

ROAD

DOCKET No. 6

Number

19

Term

Sept. 5

Year

1938

Petition for Vacation of Road in

MORRIS TOWNSHIP

Versus

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 Morris-----, 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 27th---- day of August,-----, 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 ^{Grand Jury} Arbitration Room in the Court House, in Clearfield,

Pa., on the 29th---- day of August,----- A. D., 1938, at 9.00 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 James Hill and Miles Hoffner, of the Board of Supervisors of Morris Township,-----

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ^{Grand Jury} Arbitration Room in the Court House, in Clearfield, Pa., on the 29th---- day of August, , A. D. 1938, when the parties interested in the said road were in attendance: James Hill and Miles Hoffner, Supervisors of Morris Township.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has , become useless, inconvenient and burdensome for travel by the public as a part of this road is spanned by a bridge which was seriously damaged by the flood of March 17, 1936, making it of doubtful safety and in addition there has been opened for public travel recently and other road connecting said Routes #864 and #703, just above this road and the opening of the new road has rendered this road unnecessary. However, the Viewers taking into consideration that two properties; those occupied by McQueen and Nelson, situate contiguous to each other and having a frontage of about 150 feet beginning at the intersection of this road and Route #703 and extending northerly from Route No. 703 toward Route #864, might be much less convenient of access, if this entire road were vacated, and have therefore decided to recommend to the Court the vacation of the road described in the Petition and Order, except that part beginning at a point in said road, and extending southerly from said point to the point of intersection with said road and Route, a distance of 150 feet; which said piece the Viewers recommend be, by proper order of Court declared to be a Private Road hereafter for use of the abutting landowners.

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 12th day of August in the year of our Lord, one thousand nine hundred and Thirty-eight.

W. WALLACE SMITH

By the Honorable ~~SKYXKX BCL~~, President Judge of the said Court: Upon the petition of ~~and by~~ Supervisors

~~inhabitants~~ of the Township of Morris, in the County aforesaid setting forth that there... exists in the Township of Morris, a certain unimproved road running for a distance of 200 yards from Route #864 to Route #703. That said road crosses a small stream, the bridge over which has been destroyed by high waters; and the improved highway which has been constructed, being Routes #864 and #703, has thereon a new bridge which eliminates the necessity for the unimproved road and the damaged bridge thereon. That no parties living along said road will be harmed or injured by its abandonment. That your petitioners are desirous of abandoning the road that leads from Route #863 over a small creek to Route #703, for a distance of about 200 yards.

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 ap-

point from and among the County Board of Viewers E. G. Boose, Esq., E. D. Billotte

and Thomas C. McGarvey 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.

W. R. Gallagher
Clerk.

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. G. Boose	4	256	\$52.80
Ed. Billlotte	3	94	\$34.70
Thos. McGarvey	2	148	\$27.40

No. 19 Sept. Term 19 38

ORDER TO VACATE

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

Now September Sessions 19 38

read and confirmed Ni. Si.

By the Court.
J. Hallan
Now December Sessions 19 38 J.

confirmed absolute.

By the Court.
J. Hallan
J.

Filed

19

Atty, William C. Cha

Fees \$1.25 paid by

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, or in any way damaged by the vacation of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from:~~ No property owner appeared either at the View or Hearing to object to the vacation of the road or to demand damages incident to the vacation of the road, and it is of the opinion of the Viewers that no landowner will suffer and damages as a result of the vacation of that part recommended for vacation, and accordingly, no damages were awarded by the Viewers.

~~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:~~

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

Witness our hands and seals this 30th day of August, , A. D. 188.

Edw. Billotte [SEAL.]

Edw. Billotte [SEAL.]

T. C. McChawey [SEAL.]

Viewers.

ORIGINAL

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

In Re: Proposed Vacation
of Public Road in Morris
Township.

: Of September Term, 1938
: No. 19.

To the Supervisors of Morris Township, Petitioners, and the
Commissioners of Clearfield County;

Please take notice hereby that pursuant to a petition presented to the Court praying for appointment of Viewers to view and vacate a certain public road in Morris Township, in said Clearfield County, and therein described as "a certain unimproved public road running for a distance of 200 yards from Route #864 to Route #703, the undersigned were appointed by the Court as Viewers for the said purpose.

The Viewers will meet at the first named termini on Saturday, the 27th. day of August, 1938, at 2.30 o'clock P. M. to make the view and will meet for purpose of holding the public hearing required in such case by the laws of the State and the Rules of this Court, in the Grand Jury Room in the Court House at Clearfield, Pa., at nine o'clock A. M. at which time and place all parties in interest may appear and will be heard.

-----E. G. Boose-----

-----Ed. Billotte-----

-----Thos. C. McGarvey-----
Viewers

Now, August 20th 1938, the foregoing notice served upon the Commissioners of Clearfield County and copy thereof delivered and service is hereby accepted.

-----Myra E. Lucas-----
Clerk.

Now, August 20th 1938, service of the foregoing notice by copy is accepted for the Supervisors of Morris Township, the petitioners.

-----Thos. C. McGarvey-----
Solicitor.

VIEWERS' NOTICE

Notice is hereby given that the undersigned, who have been appointed by the Court of Quarter Sessions of Clearfield County, Penna., to view on a Petition to Vacate

a certain section of a Public Road in Morris Township, County and State aforesaid, which said section of Public Road is described in the Petition as follows:

"A certain unimproved road running for a distance of 200 yards from Route #864 to Route #703."

The Viewers will meet to view, at the first named termini, that is at the intersection of said unimproved road with Route #864, on Saturday, the 27th day of August, 1938, at 2.30 o'clock P. M., or as soon thereafter as the same can be reached.

The Public Hearing in the premises provided for by law and the Rules of this Court, will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on Monday, the twenty-ninth day of August, 1938, beginning at nine o'clock A. M., at which time and place all parties in interest may appear and be heard.

E. G. Boose

E. D. Rillotte

Thomas C. McGarvey

Viewers.

Merrie. Jounshin.
Wheffield Co. Pa.

Bellefont Kid.

64

81222222

~~Red Pine. vacated
5 20.6.195~~

$$\frac{27}{21}$$

5/19/00
Dark blue

1771
privat Pond
Chas McDo

Route No. 103

1500 ft. mine

Draft Showing location of portion

of public Road viewed Aug 27th A.D. 1938.

total length of Road 525 ft. viewed of which:

375 ft. 9100 vacated and 150 ft. recommended as private

Road for the benefit of 2 properties as an outlet,

Scale 2" to 100 ft.

E. G. ROSE

E. D. Bittle

Thos. C. Mifflin.

2176195.

N.

The Mammals

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

Re: :
: :
Vacation of Road in :
Morris Township :

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

The Road Supervisors of Morris Township petition your Honorable Court as follows:

(1) That there exists in the Township of Morris, Clearfield County, a certain unimproved road running for a distance of two hundred (200) yards from Route #864 to Route #703.

(2) That said road crosses a small stream, the bridge over which has been destroyed by high waters; and the improved highway which has been constructed, being Routes #864 and #703, has thereon a new bridge which eliminates the necessity for the unimproved road and the damaged bridge thereon.

(3) That no parties living along said road will be harmed or injured by its abandonment.

(4) That your petitioners are desirous of abandoning the road that leads from Route #863 over a small creek to Route #703, for a distance of about two hundred (200) yards.

Wherefore your petitioners pray your Honorable Court that viewers be appointed to view said road, hold a hearing, and report on the vacation of the same, and they will ever pray,

Charles J. Jeffers
Clair Edwards
John M. Mott

Road Supervisors of Morris
Township

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

Before me, the subscriber hereto, came Miles Hoffner, who being duly sworn according to law, deposes and says that the facts set forth in the within petition are true and correct to the best of his knowledge and belief and that the signatures of the various Supervisors thereto are the signatures of the Supervisors of Morris Township; and that he as Chairman of the Board of Supervisors of Morris Township makes the affidavit thereto for and in behalf of said Supervisors.

Sworn and subscribed to before
me this 9th day of August,
A. D. 1938.
A. D.

William Lee J.P.

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 1940

O R D E R

Now, August 12 A. D. 1938, the within petition having been read and considered, E. G. Boose, Esq., E. D. Billette and Thomas C. McElwain are appointed viewers to view the premises herein described and after hearing, to make recommendation to this Court as to the vacating of the same.

BY THE COURT,

J. Haller *mit*
P. J.

Nov. 19 Sept. 22 1938

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

Re :

Vacation of Road in
Morris Township

PETITION FOR APPOINTMENT
OF VIEWERS.

FILED

AUG 12 1938

W. R. GALLAGHER
CLERK

488

WILLIAM C. CHASE
ATTORNEY-AT-LAW
CLEARFIELD, PA.
KEYSTONE BLDG.