

No. 11 Sept. Sessions, 1938

ORDER

To view and lay out a road for public use in the township of Greenwood, 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.

R. Snallen, Friend

C. R. Kre

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	AMT.
H. A. Reese	3	130	\$36.50
T. C. McGarvey	3	134	\$36.70
John Scollins	3	83	\$34.15

Filed Sept 6, 1938
H. P. Gallagher, Clerk
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	Days	Miles	Amount
H. A. Reese	3	1.30	\$36.50
T. C. McCgarvey	3	1.34	\$36.70
John Scollins	3	83	\$34.15

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

19

Q. R. Francesco, atty

Filed

Fees \$1.25 paid by

St. P. Gallagher, Clerk

C.

doned in 1922; and the Curry Run Railroad was sold to Clearfield County, November 9th, 1937, for unpaid taxes for the years 1932, 1933, 1934 and 1935 and still unredeemed.

That this is the only bridge across the Susquehanna River between Bower and Bell's Landing villages, some 2.3 miles distant between, and serves to accommodate 8 families and approximately 15 school-children, whose social centre is Curry Run; that the proposed road and bridge have been used as a public thoroughfare and maintained by public subscriptions and donations of the people immediately benefitted, which in the opinion of the Supervisors, and concurred in by your Board, is unfair and burdensome to those citizens.

That the County Commissioners appeared at the hearing and disapprove of the purchase and reconditioning of said Bridge as a County Road bridge, at a cost of \$1000 for its purchase and \$1000 for the cost of necessary repairs, upon the grounds that the bridge would be too narrow, dangerous, and an unnecessary expenditure of public funds. It was testified to by Merrill Dickey, a Bridge-builder of 12 years practical experience, that the cost of the bridge in its present condition at \$1,000 is reasonable; that it could be reconstructed and re-conditioned as a County Bridge and put in "A-1" condition for \$1000.

And a majority of your Board recommends the vacation of that portion of the old road with its fording of the River, and the supply of the proposed road as laid out and hereinbefore described, together with the purchase and re-conditioning of the present Bridge across the Susquehanna River, as a County Bridge. H. A. Reese, one of the Board of Viewers, disapproves of the findings and conclusions of Board, and for that reason does not sign this Report,

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 Creditors' Committee of the Estate of E. A. Irvin, deceased, for \$200.00; and from Executors of the Estate of James Mitchell, deceased, for \$300.00

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: Creditors' Committee of the Estate of E. A. Irvin, deceased, aforesaid, \$200.00; and, Executors of the Estate of James Mitchell, deceased, aforesaid, \$300.00

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

WITNESS our hands and seals this 30th day of August
A. D. 1938.

John Sollard Seal
J. C. McElroy 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 Greenwood.

NO. 11, September 28, 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 Greenwood:
"Beginning at a point in Route No. 62 in the Village of Curry
Run near the J. R. Dickie gasoline station and ending across the
river at a point near the site of the New York Central Railroad
Station", in the County aforesaid, will meet at the J. R. Dickie
Gasoline Station in Greenwood Township, on Tuesday the 16th day
of August, 1938 at 10:30 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 Friday, the
19th day of August, 1938 at 10:00 o'clock A. M., or as soon there-
after as counsel can be heard, at which time and place all parties
interested may attend and be heard.

Dated: July 30th, 1938.

John Scellins
H. A. Reese
T. C. Mc Garvey
Viewers

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: Garry Johnson, Arthur A. Bell and Norman Shaffer, Supervisors
of Greenwood Township, Clearfield County:-

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 Greenwood. NO. 11, September 28, 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 Greenwood:
"Beginning at a point in Route No. 62 in the Village of Curry Run
near the J. R. Dickie gasoline station and ending across the river
at a point near the site of the New York Central Railroad Station",
in the County aforesaid, will meet at the J. R. Dickie Gasoline
Station in Greenwood Township, on Tuesday the 16th day of August,
1938 at 10:30 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 Friday, the
19th day of August, 1938 at 10:00 o'clock A. M.; or as soon there-
after as counsel can be heard, at which time and place all parties
interested may attend and be heard.

John Scallion
H. A. Reese
T. C. Mc Garvey
Viewers

Dated: July 30th, 1938.

CLEARFIELD COUNTY, SS.

Now, this first day of Aug, 1938, service
of the above Notice is accepted for the Supervisors of Greenwood
Township.

Arthur A. Bell
Garry Johnson
Norman Shaffer
Supervisors

In the Court of Quarter Sessions of Clearfield County, Pa.

In Re: Petition to lay out a

Public Road in Greenwood

No. 11 September Sessions

Township

1938

AMENDED ORDER TO VIEW

It appearing that an order heretofore entered on July 25, 1938, to view the proposed road situate in Greenwood Township, Clearfield County, should have been an order to vacate and supply.

Now, Therefore, this 22nd day of August, 1938, it is ordered and directed that the decree heretofore entered on the 25th day of July, 1938, be and the same is hereby amended and the said viewers, John Scollins, H. A. Reese and T. C. McGarvey are authorized and empowered to take such action toward vacating and supplying a public road and bridge beginning at a point in Route No. 62 in the village of Curry Run neat the J. R. Dickie Gasoline Station and ending across the river at a point near the site of the New York Central Railroad Station, as in their discretion may be deemed proper; in other respects the order heretofore entered to remain in full force and effect.

By the Court ,

W. Wallace Smith , P.

Certified from the record this 22nd day of August, A.D. 1938.

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 Greenwood and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 16th day of August A. D. 1938, and the hearing to be held in the Grand Jury Room, at the Court House, in Clearfield, Pa., on the 19th 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 Garry Johnson and Arthur A. Bell, Supervisors of Greenwood Twp.; Mrs. Maud Nolan and Nina Nolan,

Grand Jury parties in interest. That the hearing was held in the Grand Jury Room, in the Court House, at Clearfield, Pa., on the 19th day of August A. D. 1938, when the following 11 appearances were noted: A.A.Bell and Garry Johnson, Supervisors of Greenwood Township, with C.R.Kramer, Esq., their Solicitor; Mrs. Maul Nolan, Nina Nolan, Mrs.Joseph Johnson, Merrill Dickey, Genevieve Dickey, Dan Nolan; T.R.Wetmer, J.C.Gatehouse and W.V.Carr, County Commissioners, with their Solicitor, R.V.Maine, Esq. and Samuel R. Mitchell, Exr. of the James Mitchell Estate. All of whom were examined and cross-examined by Counsel and your Bard, after being duly sworn.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not 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 in State Highway Route No. 62 leading from Mahaffey to Clearfield, in the Village of Curry Run, near the J. R. Dickey Gasoline Station, thence along the right-of-way of the Curry Run Railroad Company (owned by the Estates of E.A.Irvin and James Mitchell, both deceased) South 42 degrees, East six hundred and twenty-eight (628) feet to Iron Bridge across the Susquehanna River; thence thereby one hundred and seventy-five (175) feet; thence South 42 degrees East along lands of Nolan and J. R. Dickey, five hundred and fifty-nine (559) feet and ending in the in the public road leading from Curry Run to Ansonville, at a point near the site of the New York Central Railroad station.

And do further report and return that that portion of the old Township Road leading from Curry Run to Ansonville, from its intersection with the proposed supply road above described, to its intersection with State Highway Route No. 62, and fording the Susquehanna River, has become useless, inconvenient and burdensome and is therefore recommended for vacation.

A majority of the said Board of Viewers are of the opinion that a bridge over the Susquehanna River, as presently erected and where the proposed supply road crosses the said River, is necessary and that the cost of said Bridge, as well as the necessary repairs thereto in changing it from a railroad to a road bridge, would be attended with more expense than it is reasonable that the said Township of Greenwood should bear.

We further find that the Curry Run Railroad and bridge were built by the Irvin and Mitchell Estates about the year 1898: the Irvin Estate holding a 7/10th interest therein and the Mitchell Estate the other 3/10ths; that the Irvin interests were purchased by a Creditors' Committee, of which D.D.Miller is Secretary, at a Sheriff's sale on January 3, 1936; which interest is offered for sale at \$200.00. And that the interest of the Mitchell Estate is offered for sale at \$300.00. Operations on this railroad were aban-

Clearfield County, ss:

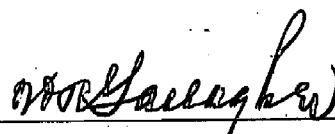
At a Court of Quarter Sessions of the Peace of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 25th day of July in the year of our Lord one thousand nine hundred and thirty-eight

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Greenwood in said County, setting forth that they labor under great inconvenience for the lack of a public road and bridge beginning at a point in Route No. 62 in the village of Curry Run near the J. R. Dickie gasoline station and ending across the river at a point near the site of the New York Central Railroad Station.

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., H. A. Reese and T. C. McGarvey (The County Solicitor appears and gives notice of its intention to contest the proposed road) 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.


John Gallagher, Clerk.

PUBLIC ROAD IN GREENWOOD TWP
CLEARFIELD COUNTY PA
VIEWED AND LAID OUT AUG 16-1938
BY JOHN SCOLLINS CSQ
H. A. REESE
THOS McGARVEY

SCALE 1:200

