

ROAD

**DOCKET No.** 6

<b>Number</b>	<b>Term</b>	<b>Year</b>
3	Feb. SS	1939

SANDY TOWNSHIP--Petition for a Road

**Versus**

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In the matter of :  
Petition for a road :  
in Sandy Township, :  
Clearfield County, :  
Pennsylvania. :

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

The petition of the undersigned subscribers, all of whom are residents of Sandy Township, Clearfield County, Pennsylvania, respectfully represents:

That a certain street or road known as Simpson Avenue has been laid out in Sandy Township, Clearfield County, Pennsylvania, although the same has not been laid out as a public road, and your petitioners labor under great difficulty and inconvenience by reason of the condition of this street or road.

WHEREFORE, your petitioners pray your Honorable Court to appoint viewers to view and lay out the said Simpson Avenue as a public road or street, according to law, and they will ever pray, etc.

<u>NAME</u>	<u>ADDRESS</u>
<u>Floyd J. Owens</u>	<u>29 Simpson Ave</u>
<u>Mrs. Floyd J. Owens</u>	<u>29 Simpson Ave.</u>
<u>Thomas Miller</u>	<u>33 Simpson Ave</u>
<u>Mrs. Mary Miller</u>	<u>23 Simpson Ave.</u>
<u>Alberta Salada</u>	<u>116 Simpson Ave</u>
<u>W. H. Salada</u>	<u>116 Simpson Ave</u>
<u>Anna C. Jones</u>	<u>32 Simpson Ave.</u>
<u>Joe Gargotke</u>	<u>30 Simpson Ave</u>
<u>Margaret Gargotke</u>	<u>30 Simpson Ave</u>
<u>Lee D. Kessler</u>	<u>28 Simpson Ave</u>
<u>Ray H. Kessler</u>	<u>28 Simpson Ave</u>
<u>Bearse Kessler</u>	<u>28 Simpson Ave</u>
<u>Ethel Kessler</u>	<u>28 Simpson Ave</u>
<u>Alice Jones</u>	<u>935 S. Brady St</u>
<u>Mr William Jones</u>	<u>935 S Brady St</u>

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS.

Personally appeared before me, a notary public in the  
County and State aforesaid, Floyd F. Owens,  
who being duly sworn according to law deposes and says that the  
facts set forth in the foregoing petition are true and correct.

x Floyd F. Owens

SWORN AND SUBSCRIBED  
BEFORE ME THIS 17  
DAY OF DECEMBER, 1938.

Josephine M. Cherry  
NOTARY PUBLIC  
My Commission Expires Nov. 15, 1942

D E C R E E

Now, to wit, this 19~~th~~ day of December, 1938, the foregoing petition having been read and considered, on motion of John A. Cherry, Esq., attorney for the petitioner, the Court hereby appoints A. B. Shaw Esq., and J. E. Fry and H. H. Bonnell as a Board of Viewers to view and lay out a public road as prayed for by the Petitioners and report their findings to the next Court of Quarter Sessions of Clearfield County, Pennsylvania.

BY THE COURT,

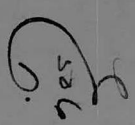
J. Walter Smith  
P. J.

No. 3 Feb. 22 1939  
IN THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY, PENNA.

In the matter of  
Petition for a road  
in Sandy Township,  
Clearfield County,  
Pennsylvania.

PETITION FOR APPOINTMENT  
OF VIEWERS.

FILED  
DEC 19 1938  
W. R. GALLAGHER  
CLERK

  
JOHN A. CHERRY  
ATTORNEY-AT-LAW  
11 N. BRADY STREET  
DUBOIS, PA.

**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 19th day of December 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 Sandy

in said County, setting forth that a certain street or road known as Simpson Avenue has been laid out in Sandy Township, Clearfield County, Pennsylvania, although the same has not been laid out as a public road, and your petitioners labor under great difficulty and inconvenience by reason of the condition of this street or road.

Wherefore, your petitioners pray for appointment of viewers to view and lay out the said Simpson Avenue as a public road or street.

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 A. B. Shaw, Esq., J. E. Fry 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

Sandy and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 17th day of March

A. D. 1923 and the hearing to be held in the <sup>Grand Jury</sup>~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 20th day of March, 1923 at 10:30 o'clock A.M. That

the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view John A. Cherry, Esq., Attorney for petitioners, and T. J. Wayne, Supervisor for Sandy Township

parties in interest. That the hearing was held in the <sup>Grand Jury</sup>~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 20th day of March A. D. 1923, when the following appearances were noted: John A. Cherry, Esq., Attorney for petitioners.

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 no use the following described road, to wit Beginning at the point of intersection of South Brady Street (State Highway Route #219) and Simpson Avenue in the Township of Brady, Clearfield County, Pennsylvania, thence South 85° East along Simpson Avenue 474 feet to the right of way of the Baltimore and Ohio Railroad.

That no damage will result to property owners as said road passes over Simpson Avenue long since laid out and dedicated as a public street.

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.

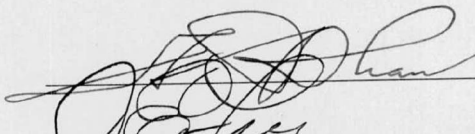
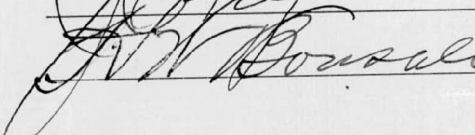
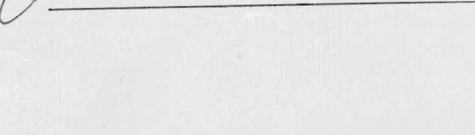

~~The undersigned~~ further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from \_\_\_\_\_

the 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: \_\_\_\_\_

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

WITNESS our hands and seals this 8th day of April

A. D. 192 39.

Seal  
Seal  
Seal  
Seal



ORDER

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

May Sessions, 1939, read and confirmed Ni. Si. Road to be opened 40 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

R. Gallacher  
Sept. 7, 1939.  
Confirmed absolutely  
R. Gallacher

Filed 19 Fees \$1.25 paid by John A. Cherry, Attorn

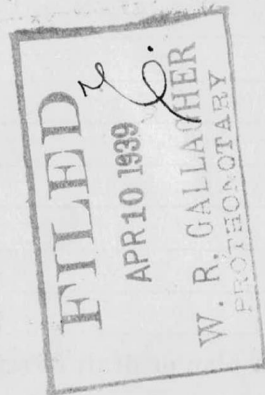
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
A. B. Shaw	3	56	32.80
J. E. Fry	3	60	33.00
H. W. Bonsall	2	74	23.70



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

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County on the 19th day of December, A.D., 1938 to view and supply a public road or highway, beginning at the point of intersection of South Brady Street and Simpson Avenue in the Township of Sandy; thence in an easterly direction along Simpson Avenue a distance of approximately 600 feet to a point at or near the B. & O. Railroad Tracks, will meet at the point of intersection of South Brady Street and Simpson Avenue in the Township of Sandy on the 17th day of March, A.D., 1939, at 10:30 o'clock A.M. to attend the duties assigned them at which time and place all parties interested will take notice and that the public hearing as required by Act of Assembly and 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 said road an opportunity to be heard, will be held in the Grand Jury Room of the Court House, Clearfield, Pennsylvania on Monday, the 20th day of March, A.D., 1939 at 10:30 A.M. at which time and place all parties interested may attend and be heard if they so desire.

A. B. Shaw

J. E. Fry

H. W. Bonsall

(Viewers)

NOW THIS 27th day of February, A.D., 1939, service of the above notice is accepted for the County Commissioners of Clearfield County, Pennsylvania.

Myra E. Lucas  
Clerk



TO THE SUPERVISORS OF SANDY TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County on the 19th day of December, A.D., 1938 to view and supply a public road or highway, beginning at the point of intersection of South Brady Street and Simpson Avenue in the Township of Sandy; thence in an easterly direction along Simpson Avenue a distance of approximately 600 feet to a point at or near the B. & O. Railroad Tracks, will meet at the point of intersection of South Brady Street and Simpson Avenue in the Township of Sandy on the 17th day of March, A.D., 1939, at 10:30 o'clock A.M. to attend the duties assigned them at which time and place all parties interested will take notice and that the public hearing as required by Act of Assembly and 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 said road an opportunity to be heard, will be held in the Grand Jury Room of the Court House, Clearfield, Pennsylvania on Monday, the 20th day of March, A.D., 1939 at 10:30 A.M. at which time and place all parties interested may attend and be heard if they so desire.

A. B. Shaw

J. E. Fry

H. W. Bonsall

(Viewers)

*Service accepted by*

*March - 1 - 1939*

*Jerry Brown Sec.  
Sandy Twp Supervisors*

# 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 .THE POINT OF INTERSECTION OF SOUTH BRADY STREET AND.... SIMPSON AVENUE IN THE TOWNSHIP OF SANDY; THENCE IN AN EASTERLY DIRECTION ALONG SIMPSON AVENUE A DISTANCE OF APPROXIMATELY 600 FEET TO A POINT AT OR NEAR THE B & O RAILROAD TRACKS

in ..... Township to .....

in .....SANDY.....Township, in the County aforesaid, will meet at the house of THE POINT OF INTERSECTION OF SOUTH BRADY STREET AND SIMPSON AVENUE.... in .....SANDY..... Township, on ..FRIDAY..... the .....17TH..... day of .....MARCH....., A. D. 192.39, at 10:30.. o'clock ..A. M., to attend to the duty assigned them, of which time and place afore-said, all parties interested will take notice.

AND THAT THE PUBLIC HEARING AS REQUIRED BY ACT OF ASSEMBLY AND 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 SAID ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM OF THE COURT HOUSE, CLEARFIELD, PENNSYLVANIA ON MONDAY, THE 20TH DAY OF MARCH, A.D., 1939 AT 10:30 A.M. AT WHICH TIME AND PLACE ALL PARTIES INTERESTED MAY ATTEND AND BE HEARD IF THEY SO DESIRE.

.....A. B. SHAW.....

.....J. E. FRY.....

.....H. W. BONSAILL.....

**VIEWERS**

.....FEBRUARY 28..... 19.39..

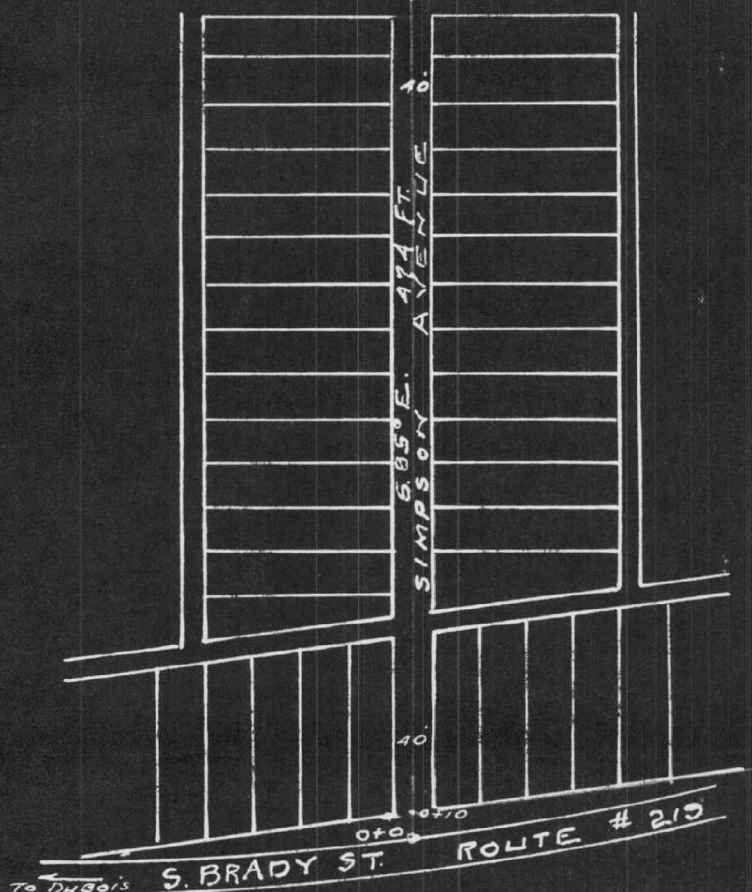


SCALE: 1"=100'

MAGNETIC 1939

B. & O. R. R. Double Track

Baltimore & Ohio Railroad 1+74 ... RIGHT OF WAY LINE



Distance to be supplied—474 Feet.

ROAD VIEW—SUPPLY  
SANDY TOWNSHIP  
SIMPSON AVENUE FROM  
SOUTH BRADY STREET  
TO B. & O. R. R. RIGHT OF WAY.  
MARCH 17-1939.  
A. B. SHAW }  
J. E. FRY } VIEWERS.  
H. W. BONSALE }