

ROAD

DOCKET No. 6

Number

15

Term

Sept. SS

Year

1938

Petition to View Road in WOODWARD

TOWNSHIP

Versus

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

IN RE: :
: No. 15 September Sessions, 1938
ROAD VIEW IN WOODWARD TOWNSHIP :

September 23, 1938, Petition for Amendment of Paragraph 2
filed.

D E C R E E

Now, the 22nd day of September, 1938, on motion of
McGRATH & SMITH, attorneys for petitioners, it is hereby

ORDERED that paragraph (2) of the petition for the appoint-
ment of viewers read as follows:

"(2). That said road should begin at a point on the
present State Highway known as Route No. 353, at or
near the residence of Michael Donbrosky and extend
to a point approximately 1400 feet beyond Whiteside
Run to corner of lands of Harchack and a public road.
Both points being located in the Township of Woodward,
County of Clearfield, and State of Pennsylvania."

By the Court,

W. Wallace Smith

P. J.

Certified from the record this 23rd day of September, A. D. 1938.

W. R. Gallagher
Clerk

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

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

in said County, setting forth that they suffer great inconvenience for want of a public road in the Village of Woodward, Township of Woodward, County of Clearfield and State of Pennsylvania.

That said road should begin at a point on the present State Highway known as Route No. 353, at or near the residence of Michael Dombrosky, and extend to a point near Whiteside Run, at or near the residence of Albert Gmerek in the settlement known as both points being located in the Township of Woodward.

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 H. W. Bonsall

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. 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 Woodward and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 25th day of August A. D. 1938, and the hearing to be held in the ^{Grand Jury} ~~Assessor's~~ Room, at the Court House, in Clearfield, Pa., on the 29th 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 Ashley Martin, John P. McDermott and James Yarger, Supervisors of Woodward Twp., J. Howard Smith, Esq., Atty for petitioners; John Tomko, Sr., John Tomkp, Jr., William Concel, Mike Lenkavich, Louis Szumansky, John Szumansky, Tony Waslowsky, James Laskowsky, James Concel, Frank Concel, John Gavlak, Paul Gavlak, Stephen Horchak, Mike Horchak, et al. parties in interest.. That the hearing was held in the ^{Grand Jury} ~~Assessor's~~ Room, in the Court House, at Clearfield, Pa., on the 29th day of August A. D. 1938, when the following appearances were noted: Frank Concel, Walter Laskowsky, Stephen Harchak, Geo. T. Dahlin, Geo. W. Minds, Albert Gmerek, Joseph Gmerek, Roy Dahlin, and John P. McDermott, Supergiser of Woodward Twp., with J. Howard Smith, Esq., Atty. for petitioners. Hearing adjourned until September 22d, 1938, at same hour, to obtain Court allowance to amendment of petition. Ashley Martin, John P. McDermott, Supervisors, Geo. T. Dahlin, Stephen Horchak, Joseph Gmerek, Geo. W. Minds, sworn, examined and cross-examined.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an 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 on the present State Highway known as Route No. 353 at or near the residence of Michael Dombrosky (Houtzdale-Ginter route) thence South 87 degrees 30 minutes East along a street as laid out and dedicated to public use by the Kittaning Coal Company, five hundred and ninety feet to a post; thence South 87 degrees 30 minutes East, thereby, eight hundred and eighty-five (885) feet to centre line of Kirk Street (at or near the property of Jas. Concel); thence thereby South 23 degrees East, two hundred and twenty-eight (228) feet to Whiteside Run; thence still thereby South 23 degrees East two hundred and four (204) feet to right-of-way of Whiteside Branch of Pennsylvania Railroad; thence still thereby, crossing said railroad at grade, South 23 degrees East five hundred and eighteen (518) feet to post; thence still thereby (Kirk Street) South 44 degrees East three hundred and eighty-nine (389) feet to a post; thence still thereby (Kirk Street) South 45 degrees East two hundred and sixty-five (265) feet to a post; and thence still thereby South 60 degrees East, two hundred (200) feet and ending at intersection of said Kirk Street and Third Avenue of Kittaning Coal Company's plan of the Village of Woodward, at the property of Stephen Horchak: said Third Avenue being the Road leading to Lingle Mines.

We further find that that section of Woodward Township, through which the proposed road passes is built-up and improved with residences; that the lands on either side are arable, and in a good state of cultivation; that there are also school-children

many of them of young and tender years who are obliged to travel the railroad in going to and from school; that this Village has been neglected for years in the matter of publicly maintained roads and have been compelled to maintain them themselves; that merchants and physicians refuse to deliver goods or make calls therein in the wet and rainy seasons, the roads being impassable.

That there are three bituminous coal mines to be served hereby, at present employing 34 miners, with capacity for 105 men:

Wherefore the said road so as aforesaid laid out, in our opinion 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 no one; the proposed road being laid out over the public right-of-way as dedicated for public use by the Kittanning Coal Company, the original grantor;

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 assessed

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

WITNESS our hands and seals this 24th day of June
A. D. 1939.

Wm. Scellin Seal
Ed. Billotte Seal
H. W. Bonsall Seal
Seal

No. 15 Sept. Sessions, 1938

ORDER

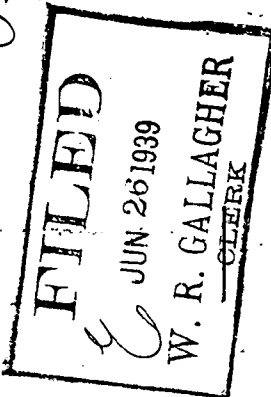
To view and lay out a road for public use in the township of Woodward, Clearfield County

Sylvester Sessions, 1938

read and confirmed N. 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;

Dr. Redden

Dec. 4 1938 Confirmed & verified Dr. Redden



Filed 19 Fees \$1.25 paid by McGrath & Smith, Attorneys

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.
Harry Bonsall	2	149	27.45
E. D. Billotte	3	84	34.20
John Scollins	3	56	32.80

*Now June 23, 1939
one hundred and ninety seven;
filed without further report
W. R. Gallagher
attorney for Billotte*

RELEASE OF DAMAGES

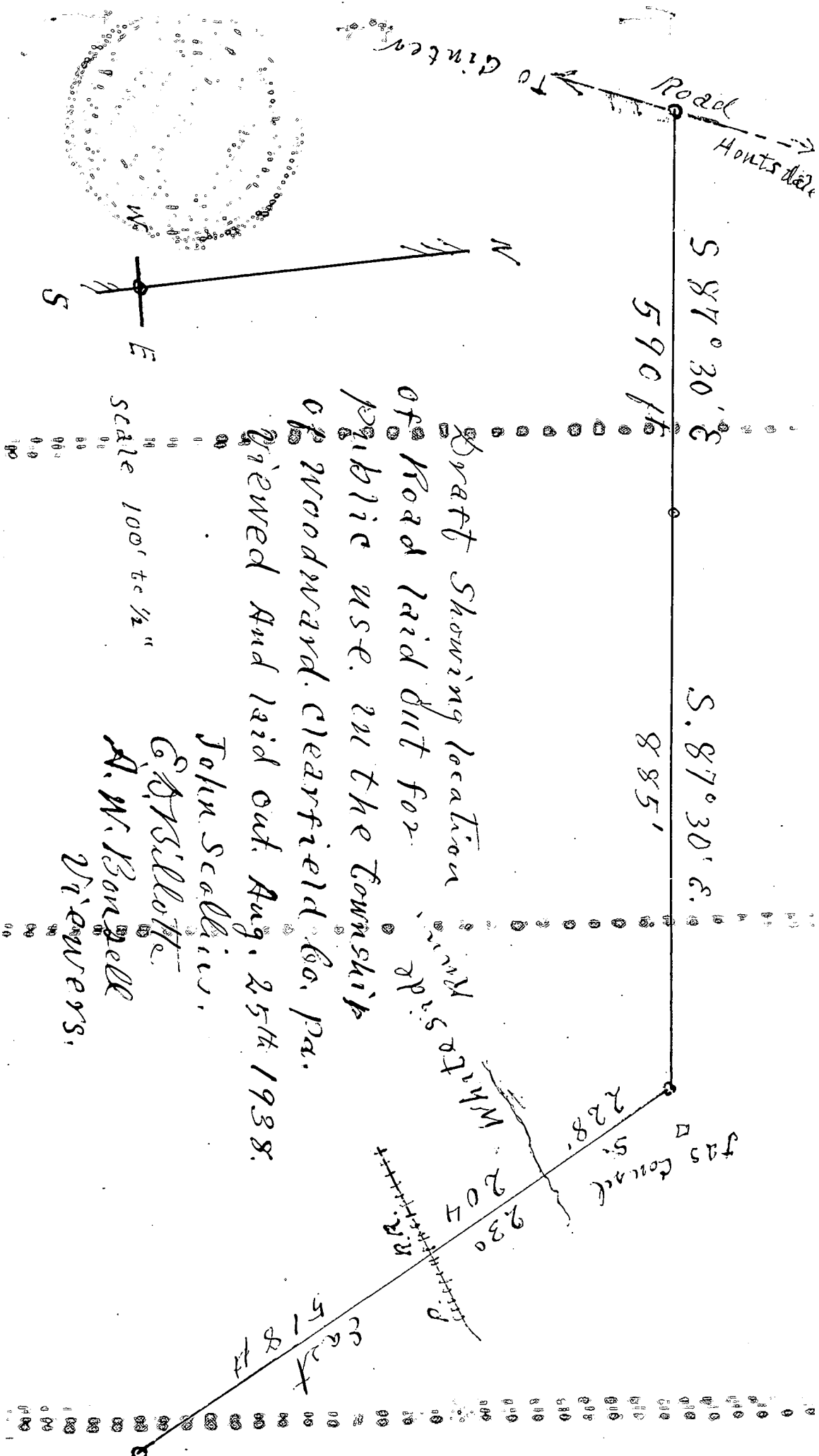
Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by

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



Ashley Martin, John McDermott and James Yarger,
Supervisors of Woodward 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 Woodward.

No. 15, 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 Woodward: "Beginning at a point on the present State Highway known as Route No. 353, at or near the residence of Michael Dombrosky, and extending to a point near Whiteside Run, at or near the residence of Albert Gmerek in the settlement known as "Whiteside", both points being located in the Township of Woodward, in the County aforesaid, will meet at the residence of Michael Dombrosky in said Township on Thursday, the 25th 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 29th 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 Collins
E. D. Billotte
A. W. Bonsall
Viewers

Dated: August 11th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 20th day of August, 1938, service of the above notice is accepted for the Supervisors of Woodward Township.

John P. McDermott
James Yarger
Ashley Martin
Supervisors

TO: The County Commissioners of 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 Woodward.

No. 15, 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 Woodward; "Beginning at a point on the present State Highway known as Route No. 353, at or near the residence of Michael Dombrosky, and extending to a point near Whiteside Run, at or near the residence of Albert Gmerek in the settlement known as "Whiteside", both points being located in the Township of Woodward, in the County aforesaid, will meet at the residence of Michael Dombrosky in said Township on Thursday, the 25th 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 29th 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 Collins
E. S. Billotte
N. W. Bonsall
Viewers

Dated: August 11th, 1938,

CLEARFIELD COUNTY, SS:

Now, this 13th day of August, 1938, service of the above Notice is accepted for the Commissioners of Clearfield County.

Mary E. Lucas
Clerk

Excavation

East

518 ft

S 44° E

389 ft

S. 45° E

265 ft

S. 60° E

200 ft

Angle Mines

to Road to Angle's
Mines

White
201190

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

IN RE:

ROAD VIEW IN WOODWARD TOWNSHIP

:
: No.15 September Sessions
:
1938

NOW, the 22nd day of September A. D. 1938, McGrath & Smith, Attorneys for petitioners in the above entitled proceeding and request that paragraph 2 of the petition for appointment of Viewers reading as follows:

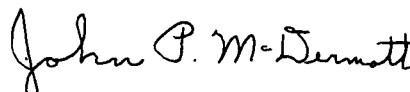
"(2) That said road should begin at a point on the present State Highway known as Route No. 353, at or near the residence of Michael Dombrosky, and extend to a point near Whiteside Run, at or near the residence of Albert Gmerek in the settlement known as Both points being located in the Township of Woodward, County of Clearfield, and State of Pennsylvania."

be corrected and amended to read as follows:

"(2) That said road should begin at a point on the present State Highway known as Route No. 353, at or near the residence of Michael Dombrosky, and extend to a point approximately 1400 feet beyond Whiteside Run to corner of lands of Harchack and a public road. Both points being located in the Township of Woodward, County of Clearfield and State of Pennsylvania."

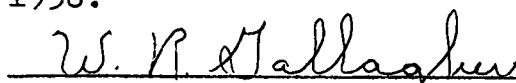


Attorneys for Petitioners.

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

 being duly sworn according to law, deposes and says that the facts set forth in the foregoing motion for the amendment of paragraph (2) of the petition for the appointment of viewers are true and correct.

Subscribed and sworn to before me this 22nd day of September, 1938.





Prothonotary

MY COMMISSION EXPIRES FIRST
MONDAY IN JANUARY, 1940.

D E C R E E

Now, the 22nd day of September 1938, on motion of McGRATH & SMITH, attorneys for petitioners, it is hereby

ORDERED that paragraph (2) of the petition for the appointment of viewers read as follows:

"(2). That said road should begin at a point on the present State Highway known as Route No. 353, at or near the residence of Michael Donbrosky and extend to a point approximately 1400 feet beyond Whiteside Run to corner of lands of Harchack and a public road. Both points being located in the Township of Woodward, County of Clearfield, and State of Pennsylvania."

By the Court,

J. Walter Smith

No. 15 Sept. Sessions
IN THE COURT OF QUARTER SESS.
OF CLEARFIELD COUNTY, PENNA.

Re:

ROAD VIEW IN WOODWARD TOWNSHIP

PETITION FOR AMENDMENT AND
DECREE

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

In re:

Road View in Woodward Township : No. Ssns. 1938
:

TO THE HONORABLE W. WALLACE SMITH, President Judge of said Court:

The petition of the subscribers, residents and citizens of the Township of Woodward, County of Clearfield and State of Pennsylvania, respectfully sets forth:

(1). That they suffer great inconvenience for want of a public road in the Village of Woodward, Township of Woodward, County of Clearfield and State of Pennsylvania.

(2). That said road should begin at a point on the present State Highway known as Route No. 353, at or near the residence of Michael Dombrosky, and extend to a point near Whiteside Run, at or near the residence of Albert Gmerek in the settlement known as

Both points being located in the Township of Woodward, County of Clearfield and State of Pennsylvania.

WHEREFORE, your Petitioners pray your Honorable Court to appoint Viewers to lay out said Township road and to assess the damages, if any, by reason of opening said road and to assess the benefits, if any, arising from the same reason, and to report the same to your Honorable Court in such case made and provided.

AND, your petitioners will ever pray, etc.

Thomas L. Gmerek

Albert Gmerek

Mrs Frances Gowlak

Mrs Frances Gmerek

Mr Steve Gowlak

Mr Joseph F. Gmerek

Mrs Viola Gmerek

Mrs Frances Laskowsky

Mr John Laskowsky

Walter Laskowsky

Tony Laskowsky

Kostek Laskowsky

Frank Laskowsky

Steve Harchak

Clara Harchak X

Mike Harchak

John Kropinsky

Mrs Mary Kropinsky X

John Samonsky

Mrs Nellie Samonsky

Louis Concel

James Concel X

Miss Theresa Connel x

Frank Connel

Elizabeth Connel

Mildred Laskowsky

James Laskowsky J

STATE OF PENNSYLVANIA:
COUNTY OF CLEARFIELD : SS:

Before me, a Notary Public in and for said County and State, personally came *Thomas A. Shurick*, who being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Subscribed and sworn to
before me this 11 day
of June, A. D. 1938.

Thomas A. Shurick

Abraham Shurick

NOTARY PUBLIC
Houtzdale, Pa.
COMMISSION EXPIRES MAY 11, 1940

D E C R E E

AND NOW, this 9th day of August, A. D. 1938, on motion of McGrath & Smith, Attorneys for Petitioners, the Court appoints *John Collins, Esq.*, *E. D. Billott*, and *H. R. Bonsall*, as Viewers, upon the foregoing Petition for the purpose of viewing and laying out a Township road as prayed for by the Petitioners and who shall perform their duties in accordance with the Laws and Acts of Assembly in such case made and provided, and report before or during the September Court of 1938.

BY THE COURT,

H. Walker Smith

P.J.

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 15 Sept. Ssns. 1938

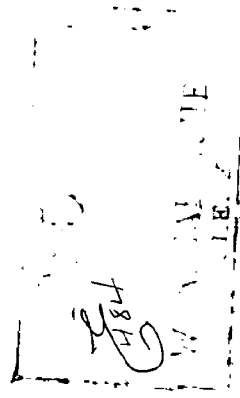
131

In re:

Road View in Woodward Township

Petition for View and Order of
Court thereon.

*Aug 1, 1938, Service
accepted.
Frank H Smith
County Solicitor*



McGrath & Smith
Attorneys at Law
Houtzdale, Penna.

Gen'l No. _____

Court _____

VS.

for _____



BRAND
ATTORNEY'S MANUSCRIPT COVERS
NO. 2280 P