

ROAD

DOCKET No. 6

| Number | Term | Year |
|--------|---------|------|
| 3 | Dec. SS | 1939 |

Agreement between
Clearfield County Commissioners
and

Loy W. Gilman

Versus

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

In re: Vacation of Parts of Roads : NO.
in Burnside Township, Clearfield :
County, Pennsylvania : May Sessions, 1943.
:

TO THE HONORABLE W. WALLACE SMITH, PRESIDENT JUDGE OF SAID COURT:

The petition of the undersigned, the Road Supervisors of the Township of Burnside, Clearfield County, respectfully represents:

1. That by authority of Section 1140 of the Township Code as Amended by P. L. 235, approved May 26, 1939, Burnside Township, Clearfield County, Pennsylvania, has acquired from N. A. Pearce and James F. Adams right of way for the relocation of sections of Township Road Route 308 through these respective properties, deeds to the same being recorded at Clearfield in Deed Book 335, page 484 et sec.

2. Burnside Township has improved with a stone base the newly acquired sections through the said lands of N. A. Pearce and therefor the following sections of the Township Roads have become useless and burdensome.

a. Township Route 307 from a point at its intersection with Legislative Route 17001 Easterly to its intersection with Township Route 308 a distance of approximately 0.2 miles.

b. Township Route 310 from a point at its intersection with Legislative Route 17001 Southwardly to its intersection with Township Route 307 a distance of approximately 0.1 miles.

3. That the said portions of the highway set forth as being useless and burdensome is due to the re-location as set forth above of the respective routes and as result thereof are of no use or value to the traveling public because of the supplied routes by the Township, as hereinbefore set forth, through the N. A. Pearce and James F. Adams property.

WHEREFORE, your petitioners respectfully pray your Honorable

to appoint Viewers to view the said highway and report to the Court with their recommendations as to vacation.

And they will ever pray.

Fry
X Dungan Fry
Hughes
X B. J. Hughes
Brothers
X James C. Brothers
Supervisors of Burnside Twp.

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

Dungan Fry, B. J. Hughes and James C. Brothers, Supervisors, being duly sworn according to law depose and say that the facts set forth in the foregoing Petition are true and correct.

Fry
X Dungan Fry
Hughes
X B. J. Hughes
Brothers
X James C. Brothers
Supervisors of Burnside Twp.

Sworn and subscribed to before me
this 10 day of April A. D.,
1943.

J. Ood Smith

My Commission Expires

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY 1944

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

In re: Vacation of Parts of Roads : NO.
in Burnside Township, Clearfield :
County, Pennsylvania : May Sessions, 1943

O R D E R

NOW, April 16, 1943, the within petition presented
and A. B. Shaw Esq., J. C. McGury and
E. D. B. B. B. are appointed Viewers to go upon
and View the portions of the highway to be vacated and make
report of the same at the next Court in accordance with the
Acts of Assembly.

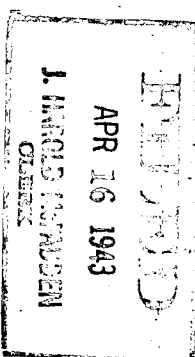
BY THE COURT:

W. Walter Smith
P. J.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA
NO. 2 MAY SS, 1943

IN RE: VACATION OF PARTS
OF ROADS IN BURNSIDE
TOWNSHIP, CLEARFIELD COUNTY,
PENNSYLVANIA

PETITION AND ORDER



LAW OFFICES
CHASE & SWOOPÉ
SNYDER BUILDING
CLEARFIELD, PA.

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 Burnside, 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

4th day of May, A. D. 1943, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the ~~Arbitration~~ ^{Grand Jury} Room in the Court House, in Clearfield,

Pa., on the 6th day of May, A. D., 1943, at 10:30 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 B.J. Hughes, one of the Supervisors of the Township of Burnside, and no other persons.

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Arbitration~~ ^{Grand Jury} Room in the Court House, in Clearfield, Pa., on the 6th day of May,

A. D. 1943, when the parties interested in the said road were in attendance: A.R. Chase, Esquire of the law firm of Chase & Swoope, solicitors for the Burnside Township Road Dist, together with Dugan Fry, one of the Supervisors of said Township.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road ~~has~~ ^{ve}, become useless, inconvenient and burdensome and are unnecessary for the convenience of the traveling public, as said Township Roads Routes Nos. 310 & 307 in Burnside Township have been conveniently supplied by Legislative Route #17001 and Township Route #308. Wherefore your undersigned Viewer's recommend that the following described Township Roads in Burnside Township be vacated and abandoned as prayed for:

THE FIRST ROAD OR PORTION THEREOF TO BE VACATED AND ABANDONED, has its beginning at the intersection of Township Route #307 with Legislative Route #17001; thence extending in an easterly direction over Township Route #307 a distance of 1585 feet to the point of intersection with Township Route #308.

THE SECOND ROAD TO BE VACATED AND ABANDONED, has its beginning at the intersection of Township Route #310 with Township Route #307, hereinabove vacated and abandoned thence extending in a southerly direction over Township Route #310, a distance of 660 feet to the point of intersection of Township Route #310 with Legislative Route #17001.

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 16th day of April in the year of our Lord, one thousand nine hundred and forty-three

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

1. That by authority of Section 1140 of the Township Code as Amended by P. L. 235, approved May 26, 1939, Burnside Township, Clearfield County, Pa. has acquired from N. A. Pearce and James F. Adams right of way for the relocation of sections of Township Road Route 308 through these respective properties, deeds to the same being recorded at Clearfield in Deed Book 335, page 484 et sec.

2. Burnside Township has improved with a stone base the newly acquired sections through the said lands of N. A. Pearce and therefor the following sections of the Township Roads have become useless and burdensome.

a. Township Route 307 from a point at its intersection with Legislative Route 17001 Easterly to its intersection with Township Route 308 a distance of approximately 0.2 miles.

b. Township Route 310 from a point at its intersection with Legislative Route 17001 Southwardly to its intersection with Township Route 307 a distance of approximately 0.1 miles.

3. That the said portion of the highway set forth as being useless and useless and burdensome is due to the re-location as set forth above of the respective routes, and as result thereof are of no use or value to the traveling public because of the supplied routes by the Township, as hereinbefore set forth, through the N. A. Pearce and James F. Adams property.

Viewers, appointed by the Court, in the order of the Court of Quarter Sessions, 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. Wallace Smith, P. J.

Clerk.

To the County Commissioners of Clearfield County, Pennsylvania

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, Pa, on the 16th day of April, A.D., 1943, to view and vacate the following described public roads in the Township of Burnside, Clearfield County, Pennsylvania, the same being certain portions of Township Route #307 and Township Road Route #310, which have become useless and burdensome by reason of the construction and relocation of Township Route #308 in said Township of Burnside, Clearfield County, Pennsylvania.

THE FIRST ROAD OR PORTION THEREOF TO BE VACATED AND ABANDONED, has its beginning at the intersection of Township Road Route #307 with Legislative Route #17001; thence extending in an Easterly direction to its intersection with Township Route #308, a distance of approximately 0.2 of a mile.

THE SECOND ROAD OR PORTION THEREOF TO BE VACATED AND ABANDONED, has its beginning at the intersection of Township Road Route #310 with Legislative Route #17001; thence extending in a Southwesterly direction along Township Route #310 to its intersection with Township Route #307, a distance of approximately 0.1 of a mile.

will meet on the premises at the intersection of Township Road Route #307 with Legislative Route #17001 in Burnside Township, on Tuesday May 4, 1943 at 10:30 o'clock A.M., to attend the duties assigned them, and that a public hearing as required by Act of Assembly and Rules of Court to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said roads or parts thereof to be vacated and abandoned an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pa. on Thursday the 6th day of May, A.D., 1943, at 10:30 o'clock A.M., at which time and place all parties interested in said roads may attend and be heard, if they so desire.

A.B. Shaw

E.D. Billotte

T.C. McGarvey

Viewer's

Now, April 21, 1943, service of the above notice is hereby accepted on behalf of the County Commissioners of Clearfield County, Pa.

Fred A. Reed
Clerk

To the Supervisors of the Township of Burnside, Clearfield County, Pa.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, Pa, on the 16th day of April, A.D., 1943, to view and vacate the following described public roads in the Township of Burnside, Clearfield County, Pennsylvania, the same being certain portions of Township Route #307 and Township Road Route #310, which have become useless and burdensome by reason of the construction and relocation of Township Route #308 in said Township of Burnside, Clearfield County, Pennsylvania.

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A.B. Shaw

E.D. Billotte

T.C. McCarvey

Viewer's

Now, April 22, 1943, service of the above notice is hereby accepted by copy on behalf of the Supervisors of Burnside Township.

B. J. Hughes
Secretary

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~a Road~~ ~~or assess~~ ~~damages, leading from~~ for vacation and abandonment the following described roads in Burnside Township, Clearfield County, Pennsylvania.

THE FIRST TURNOFF, being a certain portion of Township Road Route #307 in said Township of Burnside, having its beginning at the intersection of Township Road Route #307 with Legislative Route #17001, thence extending in an Easterly direction along said Township Road Route #307 to its intersection with Township Route #308, a distance of approximately 0.2 of a mile.

THE SECOND TURNOFF, being a certain portion of Township Route #310 in said Township of Burnside, having its beginning at the intersection of Township Road Route #310 with Legislative Route #17001, thence extending in a Southwesterly direction along said Township Road Route #310 to its intersection with Township Road Route #307, a distance of approximately 0.2 of a mile.

in Burnside Township, in the County aforesaid, will meet at the house of ~~the owner~~ point of intersection of Township Road Route #307 with Legislative Route #17001 in Burnside Township, on the 4th day of May, A. D. 1943, at 10:30 o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all

parties interested will take notice. TO BE HEARD BY THE COURT'S BEFORE THE PRESENCE OF THEIR REPORT IN COURT IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID ROADS OR PORTIONS THEREOF TO BE VACATED AND ABANDONED AN OPPORTUNITY TO BE HEARD, WITH BE HEARD IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD, ON THURSDAY THE 6th DAY OF MAY, A. D. 1943, AT 10:30 O'CLOCK A. M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROADS TO BE VACATED AND ABANDONED, MAY APPEAR AND BE HEARD, IF THEY SO DESIRE.

A. H. DEAN

H. D. DILLON

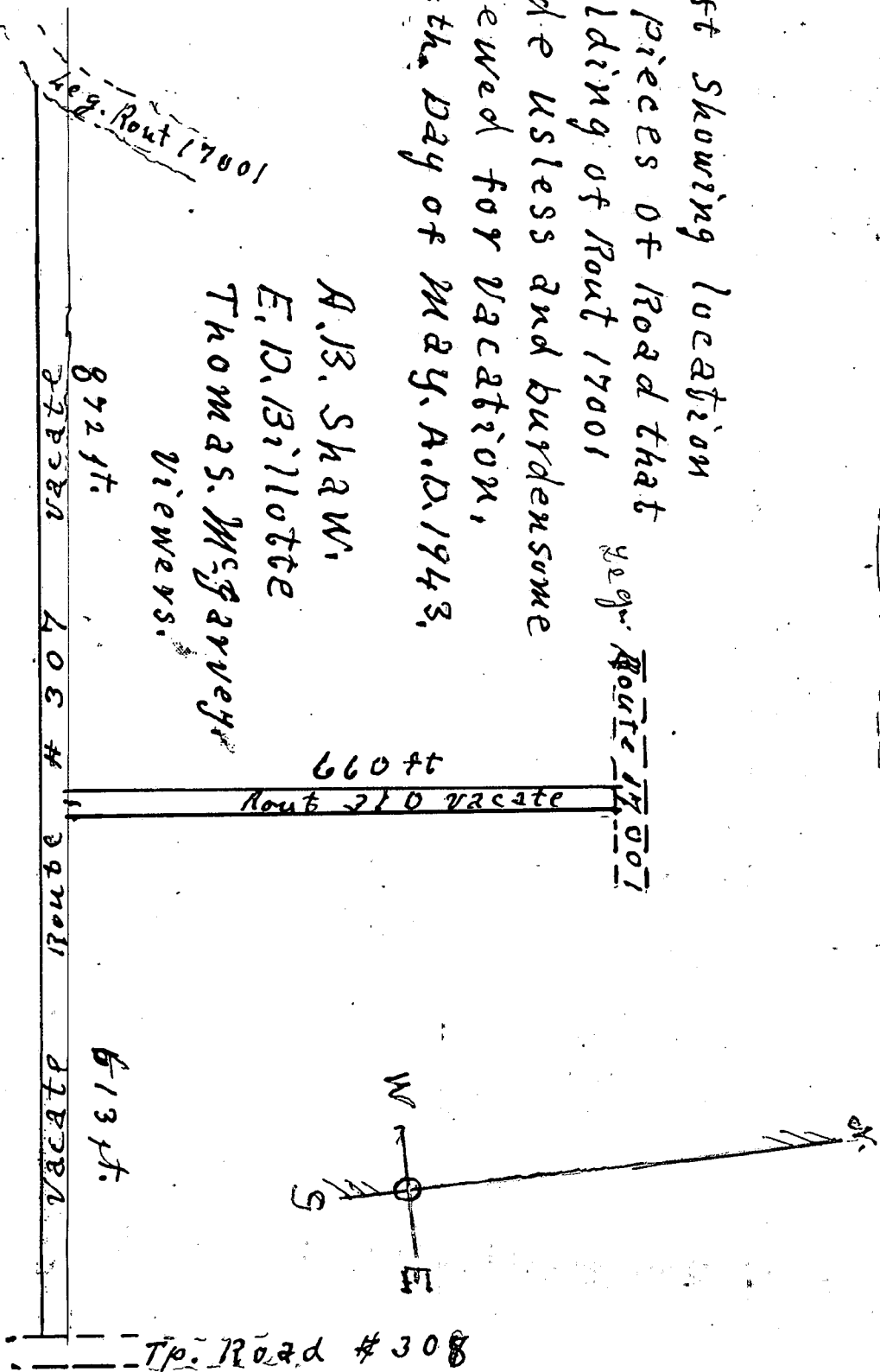
F. C. MCGARVEY

VIEWERS.

April 19,

Draft Showing location
of two pieces of Road that
the Building of Rout 17001
has made useless and burdensome
Are viewed for vacatation,
this 4th Day of May, A.D. 1943.

A. B. Shaw,
E. D. Bilotte
Thomas M^cGarvey
viewers.



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: _____

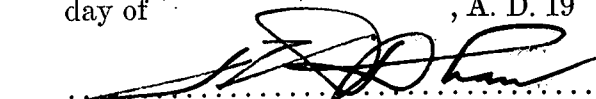
And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up of the said road, we, the undersigned Viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof, as follows: No damage has resulted to the abutting property owners by reason of the vacation and abandonment of the aforementioned Township Roads in Burnside Township.

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

Witness our hands and seals this

day of

, A. D. 19

 [SEAL.]

 [SEAL.]

 [SEAL.]

Viewers.

No. 2 May Term 1943

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 |
|----------------|------|-------|-------|
| A. B. Shaw | 3 | 96 | 34.80 |
| E. D. Billotte | 3 | 160 | 38.30 |
| T. C. McGarvey | 2 | 120 | 26.00 |

parts of
To view and vacate/roads situate
in the Township of Burnside
Clearfield County.

Now Sept Sessions 1943
read and confirmed Ni. Si.

By the Court.
Now Dec Sessions 1943
confirmed absolute.

By the Court.
J. B. Miller

Filed _____ 19__

Atty, Chase & Swoope

Fees \$1.25 paid by

