

Road

DOCKET No. 6

Number	Term	Year
2	Sept	1934

Petition to vacate road in

Pike Township

Versus

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

Re: Vacation of Road in :
Pike Township : No. September Sessions 1934

To the Honorable W. Wallace Smith, President Judge of said Court:

The petition of the Supervisors of Pike Township respectfully represents:

(1). That your petitioners are the duly authenticated Supervisors acting for and in behalf of the Township of Pike, County of Clearfield and State of Pennsylvania.

(2). That there is an unimproved township road in Pike Township, Clearfield County, which runs between Bailey Settlement and Montgomery Creek and which road is approximately one mile in length. This road is designated on the plan of the State Highway as local route 42.

(3). That the road is in exceedingly bad condition and is very little used, and a great deal of the road has been grown over with brush and said road has not been worked by the Supervisors of the Township for the last eight years.

(4). That on the said road there is a bridge over Montgomery Creek and this bridge is in a dangerous condition, and in order to put same in proper repair would necessitate an outlay of a considerable sum of money.

(5). The Supervisors believe it would not be advisable to spend any money in the repair of this bridge because of the fact that it is used so little, and that it would be an unwise expenditure of money at this time; and would also necessitate an outlay of money for its maintenance and repair in the future. That to keep this road and bridge in proper repair would be very burdensome to the Township of Pike.

(6). That very few persons would be harmed or inconvenienced by reason of the vacation of said township road.

Wherefore your petitioners pray that viewers be appointed to view said road and after hearing had, to report to your Honorable Court with recommendations for the vacation of said road.

John C. Smeal
Frank Bloom
Ralph B. Bennett

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

Before me the subscriber hereto, came John C. Smeal who being duly sworn according to law depose and say that the facts set forth in the within petition are true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed before me:
this 7 day of June 1934.

W. R. Gallagher
Prothonotary

John C. Smeal

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA
No. 2 Sept. Sessions 1934

Re: Vacation of Road
in Pike Township.

PETITION TO VACATE
Road

June 11, 1934. 2d with
Petition being presented to
Court by At. A. B. Green
H. A. Rose & H. D. Board
to view & report on the
proposed vacation.

R. Heller, J.

FILED

JUN 12 1934

W. R. GALLAGHER
CLERK
BEEBE, O'CAUGHLIN & STIBERBLATT
ATTORNEYS AT LAW
KURTZ BUILDING
CLEARFIELD, PENNA.

6691953 P. L. 15-20

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 twelfth day of June in the year of our Lord, one thousand nine hundred and thirty four

W. WALLACE SMITH

By the Honorable ~~SIXTY-NINE~~ ^{W. WALLACE SMITH} President Judge of the said Court: Upon the petition of ~~andry~~ ^{andry} Supervisors

Inhabitants of the Township of PIKE, in the County aforesaid setting forth that

That there is an unimproved township road in Pike Township which runs between Bailey Settlement and Montgomery Creek and which road is approximately one mile in length. This road is designated on the plan of the State Highway as local route 42.

That the road is in bad condition and is very little used, and a great deal of the road has been grown over with brush and said road has not been worked by the Supervisors of the Township for the last 8 years.

That on the said road there is a bridge over Montgomery Creek and this bridge is in a dangerous condition, and in order to put same in proper repair would necessitate an outlay of a considerable sum of money.

That to keep this road and bridge in proper repair would be very burdensome to the Township of Pike.

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 A. B. Shaw, Esq. H. A. Reese and

H. W. Bonsell

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 appointment, 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 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.

W. R. 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 Pike, and that five notices

thereof were posted along the route of the said road to be vacated, that the said view would be held on the at 10:30 A.M.

26th day of June, A. D. 1934, 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 28th day of June A. D., 19 , at 10 o'clock AM., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view Ralph B. Bennett and Frank Bloom, Supervisors for Pike Township, representing the petition to vacate; and James McPherson, George Keller, Charles Boal and others opposing the vacation.

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 28th day of June ,

A. D. 1934, when the parties interested in the said road were in attendance: John C. Smeal, Frank Bloom, Ralph B. Bennett, Supervisors for the Township of Pike represented by M. L. Silberblatt, Esquire of the law firm of Bell, O'Laughlin and Silberblatt their counsel, representing the petition to vacate; W. Albert Ramey, Esquire, representing James McPherson, George Keller and others opposing the vacation and among the witnesses opposing said vacation were: Calet Boal, George Keller, Charles Boal, Thomas Smeal, Thomas A. Leigey and James McPherson.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said

road has , become useless, inconvenient and burdensome as it would appear from the weight of the testimony. The burden of travel, as it appeared from the testimony, is confined to a certain portion of this road approximately 400 feet in length at or near Montgomery Creek or where this road joins local route #43 on the State Highway plan or map for this section. The road at this point is situate on the property of James McPherson and is used almost exclusively in going to and from what is known as the McPherson Camp, situated approximately 200 Yards from this Township road on local route #42 and approximately 300 Yards from local route #43 on the State Highway plan or map for this section. That there is a private road approximately one and one-fourth mile in length which leads to the George Keller place and joins this road at or near where the private road leads off of local route #42 to the James McPherson Camp. However, a private road leads from the Keller place to local route #41 which is approximately one-fourth mile in length and the Keller place also abuts on local route #41 which would not cut off access to and from this property by reason of the vacation of local route #42.

Although all other roads in the Township of Pike were taken over by the

State Highway Department, local route #42 was not assumed a Township Road during a recent survey made by the Department of Highways as the same was found to be impassable and no work had been done on this road for several years. It was recommended by the local Division of the State Highway Department at Clearfield that said road be abandoned and should not appear as a Township Road on the map to be prepared of all other roads situated in the Township of Pike, Clearfield County, Pennsylvania to be taken over by the Highway Department as a letter attached hereto and made a part of this report will indicate.

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.

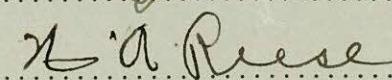
~~The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacating of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacating thereof, and they procured such releases from~~

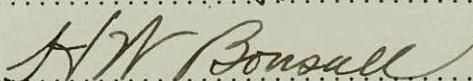
And that the following persons having, in the opinion of the Viewers, been damaged by the vacating of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacating, and closing up of the said road, we, the undersigned Viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof, as follows:

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

Witness our hands and seals this 30th day of June, A. D. 19 34.

 [SEAL.]

 [SEAL.]

 [SEAL.]

Viewers.

No. 2 Sept Term 19 34

ORDER TO VACATE

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. W. Bonsall	2	121	\$26.05
H. A. Reese	3	128	36.40
A. B. Shaw	3	10	30.50

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

Now Sept Sessions 19 34
read and confirmed Ni. Si.
By the Court
Dr. John J. Pitt
Now Sessions 19
confirmed absolute.

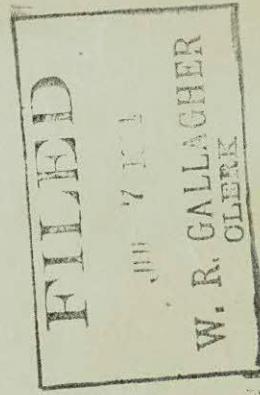
By the Court.

File 19

Atty, Bell & Silberblatt

Fees \$1.25 paid by

Lee #1580 1934 for
Confirmation of the viewer



Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view a Road or assess damages, leading from THE BAILEY SETTLEMENT

in PIKE Township to MONTGOMERY CREEK

in PIKE Township, in the County aforesaid, will
meet at the ~~house~~^{BEGINNING} of SAID ROAD IN THE BAILEY SETTLEMENT

in PIKE Township, on TUESDAY

the ... 26th day of JUNE, A. D. 19~~3~~34, at .. 10:30
o'clock .. A. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

AND THAT A 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 ORDER TO GIVE ALL PARTIES INTERESTED IN THE SAID ROAD TO BE VACATED AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE ARBITRATION ROOM IN THE COURT HOUSE AT CLEARFIELD ON THURSDAY, THE 28th DAY OF JUNE A.D. 1934, AT 10:00 A.M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED MAY ATTEND AND BE HEARD IF THEY SO DESIRE.

..... A. B. SHAW

..... H. A. REESE

..... H. W. BONSELL

VIEWERS

..... JUNE 14, 1934.

TO THE SUPERVISORS OF PIKE 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 12th. day of June A.D. 1934 to vacate the following described road in the Township of Pike, Clearfield County, Pennsylvania:

The road to be vacated is situate in Pike Township, Clearfield County, Pennsylvania and runs between the Bailey Settlement and Montgomery Creek, a distance of approximately one mile in length. This road is designated on the plan of the State Highway as local route No. 42.

will meet at the beginning of said road in the Bailey Settlement, Pike Township, Clearfield County, Pennsylvania on Tuesday, the 26th day of June A.D. 1934 at 10:30 A.M. to attend to the duties assigned them and that a 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 order to give all parties interested in the said road to be vacated an opportunity to be heard, will be held in the Arbitration Room in the Court House at Clearfield on Thursday, the 28th day of June A.D. 1934 at 10:00 A.M. at which time and place all parties interested may attend and be heard if they so desire.

A.B. Shan

H A Run

X W Bonsell

Viewers

Now this 16th day of June A.D. 1934 service of the above
Notice is accepted for the Supervisors of Pike Township, Clear-
field County, Pennsylvania.

John L. Shuler
Frank Bloom

Ralph B. Bennett
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 12th. day of June A.D. 1934 to vacate the following described road in the Township of Pike, Clearfield County, Pennsylvania:

The road to be vacated is situate in Pike Township, Clearfield County, Pennsylvania and runs between the Bailey Settlement and Montgomery Creek, a distance of approximately one mile in length. This road is designated on the plan of the State Highway as local route No. 42.

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A. B. Shan

H. A. Rose

H. W. Bonsell

Viewers

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

L. O. Morris
Clerk