

Number Term Year

1 MAY 55 1933

PETITION TO OPEN GOOD STREET

KERR ADDITION LAWRENCE TWP

Versus

W.A. #6 - Page 36Good Street

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. Gisewhite
Mrs. M. B. Gisewhite
Leahy J. Bush
Mrs. Leahy J. Bush
Charles B. Hubler
Mrs. Dan McLaughlin
Randy J. Dallington
James H. Carson
Roy Carson
Lester C. Carson

C

Geo. Gansberry	Fred Johnson.
Map Raymond	John a. Johnson.
Genevieve Raymond	
H.E. Morrison	H. E. Kitchem
Harry Buck	H. H. Ziegler
Lewis Bowman	Franklin A. Rodeen
SB Kitchem	Earl Karoubi.
Ernest Grabowski	Boyd. Lauver.
Howard Miller	Harold L. Schucker
Albert Bowman	John J. Collins
P. B. Luyer	E. C. Woodring.
Jacob Ludwig	W. H. Ogden
Roy Haines	O. F. Blaucker
Raymond H. Daniels	Jos. C. Pr.
Dan Bradford	Frank Lindgren
Claude Luyer	Geo. Kalloros
Effie Rowles	Mrs. Earl Crandell
Walter J. Banev	Miss Florence L. Crandell.
Ada Dixen	W. E. Sippert
A. J. Dixen	Robert Lauver
J. E. Maines	Andy Koresko
Bessie E. Stevens	Mrs Anna Koresko
Paul Schupps	James E. Condon
Mrs Mary Schupps	Geraldine Condon
Mr Joseph Marsh	Rudolph Lury
Frank Chung	Harry Banev
Lena Marano	Oaks Bowman
Lance Shaw	
Mrs H. E. Morrison	
Mrs Andrew Johnson	
Andrew Johnson	

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. R. Gallagher -----

KRAMER & KRAMER
ATTORNEYS AT LAW
CLEARFIELD, PA.

West 329
John Scholman
Henry Basst
H. P. Howren

A. M. Khan
P. J.

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, ^{to No. 1 May Sessions 1933} 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 ^{at 9:30 A. M.} 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; W.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 Hubler, 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 no occasion for a road as desired by the petitioner, and that the same is not 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, Messacarte, Blake Hubler, Geo. Lansberry and Lester Carson, in addition to the Marano Estate on the West; and Samuel Cabeli, 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 inhabitants 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 qualified 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. 19233.

John Bellino 
K. A. Reese 
E. H. Fowler 
John Bellino 

No. 1 May Sessions, 1933

ORDER

To view and open Good Street
at Kerr Additional in the
township of Lawrence
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.

	Days	Miles	W.M.T.
H. A. Reese	5	168	\$45.90
H. P. Dowler	5	5	\$22.75
John Scollins	5	172	\$46.10

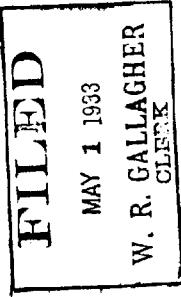
May Sessions, 1933
read and confirmed Ni. Si. Road to be
opened 33 feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 16 feet wide.

By the court

J. P. Blaase
Sept Sessions 1933
Court ruling above
By the court
J. P. Blaase

Notice of filing accepted
May 1 1933
Lorenzo Kramer
atty for petitioners
May 1 1933
E. J. Gallagher
atty for Surveyors
Co. of brothers

19
Filed
Fees \$1.25 paid by
Kramer & Kramer, Atty's



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

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,
in 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 26th 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 Scallion
Harry Reese
H.P. Dowler
Vic. etc

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
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 Scallion
Harry Reese
N. R. 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