

DOCKET No. 6

Number Term Year

2

Feb s 1934

DECATUR TWP . Petition to vacate  
and supply road

Versus

R. S. #6 - Page 3v7

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Grt Top Root 1947

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: VACATION AND SUPPLYING :  
: No. February Sessions 1934  
OF ROAD IN DECATUR TOWNSHIP :

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

The petition of the Supervisors of Decatur Township  
respectfully represents:

FIRST: That your petitioners are the duly authenticated  
supervisors, acting for and in behalf of the Township of Decatur,  
County of Clearfield and State of Pennsylvania.

SECOND: That the improved highway running from the Borough  
of Chester Hill to the Borough of Osceola at or near what was  
known as the Midway Dance Hall, was relocated and reconstructed  
by the Highway Department of the Commonwealth of Pennsylvania.

THIRD: That the new road at or near the point of the Midway  
Dance Hall is constructed of cement, while the old road was of  
macadam base.

FOURTH: That there existed, prior to the relocation, a  
Township road leading off the old Macadam road to shaft of the  
Liberty Coal Mining Company, and various houses and mines up  
through a settlement known as New Liberty.

FIFTH: That in the relocation of said Route No. 57, between  
Chester Hill and Osceola no connection was provided for from the  
concrete road to the Township road to New Liberty, so that  
travelers to and from New Liberty are compelled to travel along  
the old macadam road to such point as said macadam road joins  
the newly constructed concrete road.

SIXTH: That the Township road, known as the New Liberty  
road, is a much used highway, branching in several directions,  
connecting with the road through Gearhartville, with the Six Mile  
road and other highways of Decatur Township.

SEVENTH: That by the construction of a piece of road, approximately One Hundred Fifty (150) feet in length, connection can be made directly from the intersection of the New Liberty road with the old macadam road and directly across said macadam road to and with the present concrete highway.

EIGHTH: That by the construction of said connecting link, and the vacation of that portion of the former highway now relocated, the Township of Decatur will be saved the maintenance of more than a quarter of a mile of highway running from the intersection of the New Liberty road and the old highway to and past the Midway Dance Hall to the intersection of the new concrete highway.

NINTH: That that portion of the old macadam highway proceeding from said intersection towards Osceola has already been vacated by proper action in the Court of Quarter Sessions of Clearfield County.

TENTH: That the land in question is swampy in character and title to which has already been acquired by the County Commissioners of the County of Clearfield.

ELEVENTH: That no persons or individuals will be harmed by reason of the vacation of said road, but that the citizens of Decatur Township and the traveling public in general will be benefited thereby.

TWELFTH: That the portion of road to be supplied to begin at the Northern end of the concrete culvert abutment of the Southeast side of the old survey of State Highway Route No. 57, directly opposite store operated as George Voyzey's Meat Market, and continuing thereon in a Southerly direction Eighty-four (84) degrees Fifteen (15) minutes East for a distance of One Hundred Fifty (150) feet more or less to the right-of-way of the new concrete highway Route No. 57.

THIRTEENTH; That the road to be vacated begins at the intersection of the New Liberty Township road, and the old macadam

State Highway at the Voyzey Meat Market; thence in the direction of Chester Hill several courses and distance of the old macadam highway to the intersection of the macadam highway with the present concrete highway at or about the Midway Dance Hall.

WHEREFORE, your petitioners pray that an order be made for the vacation and supply of the road described herein.

SUPERVISORS OF DECATUR TOWNSHIP

Thomas Kerfoot

Herbert Higginbotham

STATE OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

- 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 the Township of Decatur, and as such is fully authorized to sign and execute this Affidavit for and in behalf of the said Supervisors, and that the facts contained therein are true and correct to the best of his knowledge and belief.

Thomas Kerfoot

Sworn and subscribed  
before me this 5th day of  
January A.D. 1934.

W. R. Galloway  
Boothman

MY COMMISSION EXPIRES  
FIRST MONDAY OF JANUARY, 1936

Now, ~~January~~ <sup>February</sup> 5<sup>th</sup>, 1934, the within petition having been read and considered, A. B. Shaw, Esq., E. D. O'Connell, Esq., and J. J. Michaels, are appointed Viewers to view the premises described in said petition, and report to the Court on the advisability of vacation and supply of the road as described herein.

BY THE COURT

W. Walter Smith  
P.J.

IN THE COURT OF COMMONS  
OF CHESTER COUNTY, PENN'A.

No. 2 Feb. Sessions 1934

IN RE: VACATION AND SUPPLY  
OF ROAD IN DECATUR TOWNSHIP

PETITION

FILED

FEB 5 1934

W. R. GALLAGHER  
CLERK

BELL, ORLAUGHLIN & SIEBERBLANT  
ATTORNEYS AT LAW  
KURTZ BUILDING  
CHESTERFIELD, PENNA.

# 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 5th day of February in the year of our Lord one thousand nine hundred thirty four

Supervisors

Judge of the same Court: Upon the petition of ~~xxxxxxx~~  
~~xxxxxxx~~ of the Township of Decatur

in said County, setting forth that the portion of road to be supplied to begin at the Northern end of the concrete culvert abutment of the southeast side of the old survey of State Highway Route No. 57, directly opposite store operated as George Voyzey's meat market, and continuing thereon in a Southerly direction 84° 15' east for a distance of 150 feet more or less to the right-of-way of the new concrete highway Route No. 57.

THAT THE ROAD TO BE VACATED begins at the intersection of the New Liberty Township road, and the old macadam State Highway at the Voyzey Meat Market; thence in the direction of Chester Hill several courses and distance of the old macadam highway to the intersection of the macadam highway with the present concrete highway at or about the Midway Dance Hall.

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 Decatur and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 28th. day of February A. D. 1934, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 2nd day of March, 1934, at 10 o'clock AM. That said viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Herbert Wigfield and Ira Winters, Suprovisors for Decatur Township

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 2nd day of March A. D. 1934, when the following appearances were noted: F. Cortez Bell, Esquire, Attorney for the petitioners together with Herbert Wigfield, Ira Winters, Supro- visors for Decatur Township and Clifford Gatehouse, County Com- missioner. All witnesses sworn, examined and cross-examined by your Board.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an occasion for a road as desired by the petitioner, and that the same is believed 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 the Northern end of concrete abutment on the Southern side of the old survey of State Highway Route 57 continuing thereon in a Southerly direction 84° 15' East for a distance of 142 feet more or less to the right-of-way of the new concrete State Highway Route 57 providing a direct outlet to said improved highway from new Liberty Twp. road.

And that after the view and hearing above mentioned, the undersigned Viewers do agree in accordance with the prayer of petition to vacate the section of road hereinafter described ~~and~~ as having become useless, inconvient and burdensome, to wit: Beginning at the intersection of the new Liberty Township road and the old macadam State Highway at the Voyzey Meat Market, thence in the direction of Chester Hill several courses and distances to a point where the old macadam highway intersects the present concrete highway route 57 at or about the Midway Dance Hall, the total distance being approximately 1307 feet.

That the section of road hereinabove described as previously laid out serves no public use, the same being a burden to the Township of Decatur and the public interest would be more conviently and econmically served by the supply of a public road as hereinabove specified.



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 \_\_\_\_\_



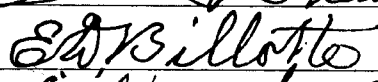

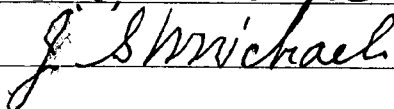


when it was not practical to preserve it within that limit.

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 County Commissioners of Clearfield County, who have negotiated for the purchase of the property through which the new proposed supply road passes from Frank Voyzey owner or reputed owner thereof.

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 view-ers, 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 2nd day of March  
A. D. 1934.

No. 2 Feb Sessions, 19 34

ORDER

To view VACATE & SUPPLY a  
road for public use in the  
township of DECATUR,  
Clearfield County

11 ay 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.

*H. Waller Smith*

*P. J.*

*Sept. 4, 1934*

*Confined to locality  
of Waller Smith*

Filed by 19

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	AM'T.
J. S. Michaels	2	172	\$28.60
E. T. Billotte	3	90	34.50
A. B. Shaw	3	42	32.20
<i>Rep. Republican Party</i> <i>W. B. Shaw</i>			4.50

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 the Township of Decatur.

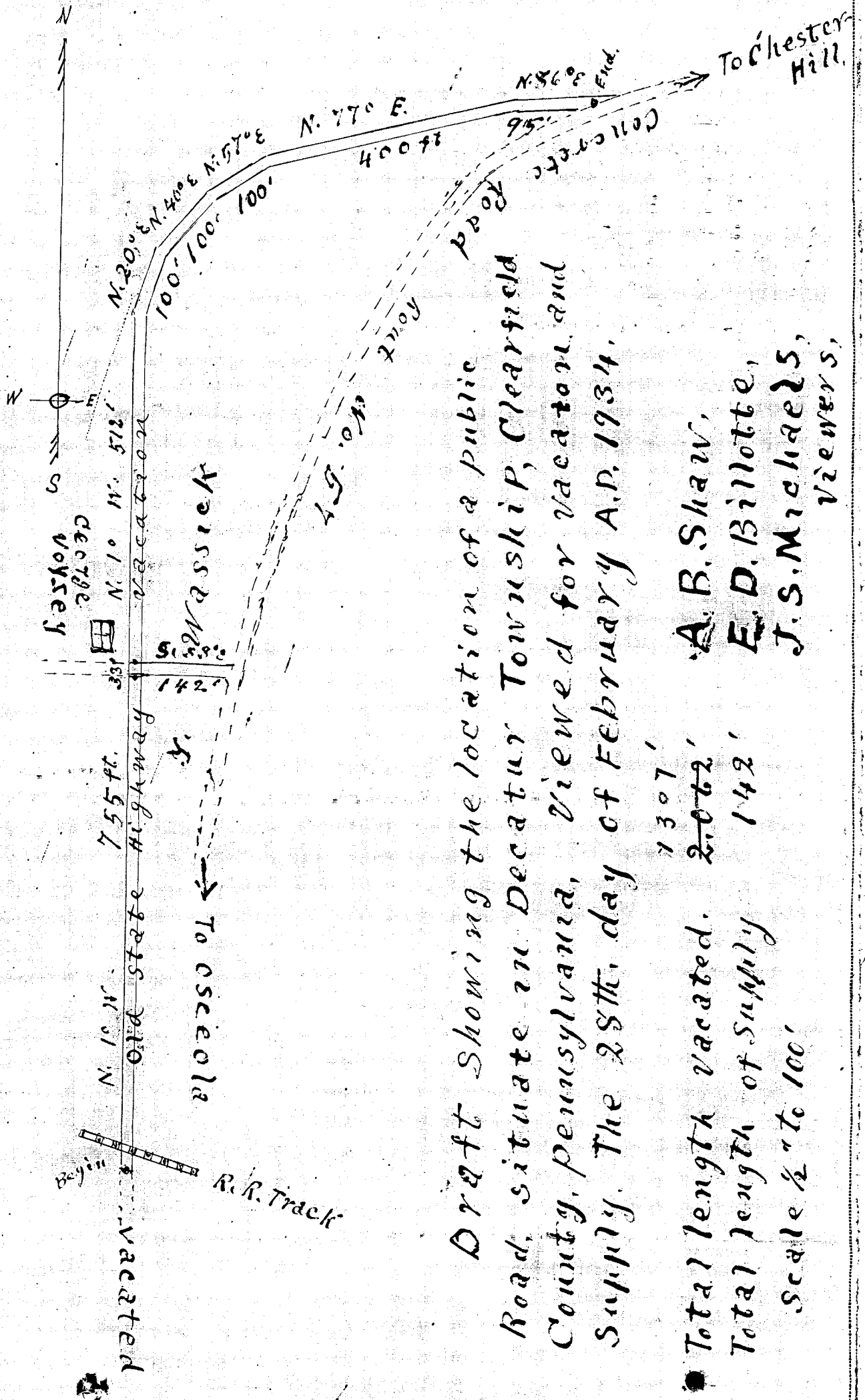
at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said Township of Decatur.

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 af 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 2nd day of March  
A. D. 1934

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Seal  
Seal  
Seal  
Seal



Draft Showing the location of a public Road, situate in Decatur Township, Clearfield County, Pennsylvania, Viewed for vacation and Supply. The 28th. day of February A.D. 1934.

A. B. Shaw,  
E. D. Billotte,  
J. S. Michaels,  
Viewers,

● Total length vacated.  $2062'$   
Total length of Supply  $142'$   
Scale  $\frac{1}{2}" = 100'$

TO THE SUPERVISORS OF DECATUR 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 on the 5th. day of February A. D. 1934 to vacate and supply the following described public roads in the Township of Decatur, Clearfield County, Pennsylvania:

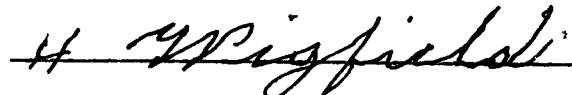

(1) The road to be vacated begins at the intersection of the New Liberty Township road and the old macadam State Highway at the Voyzey Meat Market, thence in the direction of Chester Hill several courses and distances of the old macadam Highway with the present concrete Highway at or about the Midway Dance Hall.

(2) The aforementioned road to be vacated and abandoned and supplied by a new road beginning at the Northern end of the concrete culvert abutment on the Southeast side of the old survey of State Highway Route #57 directly opposite store operated as George Voyzey's Meat Market and continuing thereon in a Southerly direction 84° 15' East for a distance of 150 feet more or less to the right-of-way of the new concrete Highway #57.

will meet at the Midway Dance Hall, Decatur Township in the County aforesaid on Wednesday, the 28th. day of February, A. D. 1934 at 11:00 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 the Viewers before the filing of their report in Court, in order to give all parties interested in the said road to be vacated and supplied an opportunity to be heard, will be held in the Arbitration Room in the Court House at Clearfield on Friday the 2nd. day of March A. D. 1934 at 10:00 o'clock A. M. at which time and place all parties interested may attend and be heard if they so desire.

  
G. D. Billoette  
J. S. Michaels  
Viewers

Now this <sup>15<sup>th</sup></sup> day of February A. D. 1934 service of the  
above Notice is accepted for the Supervisors of Decatur Township,  
Clearfield County, Pennsylvania.

Supervisors

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

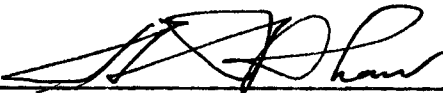
NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County on the 5th. day of February A. D. 1934 to vacate and supply the following described public roads in the Township of Decatur, Clearfield County, Pennsylvania:


(1) The road to be vacated begins at the intersection of the New Liberty Township road and the old macadam State Highway at the Voyzey Meat Market, thence in the direction of Chester Hill several courses and distances of the old macadam Highway with the present concrete Highway at or about the Midway Dance Hall.

(2) The aforementioned road to be vacated and abandoned and supplied by a new road beginning at the Northern end of the concrete culvert abutment on the Southeast side of the old survey of State Highway Route #57 directly opposite store operated as George Voyzey's Meat Market and continuing thereon in a Southerly direction 84° 15' East for a distance of 150 feet more or less to the right-of-way of the new concrete Highway Route #57

will meet at the Midway Dance Hall, Decatur Township in the County aforesaid on Wednesday, the 28th. day of February, A. D. 1934 at 11:00 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 the Viewers before the filing of their report in Court, in order to give all parties interested in the said road to be vacated and supplied an opportunity to be heard, will be held in the Arbitration Room in the Court House at Clearfield on Friday the 2nd day of March A. D. 1934 at 10:00 o'clock A. M. at which time and place all parties interested may attend and be heard if they so desire.

  
E. D. Billore  
J. S. Michaels  
Viewers

Now this 15 day of February A. D. 1934 service of the  
above Notice is accepted for the Commissioners of Clearfield County,  
Pennsylvania.

  
Clerk