

DOCKET No. 6

Number Term Year

1

May

1934

Cooper Twp., petition for road

Versus

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IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In re: Public Road in Cooper Township : No. May Sessions, 1934.
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To the Honorable W. Wallace Smith, President Judge of said Court:

The petition of the undersigned inhabitants of the Township of Cooper, in the County of Clearfield, respectfully represents:

- 1.- That your petitioners labor under great inconvenience for want of a public road or highway in said Township, leading from the Macadam Highway between Kylertown and Wiburne, to Sts. Cyril and Method Catholic Church and Cemetery.
- 2.- That there are fifty or more families, belonging to said congregation, and to be served by said road; and in addition to the Church Parsonage, there are five families that have no public outlet to said improved Macadam Highway.
- 3.- That a Sunday School is maintained there, in addition to the burial ground for the members of said Congregation and their friends; and that the same is necessary for the convenience of the traveling public.

WHEREFORE, your petitioners pray that an order issue out of your Honorable Court, appointing a Board of Viewers, to view and lay out a public road, according to law.

AND THEY WILL EVER PRAY.

Joseph & Evanska Cleavfield Pa. Robinson Clay
Mike Fedor Milwaukee Pa Pennsylvania Coal Co.
Paul Rudella " " " " "
Joe Powell Munson Pa
Steve Moslock " "
Steve Prunella Winburne "
Andrew Walko Munson "
John Pruhoff Munson "
Mike M. Moslock Munson Pa
John Moslock " "
Mike Glavich Winburne
Eddie Marinko Winburne
Albert Stack " Winburne Pa
Joseph Rudella Winburne Pennsylvania
John Marinko Winburne Pa
Mike Moslock Jr. Winburne Pa Miner
Brother Bognacki Pa
Troy Bognacki Pa
Stephen Rudella Winburne Pa
Valent Kurnack
George Marinko Winburne Pa
Peter - Fischmed Winburne Pa
Frank Bognacki Winburne Pa
Rudolph Kapelock Winburne Pa

Joseph Moslak Vineland, Pa

Mrs. Leona Greenhauer " "

Anna Kulbag " "

Elizabeth Rakas Clinton, Pa.

George Brookko Munson Pa

Mr. Simon Butchko

Mrs Mary Zelenky.

Steve Demsky Munson Pa

Andy Chelen Munson Pa

Wojciech Chelen Munson Pa

John Demko Munson Pa

Dave Borko (1 1 1 2)

Mary Rakos - - -

Mike Janock Munson Pa

Joseph Moslak Jr. 1 1 1

Andrew Moslak " "

M. B. Moslak " "

Edward Adamson " "

Albert Adamson " "

Peter Adamson " "

John Chegas

" "

Chris Vesesky Munson Pa

Joe Chelen Munson Pa

George Shirek 1 1 1 1

Mike Butchko - - -

Mrs Anna Butchko Munson Pa

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, the subscriber, a Notary Public
in and for said County and State, J. E. Bachnak
Floyd E. Boyce and J. G. Miller
petitioners within named, each of whom being duly sworn according to law deposes
and says that the facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me,
this 7th day of April, 1934.
Adolph Johnson
Notary Public.

NOTARY PUBLIC
My Commission Expires Feb. 20, 1937

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENN'A.

NO. / May Sessions, 1934.

In re:

Public Road in Cooper Township.

PEPIITION.

AND NOW, / May 15, 1934,
the within petition pre-
sented, read and considered:

WHEREUPON *John J. Dye*,
James G. Kline and
John S. Knapp,
are appointed a Board of Viewers
to view the premises for the pro-
posed public road; and make
report of their proceedings, as
provided by Act of Assembly.

BY THE COURT

P.J.

FILED

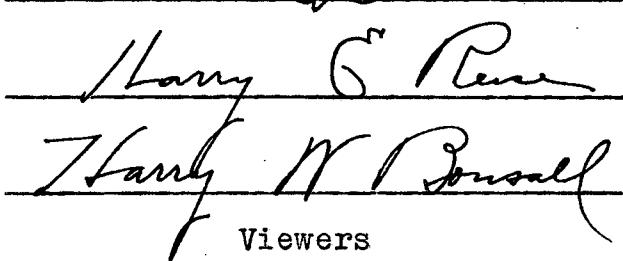
APR 19 1934

W. R. GALLAGHER
CLERK

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania on the 19th day of April A. D. 1934 to lay out a public road or highway in the Township of Cooper, Clearfield County, Pennsylvania beginning at a point most convenient on the Macadam Highway between Kylertown and Winburne and extending from that point to Sts. Cyril and Method Catholic Church and Cemetery will meet at the Sts. Cyril and Method Catholic Church in the Township of Cooper and County aforesaid on Wednesday the 2nd day of May A.D. 1934 at 11 o'clock A.M. to attend to the duties assigned them and that the public hearing as required by Act of Assembly and Rules of Court to be held by Viewers before the filing of their report in Court in order to give all parties interested in said highway which has been petitioned for to be laid out and supplied an opportunity to be heard, will be held in the Arbitration Room in the Court House at Clearfield on Saturday the 5th day of May, A.D. 1934 at 10 o'clock A.M. at which time and place all parties interested may attend and be heard if they so desire.


Harry G. Rose

Harry W. Bonsall
Viewers

Now this 20 day of April A. D. 1934 service of the
above notice is accepted for the Commissioners of Clearfield County,
Pennsylvania.

L. C. Morris.

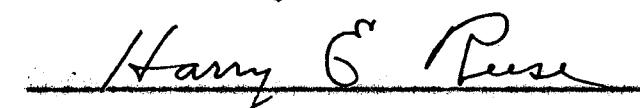
Clerk

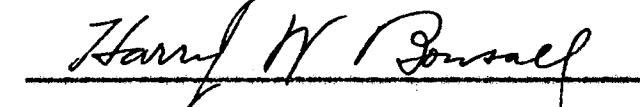
TO THE SUPERVISORS OF COOPER TOWNSHIP, CLEARFIELD COUNTY, PENNA.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania on the 19th day of April A. D. 1934 to lay out a public road or highway in the Township of Cooper, Clearfield County, Pennsylvania beginning at a point most convenient on the Macadam Highway between Kylertown and Winburne and extending from that point to Sts. Cyril and Method Catholic Church and Cemetery will meet at the Sts. Cyril and Method Catholic Church in the Township of Cooper and County aforesaid on Wednesday the 2nd day of May A.D. 1934 at 11 o'clock A.M. to attend to the duties assigned them and that the public hearing as required by Act of Assembly and Rules of Court to be held by Viewers before the filing of their report in Court in order to give all parties interested in said highway which has been petitioned for to be laid out and supplied an opportunity to be heard, will be held in the Arbitration Room in the Court House at Clearfield on Saturday the 5th day of May, A.D. 1934 at 10 o'clock A.M. at which time and place all parties interested may attend and be heard if they so desire.


D. J. Shan


Harry G. Reese


Harry W. Bonsack

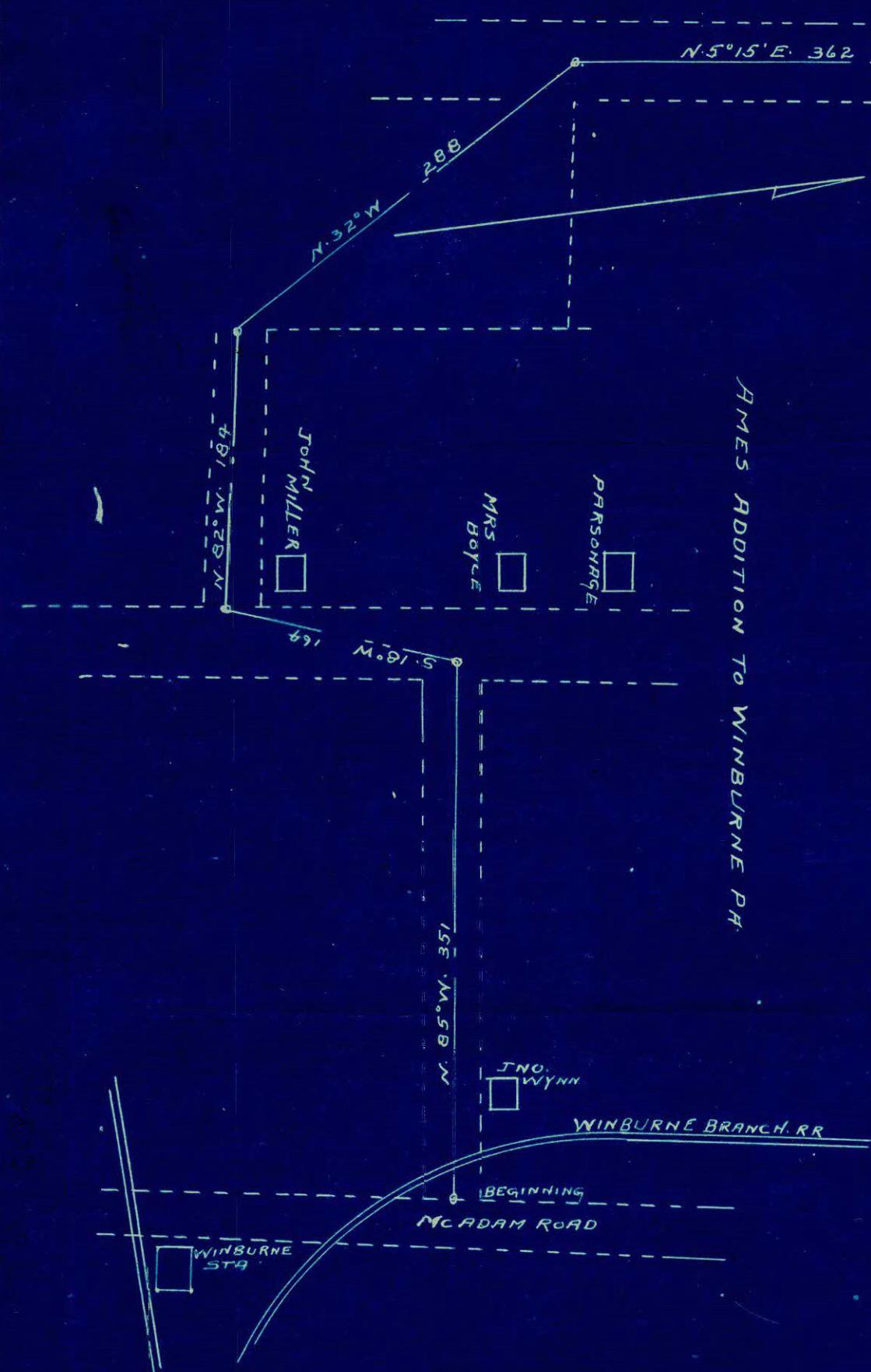
Viewers

Now this 21st day of April A. D. 1934 service of the
above Notice is accepted for the Suprovisors of Cooper Township,
Clearfield County, Pennsylvania.

Ferd. Baumgardner
Andrew Force
John A. Johnson
Suprovisors

PUBLIC ROAD IN COOPERTOWNSHIP
CLEARFIELD COUNTY PA.
VIEWED AND DRAWN OUT MAY 2-1934
BY A.B. SHAW E.S.P.
HARFEE
HARRY BONSAU
SCALE 1" = 100'

AMES ADDITION TO WINBURNE PA



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 nineteenth day of April in the year of our Lord one thousand nine hundred thirty-four

W. WALLACE SMITH

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Cooper in said County, setting forth that your petitioners labor under great inconvenience for want of a public road or highway in said Township leading from the Macadam highway between Kylertown and Winburne, to Sts Cyril and Method Catholic Church and cemetery.

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 Harry E. Reese Harry W. Bonsall and A. B. Shaw

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 whereever 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. Wallace, 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

Cooper and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the second day of May A. D. 1934 and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the fifth day of May, 1934 at 10 o'clock A. M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Charles A. Johnson, Supervisor for Cooper Township, Rev. J. E. Bachnack and John Miller.

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the fifth day of May A. D. 1934, when the following appearances were noted: Edward Kelley, Esquire, representing the petitioners for said road, and the following witnesses, to wit: Rev. J. E. Bachnack, John Boron and Floyd Boyce, all witnesses being sworn and examined.

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 their use the following described road, to wit Beginning at a point on the North side of the Macadam Road leading from Winburne to Kylertown near the Winburne Railroad station, thence following a private road now in use North 85° West three hundred and fifty-one (351) feet to a stake, thence South on the John Miller property 18° West one hundred and sixty-four (164) feet to a stake, thence North along the John Miller property 82° West one hundred and eighty-four (184) feet to a stake, thence North 32° West two hundred and eighty-eight (288) feet to a stake, thence following a private road now in use North 5° East three hundred and sixty-two (362) feet to the St. Cyril and Method Catholic Church.

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 _____

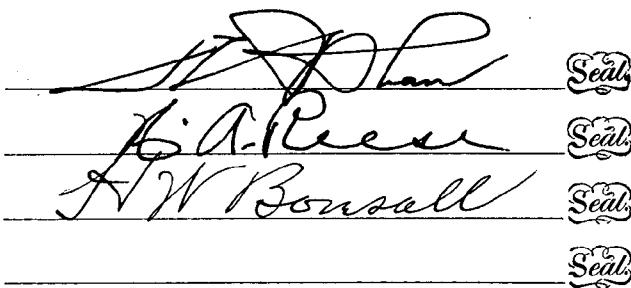
when it was not practical to preserve it within that limit.

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 John Miller _____

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 7th. day of May
A. D. 1934.



J. D. Han Seal
B. A. Pease Seal
F. W. Bonsall Seal

No. 1 MAY Sessions, 1934

ORDER

To view a road for public use in the township of Cooper, 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.

Viewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

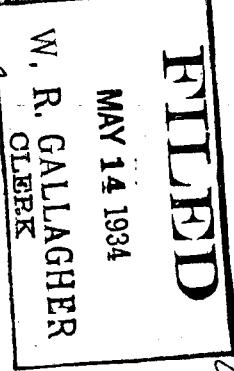
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	Days	Miles	AMT.
Larry G. River	3	66	33.30
Henry M. Burrell	2	166	28.30
John S. Miller	3	66	33.30

Sept Sessions, 1934

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.

John S. Miller



De. Drawing
Confined to the location of the

Edw. T. Kelley Atty.

Filed

Fees \$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 11th day of May
A. D. 1934.

John S. Miller Seal
Seal
Seal
Seal