

DOCKET No. ⁵

Number	Term	Year
4	MAY ss	1933

PETITION TO OPEN PATTON STREET,

KERR ADDITION LAWRENCE TWP

Versus

X

10-4-00

10-4-00

3rd
Hendall
Hendall
Hendall

A. H. H. H.
P. J.

KRAMER & KRAMER
ATTORNEYS AT LAW
CLEARFIELD, PA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE PETITION TO OPEN :

PATTON 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 in the river road at the property of Firman Kitchen and ending at a point in Mapes Avenue near the house of A. B. Lansberry.

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. Sisewhite
Mrs M. R. Sisewhite
Leath C. Buck
Mrs Clara Buck
Charles B. Hubler
Mr. Don McBratton
Rudolph J. Dalmat
James H. Carson
Roy Carson

Lester C Carson
Geo Gansberry
Max Raymond
Genevieve Raymond
H.E. Morrison
Harry Buck
Lewis Bowman
St Kitko
Earnest Graboski
Howard Miller
Albert Bowman
P. B. Luzier
Jacob Ludwig
Roy Haines
Raymond Hendricks
Dan Bradford
Claude Luzier
~~John~~ Rules
Walter Baney

Ad a Dipan
O J Dipan
S. E. Mainer
Bessie G. Alunno
Paul Chmupa
Mrs Mary Chmupa
Mr Joseph Marsh
~~Joseph Marsh~~
Lena Marano
Lance Shaw
Mrs H. B. Morrison
Mrs Andrew Johnson
Andrew Johnson

Fred Johnson
John A. Johnson
W. E. Kitchen
H. H. Ziegler
~~Frank~~ Roden
Earl Kanouff
Boyd Lawver
Harold L. Schuicher
John J. Collier
C. C. Woodling
W. H. Ogden
O. F. Holacker
Jos. C. Fay
Frank Lindgren
~~John~~ Kallman
Mrs Earl Brandell
Miss Florence L. Brandell
Wm C Lippart
Robert Lawver
Andy Koresko
Miss Anna Koresko
James E. Condon
Geraldine Condon
Rudolph Conroy
Harry Baney
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

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 20th day of April

A. D. 1933.

John Scollins Seal
H. D. Reese Seal
W. D. Smith Seal
_____ Seal

No. 4 May Sessions, 19 33

ORDER

To view and open Patton Street
road for public use 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
A. R. Chase

Sept session 1933
Confirmed absolute
By the court
A. R. Chase

Filed CR

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 Scollins	1		\$7.50

Notice of filing accepted
May 1, 1933
Chas. R. Kramer
att'y for petitioners
May 1, 1933
W. A. Haynes
att'y for viewers
A. M. Cunningham
County Auditor

FILED
MAY 1 1933
W. R. 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 enrolling 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

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 Township
beginning at a point in the river road at the property of Firman Kitchen
and ending at a point in Mapes Avenue near the house of A. B. Lansberry

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.

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, ~~do, by, 4 May Sessions, 1933~~ 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 10:00 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 Township, and Albert Hubler, and at the hearing March 27, 1933, C. R. Kramer, Atty. for petitioners; W.A.Hagerty, Atty. for Lawrence Twp. and F.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.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.Evans 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 in the River Road (Improved Highway leading from Clearfield to Karthus) at the property of Ferman Kitchen (Patton Street) and thence running North 7 degrees 15' East 835 feet and ending at its intersection with public road viewed and laid out to No. 3, May Sessions, 1933 (otherwise known as Mapes Avenue) at or near the property of A. B. Lansberry.

We further find that said Road is laid out and dedicated by the original owner and plotted as a public street of Kerr Addition; that it parallels two other public Township Roads; that the persons owning properties abutting thereon have ready access to public roads and to require public maintenance thereof would be an unnecessary burden to the Tax-payers of Lawrence Township.

Your Board therefore recommends 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. 4, May Sessions, 1933, to view and lay out a public road (open Patton Street) in Kerr Addition, Lawrence Township, beginning at a point in the river road at the property of Firman Kitchen and ending at a point in Mapes Avenue near the house of A. B. Lansberry, in the county aforesaid, will meet at the property of Firman Kitchen in said Township, on Friday the 24th day of March, A. D. 1933, at 1:30 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 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 13th, 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. 4, May Sessions, 1933, to view and lay out a public road (open Patton Street) in Kerr Addition, Lawrence Township, beginning at a point in the river road at the property of Firman Kitchen and ending at a point in Mapes Avenue near the house of A^d B. Lansberry, in the County aforesaid, will meet at the property of Firman Kitchen in said Township, on Friday the 24th day of March, A. D. 1933, at 1:30 o'clock P. M., to attend to the duties assigned them: all parties interested will take notice.

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John Tollins
Harry Reese
H. P. Dawler
Viewers

Dated, March 13th, 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