

ROAD

DOCKET No. 6

Number Term Year

1

FEB

1934

DECATUR TOWNSHIP. PETITION TO VAGATE

ROAD NEAR OSCEOLA MILES

Versus

X



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: VACATION OF THE :  
PUBLIC ROAD IN DECATUR : No. February Sessions 1934  
TOWNSHIP :

TO THE HONORABLE W. WALLACE SMITH, PRESIDENT JUDGE OF SAID COURT

The petition of the Supervisors of Decatur Township  
respectfully represents:

FIRST: That the Commonwealth of Pennsylvania, acting by  
and through the State Highway Department have recently caused to  
be reconstructed an improved road leading from Osceola Mills ,  
Clearfield County, Pennsylvania to the Village of Bigler, Clearfield  
County, Pennsylvania.

SECOND: That the line and location of the new and improved  
highway, has constructed, varies from the line and location of the  
old or former road as hereinafter stated.

THREE: That by reason of the construction of the new and  
improved highway, a portion of the old road is now practically  
impossible to travel.

FOURTH: That in the opinion of your petitioners, the old  
road should be vacated beginning at a point approximately three  
and three-tenths ( $3 \frac{3}{10}$ ) miles distant from Osceola Mills, and  
being Station 178 plus 98, and proceeding in a Northerly direction  
along the Rout of old Route 17056, its various courses and dis-  
tances; thence across the new improved road and Laurel Run, pro-  
ceeding Northwardly, its several courses and distances in junction  
with the new, improved highway at original Station 220 plus 75,  
being designated now as the new Station 215 plus 00, being appro-  
ximately one-half ( $1/2$ ) to three-quarters ( $3/4$ ) mile.

That the abandonment of said road does not deprive any  
property owner from use or access to and from his property, and the





WHEREFORE, your petitioners pray that viewers be appointed to pass upon and report to your Honorable Court the necessity of said vacation, and the said vacation be ordered and such other things as are authorized by the Act of Assembly for this purpose made and provided.

Thomas Kerfoot  
Herbert Wigfield

Before me, the subscriber hereto, came THOMAS KERFOOT, who being duly sworn according to law deposes and says that he is one of the Supervisors of Decatur Township, and that the facts set forth in the above petition are true and correct to the best of his knowledge and belief.

Thomas Kerfoot

H. C. Gallagher  
Prothonotary



ORDER

Now, January 22nd, A.D. 1934, the within petition having  
been read and considered, *H. A. Rene* n ; *John Scott* ,  
and *J. S. Michael* , are appointed Viewers to view said  
road, and take testimony and report to the Court.

BY THE COURT

*W. Haller Smith*  
P.J.



IN THE COURT OF COMMON  
SESSIONS OF CHESTER COUNTY  
PENNSYLVANIA  
No. 1 Feb. Sessions 1934.

IN RE: VACATION OF THE  
PUBLIC ROAD IN DECATUR  
TOWNSHIP

PETITION FOR APPOINTMENT  
OF VIEWERS

FILED  
JAN 22 1934  
W. R. GALLAGHER  
CLERK

BELL, CRAVENHUN & SILBERBLATT  
ATTORNEYS AT LAW  
KURTZ BUILDING  
CHESTERFIELD, 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	Am't
H. A. Reese	3	100	\$35.00
J. S. Michaels	2	188	\$39.40
John Scollins	3	66	\$33.30
H. S. Kanaur	1	44	\$3.32
F. W. Cadman	1	44	\$3.32

No. 1 Feb Term 19 34

# ORDER TO VACATE

To view and vacate road situate in the Township of Decatur Clearfield County.

Now *May* Sessions, 19 3 4.  
read and confirmed N. S.

By the Court  
*Dr. S. S. Smith*  
Now *May* Sessions 19 3 4.  
confirmed absolute.

By the Court.

Filed 19

Atty. Bell, P. O. L. & Silberblatt

Fees \$1.25 paid by

FILED

MAR 14 1934

W. R. GALLAGHER  
CLERK

*And view taken 14/10/34  
because of the with viewers  
Report to view and together  
with viewers road time. All the  
3200 P. O. L. & Silberblatt  
Atty. for Decatur Twp*



curves and swamps; that there are no property owners deprived of access to or from their properties, and no families living along that portion of said Road, it passing through wood-land; that those portions proposed for vacation have become useless, burdensome and inconvenient, and closely paralleling the new improved Road, Route 17056 as now constructed.

The petitioners offered in evidence the recommendations of Hon. S.S.Lewis, Secretary of Highways; and there being no one present, either at the view or the hearing, objecting to its vacation, your Board recommends the vacation thereof, as prayed for.

and that a 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 vacation 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: No damages claimed, or assessed.

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, 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 damages claimed, or assessed.

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

Witness our hands and seals this 6th day of March, A. D. 19 34.

*John E. Eakin* [SEAL]  
*H. A. Reese* [SEAL]  
*J. S. Michael* [SEAL]

Viewers.



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 **Decatur**, 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

**27th** day of **February**, A. D. 19**34**, 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 **2nd** day of **March** A. D., 1934, at **10** 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 **Ira Winters, Herbert Wigfield, Supervisors of Decatur Township and Thomas Kerfoot, Secretary of the Board.**

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 **2nd** day of **March**,

A. D. 1934, when the parties interested in the said road were in attendance: **Herbert Wigfield and Ira Winters, Supervisors of Decatur Township, with them Cortez F. Bell, Esq., Solicitor; H. S. Kanaur and F. W. Cadman, witnesses. Herbert Wigfield, Ira Winters, H. S. Kanaur and F. W. Cadman, sworn, examined and cross-examined by Counsel and your Board.**

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has, become useless, inconvenient and burdensome, to wit: **Route 17056, leading from Osceola Mills to the Village of Bigler, Beginning at a point approximately 3.3 miles distant from Osceola Mills and being Station 178 plus 98: thence bearing North 6 degrees East 300 feet to a post; thence North 2 degrees East 300 feet to a post; thence North 2 degrees West 300 feet to a post; thence North 8 degrees East 600 feet to a post; thence North 553 feet to a post; thence North 76 degrees West 74 feet to a post; thence South 56 degrees West 300 feet to a post; thence South 86 degrees West 76 feet to a post; thence North 46 degrees West 184 feet to post at new improved road and Laurel Run; thence beginning at a post across said new improved road and Laurel Run, running North 46 degrees West 59 feet to a post; thence North 2 degrees West 300 feet to a post; thence North 4½ degrees West 190 feet and ending at Station 215 plus 90: All of said Road abutting the lands of the "Mattern Estate" now owned by Charles and G. W. Mattern.**

We further find that said Road, -Route 17056, -has been re-located and improved by the Department of Highways of the Commonwealth of Pennsylvania; that its courses have been straightened, eliminating sharp and dangerous



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 **Twenty second** day of **January** in the year of our Lord, one thousand nine hundred and **nine hundred and thirty four**  
**W. WALLACE SMITH**  
By the Honorable ~~Shirley B. Smith~~, President Judge of the said Court: Upon the petition of sundry ~~Supervisors~~ ~~of the Township of~~ **DECATUR**, in the County aforesaid setting forth that .....

FIRST. That the Commonwealth of Pennsylvania, acting by and through the State Highway Department have recently caused to be reconstructed an improved road leading from Osceola Mills, Clearfield County, Penna. to the village of Bigler, Clearfield County, Pa.

SECOND: That the line and location of the new and improved highway, as constructed, varies from the line and location of the old or former road as hereinafter stated.

THREE: That by reason of the construction of the new and improved highway, a portion of the old road is now practically impossible to travel.

FOURTH: That in the opinion of your petitioners, the old road should be vacated beginning at a point approximately three and three-tenths ( $3 \frac{3}{10}$ ) miles distant from Osceola Mills, and being station 178 plus 98, and proceeding in a Northerly direction along the Route of old Route 17056, its various courses and distances; thence across the new improved road and Laurel Run, proceeding Northwardly, its several courses and distances in junction with the new, improved highway at original Station 220 plus 75, being designated now as the new station 215 plus 00, being approximately one-half ( $1/2$ ) to three-quarters ( $3/4$ ) mile.

That the abandonment of said road does not deprive any property owner from use or access to and from his property, and the lines of the old road are closely parallel to the new, improved highway.

This petition is presented on recommendation of S.S. Lewis, Secretary of the Highway for the State of Pennsylvania.

with a plot, or map, of the road,  
which said road passes.

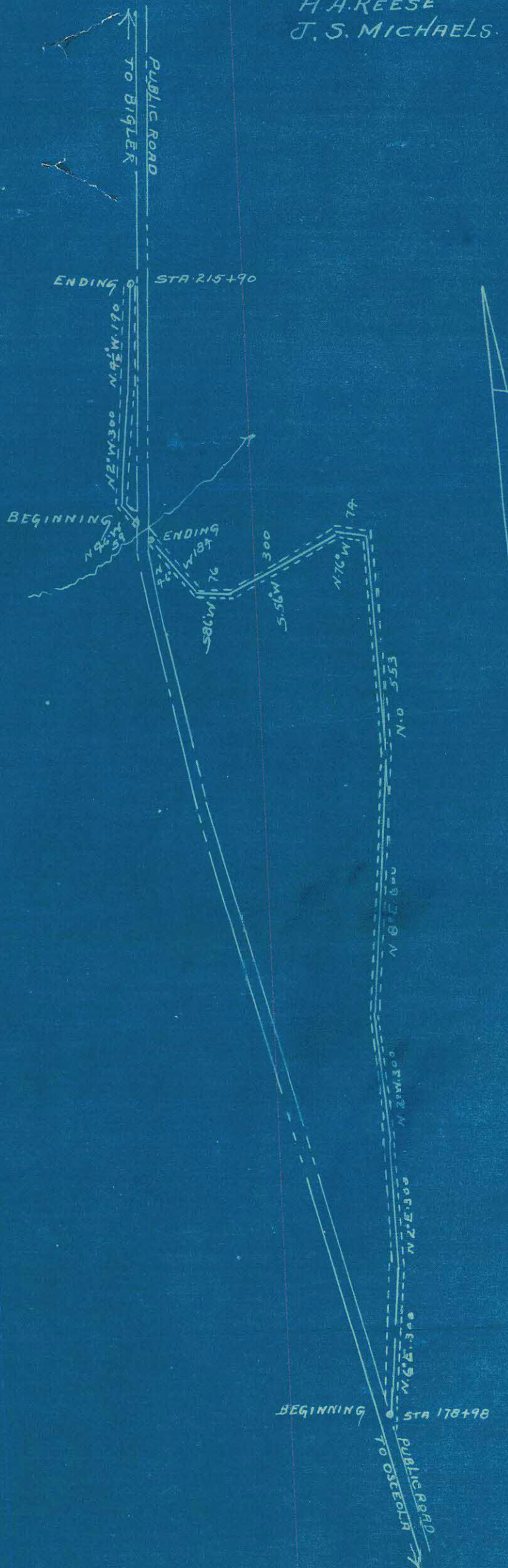
And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and 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 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court.

*H. R. Gallagher*  
Clerk.



PUBLIC ROAD IN DECATUR TWP.  
CLEARFIELD COUNTY PA  
VIEWED AND VACATED FEB. 27 1934  
BY JOHN SCOLLINS ESQ  
H.A. REESE  
J.S. MICHAELS. SCALE 1"=300'





TO: Chas. Kiser, Thos. Kerfoot and Herbert Wigfield, Supervisors of Decatur Township, Clearfield County:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 1, February Term, 1934, to view and vacate that portion of the public road leading from Osceola Mills, to the Village of Bigler, in said County, to wit: Beginning at a point approximately 3-3/10 miles distant from Osceola Mills, and being station 178 plus 98, and proceeding in a Northerly direction along the Route of old Route 17056, its various courses and distances; thence across the new improved road and Laurel Run, proceeding Northwardly its several courses and distances in junction with the new, improved highway at original Station 220 plus 75, being designated now as the new station 215 plus 00, being approximately one-half to three-quarters of a mile, in Decatur Township, in the County aforesaid, will meet at the above mentioned Station 178 plus 98 in said Township on Tuesday the 27th day of February, A. D. 1934 at 1:30 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 Arbitration Room in the Court House in Clearfield on Friday the 2nd day of March, A. D. 1934 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.

Phu Collins  
N. A. Reese  
J. D. Michaels  
Viewers

Dated, February 13, 1934.

CLEARFIELD COUNTY, SS:

Now, this 17th day of February, A. D. 1934, service of the above Notice is accepted for the Supervisors of Decatur Township, Clearfield County.

H. Wigfield  
Thomas Kerfoot  
J. Kiser  
Supervisors



To: The County Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 1, February Term, 1934, to view and vacate that portion of the public road leading from Ocoola Mills to the Village of Bigler, in said County, to wit: Beginning at a point approximately 2-3/10 miles distant from Ocoola Mills, and being station 178 plus 98, and proceeding in a Northerly direction along the Route of old Route 17056, its various courses and distances; thence across the now improved road and Laurel Run, proceeding Northeardly its several courses and distances in junction with the new, improved highway at original Station 220 plus 78, being designated now as the new station 215 plus 60, being approximately one-half to three-quarters of a mile, in Decatur Township, in the County aforesaid, will meet at the above mentioned Station 178 plus 98 in said Township on Tuesday the 27th day of February, A. D. 1934 at 1:30 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 Arbitration Room in the Court House in Clearfield on Friday the 2nd day of March, A. D. 1934 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.

Wm. Tollins  
H. A. Reese  
J. S. Michaels  
Viewers

Dated, February 13, 1934.

CLEARFIELD COUNTY, SS:

Now, On this 14 day of February, A. D. 1934, service of the above Notice is accepted for the Commissioners of Clearfield County.

L. C. Morris  
Clerk