

ROAD

DOCKET No. 6

Number

6

Term

DEC

Year

1937

PIKE TOWNSHIP: to relocate

and supply road Route 17488

Versus

IN THE COURT OF QUARTER SESSIONS IN CLEARFIELD COUNTY, PENNSYLVANIA

In re: Abandonment and Relocation of :  
Road in Pike Township : No. 6 December Sessions 1937  
:  
:

MOTION

To Hon. W. Wallace Smith, President Judge of said Court

On the 18th day of November, Bell & Silberblatt as Attorneys for the Township of Pike, presented a Petition to your Honorable Court for the Abandonment and Relocation of a certain road in Pike Township, the prayer of which Petition requested the establishment of a new road and the erection of a portion of the old road rendered useless.

The viewers appointed by your Honorable Court gave notice of a view and hearing, which notice read to vacate and supply a road in the Township of Pike, and at the hearing it was understood that the Petition was a Petition for vacation and supply.

That the report of the viewers is ready for filing and will be filed concurrently with this Motion, but there being is the question in the minds of the viewers as to whether the original Petition adequately sets forth that this is a Petition to vacate and supply.

Bell & Silberblatt, Attorneys for the Township of Pike, move your Honorable Court for permission to amend said Petition so as to cause the same to read as a Petition to vacate and supply, instead of the words, relocate and abandon.

Bell & Silberblatt  
Attys for Pike Twp

NOW, December 13, A.D. 1937, the within Motion having been presented and the report of the viewers exhibited, which report shows that notice of the vacation and supply of a road was given, this Motion asking for leave to amend the original Petition to confirm with the viewers notice and report, the Motion is granted as prayed for, and the original Petition is to be considered as a Petition to vacate and supply road in the Township of Pike as described in the said Petition.

*N. Walter Smith*  
P.J.

IN THE COURT OF CLARENCE JAMES  
IN CHARLOTTE COUNTY, N.C.

No. 6 December Sessions 1937

IN RE: VACATION AND SUPPLY  
BOND IN FIRE INSURANCE.

NOTION

BELL & SILBERBLATT  
ATTORNEYS AT LAW  
KURTZ BUILDING  
CHARLOTTE, PENNA.

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 18th day of November in the year of our Lord, one thousand nine hundred and thirty seven.

W. WALLACE SMITH

By the Honorable ~~SHIRLEY D. DILL~~, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Pike, in the County aforesaid setting forth that ...there exists various roads, particularly Route 17488 which intersects Route 17039 at the property of T.L. Way Estate.

That the present road is located in close proximity to the Chestnut Ridge School House; and at the present time there is a W.P.A project for the improvement of Route 17488 a distance of one and one-half miles.

That it is proposed by said Supervisors that before the reconstruction of said Route on said project, that the curve at said School House be eliminated and that the Route 17488 leave Route 17039 at a distance of 135 feet to the West of the present intersection of said roads, and extend Northwardly by an almost straight line for a distance of approximately 800 feet to intersect with the present Route 17488; the advantage of said relocation being to eliminate a dangerous curve and a better location of said road so far as snow drifts and maintenance is concerned about 800 feet in length.

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 A. B. Shaw, Esq

J. M. Fry 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 Pike, 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 7th day of December, 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 9th day of December, A. D., 1937, at 10:30 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 Henry G. Hile, one of the Supervisors of Pike 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 9th day of December, A. D. 1937, when the parties interested in the said road were in attendance: M. I. Silverblatt, Esq. of the law firm of Bell and Silverblatt, Henry G. Hile and John C. Smeal, Supervisors of Pike Township, also Mrs. Jane Irwin, Mrs. Edith McFadden and Mrs. Monroe Bloom, owners or part owners of the T. I. Way Estate property over which the hereinafter described road is to pass.

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 occasion for a public road as desired by the petitioners, and that the same is believed necessary for the convenience and safety of the traveling public: And having had respect to the shortest distance and the best ground for such road we have laid it out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioners, and do return for public use the following described road to wit:-

Beginning at a point on the Northside of Township Road Route #17039 in the Township of Pike approximately 138 feet west of the center line of Township Road Route #17488 in said Township; thence North 22 degrees 30 minutes East over land of T. I. Way Estate, a distance of 800 feet to a point where the newly proposed road intersects with Township Road Route #17488.

That after the view and hearing aforesaid, the undersigned Viewer's do agree, in accordance with the prayer of the petition to vacate a certain portion of Township Road Route #17488 in said Township of Pike, hereinafter described, as having become useless, inconvenient and burdensome to wit:-

Beginning at the present intersection of Township Road Route #17039 and Township Road Route #17488 in the Township of Pike; thence North 12 degrees 30 minutes East along Township Road Route #17488 a distance of 762 feet

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 18th day of November, A.D., 1937, to vacate and supply the following described road in the Township of Pike, Clearfield County, Penna,

The road to be vacated, begins at the intersection of Township Road Route #17488 and Township Road Route #17039 in the Township of Pike, Clearfield County, Pennsylvania, at or near the property of the T.L.Way Estate; thence along Township Road Route #17488, a distance of approximately 600 feet.

The above road or portion thereof to be vacated and abandoned and supplied by a new road, beginning at a point on Township Road Route #17038 a distance of approximately 135 feet to the West of the present intersection of Township Road Route #17038 and Township Road Route #17488; thence in a Northerly direction by an almost straight line for a distance of approximately 800 feet to a point where the newly proposed road intersects the old Township Road Route #17488 in said Township of Pike.

will meet on the premises, at or near the Chestnut Ridge School House in the Township of Pike, Clearfield County, Pennsylvania, on Tuesday the 7th day of December, A.D., 1937 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 Viewer's 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 Law Library in the Court House at Clearfield, on Thursday the 9th day of December, A.D., 1937 at 10:30 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

J.M.Fry

W.A.Ciles

Now this 22nd day of November, A.D., 1937, service of  
the foregoing notice is hereby accepted on behalf of the County  
Commissioners of Clearfield County.

*Myra E. Lucas*  
Clerk.



TO THE SUPERVISORS OF THE TOWNSHIP OF PIKE, CLEARFIELD  
COUNTY, PENNSYLVANIA.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 18th day of November, A.D., 1937, to vacate and supply the following described road in the Township of Pike, Clearfield County, Penna,

The road to be vacated, begins at the intersection of Township Road Route #17488 and Township Road Route #17039 in the Township of Pike, Clearfield County, Pennsylvania, at or near the property of the T.L. Way Estate; thence along Township Road Route #17488, a distance of approximately 600 feet.

The above road or portion thereof to be vacated and abandoned and supplied by a new road, beginning at a point on Township Road Route #17038 a distance of approximately 135 feet to the West of the present intersection of Township Road Route #17038 and Township Road Route #17488; thence in a Northerly direction by an almost straight line for a distance of approximately 800 feet to a point where the newly proposed road intersects the old Township Road Route #17488 in said Township of Pike.

will meet on the premises, at or near the Chestnut Ridge School House in the Township of Pike, Clearfield County, Pennsylvania, on Tuesday the 7th day of December, A.D., 1937 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 Viewer's 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 Law Library in the Court House at Clearfield, on Thursday the 9th day of December, A.D., 1937 at 10:30 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

J.M. Fry

H.A. Giles

Now this 22nd day of November, A.D., 1937, service of  
the foregoing notice of view is hereby accepted on behalf of the  
Supervisors of the Township of Pike.

*Henry G. Heil*  
Secretary.

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to ~~vacate and supply~~ <sup>vacate and supply</sup> ~~view a road~~ <sup>view a road</sup> assess damages, leading from ~~in the Township of Pike, Clearfield County, Penna.~~

The road to be vacated, begins at the intersection of Township Road Route #17408, and Township Road Route #17039 in the Township of Pike, Clearfield County, Pennsylvania, at or near the property of the E.L. Fry Potatoes; thence along Township Road Route #17436, a distance of approximately 600 feet.

The above road to be vacated and abandoned and supplied by a new road, beginning at a point on Township Road Route #17039 a distance of approximately 135 feet to the West of the present intersection of Township Road Route #17039 and Township Road Route #17436; thence in a northerly direction by an almost straight line for a distance of approximately 600 feet to a point where the newly proposed road intersects the old Township Road Route #17436

~~in the Township of Pike, Clearfield County, Penna.~~ Township, for

in ~~PIKE~~ Township, in the County aforesaid, will meet ~~at the house of~~ <sup>on the premises</sup>

in ~~PIKE~~ Township, on ~~Tuesday~~

the ~~9th~~ day of ~~December~~, A. D. 1927, at 10:30

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 A PUBLIC MEETING 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 LAW LIBRARY IN THE COURT HOUSE AT CLEARFIELD, ON THURSDAY THE 9th DAY OF DECEMBER A.D., 1927 AT 10:30 O'CLOCK A.M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROAD MAY APPEAR AND BE HEARD, IF THEY SO DESIRE.

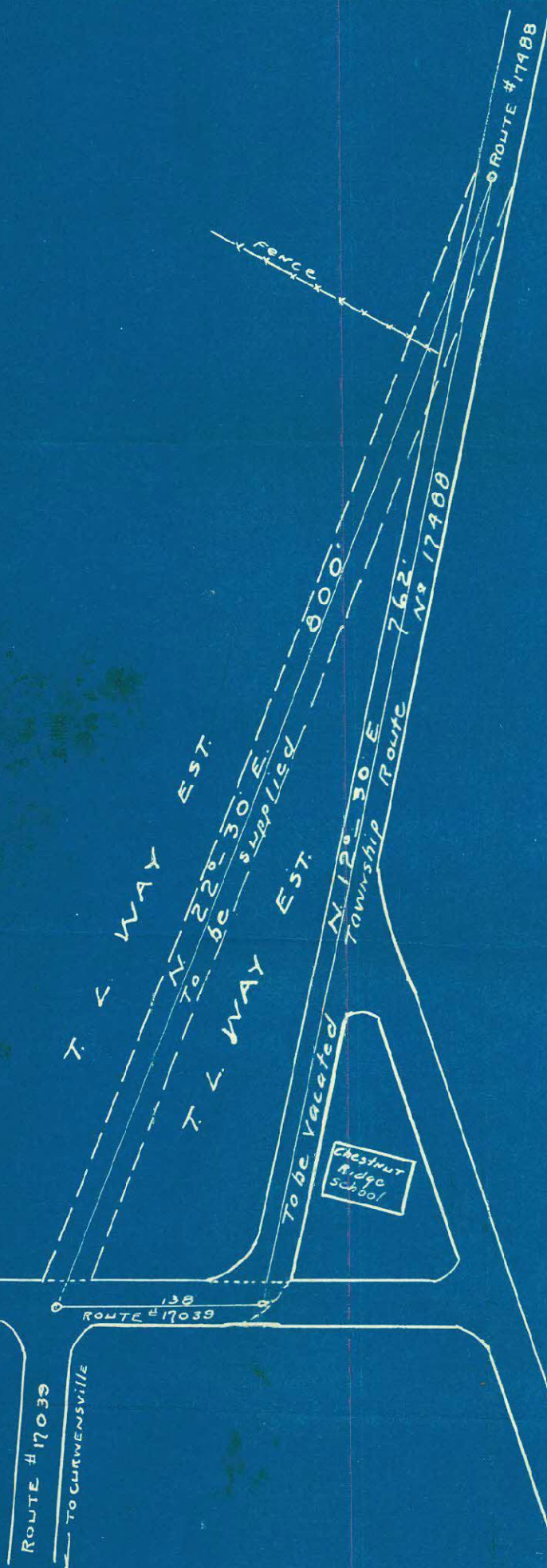
A.B. GRAY

J.H. FRY

H.A. GILES

VIEWSERS

NOVEMBER 22nd 1927



SCALE: 1" = 100'

ROAD VIEW—PIKE TOWNSHIP

DISTANCE TO BE VACATED  
ON ROUTE NO. 17488-762 FT.

DISTANCE TO BE SUPPLIED  
FOR ROUTE NO. 17486-800 FT.

VIEWED DECEMBER 7-1937.

VIEWERS { A. B. SHAW  
J. E. FRY  
W. A. GILES



to a point where said road intersects the newly proposed Route #17488.

That the section of Township Road Route #17488 that is being vacated and supplied, will eliminate two sharp curves in the present road system of the Township of Pike as the blue print hereto attached will more clearly disclose, and that the public interest, from the standpoint of safety and economy will be better served by the supplying of a public road as hereinabove 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 vacation thereof, and that they procured such 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 <sup>supply</sup> 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: To the T.L. Way Estate or to the present owner or owners of the land appropriated \$100.00.

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

Witness our hands and seals this 9th day of December A.D. 1937

..... [SEAL]  
..... [SEAL]  
..... [SEAL]

Viewers.

No. 6 Dec Term 19 37

# ORDER TO VACATE

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

Now 7th Sessions 1938

read and confirmed Ni. Si.

By the Court  
W. R. Gallagher  
Now May Sessions 1938

confirmed absolute.

By the Court  
W. R. Gallagher

Filed 19

Atty. Bell & Silberblatt

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
A. B. Shaw	3	28	5.20
J. M. Far	4	152	
K. A. Gales	2	33	1.65

FILED  
DECLINING  
W. R. GALLAGHER  
CLERK



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

Re: Abandonment and  
relocation of road in  
Pike Township.

:  
:  
: No. Sessions 1937  
:  
:

TO THE HON. W. WALLACE SMITH, President Judge of said Court:

The petition of the Supervisors of the Township of Pike respectfully represents:

(1). That there exists in the Township of Pike at the present time, various roads, particularly Route 17488 which intersects Route 17039 at the property of T. L. Way Estate.

(2). That there exists at this point a dead end so far as Route 17488 is concerned, and an almost right angle curve in either direction.

(3). That the present road is located in close proximity to the Chestnut Ridge School House; and at the present time there is a W.P.A. project for the improvement of Route 17488 for a distance of one and one-half miles.

(4). That it is proposed by said Supervisors that at and before the reconstruction of said Route on said project, that the curve at said School House be eliminated and that the Route 17488 leave Route 17039 at a distance of 135 feet to the West of the present intersection of said roads, and extend Northwardly by an almost straight line for a distance of approximately 800 feet to intersect with the present Route 17488; the advantage of said relocation being to eliminate a dangerous curve and a better location of said road so far as snow drifts and maintenance is concerned, and involving the re-location of said road about 800 feet in length.

MY COMMISSION EXPIRES FIRST  
MONDAY IN JANUARY, 1940.

O R D E R

Now, November 18, 1937, the petition to vacate and supply road in the Township of Pike having been presented, A. B. Shaw Esq. —, J. M. Fry and H. A. Giles are appointed viewers to go on the premises, examine the same and lay out the proposed road, and after hearing had, to report to this Court their recommendations as to same, as required by law.

BY THE COURT

J. Walter Smith  
P.J.

IN THE COURT OF QUARTER  
SESSIONS OF CHESTERFIELD  
COUNTY, PENNSYLVANIA.  
No. 6, Sessions 1937

*vs.*

Re: Abandonment and  
re-location of road in  
Pike Township.

PETITION FOR APPOINTMENT  
OF VIEWERS

BELL & SUBERBLATT  
ATTORNEYS AT LAW  
KURTZ BUILDING  
CHESTERFIELD, PENNA.