

DOCKET No. 6

Number	Term	Year
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9	December	1938
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Petition to vacate a section of

Public Road in Sandy Township

Versus

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

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

Your undersigned petitioners, who are Supervisors of the Township of Sandy, in said County of Clearfield, respectfully represent;

That the Department of Highways of the Commonwealth of Pennsylvania have recently relocated a part of Route No. 17030 in said Township, between the Village of Oklahoma and the Gelnett School House, for the purpose of eliminating a right angle therein, near the Thomas Keen house, and that a portion of the old road beginning at the intersection of Routes Nos. 370 & 372, with the said Route No. 17030, and extending easterly, from said intersection, across the LaBorde Branch of Sandy Creek, to the point of intersection of the newly built piece of road, with the original road, and being about 384 feet, has in consequence been returned by the Highway Department to care of the Supervisors of Sandy Township;

That in this section, there is the bridge across the said LaBorde Branch of Sandy Creek, which is of doubtful security, and that in addition, the said 384 foot piece of highway has been abandoned by the traveling public;

Wherefore it appearing to your petitioners, that the said section of road is useless, inconvenient and burdensome to the Township of Sandy and ought to be vacated as a section of public road, your petitioners pray that the Court may appoint Viewers to view and vacate the same. And they will ever pray.

Joshua Hoover

J. Wayne

Jerry Brown

Supervisors of Sandy Township.

County of Clearfield,)
State of Pennsylvania.) SS;

Before me, a Notary Public commissioned in and for said county and state, personally came J. A. Hoover, one of the within named Supervisors of Sandy Township, and he being by me duly sworn according to law, deposes and says that the facts set out in the foregoing petition are true and correct.

Joshua Hoover

Sworn and subscribed before
me this 29th. day of October, 1938.

Ernest Bowers Notary Public

My Commission Expires April
12, 1938.

In the Court of Quarter
Sessions of Clearfield County
No. 9 - December Sessions
1938.

Petition for appointment
of Viewers to view and va-
cate a section of Public
Road in Sandy Township.

Now, Nov 3 1938,
the within petition read and
considered and whereupon the
Court does hereby appoint as

Viewers, John Jackson, Jr.
John Jackson, Jr. - who are di-
rected to view and make report
to the Court at December Ses-
sions of 1938.

Dr. John Jackson, Jr.
P.J.

500
Earle G. Bonne
Attorney-at-Law
Notary
Anthony, Pa.

Brown's Office Supplies, Johnstown, Pa.

John Bonne - Dear Dr. John G. B.
Send this to him.

1938
R. G. B.

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 third day of November in the year of our Lord, one thousand nine hundred and thirty-eight.

W. WALLACE SMITH

By the Honorable ~~Ex-Ex-Ex-Ex-Ex-~~ President Judge of the said Court: Upon the petition of sundry Supervisors ~~inhabitants~~ of the Township of Sandy, in the County aforesaid setting forth that

That the Department of Highways of the Commonwealth of Pennsylvania have recently relocated a part of Route No. 17030 in said Township, between the Village of Oklahoma and the Gelnett School House, for the purpose of eliminating a right angle therein, near the Thomas Keen house, and that a portion of the old road beginning at the intersection of Routes Nos. 370 & 372, with the said Route No. 17030, and extending easterly, from said intersection, across the LaBorde Branch of Sandy Creek, to the point of intersection of the newly built piece of road, with the original road, and being about 384 feet, has in consequence been returned by the Highway Department to care of the Supervisors of Sandy Township;

That in this section, there is the bridge across the said LaBorde Branch of Sandy Creek, which is of doubtful security, and that in addition, the said 384 foot piece of highway has been abandoned by the traveling public:

Wherefore, it appearing that the said section of road is useless, inconvenient and burdensome to the Township of Sandy and ought to be vacated as a section of public road, your petitioners pray that the Court appoint Viewers to view and vacate the same.

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 John Scollins, Esq., H. W. Bonsall

and J. E. Fry 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 Sandy, 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

29th day of November, A. D. 1938, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the ~~Attestation~~ ^{Grand Jury} Room in the Court House, in Clearfield,

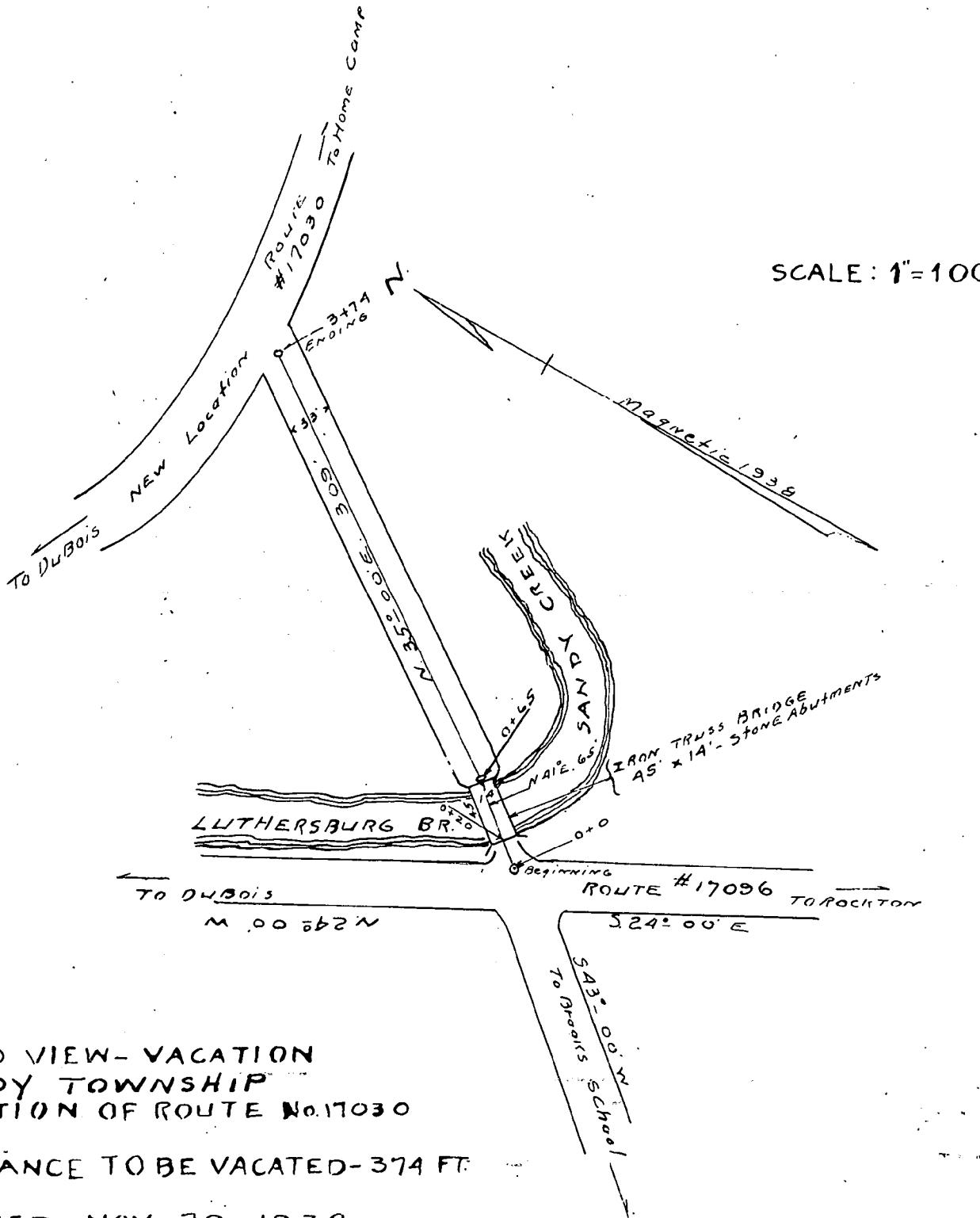
Pa., on the 2nd day of December A. D., 19 38 at 10 o'clock A. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view Jerry Brown, Member of the Board of Supervisors of Sandy Township and the the Board of Viewers.

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Attestation~~ ^{Grand Jury} Room in the Court House, in Clearfield, Pa., on the 2nd day of December,

A. D. 1938, when the parties interested in the said road were in attendance: Jerry Brown, Member of the Board of Supervisors of Sandy Township, who was duly sworn, examined and cross-examined by your Board.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome, to wit: Beginning at the intersection of that portion of the original public road leading to the Brooks School and the Northern line of an improved road leading from Du Bois to Rockton, known as Route No. 17096 (formerly 370 and 372 of the State Highway's Dirt roads), and thence running North 41 degrees, 00 minutes East, across the Luthersburg Branch of Sandy Creek, with an Iron Truss Bridge, (45' x 14' with stone abutments), sixty-five (65) feet to a post; thence running North 35 degrees, 00 minutes East, three hundred and nine (309) feet to post on line of intersection with the New location, State Highway Route No. 17030 leading from Du Bois to Home Camp and the Gelnett School House.

We further find that the Department of Highways during 1938 re-located and re-built Routes No. 17030 and 17096, and improved them, and notified the Board of Supervisors of Sandy Township that the above described road proposed for vacation had been returned to Sandy Township to be cared for and maintained; that the Bridge across the Luthersburg Branch of Sandy Creek is in need of repair and re-flooring, and dangerous for



TO: The County Commissioners of Clearfield County, Penn'a.:-

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

In re: Order to view and vacate
a portion of a public road in
the Township of Sandy. No. 9, December SS., 1938.

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to view and vacate a portion of a public road in Sandy Township, beginning at the intersection of State Highway Routes Nos. 370 & 372 with Route No. 17030, and extending easterly, from said intersection, across the LaBorde Branch of Sandy Creek, to the point of intersection of the newly built piece of road, with the original road, and being about 384 feet, in the County aforesaid, will meet at the above intersection of State Highway Routes Nos. 370 & 372 with Route No. 17030, in said Township of Sandy, on Tuesday the 29th day of November, 1938 at 2:00 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 2nd day of December, 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 Scallies
N. W. Boiselle
J. E. Fry Viewers

Dated: November 15th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 17th day of November, 1938, service of the above Notice is accepted for the Commissioners of Clearfield County.

Myna E. Lucas Clerk

TO: Jerry Brown, Joshua Hoover and T. J. Wayne,
Supervisors of Sandy Township, Clearfield County:-

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

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John Scollins
N. W. Bonsall
J. E. Fry Viewers

Dated: November 15th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 18th day of November, 1938, service of the above Notice is accepted for the Supervisors of Sandy Township.

Joshua Hoover
Jerry Brown
T. J. Wayne Supervisors

public use and travel, and closed to traffic; that the grade of such road has been changed and altered by the re-constructed Highways; and that the same has become unnecessary, inconvenient and burdensome to the Township of Sandy to maintain;

And we therefore recommend its vacation;

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: No damages sustained, claimed or assessed;

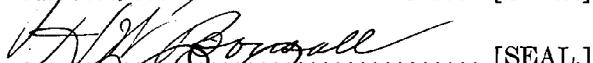
And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up of the said road, we, the undersigned Viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof, as follows:

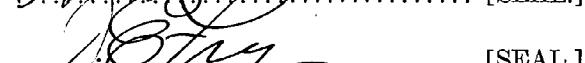
No damages sustained, claimed or assessed;

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

Witness our hands and seals this 3rd day of December, A. D. 19 38.

 [SEAL.]

 [SEAL.]

 [SEAL.]

Viewers.

No. 9 Dec. Term 19 38

ORDER TO VACATE

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
J. E. Fry	3	62	33.10
John Scollins	3	146	37.30
H. W. Bonsall	2	82	24.10

To view and vacate road situate in the Township of Sandy

Clearfield County.

Now ~~December~~ Sessions 1938

read and confirmed Ni. Si.

By the Court
W. D. Johnson, Jr.
Now ~~7th~~ Sessions 1938

confirmed absolute.

By the Court
W. R. Mallon, Jr.

Filed 19

Atty, Earle G. Booze

Fees \$1.25 paid by