

ROAD

DOCKET No. 6

Number Term Year
1 Dec. SS 1935

In the matter of opening a Road in
Cooper Township, Penna.

Versus

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

In the matter of :
opening a road in :
Cooper Township, Penna. :

TO THE HONORABLE W. WALLACE SMITH, PRESIDENT JUDGE.

The petition of various and sundry interested citizens of
Cooper Township, Clearfield County, Pennsylvania, respectfully
represents:

That they suffer great inconvenience for the lack of a
public road beginning at a point leading from the public road
at Wynn's northward and extending past the houses of Rev. J. E.
Bachnack, Anderson, Lucas, Reid and others (as outlined in blue
on the map attached hereto) and ending at a point which connects
with the township road opposite the house of Reid.

WHEREFORE your petitioners pray that your honorable Court
appoint viewers to ascertain the necessity of such public road.

And they will ever pray.

J. G. Miller
Lloyd E. Baye
Rev. Bachnack
John Baron
Mike J. Butcher
Mike Yaeger

John Modak
Mike Modak
Fawell Stembach
P. E. H. IV
Chas Diviney
Paul Cudella
John Marchese
Andy Radosky
Michael Borow
Paul Kulboga
Elizabeth McNich

STATE OF PENNSYLVANIA :
Centre : SS
COUNTY OF CLEARFIELD :

Now comes J. E. Bachorack, one of the signers
of the foregoing petition, who being duly sworn according to law
deposes and says that the facts set forth therein, are true and
correct.

Sworn to and subscribed before
me this 10th day of Sept.

A. D. 1935.

Geraldine G. Cott
n.p.

My Commission Expires March 5, 1937

Hydro Station

Application 121 State Road

1 Dec 1935
IN THE COURT OF JURITER
SESSIONS OF CLEARFIELD CO.
PA. PENNSYLVANIA.

In the matter of
Opening a road in
Cooper Township, Penna.

DEFINITION TO APPORTION VOTE TERR

Issued

S/P

26. The following persons
are appointed: H. A. Rue
Ex., A. B. Shaw Ex., and
H. A. Sibley.

J. G. Gauthier, Clerk

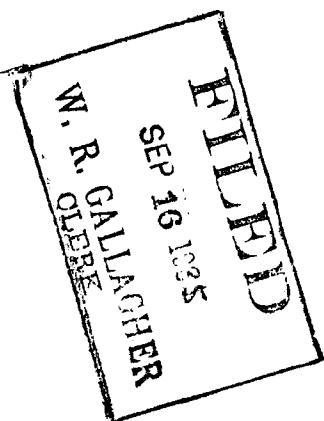
EDWARD T. KELLEY

ATTORNEY AT LAW

103 N. SECOND ST.

CLEARFIELD, PA.

The Turtle Law Print, Publishers, Rutland, Vt.



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

COOPER and that THREE notices thereof were posted along the route of the proposed road, that the said view would be held on the FIRST day of OCTOBER No. 1 Court A. D. 1935, and the hearing to be held in ~~the~~ Examination Room, at the Court House, in Clearfield, Pa., on the FOURTH day of OCTOBER 1935, at 10 o'clock A.M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Charles Johnson and Andrew Force, Supervisors for Cooper Township, and the following petitioners: J. G. Miller, Rev. J. E. Bachnak, John Baron and others.

No. 1 Court
parties in interest. That the hearing was held in ~~the~~ Examination Room, in the Court House, at Clearfield, Pa., on the Fourth day of October A. D. 1935, when the following appearances were noted: No parties at interest appeared at the time and place for hearing except H. A. Reese, H. A. Giles and A. B. Shaw, Esquire, the Viewers appointed by the Court for the purpose of viewing and laying out the hereinafter described road.

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 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 public use the following described road, to wit Beginning at a point at the John Wynn property in the village of Winburne, Cooper Township, Clearfield County, Pennsylvania where the Township road heretofore laid out and the newly proposed road intersect, thence north 12 degrees East 967 feet to a stake and intersection of the public highway leading from Winburne to Munson, Clearfield County, Pennsylvania.

The above-described road being necessary for public travel and use, and there being no opposition thereto from any source and the location being over a right-of-way dedicated by the property owners abutting thereon as a public street and the same having been in public use for many years, your Board recommends the laying out thereof as a public highway.

A plan or draft of said road, showing courses and distances and the properties affected is attached hereto and made a part hereof.

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 16th day of Sept.

in the year of our Lord one thousand nine hundred thirty five

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Cooper

in said County, setting forth that they suffer inconvenience for the lack of a public road beginning at a point leading from the public road at Wynn's northward and extending past the houses of Rev. J. E. Bachnack, Anderson, Lucas, Reid and others (as outlined in blue on the map attached hereto) and ending at a point which connects with the township road opposite the house of Reid.

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers H. A. Reese, Esq
A. B. Shaw, Esq and H. A. Giles

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.

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 16th day of September, A.D., 1935 to view and supply a public road or highway to lead from the public road at Wynn's northward and extending past the houses of Rev. J. E. Bachnack, Anderson, Lucas, Reid and others, and ending at a point which connects with the Township Road opposite the house of Reid in Cooper Township, will meet on the premises of Wynn's aforesaid at the point where said proposed road has its beginning in said Township, on Tuesday, the 1st day of October, A.D., 1935 at 10 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 said road an opportunity to be heard, will be held in #2 Court Room of the Court House at Clearfield on Friday, the 4th day of October, A.D., 1935 at 10 o'clock A.M. at which time and place all parties interested may attend and be heard if they so desire.

A. D. Han
H. G. Rees
H. Q. Giles

Viewers.

STATE OF PENNSYLVANIA:
:SS
COUNTY OF CLEARFIELD :

NOW this 17th day of September, A.D., 1935 service of
the above notice is accepted for the Commissioners of Clearfield
County, Pennsylvania.

Mildred E. Lucas
Assistant Clerk.

TO THE SUPERVISORS OF COOPER TOWNSHIP, CLEARFIELD COUNTY, PENN'A:-

NOTICE OF VIEW

You are hereby notified that the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County on the 16th day of September, A.D., 1935 to view and supply a public road or highway to lead from the public road at Wynn's northward and extending past the houses of Rev. J. E. Bachnack, Anderson, Lucas, Reid and others, and ending at a point which connects with the Township Road opposite the house of Reid in Cooper Township, will meet on the premises of Wynn's aforesaid at the point where said proposed road has its beginning in said Township, on Tuesday, the 1st day of October, A.D., 1935 at 10 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 said road an opportunity to be heard, will be held in #2 Court Room of the Court House at Clearfield on Friday, the 4th day of October, A.D., 1935 at 10 o'clock A.M. at which time and place all parties interested may attend and be heard if they so desire.

A B Dhan

H G Rees

H Q Miles

Viewers.

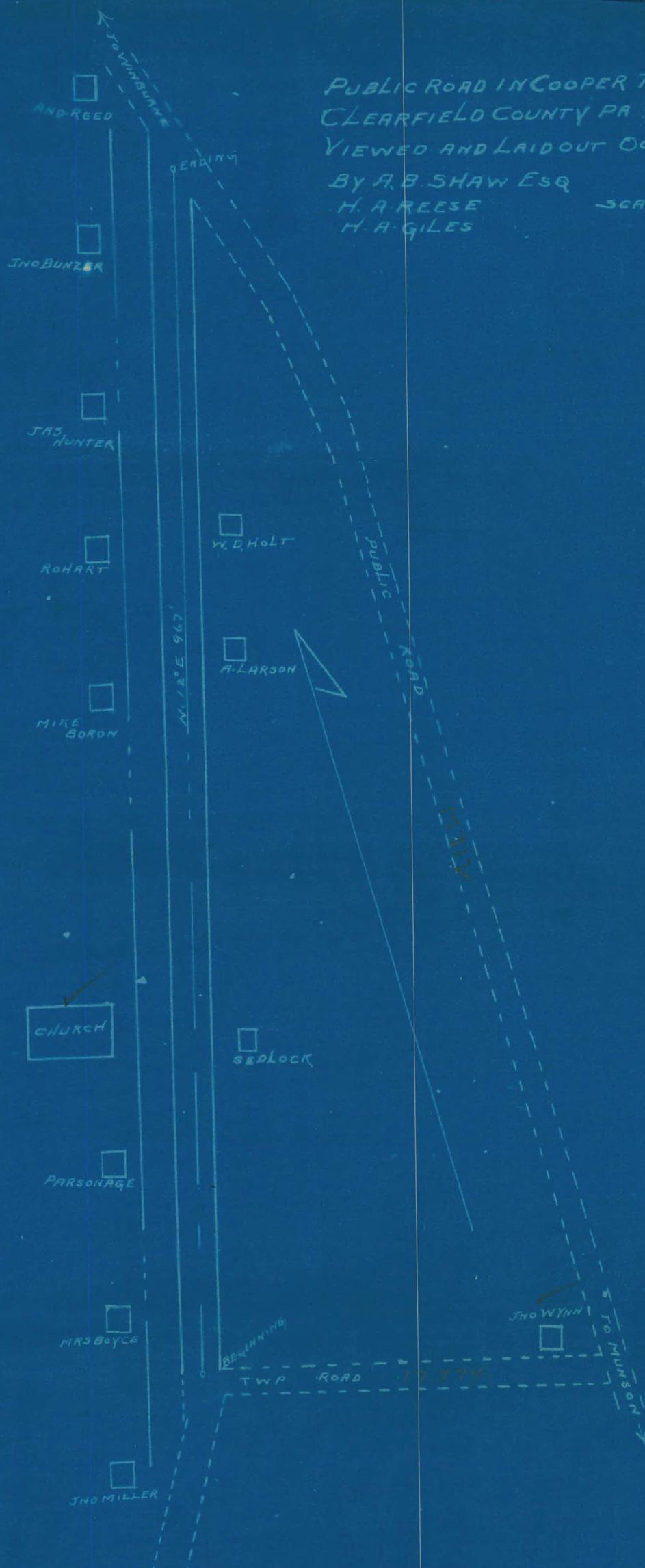
STATE OF PENNSYLVANIA:
:SS
COUNTY OF CLEARFIELD :

NOW this _____ day of September, A.D., 1935 service of
the above notice is accepted for the Supervisors of Cooper Township,
Clearfield County, Pennsylvania.

Ferd Baumgardner
Andrew Force
Elmer Johnson
Supervisors.

PUBLIC ROAD IN COOPER TOWNSHIP
CLEARFIELD COUNTY PA
VIEWED AND LAID OUT OCT 1-1935
BY A. B. SHAW ESQ
H. A. REESE
H. A. GILES

SCALE 1" : 100'



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 supply a~~
PUBLIC ROAD OR HIGHWAY ~~assess damages~~, leading from . THE PUBLIC ROAD AT WYNN'S NORTHWARD AND EXTENDING
PAST THE HOUSES OF REV. J. E. BACHNACK, ANDERSON, LUCAS, REID AND OTHERS, AND
ENDING AT A POINT WHICH CONNECTS WITH THE TOWNSHIP ROAD OPPOSITE THE HOUSE OF
REID

in COOPER Township ~~xx~~

~~xx~~ Township, in the County aforesaid, will
meet at ~~the house of~~ ^{premises} Wynn's aforesaid

in COOPER Township, on . . . TUESDAY
the . . . FIRST, . . . day of . . . OCTOBER, A. D. 1935 . . . at . . . TEN . . .
o'clock . . . A. M., to attend to the duty assigned them, of which time and place afore-
said, 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 SAID ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD
IN #2 COURT ROOM OF THE COURT HOUSE AT CLEARFIELD ON FRIDAY, THE 4th DAY OF OCTO-
BER, 1935 AT 10 o'clock 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. A. GLIES
VIEWERS

..... September 17, . . . 1935 .

and that a plan or sketch of said road showing its size and distance and the proportion of said road attached to a public carriage road, said road being at an elevation not exceeding five thousand feet, excepting _____

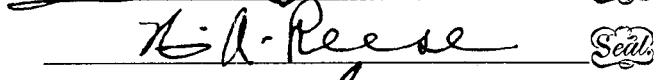
where it is not practicable to do so, within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes written notice of all claims for damages that may accrue from opening the same and that they procured such leases from

The following persons being requested to assess the damages, in which they respectively may be entitled by reason of the location and position of the said road, were the undersigned, viz., after having considered the advantage to be derived by them to assess the damages and to report the same as follows:

and we herewith return ~~the~~ copy of the notices.

WITNESS our hands and seals this Fourth day of October
A. D. 1935.


John Seal

T. A. Reese Seal

H. A. Gilmer Seal

T. A. Reese Seal

No. 1 Dec Sessions, 1935

ORDER

To view a road for public use in the township of Cooper, Clearfield County

Decades Sessions, 1935,

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.

P. J.

Feb. 3, 1936 within report confirmed absolute

H. Kelley, Esq.
H. G. Cooper, Esq.

Edward T. Kelley, Esq.

Filed Oct 4 1935

Fees \$1.25 paid by D

Oct 4 1935

W. R. GALLAGHER CLERK

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.

	DAY	MILES	AMT.
H. A. Reese	3	66	\$33.30
H. A. Giles	2	37	21.85
A. B. Shaw, Esq.	3	33	31.65

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 _____

at and before the sealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said _____

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 of 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 _____ day of _____
A. D. 192_____.

Seal

Seal

Seal

Seal