

ROAD

DOCKET No. 6

Number
5

Term
Dec. SS

Year
1936

Petition to Lay out Public Road in

BRADY TOWNSHIP

Versus

To Honorable W. Wallace Smith, Judge of the Court of Quarter Sessions of Clearfield County, Pennsylvania;

Your undersigned petitioners are residents of Clearfield County aforesaid and respectfully represent;

That they labor under inconvenience for want of a public road in Brady Township in said Clearfield County, to begin in the public road leading from another public road; the said point of beginning being in the public road first mentioned, at or near the bridge over Luthersburg Branch of Sandy Creek, just westward of the LaFayette Smiley house, and extending westerly and ending in a public road, at the house of John Hayes Jr. The proposed public road is in Brady Township aforesaid.

Your petitioners pray that you appoint from among the Viewers of Clearfield County three Viewers to view the premises and to lay out for public travel a public road between the points above mentioned and they will ever pray.

J. H. Hayes
J. H. Moore
Jesse Jones
E. H. Price
J. E. Hayes
J. A. Harkins
J. E. Harkins
G. J. Harkins
Samuel D. Marshall
M. Harkins
John E. Drazin

Luthersburg Pa
Dubois Pa
" "
Dubois Pa
Luthersburg Pa
Dubois Pa
Dubois Pa
Dubois Pa
Dubois Pa
Dubois Pa
Dubois Pa

CLEARFIELD COUNTY,)
PENNSYLVANIA.) SS

Before me, the Clerk of the Court of Quarter Sessions of
Clearfield County, personally came----- and
being sworn according to law say that the facts above set out
are true and correct.

Dr J. H. Hufferd

One of the petitioners.

Sworn and subscribed the
--4--day of June 1936.

W. R. Goeckel

Clerk.

MY COMMISSION EXPIRES FIRST
MONDAY IN JANUARY, 1940.

IN THE COURT OF SESSIONS
OF SEDBURY COUNTY, PA
Of December Term, 1936, No. 5

P E T I T I O N
for

Venue to lay out Public Road
In Bredy Township.

RECEIVED
OCT 16 1936
W. R. CALLAGHER
CLERK

Now, October 16, 1936, the
within petition read and consider-
ed and the Court does appoint
AOS *John Smith & Sons*
and *AAA* *Wife*
Messrs as payee for the said
viewers to make report at next
term of Court.

W. R. Callagher
S. J.

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 October 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 Brady

in said County, setting forth that they labor under inconvenience for want of a public road in Brady Township, to begin in the public road leading from another public road; the said point of beginning being in the public road first mentioned, at or near the bridge over Luthersburg Branch of Sandy Creek, just westward of the Lafayette Smiley house, and extending westerly and ending in a public road, at the house of John Hayes, Jr. The proposed public road is in Brady Township aforesaid.

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 A. B. Shaw, Esq., H. E. Reese 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.

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

Brady and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 5th day of November

A. D. 1936 and the hearing to be held in the Grand Jury Room, at the Court House, in Clearfield, Pa., on the 6th day of November, 1936 at 10:00 clock A.M. That

the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view John Hayes Jr, F.T.Hartzfeld, J.A.Hartzfeld, and S.D.Marshall.

Grand Jury
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 6th day of November A. D. 1936, when the following appearances were noted: John Hayes Jr, F.T.Hartzfeld, J.A.Hartzfeld, and S.D.Marshall.

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 use the following described road, to-wit:~~
Beginning

That the road petitioned for is approximately one and one half mile in length, having its begining on the Township Road leading from Rockton to DuBois, at or near the Lafayette Smiley property in the Township of Brady, and extending in a Southerly direction, for the most part, through the DuBois and Hartzfeld properties and ending on the Township Road, at or near the John Hayes Jr property. That the cost of constructing a road between the points above designated would be excessive, due to the apparent necessity of constructing a bridge at one point and numerous culverts and large sewers at other points along its course, to provide adequate drainage. That the road petitioned for extends for the most part through woods and undeveloped coal land and in the opinion of the viewers is not necessary for the needs and and convenience of the traveling public, as the construction of said road would only lessen the distance for public travel from the John Hayes Jr place to DuBois by approximately two and one-half miles. That there is no one living along or near this newly proposed public road and as the same was abandoned as a public road and established as a private road by a proceeding filed in the Court of Quarter Sessions of Clearfield County to # 4 Sept Sessions 1930, your undersigned viewers do not feel that there is justification, at the present time, to recommend a reversal of this apparently recent report and final confirmation of the Court.

No. 5 Dec Sessions, 1936

ORDER

To view and lay out a
road for public use in the
township of Brady,
Clearfield County _____

December Sessions, 1936

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.

R. Zaller Smith

*Moved 12, 1936.
Confined absolutely
R. Zaller Smith*

EXG.

Filed 19____
Fees \$1.25 paid by _____
NOV 1 1936
W. R. G. CLERK
PROT. VLS.

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	3	68	33.40
H. A. Reese	3	156	37.80
H. A. Giles	2	72	23.60

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

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 _____

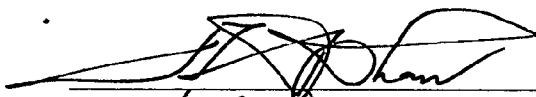
when it was not practical to preserve it within that limit.

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 _____

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: _____

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

WITNESS our hands and seals this 9th day of November
A. D. 1936.

	Seal
<u>H. A. Reese</u>	Seal
<u>H. A. Giles</u>	Seal
_____	Seal

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 October, A.D., 1936, to view and supply a public road, beginning at or near the bridge over Luthersburg Branch of Sandy Creek just West of the Lafayette Smiley house; thence extending in a Westerly direction and ending in a public road, at the house of John Hayes, Jr, will meet at the point where said proposed road has its beginning in the Township of Brady, Clearfield County, Pennsylvania, on Thursday the 5th day of November, A.D., 1936, at 10:30 o'clock A.M. to attend 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 the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Friday the 6th day of November, A.D., 1936, at 10:00 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. Giles

Viewers.

Now this 19th day of October, A.D., 1936, service of the above notice is hereby accepted by copy.

Myra E. Lucas
Clerk

TO THE SUPERVISORS OF BRADY TOWNSHIP, CLEARFIELD COUNTY, PENNA

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 October, A.D., 1936, to view and supply a public road, beginning at or near the bridge over Luthersburg Branch of Sandy Creek just West of the Lafayette Smiley house; thence extending in a West-erly direction and ending in a public road, at the house of John Hayes, Jr, will meet at the point where said proposed road has its beginning in the Township of Brady, Clearfield County, Pennsylvania, on Thursday the 5th day of November, A.D., 1936, at 10:30 o'clock A.M. to attend 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 the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Friday the 6th day of November, A.D., 1936, at 10:00 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. Giles

Viewers.

Now this day of October, A.D., 1936, service of the above notice is hereby accepted on behalf of the Supervisors of Brady Township.

A.W. Bonsall
Secretary.

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 or assess damages, leading from

A POINT IN PUBLIC ROAD AT OR NEAR THE BRIDGE OVER BURNINGBROOK BRANCH OF SAFFORD CREEK, FOOT WEST OF LAFAYETTE GILLEY'S PLACE, CROSSING BY A WESTERN DIRECTION AND ENDING IN PUBLIC ROAD

in BRADY Township to AT THE HOUSE OF JOSEF HAYES JR

in BRADY Township, in the County aforesaid, will

meet at the house of LAFAYETTE GILLEY

in BRADY Township, on THURSDAY

the 5th day of NOVEMBER, A. D. 1926 at 10:00

o'clock A. M., to attend to the duty assigned them, of which time and place afore-

said, all parties interested will take notice.

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 IN THE COURT HOUSE AT CLEARFIELD, PENNSYLVANIA, ON FRIDAY THE 6th DAY OF NOVEMBER A.D. 1926, AT 10:00 O'CLOCK A.M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROAD MAY APPEAR AND BE HEARD IF THEY SO DESIRE.

A.B. CHAN

H.A. RENGE

H.A. GILES

VIEWS

OCTOBER 20th

19 26

To A. B. SHAW, H. A. REESE and H. A. GILES, Viewers:

Gentlemen:

We, the undersigned, protest the opening of a highway in Brady Township, Clearfield County, Pennsylvania, starting at the Sandy Creek bridge on the Tom Keene road and going South and ending at a point near the residence of J. E. Hayes.

This proposed road does not accomodate any residence in that vicinity, nor is it a road that is necessary for the use of the travelling public or persons living in that vicinity for adequate and sufficient highway leading to all points they may desire to travel.

This highway in addition will necessitate the construction of a bridge costing approximately Fourteen Hundred Dollars and will be a highway that will be expensive to keep in repair, and will add considerably to the tax burden in Brady Township, and is not necessary to the public generally or particularly.

Trusting that you will refuse the opening of this road, we are

Yours very truly,

J. H. Snyder, Pres.
Chas. W. Duffy
H. W. Bonsall Secy.
Superior

