

ROAD

DOCKET No. 6

Number

16

Term

Sept. SS

Year

1938

Petition for Road View in WOODWARD

TOWNSHIP

Versus

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 old State Road, Route No. 153, near the residence of John McGhee, in the Township of Woodward, aforesaid, and extend to a point at the corner of Hemlock Street and an unnamed Alley in the Village of Woodward, said Township, at or near the residence of Benjamin Majesky.

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.

H. 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

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}~~Appellate~~ 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 McDermott}~~and James Yarger, Supervisors~~ of Woodward Twp., with their Atty., J. Howard Smith, Esq.; John Dombrosky, John McGhee, Thomas Gmerek, Mike Dombrosky, Walter Sterneitsky, Albert Gmerek, Joe Gmerek, Mike Tomko, Frank Laskowsky, John Krupinsky, John Laskowsky, Costyack Laskowsky, John Gavlak, Paul Gavlak, Steve Horchak, et al. parties in interest. That the hearing was held in the ^{Grand Jury}~~Appellate~~ Room, in the Court House, at Clearfield, Pa., on the 29th day of August A. D. 1938, when the following appearances were noted: J. Howard Smith, Esq., Atty. for Woodward Township Board of Supervisors; John P. McDermott, Supervisor, sworn, examined, and cross-examined by Counsel and your Board.

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 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx use the following described road,~~ to wit

Beginning at a point on the old State Road, Route No. 153, near the residence of John McGhee (said point being South 48 degrees West 1201 feet plus 125 feet from the Improved Highway No. 353 leading from Houtzdale to Ginter); thence South 48 degrees West nine hundred and seventy-five feet to a point at the corner of Hemlock Street and an unnamed Alley in the Village of Woodward.

The proposed road would accomodate the following families: John McGhee, Mike Stine, Tony Sterneitsky, Valentine Barto, Mike Banas, Vincent Bezilla, Mike Pavlansky, Benj. Miasky, but the right-of-way being only 20 feet in width, to make it a public road of lawful width would require the property owners to move their fences back, and the hearing was adjourned to obtain releases and waiver of damages from property owners fronting thereon, until September 22nd, 1938 at 10 o'clock A.M.

And now, September 22nd, 1938 at the appointed time for the adjourned hearing hereon, it appearing that at a public meeting held September 18, 1938, at the Whiteside school-house, it was unanimously voted by the property-owners not to waive damages for the properties required for the proposed road; that the porposed road would be too close to the school-building; that it would not be in the public interest to build the road at this time: Your Board finds that the p~~ro~~posed road is unnecessary as a public road, and that the same would be useless, inconvenient and burdensome for the Township to maintain.

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 ascending~~



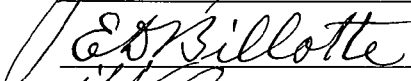




~~which it was not practical to preserve it within that limit.~~

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 none of the property owners affected;

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: Your Board recommends that the petition be dismissed.

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

WITNESS our hands and seals this 22nd day of June
A. D. 1923.

No. 16 Sept. Sessions, 1938

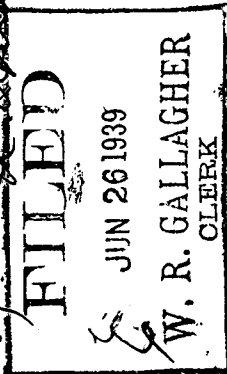
ORDER

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

Superior Sessions, 1937

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.

J. D. Haller
Sept. 4, 1938
W. R. Gallagher



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	AM'T.
E. D. Billotte	1		10.00
John Scollins	1		10.00

now June 23, 1939
we hereby accept sum
of filing the within return
report.
W. R. Gallagher
atty at law

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

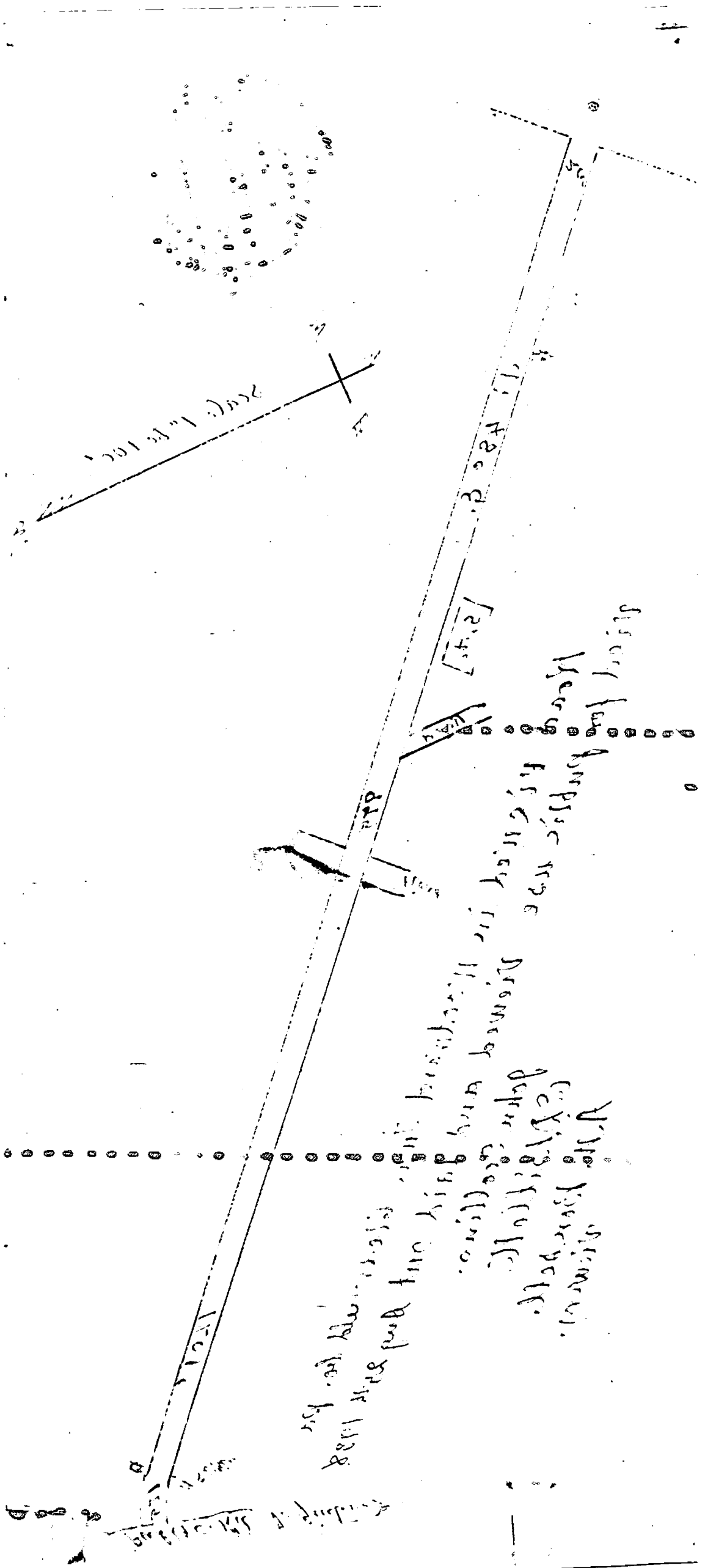
Seal

(SEAL)

(SEAL)

(SEAL)

(SEAL)



TO: 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. 16, 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 old State Road, Route No. 153, near the residence of John McGhee, in the Township of Woodward aforesaid, and extending to a point at the corner of Hemlock Street and an unnamed Alley in the Village of Woodward, at or near the residence of Benjamin Majesky", in the County aforesaid, will meet at the residence of John McGhee in said Township on Thursday, the 25th day of August, 1938 at 11:00 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 Zellins
E. S. Billotte
J. W. Boxsall
Viewers

Dated: August 11th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 16th 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. 16, September SS., 1938.

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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
H. 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.

Myra E. Lucas
Clerk

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 old State Road, Route No. 153, near the residence of John McGhee, in the Township of Woodward, aforesaid, and extend to a point at the corner of Hemlock Street and an unnamed Alley in the Village of Woodward, said Township, at or near the residence of Benjamin Majesky.

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.

Valentine Bartosh

Frances Bartosh

Anthony Sternesky

Catherine Sternesky

Mrs. Michael Pavlansky

Michael J. Pavlansky

Mrs. Michael Banas

Mrs. Helen Stine

Mr. Mike Stine

Mrs. Emma McElhee

Mrs. John McElhee

Mr. Hershell M. Sill

Mrs. Hershell M. Sill

John Solensky

Mary Solensky

Vincent Bytler

Agnes Bytler

Mike Banas

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

Before me, a Notary Public in and for said County and State, personally came Michael J. Pavlunsky, 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 20 day of
June, A.D. 1938.

Michael J. Pavlunsky

Edward L. Smith
NOTARY PUBLIC

Houtsdale, 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. Billotte*, and *H. H. Benson*, 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,

J. Walter Smith
P.J.

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 16 Sept. Ssns. 1938
131

In re:

Road View in Woodward Township

Petition for View and Order of
Court thereon.

*Aug 11, 1938, received
admitted
Frank S. Smith
County Solicitor*

RECEIVED
485
AUG 9 1938
W. R. GALLAGHER
CLERK

McGrath & Smith
Attorneys at Law
Houtzdale, Penna.

FOLD HERE

Gen'l No. _____

Court _____

VS.

for _____



BRAND
ATTORNEY'S MANUSCRIPT COVERS
NO. 2280 P