

ROAD

DOCKET No.

6

Number	Term	Year
6	Sept	1936

Petition to vacate and supply a
road in Jordan Township

Versus

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

PETITION OF
W. L. Schoening
Levi Haymer
Blake Summers
SUPERVISORS OF JORDAN
TOWNSHIP, COUNTY OF CLEARFIELD,
PENNSYLVANIA, To view and lay
out a road

No. Sept. Term 1936

TO THE HONORABLE W. WALLACE SMITH, PRESIDENT JUDGE
OF SAID COURT;

The petition of W. L. Schoening, Levi Haymer, and
Blake Summers respectfully represent:

(1) That your petitioners are the duly elected
supervisors of the Township of Jordan, County of Clearfield,
State of Pennsylvania.

(2) That they are the legally constituted body for
the maintenance and construction of roads in the Township of
Jordan.

(3) That it is the desire of the supervisors to
change Township Route 422 the same being subject to wash-outs
and heavy maintenance expenses by vacating that portion herein-
after designated and supplying in place and instead.

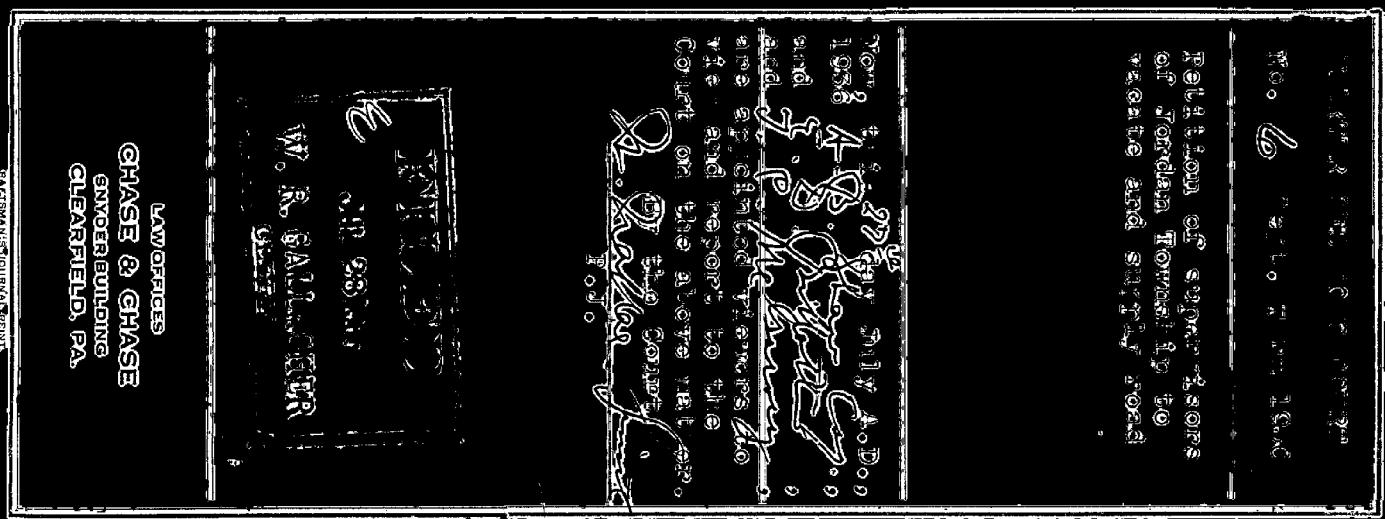
(4) THEREFORE, your petitioners pray that that portion
of Township road Route 422 be vacated, commencing at a point
where the said Route 422 intersects and joins road known as
Township Route 431, being the western terminus of the proposed
vacated road, thence along said Route 422 in an easterly direction
on said Route, a distance of approximately $\frac{1}{4}$ mile, and that there
be supplied for and place of the proposed vacated portion a road
beginning at a point being the eastern terminus of the proposed
vacated piece and running due west to Township road 431, as the
western terminus of the proposed supply road. The distance of
the proposed supply road being a little less than the proposed
vacated portion.

WHEREFORE, your petitioners pray that the Honorable
Court appoint viewers to view and report on the proposed vacation
and supply as prayed for in the foregoing petition.

And they will ever pray, etc.

Levi H. Haymer

Blabber Lassmann
W. L. Schaeing



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 28th day of July in the year of our Lord, one thousand nine hundred and thirty six

W. WALLACE SMITH

By the Honorable ~~Singleton Bell~~, President Judge of the said Court: Upon the petition of ~~sixty~~ Supervisors ~~sixty~~ of the Township of ~~Jordan~~, in the County aforesaid setting forth that that portion of township road Route 422 be vacated, commencing at a point where the said Route 422 intersects and joins road known as Township Route 431, being the western terminus of the proposed vacated road, thence along said Route 422 in an easterly direction on said Route, a distance of approximately $\frac{1}{4}$ mile.

THAT THERE be supplied for and place of the proposed vacated portion a road beginning at a point being the eastern terminus of the proposed vacated piece and running due west to township road 431, as the western terminus of the proposed supply road. The distance of the proposed supply road being a little less than the proposed vacated portion.

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 A. B. Shaw, Esq., E. D. Billotte

and T. C. McGarvey 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 appointment, 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 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 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, P. J.

W. R. 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 Jordan, 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

13th day of August, A. D. 1936 and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield.

Pa., on the 15th day of August A. D., 1936, at 10:00 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 W. L. Schonning, Blake Sommers, and Levi Hamer, Supervisors of the Township of Jordan also E. W. Strong, Secretary of the Jordan Township Road District.

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 15th day of August

A. D. 1936, when the parties interested in the said road were in attendance: W. L. Schonning, Blake Sommers and Levi Hamer, Supervisors of the Township of Jordan.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome and that there is an occasion for a public road as desired by the petitioners. And that the same is believed necessary for a public road. And having had respect to the shortest distance and the best ground for such road and there being no damage claimed by Blake Sommers over whose property the newly proposed road is to pass, we return to Public use the following described road, to wit:-

Beginning at a point on Township Road Route #422 in the Township of Jordan, Clearfield County, Pennsylvania, approximately 1386 feet distant from the point where said Township Road Route 422 intersects Township Road Route #431 in said Township of Jordan; thence North 31 degrees fifteen minutes West 300 feet to a stake; thence North 27 degrees thirty minutes West 400 feet to a stake; thence North 34 degrees West 368 feet to a point where the newly proposed road intersects Township Road Route #431.

That after the view and hearing aforementioned, the undersigned viewers do agree in accordance with the prayer of the petition to vacate the section of road hereinafter described as having become useless, inconvenient

and burdensome to wit:-

Begining at the intersection of Township Road Route #422 and Township Road Route #431 in the Township of Jordan; thence in a Southeasterly direction a distance of approximately 1386 feet along Township Road Route #422 to a point where the newly proposed road as hereinabove described has its begining.

That the section of road that is being vacated is situated in a ravine and because of its location and close proximity to a small stream, is subject to damage by high water and particularly during heavy rain storms which cause the road in its present location to be frequently washed and damaged. That the road in its present location is burdensome to the Township of ~~Jordan~~ and although the condition of this road could be greatly remedied by the construction of a large culvert to divert the surplus water from off the highway, it is the opinion of your undersigned viewers that the construction of such a culvert would not be practical and that the Township would still be burdened, especially with extremely high water and that the public interest would be more conveniently and economically served by the supplying of a public road as hereinbefore laid out and recommended.

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 vacating of said road, a release in writing of all claims to damages that may arise from the vacating of said road, a 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:

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

Witness our hands and seals this 15th day of August, A.D. 1956

[SEAL]

E. Billotte

[SEAL.]

T.C. McGarvey

[SEAL.]

Viewers.

No. 56 Sept Term 1936

ORDER TO VACATE

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Now Sept Sessions 1936

read and confirmed Ni. Si.

By the Court
W. R. Gallagher
Now Sept Sessions 1936
confirmed absolute

RECEIVED	SEP 1 1936
W. R. GALLAGHER	CLERK

Filed 6 19

Atty.

Fees \$1.50 paid by
Chase & Chase, Attys.

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	5	40	
F. D. Dillot	5	50	
T. C. G. G. G. V.	2	140	

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 28th day of July A.D., 1936 to vacate and supply the following described public roads in the Township of Jordan, Clearfield County Pennsylvania:

(1) The road to be vacated begins at a point where Township Road Route # 422 intersects Township Road Route # 431; thence along said Route # 422 in an easterly direction, a distance of approximately 1/4 mile.

(2) The aforementioned road to be vacated and abandoned and supplied by a new road begining at a point being the eastern terminus of the proposed vacated piece and runing due West to a point where the newly proposed road intersects Township Road Route # 431. The distance of the newly proposed road being a little less than the vacated portion,

will meet at the intersection of Township Road Route # 422 and Township Road Route # 431 in the Township of Jordan Clearfield County, Pennsylvania, on Thursday the 13th day of August A.D., 1936 at 10:30 o'clock A.M. to attend the duties assigned them and that a 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 to be vacated and supplied an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield on Saturday the 15th day of August A.D., 1936 at 10:00 o'clock A.M. at which time and place all parties interested in said road may attend and be heard if they so desire.

A.B. Shaw

E.D. Billotte

T.C. McGarvey

Viewers.

Now this 1st day of August A.D., 1936 service of the above notice is hereby accepted by copy.

Myra E. Lucas
T.C. McGarvey
Clerk

To the Supervisors of the Jordan Township Road District,

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County on the 28th day of July A.D., 1936 to vacate and supply the following described public roads in the Township of Jordan, Clearfield County Pennsylvania:

(1) The road to be vacated begins at a point where Township Road Route # 422 intersects Township Road Route # 431; thence along said Route # 422 in an easterly direction, a distance of approximately 1/4 mile.

(2) The aforementioned road to be vacated and abandoned and supplied by a new road begining at a point being the eastern terminus of the proposed vacated piece and runing due West to a point where the newly proposed road intersects Township Road Route # 431. The distance of the newly proposed road being a little less than the vacated portion,

will meet at the intersection of Township Road Route # 422 and Township Road Route # 431 in the Township of Jordan Clearfield County, Pennsylvania, on Thursday the 13th day of August A.D., 1936 at 10:30 o'clock A.M. to attend the duties assigned them and that a 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 to be vacated and supplied an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield on Saturday the 15th day of August A.D., 1936 at 10:00 o'clock A.M. at which time and place all parties interested in said road may attend and be heard if they so desire.

A.B. Shaw

E.D. Billotte

T.C. McGarvey

Viewers.

Now this ^{6th} day of August A.D., 1936 service of the above notice is hereby accepted on behalf of the Supervisors of the Jordan Township Road District.


D. Strong
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~~ ^{vacate and supply} a Road in Jordan Township assess damages, leading from ~~any~~

(1) The road to be vacated begins at a point where Township Road Route # 422 intersects Township Road Route # 431; thence along said Route # 422 in an easterly direction a distance of approximately 1/4 mile.

in Jordan Township to

(2) The aforementioned road to be vacated and abandoned and supplied by a new road beginning at a point being the eastern terminus of the proposed vacated piece and running due West to a point where the newly proposed road intersects Township Road Route # 431, the distance of the newly proposed road being a little less than the vacated portion

in Jordan Township, in the County aforesaid, will

meet at the house of ~~XXXXXX~~ intersection of Township Road Route 422 and Township Road Route 431

in Jordan Township, on Thursday

the 16th day of August, A. D. 1926, at 10:30

o'clock M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

THAT A 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 TO BE VACATED AND SUPPLIED AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD ON SATURDAY THE 15th DAY OF AUGUST A.D., 1926 AT 10:00 O'CLOCK A.M. AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROAD MAY ATTEND AND BE HEARD IF THEY SO DESIRE.

A. B. SHAW

E. D. BILLOTTE

T. C. McGARVEY

