

ROAD

DOCKET No. 6

Number

Term

Year

18

Sept. SS

1938

Petition for Supply of Roads in  
DECATUR TOWNSHIP

Versus

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

RE: THE SUPPLYING OF ROADS IN THE:  
TOWNSHIP OF DECATUR. :

To the Hon. W. Wallace Smith, President Judge of said Court.

We, the Petitioners, whose names appear hereafter as signers, petition your Honorable Court to supply certain roads in the Township of Decatur, as follows:

FIRST: The roads herein mentioned are located in build up sections, and are necessary for the useful, convenient, and safe travel to and from the residences of those citizens living near and adjoining Osceola Borough.

SECOND: The streets sought to be made Township roads, being as follows:

(a). Second Avenue, extending from State Highway Route 53 to Curtin Street, a distance of 700 feet more or less.

(b). Beginning at First Avenue then extending along Frazer Street through and across Second Avenue to a point at an alley one-half block beyond Frazer Avenue, a distance of 525 feet.

(c). Being First Avenue between Frazer Avenue and Curtin Street, a distance of 350 feet.

(d). A short street beginning at Curtin Street, thence north twenty-two and one-half ( $22\frac{1}{2}$ ) degrees, 41 minutes west to Spring Street, a distance of 375 feet.

(e). Beginning at the intersection of Spring Street and extending in a northwesterly direction, more or less, 1275 feet to Third Street, being known as Chestnut Street.

(f). Beginning at a point on Hemlock Street then extending in a general easterly direction to and across Chestnut Street and Walnut Street to the intersection of State Highway Route No. 17056 for a distance of 1380 feet more or less and being known as Poplar Street.

(g). Beginning at a point on Hemlock Street and extending in a northeasterly direction; thence to and across Chestnut Street to a point at the intersection of Walnut Street at the intersection of a portion of Township road and being on a portion of what is known as Third Street and extending 900 feet in length.

(h). Beginning at the intersection of Walnut Street and Spring Street and then extending in a easterly direction to intersection State Highway Route No. 17056, 400 feet more or less.

THIRD: That all of the aforesaid roads are necessary to the traveling public, generally and particularly to the residents of the immediate vicinity.

FOURTH: That all of the said roads herein applied for are in existing public roads and the only damages resulting would be from widening or possible drainage changes.

WHEREFORE, your Petitioners pray that viewers be appointed to go on the ground, and after view and hearing, to make recommendations as to same to your Honorable Court.

And they will ever pray,

George Demchak  
Lorenzo Bateman  
Michael Buckeye

STATE OF PENNSYLVANIA:  
:SS  
COUNTY OF CLEARFIELD :

Before me, the subscriber hereto, came George Demchak, Lorenzo Bateman and Michael Buckeye, all of who are citizens of Decatur Township, Clearfield County, Pennsylvania, and who being duly sworn according to law, depose and say that the facts set forth in the within Petition are true and correct to the best of their knowledge and belief.

Sworn to and subscribed before :  
me this 1st day of August A.D. 1938:

W. R. Korman J.P. :

My Commission Expires First Monday in January 1944

George Demchak  
Lorenzo Bateman  
Michael Buckeye

O R D E R

NOW, ~~July~~ <sup>August</sup> 11 A.D., 1938, the within Petition having been read and considered, John I. Collins, Esq., E. D. Elliott and H. A. Gilhe are appointed viewers to go on the premises herein referred to and after view and hearing to determine the necessity of the roads herein prayed for.

A. Walter Smith  
P.J.

IN THE COURT OF COMMONS  
SESSIONS OF JUSTICE AND COUNTY  
CLERK

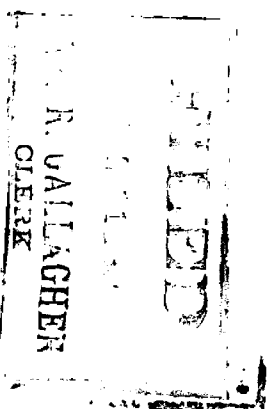
Nov-18 Sept. 22, 1938

Re: (Case No. 1000)

ROADS IN THE COUNTY  
OF DORSET.

REPORT ON THE

ORDER



487  
D.

James J. Meekins, Atty.

GENERAL RELEASE OF ALL CLAIMS

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS

KNOW ALL MEN BY THESE PRESENTS, that I, *the undersigned* of  
State of Pennsylvania, as well for and in consideration of  
divers, other good causes and valuable considerations, no thereto specially moving,  
have revised, released, quit claimed, and forever discharged, and by these presents,  
for myself, my heirs, executors and administrators, do revise, release, quit claim,  
and forever discharge the Decatur Township Board of Supervisors, their heirs,  
executors and administrators, successors, and every of them, of and from all, and  
all manner of action and actions, cause and causes of action and actions, suits,  
debts, dues, duties, sum and sums of money, accounts, reckonings, bonds, bills,  
specialties, covenants, contracts, agreements, promises, warranties, damages,  
judgments, extents, executions, claims and demands, whatsoever, in law or equity,  
or otherwise howsoever, which against the said *I ever had, now*  
have, or which I, my heirs, executors, or administrators hereafter can, shall, or  
may have, for, upon, or by reason of construction of a road bed or driveway in,  
to, over or upon my real estate, piece, parcel or tract of land by reason of  
removal of dirt or clay, or fill-in at any point along or upon said land for the  
proper building or construction of ~~W. P. A. Project No. Road~~ *in the*  
aforesaid Township, County and State, hereby releasing and forever discharging  
the said Decatur Township Board of Supervisors from any and all property damage  
relating thereto whatsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29<sup>th</sup>  
day of September A. D. 1938.

*Anders K. Rohut*  
*Steve Buckeye*  
*Michael Buckeye*

*Joseph Rohut*  
*Stephen Timmer*  
*Nellie* *Ernest*  
*mark*

# 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

Decatur and that three notices thereof were posted along the routes of the proposed road, that the said view would be held on the 29th day of September

A. D. 1938, and the hearing to be held in the <sup>Grand Jury</sup>~~Adoption~~ Room, at the Court House, in Clearfield, Pa., on the 1st day of October, 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 Thos. Kerfoot and Ben F.

Hughes, Supervisors of Decatur Township; Joseph Danko, Sr., George Boyntim, Emery Matia, Jr., George Demahak, Miller Moyer, John Buckeye, Joseph Desso and Mike Drochan,

parties in interest. That the hearing was held in the <sup>Grand Jury</sup>~~Adoption~~ Room, in the Court House, at Clearfield, Pa., on the 1st day of October A. D. 1938, when the following

appearances were noted: F. Cortez Bell, Esq., Solicitor of Decatur Township with Thos. Kerfoot, Ira Winters and Ben F. Hughes, Supervisors; George Demchak; Andrew Lectric; Mike Dancko; Lorenzo Bateman; James Carson; George Stranko; Mike Drochak; Geo. Boyntim; Andrew Matia and George Mackin: all of whom were 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 are~~ are necessary for ~~a public~~ public roads. And having had respect to the shortest distance and the best ground for such roads 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 roads to wit

Beginning (b) at the intersection of Frazer Street with First Avenue in the Village of West Osceola (adjoining Osceola Borough), and thence extending along Frazer Street North 78 degrees 12 minutes West three hundred and seventy-five (375) feet and ending at its intersection with Second Avenue.

(c) Beginning at the intersection of First Avenue with Curtin Street in the village of West Osceola aforesaid, and thence extending along First Avenue South 11 degrees 48 minutes West three hundred and fifty (350) feet and ending in Frazer Street.

(d) Beginning at the intersection of Short Street with Curtin Street in the village of Frenchtown (adjoining Osceola Borough), and thence North 22 degrees 42 minutes West, along Short Street, three hundred and fifty-two (352) feet and ending in Spring Street.

(e) Beginning at the intersection of Spring and Chestnut Streets in the village of Frenchtown aforesaid, and thence extending along Chestnut Street North 35 degrees 23 minutes West, twelve hundred and seventy-five (1275) feet and ending in Third Avenue.

(f) Beginning at the intersection of Poplar and Hemlock Streets in the village of Frenchtown aforesaid, and thence extending along Poplar Street North 54 degrees 37 minutes East thirteen hundred and eighty (1380) feet and ending in State Highway Route No. 17056.

(g) Beginning at the intersection Third Street and Hemlock Street in the village of Frenchtown aforesaid, and thence North 54 degrees 37 minutes East along Third Street nine hundred and fifty-three (953) feet and ending in Walnut Street and a Township road.

(h) Beginning at the intersection of Walnut and Spring Streets in the village of Frenchtown aforesaid, and thence North 54 degrees 37 minutes East, along Spring Street, four hundred and five (405) feet and ending in State Highway Route No. 17056.

After the view and hearing aforesaid, your Board agrees and submits that there is no occasion for the road hereinafter described

## 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 11th 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 in-  
habitants of the Township of Decatur  
in said County, setting forth that

The roads herein mentioned are located in built-up sections, and are necessary for the useful, convenient, and safe travel to and from the residences of those citizens living near and adjoining Osceola Borough.

The streets sought to be made Township roads, being as follows:

(a). Second Avenue, extending from State Highway Route 53 to Curtin Street, a distance of 700 feet more or less.

(b). Beginning at First Avenue then extending along Frazer Street through and across Second Avenue to a point at an alley one-half block beyond Frazer Avenue, a distance of 525 feet.

(c). Being First Avenue between Frazer Avenue and Curtin Street, a distance of 350 feet.

(d). A short street beginning at Curtin Street, thence north twenty-two and one-half ( $22\frac{1}{2}$ ) degrees, 41 minutes west to Spring Street, a distance of 375 feet.

(e). Beginning at the intersection of Spring Street and extending in a northwesterly direction, more or less, 1275 feet to Third Street, being known as Chestnut Street.

(f). Beginning at a point on Hemlock Street then extending in a general easterly direction to and across Chestnut Street and Walnut Street to the intersection of State Highway Route No. 17056 for a distance of 1380 feet more or less and being known as Poplar Street.

(g). Beginning at a point on Hemlock Street and extending in a northeasterly direction; thence to and across Chestnut Street to a point at the intersection of Walnut Street at the intersection of a portion of Township road and being on a portion of what is known as Third Street and extending 900 feet in length.

(h). Beginning at the intersection of Walnut Street and Spring Street and then extending in a easterly direction to intersection State Highway Route No. 17056, 400 feet more or less.

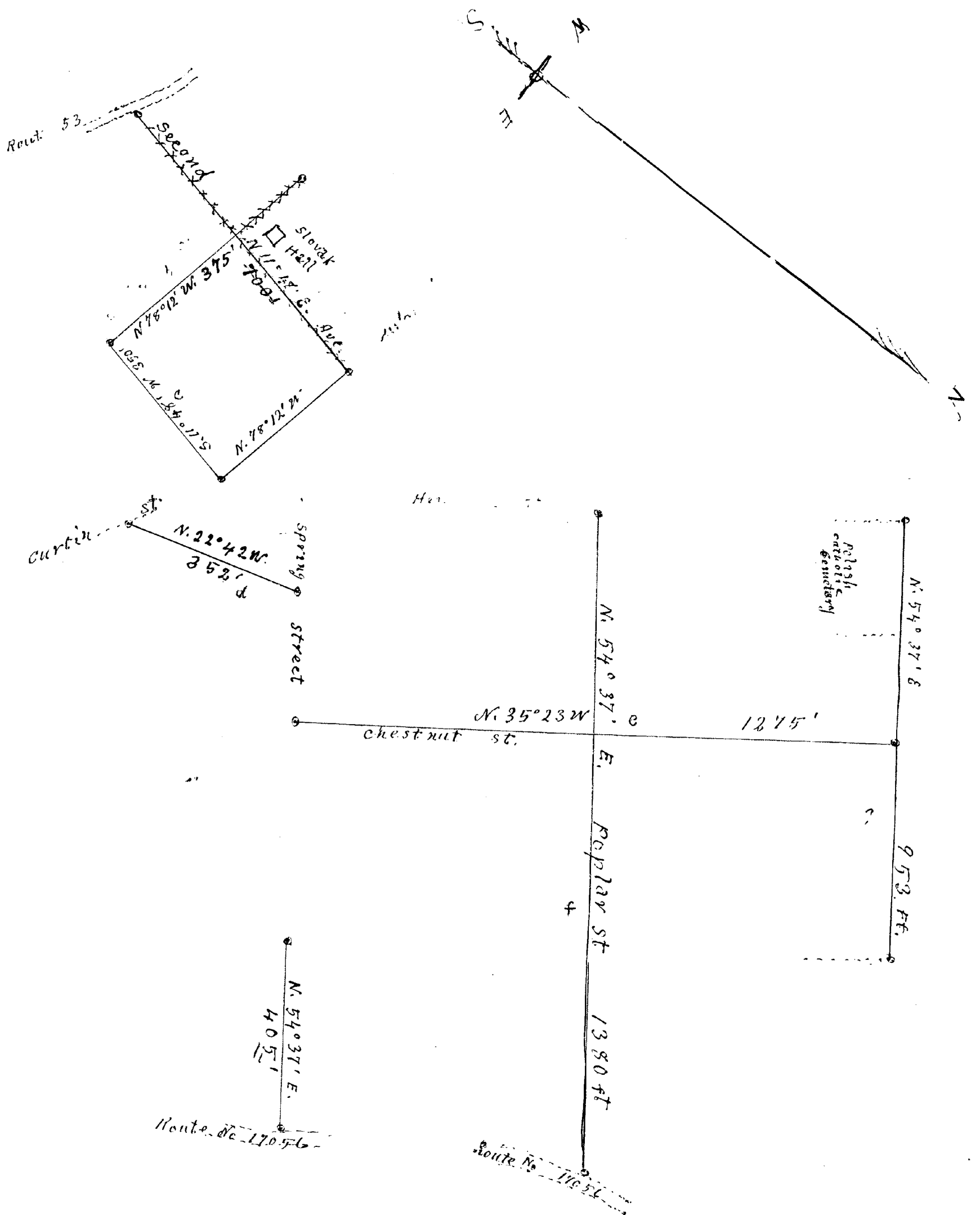
by moderate filling and bridging the declination of the road may be preserved within that limit,) to the next Court of Quarter Sessions to be held for the said County.

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. H. G. G. G. G. G., Clerk.





Draft Showing location of Streets  
Viewed and laid out for public Roads.  
in the Township of Decatur, Clearfield,  
County, Pa. adjoining Borough of Osceola,  
Viewed and laid out on Thursday the  
29th day of September A.D. 1938

Scale  $\frac{1}{2}$  in to 100 ft.

John Scollins,  
E.D. Billobt  
H.A. Giles,  
Viewers.

No. 18 Sept. Sessions, 19 38

## ORDER

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

June 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. Scollins J. J.

Feb. 6, 1938.  
Confirmed absolutely.  
R. Scollins J. J.

Filed 19

Fees \$1.25 paid by

James K. Nevling, Attorney

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. Bi llotte	3	104	35.20
H. A. Giles	2	49	24.50
John Scollins	3	68	33.40

## 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 \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 192\_\_\_\_\_.

Seal

Seal

Seal

Seal

and petitioned for, to wit: (a) Beginning at the intersection of Second Avenue in the village of West Osceola aforesaid with State Highway Route No. 53 (leading to Houtzdale) and running thence North 11 degrees 48 minutes East along Second Avenue aforesaid seven hundred (700) feet and ending in Curtin Street.

Your Board further returns that the aforesaid findings and conclusions were unanimously agreed to by the petitioners and officials of the Township of Decatur; and that Road (a) above described is located on a steep hillside at an approximate grade of 45% and dangerous for all kinds of travel.

That the aforesaid roads are laid out over streets and alleys of the village of West Osceola and Frenchtown, laid out and dedicated to public use by the Kittaning Coal Company and the Philipsburg Coal & Land Company, and maps and plots thereof recorded: deeds for lots as sold by the original grantors calling for said roads as boundary streets and alleys; and have been duly accepted for such use by the Board of Township Supervisors on behalf of the public.

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 owners \_\_\_\_\_  
subscribing to the Release hereto attached and made a part hereof;

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 22nd day of November  
A. D. 1928.

John Seiler Seal  
E. J. Billotte Seal  
H. A. Giles Seal  
Seal

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  
roads for public use in the Town-  
ship of Decatur.

No. 18, 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 for public use in the Township of Decatur the following streets or roads, to wit:

(a) Second Avenue, extending from State Highway Route 53 to Curtin Street, a distance of 700 feet more or less.

(b) Beginning at First Avenue, then extending along Frazer Street through and across Second Avenue to a point at an alley one-half block beyond Frazer Avenue, a distance of 525 feet.

(c) Being First Avenue between Frazer Avenue and Curtin Street, a distance of 350 feet.

(d) A short street beginning at Curtin Street, thence North 22 $\frac{1}{2}$ °, 41' West to Spring Street, a distance of 375 feet.

(e) Beginning at the intersection of Spring Street and extending in a northwesterly direction, more or less, 1275 feet to Third Street, being known as Chestnut Street.

(f) Beginning at a point on Hemlock Street, then extending in a general easterly direction to and across Chestnut Street and Walnut Street to the intersection of State Highway Route No. 17056 for a distance of 1380 feet more or less and being known as Poplar Street.

(g) Beginning at a point on Hemlock Street and extending in a northeasterly direction; thence to and across Chestnut Street to a point at the intersection of Walnut Street at the intersection of a portion of Township road and being on a portion of what is known as Third Street and extending 900 feet in length.

(h) Beginning at the intersection of Walnut Street and Spring Street and then extending in an easterly direction to intersection of State Highway Route No. 17056, 400 feet more or less: in the County aforesaid, will meet at the intersection of State Highway Route 53 and Second Avenue in said Township of Decatur, adjoining the Borough of Osceola Mills, on Thursday, the 29th 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 Saturday, the 1st day of October, 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. A. Giles  
Viewers

Dated: September 7th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 9th day of September, A. D. 1938, service of the above notice is accepted for the Commissioners of Clearfield County.

Myra E. Lucas  
Clerk

TO: Ira Winters, Thos. Kerfoot, and Ben F. Hughes, Supervisors  
of Decatur Township, Clearfield County:-

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

In re: Order to view and lay out  
roads for public use in the Town-  
ship of Decatur.

No. 18, 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 for public use in the Township of Decatur the following  
streets or roads, to wit:

(a) Second Avenue, extending from State Highway Route 53  
to Curtin Street, a distance of 700 feet more or less.

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less:

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Highway Route 53 and Second Avenue in said Township of Decatur,  
adjoining the Borough of Osceola Mills, on Thursday the 29th 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 Saturday, the 1st day of October, 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. J. Billatte*  
*H. A. Giles*

Viewers

Dated: September 7th, 1938.

CLEARFIELD COUNTY, SS:

Now, this 12<sup>th</sup> day of September, 1938, service of  
the above Notice is accepted for the Supervisors of Decatur Town-  
ship.

*Ben F. Hughes*  
*Ira Winters*  
*Thomas Kerfoot*

Supervisors