

ROAD
DOCKET No. 6

Number	Term	Year
1	May SS	1935

In re: Vacation of Roads in Knox
Township

Versus

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

.....

In Re- :
Vacation of Sections of : Of May Term, 1935, No. 1.
Public Road in Knox Twp. :
.....

To the Supervisors of Know Township and the Commissioners
of Clearfield County-

You and each of you will please take notice hereby, that
the undersigned appointed Viewers by the Judge of the Court of
Quarter Sessions of Clearfield County, Pennsylvania, to View
and Vacate two sections of Public Road in Knox Township; the
first section extending from Highway Route No. 17036, at or near
the Village of Boardman, from Station No. 430, and ending at
or near Station No. 435, and the second section extending from
or near Station No. 440 and ending at or near Station No. 448,

Will meet to perform the duties incident to said appointment,
at Station No. 430, aforesaid, on FRIDAY, the twelfth day of April,
1935, at 2.30 o'clock P. M., and that the public hearing in the
matter required by the Act of Assembly, and the Rules of this
Court, will be held in Court Room No. 2, in the Court House at
Clearfield, Pa., on SATURDAY, the thirteenth day of April, 1935,
at nine o'clock A. M., at which time and place all parties in
interest may appear and beheard in the premises.

April 6-1935.

John T. Moore
.....
James M. Clegg
.....
John W. McElroy
.....
Viewers.

Now, April 8, 1935, notice of the above proceedings re-
ceived, with copy delivered, and service is accepted for the
Supervisors of Knox Township.

Andy & Chay
.....
Solicitor.

Now, April 8, 1935, notice of the above proceedings re-
ceived, with copy delivered, and service is accepted for the
Commissioners of Clearfield County.

Attest;

H. C. 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~~ two sections of Public Road in Knox Township; the first extending from Highway Route No. 17036 at or near the Village of Boardman, ~~Road leading from Station 430 and ending at or near Station No. 435;~~ the second section extending from at or near Station No. 440 and ending at or near Station No. 448.

in Township, to

in Township, in Clearfield County, aforesaid, The Viewers will meet at ~~the~~ at ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~1~~ ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~ ~~7~~ ~~8~~ ~~9~~ ~~10~~ ~~11~~ ~~12~~ ~~13~~ ~~14~~ ~~15~~ ~~16~~ ~~17~~ ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~32~~ ~~33~~ ~~34~~ ~~35~~ ~~36~~ ~~37~~ ~~38~~ ~~39~~ ~~40~~ ~~41~~ ~~42~~ ~~43~~ ~~44~~ ~~45~~ ~~46~~ ~~47~~ ~~48~~ ~~49~~ ~~50~~ ~~51~~ ~~52~~ ~~53~~ ~~54~~ ~~55~~ ~~56~~ ~~57~~ ~~58~~ ~~59~~ ~~60~~ ~~61~~ ~~62~~ ~~63~~ ~~64~~ ~~65~~ ~~66~~ ~~67~~ ~~68~~ ~~69~~ ~~70~~ ~~71~~ ~~72~~ ~~73~~ ~~74~~ ~~75~~ ~~76~~ ~~77~~ ~~78~~ ~~79~~ ~~80~~ ~~81~~ ~~82~~ ~~83~~ ~~84~~ ~~85~~ ~~86~~ ~~87~~ ~~88~~ ~~89~~ ~~90~~ ~~91~~ ~~92~~ ~~93~~ ~~94~~ ~~95~~ ~~96~~ ~~97~~ ~~98~~ ~~99~~ ~~100~~ ~~101~~ ~~102~~ ~~103~~ ~~104~~ ~~105~~ ~~106~~ ~~107~~ ~~108~~ ~~109~~ ~~110~~ ~~111~~ ~~112~~ ~~113~~ ~~114~~ ~~115~~ ~~116~~ ~~117~~ ~~118~~ ~~119~~ ~~120~~ ~~121~~ ~~122~~ ~~123~~ ~~124~~ 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(2). That a public road in the Township of Knox, which extends from Highway route 17036 at or near the village of Boardman and at or near station 430 on said state Highway known as 17036, and ending on said State Highway No. 17036 at or near Station 435 thereon which said road is no value to said township or the travelling public, and said road was formerly a part of State Highway known as No. 17046, but said Highway No 17046 was vacated and supplied by a new Highway leaving said piece of road of no use.

(3). That there is a piece of road in the Township of Knox, extending from said State Highway known as No. 17036 at or near station 440, and ending on said State Highway No. 17036 at or near station 448, which is of no value to said township or travelling public, the same being a portion of the old State Highway No. 17036, or some other number, which was vacated and supplied by a new state Highway. That the piece of road described in this paragraph was formerly a piece of same road described in the preceding paragraph.

(4). The Township desires to be relieved from any possible damage from accident that may or might possibly occur to persons travelling said roads.

(5). Your petitioners aver that the roads hereinbefore identified are burdensome on the Township of Knox, unnecessary to the citizens of said township or to the travelling public, and pray that an order be made directing the vacation of the same.

(6). That the route occupied by each of the pieces of road sought to be vacated is described herein and that the distance of said road described in the second paragraph hereon is about one-fourth mile; and the distance of the road described in the third paragraph hereof, a part of same road, is a distance of one-fourth mile.

(7). That no persons live upon the land abutting each of said pieces of road sought to be vacated except that their lands also abut on the State Highway No. 17036.

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 12th day of March in the year of our Lord, one thousand nine hundred and thirty five

W. WALLACE SMITH
By the Honorable ~~Singleton~~ Bell, President Judge of the said Court: Upon the petition of sundry
Supervisors ~~inhabitants~~ of the Township of Knox, in the County aforesaid setting forth that

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 E. G.Boose, Esq/ E. D.Billotte

and H. W. Bonsall 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

1

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

Knox, 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

twelfth day of **April**, **1935**, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in **No. 2 Court** Room in the Court House, in Clearfield.

Pa., on the **thirteenth** day of **April**, **1935**, 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 **Ben Freeman and Russell Patterson, Supervisors of Knox Township and other persons.**

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 **13th** day of **April**, **1935**,

A. D. 1935, when the parties interested in the said road were in attendance: **Ben Freeman, Russell Patterson and Crate Rowles, the Supervisors of Knox Township, and by their counsel, Edward Chaplin Esq., of the law firm of Arnold & Chaplin.**

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome by reason of the fact that the said sections described in the Petition, are parts of the original old road known as Route No. 17046, which has been replaced by Route No. 17036, and these sections are within, at most, a few rods from the new road, which crosses and re-crosses the site of the old road.

The Viewers also recommend the vacation of a third section of the abandoned old road adjacent to the pieces specifically described in the petition; the piece being a short section near Kellytown, which has a wooden bridge leading over the now abandoned tracks leading from the Maple Run Coal Company's works; the bridge being in a state of bad repair and constituting a menace to vehicular traffic over it. The piece as described in the plot of Surveyor Billotte, hereunto attached, as "Part 3", BEGINNING at a point in State Highway No. 17037, in Knox Township aforesaid; thence by lands of Maple Run Coal Co, North, 58° West, 200 feet to point at wooden bridge; thence North 2° West, to point in the aforesaid Bridge; a distance of 55 feet; thence North, 33° East, a distance of 200 feet to a point in said State Highway No. 17036.

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 vacation of said road, a written release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from none of the landowners whose properties are in any affected by the proposed vacation appeared at the view or the hearing to claim any damages, and the Viewers are of the opinion that no damage will be sustained by a vacation of the said pieces or road, and they therefore made no award of damages.

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 15th day of April, A. D. 19 35

.... *Geo. B. S. ...* [SEAL.]

.... *E. B. Billotte* [SEAL.]

.... *A. W. Bonsall* [SEAL.]

Viewers.

No. 1 May Term 1935

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
Ed. Billotte	3	.56	\$35.60
H. W. Bonsall	2	.56	\$25.60
E. G. Boose	4	.88	\$48.80

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

Now May Sessions 1935

read and confirmed Ni. Si.

By the Court
Joe Shellenbach
Now May Sessions 1935

confirmed absolute.

By the Court

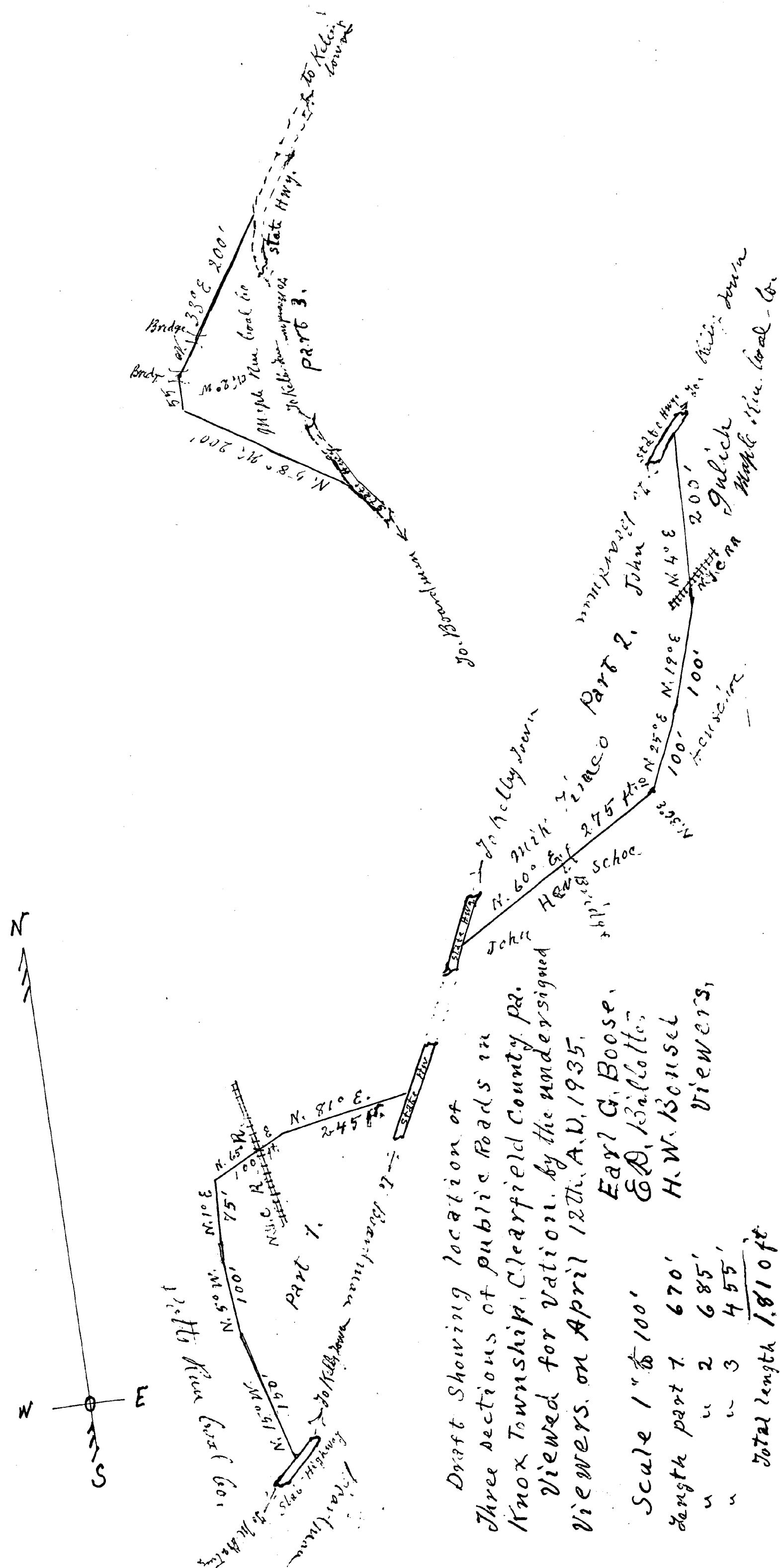
Joe Shellenbach
May 6 1935

W. R. C. 1935
Filed May 6 1935 49

Atty, Arnold & Chaplin

Fees \$1.25 paid by

44



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

In re: VACATION OF ROADS :
IN KNOX TOWNSHIP, CLEARFIELD : No. May Sessions 1935
COUNTY, PENNSYLVANIA. :

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

The petition of the Supervisors of Knox Township
respectfully represents;

(1) Your petitioners are the supervisors of Knox Township, and they aver that they have had to repair and maintain a great number of miles of road, and by reason of the constantly decreasing returns from taxes received, and the increased care required on said roads due to additional vehicular traffic, it is desirable that all roads not necessary to the traveling public be vacated.

(2). That a public road in the Township of Knox, which extends from Highway route 17036 at or near the village of Boardman, and at or near Station 430 on said State Highway known as 17036, and ending on said State Highway No. 17036 at or near Station 435 thereon, which said road is of no value to said Township or the travelling public, and said road was formerly a part of State Highway known as No. 17046, but said Highway No. 17046 was vacated and supplied by a new Highway leaving said piece of road of no use.

(3). That there is a piece of road in the Township of Knox, extending from said State Highway known as No. 17036 at or near station 440, and ending on said State Highway No. 17036 at or near station 448, which is of no value to said township or travelling public, the same being a portion of the old State High-

way No. 17036, or some other number, which was vacated and supplied by a new State Highway. That the piece of road described in this paragraph was formerly a piece of same road described in the preceding paragraph.

(4). The Township desires to be relieved from any possible damage from accident that may or might possibly occur to persons traveling said roads.

(5). Your petitioners aver that the roads hereinbefore identified are burdensome on the Township of Knox, unnecessary to the citizens of said Township or to the traveling public, and pray that an order be made directing the vacation of the same.

(6). That the route occupied by each of the pieces of road sought to be vacated is described herein and that the distance of said road described in the second paragraph hereof is about one-fourth mile; and the distance of the road described in the third paragraph hereof, a part of same road, is a distance of one-fourth mile.

(7). That no persons live upon the land abutting each of said pieces of road sought to be vacated except that their lands also abut on the State Highway No. 17036,

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

Ben Cheever

Orate Powers

Russell Patterson

STATE OF PENNSYLVANIA : SS:
COUNTY OF CLEARFIELD :

Before me the subscriber, personally appeared Ben Freeman, Russel Patterson and Orate Rowles who depose and say that they are the Supervisors of Knox Township, petitioners above named, and that the facts set forth in the foregoing petition are true and correct to the best of their information, knowledge and belief.

Witness my hand and seal the 7th. day of March
A. D. 1935.

John P. Newellport Pa
commission expires Jan 1, 1936.

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

In re; VACATION OF ROADS IN : No. May Sessions 1935
KNOX TOWNSHIP, CLEARFIELD :
COUNTY, PENNSYLVANIA :
:

ORDER OF COURT

And now, the 12th day of March, 1935,
the within petition having been presented and considered, there-
upon E. S. Boose Esq., E. D. Billott
and H. L. Bonsall are appointed viewers to view
the roads described in the annexed petition, take testimony and
report to the Court with recommendation as to vacation, as re-
quired by Act of Assembly.

By the Court,

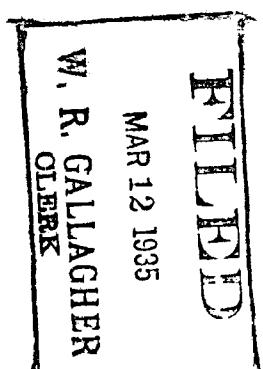
J. Salter Smith

President Judge

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY,
Pa. No. 1 May 55 1935

In re; Vacation of Roads
in Knox Township, Clearfield
County, Penna.

PETITION AND ORDER OF COURT



LAW OFFICES
ARNOLD & CHAPLIN
CLEARFIELD, PA