

ROAD

DOCKET No. 6

Number
6

Term
Sept. SS

Year
1934

Petition to vacate four pieces of Pub
lic Road in Brady Township

Versus

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 9th day of Aug in the year of our Lord, one
thousand nine hundred and thirty four

By the Honorable W. A. WALLACE SMITH President Judge of the said Court: Upon the petition of sundry
inhabitants of the Township of Brady, in the County aforesaid setting forth that.....

That recently that part of the Punxsutawney Turnpike, leading from Luthersburg, in Brady Township, to Punxsutawney and known as State Highway Route No. 189 has been improved from Luthersburg to the Jefferson County line beyond the Borough of Troutville and that in making the improvement, the improved road has diverged from the old road in three places in said Brady Twp. as follows

First: that part from the point of intersection of the old road, by the public leading from the old road toward Stanley, near Sta. 2510 eastward as crossed and recrossed by the improved highway to Sta. 2540, near about 3500 feet, near the German Lutheran Church.

Second: That part of said road beginning at a point therein at a point where the said old road is intersected by a public leading from the said old road toward Coal Hill; which point is near Sta. 2580, and extending easterly and crossed and recrossed by the by the new improved road, and ending at a point near Sta. 2630. near the old Goodlander watering trough.

Third: That part beginning at point in said old road, near house of Frank Nolder and ending at or near the Lutheran Parsonage.

By the reconstruction of the Cream Hill Turnpike, running eastward from Luthersburg toward Curwensville, a part thereof which begins at the village of Luthersburg, opposite the house of Ella Pentz and ending at a point where said old road is intersected by another public road, locally known as the "Old Lane", connecting the said Cream Hill Turnpike with the Rockton Road.

All of the four pieces of public road which are in said Brady Township have been practically abandoned by the traveling public since the improvement of the said State Highways and are therefore, useless, burdensome and inconvenient and ought to be vacated.

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.

Ret. to Sept. SS 1934

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 Brady, 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

22nd day of August, 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 ^{No. 2 Court} Arbitration Room in the Court House, in Clearfield,

Pa., on the 24th day of August A. D., 19, at 9.00 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 divers citizens of Brady Township

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ^{No. 2 Court} Arbitration Room in the Court House, in Clearfield, Pa., on the 24th day of August,

A. D. 1934, when the parties interested in the said road were in attendance: H. W. Bonsall, one of the Supervisors of Brady Township.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome and that the Viewers have agreed upon making to the Court the following recommendation-

- (1). That the first described piece in the Order to view be vacated.
- (2). That the second described piece in the petition properly contains two separate pieces, and the Viewers recommend the vacation of both, which are respectively located as follows;
 - (a) That piece which begins where the now abandoned old road is intersected by the old road leading to Coal Hill and ending where the old and new roads merge, on the hill just above the Shugarts Saw Mill.
 - (b) That piece which begins at the Shugarts Saw Mill and ends where the old and new roads merge, near to the old Goodlander Watering Trough.
- (3). The third described piece in the petition and Order, from a point in the old road near the house of Frank Nolder and ending at or near the Lutheran Parsonage, the Viewers recommend as follows.

(a) That that part extending from the first named terminal to the point where the said old road is intersected by another public road leading therefrom, at the house of Maude & Lavina Goodlander, be vacated.

(b) that from such point there be supplied a short section of public road to connect the public road at the house of Maude & Lavina Goodlander with the newly reconstructed State Highway.

(c) That the remainder of the third described piece in the Petition and Order, that is the piece of the old road from the house of Maude and Lavina Goodlander to the Lutheran Parsonage, be made a Private Road for the use of the abutting landowners as is by Act of Assembly in such case made and provided.

4. That the piece described in the Petition and Order of the Fourth piece beginning at the house of Ella Pentz and ending at the place where the old road is intersected by the "Old Lane" be vacated except for that part between the house of Jones and the last named terminal, which piece is recommended for a Private Road for the use of the abutting landowners according to the Act of Assembly.

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. It appeared to the Viewers that no damages would accrue and no claim was made for damage and none allowed. 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 vacation 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:

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:

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

Witness our hands and seals this 25th day of August, , A. D. 1934.

..... [SEAL.]

..... H. A. Reese [SEAL.]

..... J. S. Michael [SEAL.]

Viewers.

No. 6 Sept Term 19 34

ORDER TO VACATE

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

Now Sept Sessions 1934

read and confirmed N. S.

By the Court.

W. R. Gallagher
Now Dec Sessions 1934

confirmed absolute.

By the Court.

W. R. Gallagher
Filed 19

Filed

Atty.

Fees \$1.25 paid by

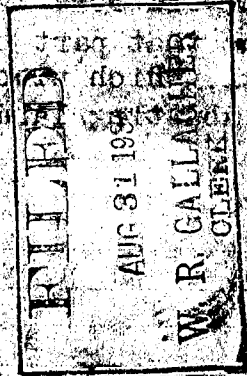
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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
Harry E. Reese	4	1.56	\$47.80
S. Michaels	2	1.16	\$25.80
E. G. Boose	4	.96	\$27.70



PETITION.

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

Your petitioners who are citizens of Brady Township in the County of Clearfield, Pennsylvania, would respectfully represent to the Court of Quarter Sessions of Clearfield County, Pa.

That recently that part of the Punxsutawney Turnpike, leading from Luthersburg, in Brady Township, county and state afore said, to Punxsutawney, and known as State Highway Route No. 189 has been improved from Luthersburg to the Jefferson County line beyond the Borough of Troutville, and that in making the improvement, the improved road has diverged from the old road in three places, in said Brady Township, as follows-

First- that part from the point of intersection of the old road, by the public road leading from the old road toward Stanley, near Sta. 2510, eastward as crossed and recrossed by the improved highway, to Sta. 2540, near about thirty-five hundred (3500) feet, near the German Lutheran Church.

Second- that part of said road beginning at a point therein at a point where the said old road is intersected by a public leading from the said old road, toward Coal Hill; which point is near Sta. 2580, and extending easterly and crossed and recrossed by the new improved road, and ending at a point near Sta. 2630, near the old Goodlander watering trough.

Third- that part beginning at point in said old road, near house of Frank Nolder and ending at or near the Lutheran Parsonage.

By the reconstruction of the Cream Hill Turnpike, running eastward from Luthersburg toward Curwensville, a part thereof which begins at the Village of Luthersburg, opposite the house of Ella Pentz and ending at a point where said old road is intersected by another public road locally known as the "Old Lane", connecting the said Cream Hill Turnpike with the Rockton Road.

All of the four pieces of public road which are in said Brady Township, have been practically abandoned by the traveling public since the improvement of the said State Highways and are therefore useless, burdensome and inconvenient, and ought to be vacated.

Your petitioners do therefore petition the Court to appoint Viewers to view and vacate these four pieces of public road in Brady Township as above described.

<i>J. H. Snyder</i>	<i>W. B. R. R. #1</i>
<i>W. H. H. H. H.</i>	" " "
<i>A. W. Bonsall</i>	<i>Luthersburg P. O.</i>
<i>Leo A. Donahue</i>	<i>Luthersburg R. P.</i>
<i>Clara Marshall</i>	<i>Luthersburg</i>
<i>L. J. Barker</i>	"

Clearfield County,)
Pennsylvania.) SS

Before me, a Justice of the Peace commissioned in
and for the said county and state, personally came
H W Bonsall one of the subscribers to the
foregoing petition and being duly sworn according to
law says that the facts therein set out are true and
correct.

H W Bonsall

Sworn and subscribed before
me the 9th day of August,
1934.

Z. J. Seyler
Justice of the Peace.

MY COMMISSION EXPIRES
FIRST MONDAY, JANUARY 1935

In Quarter Sessions Court of the
County of Clearfield.
Pennsylvania.

6

Sept. 22... 1934...

FILED
AUG 8 1934
W. R. GALLAGHER
CLERK

Petition for Appointment of
Viewers.

Now, Aug. 2, 1934, the
Court upon reading and consider-
ing the within petition, does
appoint E. B. Brown, G. H. E. Bush
J. J. Nichols
as viewers, who are directed to
view and make report to September
Session of the Court, 1934.

W. R. Gallagher
Clerk

Recd.
H. W. Buswell
Sitting

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

RE-) Of September Term,
Petition for Vacation of) 1934,
parts of Public Roads in)
Brady Township-) Number 5.

To the Commissioners of Clearfield County; and the
Supervisors of Brady Township-

You and each of you will hereby take notice that upon
petition of citizens of Brady Township, the Court has appoint-
ed the undersigned as Viewers to view and vacate the pieces
of road described in said petition, as being useless, burden-
some and inconvenient; the said roads being described as
follows-

The first three described pieces are parts of public road
between Luthersburg and Troutville, in Brady Township, which
road is Route No. 189, and known as the Punxsutawney Turnpike,
and have been abandoned by the Highway Department by reason of
the reconstruction of said Highway;

First- That part from the point of intersection of the old
road by the public road leading from the old road toward Stanley
near Sta. 2510 eastward as crossed and recrossed by the improved
road, ~~extending~~ to Station 2540, near about 3500 feet, near
the German Lutheran Church.

Second- That part of said road beginning at a point thereon
where the said old road is intersection by a public road leading
from the old road toward Coal Hill, which point is near Sta.
2580, and extending easterly and crossed and re-crossed by the
new improved road, and ending at a point near Sta. 2630, near
the old Goodlander watering trough.

Third; That part beginning in said old road, near the house
of Frank Nolder, and ending at or near the Lutheran Parsonage.

Fourth- That part of the Cream Hill Turnpike known as State
Highway No. 322, abandoned by reason of the reconstruction of
said Highway, beginning in the village of Luthersburg, opposite
the house of Ella Pentz and ending at a point where the said
old road is intersected by another public road, locally known
as the "Old Lane", connecting the said Cream Hill Turnpike
with the Rockton Road.

The viewers will meet for purpose of viewing the first
three pieces above described at the first named terminal of the
first described piece, on Wednesday, the 22nd. day of August,
1934, at two o'clock P. M., and for purpose of holding the pub-
lic hearing as required by law and the Rules of this Court, in
Court Room No. 2, in the Court House at Clearfield, Pa. on
Friday, the 24th. day of August, 1934, at nine o'clock A. M.

Aug. 15-1934.

Now Aug. 17-1934, service is accepted for Supervisors of
Brady Township.

Now, Aug. 17-1934, service is accepted for Commissioners of
Clearfield County.

W. B. Davis
.....
W. A. Reese
.....
J. S. Michaels
.....

H. M. Donald Sec'y.
L. E. 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 and vacate three pieces of public road in Brady Township, which are parts of State Highway No. 199, known as the Punxsutawney Turnpike, now abandoned by reason of the reconstruction of said Highway, and which said pieces are respectively described as follows-

First; that part from the point of intersection of the old road, by the public road leading from the old road toward Stanley, near Sta. 2510 eastward as crossed and re-crossed by the improved highway, to Station 2540, near about 3500 feet, near the German Lutheran Church.

Second: That part of said road beginning at a point therein where the said old road is intersected by a public road leading from the old road toward Coal Hill, which point is near Sta. 2580, and extending easterly and crossed and re-crossed by the new improved road, and ending at a point near Sta. 2630, near the old Goodlander watering trough.

Third: That part beginning in said old road, near the house of Frank Nolder and ending at or near the Lutheran Parsonage.

For purpose of having the view, the Viewers will meet at the first named terminal of the piece first above described at two o'clock P. M. Wednesday, the 22nd day of August, 1934

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 _____

_____ No. 2 Court _____ Room of the Court House at Clearfield, Penna., on Friday, _____ the 24th _____ day of August, _____ 19 34, at 9.00 _____ o'clock A. M. _____

E. G. Boose

H. A. Reese

Aug. 15, _____ 19 34

J. S. Michaels

Viewers.

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and Vacate a piece of Public.....

Road leading from a point in the village of Luthersburg, opposite the House of Ella Pents.....

in Brady Township, to a point in said Public Road where the road is intersected by a nother Public Road, locally known as the "Old Lane", connecting the Cream Hill Pike with the Rockton Road
in Brady Township, in Clearfield County, aforesaid,

will meet at the house of Ella Pents.....

Brady Township, on Wednesday the 22nd. day of August, 1934, at, four 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

No. 2 COURT Room of the Court House at Clearfield, Penna., on FRIDAY the 24TH day of August, 1934, at nine o'clock A.M.

Aug. 15, 1934.

B. G. Boose

H. A. Reese

J. S. Michaels

Viewers.