

ROAD

DOCKET No. 7

Number

Term

Year

7

May

ss 1937

BRADY TOWNSHIP: VACATE AND SUPPLY

ROAD

Versus

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 **13th** day of **Apr 11** in the year of our Lord, one thousand nine hundred and **thirty seven**

W. WALLACE SMITH

By the Honorable ~~Singleton Ball~~, President Judge of the said Court: Upon the petition of ~~xxxxxx~~ **Supervisors and Citizens** ~~xxxxxx~~ of the Township of **Brady**, in the County aforesaid setting forth that ~~within~~

said township there in a public road beginning at State Highway No. 322, opposite the barn of P. W. Draucker, lately deceased, and extends first in a Southerly direction generally and then Westerly, ending in another public road at the Wingert School House;

That the first mentioned road in about to be permanently improved and that a part of said first mentioned road, beginning at a point of division between the lands of said Mrs. Herbert Pentz and Henry J. Wingert, crosses the said public road, and ending at a point in the said public road, almost opposite the farm house on said farm lands of Henry J. Wingert, has in said section, two sharp curves which in the opinion of your petitioners, ought to be eliminated when the said road is improved

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., H. A. Giles**

and E. D. Billotte

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.

and make report to the Court the First Monday of May, 1937.

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 Brady, 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

23th day of April, 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~~ ^{Grand Jury} Room in the Court House, in Clearfield,

Pa., on the 29th day of April, A. D., 1937, 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 J. W. Duffy one of the Supervisors of the Township of Brady, Henry J. Wingert and his wife and others.

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 29th day of April,

A. D. 1937, when the parties interested in the said road were in attendance: There were no persons present at this hearing.

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 change in Township Road Route #17353 in the Township of Brady and that such change is believed necessary for the betterment and safety of the traveling public. And having had regard to the shortest distance and the best ground for such road and the least damage to the property owner whose land the same will pass, we return for public use the following described road, the same to supplant the present Township Road Route #17353 to wit:

Beginning at a point on the present Township Road Route #17353 on the Northern boundary line of the property of Henry J. Wingert; thence South 66 degrees, 51 minutes East over land of Henry J. Wingert, a distance of approximately 750 feet to a point on old Township Road Route #17353; thence South 20 degrees over land of Henry J. Wingert a distance of approximately 154 feet where the newly proposed road intersects Township Road Route #17353.

7 The above mentioned road recommended by your undersigned Viewer's for construction will eliminate and supplant the present Township Road Route #17353, the same to be vacated and abandoned as follows:

Beginning at the point of construction of the new road on the Northern edge of the property of Henry J. Wingert; thence South along Township Road Route #17353, approximately 590 feet to a stake; thence East along Township Road Route #17353 to a point ^{approximately 375 feet} where the present Township Road Route #17353 intersects the newly proposed road; thence South along Township Road Route #17353

a distance of approximately 154 feet to a point where the newly proposed road intersects Township Road Route #1755.

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:

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: To Henry J. Wingert \$100.00, and in addition the Township of Brady will be required to cut down remove or burn, one large cherry tree and two small walnut trees near the barn adjacent to the road, also the sod or top soil removed in the construction of the new road is to be placed on the old Township Road to the West thereof, The Township of Brady is further required to place a closed sewer at the intersection of the new road and the old road, near barn and that said closed sewer and we herewith return releases obtained, and copy of the notices, be extended 20 feet below new Road to provide a crossing over said sewer into field adjacent to the barn.

Witness our hands and seals this

29th day of

A.D. 1937

 [SEAL.]

 [SEAL.]

 [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
A. B. Shaw	5	45	22.25
J. J. Zillo + 253		105	35.25
H. A. Giles	2	55	22.75

No. 7 May Term 1937

ORDER TO VACATE

and supply
To view and vacate/road situate

in the Township of Brady
Clearfield County.

Now May Sessions 1937
read and confirmed Ni. Si.

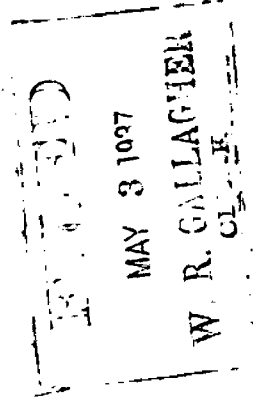
By the Court.
Now Sept. Sessions 1937.
confirmed absolute.

By the Court.
(H. H. Haller Jr.)

Filed 19

Atty, no

Fees \$1.25 paid by



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, Pennsylvania, on the 13th day of April, A.D., 1937, to vacate and supply the following described roads in the Township of Brady, Clearfield County, Pennsylvania,

The roads to be vacated consist of two sharp curves in that certain section of Township Road Route #17353 in Brady Township, beginning at or near the point of division of the properties of Mrs Herbert Pentz and Henry J. Wingert; thence extending in a general westerly direction a distance of approximately one half mile and ending opposite the farm house of Henry J. Wingert.

The aforementioned curves in said Township Road Route #17353 to be vacated and abandoned and supplied by new sections in said road which will eliminate said curves and make the road safer and more convenient for the traveling public.

will meet at the house of Henry J. Wingert in the Township of Brady Clearfield County, Pennsylvania, on Wednesday the 28th day of April A.D., 1937 at 10:00 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 Viewer's before the filing of their report in Court, in order to give all parties interested in the said roads 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 Thursday, the 29th day of April, A.D., 1937 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

H.A. Giles

Viewer's

Now this 19th day of April, service of the above notice is hereby accepted by copy.

Myra E. Lucas
Clerk.

TO THE SUPERVISORS OF THE TOWNSHIP OF BRADY, CLEAR FIELD COUNTY, PA

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, on the 13th day of April, A.D., 1937, to vacate and supply the following described roads in the Township of Brady, Clearfield County, Pennsylvania,

The roads to be vacated consist of two sharp curves in that certain section of Township Road Route #17353 in Brady Township, beginning at or near the point of division of the properties of Mrs Herbert Pentz and Henry J. Wingert; thence extending in a general westerly direction a distance of approximately one half mile and ending opposite the farm house of Henry J. Wingert.

The aforementioned curves in said Township Road Route #17353 to be vacated and abandoned and supplied by new sections in said road which will eliminate said curves and make the road safer and more convenient for the traveling public.

will meet at the house of Henry J. Wingert in the Township of Brady Clearfield County, Pennsylvania, on Wednesday the 28th day of April A.D., 1937 at 10:00 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 Viewer's before the filing of their report in Court, in order to give all parties interested in the said roads 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 Thursday the 29th day of April, A.D., 1937 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

H.A. Giles

Viewer's

Now this 17 day of April, service of the above notice is accepted on behalf of the Supervisors of Brady Township.

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 assess damages, leading from in the Township of Brady, Clearfield County, Pennsylvania,

the road or roads to be vacated consist of two sharp curves in that certain section of Township Road Route #17033 in the Township of Brady, beginning at or near the point of division of the properties of Mrs Herbert Fanta and Henry J. Ringert; thence extending in a general westerly direction, a distance of approximately one half mile and ending opposite the farm house of Henry J. Ringert.

The aforementioned curves in said Township Road Route #17033 to be vacated and abandoned and supplied by new sections which will eliminate said in curves and make the road safe, Township, and more convenient for the traveling public.

in Township in the County aforesaid, will meet at the house of Henry J. Ringert in Brady Township, on Wednesday the 20th day of April, A. D. 1927, at 10:00 o'clock A.M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

THAT THE PUBLIC HEARING AS REQUIRED BY ACT OF ASSEMBLY AND RULES OF COURT TO BE MADE BY THE VIEWERS BEFORE THE FILING OF THEIR REPORT IN COURT, IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID ROADS TO BE VACATED AND SUPPLIED AN OPPORTUNITY TO BE HEARD, WILL BE MADE IN ONE GRANT JURY ROOM IN THE COURT HOUSE AT CLEARFIELD ON THURSDAY ORAL 20th DAY OF APRIL A.D. 1927 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. J. SHAW

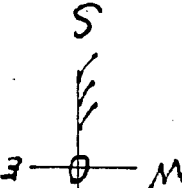
H. D. BILLOTT

H. A. GILES

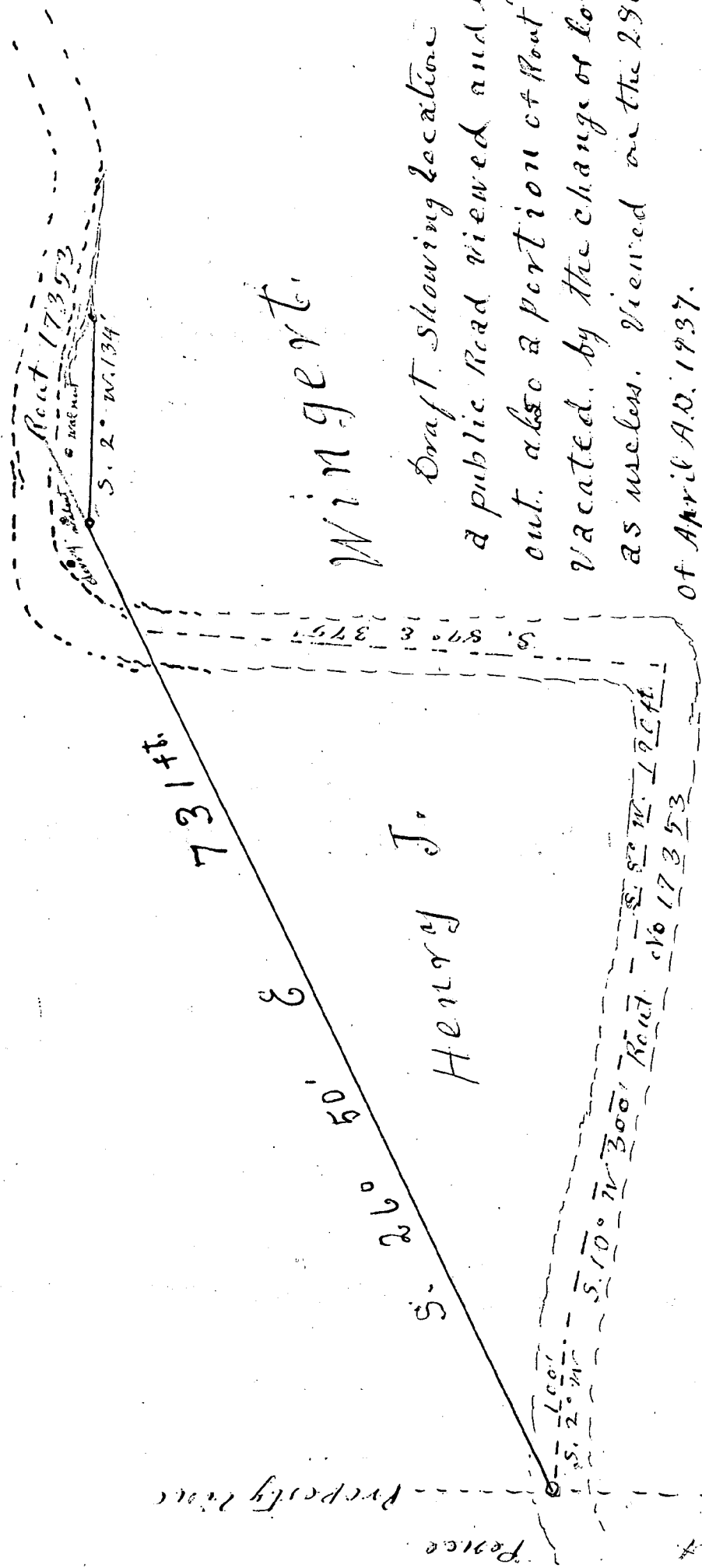
APRIL 20th

19

VIEWSERS



BARN



Draft showing location of
a public Road viewed and laid
out, also a portion of Road 17353
vacated, by the change of location
as useless. Viewed on the 28th day
of April A.D. 1937.

A.B. Shaw.
Total length vacated 965 ft. C.D. Billotte.
Total length of New Road 865 ft. H.A. Giles.
Viewers.

Property line

Peace

Mrs. Herbert

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

To the Honorable W. Wallace Smith, the President Judge of the said Court;

Your undersigned, who are Supervisors and citizens of the Township of Brady, in said county of Clearfield, respectfully represent-

That within said Township there is a public road beginning at State Highway No. 322, opposite the barn of P. W. Draucker, lately deceased, and extends first in a Southerly direction generally, and then Westerly, ending in another public road at the Wingert School House;

That the first mentioned road is about to be permanently improved and that a part of said first mentioned road, beginning at a point Southerly from the farm house of Mrs. Herbert Pentz, where the line of division between the lands of said Mrs. Herbert Pentz and Henry J. Wingert, crosses the said public road, and ending at a point in the said public road, almost opposite the farm house on said faem lands of Henry J. Wingert, has in said section, two sharp curves which in the opinion of your petitioners, ought to be eliminated when the said road is improved.

Wherefore your petitioners pray that the Court may appoint Viewers, from and out of the County Board of Viewers, to view the premises and vacate the said section of public road above described and supply the same by laying out another section which will eliminate the sharp curves above referred to, And they will ever pray.

NAMES OF PETITIONERS.

L. J. Barker
W. H. Duff
F. L. Hartsfeld
Earl Aurand
L. O. Whitesell
Levi B. Draucker
O. R. Wingert
M. J. Hager
W. J. Hager
Everett A. Kramer
D. L. McLaughy

CLEARFIELD COUNTY,)
PENNSYLVANIA.) SS

Before me, the subscriber, a Justice of the Peace in and
for Clearfield County, Pennsylvania, personally came

-----one of the signers to the foregoing
petition and he being by me duly sworn according to law, deposes
and says that the averments therein contained are true and
correct.

F. L. Hartford

Sworn and subscribed before me
this 10th day of April, 1937.

Ernest Bruce
 Justice of the Peace.
 Notary Public
 my Commission
 expires April 12-1939

[illegible]

IN THE COURT OF QUARTER SESSIONS
-OF-
CLEARFIELD COUNTY, PENNSYLVANIA
No. 7 MAY TERM, 1937.

Petition for Viewers to view
vacate and supply part of a
Public Road in Brady Township.

Now, this 3rd day of April, 1937
the within Petition and read con-
sidered, and thereupon the Court
appoints A. A. Miller & E. D. Miller
Viewers, to view the premises and
make report to the Court the first
Monday of May, 1937.

By the Court,
A. S. Miller Jmt. P/J.

40084
CLERK
(Brady City Rd.)