

ROAD

DOCKET No. 6

| Number | Term | Year |
|--------|---------|------|
| 1 | Dec. SS | 1938 |

BIGLER TOWNSHIP--Petition for a
Public Road

Versus

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 20th day of September in the year of our Lord one thousand nine hundred and thirty-eight

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Bigler in said County, setting forth that they labor under great inconvenience in not having a road or an outlet from our place of residence.

We petition that Viewers be appointed to lay out a road, beginning at a point near the property and residence of Martin Nosal; thence South along the property of George Nedvit, Alex Katcher and Metro Bungo to a Township road leading from Smoke Run, to Eureka #22 or New London, in Beccaria Township, Clearfield County, Penna.

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers John Scollins, Esq.,

E. D. Billotte and T. C. McGarvey

who have been duly appointed by the Court and filed their oaths of office and are duly qualified to perform the duties of their appointment with impartiality and according to the best of their judgement, are to view the ground proposed for the said road, and if they view the same, and a majority of the actual viewers agree that there is occasion for such road they shall proceed to lay out the same, as agreeable to the desire of the petitioner as may be, having respect to the best ground for a road and the shortest distance, in such a manner as to do the least injury to private property; and shall make report thereof, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances and references to the improvements through which the same may pass; (and wherever practicable, the viewers shall lay out the said road at an elevation not exceeding five degrees, except at the crossing of ravines and streams, when by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

And if the viewers aforesaid shall decide in favor of locating a public road, they shall obtain from the persons through whose lands the said road shall pass, releases from any damages that may arise to them on opening the same; but if the owner or owners of such land refuse to release their claim to damages, the said viewers shall assess the same, taking into view the advantages as well as disadvantages arising from said location, and make report of such assessments; 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 place where, they should meet, to view and lay out said road, and the time and place of hearing

By order of the Court.

W. P. Gallagher, Clerk.

RETURN OF VIEWERS

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

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, be leave to report as follows:

That notice of the time of 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

Bigler and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 11th day of October A. D. 1938, and the hearing to be held in the ~~Anteroom~~ Grand Jury Room, at the Court House, in Clearfield, Pa., on the 14th day of October, 1938, at 10 o'clock A.M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Martin Nosel, George Ned-vit, John Katcher and Frank Finch, petitioners; William J. Hensal and Raymond Siford, Supervisors of Bigler Township,

Grand Jury
parties in interest. That the hearing was held in the ~~Examination~~ Room, in the Court House, at Clearfield, Pa., on the 14th day of October A. D. 1938, when the following appearances were noted: Martin Nosal, George Nedvit, John Katcher and Frank Finch, petitioners: All of whom were sworn, examined and cross-examined by your Board.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is _____ occasion for a road as desired by the petitioner, and that the same is _____ necessary for a Public road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for Public use the following described road, to wit Beginning at a point near the property and residence of Martin Nosal in a sixty-foot Street dedicated for highway purposes by the Estate of John Beyer, deceased, and extending from the Township road leading from Smoke Run to Eureka #22, to Banian, via the Irvin Farm now occupied by Mrs. Mary Vancos: thence South 23 degrees East, along properties of the said Martin Nosal, George Nedvit, Alex Katcher, Morris Lloyd and Metro Bungo, and frongint thereon, eight hundred ninety-five (895) feet, six (6) inches, and ending in the Township Road leading from Smoke Run to Eureka #22.

We further find that the said road is necessary for public travel and the use of property owners abutting thereon; that the present street, serving this built-up section, was washed out during the Flood of 1936, is in need of re-building, and that merchants refuse to make deliveries of groceries to the owners of properties and homes living thereon, and that in inclement weather they are required to carry their own food from the public road to their homes; that the Doctors charge \$1.00 extra for professional calls to their homes; that they are unable to have coal and fuel delivered to their homes and have had their homes there for over 15 years; and notwithstanding one of the termini is at a point other than in a public highway or place of public resort, we recommend said road so as aforesaid laid out, as a public road.

Map showing property boundaries and locations. The map includes a main road, a private road, a Metrol Bango, and property lines for Morris Lloyd and George Nedvit. A street line is also present. A note on the right side reads: "Draft Showing location of a Public Right of Way and laid out in Bingham, Pa. Oct. 11th A.D. 1938. John Scollins, E.D. Billotte, T.C. McGarvey. witness."

Property lines:

- Morris Lloyd: 895' 6"
- George Nedvit: 5230 East

Other markings:

- Metrol Bango
- Street
- Public Right of Way
- Private Road
- Road To Cunker

TO: The Commissioners of Clearfield County, Pennsylvania:-

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

In re: Order to view and lay out
a road for public use in the Town-
ship of Bigler. No. 1, December SS., 1938.

You are hereby notified that the undersigned Viewers,
appointed by the Court to the above number and term, to view and
lay out for public use in the Township of Bigler the following
road: Beginning at a point near the property and residence of
Martin Nosel; thence South along the property of George Nedvit,
Alex Katcher and Metro Bungo to a Township Road leading from
Smoke Run to Eureka #22 or New London in Beccaria Township, in
the County aforesaid, will meet at the property of Martin Nosel
in said Township of Bigler on Tuesday, the 11th day of October,
1938 at two o'clock P. M., to attend to the duty assigned them,
of which time and place aforesaid, all parties interested will
take notice.

And that the public hearing required by Act of Assembly
and the 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
Friday, the 14th day of October, 1938 at 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 Scollins

E. S. Billatte

T. C. McGarvey

Viewers

Dated: September 29th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 3rd day of October, 1938, service of the
above Notice is accepted for the Commissioners of Clearfield
County.

Myra E. Lucas
Clerk

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

In re: Order to view and lay out
a road for public use in the Township of Bigler. No. 1, December SS., 1938.

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to view and lay out for public use in the Township of Bigler the following road: Beginning at a point near the property and residence of Martin Nosel; thence South along the property of George Nedvit, Alex Katcher and Metro Bungo to a Township Road leading from Smoke Run to Eureka #22 or New London in Beccaria Township, in the County aforesaid, will meet at the property of Martin Nosel in said Township of Bigler on Tuesday, the 11th day of October, 1938 at two o'clock P. M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice.

And that the public hearing required by Act of Assembly and the 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 Friday, the 14th day of October, 1938 at 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 Scellis
E. S. Billotte
T.C. Mc Garvey
Viewers

Dated: September 29th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 3d day of October, 1938, service of the above Notice is accepted for the Township of Bigler.

Raymond Siford
William Dennis
Josiah F. Markley
Supervisors of the Township
of Bigler.

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting _____

when it was not practical to preserve it within that limit.

The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from _____

No damages assessed, the land having been dedicated and appropriated for public use for highway purposes and accepted for such use by and on behalf of the public by user.

the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening 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 8th day of November
A. D. 1938. *[Signature]*

John Scallion Seal
E. B. Billotte Seal
St C Mclaway Seal

ORDER

To view and lay out a road for public use in the township of Bigler, Clearfield County

December Sessions, 1938,

read and confirmed Ni. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

7th. 6, 1938 confirmed
and signed 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.

| | DAY | MILES | AMT. |
|----------------|-----|-------|-------|
| E. D. Billette | 3 | 132 | 36.60 |
| T. C. McGarvey | 2 | 116 | 25.80 |
| John Scollins | 3 | 74 | 33.70 |

Filed 19
Fees \$1.25 paid by

RELEASE OF DAMAGES

Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by

at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said,

all damages that may arise to us respectfully by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____

A. D. 192_____

Seal

Seal

Seal

Seal

P E T I T I O N

To the Honorable W.Wallace Smith, President Judge of the Court
of Clearfield County, Pennsylvania.

We the petitioners and tax payers of Bigler Township, Clearfield County and residence of Bigler Township, respectfully represent, That we labor under great inconvenience in not haveing a road or an outlet from our place of residence.

We petition that Viewers be appointed to lay out a road, beginning at a point near the property and residence of Martin Nosel ;Thence South along the property of George Nedvit,Alex Katcher and Metro Bungo, to a Township road leading from Smoke Run, to Eureka #22 or New London, in Beccaria Township,Clearfield County,Penna, and we will ever pray.

NAMES

Monte Noel
George Maditz
Alvarez
Victor E. Eggers
Harvey Shaw
M. J. Davis
C. E. S. L. L.
Frank Finch Jr.
Frank Finch
J. W. Finch
H. J. Finch
Myron Robeson
Frank Finch
Harold Finch
C. H. Finch
Gordon H. Finch
John Brundall

NAMES

Raymond F. G. Jr.

ADRESSES

5 1/2 R. R. 1, RR

Contra Damaskus, Inc.

P E T I T I O N

No. 1 Dec. 22, 1938

TOWNSHIP ROAD
IN BIGLER TOWNSHIP

Sept 20, 1938. John
Gilligan, F. S. Bullock,
and J. C. W. Long are
affirming as friends we
have made known on the
last road known on the
last publication.

R. Gilligan Jr.

G.

SEP 20 1938
W. R. GILLAGHER
CLERK