

DOCKET No. 6

Number Term Year

3

MAY ss 1933

PETITION TO OPEN MAPES AVE

KERR ADDITION LAWRENCE TWP

Versus

R. S. #6 - Page 342

0

Part Mapes Ave. in Kerr Addition



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY PENNSYLVANIA

IN RE PETITION TO OPEN MAPES :  
AVENUE IN KERR ADDITION, LAW- : No. May Sessions, 1933 :  
RENCE 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 a point on the River Road where the overhead bucket line of the Overriver Coal Company crosses and ending at a point in Good Street at the properties of Sam Maines and Harry Buck.

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. R. Gieswhite*  
*Mrs. M. R. Gieswhite*  
*Leathy O. Buck*  
*Mrs. Clara Buck*  
*Charles B. Hubler*  
*Mr. Dan W. Crocker*  
*Rudolf J. Vallant*  
*James H. Carson*  
*Roy Carson*



Lester C Carson  
Geo Sansberry  
M at Raymond  
Genevieve Raymond  
H.E. Morrison  
Harry Buck  
Lewis Bowman  
St Kitts  
Earnest Graboski  
Howard Miller  
Albert Bowman  
P B Luzier  
Jacob Ludwig  
Roy Haines  
Raymond Hindricks  
Dora Bradford  
Claude Luzier  
Effie Rowe..  
Walter Baney  
Ada Dikens  
A J Dikens  
J. E. Medines  
Berne E. Alamo  
Paul Chmupa  
Mrs Mary Chmupa  
Mr Joseph March  
E. Long ~~Marano~~  
Lena Marano  
Lance Shaw  
Mrs H.E. Morrison  
Mrs Andrew Johnson  
Andrew Johnson

Fred Johnson  
John A. Johnson  
H.E. Kitchen  
H.H. Ziegler  
~~South~~ A Rodeen  
Earl Hanouff  
Boyd Lauer  
Harold L. Schucker  
John J. Collins  
A C Woodling  
W H Ogden  
O. F. Robacker  
Jas. C. Dwy  
Frank Lindgren  
Geo Kellom  
Mrs Earl Brandell  
Miss Florence L. Brandell.  
Wm C Lippart  
Robert Lauer  
Andy Kovacko  
Kas Anna Kovacko  
James E. Gondon  
Geraldine Gondon  
Rudolph Gung  
Harry Baney  
Cakes Bowman



State of Pennsylvania :  
County of Clearfield : SS

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 2<sup>d</sup> day of February, 1933

W. R. Selley



IN THE COURT OF JUDICIAL EMBROIDERERS  
OF JEFFERSON COUNTY,  
PENNSYLVANIA

No. 3 Day Sessions, 1933

IN RE PETITION TO OPEN  
WILLS AND TO DETERMINE AD-  
DITION, LAMAR'S TRUSTSHIP.

PETITION FOR APPOINTMENT  
OF VIEWERS

*Wells*  
And now ~~September~~ *3rd* 1933  
*John Bollman*  
*Harry Reese*  
and *W. J. Lawrence*  
are appointed viewers.

By the Court:

*W. J. Lawrence*  
*P. J.*  
KRAMER & KRAMER  
ATTORNEYS AT LAW  
CLEARFIELD, PA.



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. 3, May Sessions, 1933, to view and lay out a public road (open Mapes Avenue) in Kerr Addition, Lawrence Township, beginning at a point on the River Road where the overhead bucket line of the Overriver Coal Company crosses and ending at a point in Good Street at the properties of Sam Maines and Harry Buck, in the County aforesaid, will meet at the River Road where the aforementioned overhead bucket line crosses, in Kerr Addition, said Township, on Friday the 24th day of March, A. D. 1933, at 11:30 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 Scellins  
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. E. 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. 3, May Sessions, 1933, to view and lay out a public road (open Mapes Avenue) in Kerr Addition, Lawrence Township, beginning at a point ~~on~~ on the River Road where the overhead bucket line of the Overriver Coal Company crosses and ending at a point in Good Street at the properties of Sam Maines and Harry Buck, in the County aforesaid, will meet at the River Road where the aforementioned overhead bucket line crosses, in Kerr Addition, said Township, on Friday the 24th day of March, A. D. 1933, at 11:30 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 ~~same~~ 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. A. Dowler  
Viewers

Dated, March 11th, 1933.

CLEARFIELD COUNTY, SS:

Now, this 14<sup>th</sup> 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



No. 3 May Sessions, 1933

## ORDER

To view and open Mapes Avenue at  
Lawrence Township  
road for public use in the  
township of Lawrence  
Clearfield County

May Sessions, 1933,  
read and confirmed Ni. Si. Road to be  
opened 32-foot wide, except where there  
is side hill cutting or embankment and  
bridging, there to be 16 feet wide.

By the Court  
J. H. Chase,

Sept. 22 1933 J.

Compared Robert

By the Court

J. H. Chase.

E. J. 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.
John Scallina	1		\$7.50

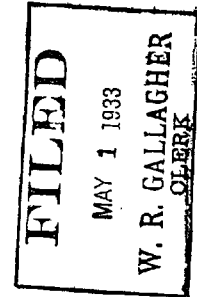
Notice of filing accepted  
May 1 1933

Fluenced Kramer  
att for petitioners

May 1, 1933

W. A. Sturgent  
Attorney for Sumner Twp

A. M. Sawyer  
Co. Attorney



## 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



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.

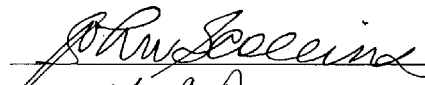

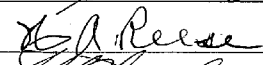

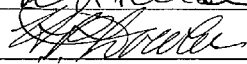

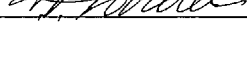

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from \_\_\_\_\_

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 19th day of April

A. D. 1933.



**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 a point on the River Road where the overhead bucket line of the Overriver Coal Company crosses and ending at a point in Good Street at the properties of Sam Maines and Harry Buck.

open Mapes Avenue

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.



# 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~~ do 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 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. Hagerty, 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~~ <sup>adjourned</sup> 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. Hagerty, 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. E. 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 an 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 with Palmer Street at a point South 82 degrees 45' East 664 feet from its intersection with the River (Improved State Highway leading from Clearfield to Karthaus) Road, where the bucket line of the Over-River Coal Company crosses said Road; and thence South 82 degrees 45' East 348 feet to a post on the West bank of Creek or Run; thence from a post on the East bank of said Run South 82 degrees 45' East 240 feet to post on East side of Public Road leading from Lutz Farm (Mt. Joy) to Clearfield-Karthaus Highway; and thence from the West side of said Road running South 82 degrees 45' East 337 feet and ending at its intersection with Township Road, viewed and laid out to No. 1, May Sessions, 1933, otherwise known as Good Street in the Village of Kerr Addition.

It was agreed to be stipulated of record that no damages were sustained to abutting properties by reason of the laying out of said Mapes Avenue as a public street in the original plan of said Village and dedicated to public use; and that the Lawrence Twp. Tax-payers Association at its meeting held March 27, 1933 at Mt. Joy, by resolution adopted favored the granting of this petition.

We further find that said Road is necessary for the convenience of the public, as well as the Rural Mail Carrier Service and which is liable to discontinuance unless the aforesaid Road is made passable and kept in repair, which could be done and properly maintained at nominal cost.

Your Board therefore recommends that the prayer of the petitioners be granted and that said Road be laid out and maintained as a public Township Road as herein described.