

DOCKET No. 6

Number	Term	Year
7	MAY	1933

PETITION FOR ROAD IN BELL TOW.

Versus

R.D. #6 - Page 346

2-1-1933

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD CO-
UNTY, PENNSYLVANIA.

IN RE: VACATION AND
SUPPLIES OF ROAD IN TOW-
NSHIP.

FILED

MAR 7 1933

W. R. GALLAGHER

CLERK

now held in

Carl Rose, ^{et}
and Bullock, and
Jack, Nichols and
Winters, members
of the Board of
Supervisors

affidavit.

WILLIAM C. CHASE

ATTORNEY-AT-LAW
KEYSTONE BUILDING
CLEARFIELD, PENNA.

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

IN RE: VACATION AND :
SUPPLIES OF ROAD IN BELL :
TOWNSHIP :
:

TO THE HONORABLE A. R. CHASE, PRESIDENT JUDGE OF SAID COURT:

We, the undersigned citizens of Bell Township, Clearfield County, Pennsylvania, hereby petition your Honorable Court to appoint viewers to pass on the vacation and supplies of certain roads in Bell Township, as follows:

For the vacation of that section of the old State Route No. 36, abandoned when the new route from McGees Mills to Punxsutawney was constructed, beginning at a point near McGees Mills where the old road leaves the present road as now constructed, and following the old road to where it is intersected by the John Nicodemus road, being a distance of thirty one hundred and sixty (3160') feet, more or less;

To supply an extension to the Nicodemus road of approximately Thirteen Hundred (1300) feet, more or less, from the point where it intersects with the old State road, thence through the Mott land to connect with the present State road.

Wherefore, your petitioners pray that an order be made directing appointment of appraisers to pass upon the vacation and supplies of said roads.

And we will ever pray.

J. N. Fleet
Geo F. Davidson

March 6 SP Kuntz mahaffy Pa Gangren
" 6 Dallas Miller mahaffy Truck Driver
for Sunderland Mahaffy R.D.
Harry Sharp Mahaffy R.D.
John Vite Mahaffy R.D.
Mack Davidson Mahaffy R.D.
Reed Davidson Mahaffy R.D.
Harry Davidson Mahaffy R.D.
Clark W. Fisher Mahaffy R.D.
D. D. Dinn Mahaffy R.D. #1
Craig Mc Gee Mahaffy R.D. #1
R. D. Peace Mahaffy R.D. #1
Donald Davis Mc Gee Mills
J. L. Strubing Mc Gee Mills
H. H. Heffley Mc Gee Mills R.D.
S. S. Powley Mc Gee Mills Pa
J. J. Campbell Mc Gee Mills Pa
J. A. Campbell Mc Gee Mills Pa
W. W. Mc Gee Mc Gee Mills Pa
Grant Snyder Mc Gee Mills Pa

STATE OF PENNSYLVANIA : : SS:
COUNTY OF CLEARFIELD : :

Before me, the subscriber hereto, came

J. H. Had

who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of their knowledge and belief.

J. H. Had

Sworn to and subscribed
before me this 7 day
of March A. D. 1933.

J. E. Dull J. of. P.

My Commission Expires the
First Monday of January, 1934

ORDER OF COURT

Now, March 1933, the within petition having been
read and considered _____,

_____ and _____
are appointed viewers to pass upon the necessity and advisability
of the vacation and supplies of the roads that are herein prayed
for, to go upon said premises, view the same, and after said view,
to hold public hearing, after due notice is given thereof, and
report to this Court as provided by the Act of Assembly in re-
lation thereto.

BY THE COURT

P.J.

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa.,
in and for said County, on the 7th day of March in the year of our Lord, one
thousand nine hundred and thirty three

A. R. CHASE

By the Honorable ~~Singleton~~ ~~Bell~~ President Judge of the said Court: Upon the petition of sundry
inhabitants of the Township of Bell, in the County aforesaid setting forth the ~~ex~~ For the
vacation of that section of the old state Route No. 36 abandoned when the
new route from McGees Mills to Punxsutawney was constructed, beginning at a
point near McGees Mills where the old road leaves the present road as now
constructed, and following the old road to where it is intersected by the
John Nicodemus road, being a distance of thirty one hundred and sixty
(3161') feet more or less:

To supply an extension to the Nicodemus road of approximatly Thirteen
Hundred (1300) feet, more or less, from the point where it intersects with the
old state road, thence through the Mott land to connect with the present
State road.

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the
points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-
point from and among the County Board of Viewers Earl Booze, Esq., Ed Billotte and
Jack Michaels

who have been duly appointed by the said Court on the
County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the
County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appoint-
ment, with impartiality and according to the best of their judgment; are to view the said road, and after
having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they
shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report
thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether
there is any necessity for said road, or whether the same should be vacated; and the reason why, together
with a plot, or draft, thereof showing the courses and distances with reference to the improvements through
which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from
the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating
of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the
owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers
shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from
the vacation of said road; and make report of such assessment; which report they shall in like manner trans-
mit 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

W. A. Gallagher
Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE COUNTY OF CLEARFIELD, PA.

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, beg leave to report as follows:

That notice of the time of the 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 , and that three notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

7th day of April, A.D. 1933 and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield,

Pa., on the tenth day of April, A.D., 1933, at 9.30 o'clock A.M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view Martin Kauffman, Supervisor, Geo. Davidson, Horace Ifert, John Vite, Luther Mott, Ezra Mott, James Davidson, Eugene Davidson and others,

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the tenth day of April, A.D. 1933, when the parties interested in the said road were in attendance: Martin Kauffman, Supervisor, George Davidson and Horace Ifert. None of the parties were represented by counsel.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said section of the old state road described in the petition ~~xxxx~~ has become useless, inconvenient and burdensome , as set forth by the petitioners and the viewers therefore return for vacation that section of the old state highway, a part of what is known as Route No. 36, between McGees Mills and Punxsutawney; the said section beginning at the point above McGees Mills where the new state road diverges from the old road; thence N. 22° W., 150 feet; thence N. 7° E. 550 feet; thence N. 1° 30' E., 100 feet; thence N. 25° W., 100 feet; thence N. 58° W., 100 feet; thence N. 82° W., 200 feet; thence N. 45° W., 300 feet; thence N. 42° W., 900 feet; thence N. 43° W., 570 feet to point in the said old road where the same is intersected by another township road, commonly known as the "John Nicodemus Road".

Agreeably to the prayer of the petitioners, the Viewers viewed and layed out for public use a section of public road, beginning in the old state road beginning opposite the John Nicodemus Road, and running thence, S. 64° 30' W. 709 Feet, being on the property line between lands of the Clark Estate and lands of Mott Brothers; thence thru lands of the Clark Estate, S. 35° W. 100 feet; thence by same, S. 25° W., 100 feet; thence by same, S. 15° 30' W., 336 feet to the State Highway No. 36. The Viewers have attached to this

Report, showing by courses and distances the new road so layed out, a plan or draft of the said road, which map or draft also shows the-----

~~and~~ plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the location of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from: None of the parties whose lands are affected either by the laying out of the supply road or the vacation of the old road asked any damages at the hands of the Viewers, and the Viewers being of the opinion that no damage will accrue as a result either of the vacation or supply of said roads, they have awarded no damages therefor.

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation and closing up of the said road, viz, 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 eleventh day of April, A. D. 19 33.

James G. Rose [SEAL.]

E. D. Billotte [SEAL.]

J. S. Michaels [SEAL.]
Viewers.

No. 7 May Term 19 33

ORDER TO VACATE

and supply
To view and vacate/ road sit-

in the Township of Bell
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
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 considera-
tion the advantages as well as the disadvantages
of the road, they will report to that effect.

	Days	Miles	Am't
Farl. G. Boose	4	180	\$39.00
ide. Billotte	3	114	\$28.20
Jack Michaels	2	72	\$18.60

Now May Sessions 19 33

read and confirmed Ni. Si.

By the Court
W. R. Gallagher
Sessions 19 33

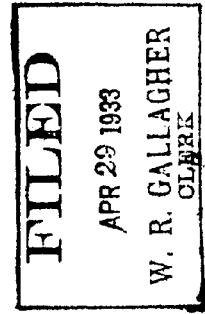
confirmed absolute.

By the Court.

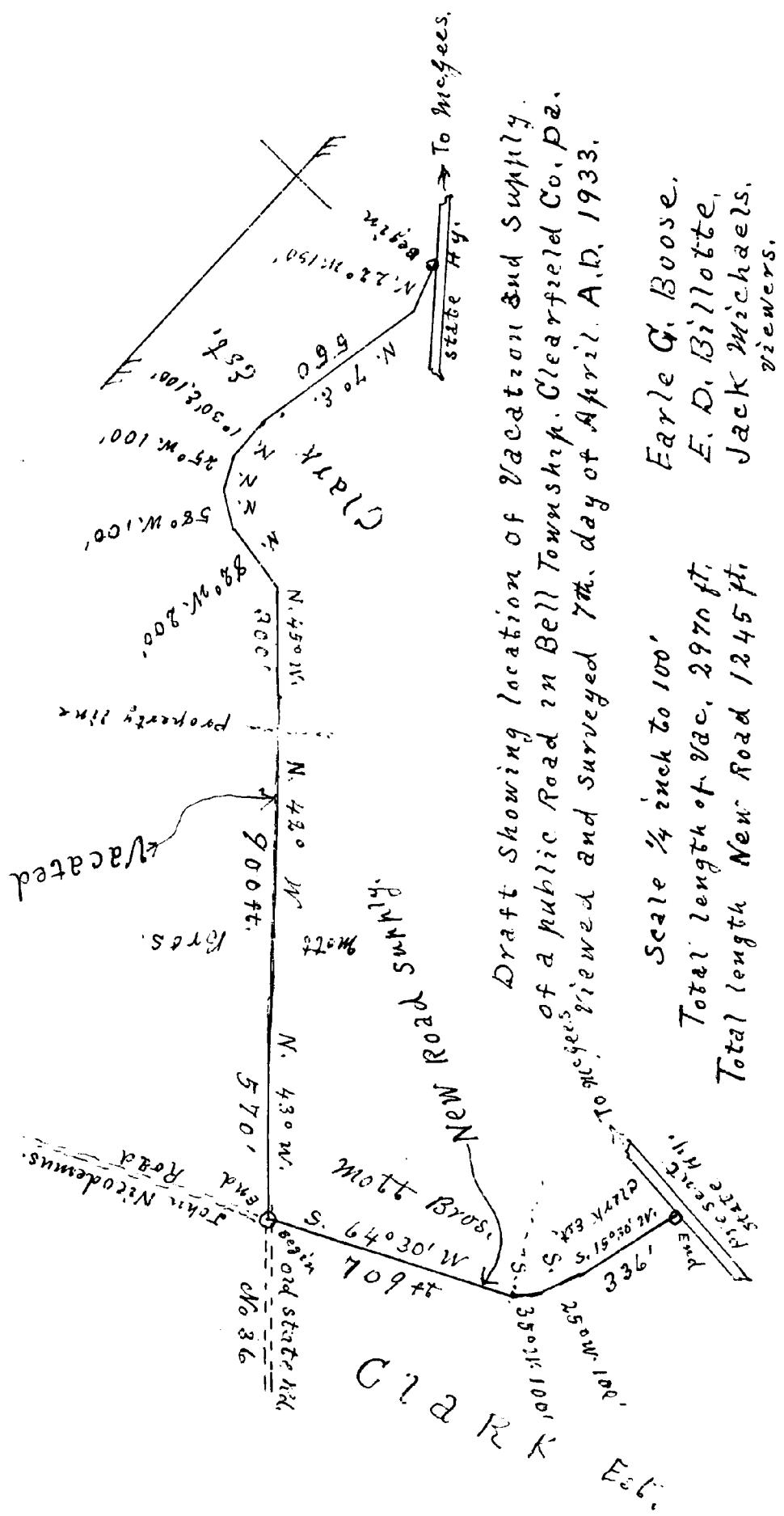
W. R. Gallagher

Filed 19
Atty.

Fees \$1.25 paid by



E



Draft Showing location of vacation and supply
of a public road in Bell Township, Clearfield Co., Pa.
viewed and surveyed 7th day of April, A.D. 1933.

Scale $\frac{1}{4}$ inch to 100'.
Total length of vac. 2970 ft.
Total length New Road 1245 ft.

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and vacate a section of old state road No. 36, beginning at point near McGees Mills, where the old road leaves the present road as now constructed and ending where the said old road is intersected by the John Rankin road leading from Nicodemus road, and to supply an extension to the Nicodemus road from the point where it intersects with the old state road, through the Mott lands to connect with the present state road

in Bell Township, to-----

in----- Township, in Clearfield County, aforesaid,

will meet at the Post Office in McGees Mills,

in Bell Township, on Friday, the 7th.

day of April. 1933 at, 2.00 o'clock, P.M.

to attend the duty assigned them, of which time and place aforesaid all parties interested will take notice.

The Public Hearing in the matter required by the Act of Assembly, and the Rules of the aforesaid Court, to be held by Viewers, will be held in the

Grand Jury Room of the Court House at Clearfield,
Penna., on Monday, the tenth day of
April, 1933, at 9.30 o'clock A.M.

Earle G. Boose

Ed. Billotte

April 1- 1933.

Jack Michaels

Viewers.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

RE: Vacation and Supply of : No. 7 May Term, 1933.
Public Roads in Bell Twp. :

To the Supervisors of Bell Township and the Commissioners of Clearfield County-

You and each of you will hereby take notice that upon petition of sundry citizens of Bell Township, the Court has appointed the undersigned to view and to vacate and supply the following roads in the said township, to wit;

To vacate that section of the old state Route No. 36, abandoned when the new route from McGees Mills to Punxsutawney was constructed, beginning at a point near McGees Mills where the old road leaves the present road as now constructed, and following the old road to where it is intersected by the John Nicodemus road, being a distance of thirty-one hundred and sixty-one feet more or less., and

To supply and extendion to the Nicidemus road of approximately thirteen hundred feet, more or less, from the point where it intersects the the old state road, through the Mott lands to connect with the present state road.

The view of the premises will be had on Friday, the 7th day of April, 1933, at 2.00 o'clock P. M., the Viewers meeting for the view at the Post Office at McGees Mills, Pa., and the public hearing in the matter as required by law and the rules of this court will be held by the Viewers on Monday, the tenth day of April, 1933, at 9.30 o'clock A. M., in the Grand Jury Room in the Court House at Clearfield, Pa., at which time all parties in interest may appear and be heard.

Apr. 1-, 1933.

E. K. Board...
E. B. Biscaccia...
J. K. Mischelle
Viewers.

Now, Apr. 1st, 1933, the above notice received by copy delivered to me for the Supervisors of Bell Township.

H. W. Maffettone
Supervisor.....

Now, Apr. 3, 1933, the above notice received and acceptance made for the Commissioners of Clearfield County; a copy thereof being delivered to me

L. C. Morris
Commissioners Clerk.