

ROAD

DOCKET No. 6

Number

Term

Year

10

Dec

1936

In re. Vacation of road in
Huston Township.

Versus

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

In the Matter of Vacation of parts) Of December Sessions
of a Public Road in Huston Town-) 1936.
ship.) No. 10.

To the Commissioners of Clearfield County, and the Supervisors
of Huston Township-

Please take notice that the undersigned have been appointed
Viewers to view and vacate parts of a Public Road in Huston Township,
known as Highway Route No. 17041, which is the public road leading
from Penfield to Clearfield; the parts proposed for vacation being
abandoned by the Department of Highways of Pennsylvania by reason
of the relocation and improvement of this highway, being between
Station No. 2327+52 and Station No. 2455+14, and having an aggregate
length of 12,762 feet.

The View will be held on WEDNESDAY, the 16th. day of December,
1936, beginning at 1.30 o'clock P. M., and the Viewers will meet for
said purpose at the store of Overturf & Johnston in the Village of
Penfield and proceed to the place of view, at the hour aforesaid.

The public hearing in the matter will be held in Court Room No.
2, in the Court House at Clearfield, Pa., on Friday, the 18th. day
of December, 1936, at 9.30 o'clock A. M., at which time and place
all parties may appear and will be heard.

E. G. Boose,
E. D. Billogte,
H. A. Giles,

December 8th-1936.

Viewers.

Now, December 8th., 1936, notice given by the Viewers by copy
and service is accepted.

Myra C. Lucas
For the Commissioners.
For the County Commissioners.

PUBLIC NOTICE.

Notice is hereby given that pursuant to a Petition presented to the Court of Quarter Sessions of Clearfield County, Pennsylvania, setting forth inter alia, that by reason of the Public Highway in Huston Township, in said County, leading from Penfield to Clearfield and known as Highway Route No. 17041, having been relocated and improved by the Department of Highways of the Commonwealth of Pennsylvania, that part thereof beginning at the line between Pine Township and Huston Township of said road heretofore used by the public, lying between Station 2327+52 and Station 2455+14, that is between the village of Penfield and the Pine Township line, and being in length, 12,762 feet, is at various points parallel with the said Highway as relocated, and the now unused sections thereof have been abandoned by the said Department of Highways, and are useless, inconvenient and burdensome to the tax payers of said Huston Township, and praying that Viewers be appointed to view and vacate said abandoned portions.

The Court has accordingly appointed the undersigned as Viewers to view said portions and to make report to the Court at February Sessions of 1937.

The Viewers will meet for said purposes at the store of Overturf & Johnston in the Village of Penfield, in Huston Township, on WEDNESDAY, the sixteenth day of December, 1936, at 1.30 o'clock, P. M.

The public meeting of the Viewers with parties in interest will be held in Court Room No. 2, in the Court House at Clearfield, Pa., on Friday, the 18th. day of December, 1936, at 9.30 o'clock A. M., at which time and place parties in interest may attend and will be heard.

E. G. Boose,
L. D. Billotte,
H. A. Giles

December 8th-1936.

Viewers.

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 2nd day of December in the year of our Lord, one thousand nine hundred and thirty-six

By the Honorable ~~James K. Smith~~ ^{W. Wallace Smith}, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Huston, in the County aforesaid setting forth that the said Penfield road as originally laid out had been taken over by the Dept. of Highways and was known as Route No. 17041. That in 1935 the Hwy. Dept. improved the State Highway from the Pine Twp. line on the South, Northerly to the highway Route No. 255, by making a macadam-tarvia highway, and in making said improvement said Highway Dept. changed the location of the said road at various points between the Pine Twp. line and Highway Route No. 255, as shown by a map hereto attached on which the improved road is located by parallel lines and that part of the road abandoned by the State is marked by a dotted line.

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 appoint from and among the County Board of Viewers E. D. Billotte, E. G. Boose, Esq. and

H. A. Giles 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. 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 Huston, 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

16th day of December, 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 18th day of December, A. D., 1936, at 9.30 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

all of the Viewers appointed to view the premises, to wit:
E. J. Moose, E. D. Billoette and H. A. Giles. There also attended, W. J. Lamich, one of the supervisors of Huston Township, representing the Board of Supervisors of said Township,

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 18th day of December,

A. D. 19 36, when the parties interested in the said road were in attendance: W. J. Lamich, A. Wilhelm and W. Maholtz, the Supervisors of Huston Township.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome by reason of the construction by the Department of Highways of the Commonwealth of Pennsylvania, of an improved Highway, which either is layed on the same ground as the original road or on ground practically parallel with the original road. The sections of the original road which are eliminated by reason of laying the new road on other ground are shown by the map prepared by the surveyor member of the Board of view is hereunto attached, showing the exact location of the ground or road bed of the parts so eliminated. The curves, with their respective Minutes and Degrees of variance are fully set out on the map attached hereto, rendering a written description here unnecessary.

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, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from all found that for practically the whole length of the road, there were no dwellings or buildings occupied by residents and that in consequence, no one of the landowners abutting the old road were damaged in any particular, but rather that all the landowners thru whose lands the new road is layed, have benefitted by said improvement. The Viewers have therefore awarded no damages.

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 19th day of December, A. D. 1936.

..... *E. S. Bovee* [SEAL.]
..... *E. J. Billotte* [SEAL.]
..... *H. Q. Gilmer* [SEAL.]

Viewers.

No. 10 Dec Term 1936

ORDER TO VACATE

To view and vacate road situate in the Township of Huston Clearfield County.

Now Feb Sessions 1937 read and confirmed Ni. Si.

By the Court
By the Court
Now May Sessions 1937 confirmed absolute.

E. H. Keller P. J.
By the Court

Filed 19

Atty, Realty & Realty
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
<u>11.00</u>	<u>3</u>	<u>39</u>	<u>1.95</u>
<u>2.00</u>	<u>3</u>	<u>64</u>	<u>3.20</u>
<u>3.00</u>	<u>4</u>	<u>34</u>	<u>4.60</u>

RECORDED
INDEXED
MAR 19 1937

IN RE: VACATION OF ROAD IN
HUSTON TOWNSHIP, CLEARFIELD
COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNSYLVANIA
NO. 10 December Sessions, 1936

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P E T I T I O N

TO THE HONORABLE THE JUDGE OF THE ABOVE NAMED COURT:

1. The undersigned, the supervisors of the Township of Huston, County of Clearfield, State of Pennsylvania, respectfully show that a road has long been laid out in the Township of Huston, County of Clearfield, State of Pennsylvania, beginning at a point on ~~said~~ Highway ~~where~~ route No. 255 in said Township, at a point where said Highway route leading from Clearfield to Penfield, and commonly known as the 'Penfield Road', intersects the said highway route No. 255 at the store of Johnson Overturf in the Village of Penfield; thence extending ^{Southerly} ~~westerly~~ from said point through said Township to the line of Pine Township in said County.

2. That the said Penfield road as originally laid out had been taken over by the Department of Highways of the State of Pennsylvania, and it was known as Highway Route No. 17041 and kept in repair by ^{it} ~~them~~ for a number of years.

3. That in 1935 the Highway Department of Pennsylvania improved the State Highway from the Pine Township line on the ^{Southern} ~~East~~ ^{highway} ~~Westerly~~ to the Highway Route No. 255, by making a macadam-tarvia highway, and in making said improvement said Highway Department changed the location of the said road at various points between the Pine Township line and the Highway Route No. 255 as shown by a map hereto attached on which the ^{improved} ~~road~~ is located by parallel lines and that part of the road abandoned by the State

is marked by a dotted line.

4. That the said Highway Department on the 6th day of November, 1936 notified your petitioner, ~~as~~ by letter hereto attached, of the improvement of said Highway, and that they had abandoned that part of the system marked by dotted lines, and that it reverts as a public highway to the jurisdiction of the Supervisors of Huston Township.

5. That the said road on said Highway route, marked by dotted lines on said map, has become useless, inconvenient and burdensome to the tax payers, of the Township of Huston, and your petitioners pray your honorable court to appoint viewers to view and vacate that part of said route marked as hereinbefore stated, as provided by the Laws of the Commonwealth of Pennsylvania, And they will ever pray, etc.

August Wilhelm
W. J. Larrick
Nicholas Moholy

Supervisors

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

SS

Personally appeared before me a Notary Public in and for said County and State, W.J. Lanich, who being duly sworn according to law deposes and says that he is one of the Supervisors of the Township of Huston and that the facts set forth in the foregoing petition are correct and true and the Exhibits therein contained are exhibits furnished by the Highway Department of the State of Pennsylvania.

W. J. Lanich

Sworn and subscribed before me
this 30 day of November, 1936

J. B. Ketchum, J.P.
My Commission Expires
Jan 1 - 1942



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS
HARRISBURG

IN REPLY REFER TO
Clearfield Co.
Huston Twp.
Rt. 17041 (3)
O. R. 207

November 6, 1936

Mr. M. J. Johnson, Sec.-Treas.
Board of Huston Township Supervisors
Penfield, Pennsylvania

Dear Sir:

The Department of Highways in improving State Highway Route 17041, within the boundaries of Huston Township, Clearfield County, has relocated the said highway from a point at Station 2327+52 to a point at Station 2455+14, a distance of approximately 12,762 feet or approximately 2.417 of a mile, more fully described and shown on the attached drawing.

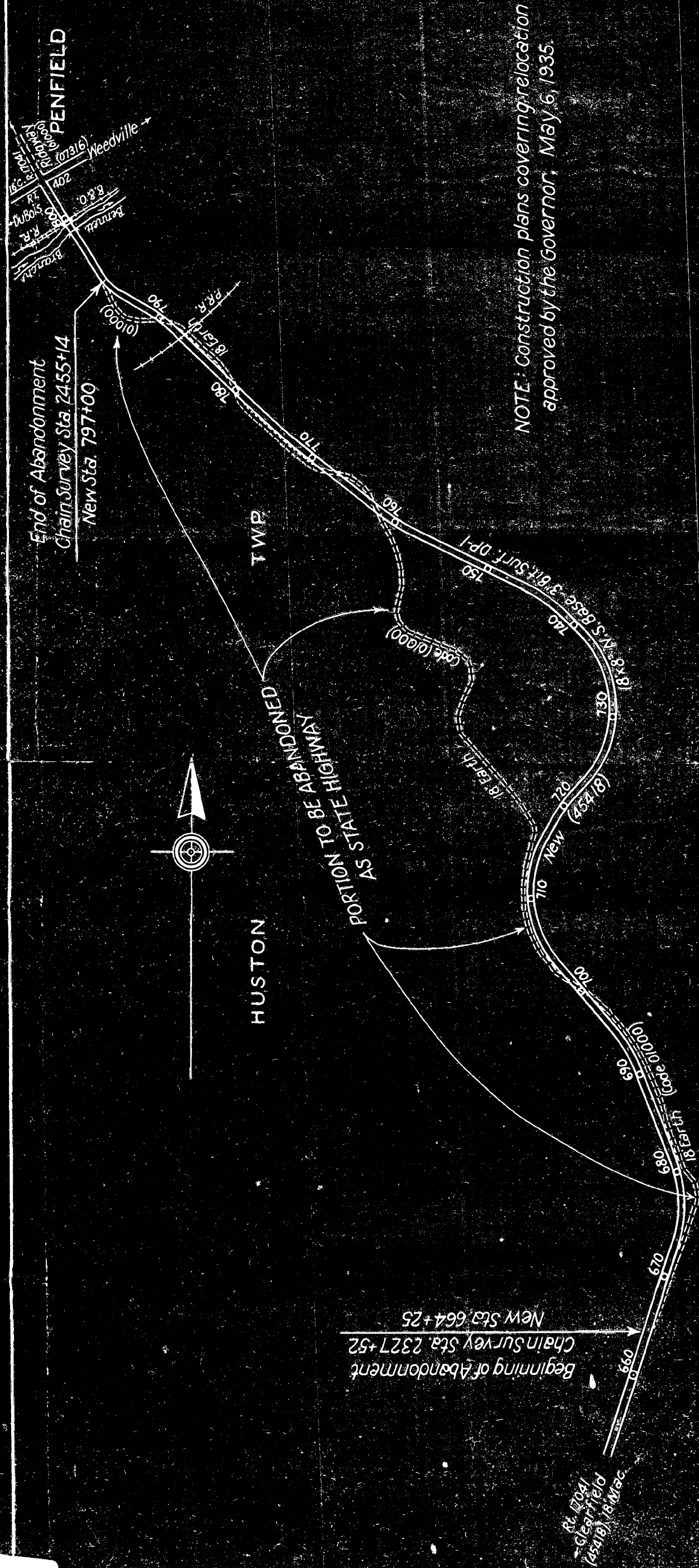
By this change of location the portion of road originally maintained as a part of the State Highway System, between the stations above referred to, is abandoned as a part of the system and reverts as a public highway to the jurisdiction of the officials who maintained it previous to its adoption as a part of the State Highway System.

If the authorities who now have jurisdiction over it are of the opinion that the portion abandoned as a State highway route is unnecessary for public use and travel or that it will be burdensome or dangerous, we suggest that you have a petition presented to the county court requesting its vacation as a public highway.

Very truly yours

Warren Van Dyke
Secretary of Highways

Encl.



8/10/10

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA 11/2 10 1012 58 14 36	IN RE: VACATION OF ROAD IN HUSTON TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA	<p>P E T I T I O N is presented by Virginia (Puff)</p> <p>and Dec. 1931: Al- tions and son- aided, and the upons E D. Butts E G Perry, son, and H A. Gide</p> <p>One appointed vil- and the river the into and as per- rled by lawn and so made report at field seasons 1937 H. Miller J. J. J.</p> <p>PENTZ & PENTZ ATTORNEYS AT LAW DU BOIS, PENNA.</p>
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