

ROAD
DOCKET No. 6

Number	Term	Year
1	Feb. SS	1936

MORRIS TOWNSHIP--in re: Re-view
of Road for Public Use

Versus

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

To View Road For Public Use
In The Township of Morris.

1 Feb 88, 1936
No. 2, December Term, 1934

PETITION FOR RE-VIEW

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

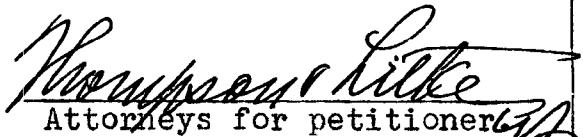
The petition of Reverend Constantine Auroroff respectfully represents:

1. That there has existed for many years past and at present still exists a necessity for public road beginning at a point on the Hawk Run, Munson Road, in the village of Hawk Run, thence, in the direction of the Moshannon Creek, to a proposed point of meeting with a proposed road to be built in Rush Township, Centre County, Pa.

2. That your Honorable Court appointed viewers to the above number and term, which viewers, in the majority ~~represented~~ ^{Report} refused to report in favor of the establishment of such road.

3. That the report of said viewers was based upon evidence as to damages which were incompetent, heresay, and generally speculative and guess work, and otherwise deliberately designed to prevent the viewers from making a favorable report upon said proposed road.

WHEREFORE your petitioner respectfully requests your Honorable Court that a re-view be directed, and re-viewers be appointed for such purpose, in order that this matter be competently determined.


Thompson & Little
Attorneys for petitioner

AFFIDAVIT

COMMONWEALTH OF PENNA.

COUNTY OF CENTRE

SS:

Before me the subscriber, a Justice of the Peace,
in and for the above named State and County, personally appeared
Reverend Constantine Auroroff, who being duly sworn according to
law deposes and says that the foregoing facts set forth in the
attached petition are true and correct.

Constantine Auroroff

Sworn to and subscribed before me this 4th day of December, 1935.

J. M. Pearce
J. P.

MY COMMISSION EXPIRES FIRST MONDAY
IN JANUARY 1940

ORDER OF COURT

AND NOW this 5th day of December, 1935, upon consideration of the within petition for re-view, and upon motion of counsel for petitioner, the following are hereby appointed to constitute a Board of Re-Viewers. To re-view a proposed township road in or near the village of Hawk Run, Morris Township, Clearfield County, Pa., as follows:

"Beginning at a point on the Hawk Run Munson Road in the Village of Hawk Run, thence, in the direction of Moshannon Creek, to a point of meeting with a proposed road to be built in Rush Township, Centre County," and to make their recommendations and returns to this Court according to law.

E. S. Bellotti
A. B. Shaw
Harry A. Bonsall

BY THE COURT,

Dr. Wallace Smith
P.J.

IN THE COURT OF QUARTER SESSIONS

OF CLEARFIELD COUNTY, PENNSYLVANIA

1st Feb. 28, 1936
No. ~~2~~, December Term, 1934

TO VIEW ROAD FOR PUBLIC USE
IN THE TOWNSHIP OF MORRIS

PETITION FOR RE-VIEW.

FILED

DEC 5 1935

W. R. GALLAGHER
CLERK

THOMPSON & LITKE
ATTORNEYS AT LAW
PHILIPSBURG, PENNSYLVANIA

There being additional evidence to be offered and presented to the Board of Viewers, the previous hearing was continued to Thursday, December 31, 1935 at 10:00 o'clock A.M. at the law offices of A. B. Shaw, Esquire, at Clearfield at which hearing the following appearances were noted: William Litke of the law firm of Thompson and Litke, attorneys for petitioner together with Rev. Constantine Auroraoff, the petitioner; Harold Boulton of the law firm of Boulton & Boulton, attorneys for Maxine Coal Company together with R. M. Hess, witness and engineer for the Maxine Coal Company, also Robert V. Maine, Esquire, associated with the law firm of Liveright & Smith, County Solicitors.

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

Judge of the same Court: Upon the petition of ~~and~~ in ~~habitants of the Township of~~ Rev. Constantine Auroroff in said County, setting forth that there has existed for many years past and at present still exists a necessity for public road beginning at a point on the Hawk Run, Munson Road, in the village of Hawk Run, thence, in the direction of the Moshannon Creek, to a proposed point of meeting with a proposed road to be built in Rush Township, Centre County, Pa.

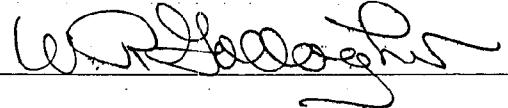
and therefore, praying the Court to appoint proper persons to re-view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers ^{Re-} E. D. Billotte,

A. B. Shaw, Esq., and Harry W. Bonsall

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 re-view the ground proposed for the said road, and if they review the same, and a majority of the actual re-viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioners 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 re-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 re-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 re-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. D. Bonsall, Clerk.

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

Morris and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 19th day of December A. D. 1925, and the hearing to be held in the ~~Exhibition~~ Room, at the Court House, in Clearfield, Pa., on the 23rd day of December, 1925, at 10:30 o'clock A. 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 James Hill and Clair Edwards, Supervisors for Morris Township, also Mike Francisco, former Supervisor for Morris Township.

parties in interest. That the hearing was held in the ~~Exhibition~~ Room, in the Court House, at Clearfield, Pa., on the 23rd day of December A. D. 1925, when the following appearances were noted: Frank G. Smith, Esq. of the law firm of Liveright & Smith, County Solicitors; William Litke, Esq. of the law firm of Thompson & Litke, attorneys for petitioner together with Joseph Rusnak, a witness; William Chase, Esq., attorney for Morris Township ~~Road~~ District, also Clair Edwards and James Hill, two of the Supervisors for Morris Township.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not 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~~ the following described road, to wit Beginning at a point at intersection of State Highway Route #17061 and State Highway Route #17077 in the village of Hawk Run, Clearfield County, Pennsylvania; thence South ten degrees Thirty Minutes (10° 30') East across the New York Central Railroad Company's tracks to a point on the bank of Moshannon Creek directly opposite State Highway Route #14037, previously laid out, in Rush Township, Clearfield County, Pennsylvania.

The aforementioned decision was reached after a careful study and deliberation on all the facts and issues involved, whereupon the undersigned, the majority of the Viewers appointed by the Court, to review and lay out a road between the points designated in their appointment, are of the following opinion: (1) That the region over which the newly proposed road is to pass is swamp land and further necessitates the construction of a bridge of approximately 60 feet in length across Moshannon Creek and the cost of building and maintaining such a road would be excessive; the estimated cost of construction being approximately \$65,000.00. (2) That the region over which this road is to pass is underlaid with coal and owned by the Maxine Coal Company for which damage is claimed in the amount of approximately Six Thousand (\$6,000.00) Dollars. (3) That the newly proposed road ~~would~~

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 5th. day of December, A.D., 1935 to re-view and supply a public road or highway, beginning at a point on the Hawk Run, Munson Road, in the village of Hawk Run, thence, in the direction of the Moshannon Creek, to a proposed point of meeting with a proposed road to be built in Rush Township, Centre County, Pennsylvania, will meet in the village of Hawk Run on Thursday, the 19th. day of December, A.D., 1935 at 10:30 o'clock A.M. to attend to the duties assigned to 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 the Grand Jury Room of the Court House, Clearfield, Pennsylvania on Monday, the 23rd. day of December, A.D., 1935 at 10:30 A.M. at which time and place all parties interested may attend and be heard if they so desire.

A. B. SHAW

E. D. BILLOTTE

HARRY W. BONSALL

(Viewers)

NOW THIS 6th day of December, A.D., 1935, service of the above notice is accepted for the County Commissioners of Clearfield County, Pennsylvania.

Mary E. Lucas
Asst. Clerk.

TO THE SUPERVISORS OF MORRIS 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 5th. day of December, A.D., 1935 to re-view and supply a public road or highway, beginning at a point on the Hawk Run, Munson Road, in the village of Hawk Run, thence, in the direction of the Moshannon Creek, to a proposed point of meeting with a proposed road to be built in Rush Township, Centre County, Pennsylvania, will meet in the village of Hawk Run on Thursday, the 19th. day of December, A.D., 1935 at 10:30 o'clock A.M. to attend to the duties assigned to 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 the Grand Jury Room of the Court House, Clearfield, Pennsylvania on Monday, the 23rd. day of December, A.D., 1935 at 10:30 A.M. at which time and place all parties interested may attend and be heard if they so desire.

A. B. SHAW

E. D. BILLOTTE

HARRY W. BONSALL

(Viewers)

NOW THIS 24 day of December, A.D., 1935, service
of the above notice is accepted for the Supervisors of Morris Town-
ship, Clearfield County, Pennsylvania.

Charles J. Pfeifer
Clair Edwards
James T. Hill
(Supervisors)

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~a Road~~ ^{re- and supply a} Public Road ~~assess damages~~, leading from ~~a~~ POINT ON THE HAWK RUN, MUNSON ROAD, IN THE VILLAGE OF HAWK RUN, THENCE, IN THE DIRECTION OF THE MO SHANNON CREEK

in MORRIS Township to A PROPOSED POINT OF MEETING WITH A PROPOSED ROAD TO BE BUILT IN RUSH TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA

in Township in the County of ~~foresaid~~, will in the village meet ~~at the house of~~ HAWK RUN, PENNSYLVANIA

in MORRIS Township, on THURSDAY
the 19th day of DECEMBER, A. D. 1935 at 10:30 o'clock A.M., to attend to the duty assigned them, of which time and place aforesaid, 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 THE GRAND JURY ROOM OF THE COURT HOUSE AT CLEARFIELD ON MONDAY, THE 23rd. DAY OF DECEMBER, 1935 AT 10:30 O'CLOCK A.M. AT WHICH TIME AND PLACE ALL PARTIES INTERESTED MAY ATTEND AND BE HEARD IF THEY SO DESIRE.

..... A. B. SHAW

..... E. D. BILLOTTE

..... HARRY W. BONSALL

..... V I E W E R S

..... DECEMBER 6, 1935

Hawk Run

Rout

RT 170 89

170 61

to Minisink

N.Y.C.

R.R.

CLEARFIELD

COUNTY

Morris

TWP.

W E

nati. surface

222 feet

1403 ft
Moshannon Creek

CENTRE COUNTY

RUSH TWP.

Scale $\frac{1}{2}$ " to 100'

Total length 1200'

Reviewed Dec. 19th 1935. A.B. Shaw

E.D. Billotte

Harry W. Boneell
Viewers,

only lessens the distance of travel between the village of Hawk Run, Clearfield County and the region in the vicinity of the Philipsburg State Hospital across Moshannon Creek by about one (1) mile. (4) That according to the testimony offered, the only advantage such a road could give to the traveling public would be to shorten the distance of travel for a few miners who live at Hawk Run and work in Rush Township, Centre County and would also add convenience to approximately 100 persons living in Rush Township, Centre County, and in the vicinity of the Philipsburg State Hospital who attend church in the village of Hawk Run. (5) That the great cost of constructing such a road together with the added burden and ultimate expense, the County of Clearfield might be bound in the assessment of damages, especially since no releases or reasonable offers of settlement seem acceptable to the property owners; outweighs the advantages the public could and apparently ever would derive from such a road.

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, ~~existing~~

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

the following persons having refused to release the same as to which they respectfully may be entitled by reason of the location and opening of the said road, and the undersigned will, after having considered the advantages to be derived to them, assess them in may and make report thereof as follows:

and we herewith return copy of the notices and we herewith enclose copies of the same and copy of the notices

WITNESS our hands and seals this 31st day of December
A. D. 1935.

Seal

E. J. Billotte

Seal

Harry W. Bonnall

Seal

Seal

No. 1 Feb. Sessions, 19 36

ORDER

To Review a road for use in the
township of Morris
Clearfield County

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

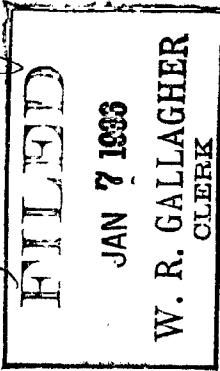
Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

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	AMT.
A. B. Shaw	4	42	\$42.10
E. D. Billotte	4	114	\$45.70
Harry W. Bonsall	3	192	\$39.60

Jefferson Sessions, 19 36.
Dr. Walker, Justice of the Peace
May 4, 1936. Court of Common Pleas of
Clearfield County, Pa.



Filed 19
Fees \$1.25 paid by

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