

ROAD

DOCKET No. 6

Number

10

Term

Sept. SS

Year

1938

BIGLER TOWNSHIP--Petition to Lay

Out a Road

Versus

P E T I T I O N

To the Hon. W. Wallace Smith, President Judge of the Court of Clearfield County, Penna.

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 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 at a Township road near the Bucher School house in Bigler --- Township; ~~Thence East past the residence of Pete Moskel and Pete Warship, Helen Warship, Metro Russin, Wasco Russin, and Mike Russin, George Trukas and near the residence of George Berish, John Gudson and George Hulgas,~~ to a Township road near the residence of Lewis Tubo. This said last named Township road is a road leading from Madera to Morgan Run, and we will ever pray.

NAMES

ADDRESSES

Walter Hulgas
 Isaac B. Fagley
 Frank Miller
 Frank Grossman Jr.
 Thomas Peter
 Elmer S. Boden
 Nathan Greenman
 John Richardson
 William Reas
 Paul Guther
 Pete Matto
 Jesse Kephart
 Henry Richardson
 Samuel Richardson
 Lawrence Kephart

Madera, Pa.
 Madera Pa.
 Madera Pa.
 Houtydale R.F.D.
 Madera - Pa.
 Madera - Pa.
 Madera Pa.
 Madera. Pa.
 Madera Pa.
 Madera Pa.
 Madera Pa.
 Madera Pa.
 Madera Pa.
 Madera PA
 Madera PA

NAMES

ADDRESSES

Pete Smokey

Benj Kephart

Carl R. Hardman

Gilbert W. Lockett

Russell W. Siford

William C. Swaps

Boris Grebnevskiy

Raymond K Brown

Land with Shrub

of arrival & bloom

John Barrow
John Hammond

N. R. Morgan
M. P. H. Morgan

John P. Thompson

Leonard Kephart

Joseph Evanochko

Snaders Pa

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Madera Ca. 7

Madison Pa

Madera, Pe

Madera Vg.

Madera Pa.

Waders P.

Madera 9 1/4

Madera Ka

~~Madara Rd~~
Madara Rd

Madras For
7th For

Madison Pa.

moderna br

Madera. Pa.

2.

100

Chas Robinson
Walter S. Gardner
Peter Schwartz
Geo W. Rickson
Henry Kunkman
Mrs. O. J. Hemmings
Julius Dufour
James Gardner
X. Mike Harp
George Trauson
Frank Baron
Thomas J. Graham
John E. Russin
Wasco Russin
Mrs. J. Russin

Madera Pa
Madera Pa
Madera Pa
Madera Pa
madera Pa
Madera Pa
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Madera Pa.
Madera Pa
madera Pa
Madera Pa
Madera, Pa.
Madera Pa
Madera Pa
Madera Pa

1938

Lap-over Margin

20 10 Sept 1938

Now July 5, 1938 the
within petition having been
presented by the parties,

E. D. Galt

and J. C. McHenry

are appointed viewers to act
upon the matter referred to

A. D. Galt

FILED

JUL 6 1938

W. R. GALLAGHER
CLERK

Clarence D. Starnes, Atty.

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 12th day of August A. D. 1938, and the hearing to be held in the ^{Grand Jury} ~~Recorder's~~ Room, at the Court House, in Clearfield, Pa., on the 15th day of August, 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 George Trugon, Wasko Russin, Michael Russin, Mike Stanko, Mike Harp, Mike Washek, Peter Washek, Robert Greenaway, Wasko Yebernetsky, Jr., and Walter Holgas; as well as Raymond Siford, Supervisor of Bigler Township, parties in interest. That the hearing was held in the ^{Grand Jury} ~~Recorder's~~ Room, in the Court House, at Clearfield, Pa., on the 15th day of August A. D. 1938, when the following appearances were noted: George Trugon, Wasko Yebernetsky and Walter Holgas, petitioners; Raymond Siford and William Hensal, Supervisors of Bigler Township; 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 at the Township road near the Bucher School House, thence over lands of the Middle Pennsylvania Coal Corporation the following courses and distances, to wit: North 43 degrees 30 minutes East one hundred feet to a post; thence North 68 degrees 30 minutes East seven hundred feet to a post; thence South 89 degrees East five hundred feet to a post; thence South 79 degrees East three hundred feet to a post; thence South 81 degrees East three hundred feet to a post; thence South 53 degrees East five hundred and sixty feet to a post; thence South 45 degrees 30 minutes East seven hundred and fourteen feet to a post; thence South 93 degrees East two hundred and eighty-five feet to a post; thence South 55 degrees East four hundred feet to a post; thence South 49 degrees 30 minutes East three hundred and eighteen feet to a post; thence South 40 degrees East five hundred and sixty feet to a post; thence south 43 degrees East five hundred and seventy-five feet to a post; thence South 32 degrees 30 minutes East nine hundred and seventy-five feet to a post; thence South 32 degrees 30 minutes East five hundred feet to a post; and thence South 31 degrees 30 minutes East six hundred feet, and ending in the public road leading from Madera to Morgan Run.

We further find as facts: that the proposed road passes over lanes and ways opened and used as out-lets to the property owners living in the communities of "Eureka 18" and "Harp Hollow" served thereby, as well as wood-lands of the Middle Penna. Coal

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 5th day of July
in the year of our Lord one thousand nine hundred
thirty-eight

Judge of the same Court: Upon the petition of sundry in-
habitants of the Township of Bigler

in said County, setting forth that viewers be appointed
to lay out a road--beginning at a point at a Township road near
the Bucher School house in Bigler Township to a Township road
near the residence of Lewis Tubo. This said last named ~~XXXX~~
Township road is a road leading from Madera to Morgan Run,

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 quali-
fied 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.

~~Corporation, which has released all claims to damages by reason of the opening of the proposed public road and the right-of-way necessary therefor; there are 17 families living on or nearby said proposed road, and to be accommodated thereby, as well as a public Play-ground and Dance Pavilion, known as "18-Park" and Ball-ground.~~

~~We find that the present roads are impassable in Winter and Spring Seasons for vehicular traffic, and one of the very few communities not served by public roads.~~

~~The Supervisors contend that the annual road-tax return from that part of the Township is only some \$20.00, and that the Township is unable to build the road without Federal Assistance; and the petitioners ask that the proposed road be put on the Map as a township-road and they would be willing to wait until a Project can be obtained from W.P.A.~~

~~Wherefore, your Board concludes that the said road, so as aforesaid laid out, is necessary for a public road;~~

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 ~~The Middle Penn-~~
~~sylvania Coal Corporation.~~

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 17 th day of October

A. D. 1939.

John Scellins Seal
E. R. Sillotte Seal
W. C. McLawrey Seal
Seal

No. 10 Sept. Sessions, 19 38

ORDER

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

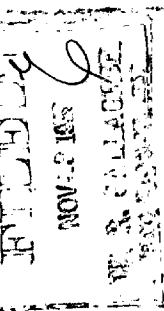
Sec Sessions, 1939,

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.

R. D. Billotte

7th Session 1940

Confirmed and sealed by



Filed 19
Fees \$1.25 paid 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.

	DAYS	MILES	AM'T.
E. D. Billotte	3	121	\$36.05
T. C. McGarvey	2	98	24.90
John Scollins	3	72	33.60

RELEASE OF DAMAGES

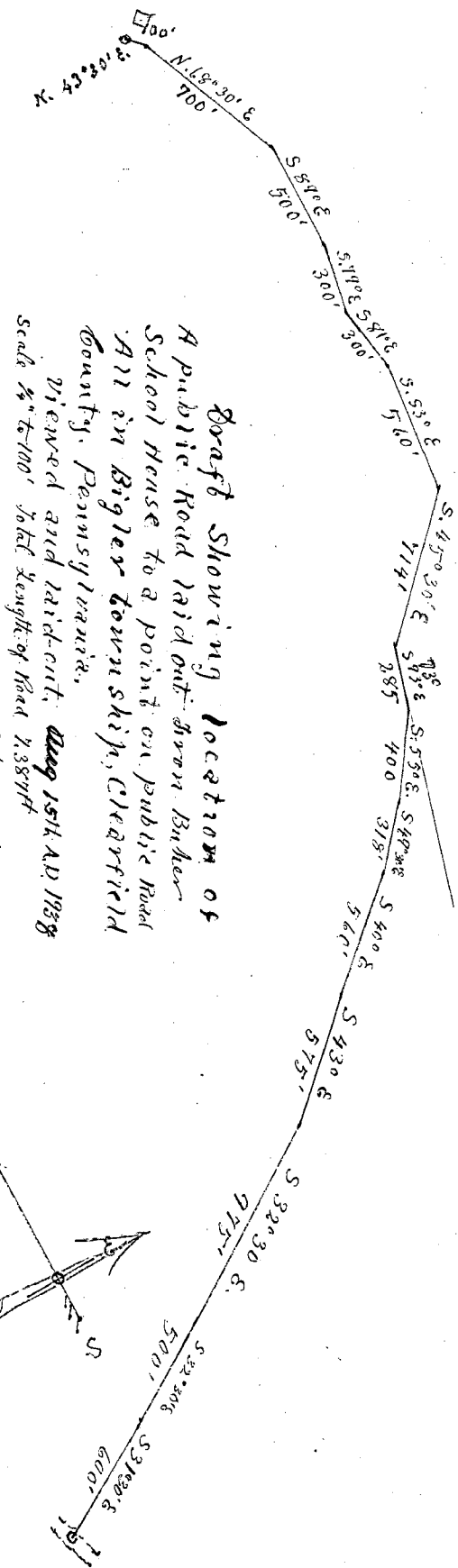
Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by

— at and before the ensembling 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 15th day of August
A. D. 1938

E. D. Billotte
T. C. McGarvey
John Scollins
Seal
Seal
Seal
Seal



TO: THE COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA:-

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. 10, September, 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 a road for public use in the Township of Bigler:
"beginning at a point at a Township road near the Bucher School
House in Bigler Township to a Township road near the residence of
Lewis Tubo; this said last named Township road is a road leading
from Madero to Morgan Run", in the County aforesaid, will meet
at the Bucher School House in Bigler Township, on Friday the
12th day of August, 1938 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 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 Monday, the 15th day of August, 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 Scellins
E. S. Billotte
& T. C. Mc Garvey
Viewers

Dated: July 29th, 1938.

CLEARFIELD COUNTY, SS:

NOW, this 30th day of July, 1938, service of
the above notice is accepted for the Commissioners of Clearfield
County.

Myra E. Lucas
Clerk

To: Josiah T. Markley, Wm. J. Hensel and Raymond Siford, Supervisors
of Bigler Township, Clearfield County:-

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

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a road for public use in the
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on Monday, the 15th day of August, 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.

Dated: July 29th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 30th day of July, 1938, service
of the above Notice is accepted for the Supervisors of Bigler
Township.

John Collins
E. S. Billotte
T. C. McFarvey
Viewers

Raymond Siford Chairman
Josiah T. Markley
William Hensel
Supervisors