

ROAD

DOCKET No. 6

Number

2

Term

Sept. SS

Page 471

Year

1938

BIGLER TOWNSHIP--Petition for

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 19th day of May in the year of our Lord one thousand nine hundred and Thirty-Seven

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Bigler

in said County, setting forth that Linn Street was laid out along a row of residents in the Village of Madera, and your petitioners labor under great difficulty and inconvenience by reason of having no outlet to the East end of this Street to a public road.

Your petitioners therefore pray for a road to begin at a public road leading from the State Highway in the Village of Madera leading to Betz Mines at a point at the residence of Charles S. Shoff; thence East approximately 1400 feet to Highway No. 53 including cross streets.

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 E. G. Boose, Esq., H. A. Reese 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. Wallace Smith, P. J.

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 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 June, 1938 A. D. 192, and the hearing to be held in the ~~Administration Room~~ Court House, in Clearfield, Pa., on the 13th day of June, 1938, ~~XXXX~~, at 9.00 o'clock A.M. That all of the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view J. W. Ruffner and other citizens of Bigler Township, who were-----

parties in interest. That the hearing was held in the ^{Grand Jury} ~~Administration Room~~ in the Court House, at Clearfield, Pa., on the 13th day of June ~~1938~~ ¹⁹³⁸, A. D. ~~192~~, when the following appearances were noted: John Scollins Esq., representing the petitioners for the road and for the Supervisors of Bigler Township, Supervisor Hensel, Supervisor of Bigler Township, J. W. Ruffner, one of the petitioners.

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 the intersection of a Public Road and Lynn Street, at a point opposite the house of Charles Shoff; thence S. 68 40' E., 724 feet to point; thence S. 78 E., 400 feet to a point; thence S. 84 30' E., 160 feet to a point; thence S. 31 E., 75 feet to line of the State Highway leading from Madera to Houtzdale; Also, a section beginning at a point in the proposed public road just above described, 262 1/2 feet, S. 68 40' East, from the beginning of the point in the above described proposed public road, near the house of E. A. Miles; thence N. 21 E., 334 feet to point in line of what is known as Spruce Street; Also a section beginning at a point in the first above proposed public road, 1284 feet distant from its point of beginning; thence N. 11 E., 332 feet to point in line of what is known as Spruce Street.

Original

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY
PENNSYLVANIA.

In the Matter of Proposed : Of September Sessions,
Public Road in Madera, : 1938.
Bigler Township. : No. 2.

To the Petitioners; the Supervisors of Bigler Township & the Commissioners of Clearfield County-

Please take notice that the undersigned have been appointed by the Court to lay out a Public Road in the Village of Maders, Bigler Township, which in the Order to the Viewers is described as follows-

"Your petitioners therefore pray for a road to begin at a public road leading from the State Highway in the Village of Madera, leading to Betz Mines at a point at the residence of Charles S. Shoff; thence East approximately 1400 feet to Highway No. 53 including cross streets"

The Viewers will meet to perform the duty incident to their appointment, on Saturday, the 11th. day of June, 1938, at 2.00 o'clock P. M., at the Post Office in Madera, Pa., and will meet at the Court House at Clearfield, Pa., on Monday, the 13th. day of June, 1938, at 9.00 o'clock A. M., for the public hearing in the matter as provided by law and the Rules of this Court, at which latter time and place all parties in interest may be heard.

-----E. G. Boose-----

-----H. A. Reese-----

-----T. C. McGarvey-----

Viewers.

Now, May ²⁵ 1938, notice of above view and hearing received and copy delivered, and service is accepted.

Now, May ²⁵ 1938, notice of above view and hearing received and copy delivered, and service for the Supervisors of Bigler Twp. is accepted.

Now, May 31st., 1938, notice of above view and hearing received and copy delivered, and service for the County Commissioners is accepted.

-----Myra E. Lucas-----
Clerk.

VIEWERS' NOTICE

Notice is hereby given that the undersigned, who have been appointed by the Court of Quarter Sessions of Clearfield County, Penna., to view on a Petition to **view and lay out for public use**..... a certain section of a Public Road in **.....BIGLER.....** Township, County and State aforesaid, which said section of Public Road is described in the Petition as follows:

"To begin at a public road leading from the State Highway in the village of Madera leading to Betz Mines at a point at the residence of Charles S. Shoff; thence East approximately 1400 feet to Highway No. 53 including cross streets"

The Viewers will meet to view, at the first named termini, that is at ~~the Post Office~~ **in the Village of Madera** on **SATURDAY**, the **11th.** day of **June, 1938**, at **2.00** o'clock **P. M.**, or as soon thereafter as the same can be reached.

The Public Hearing in the premises provided for by law and the Rules of this Court, will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on **Monday**, the **13th.** day of **June, 1938** ~~1937~~, beginning at **9.00** o'clock **A. M.**, at which time and place all parties in interest may appear and be heard.

E. C. Boose

H. A. Reese

T. C. McGarvey
Viewers.

PUBLIC ROAD

LYNN ST
SWIMMING

CHAS SHOFF

A. WARQNER

CHAS CHISMAN

E.A. MILES

N. 21° E. 344'

S. 68° 40' E. 722'

GUST JOHNSON

JAS. RUFNER

MRS WITMER

C. CURRY

JNO DAWSON

H.B. SWOOP EST

EARL SHOFF

ALEX SHOFF

J.A. SHOFF

S. 78° E. 700'

WM HENSEL

S. 88° 30' E. 760'

N. 11° E. 332'

STATE HIGHWAY

SWIMMING

TO HOUTZDALE

PUBLIC ROAD IN BIGLERT TOWNSHIP
CLERKFIELD COUNTY PA.
VIEWED AND LAID OUT JUNE 11TH 1938
BY E.G. BOOSE, ESQ
H.A. REESE
THOS MCGARVEY
SCALE 1"=100'

SPRUCE

ST

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 As all the land occupied by the proposed sections of public road above described, is either land apparently dedicated to public use as streets or is occupied by a creek, and is being used as a throughfare by the public, and in addition, no person appearing to demand any damage, the Viewers awarded no damages.~~
~~-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:-~~

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

WITNESS our hands and seals this 14th day of June, 1938

A-B-192-

E. G. Boze Seal
H. A. Reese Seal
W. C. McIsawey Seal
Seal

No. 2 Sept. Sessions, 1938

ORDER

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

Sept. 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.

W. R. Gallagher

December Sessions, 1938

Confirmed and attested by
W. R. Gallagher

Filed _____ 19

Fees \$1.25 paid by

W. R. Gallagher

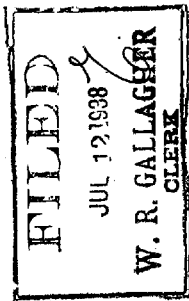
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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. |
|----------------|------|-------|---------|
| E. G. Boose | 4 | 232 | \$51.60 |
| H. A. Reese | 3 | 114 | \$35.70 |
| T. H. McGarvey | 2 | 148 | \$27.40 |



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

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

In Re:Petition for Public)
Road in Bigler Township)

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

The Petition of the Suscribers, residents of Bigler Township,
respectfully represents;

That your petitioners represent that Binn Street was laid out along a row of residents in the Village of Madera, and your petitioners labor under great difficulty and inconvenience by reason of having no outlet to the East end of this street to a public road and the conditions of this street or road is impassable during greater part of the year.

Your petitioners therefore pray the Honorable Court to appoint Viewers to supply a road to begin at a public road leading from the State Highway in the Village of Madera leading to Betz Mines at a point at the residence of Charles S Shoff;Thence East approximately 1400 feet to Highway No.53 ~~including cross streets~~ and they will ever pray .

Raymond Siford
William J. Hensol
Josiah T. Markley

SUPERVISORS OF BIGLER TOWNSHIP.

CITIZENS & TAXPAYERS OF BIGLER TOWNSHIP.

NAME

ADDRESS.

Grace Blankenhoker
Kenneth Miles
Margery W. Shoff
Charles J. Shoff
E. W. Shoff
C. L. Cornaby
Esty A. Miles

Madera Pa
Madera, Pa
Madera Pa
Madera Pa
Madera Pa
Madera Pa
Madera Pa

NAME

ADDRESS

| | |
|------------------------|-------------|
| Guast Johnson | Madera Pa |
| Amanda E. Johnson | Madera, Pa. |
| Mrs Ope Zansa | Madera Pa |
| Mrs Margaret alexander | madera Pa |
| Mr Stanley Vochinsky | Madera Pa |
| Mrs Stanley Vochinsky | Madera Pa |
| Mrs Helen Nelson | Madera, Pa. |
| Jesse E. Johnson | madera, Pa. |
| Mrs Robert Nelson Jr. | Madera, Pa. |
| Mrs Ralph Johnson | Madera Pa |
| Mrs. Thos. J. Graham | Madera, Pa |
| Mrs. M. A. Scravo | Madera Pa |
| James W. Nelson | Madera Pa |
| Mary Curtis Shoff | Madera Pa. |
| William Hensal | Madera Pa |
| William C. Swoope | Madera Pa. |
| Fred Norman | Madera Pa |
| Mrs James W. Nelson | Madera Pa |
| E. D. Shoff | Madera Pa. |
| Charlotte Blankenship | Madera Pa. |
| William A. Stiles | Madera, Pa. |
| Mrs Margaret Stiles | madera Pa |
| C. W. Johnson | madera Pa. |
| Mrs William Stiles | Madera Pa. |
| Mrs. F. R. Kniss | Madera, Pa |
| Mr. F. R. Kniss | Madera Pa. |
| Mrs Wm Hensal | madera Pa |

NAME

ADDRESS

| NAME | ADDRESS |
|------------------------|------------|
| H. W. Johnson | Madera Pa |
| V. E. Shoff | Madera Pa. |
| A. H. Stokes | Madera Pa |
| Mrs. John Davidson Jr. | Madera Pa. |
| Mrs. Jose Markley | Madera Pa |
| R. H. Swope | Madera Pa |
| Mrs. Wm Robison | Madera Pa. |
| James W. Ruffner | Madera Pa |
| C. E. Johnson | Madera Pa. |
| John Shoff | Madera Pa |
| Joseph A. Shoff | Madera Pa |
| Willard Shoff | Madera Pa |
| Mrs. Wm Robison | Madera Pa. |
| Anna Stitt | Madera Pa |
| Minerva Miles | Madera Pa. |
| Ashley E. Herill | Madera Pa |
| B. O. Lamborn | Madera Pa. |
| Leo J. Willett | Madera Pa. |
| W. B. Mc Murray | Madera Pa |
| John Morgan | Madera Pa |
| Mrs. Jane Shoff | Madera Pa. |
| W. A. Shoff | Madera Pa. |
| John Rusey | Madera Pa |
| Field Seider | Madera Pa. |
| Frank Mariani | Madera Pa |
| Paul Conner | Madera Pa. |
| Jack N. Coker | Madera Pa |

NAME

ADDRESS

| | |
|----------------------|---------------|
| Mrs Fred Norman | Madera, Pa. |
| Marl W. Hill | Madera Pa |
| Garb W. Shuff | Madera Pa. |
| Raymond K Bloom | Madera Pa |
| Leo Gattson | Madera Pa |
| Robert Nelson | Madera Pa. |
| Mike Chigmas | Madera Pa |
| Verna Chigmas | Madera Pa |
| Alex Warquier | Madera Pa. |
| R. H. Johnson | Madera, Pa. |
| Mrs. E. S. Whitmer | Madera Pa. |
| Thos J Graham | Madera, Pa |
| John Davidson Jr | Madera Pa, |
| Mrs Gordon Miles | Madera Pa |
| Mr Gordon Miles | Madera Pa. |
| Anthony Inca | Madera Pa. |
| Mrs. Vida A. Cornely | Madera Penna |
| Henry Bowser | Madera Penna. |
| James H. Black | Madera Pa. |
| Henry V. Bowser Jr. | Madera Pa. |
| Chad Haines | Madera Pa. |
| John W. Miles | Madera Pa |
| Nathan Heerman | Madera Pa |
| Clarence R. Bowser | Madera, Pa. |
| Julius J. Waterloo | Madera, Pa. |
| Gerald Alexander | Madera Pa. |

Nov 2 Sept 28 1938

In Re: Petition for
Public Road in Bigler
Township.

FILED

MAY 19 1938

W. R. GALLAGHER
PROTHONOTARY

Ans: May 13, 1938. The
Court appointed C. B. Boose,
Coy., H. A. Reese, and
J. C. Mc Carney members
to view & lay out a road
if they find a majority that
be pleased for in view
of the matter.
J. C. Mc Carney

Dec 28 1938

Sealed