

DOCKET No. 6

Number

Term

Year

6

May

1933

PETITION FOR ROAD IN BELL AND

GREENWOOD TWP

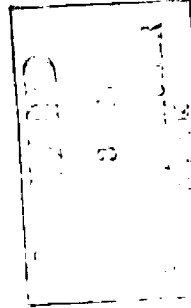
Versus

Twp Bd. 1936

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA.
No. 79 May Term 1933.

Re: Proposed road in Bell and
Greenwood Townships, beginn-
ing at point on public road
near Banner Ridge School House
and ending on public road
leading from Bower to Kerrmoor

PETITION



BELL, O'LAUGHLIN & SILBERBLATT
ATTORNEYS AT LAW
KURTZ BUILDING
CLEARFIELD, PENNA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA.

Re: Petition to open road in Bell :
and Greenwood Townships, beginning :
at a point on public road near the : No. May Term 1933
Banner Ridge School House, and end-:
ing on public road leading from :
Bower to Kerrmoor. :
:

To the Hon. A. R. Chase, President Judge of said Court:

The petition of Samuel A. Stagner respectfully represents:

- (1). That he is a resident of Bell Township, Clearfield County, Pa.
- (2). That your petitioner, in behalf of himself and other residents of Bell Township, and also residents of Greenwood Township and the Borough of Mahaffey, is desirous that a road be opened from a point on the public road near the Banner Ridge School House in Bell Township, and leading to the public road from Bower to Kerrmoor in Ferguson Township, a distance of one and one-half miles.
- (3). That this proposed road would be a short cut between these points and would afford the residents of Bell Township and ~~Greenwood~~ Greenwood Township a short cut between points above mentioned; and also a road which would be much better than the present road which is at least three miles in length. That the present roads in this territory between these points is circuitous and much longer and the proposed road would make a short cut to other points, such as Kerrmoor, Olanta, etc.
- (4). That your petitioner has been advised that the proposed new road has been used as such many years ago but for some reason was abandoned; and that the proposed new road is a natural outlet throughout the territory mentioned.
- (5). That your petitioner has been advised that the labor on this proposed road will be supplied to Bell and Greenwood Townships free, and that the road can now be built at a minimum cost to both Townships.

(7). That your petitioner has been advised that the various owners of land on the proposed new route, will grant to the Townships hereinabove named, all land necessary for the construction of this road.

Wherefore, your petitioner requests that a Board of Viewers be appointed for the purpose of taking testimony and reporting to the Court the advisability of opening the proposed road between the points hereinabove mentioned.

Samuel A. Stagner

STATE OF PENNSYLVANIA :
 : SS
COUNTY OF CLEARFIELD :

Before me, personally appeared Samuel A. Stagner, who deposes and says that the facts contained in the within petition are true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed before :
me this 13th day of February :
1933. :

Samuel A. Stagner,

W. P. Gallagher
Prothonotary

And Now, this 3rd day of ^{March} ~~February~~ 1933, Earl Boase,
Ed Billotte and Jack Michels are
appointed as a Board of Viewers to determine the advisability of
the proposed new road and to report thereon to the Court, with a
form of recommendation.

BY THE COURT

A R O H u a e
P.J.

To the Honorable A. R. Hise, P. J.
Clearfield, Pa.

We the citizens of Bell & Greenwood Townships
and Mahaffey Boro. hereby petition for a road
in Bell & Greenwood Townships beginning at
a point on Public road near the Banner ridge
School house and ending on the Public
road leading from Bower to Kermoores
a distance of about one and one half miles
and thus we ever Pray.

J. G. Byers. Bell.	Ernest Brett Bell
S H Sunderlin Bell	Arthur Snyder Bee
J. A. Baker Bell	E. White - Bee
P. J. De Haven. Bell.	M. Snyder Bell
Geo Stagner Bell.	E. J. Snyder
S. A. Stagner Bell.	Isaac E. Bennett
Emo Johnston.	George W. Bennett
Frank Ross Greenwood	Joe O. Bennett
Blair Ross Greenwood	Irvin O. Bennett
Edw. Redden Greenwood	Paul E. Bennett
Norman Shaffer Greenwood	A. M. Marshall
R. R. Rold Greenwood	J. B. Brith
S. W. Mr. Fadden Greenwood	Gas Brith Bell
Guy Redden Greenwood	J. E. Post
E. E. Hullinger Greenwood	Robt. Ross
Don't w Barrett Greenwood	Rev. F. B. Hockett Mahaffey
John D. Cramet. Greenwood	Joe Kauffman Bell
Wayne Sunderland Greenwood	Harry De Haven Bell
John Solley Greenwood	E. P. Moxley
Joseph Foreman Greenwood	R. M. Brithen Mahaffey Boro
Rev. B. B. B. Greenwood	Mr. or M. Kauffman Bell
Ray Starns Greenwood	Mrs. Roy Ellis Bell
Amos Starns Greenwood	Mrs. John Shively Bell
Irvin S. Dull Bell	Tom Shively Bell
Host Robbins Ferguson	Charles Brock Bell
W. D. J. J. Bell	J. M. Ross Bell
Harry J. Robbins	Mrs. J. M. Ross - Bell
Intz Redden Greenwood	J. G. Byers Bell
Wanda Young	Wm Kauffman Bell
Elizabeth Shaffer Ferguson	E. E. De Haven, Bell
A. B. Grant Mahaffey Boro	E. H. Himmans Bell
Boonett Bell	George Hurd Lator Bell
Ray Bennett Bell	Mrs. Ralph Marshall
Joe Bell	Ralph Mars Hall
	Amey's Bell
	Mrs. Alex. King Bell Twp

Shadwin Merrill Bell Township Editor
Earl Kauffman
Rev E. D. Finney
Kenneth Ellis Bell

Bruce P Young Bell
F. P. Roush Mahaffey
Perry M. Crocker
John M. Kizer Mahaffey Pa.
W. M. Lee Bell
L. L. Lerch Mahaffey
F. E. Mahaffey Mahaffey Pa.
A. L. Kruger
J. M. Wale
R. E. Miller Mahaffey Pa.
H. Anderson Mahaffey
O. M. G. Mahaffey
D. B. Ransom Mahaffey
M. L. Byers Mahaffey
J. H. Brown Mahaffey Pa.
E. E. Davidson
Donald Hunt Mahaffey Pa.
A. A. Bell Mahaffey
A. G. Johnston Mahaffey
J. H. McKivitt "

W. W. M. G. Jr
W. B. Work
W. M. Davidson
H. Y. Bunch
Daniel Daur
Philip M. G. Jr
H. Johnson Mahaffey Pa.

Ernest Davidson
R. K. Higgins me G. H. Pa. Howard Hoover
O. Mott Mahaffey Pa. Ernest Snyder
Edward D. Brown J. L. Deane
Thomas Johnston Bell M. L. Deane
O. L. Bauch Bell L. L. Schucker
Geo. Kitchen Bell M. L. Deane
Robert Johnston Bell O. L. Hallen
Joe Newell Bell O. L. Miller
F. J. Stricker Bell D. L. Hoffman
W. L. Kiefer Bell J. D. Lunkin Super
J. H. Johnson Bell D. D. Deane
James Hutton Bell
John Watson Reed
Harry Campbell
John Beatty Jr
W. E. Sample Bell
H. Smith Mahaffey Pa.
Paul Patton
John M. Webster

That your petitioner, in behalf of himself and other residents of Bell Township, and also residents of Greenwood Township and the Borough of Mahaffey, is desirous that a road be opened from a point on the public road near the Banner Ridge School House in Bell Township, and leading to the public road from Bower to Kerrmoor in Ferguson Township, a distance of one and one-half miles.

That this proposed road would be a short cut between these points and would afford the residents of Bell Township and Greenwood Township a short cut between points above mentioned; and also a road which would be much better than the present road which is at least three miles in length. That the present roads in this territory between these points is circuitous and much longer and the proposed road would make a short cut to other points, such as Kerrmoor, Olanta, etc. ,

That your petitioner has been advised that the proposed new road has been used as such many years ago but for some reason was abandoned; and that the proposed new road is a natural outlet, throughout the territory mentioned.

That your petitioner has been advised that the labor on this proposed road will be supplied to Bell and Greenwood Townships free, and that the road can now be built at a minimum cost to both Townships.

That attached to this petition is a list of signatures of parties living in Bell Township and Greenwood Township and Mahaffey Borough who favor the proposed new road.

That your petitioner has been advised that the various owners of land on the proposed new route, will grant to the Townships hereinabove named all land necessary for the construction of this road.

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

Samuel A. Stagner

Judge of the same Court: Upon the petition of ~~xxxxxxx~~
~~xxxxxx~~ of the Township of Bell
in said County, setting forth that

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 Earl G. Boose, Esq.,
Ed. Billotte and Jack Michaels

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, 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 Bell & Greenwood and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 21st day of April, 1932 A. D. 1932, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 24th day of April, 1933, 1932, at 9.30 o'clock A.M. That all viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view H. M. Kauffman, Supervisor of Bell Township, Messrs Stagner, Robbins, Byers and other citizens of Bell and Greenwood Townships.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 24th day of April, 1933 A. D. 1932, when the following appearances were noted: Supervisor Kauffman of Bell Township, Messrs Stagner, Robbins and other citizens.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is _____ occasion for a road as desired by the petitioner, and that the same is _____ 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 the Banner Ridge School House, in Bell Township, thence S. 34° E., 100' ft; thence S. 48° 30' E., 200 ft; thence S. 69° E., 100 ft; thence S. 50° E., 100 ft; thence S. 82° 30' E., 200 ft; thence S. 78° E., 355 ft; thence N. 61° 30' E., 245 ft; thence S. 48° E., 200 ft; thence S. 45° 30' E., 200 ft; thence S. 47° E., 200 ft; thence S. 87° E., 300 ft; thence N. 61° E., 100 ft; thence N. 80° E., 250 ft; thence N. 61° 30' E., 415 ft; thence S. 43° 30' E., 570 ft; thence S. 83° E., 390 ft; thence S. 45° E., 420 ft. to the line between Bell and Greenwood Townships; thence S. 84° E., 395 ft; thence S. 81° E., 155 ft; to the line between Bell and Greenwood Townships; thence S. 89° 59' E., 145 ft; thence S. 88° 30' E., 200 ft; thence N. 65° E., 100 ft; thence N. 57° E., 200 ft; thence N. 53° E., 200 ft; thence N. 89° 30' E., 200 ft; thence N. 88° E., 400 ft; thence N. 88° 30' E. 400 ft; thence S. 73° 30' E., 200 ft; thence N. 89° E., 100 ft; thence N. 67° E., 275 ft., to point in public road leading to Bower; the said point being about 1000 feet southerly from the House of H. Johnston., in Greenwood Township.

The Viewers recommend this road very largely because the petitioners therefor set forth in their petition that the road would be opened by the petitioners themselves and without costs to the townships in which it runs, and that no damages would accrue because of its being layed out. These same statements were made at the hearing under oath and at least two of the landowners have formally claim for damages, and the parties in interest advised the Viewers that releases from the other parties would be filed forthwith.

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 Samuel Stagner and George Stagner

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: No person appeared to claim damages either at the View or the Hearing and the Viewers are of the opinion that no damages should be assessed in this case.

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 26th day of April, 1933.

A. D. ~~1933~~.

E. J. Boole Seal
E. J. Billotte Seal
J. S. Michael Seal
Seal

No. 6 May Sessions, 1933

ORDER

To view a
road for public use in the
township of Bell and Greenwood,
Clearfield County

May 28 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

Sept. 21, 1933

Emphatically

Optima Court

J. B. Hae

P. J.

Filed
Fees \$1.25 paid by

Bell, O'L & Silberblatt Attys.

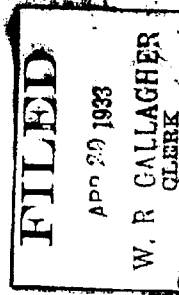
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
Jack Michaels	2	20	16.00
Ed Billotte	3	94	27.20
Earl G. Boose	3	204	\$32.70



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_____.

Samuel Stagner Seal

George Stagner Seal

Seal

Seal