

RO/

DOCKET No. 6

Number	Term	Year
5	May	1933

Petition to open Palmer St. Kerr

Addition in Lawrence Twp

R. S. #6 - Page 344  
Versus

P. S. 1 - St. 148-200

IN THE COURT OF COMMON SE-  
SSIONS OF CLEARFIELD COUNTY,  
PENNSYLVANIA, No. 5 May  
~~1935~~, 1935

IN RE PETITION TO OPEN  
PALESTINE STREET IN CLEAR-  
FIELD COUNTY, IN THE NAME OF  
SHIR

PETITION FOR APPOINTMENT  
OF WITNESSES

March 3rd 1935,  
John Ballo, and Harry Mack  
H. L. Lovett are appointed  
viewers.

By the Court:



KRAMER & KRAMER  
ATTORNEYS AT LAW  
CLEARFIELD, PA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE PETITION TO OPEN : :

PALMER 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 vacant lot of James Dallen and ending at a point in Mapes Avenue opposite the Kerr Addition Methodist Episcopal Church.

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*  
*M. R. Giswhite*  
*Mrs. M. R. Giswhite*  
*Leathy D. Buck*  
*Mrs. Clara Buck*  
*Charles B. Hubler*  
*Mr. Dan McGehee*  
*Rudy J. Tallmont*  
*James H. Carson*  
*Roy Carson*

Lester C Carson  
Geo Lanberry  
M as Raymond  
Genevieve Raymond  
H E Marion  
Harry Buck  
Lewis Bowman  
S B Kithko  
Ernest Gladoski  
Howard Miller  
Albert Bowman  
P B Linger  
Jacob Ludwig  
Roy Haines  
Raymond Hendricks  
Dan Bradford  
Claude Linger  
Effie Rawles  
Walter J Bauey  
Ada Difan  
A J Difan  
S E Maines  
Bessie G Allison  
Paul Chumpa  
Mrs Mary Chumpa  
Mr Jaspli Marsh  
Tony Marano  
Luna Marano  
Lance Shaw  
Mrs H E Morrison

5  
Mrs Andrew Johnson,  
Andrew Johnson  
Fred Johnson  
John a. Johnson,  
F E Kitcher  
H H Ziegler  
Saventha Rodeen  
Earl Janouff  
Royd Farmer,  
Harold L. Schucker  
John J. Collois  
A C Woodring  
Wif Academy  
O. F. Robacker  
Jos. C. Pr.  
Frank Lindgren  
Geo Kellman  
Mrs Earl Grandell  
Miss Florence L. Grandell  
Wm C Lippert  
Robert Farmer  
Andy Kozakko  
Mrs Annie Kozakko  
James C. Gordon  
Geraldine Gordon  
Rudolph Lury  
Harry Bauey  
Abe Bowman

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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 Bellinger*  
Clerk

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 Township beginning at a point in the river road at the vacant lot of James Dallen and ending at a point in Mapes Avenue opposite the Kerr Addition Methodist Episcopal Church

open Palmer Street

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. 5 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 10:00 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, Attorney for petitioners, W. A. Hagerty, Attorney 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 adjourned appearances were noted: C.R. Kramer, Esq., W. A. Hagerty and F. G. Smith in their respective 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 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 with the River Road (Improve State Highway leading from Clearfield to Karthus) at the vacant lot of James Dallen, and thence thereby North 26 degrees East 75 feet to a post and thence North 7 degrees 15' East 512 feet and ending at its intersection with public road viewed and laid out to No. 3 May Sessions, 1933 (in Mapes Avenue, opposite the Kerr Addition M. E. Church)

We further find that the aforesaid Road is necessary for the convenience of public travel to and from the M. E. Church; that it is a built-up section and is necessary for the Rural Mail Carrier service which may be abandoned in the event that the road is not kept and maintained in passable and useable condition. That the Lawrence Tax-payers Association at its meeting March 27, 1933, at Mt. Joy, passed a resolution favoring its approval of the petition and having been dedicated by the original owner of Kerr Addition (as Palmer Street), none of the abutting property owners would be damaged thereby but benefitted.

Your Board therefore recommends that the prayer of the petitioners be granted.

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 21st day of April  
A. D. 19653.

John Seccombe   
Tillie Reese   
W. W. Weller 

No. 5 May Sessions, 1933

## ORDER

To view and open Palmer Street  
road for public use 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 root  
or 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	A.M.T.
John Scollins	1	\$7.50	

May Sessions, 1933  
read and confirmed Ni. Si. Regd 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 Compt  
Sept 1933  
Confirmed and filed  
E. P. of the Clerk  
A. W. Chapman

Filed  
Fees \$1.25 paid by  
KRAMER & KRAMER ATTYS.

## 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

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. 5, May Sessions, 1933, to view and lay out a public road (open Palmer Street) in Kerr Addition, Lawrence Township, beginning at a point in the river road at the vacant lot of James Dallen and ending at a point in Mapes Avenue opposite the Kerr Addition Methodist Episcopal Church, in the County aforesaid, will meet at the vacant lot of James Dallen in said Township, on Friday the 24th day of March, A. D. 1933 at 2:30 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  
J. J. 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. 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. 5, May  
Sessions, 1933, to view and lay out a public road (open Palmer Street) in Kerr  
Addition, Lawrence Township, beginning at a point in the river road at the vacant  
lot of James Dallen and ending at a point in Mapes Avenue opposite the Kerr  
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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  
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 Reece  
H. P. Dowler  
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, Clear-  
field County.

E. E. Lewis  
J. R. Fullerton

Supervisors