

ROAD

**DOCKET No. 6**

Number	Term	Year
4	Sept. 22	1935

In re: Supply of a road in  
Decatur Township

**Versus**

(3). That at or near, the Borough Line on Curtin Street there is a left fork of said road, which road is not a township road but a private road; and in the triangle between which roads, is situate the Greek Catholic Church property and cemetery; the access to the Greek Catholic Church being off said private road,

(4). That it is the belief of your petitioners that the left fork of said road, beginning a short distance beyond the Borough line on Curtin Street at the point where said left fork leaves the Township road at the property of the Greek Catholic Church and continuing along said left fork for an approximate distance of 825 feet to the property of the Kittanning Coal Company, should be made a township road for the reason that this road is the means of access to the Greek Catholic Church and cemetery.

# 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 Decatur and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 10th day of September A. D. 1935, and the hearing to be held in the ~~Grand Jury~~ room, at the Court House, in Clearfield, Pa., on the 13th day of September, 1935, at 10 o'clock M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Ira Winters, Thomas Kerfoot and Herbert Wigfield, Supervisors of Decatur Township; Rev. A.P. Didick, pastor of St. Mary's Orthodox Church, William Polliwack, John Kowalik and Joseph Danko.

Grand Jury  
parties in interest. That the hearing was held in the ~~Attorney~~ Room, in the Court House, at Clearfield, Pa., on the 13th day of September A. D. 1935, when the following appearances were noted: F.C.Bell, Esq., Solicitor with Thos. Kerfott, Ira Winters and Herbert Wigfield, Supervisors of Decatur Township; Rev. A.P.Didick, Pastor of St.Mary's Russian Orthodox Greek Catholic Church, Joseph Danko and William Pelliteack, witnesses in behalf of petitioners. All of whom were sworn, examined and cross-examined by Counsel and your Board.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is \_\_\_\_\_ 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 the intersection of the proposed road with the public road leading from Osceola Borough to Scotch Hollow via Curtin Street extension (being Route No. 660-macadamized) at the property line of St. Mary's Russian Orthodox Greek Catholic Church; thence running North 75 degrees 45 minutes West, seven hundred and thirty-five (735) feet and ending at the property line of the said Church Cemetery, in Decatur Township.

We further find that the proposed road traverses a street, 40 feet in width, laid out and dedicated to public use in the plan of lots laid out by the Kittanning Coal Company, the original owner; that the petitioners have erected a substantial and commodious Church edifice for public religious worship, according to their rite, with a local congregation of approximately 68 families, and maintain a public cemetery, in which are interred former members and non-members of the congregation, living within a radius of 30 miles therefrom.

Your Board further finding that there is no objection to the proposed road, as a public road; that the same is necessary for a public road, so as aforesaid laid out; that no damages, direct or consequential, result therefrom: therefore recommends its approval and confirmation by your Honorable Court.

# 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 5th day of August in the year of our Lord one thousand nine hundred thirty five

Supervisors  
Judge of the same Court: Upon the petition of ~~many~~ ~~xxm~~ habitants of the Township of Decatur in said County, setting forth that

- (1). That there exists immediately beyond the Borough of Osceola, a Greek Catholic Church and cemetery.
- (2). That at or near the Borough line of Osceola Borough, on Curtin Street, said Curtin Street extension forks; the right fork extending to and beyond the property of the Greek Catholic Church to and beyond a Roman Catholic Cemetery.

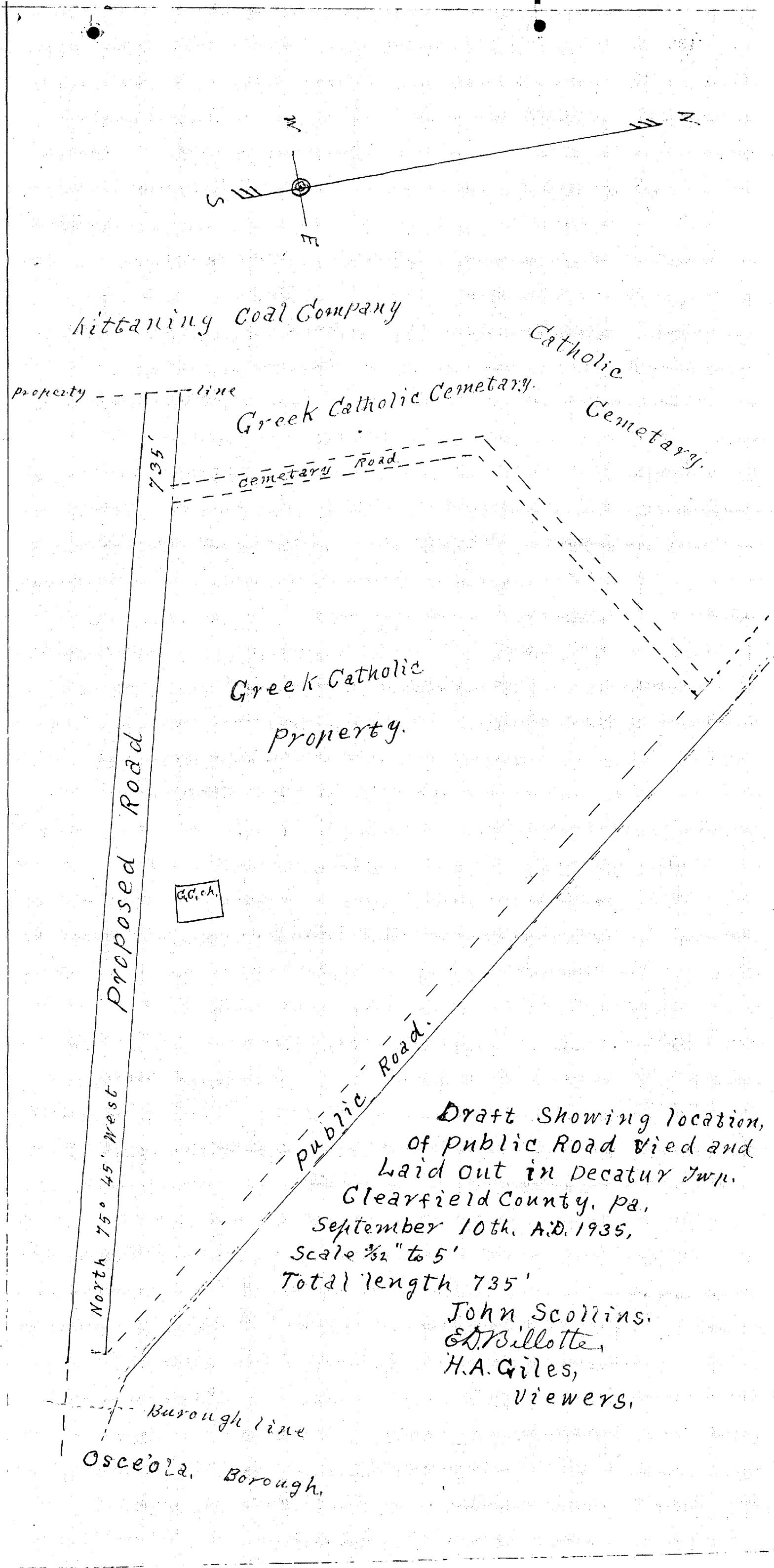
and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers John Scollins, Esq E. D. Billotte and H. A. Giles

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 Commissioners of Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned Viceroy, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 4, September Sessions, 1935, to view and lay out a public road in Decatur Township, to wit: Beginning at a point on the Township Road \_\_\_\_\_ foot from the line of Oscoda Borough along the Fulton Street Extension, at the property of the Greek Catholic Church, and continuing westerly and along the property of the Greek Catholic Church a distance of approximately 080 feet and ending at the line of land of the Rittenberg Coal Company, as a means of access to the Greek Catholic Church and Cemetery, will meet at the Greek Catholic Church in said Township of Decatur, near the Borough of Oscoda Mills, in Clearfield County aforesaid, on Friday the 10th day of September, A. D. 1935 at two (2:00) o'clock P. M., to attend to the duties assigned them; 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 Viceroy before the filing of their report in Court in order to give all parties interested in the said road an opportunity to be heard will be held in the ~~Court House~~ Room <sup>Grand Jury</sup> in the Court House in Clearfield on Friday, the 15th day of September, A. D. 1935 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scollard  
E. J. Billotte  
N. A. Gild

Viceroy

Dated, August 21st, 1935.

CLEARFIELD COUNTY, SS:

Now, this 22nd day of August, A. D. 1935, service of the above Notice is accepted for the Commissioners of Clearfield County.

Myra E. Lucas  
Assistant Clerk

TO: Thomas Kerfoot, Herbert Wigfield and Ira Winters, Supervisors of Decatur Township, Clearfield County, Pennsylvania:-

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 4, September Sessions, 1935, to view and lay out a public road in Decatur Township, to wit: Beginning at a point on the Township Road \_\_\_\_\_ feet from the line of Osceola Borough along the Curtin Street Extension, at the property of the Greek Catholic Church, and continuing upon and along the property of the Greek Catholic Church a distance of approximately 825 feet and ending at the line of land of the Kittanning Coal Company, as a means of access to the Greek Catholic Church and Cemetery, will meet at the Greek Catholic Church in said Township of Decatur, near the Borough of Osceola Hills, in Clearfield County aforesaid, on Tuesday the 10th day of September, A. D. 1935 at two (2:00) o'clock P. M., to attend to the duties assigned them: 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 the said road an opportunity to be heard will be held in the Grand Jury Room in the Court House in Clearfield on Friday, the 13th day of September, A. D. 1935 at ten (10:00) o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scallion  
E. D. Billotte  
H. A. Gile

Viewers

Dated, August 21st, 1935.

CLEARFIELD COUNTY, SS:

Now, this 28<sup>th</sup> day of August A. D. 1935, service of the above Notice is accepted for the Supervisors of Decatur Township, Clearfield County, Pa.

Herbert Wigfield  
Ira Winters  
Thomas Kerfoot  
Supervisors of Decatur Township.

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and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting where otherwise feasible,

when it was not practical to preserve it 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 releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from

No damages assessed

the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening 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:

No damages assessed

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

WITNESS our hands and seals this 25th day of October  
A. D. 1855.

John Scollard Seal  
E. D. Billotte Seal  
H. A. Giles. Seal  
Seal

No. 4 Sept Sessions, 1935

## ORDER

To view a  
road for public use in the  
township of Decatur,  
Clearfield County \_\_\_\_\_,

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	A.M.T.
E.D.Billotte	3	89	\$34.
H.A.Giles	2	56	\$22.
John Scollins	3	66	\$33.

December 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.

OCT 26 1935

3-1935  
W. S. GALLINGER  
OLBERT

Now, Feb. 3, 1936  
within report confirmed  
S. S. S.

W. Muller, M.D.

Bell & Silberblatt, Attorneys

*Fees \$1.25 paid by \_\_\_\_\_*

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## 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 ensealing 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.

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

In re: :  
Supply of a road in Decatur :  
Township. :

To the Hon. W. Wallace Smith, President Judge of said Court;

The petition of the Supervisors of Decatur Township respectfully represents:

- (1). That there exists immediately beyond the Borough of Osceola, a Greek Catholic church and cemetery.
- (2). That at or near the Borough line of Osceola Borough, on Curtin Street, said Curtin Street extension forks; the right fork extending to and beyond the property of the Greek Catholic Church to and beyond a Roman Catholic cemetery.
- (3). That at or near the Borough line on Curtin Street there is a left fork of said road, which road is not a township road but a private road; and in the triangle between which roads, is situated the Greek Catholic Church property and cemetery; the access to the Greek Catholic Church being off said private road.
- (4). That it is the belief of your petitioners that the left fork of said road, beginning a short distance beyond the Borough line on Curtin Street at the point where said left fork leaves the Township road at the property of the Greek Catholic Church and continuing along said left fork for an approximate distance of eight hundred and twenty five (825) feet to the property of the Kittanning Coal Company, should be made a township road for the reason that this road is the means of access to the Greek Catholic Church and cemetery.

Wherefore your petitioners pray that a view be authorized and such other acts done as required by law as to establish a portion of the road hereinbefore mentioned as a township road for the Township of Decatur; and they will ever pray.

Heribert O'Neill  
James Winter  
Thomas Kerfoot  
Supervisors of Decatur Township.

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS

Before me the subscriber hereto, came Thomas Kerfoot, who being duly sworn according to law deposes and says that he is one of the Supervisors of Decatur Township and that the Supervisors of said Township have caused to be executed the above petition; and that the facts set forth therein are true and correct to the best of his knowledge and belief.

Sworn to and subscribed before:  
me this 5 day of July 1935 :

W. D. Gassner :  
- Thomas Kerfoot

Thomas Kerfoot

MY COMMISSION EXPIRED  
FIRST MONDAY OF JANUARY, 1926

Now, August 5 A.D. 1935, the within petition having been read and considered, John Collins, Esq., E. D. Billott and H. A. Gribble, are appointed viewers to view said premises and report to the Court their recommendations, giving such notice and doing such other acts as are required by the various Acts of Assembly in such cases made and provided.

BY THE COURT

J. Weller Smith  
P.J.

4 Sept 22 1935

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

In re:  
Supply of a road in  
Decatur Township.

PETITION FOR VIEWERS.

FILED

AUG 5 1935

W. R. GALLAGHER

CLERK

BELL & SILBERBLATT  
ATTORNEYS AT LAW  
KURTZ BUILDING  
CLEARFIELD, PENNA.