day of March, A. D. 1933, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Morris  
Clerk

TO: Joseph Young, Jr., J. Reynolds Fullerton and E. E. Lewis,  
Supervisors of Lawrence Township, Clearfield County:-

You are hereby notified that the undersigned viewers,  
appointed by the Court of Quarter Sessions of Clearfield County to No. 1, May  
Sessions, 1933, to view and lay out a public road (open Good Street) in Kerr  
Addition, Lawrence Township, beginning at the river road at a point near the  
Marano vacant lots, now owned by the August Marano estate and ending at Thompson  
Street opposite the property of James Carson, in the County aforesaid, will meet  
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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  
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in Clearfield on Monday, the 27th day of March, A. D. 1933 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 Zellins  
Harry Reese  
H. A. Dowler  
Viewers

Dated, March 11th, 1933.

CLEARFIELD COUNTY, SS:

Now, this 14th day of March, A. D. 1933, service of  
the above Notice is accepted for the Supervisors of Lawrence Township, Clear-  
field County.

E. E. Lewis  
J. R. Fullerton  
Supervisors