

ROAD

DOCKET No. 6

Number

2

Term

May SS

Year

1936

Petition for Road View in

BIGLER TOWNSHIP

Versus

PETITION FOR ROAD VIEW IN BIGLER TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA.

TO HON. W. WALLACE SMITH, PRESIDENT JUDGE OF CLEARFIELD COUNTY:

We, the undersigned Citizens and Taxpayers of Bigler Township, respectfully petition to have viewers, view a road from point on the Township Road at the Bucher School house; Thence in a south easterly, direction to a point on the Township road near Lewis Tubo's residence a distance of approximately two mile there being along this proposed road some fifty tax payers and residence that do not have any -- excess to a Public road and, will will ever prey.

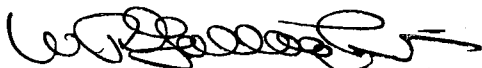
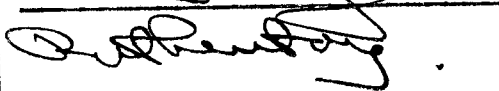
CITIZENS & TAXPAYERS OF BIGLER TOWNSHIP.

NAME	ADDRESS
Alex Joral	Madona Pa
Anna St...	Madona Pa
Tony ...	Madona Pa
John A. ...	Madona Pa
Mrs Catharine Warholik	Madona, Pa
Mike Warholik	Madona Pa
Luis Torach	Madona Pa
Thoma Torach	Madona Pa
Wanda Yehernetskey	Madona Pa
Mitro Russian	Madona Pa
Helen Warhie	" "
Mike Stanko	" "
Joseph Raab	" "
George ...	Madona Pa

STATE OF PENNSYLVANIA:
: SS:
COUNTY OF CLEARFIELD ;

Personally appeared before me, Mike Warholic, Walter Hulgus and Adam Daniels, citizens and residents of Bigler Township, Clearfield County, Pennsylvania, who after being duly sworn according to law, depose and say that the undersigned are citizens and tax payers of Bigler Township and that they did sign the within petition and that the facts set forth in this petition are true and correct to the best of their knowledge and belief.

Sworn to and subscribed before me
this 21st day of April A. D. 1936

Mike Warholic.
Walter Hulgus
Adam Daniel

MY COMMISSION EXPIRES FIRST
MONDAY IN JANUARY, 1940.

2 May 25. 1936

PETITION FOR ROAD VIEW IN
BIGLER TOWNSHIP.

done

APR 23 1936
W. R. GILL
CLERK

By the Court,
President Judge
W. R. Gill

NOW April 23, 1936, the within petition being presented
by Carl A. Belin, Esq., a view is awarded and the following
are appointed Viewers: John Scollins, Esq., Ed. Billotte
and H. W. Bonsall, to view and report on the prayer of the
petition.

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 23rd day of April in the year of our Lord one thousand nine hundred thirty six

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

in said County, ~~setting forth that~~ petition to have viewers, view a road from point on the Township Road at the Bucher School House; thence in a south easterly direction to a point on the Township road near Lewis Tubo's residence a distance of approximately two miles there being along this proposed road some fifty tax payers and residence that do not have any excess to a public road

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 Ed. Billotte and H. 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 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.

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

Bigler and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 13th day of May

A. D. 1926, and the hearing to be held in the Grand Jury Room, at the Court House, in Clearfield, Pa., on the 15th day of May, 1926, at 10 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 Ashley E. Hill, J. H. Smith and Wm. H. Ackley, Supervisors of Bigler Township; Mike Warholik, Adam Daniel, Walter Hulgus, petitioners,

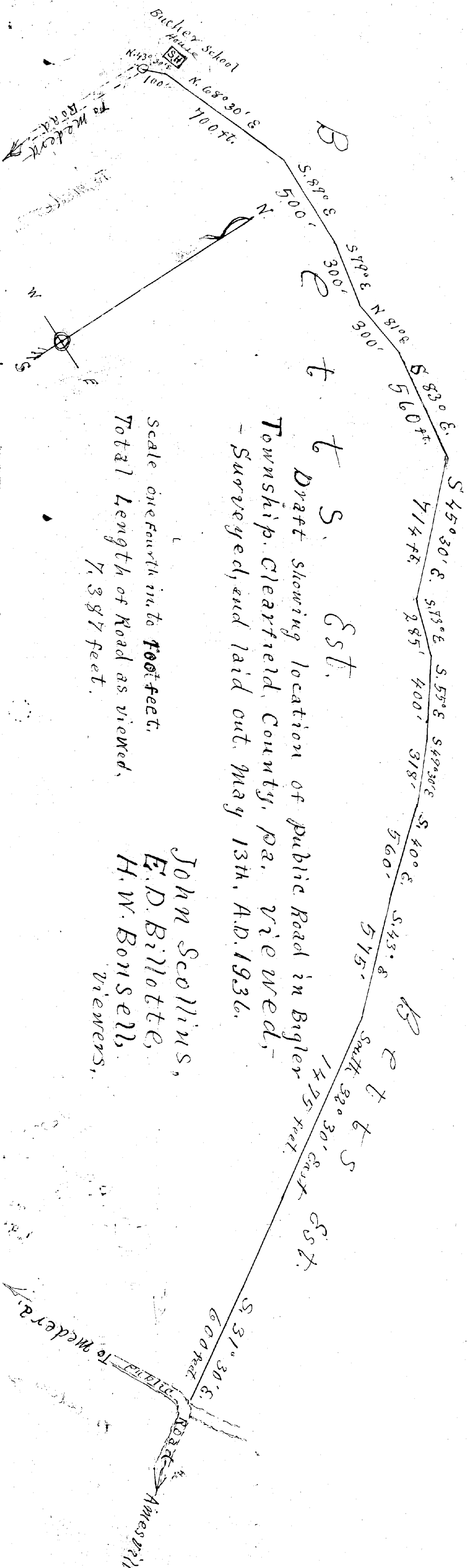
parties in interest. That the hearing was held in the Grand Jury Room, in the Court House, at Clearfield, Pa., on the 15th day of May A. D. 1926, when the following appearances were noted: Adam Daniel, Mike Warholik and Walter Hulgus, petitioners; J. H. Smith, Ashley E. Hill and Wm. H. Ackley, Supervisors of Bigler Township, all of whom weresworn, examined and cross-examined by Members of your Board.

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 the township road leading from Madera to Bucher School House, (near the said Bucher School House): thence over lands of the Betz Estate, the following courses and distances, to wit: North 43 degrees 30 minutes East 100 feet to a post; thence North 68 degrees 30 minutes East 700 feet to a post; thence South 89 degrees East 500 feet to a post; thence South 79 degrees East 300 feet to a post; thence North 81 degrees East 300 feet to a post; thence South 83 degrees East 560 feet to a post; thence South 45 degrees 30 minutes East 714 feet to a post; thence South 73 degrees East 285 feet to a post; thence South 55 degrees East 400 feet to a post; thence South 49 degrees 30 minutes East 318 feet to a post; thence South 40 degrees East 560 feet to a post; thence South 43 degrees East 575 feet to a post; thence South 32 degrees 30 minutes East 1475 feet to a post; and thence South 31 degrees 30 minutes East 600 feet, and ending at the intersection of the public roads leading to Madera and Amesville; but after the view and hearing aforesaid, your Board finds that the said road is unnecessary for public purposes.

We further find that there are 17 families living along the course of said road, in what is known as #18 and Harp Hollow, and would be served thereby, with homes erected upon ground-rent leases from the Middle Penna. Coal Corp. with no well defined or well laid-out streets or alleys, but the petitioners were willing that their fences should be moved to build the aforesaid road.

That the petitioners trade mostly in Madera, and the children of school age attend "Bucher" and "Betz" grade schools and Bigler Township High School, with public roads thereto from Bucher School House; that mining has been abandoned at Betz and Bucher Mines (except for custom coal) and the Railroad to #18 has recently been torn up and removed.

That the petitioners suffer inconvenience for want of a maintained public road; that deliveries of goods and necessities to their homes, with auto trucks and motor cars is impracticable;



TO: THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY:-

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 2, May Sessions, 1936, to view and lay out a public road in Bigler Township, leading from a point on the Township Road at the Bucher School House, thence in a South-easterly direction to a point on the Township Road near Lewis Tubo's residence, a distance of approximately two miles, in Clearfield County aforesaid, will meet at the Bucher School House in Bigler Township on Wednesday, the 13th day of May, A. D. 1936 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 15th day of May, A. D. 1936 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 Gallina
E. L. Billotte
J. W. Bonnell
Viewers

Dated, April 25, 1936.

CLEARFIELD COUNTY, SS:

NOW, this 27th day of April, A. D. 1936, service of the above Notice is accepted for the Commissioners of Clearfield County.

Myra E. Lucas
Clerk

TO: Jacob Smith, Ashley Hill and Wm. Ackley, Supervisors
of Bigler 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. 2, May Sessions, 1936, to view and lay out a public road in Bigler Township, leading from a point on the Township Road at the Bucher School House, thence in a South-easterly direction to a point on the Township Road near Lewis Tubo's residence, a distance of approximately two miles, in Clearfield County aforesaid, will meet at the Bucher School House in Bigler Township on Wednesday, the 13th day of May, A. D. 1936 at two (2:00) o'clock P. M., to attend to the duties assigned them: all parties interested will take notice.

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John Scollins
E. S. Billotte
H. W. Bonsall
Viewers

Dated, April 25, 1936.

CLEARFIELD COUNTY, SS:

Now, this 27th day of April, 1936, service of the above Notice is accepted for the Supervisors of Bigler Township.

Ashley E. Hill
Wm. H. Ackley
Jacob H. Smith
Supervisors

that the Doctors refuse to answer calls beyond Bucher; that they are drifted in with snow in the winter months; but that the cost of building said road would be excessive, requiring \$1000.00 for sewer pipe; \$2000.00 for grading and material and \$15000.00 for labor.

That the assessed valuation of the Township has been reduced from \$1,500,000.00 in 1922 to \$400,000.00 in 1936; with a bonded indebtedness of \$41,000.00 (incurred when the aforesaid Mines were operating), and the tax-payers are burdened with extra millage to meet these funded obligations by special permission of your Honorable Court.

After the view and hear aforesaid, and in view of the foregoing findings of fact, your Board concludes that the aforesaid road is unnecessary, and that the prayer of the petitioners should be denied. We further certify that John Scollins, of your Board, being counsel to the Board of Supervisors, took no part in the discussion and decision in this matter.

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~~

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



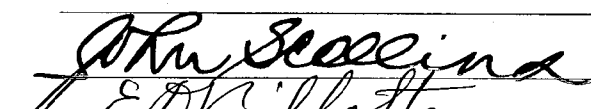

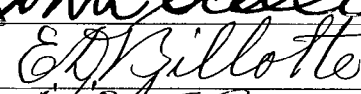

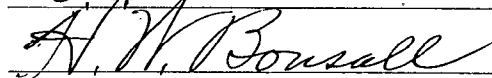
No damages assessed

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 28th day of August

A. D. 1936..

No. 2 May Sessions, 19 36

ORDER

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

_____ Sessions, 19 _____,

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.

Per Curiam
Robert Adams \$550 ad litem
Especially Preserving

FILED
SEP 5 1936
W. R. GALLAGHER
CLERK

Dec 7 '36
Secy. H. Nelson
Carl A. Belin, Atty.,

Filed _____ 19 _____
Fees \$1.25 paid by _____

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.
H. W. Bonsall	2	180	\$29.00
E. D. Billotte	3	159	\$37.95
John Scollins	3	70	\$35.50

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