

T No. 6

Number

1

Term

Feb. SS

Year

1938

WOODWARD TOWNSHIP--In re: 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 13th day of December in the year of our Lord one thousand nine hundred thirty-seven

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Woodward in said County, setting forth that they are badly in need of a public road, between the dwelling house of Andrew Kosik, of said Township, at a point opposite said dwelling on Route No. 353, of the State Highway System, and extending about 1850 feet to a point on the line of Gulich Township, said County, opposite the residence of Casimer Murawski; that they are greatly inconvenienced for want of a public or township road in going to and coming from the adjacent towns and villages.

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 H. A. Giles

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. R. 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 Woodward and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 28th day of December A. D. 1927, and the hearing to be held in the Arbitration Room, at the Court House in Clearfield, Pa., on the 30th day of December, 1927, at 10 o'clock M. / That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view : Ashley Martin and John McDermott, Supervisors of Woodward Township. Mike Bartosh, Andrew Philip and John A. Brezina,

parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 30th day of December A. D. 19237, when the following appearances were noted: Ashley Martin and John McDermott, Supervisors of Woodward Township, both of whom were examined, sworn and cross-examined by Members of 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 Station 0-00 in Route #353 of the State Highway System (near a point opposite the dwelling-house of Andrew Kosick): thence South 36° West 230' to the intersection of said proposed road with the Western line of Chestnut Street in said Village of Moran; thence South 36° West 885' over lands of the Kittanning Coal Company, to wit: Railroad Avenue in said Village of Moran, dedicated to public use by the said Kittanning Coal Company; thence still thereby South 38° West 520' to a post on said Railroad Avenue; and thence still thereby South 46° West 195' and ending at its intersection with Gulich Township Line; opposite the residence of Casmir Murawski, and connecting with the Improved Road in Gulich Township upon said Railroad Avenue: all located on the Northwest side of the Whiteside Branch of the Pennsylvania Railroad.

We further find as a fact that this road when completed will give an outlet to the State Highway System for approximately thirty families residing on the Northwest side of the Railroad. The land is swampy and in need of permanent improvement; a W.P.A. Project having been approved therefor in 1935, sponsored by the Supervisors of said Township of Woodward

We further find that there are no objections to the granting of said Road, and the Board concludes that it is necessary for the convenience of the residents living along said Railroad Avenue in Woodward Township and the travelling public.

TO: The COUNTY COMMISSIONERS of the County of Clearfield,
Pennsylvania:

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 1, February Sessions, 1938, to view and lay out a public or township road in the Township of Woodward, beginning at a point opposite the dwelling-house of Andrew Kosik on Route No. 353 of the State Highway System, and extending about 1850 feet to a point on the line of Gulich Township, Clearfield County, opposite the residence of Casimer Murawski, in the County aforesaid, will meet at the house of Andrew Kosik in Woodward Township, on Tuesday, the 28th day of December, 1937 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.

And that the public hearing as 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 Thursday, the 30th day of December, 1937 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.D. Billotte
H.A. Giles

Dated, December 15, 1937.

Viewers.

AND NOW, Dec. 18th, 1937, Service of the above Notice accepted for the County Commissioners of Clearfield County, Pennsylvania.

Attest:

Myra Lucas
Clerk.

TO: Ashley Martin, John McDermott and James Yarger, Super-
visors of the Township of Woodward:

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 1, February Sessions, 1938, to view and lay out a public or township road in the Township of Woodward, beginning at a point opposite the dwelling-house of Andrew Kosik on Route No. 353 of the State Highway System, and extending about 1850 feet to a point on the line of Gulich Township, Clearfield County, opposite the residence of Casimer Murawski, in the County aforesaid, will meet at the house of Andrew Kosik in Woodward Township, on Tuesday, the 28th day of December, 1937 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.

And that the public hearing as 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 Thursday, the 30th day of December, 1937 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
Ed. Billotte
N. D. Gile

Viewers.

Dated, December 15, 1937.

AND NOW, December 15th, 1937, service of the above Notice accepted for the Township of Woodward; and I hereby acknowledge receipt of a copy thereof.

James Yarger
John McDermott
Ashley Martin

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 sustained.

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 sustained: said Railroad Avenue being dedicated to public use by the Kittanning Coal Company.

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

WITNESS our hands and seals this 17th day of January
A. D. 1928.

John Scollins Seal
E. D. Billotte Seal
H. G. Giles Seal
Seal

No. 1 Feb. Sessions, 1938

ORDER

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

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.

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	\$ M.T.
E. D. Billotte	3	122	\$36
H. A. Giles	2	68	23
John Scollins	3	62	33

Sessions, 19⁵² A,

7 N.

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

1038 Confined
Aug 3, 1944
FILED

JAN 18 1938

W. R. GALLAGHER
CLERK

10
Filed

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

200

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

In re:

Petition for Public Road in Woodward Township

No. December Term, 1937

To:

The Honorable W. Wallace Smith
President Judge of the Court of Quarter Sessions of Clearfield
County, Pennsylvania.

The petition of the Subscribers, citizens and residents
of Woodward Township, Clearfield County, Penna., respectfully sets
forth:

That they are badly in need of a public road, between
the dwelling house of Andrew Kosik, of said Township, at a point
opposite said dwelling on Route No. 353, of the State Highway
System, and extending about 1850 feet to a point on the line of
Gulich Township, said County, opposite the residence of Casimer
Murawski; that they are greatly inconvenienced for want of a public
or township road in going to and coming from the adjacent towns and
villages.

They, therefore, pray your Honor to appoint viewers to
view and lay out said road, and they will ever pray, etc.

Nov 5, 1937	Mike Pavlansky	Elizabeth Shaddock 11/9/37
Nov. 5, 1937	Mrs. Mike Pavlansky	Andrew B. Shaddock 11/9/37
Nov 8, 1937	Andrew Kosik	John A. Bergina 11/9/37
Nov 8, 1937	Joseph Kosik	Joseph C. Bergina 11/9/37
Nov 8, 1937	John Kosik	John Donley 11/9/37
Nov 8, 1937	Josephine Murawski	Steve Phillips 11/9/37
Nov 8, 1937	George Magensky	George Chamer 11/10/37
Nov 8, 1937	Anna Magensky	Mrs. Andrew Chamer 11/10/37
	Askey Martin see 11/9/37	
	John P. Mc Dermott	

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

Before me personally came John Brezina, of Woodward Township, Clearfield County, Penna., who, being duly sworn according to law, deposes and says that he is one of the signers of the within petition for a public road and that the facts contained in said petition are true and correct to the best of his knowledge and belief.

Sworn and subscribed to
before me this 26th day
of January, 1937

John Brezina

: John A. Brezina

:

NOTARY PUBLIC

Houtzdale, Pa.

COMMISSION EXPIRES MAY 11, 1940

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNIA.
No. 1 ~~Dec. 15, 1938~~ 55, 1938

PETITION FOR PUBLIC ROAD IN
WOODWARD TOWNSHIP.

LESTER L. SMITH
DEC 13 1937
W. R. G. LAGHER
PROSECUTING ATTORNEY

Now, November 20, 1937, we the
undersigned Supervisors of Woodward
Township acknowledge to have
received notice of the presentation
of the within petition for a
public road in said Township.

Stack, Smeal
Orley Martin
John C. Smith & Lemons

McGrath & Smith, Attn

DECREE

And now, to wit: this ~~15th~~ ^{Decemr} day of November, the foregoing petition read and considered and on motion of McGrath & Smith, attorneys for Petitioners, the Court appoints *John Collins Esq., E. D. Billott + H. A. Gils* as Board of Viewers to view and lay out a public road as prayed for by the Petitioners and assess such damages as they may find due to persons living along the proposed road and report their finding to the next Court of Quarter Sessions of Clearfield County, Penna.

Dr. Sheller Smith
J. J.