

DOCKET No. 6

Number	Term	Year
9	May Sessions 1933	

Petition for Road in Rockton,

Union Twp., Clfd. Co., Pa.

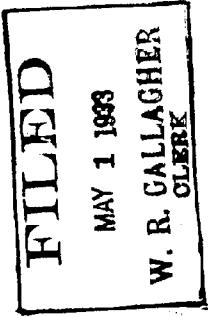
Versus

OP. #46 - Page 36

Twp. Rd. 17364

9 May 1923

Now May 1st 1923
Carl S. Boose Esq.,
Frank J. Rose and
George H. Weber are
appointed members to
a committee to
name and report
names
of
By the Court
A. H. Blaue.
A. H. Blaue.



8400
for my off

P E T I T I O N

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Rockton, Union Twp., Clearfield Co., Pa.

We the undersigned citizens doth hereby petition our Court of Common Pleas for the opening of the East and West street in the village of Rockton beginning at the East side of the Shellinbarger Road, commonly known as the DuBois Road and continuing thereon fifteen hundred feet to the Rockton Public Cemetery located near the Mennonite Church, for the convenience and much needed entrance to and for parking space during interment, thus avoiding the steep grade that now makes it very inconveniant as well as lacking sufficient parking space. We kindly ask to have our petition granted and so we ever pray.

Dallas B. Kirk	Herald Dent
Thomas M. Kirk	R. B. Brubaker
Arthur D. Brubaker	R. H. Kirk.
W. M. McClure.	Eda Jacobs
J. A. Hummel.	Otto Luce
Orvel D. Stockman;	Calvin Blauser.
Castile Brubaker	J. E. Shotzberger.
Elmer J. Kirk	Charles H. Dailey.
David W. Kirk	Edward Fishback
B. S. Kirk	G. G. Hendrick
John Jacobs	L. M. Fischer.

L. G. Brooke. x	Arden Leslie.
W. S. Kirk	Wm. S. Kirk
J. B. Bailey x	J. B. Bailey
OB Lumberry	Mrs C. B. Bailey
A. F. Jordan x	Mrs C. O. Bailey
Leslie Clouser	Mrs Arden Leslie
Wm E. Duff	J. H. Riddle
E. F. Brubaker	Mrs D. W. Kirk
Mrs Leona Spicher.	Mabel Kirk
Lester Harris	Donna Kirk
Henry Garver	Irene Jacobs
C. P. Bailey	Mrs J. M. Lines
J. H. Leslie	C. O. Taylor x
P. P. Brown	Charles Fridley x

Benah M. Hallowell	John A. sis.
A. H. Bailey	Amos Long
Amos M. Passmore	Mrs W. S. Kirk
Virgil Weeks	S. J. Kougher
Sister O. Thomas	P. D. Steeves
Harris Kirk	D. M. Hallowell
Henry Michael	H. L. Hallowell
H. V. Labrode	Gilbert Luce
G. W. Labrode	H. W. Daisher
W. T. Kirk	P. D. Gray
James Knudt	W. S. Spicher
Clifford Bailey	
Grant Kirk	
JOSEPH. KIRK	

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In re; Opening of East) Of May Sessions,
& West Street, in Rockton,) 1933
Union Township.) No. 9.

To the Commissioners of Clearfield County, and the Supervisors of Union Township-

You and each you will hereby take notice that upon petition of divers citizens of Union Township aforesaid, the Court has appointed the undersigned Viewers to view and lay out said public road, described in the Order to View as "East and West Street in the village of Rockton beginning at the East side of the Shellinbarger Road commonly known as the DuBois Road and continuing thereon fifteen hundred feet to the Rockton Public Cemetery located near the Mennonite Church, for the convenience and much needed entrance to and for parking space during interment.."

The Viewers will meet to view the premises, on Wednesday, the 17th. day of May, 1933, at 1.30 o'clock P. M., at the point of intersection of said East and West Street, with the Shellinbarger Road, commonly known as the DuBois Road. The public hearing in the matter will be held on Thurs., the 18th. day of May, 1933, at 9.00 o'clock A. M., in the Grand Jury Room in the Court House at Clearfield, Pa., at which time and place parties in interest may appear and be heard.

...E. K. Bond.....
...J. T. Try.....
...Geo. R. Weber.....
Viewers.

May 4, 1933.

Now, May 4, 1933, above notice received and copy thereof delivered to me and service for the Supervisors of Union Township is accepted.

...P. A. Shaefer!
Supervisor.

Now, May 5th, 1933, above notice received and copy thereof delivered to me and service for the Commissioners of Clearfield County is accepted.

...L. C. Morris...
Clerk

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view for opening, East and West Street, in the Village of Rockton, leading from the Road leading from East side of the Shellinbarger Road commonly known as the Dubois Road

in Union Township, to the Rockton Public Cemetery at Rockton,

in Union Township, in Clearfield County, aforesaid,

will meet at the point of intersection of said East & West Street, with the Shellinbarger Road, commonly known as the Dubois Road in Union Township, on Wednesday, the seventeenth

day of May, 1933, at 1.30 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 Thursday the eighteenth day of May, 1933, at 9.00 o'clock A.M.

Earle G. Boose

J. E. Fry

May 4th-

19 33

Geo. K. Weber

Viewers.

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 2nd day of May 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 Union in said County, setting forth that they petition for the opening of the East and West street in the village of Rockton beginning at the East side of the Shellinbarger Road, commonly known as the DuBois Road and continuing thereon fifteen hundred feet to the Rockton Public Cemetery located near the Mennonite Church, for the convenience and much needed entrance to and for parking space during interment, thus avoiding the steep grade that now makes it very inconvenient as well as lacking sufficient parking space. We kindly ask to have our petition granted

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., J. E. Fry, and George K. Weber

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, 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

Union and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 17th day of May, 1933. A. D. ~~1932~~, and the hearing to be held in the ~~Attic~~ Room, at the Court House, in Clearfield, Pa., on the 18th day of May, 1933 ~~1932~~, at 9.00 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 a number of the petitioners for the opening of the said street and also a number of persons who were opposing the opening, all of whom, as citizens of Union Township were.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 18th day of May, 1933 A. D. 492, when the following appearances were noted: None of the parties in interest were represented by counsel. One of the Supervisors of Union Township, J. H. Riddle, was present, as also were Anna Parrish, Walter Brubaker, Ansel Beer and others whose lands are affected by the proposed opening, as well as a number of citizens of Union Township.

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 In the Shellinberger Road, commonly known as the DuBois Road, and on the recorded plot of the Village of Rockton, known as Shellinberger Street; thence S. 83° 30' East, a distance of 1584 feet, ending in the public road leading from Main Street in the Village of Rockton, past the Mennonite Church and the Rockton Public Cemetery.

At the hearing, there was much testimony taken, and by the Viewers fully considered. The proposed road will abut the properties of some of the citizens of the village, who earnestly contended that the opening of the road would be of no particular benefit and would result in injury to their respective properties. Other witnesses contended that the opening would be a benefit to the properties and that it would afford a level and therefore easy access to the Mennonite Church and to the Public Cemetery, which at the present time are reached by the ascent of a rather steep hill, where parking, in case of funerals, is somewhat limited.

The Viewers held to the proposition that the petition was signed by a large number of the citizens of Union Township, including two of the Board of Supervisors; that this land upon which the road is layed out appears upon the recorded plot of the 'illage of Rockton, as a dedicated street, a part of which is now open to public travel and has been traveled by the public for many years. As the cost of opening would not be onerous and it appearing the land taken is dedicated to the public for travel, and that as a means of access to the church and cemetery, it will be an improvement over the present means of access, and that from the largely signed petition, it is desired by the public generally in

that part of Union Township, at least, the Viewers felt constrained to recommend that the prayer of the petitioner 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

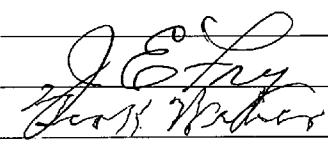
when it was not practical to preserve it within that limit.

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 road being layed upon ground dedicated by John Brubaker Sr. in 1871, as one of the public streets of the Village of Rockton, no damage could be allowed, hence no releases were obtained.

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: Copies of the notices served upon the Commissioners of Clearfield County and the Supervisors of Union Township, are herewith appended to this report, as also is one the public notice of the View and Hearing.

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

WITNESS our hands and seals this 19th day of May
A. D. 1921 1933.


J. E. C. Brubaker
Seal
Seal
Seal
Seal

ORDER

To view a road for public use in the township of Union, Clearfield County, Penna.

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.

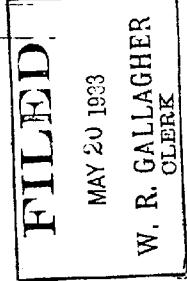
	Days	Miles	Amount
J. E. Fry	3	.50	\$27.50
Geo. K. Weber	2	.33	\$18.30
Earl G. Baase	4	.52	\$35.20

Sept Sessions, 1933
read and confirmed Ni. Si. Road to be
opened 33 feet wide, except where there
is side hill cutting or embankment and
being there to be 16 feet wide.

*By the Board of
Viewers*

*Sept. 6, 1934
Approved by
C. Gallagher, Clerk*

Filed By Citizens
Fee \$1.25 paid by W. R. Gallagher



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