

DOCKET No. 6

Number Term Year

2

MAY SS 11933

PETITION TO OPEN THOMPSON STREET
KERR ADDITION LAWRENCE TWP

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE PETITION TO OPEN :
THOMPSON STREET IN KERR : No. May Sessions, 1933
ADDITION, LAWRENCE TOWN- :
SHIP :

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 a point at the property of James Carson and ending at or near the Heaton barn, being a point in the Township road leading from the old Mapes place (at the river) past Oakes Bowman's place to the farm of Vern Lutz in Mt. Joy.

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 -----
Mr. Albert Hubler -----
Mr. R. Gisswhite -----
Mrs. M. R. Gisswhite -----
Leahy C. Bueck -----
Mrs. Eliza Bueck -----
Charles B. Hubler -----
Mr. Dan Wicker -----
Randy J. Valliant -----
James H. Carson -----

Roy Carson
Lester C Carson
Geo Lonsberry
Genevieve Raymond
Max Raymond
H.E. Morrison
Harry Buck
Lewis Bowman
S.B. Kutko
Earnest Graboski
Howard Miller
Albert Bowman
P.B. Luzier
Jacob Ludwig
Roy Haines
Raymond Hendricks
Dan Bradford
Claude Luzier
Effie Rowles.
Walter J. Baney
Ada Dixon
A.J. Dixon
J.E. McInnes

Lance Shaw
Mrs H.E. Morrison
Andrew Johnson
Mrs Andrew Johnson
Fred Johnson
John A. Johnson
F.E. Kitcher
H.H. Zeigler
~~Robert A. Roden~~
Earl Kanouff.

Boyd Lammor
Harold L. Schucker
John J. Collins
Alton Wooding.
W.H. Agden
O.F. Robacker
Jon C. Fry
Frank Lindgren
~~Lee Kellum~~

Mrs Earl Brandell
Miss Florence L. Brandell.
Wm C Lippart
Robert Lawrence

of McInnes & Alums and K. K. K.
Oaks Bowman

State of Pennsylvania :

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
Clerk of the Court of Quarter Sessions

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY
PENNSYLVANIA, No. 2 May
Sessions, 1933

IN RE PETITION TO OPEN
THOMPSON STREET IN REAR
ADDITION, LARSEN TOWN-
SHIP.

Petition for Appointment
of Viewers

WOL
and now ~~February~~ 2nd 1933
John Scott
Harry Rees
and *H. P. Bowler*
are appointed viewers.

By the Court:

Attest
R. J.

KRAMER & KRAMER
ATTORNEYS AT LAW
CLEARFIELD, PA.

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 Township

in said County, setting forth that they labor under great
inconvenience for want of a public road in Kerr Addition, Lawrence Twp
beginning at a point at the property of James Carson and ending at or near the
Heaton Barn, being a point in the township road leading from the old mapes
place (at the river) past Oakes Bowman's place to the farm of Vern Lutz
in Mt. Joy

open Thompson 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, Atty.
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.

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 be leave to report as follows:~~
~~to No. 2, May Sessions, 1933~~

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 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 A. 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 J.W. Young, Supervisors of Lawrence Twp., and Albert Hubler, and at the hearing March 27, 1933, C. R. Kramer, Atty. for petitioners; W. A. Hegarty, Atty. for Lawrence Twp. and Frank G. Smith, Esq., for the County Solicitor, A. 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., 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. B. Lewis, and other interested parties: all of whom were 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~~ use the following described road, to wit Beginning at a point at the properties of James and Lester Carson; thence running South 63 degrees 30 minutes West 210 feet; thence South 43 degrees West 290 feet and ending at the Township Road leading from the River to the Lutz Farm.

We find the proposed road passes over swampy land; that it will parallel the Township Road (over Mapas Avenue); that there are no dwellings located thereon without out-lets, and the cost of building it would be useless and expensive and serve no public interest, except a loop for the Rural Mail Carrier, who can serve his patrons conveniently otherwise.

We further find that it is a dedicated street and may be used by any person, and cannot be closed as a right-of-way and therefore no damages sustained by any person.

We therefore recommend that the prayer of the petitioners be denied.

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. 2, May Sessions, 1933, to view and lay out a public road (open Thompson Street) in Kerr Addition, Lawrence Township, beginning at a point at the property of James Carson and ending at or near the Heaton Barn, being a point in the township road leading from the old mapes place (at the river) past Oakes Bowman's place to the farm of Vern Lutz in Mt. Joy, in the County aforesaid, will meet at the property of James Carson in Kerr Addition, said Township, on Friday the 24th day of March, A. D. 1933, at 10:30 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 Tollins
Harry Reese
H. P. Dowler
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. 2, May Sessions, 1933, to view and lay out a public road (open Thompson Street) in Kerr Addition, Lawrence Township, beginning at a point at the property of James Carson and ending at or near the Heaton Barn, being a point in the township road leading from the old mapes place (at the river) past Cakes Bowman's place to the farm of Vern Lutz in Mt. Joy, in the County aforesaid, will meet at the property of James Carson in Kerr Addition, said Township, on Friday the 24th day of March, A. D. 1933, at 10:30 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 Zellins
Harry Reese
H. P. 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, Clearfield County.

E. E. Lewis
J. R. Fullerton
Supervisors

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 17th day of April
A. D. 1933.

John Steedman Seal
Will Reese Seal
W. H. Bowler Seal
Seal

No. 2 May Sessions, 19 33

ORDER

To view and open Thompson Street
in Lawrence ^{town}
road for public use in the
township of Lawrence
Clearfield County

May 33 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

H. P. Chase
Sept 14 1933 P. J.

Confirmed absolutely
H. P. 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.

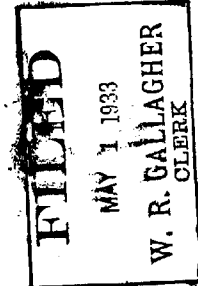
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	DAYS	MILES	AMT.
John Scollins	1		\$7.50

Notice of filing accepted
May 1 1933
Kramer & Kramer
attorneys for petitioners

May 1, 1933
H. Q. May 14
Clerk to Session 1933

W. M. Gallagher
Clerk



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