

ROAD

DOCKET No. 6

Number

2

Term

Sept.

Year

1935

Petition of Supervisors of Pine Twp.

to Vacate and Supply Road in Pine Twp.

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re:
VACATION AND SUPPLY OF ROAD IN
PINE TOWNSHIP, CLEARFIELD COUNTY,
PENNSYLVANIA

: No. 2 September
: Sessions, 1935
:

PETITION TO SUPPLY AND VACATE ROAD

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

The petition of Frank Johnston, H. N. LaBord, T. B. London, supervisors of the Township of Pine, respectfully represents:

1. Your petitioners are the supervisors of Pine 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. There is a public road in the Township of Pine which extends from a point at or about what is known as Six Mile Hill to the Houston Township line in a northerly direction, a distance of approximately one (1) mile, which road formerly extended from Clearfield to Penfield. Said road, as a result of the construction of a new and improved highway by the State, is of no use to the citizens of said Township, or the traveling public, and the expenses of keeping and maintaining said road should be applied on the more traveled road.

3. Petitioners aver that by building a road of approximately six hundred (600) feet in length, extending in an easterly direction to the new road extending from Clearfield to Penfield, that all the traveling public can be accommodated with better roads, and that the vacation and construction of said road would be a great saving to the Township.

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

traveling said road.

5. Your petitioners aver that the road hereinbefore identified is burdensome on the Township of Pine, 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. The road herein sought to be vacated is as follows: extending from a point at or about what is known as Six Mile Hill to the Houston Township line in a northerly direction, a distance of approximately one (1) mile, which road formerly extended from Clearfield to Penfield.

7. The road sought to be supplied extends from Johnston's nursery in an easterly direction a distance of six hundred (600) feet, to the new road constructed between Clearfield and Penfield.

8. There are no homes, business establishments, school houses, or other structures of any nature or description along the portion of the road herein sought to be vacated.

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 and supply of said roads.

Frank Johnston
T B London
H A Lebard

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Before me, the subscriber hereto, personally appeared Frank Johnston, H. N. LaBord, T. B. London, who depose and say that they are the supervisors of Pine Township, petitioners above named, and 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 11th day of June, 1935.

Hilda Spangler
Notary Public

My Commission Expires January 29, 1939

ORDER OF COURT

Now the 12th day of June, 1935, the within petition having
been presented and considered, thereupon E. S. Boone, Esq.
E. D. Ballou & H. A. Gils

are appointed viewers to view the road described in the annexed
petition, to take testimony, and report to the Court with recom-
mendation as to vacation, and supply, as required by Act of As-
sembly.

By the Court,

J. Walter Smith
P. J.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY, PA
No. 2 Sept. Term, 1935

IN re: VACATION AND SUPPLY
OF ROAD IN PINE TOWNSHIP,
CLEARFIELD, COUNTY, PENN'A.

PETITION TO SUPPLY LAND
VACATE ROAD

FILED

JUN 12 1935

W. R. GALLAGHER
CLERK

LIVERIGHT & SMITH
ATTORNEYS-AT-LAW
CLEARFIELD, PA.

Vacate part of 1934
Sept. Term 1935

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

.....

Re- Vacation & Supply of) Of September Term,
Public Road in ~~Husker~~ Pine) 1935,
Township.) No. 2.

To the Supervisors of ^{PINE}~~Husker~~ Township, and the Commissioners
of Clearfield County-

You and each of you will Please take notice that the Court
has appointed the undersigned from the Board of Road Viewers of
Clearfield County, to view and Vacate a part of the Public Road
leading from Clearfield to Penfield, in Pine Township, extending
from a point at or about what is known as the Six Mile Hill to
the Huston Township line, in a Northerly direction, a distance of
approximately one mile, in Pine Township, and to supply such va-
cation by laying out a Public Road leading from Johnston's Nursery
to the new road leading from Clearfield to Penfield, 600 feet in
length, in Pine Township.

The Viewers will meet to view, at the house of Frank Johnston
in Pine Township aforesaid on Saturday, the 22nd day of June, 1935
at 1.30 o'clock P. M., and will hold a public hearing in the matter
according to law and the Rules of this Court, on Monday, the 24th.
day of June, 1935, in Court Room No. 2, in the Court House at
Clearfield, Pa., at 9.00 o'clock A. M., when and where all parties
in interest may appear and be heard.

E. G. Boose
E. D. Billotte
H. A. Giles
Viewers.

June 14, 1935

Now, June 15th, 1935, notice received with copy thereof,
and service is accepted.

Samuel D. Linn

Solicitors for Supervisors
of Pine Township.

L. C. Norris

Clerk for County Commissioners.

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 part of the public

Road leading from Clearfield to Penfield, in Pine Township, extending from a point at or about what is known as Six Mile Hill to the Huston Township line, in a Northerly direction, a distance of approximately one mile,

in Pine Township, to and to supply such vaca-
tion by laying out a public road leading from Johnston's Nursery, to
the new road leading from Clearfield to Penfield, 600 feet in length,
in Pine Township, in Clearfield County, aforesaid,

will meet at the House of Frank Johnston

in Pine Township, on Saturday the 22nd.

day of June, 19 35 at, 1.30 o'clock, P. M.

to attend the duty assigned them, of which time and place aforesaid all parties inter-
ested 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 Room of the Court House at Clearfield,

Penna., on Monday, the 24th. day of

June, 19 35, at 9.00 o'clock A. M.

E. G. Boese

E. D. Billotte

H. A. Giles

June 14, 19 35.

Viewers.

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

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

described Road is unnecessary to the traveling public: Extending from
a point at or about what is known as Six Mile Hill to the Houston Township
line in a northerly direction, a distance of approximately one (1) mile which
road extends from Clearfield to Penfield. and pray that same may be vacated.

The ROAD SOUGHT TO BE SUPPLIED: -
Extends from Johnston's Nursery in an easterly direction a distance of six
hundred (600) feet, to the new road constructed between Clearfield and
Penfield.

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. A. Giles 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 appoint-
ment, 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 trans-
mit 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. WALLACE SMITH

H. P. 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.....Pine....., 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 ofJune,....., A. D. 1935, 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.....June,..... A. D., 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 The Supervisors of Pine Township- Frank Johnston, T. B. London, and H. M. LaBorde; also Hayes Long and others.

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 June, A. D. 1935, when the parties interested in the said road were in attendance: the Supervisors of Pine Township aforesaid.

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 almost parallel thereto and but a very short distance therefrom in its entire extent, the Department of Highways of the Commonwealth has layed out and constructed a straight, wide road, as a public highway, and a part of the permanent highway between Clearfield and Penfield. So far as the Viewers can ascertain, Frank Johnston and his son, with their families occupy two houses at the Johnston Nursery, and the family of Oscar Long occupy another house on the estate of the late Oscar Long some distance eastward of the Johnston Nursery, and that these are the only inhabitants that would be affected by the vacation of the section of the old Clearfield-Penfield road, described in the Order. As prayed for, the Viewers have supplied a piece of public road leading from the Johnston Nursery to the new State Highway so that the Johnston families will be given a good outlet to the new State Highway. From the Long farm there leads to and across the new State Highway, about 900 feet to the East, a wide, firm road which was constructed and is maintained by the Department of Forests and Waters of the Commonwealth,

and is and has been for some years past, extensively traveled by the general public, as though the same were a township road, and without objection by the Department of Forests and Waters. It appears to the Viewers that this will afford an easy and convenient access to the new permanent road by the inhabitants of the Long farm. Most of the land appropriated for the site of the supply road belongs to the Commonwealth a small triangular piece belonging to Frank Johnston. No one claimed damages for land taken and none were accordingly awarded, as no material damage arising from the vacation of the section of the old road described or of taking of land for the supply road would appear to be incurred.

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 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:

None.

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

Witness our hands and seals this 24th day of June, , A. D. 19 35.

E. B. B. B. [SEAL.]
E. B. B. B. [SEAL.]
H. A. B. B. [SEAL.]

Viewers.

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
L. G. Boose	4	136	\$46.80
H. A. Giles	2	28	\$21.40
E. D. Billotte	3	84	\$34.20

No. 2 Sept Term 19 35

ORDER TO VACATE

AND SUPPLY
To view and vacate /road/ situate

in the Township of PINE
Clearfield County.

Now Sept Sessions 1935
read and confirmed Ni. Si.

By the Court
J. H. Hallam J. J.
Now Decm Sessions 19 35

confirmed absolute.

By the Court.
J. H. Hallam J. J.
FILED
AUG 24 1935
W. R. O'LAGHER
CLERK
Filed 19

Atty, Liveright & Smith

Fees \$1.25 paid by

[illegible]

W.P.

Handwritten: $h^2 r ds$

Set.
St. 2
S

Draft Showing
the location of a
Public Road Situate
in Pine Twp, Elftd. Co.,
Penna, viewed for vacation
also the location of the supply,
for the same.
viewed June 22nd, A.D. 1935.

Earl G. Hoose.
E. O. Billotte
H. A. Giles. } Viewers.

To C27d.