

ROAD

DOCKET No. 6

Number
1

Term
May SS

Year
1937

DECATUR TOWNSHIP--Petition to

Vacate Road

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

Re:

Vacation of Road in
Decatur Township.

.....

To the HON. W. WALLACE SMITH, PRESIDENT JUDGE OF SAID COURT:

The Supervisors of Decatur Township petition your Honorable Court as follows:

(1). That there exists in the Township of Decatur and County of Clearfield, a certain unimproved road in the Township of Decatur, being known as route #665.

(2). Route #665 consists of a portion of the former improved highway between Osceola Mills and Chester Hill Borough, Clearfield County, and at a point in around Stumptown at the junction of route #664 and #665, #665 continues through the woods an unimproved road, across route #53, the present improved highway between Osceola Mills and Chester Hill Borough, to Moshannon Creek and the County line.

(3). That there formerly existed at the County line over Moshannon Creek, a bridge which was rebuilt a few years ago by the Commissioners of the County of Clearfield. for and in behalf of the Township of Decatur.

(4). That during the floods of 1936 this bridge was washed out and the Works Progress Administration has refused an application for a project for the rebuilding of said bridge for the reason that the expense of rebuilding the same is not commensurate with the benefits thereof.

(5). That your petitioners have received a letter from the Department of Highways recommending that said road be abandoned.

(6). That no parties living along said road will be harmed or injured by its abandonment.

(7). That your petitioners are desirous of abandoning that portion of route #665 from the intersection of route #665 and #664, across route #53 to the Moshannon Creek and County line.

Wherefore your petitioners pray your Honorable Court that viewers be appointed to view said road, hold a hearing and report on the vacating of the same; and they will ever pray.

Herbert W. Higfield
Thomas Kerfoot
Ira W. Winter
Supervisors of Decatur Township

STATE OF PENNSYLVANIA :
COUNTY OF Centre : SS
~~CLEARFIELD~~ :

Before me the subscriber hereto, came Thomas Kerfoot, who being duly sworn according to law, deposes and says that the facts set forth in the within petition are true and correct to the best of his knowledge and belief and that the signatures of the various Supervisors thereto are the signatures of the Supervisors of Decatur Township; and that he as Secretary of the Board of Supervisors of Decatur Township makes this affidavit thereto for and in behalf of said Supervisors.

Sworn to and subscribed before:
me this 5 day of February :
1937 :

E. J. Hancock
NOTARY OF said place :

MY COMMISSION EXPIRES FIRST
MONDAY IN JANUARY 1942

Thomas Kerfoot

O R D E R

Now, February 6 A.D. 1937, the within petition having been read and considered, John Seelins, Harry E. Reese and H. G. Wilson are appointed viewers to view the premises herein described and after hearing, to make recommendation to this Court as to the vacating of the same.

BY THE COURT

James Long
5th Judicial
District
Pendleton

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

Re:

Vacation of Road in
Decatur Township.

PETITION FOR APPOINTMENT
OF VIEWERS.

RECEIVED
JUL 5 1917
J. M. PUGH, CLERK

BELL & SILBERBLATT
ATTORNEYS AT LAW
KURTZ BUILDING
CLEARFIELD, PENNA.
ms

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 Decatur, 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

19th day of March, A. D. 1937, 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 22nd day of March A. D., 1937, at 10 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 Ira Winters, Herbert Wigfield and Thos. Kerfoot, Supervisors of Decatur Township; Anthony Heffern, Supervisor of Rush Township; John J. Wayne and Joseph McGonigal;

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Grand Jury Arbitration Room in the Court House, in Clearfield, Pa., on the 22nd day of March,

A. D. 1937, when the parties interested in the said road were in attendance: M. L. Silberblatt, Esq., for Decatur Township Supervisors, petitioners; E. T. Kelley, Esq., for John G. Redding, et al. and Harold J. Boulton Esq., for Caroline Hale Stineman, -exceptants and protestants; and R. V. Maine for the County Solicitor. Thos. Kerfoot, Herbert Wigfield and Ira Winters, Supervisors, Raymond Sankey, John A. Redding, John J. Wayne, Jos. McGonigal, Anthony V. Heffern, David Cowfer, SHERALD SANKEY, witnesses, sworn, examined, cross-examined by Counsel and your Board. Whereupon the hearing was adjourned until the first Monday in May, 1937, by agreement of Counsel and your Board, at which time M. L.

Silberblatt, Esq., appeared with Thos. Kerfoot, Ira Winters and Herbert Wigfield, Supervisors of Decatur Township; F. W. Curtis, Engineer of the State Highway Department of Pennsylvania, Chas. O. Mattern; Harold J. Boulton, Esq. for Stineman Estate and their lessees: Parks and Joseph. The exceptants and protestants and their Counsel being unable to be present, the hearing was further adjourned to meet at the call of the Board of Viewers; and the final hearing was had on the 6th day of August, 1937, in the Grand Jury Room of the Court House, in Clearfield, when the following appearances were noted: M. L. Silberblatt, Esq., for petitioners; Harold J. Boulton and Edward T. Kelley for Exceptants and Robert V. Maine, Esq. for the County Solicitor of Clearfield County. F. W. Curtis, Engineer of the Highway Department of Pennsylvania, Clearfield Office, and Chas. O. Mattern, Farmer and Dairyman of Decatur Township, sworn, examined, cross-examined by Counsel and your Board.

And that after the view and hearings above mentioned, the undersigned Viewers agree and return that the aforesaid Road, to wit: (Route 665) Beginning at its intersection with the eastern line of Route 664: thence South 37 degrees East over Unimproved lands of the Stineman Estate ten hundred and thirty-six (1036) feet to a post; thence South 53 degrees East three hundred (300) feet to intersection with the western line of Route No. 53, leading

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 6th day of February in the year of our Lord, one thousand nine hundred and thirty-seven

JESSE C. LONG, 54th Jud. Dist., Specially Presiding

By the Honorable ~~JESSE C. LONG~~, President Judge of the said Court: Upon the petition of ~~sundry~~ supervisors ~~inhabitants~~ of the Township of Decatur, in the County aforesaid setting forth that there... exists in Decatur Twp. a certain unimproved road being known as route #665. Route #665 consists of a portion of the former improved highway between Osceola Mills and Chester Hill Borough, and at a point in around Stumptown at the junction of route #664 and 665, #665 continues through the woods an unimproved road, across route #53, the present improved highway between Osceola Mills and Chester Hill Boro. to Moshannon Creek and the County line.

That your petitioners are desirous of abandoning that portion of route #665 from the intersection of route #665 and #664, across route #53 to the Moshannon Creek and County 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 John Scollins, Esq., Harry E. Reese

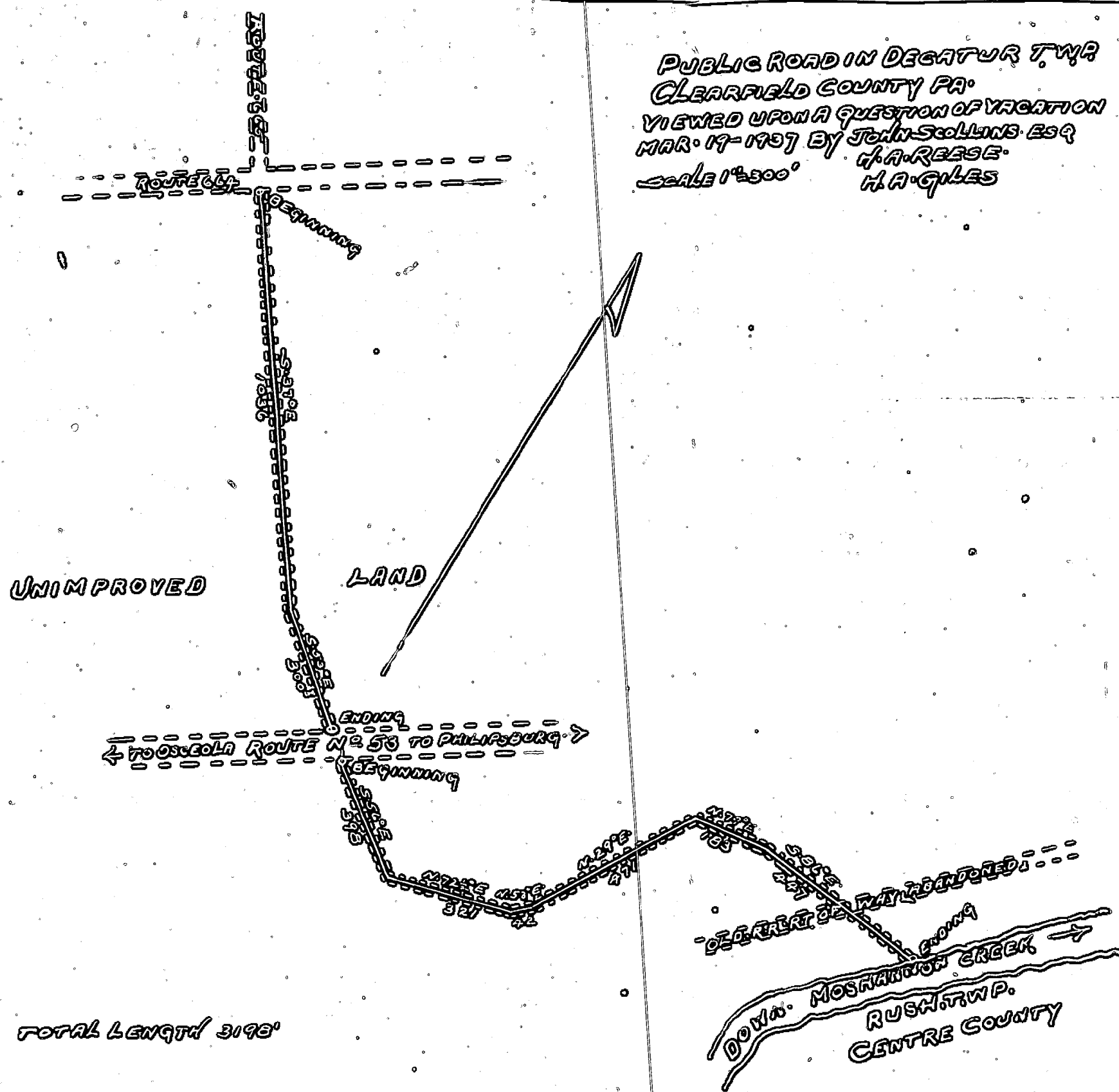
and H. A. Giles who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality 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.

PUBLIC ROAD IN DEGATUR TWP
CLEARFIELD COUNTY PA.
VIEWED UPON A QUESTION OF VACATION
MAR. 19-1937 BY JOHN COLLINS ESQ
H.A. REESE.
SCALE 1"=300' H.A. GILES



TOTAL LENGTH 3193'



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Clearfield
December 29, 1936

IN REPLY REFER TO

Centre-Clearfield Counties
Rush-Decatur Townships
O. R. 028

Thomas Kerfoot, Secretary
Decatur Twp. Board of Supervisors,
Philipsburg, Pennsylvania.

Dear Sir:

We have just been advised that the Works Progress Administration has definitely disapproved the application we filed with them for replacing the bridge between Route 320 in Rush Township and Route 665 in Decatur Township because of the comparatively limited traffic it will carry. We were also advised by them that consideration would be given to a revised application which will provide for the contribution by the sponsor of all or a large part of the non-labor costs of the bridge providing such an application is filed promptly; also that such an application should be filed and sponsored by the Supervisors of the two townships involved.

I would suggest that the Supervisors of both townships get together and discuss this matter; also, that they consult with Mr. Eisenman who is the local W. P. A. officer at Philipsburg so as to come to a decision as to what can be done.

I would also suggest that consideration be given by the Supervisors of Decatur Township to the vacation of all or part of Route 665 in their township; also that the Supervisors of Rush Township consider the vacation of a part of Route 320 so as to make the reconstruction of this bridge unnecessary.

Very truly yours,

W. J. Carroll
District Engineer
District No. 2-0.

Copy to
Helen S. McCord, Secretary of Rush Twp. Board of Supervisors,
Box 406, Philipsburg, Pa.

INTERCOUNTY BRIDGE OVER MOSHANNON CREEK

Rush Twp. Centre Co. Rt. 14320
Decatur Twp. Clearfield Co. Rt. 17665

2 spans, each 72'0"
Clearheight 10' + 4' foundation
Skew 90 degrees
Width of roadway 12'
P. D. H. S-712, S-900, R - 41

Masonry Abutments (Fixed ends)
" Pier (Exp. ends)
Steel I beams
Timber deck

219 Cu. Yd. masonry - use 1-3 marta

175 bbls. cement @ 2.30	\$402.50
71 tons sand @ 1.80	127.80
3.6 tons lime @ 10.00	36.00
16 Cu. Yds "B" concrete	

21 bbls. cement @ 2.30	48.30
10 tons sand @ 1.80	18.00
18 tons stone @ 1.95	35.10

459 #. reinf. bars @ 0.06	27.54
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10 - 36" I beams x 76 x 150#

(incl. braces, plates, etc)

102, 965# @ 0.06	6170.40
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853 Ft. B. M. lumber @ 0.40 per M.	34.12
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7148 Ft. B. M. lumber @ 2.00 2.60 per M.	428.88
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45 lin. ft. welding @ 2.00	90.00
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73 Bolts @ 0.10	7.30
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355 anchor plates @ 0.10	35.50
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775 double pointed nails @ 0.03	50.00
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Form lumber, runways, etx.@	80.00
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Concrete mixer 3 days	30.00
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Trucks hauling 219 Cu. Yds. stone	
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100 hrs. @ 0.85	85.00
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Trucks hauling I beams	
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60 hrs. @ 0.85	51.00
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Rental on derrick, gin	
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pole, etc.	60.00
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Tools	75.00
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Total	\$7915.69
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EX Plan
Ex "B"

TO: Q Herbert Wigfield, Ira Winters and Thos. Kerfoot,
Supervisors of Decatur Township:-

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 1, May Sessions, 1937, to view and vacate an unimproved road in Decatur Township, to wit: that portion of Route #665 extending from the intersection of Route #665 and #664, across Route #53 to the Moshannon Creek and County line, in Clearfield County aforesaid, will meet at the Intersection of Routes 665 and 664 in Decatur Township on Friday, the 19th day of March, A. D. 1937 at ten (10:00) o'clock A. 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 Monday, the 22nd day of March, A. D. 1937 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 Scellins
Harry E. Reese
H. A. Giles
Viewers

Dated, March 6th, 1937.

CLEARFIELD COUNTY, SS:

Now, this 8th day of March, A. D. 1937, service of the above Notice is accepted for the Supervisors of Decatur Township.

Herbert Wigfield
Ira Winters
Thomas Kerfoot
Supervisors

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, in re: No. 1, May Sessions, 1937, to view and vacate an unimproved road in Decatur Township, to wit: that portion of Route #665 extending from the intersection of Route #665 and #664, across Route #53 to the Moshannon Creek and County line, in Clearfield County aforesaid, will meet at the Intersection of Routes 665 and 664 in Decatur Township on Friday, the 19th day of March, A. D. 1937, at ten (10:00) o'clock A. 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 Monday, the 22nd day of March, A. D. 1937 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 Collins
Harry E. Reese
H. A. Giles
Viewers

Dated, March 6th, 1937.

CLEARFIELD COUNTY, SS:

Now, this 8th day of March, 1937, service of the above Notice is accepted for the Commissioners of Clearfield County.

Myra E. Lucas
Clerk

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 1, May Sessions, 1937, to view and vacate an unimproved road in Decatur Township, to wit: that portion of Route #665 extending from the intersection of Routes #665 and #664, across Route #53 to the Moshannon Creek and County line, in Clearfield County aforesaid, met at the intersection of Routes 665 and 664 in Decatur Township, the 19th day of March, 1937 at 10.00 o'clock A.M., to attend to the duties assigned them: all parties interested having had notice.

And that the adjourned 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 further opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Friday, the 6th day of August, 1937 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 are required to attend and be heard.

Dated: July 24, 1937.

John Scollins
T. H. A. Reese
H. A. Giles
Viewers.

CLEARFIELD COUNTY, SS:

Now this 27 day of July, 1937, service of the above Notice of adjourned Hearing, by copy, is accepted for:

Clearfield County

Frank G. Smith
Attorney
County Solicitor

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 1, May Sessions, 1937, to view and vacate an unimproved road in Decatur Township, to wit: that portion of Route #665 extending from the intersection of Routes #665 and #664, across Route #53 to the Moshannon Creek and County line, in Clearfield County aforesaid, met at the intersection of Routes 665 and 664 in Decatur Township, the 19th day of March, 1937 at 10.00 o'clock A.M., to attend to the duties assigned them: all parties interested having had notice.

And that the adjourned 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 further opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Friday, the 6th day of August, 1937 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 are required to attend and be heard.

Chas. Collins
H. A. Reese
H. A. Giles
Viewers.

Dated: July 24, 1937.

CLEARFIELD COUNTY, SS:

Now this 27 day of July, 1937, service of the above Notice of adjourned Hearing, by copy, is accepted for:

The Township of Decatur July 27, 1937.

Bell & Bell
Attorneys for Decatur Twp.
Superior

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, in re: No. 1, May Sessions, 1937, to view and vacate an unimproved road in Decatur Township, to wit: that portion of Route #663 extending from the intersection of Routes #665 and #664, across Route #53 to the Moshannon Creek and County line, in Clearfield County aforesaid, met at the intersection of Routes 665 and 664 in Decatur Township, the 19th day of March, 1937 at 10.00 o'clock A.M., to attend to the duties assigned them; all parties interested having had notice.

And that the adjourned 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 further opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Friday, the 6th day of August, 1937 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 are required to attend and be heard.

John Scollins
H. A. Keene
H. A. Gills
Viewers.

Dated: July 24, 1937.

CLEARFIELD COUNTY, SS:

Now this 6th day of ^{August} ~~July~~, 1937, service of the above Notice of adjourned Hearing, by copy, is accepted for:

Harold Thibouton
Attorney for Catherine Hale Steiman
Attorney.

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions, of Clearfield County, Pennsylvania, in re: No. 2, May Sessions, 1937, to view and vacate an unimproved road in Decatur Township, to wit: that portion of Route #665 extending from the intersection of Routes #665 and #664, across Route #53 to the Moshannon Creek and County line, in Clearfield County aforesaid, met at the intersection of Routes 665 and 664 in Decatur Township, the 19th day of March, 1937 at 10.00 o'clock A.M., to attend to the duties assigned them: all parties interested having had notice.

And that the adjourned 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 further opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Friday, the 6th day of August, 1937 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 are required to attend and be heard.

Dated: July 24, 1937.

John Redding
W. A. Reed
W. A. Giles
Viewers.

CLEARFIELD COUNTY, SS:

Now this 27 day of July, 1937, service of the above Notice of adjourned Hearing, by copy, is accepted for:

John Redding, et al

Edward T. Kelley
Attorney.

to Philipsburg from Osceola; and thence from the intersection of said Route 665 from the Eastern line of Route No. 53 aforesaid, South 56 degrees East three hundred and ninety-eight (398) feet to a post; thence North 72½ degrees East three hundred and twenty-one (321) feet to a post; thence North 53 degrees East forty-two (420) feet to a post; thence North 29 degrees East four hundred and seventy-one (471) feet to a post; thence North 79 degrees East one hundred and eighty-three (183) feet to a post; thence South 86 degrees East across old Railroad right-of-way abandoned four hundred and forty-seven (447) feet and ending on the line dividing Decatur Township in Clearfield County and Rush Township in Centre County, at Moshannon Creek; has become useless, inconvenient and burdensome and is therefore recommended for vacation.

Your Board further finds as a fact that the aforesaid road formerly served as an out-let for the settlement formerly known as Dunbar, a community once comprising 50 houses or families, who were employed in nearby mines and also on the Railroads; but all the houses have been torn down and removed, one of the railroads abandoned, and the bridge across Moshannon Creek, to the Centre County side, was washed away in the Flood of March 17, 1936; the respective Townships are unable financially to re-build it, the County Commissioners of the respective counties of Clearfield and Centre refuse to go along and bear the expense thereof. Applications were made to the various Administrators' Offices, Federal, Flood Control, and Department of Highways, to sponsor the Project of a new bridge which according to standard plans requires two 72-foot spans, 10 foot high, to carry a 13-ton load, as stipulated by the War Department, the cost of the material being \$7,915.69, without labor. The Department of Highways sponsored the Project, but the Federal Authorities withdrew their approval of the plans on August 15, 1936, because of the limited traffic to be served thereby;

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 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: No damages claimed or assessed.

Your Board therefore unanimously concludes that the aforeaaid Road should be vacated; and attaches hereto the specifications of material necessary for the new bridge (Exhibit "B") as also, the report of the District Engineer (Exhibit "A") of the Department of Highways.

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:

No damages claimed or assessed.

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

Witness our hands and seals this 25th day of August, A. D. 19 37

John Scallin [SEAL.]
H. A. Reese [SEAL.]
H. G. Giles [SEAL.]

Viewers.

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. A. Reese	4	135	46.65
H. A. Giles	3	52	32.60
John Scollins	5	150	57.50

FILED
AUG 27 1937
W. R. GALLAGHER
CLERK

g

No. 1 May Term 19 37

ORDER TO VACATE

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

Now *Sept* Sessions 1937 read and confirmed Ni. Si. *By the Court. R. Gallager*

Now Sessions 19 confirmed absolute.

By the Court. *Order 6.15.37. Confirmed absolutely. R. Gallager*

Filed 19

Atty. Bell & Silberblatt

~~RECEIVED~~