

ROAD

**DOCKET No. 6**

Number	Term	Year
13	Sept. SS	1938

Re: Vacation and Supply of Road in

COOPER TOWNSHIP

**Versus**

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 eighth day of August in the year of our Lord, one thousand nine hundred and Thirty-eight.

W. Wallace Smith  
By the Honorable ~~Singleton Ball~~, President Judge of the said Court: Upon the petition of ~~Supervisors~~  
~~in the Township of Cooper~~, in the County aforesaid setting forth that .....

Due to the lack of revenue from taxes, it is necessary and desirable to eliminate by vacation proceedings such roads as are no longer necessary to the use of Cooper Township and the traveling public but burdensome to the

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 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 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.

*H. P. 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 Cooper, 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 20th day of September, 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 ~~Anteroom~~ <sup>Grand Jury</sup> Room in the Court House, in Clearfield, Pa., on the 22nd day of September A. D., 1938, at 10:00 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 Fred L. Baumgardner and Paul Veres, Supervisors of Cooper Township and Louis Fenush

— parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Anteroom~~ <sup>Grand Jury</sup> Room in the Court House, in Clearfield, Pa., on the 22nd day of September, A. D. 1938, when the parties interested in the said road were in attendance: Paul Veres and Fred L. Baumgardner, Supervisors of Cooper Township, with their Solicitor W. Albert Ramey, Esq. Paul Veres and Fred L. Baumgardner being sworn, examined and cross-examined by Counsel and 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: those two portions of Township Road No; 17-728 (also known as the "German" road) described as follows:

No. 1 thereof: Beginning at the intersection of said township road with State Highway Route No. 58 leading from Cooper Settlement to Meshannon (about 500 feet North of Hartle's Garage) thence the following courses and distances: North  $40^{\circ}$  East 300 feet; thence North  $40^{\circ}$  East 800 feet; thence North  $22^{\circ}$  East 100 feet; thence North  $47^{\circ}$  East 100 feet; thence North  $52^{\circ} 30'$  East 700 feet, and thence North  $23^{\circ} 30'$  East 100 feet and ending at a point near Swanson's Lane (hereinafter referred to as the point of beginning of a public road laid out to supply this and No/2 portion thereof, hereinafter more particularly described).

No. 2 thereof: Beginning at the intersection of said Township Road (No. 17-728) with the West bank of the Susquehanna River, thence the following courses and distances: South  $52^{\circ}$  West 57 feet; thence South  $1^{\circ} 30'$  East 80 feet; thence South  $36^{\circ} 30'$  East 300 feet; thence South  $39^{\circ}$  East 200 feet; thence South  $48^{\circ}$  East 200 feet; thence South  $1^{\circ}$  East 100 feet; thence South  $38^{\circ}$  West 100 feet; thence South  $16^{\circ}$  West 75 feet; thence North  $72^{\circ}$  West 100 feet; thence North  $50^{\circ}$  West 280 feet; thence North  $62^{\circ}$  West 400 feet; thence North  $71^{\circ}$  West 100 feet; thence South  $88^{\circ}$  West 100 feet; thence South  $71^{\circ}$  West 100 feet; thence South  $48^{\circ} 30'$  West 400 feet; thence South  $47^{\circ}$  West 400 feet; thence South  $57^{\circ}$  West 235 feet; thence North  $58^{\circ}$  West 100 feet; thence North  $65^{\circ}$  West 200 feet; thence North  $77^{\circ} 30'$  West 100 feet; thence North  $67^{\circ}$  West 100 feet; thence North  $58^{\circ}$  West 100 feet; thence North  $71^{\circ}$  West 200 feet; thence North  $59^{\circ}$  West

~~citiz~~  
Township to maintain.

There is such a public road in Cooper Township, known as the German Road, and being Township Road No. 17-728, which extends from a point on State Highway Route No. 53 in a Northerly direction to the Susquehanna River, approximately Four (4) miles in length. The Northern-most end of said road, or about the last  $1\frac{1}{2}$  miles of the same has become of no use to the citizens of said Township or to the traveling public. The same conditions pertain to the Southern-most end of said road, or a distance of approximately 2300 feet, beginning at State Highway Route No. 53.

Your petitioners aver that by building a road of approximately 1200 feet in length, extending in an Easterly direction to State Highway Route No. 53, all the traveling public can be accommodated with a better road.

The portions of said road herein sought to be vacated are more particularly described as follows:

No. 1: BEGINNING at a point on State Highway Route No. 53 about Five Hundred (500) feet North of Hartle's Garage and extending in a Northerly direction to a point about Twenty-three Hundred (2300) feet North of said State Highway Route No. 53 to a point near Swanson's lane.

No. 2: BEGINNING at a point on said Township Road, which point is the beginning of Harvey's lane in a Northerly direction about One and one-half ( $1\frac{1}{2}$ ) miles to the Susquehanna River and the end of said road.

The road herein sought to be supplied begins at Swanson's lane and extends in a Southerly direction about Twelve Hundred (1200) feet to State Highway Route No. 53.

100 feet; thence North  $72^{\circ}$  West 275 feet; thence South  $73^{\circ}$  West 100 feet; thence South  $58^{\circ}$  West 400 feet; thence South  $40^{\circ}$  West 200 feet; thence South  $23^{\circ}$  West 130 feet; thence South  $42^{\circ}$  East 160 feet; thence South  $64^{\circ}$  East 300 feet; thence South  $34^{\circ}$  East 400 feet; thence South  $5^{\circ}$  East 170 feet; thence South  $15^{\circ} 03'$  East 200 feet; thence South  $6^{\circ} 30'$  East 600 feet; and thence South  $6^{\circ}$  East 875 feet and ending at John Harvey's Lane.

Your Board further finds that there are no residences along the aforesaid portions of said Township Road No. 17-728 proposed for vacation; that it is dangerously steep, inconvenient and burdensome of upkeep and unfit for vehicular travel; that there is no fording over the Susquehanna River, and has not been in use, except by Hunters and temporarily on account of the washout of the Karthaus Bridge March 17th, 1936, and has again been abandoned by the public.

Your Board further finds that there is occasion for a public road to supply the aforesaid vacated portions of Township Road No. 17-728 and the same is necessary for public use, and having had respect to the shortest distance and 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 petitioners, and do return for public use the following described road, Beginning at Swanson's Lane (at the end of portion No. 1 hereinabove described) and thence running Sou.  $6^{\circ}$  West twelve hundred (1200) feet and ending at its intersection with State Highway Route No. 53 leading from Cooper Settlement to Moshannon;

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, a way damaged by the vacation of said road, a release in writing of all claims to damages that may arise from the vacation thereof,

that they procured such release from: None

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:

To: Louis Fenush, Ten (\$10) Dollars;  
" France Swanson, Ten (\$10) Dollars;  
" George Zetts, Ten (\$10) Dollars;  
" Herman Folmer, Ten (\$10) Dollars;

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

Witness our hands and seals this 6th day of December, A. D. 1938

*John Scellina* [SEAL]  
*ED Billotte* [SEAL]

*H. G. Giles* [SEAL]

Viewers.

No. 13 Sept., 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
John Scollins	2	56	\$22.80
H. A. Giles	2	48	\$22.40
E. D. Billotte	3	104	\$35.20

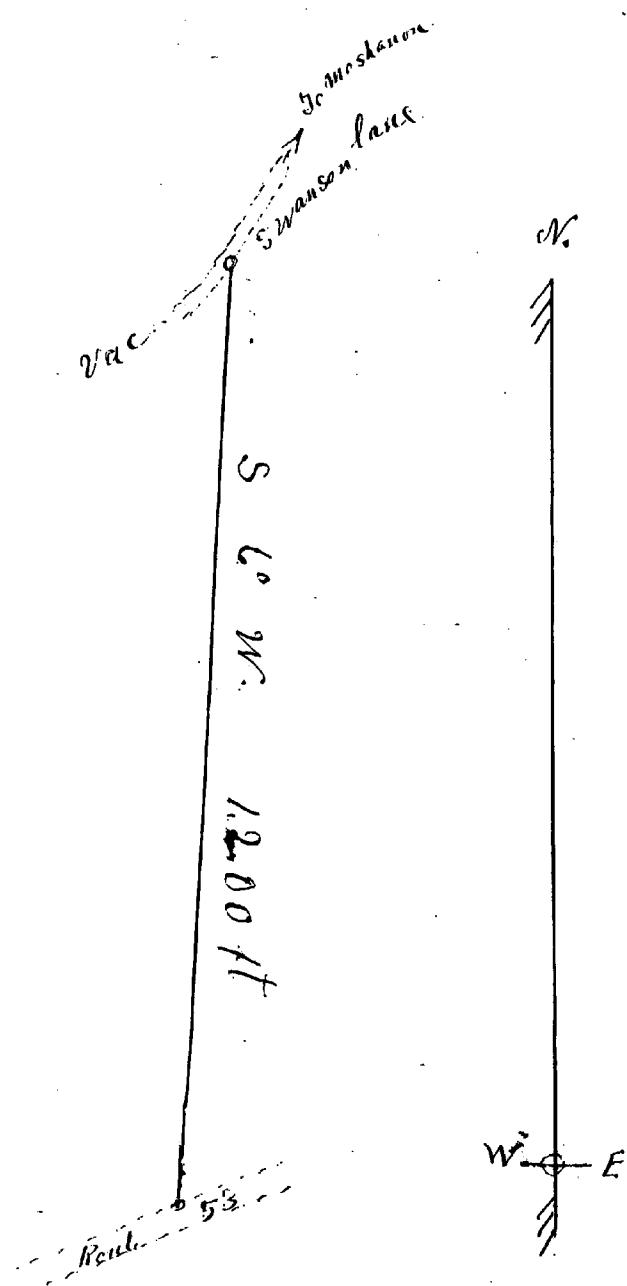
Now *Sept. 1938* Sessions 1938  
read and confirmed Ni. Si. *E.*

To view and vacate road situate  
in the Township of Cooper  
Clearfield County.

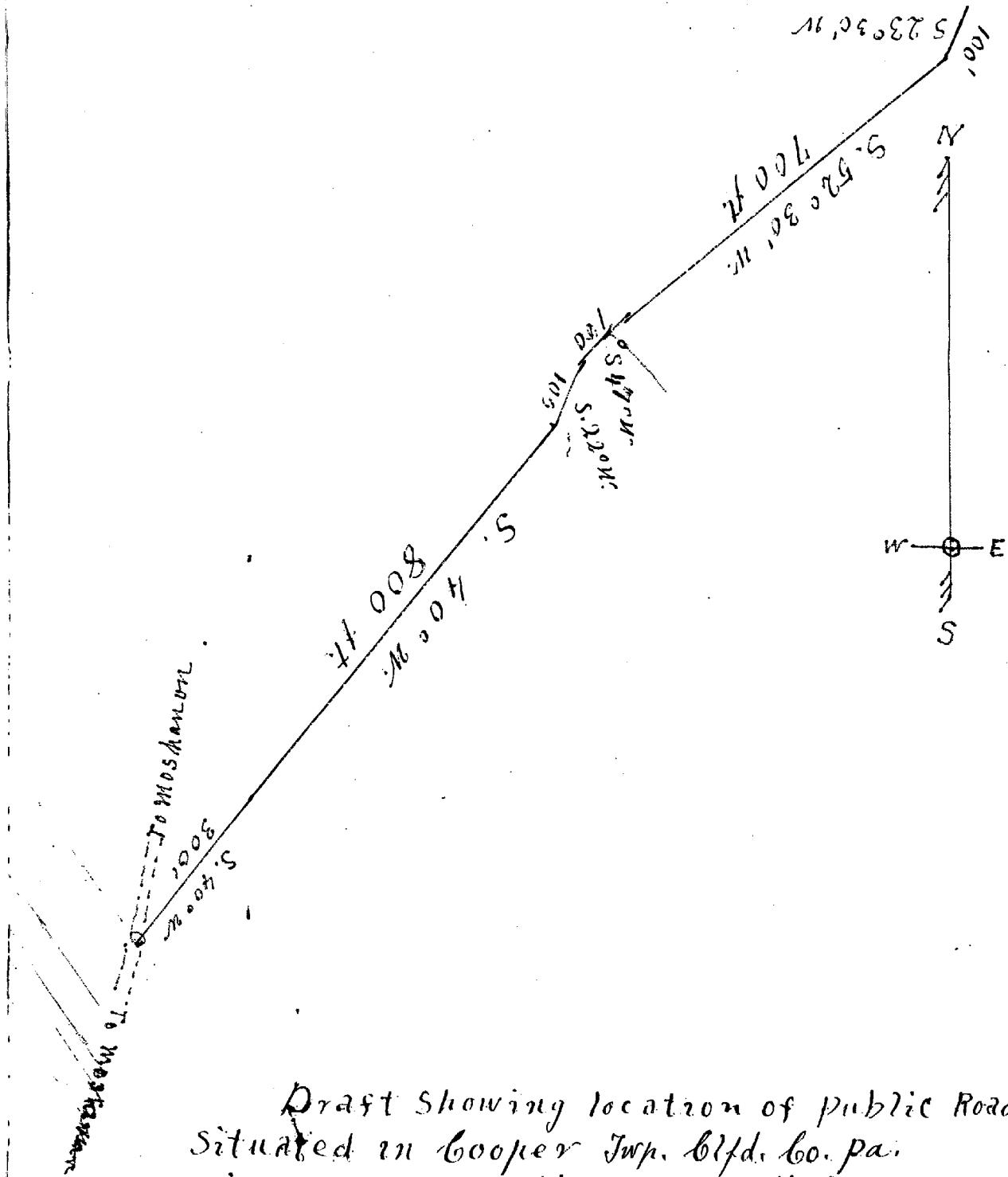
By the Court  
*John R. Kelly Jr.*  
Now *Sept. 1938* Sessions 1938  
confirmed absolute  
*E. D. Billotte*  
By the Court.

Filed *Sept. 1938* 19

Atty. *W. Albert Namey*  
Fees \$1.25 paid by



Draft showing location  
of a public road viewed and  
laid out in the Township of  
Cooper in Clearfield County  
Penna. on Sep. 20th 1938.  
Total length 1.200' John Scollins,  
Scab 1 in t. 100' E. M. Billotte  
H. A. Giles,  
Viewers,



Draft Showing location of public Road  
 situated in Cooper Twp. Blfd. Co. Pa.  
 viewed for vacation sep. 20th. A.D. 1938.

Total length 2100 ft  
 Scale  $\frac{1}{4}$  inch to 100 ft.

John Scellins  
 E.D. Billotte  
 H.A. Giles  
 viewers.

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TO: The County Commissioners of Clearfield County:-

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

In re; Order to view and vacate  
certain roads, and to supply for  
public use, a certain road in  
Cooper Township. No. 13, September 88., 1938.

You are hereby notified that the undersigned Viewers,  
appointed by the Court to the above number and term, to view and  
vacate the following described portions of a Township Road in the  
Township of Cooper, to wit:

NO. 1: Beginning at a point on State Highway Route No. 53,  
about Five Hundred feet North of Hartle's Garage and extending in  
a Northerly direction to a point about 2300 feet North of said  
State Highway Route No. 53 to a point near Swanson's Lane.

NO. 2: Beginning at a point on said Township Road, which  
point is the beginning of Harvey's Lane in a Northerly direction  
about one and one-half miles to the Susquehanna River and the end  
of said road; and to supply the following road, to wit:

Beginning at Swanson's Lane and extending in a Southerly  
direction about twelve hundred feet to State Highway Route No. 53,  
in the County aforesaid, will meet at Hartle's Garage in Cooper  
Township on Tuesday, the 20th day of September, 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 Thursday,  
the 22nd day of September, 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 Kelline  
E. J. Billotte  
N. A. Gilleo

Dated: September 8th, 1938.

Viewers

CLEARFIELD COUNTY: SS,

Now, this 10th day of September, 1938, service  
of the above Notice is accepted for the Commissioners of  
Clearfield County.

Myra L. Luce  
Clerk

TO: Fred Baumgardner, John G. Miller and Paul Veres,  
Supervisors of Cooper Township, Clearfield County:-

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

In re: Order to view and vacate  
certain roads, and to supply for  
public use, a certain road in  
Cooper Township. No. 13, September SS., 1938.

You are hereby notified that the undersigned Viewers,  
appointed by the Court to the above number and term, to view and  
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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 22nd day of September, 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 Scollard

E. J. Billotte

N. A. Giles

Dated: September 8th, 1938.

Viewers

CLEARFIELD COUNTY, SS:

Now, this 10<sup>th</sup> day of September, 1938, service of  
the above Notice is accepted for the Supervisors of Cooper Township.

Paul Veres

John G. Miller

Fred J. Baumgardner

Supervisors

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

Re: Vacation and Supply of |  
Road in Cooper Township, | No. Sept. Sessions, 1938  
Clearfield County, Pa. |

P E T I T I O N

To Honorable W. Wallace Smith, President Judge of said Court:-

The petition of Ferd L. Baumgardner, Paul Veres and John G. Miller, Supervisors of Cooper Township, Clearfield County, Pennsylvania, respectfully represents:

1. Your petitioners are the Supervisors of Cooper Township, Clearfield County, Pennsylvania, and aver that due to the lack of revenue from taxes, it is necessary and desirable to eliminate by vacation proceedings such roads as are no longer necessary to the citizens of Cooper Township and the traveling public but burdensome to the Township to maintain.

2. There is such a public road in Cooper Township, known as the German Road, and being Township Road No. 17-728, which extends from a point on State Highway Route No. 53 in a Northerly direction to the Susquehanna River, approximately Four (4) miles in length. The Northern-most end of said road, or about the last  $1\frac{1}{2}$  miles of the same has become of no use to the citizens of said Township or to the traveling public, and the expense of keeping said road open in snowy weather and maintaining the same should be applied on the more traveled roads. The same conditions pertain to the Southern-most end of said road, or a distance of approximately 2300 feet, beginning at State Highway Route No. 53.

3. Your petitioners aver that by building a road of approximately 1200 feet in length, extending in an Easterly direction to State Highway Route No. 53, all the traveling public can be accomo-

dated with a better road, ✓ and that the vacation and construction of said road would be a great saving to the Township due to the fact that the Southern-most extremity of said road is always a troublesome spot in snowy weather; and, because of drifts, has proven to be expensive to keep open.

4. The Township desires to be relieved from any possible damage from accidents that may or might possibly occur to persons traveling said portions of said road which have in fact become of no use to the citizens of the Township or to the traveling public.

✓ 5. The portions of said road herein sought to be vacated are more particularly described as follows:

No. 1: BEGINNING at a point on State Highway Route No. 53 about Five Hundred (500) feet North of Hartle's Garage and extending in a Northerly direction to a point about Twenty-three Hundred (2300) feet North of said State Highway Route No. 53 to a point near Swanson's lane.

No. 2: BEGINNING at a point on said Township Road, which point is the beginning of Harvey's lane in a Northerly direction about One and one-half ( $1\frac{1}{2}$ ) miles to the Susquehanna River and the end of said road.

✓ 6. The road herein sought to be supplied begins at Swanson's lane and extends in a Southerly direction about Twelve Hundred (1200) feet to State Highway Route No. 53.

7. There are no homes, business establishments, school houses or other structures of any nature or description or any other thing or reason along any portion of the road herein sought to be vacated which would be affected by reason of the vacation of the same.

WHEREFORE, your petitioners pray that Viewers be appointed to view said property and after hearing to report to your Honorable Court such recommendation for vacation and supply of said road as they see fit.

And they will ever pray,

Ferd L. Baumgardner  
Paul Veres  
John G. Miller

STATE OF PENNSYLVANIA:  
: SS:  
COUNTY OF CLEARFIELD :

Before me, the subscriber hereto, personally appeared FERD L. BAUMGARDNER, PAUL VERES AND JOHN G. MILLER, who, being duly sworn, according to law, depose and say that they are the Supervisors of Cooper Township, petitioners abovenamed, and the facts set forth in the foregoing petition are true and correct to the best of their information, knowledge and belief.

Witness my hand and seal the 29<sup>th</sup> day of July  
A. D., 1938.

Malvina Stewart

My Commission Expires:

KYLERTOWN, PA.  
My Commission Expires at end of next Session of Co.

IN THE COURT OF QUARTER  
SESSIONS OF CLIFTONFIELD COUNTY  
PENNSYLVANIA.

No. 13 Sept. Sessions. 1938

Re: Vacation and Supply  
of Road in Cooper Town-  
ship, Clearfield County,  
Pennsylvania.

P E T I T I O N

Aug. 15, 1938. Now the  
Court affixes John J.  
Cap. J. D. Clark and  
H. H. Rine as witness on  
the petition.

W. R. R. ALBERT RAMEY  
WILLIAM ALBERT RAMEY  
ATTORNEY AT LAW  
CLEARFIELD, PA.