

ROAD

CKET No. 6

Number	Term	Year
<u>5</u>	<u>Sept. SS</u>	<u>1939</u>

Re: Supply of Road for PIKE TOWNSHIP

**Versus**

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

RE: SUPPLY OF ROAD IN PIKE  
TOWNSHIP, CLEARFIELD COUNTY,  
PENNSYLVANIA. )  
 )  
 ) NO. 5 SEPTEMBER SESSIONS 1939.

WHEREAS, Clarence Bell, Lewis Hauch, Charles Hauch, Robert Bloom and Amos Thomas, citizens of Pike Township, Clearfield County, Pennsylvania, have petitioned the Court of Quarter Sessions of Clearfield County to supply a road beginning on State Highway Route 322 about five hundred feet (500') on the Grampian side of the Hayes Gas Station and extending through the properties of the Petitioners at their most convenient locations to the line of the property of Amos Thomas, a distance of approximately one-half a mile; and,

WHEREAS, the proposed road as originally contemplated ran along the boundary of Clarence F. Bell and Lewis Hauch with the property of the Harbison-Walker Mining Company; and,

WHEREAS, the Viewers have indicated that the boundary line between the property of Clarence F. Bell and Lewis Hauch on the one side and Harbison-Walker Mining Company on the other should be approximately the center of the said proposed road so that the said proposed public road be approximately one-half on the adjoining property owners.

NOW, THEREFORE, We, the Harbison-Walker Mining Company, a corporation, organized and existing under the laws of the Commonwealth of Pennsylvania, in consideration of the advantages to be gained from the establishment of the said public road, and at the request of the Supervisors of Pike Township who have indicated their willingness to have said road established, do hereby release all claims to damages that may arise to us from the establishment or opening of a public road not more than thirty-three feet (33') in width, beginning at a point on the property of Clarence F. Bell in Pike Township; thence proceeding along the boundary line of the property of Clarence F. Bell and the Harbison-Walker Mining Company to the property of Charles Hauch a distance of approximately two hundred (200) or two hundred and fifty feet (250'); thence continuing along

the boundary line of the property of Lewis Hauch and the Harbison-Walker Mining Company for a distance of five hundred (500) to six hundred feet (600') to a point where the road would turn entirely upon the property of Lewis Hauch. It being the intention herewith to release any damages from the establishment of a road approximately seven hundred (700) to eight hundred feet (800') in length and not over thirty-three feet (33') in width, a one-half portion thereof, or sixteen and one-half feet ( $16\frac{1}{2}'$ ), to be on the property of the Harbison-Walker Mining Company and the other one-half portion thereof to be on the adjoining property owners.

This release is given in pursuance to an authorization of the Board of Directors of the Harbison-Walker Mining Company given the \_\_\_\_\_ day of September A.D. 1939.

ATTEST:

  
\_\_\_\_\_  
H. C. Clegg  
Secretary.

HARBISON-WALKER MINING COMPANY

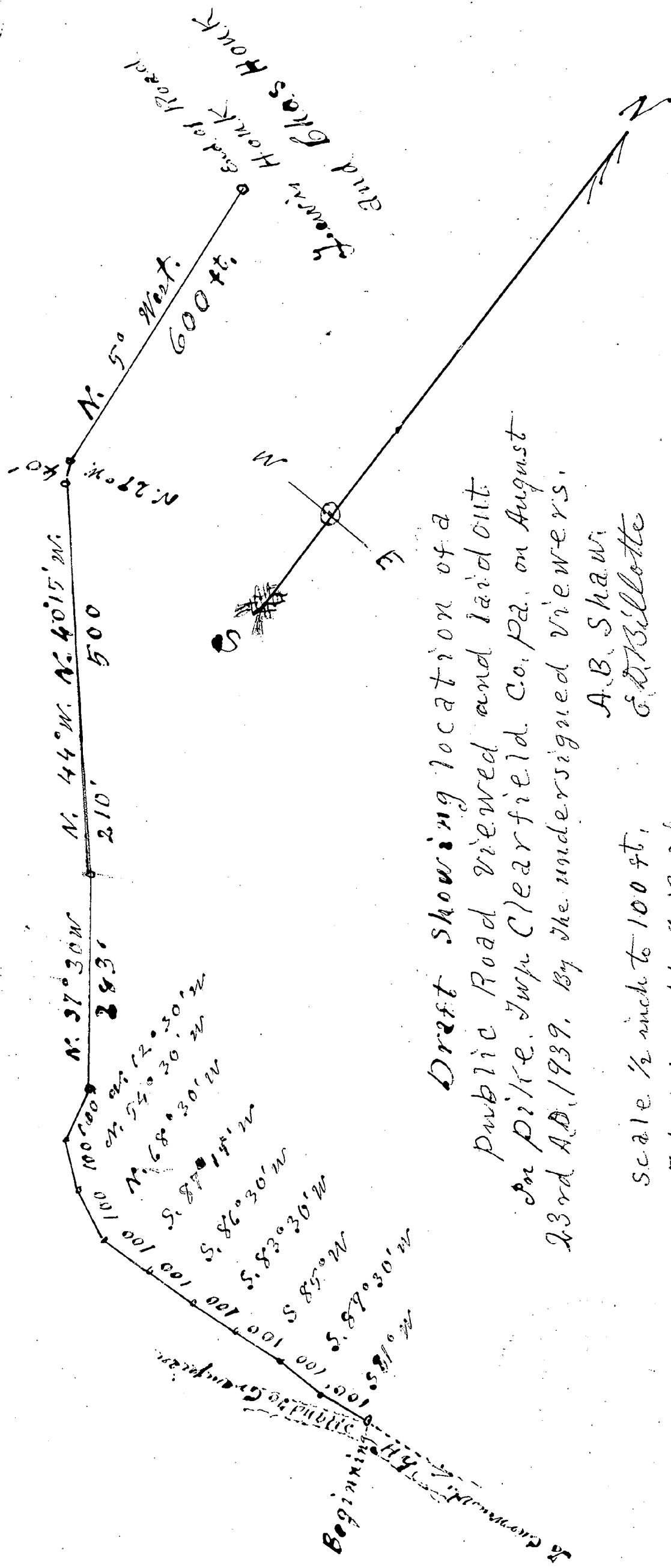
By   
F. J. Leeson  
President.

IN THE COURT OF QUARTER SESSIONS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

NO. 5 SEPTEMBER SESSIONS 1939.

RE: SUPPLY OF ROAD IN PIKE  
TOWNSHIP, CLEARFIELD COUNTY,  
PENNSYLVANIA.

W. J. R. (Signature)  
A. M. M. (Signature)



Draft showing location of a  
public roadviewed and laid out  
for Dr. J.W. Clearfield Co., Pa., on August  
23rd A.D. 1939. By the undersigned viewers.

A. B. Shaw  
G. P. Billotte

Scale  $\frac{1}{2}$  inch to 100 ft.  
Total length of road  
2,533 ft.

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 24th day of July, A.D. 1939, to view and supply a public road or highway in the Township of Pike, Clearfield County, Pennsylvania, the same to have its beginning at a point on the north side of the Lakes-to-Sea Highway, Route #322, approximately 500 feet distant from the Hayes Gas Station in the direction of Grampian; thence to extend in a northerly direction over the lands of Clarence Bell, Robert Bloom, Lewis Hauch and Charles Hauch, and ending on the line of property of Amos Thomas, said proposed road being approximately one-fourth (1/4) mile in length, will meet at the Hayes Gas Station aforesaid, near the point where the said proposed road has its beginning, in said Township on Wednesday, the 23rd day of August, A. D., 1939, at 10:30 o'clock A.M. to attend to the duties assigned them, 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 in the Court House at Clearfield on Friday, the 25th day of August, A.D., 1939, at 10:30 o'clock A.M. at which time and place all parties interested may attend and be heard if they so desire.

A. B. Shaw

H. A. Giles

E. D. Billotte

Viewers

NOW THIS 11th day of August, A.D., 1939, service of the above notice is accepted for the County Commissioners of Clearfield County, Pennsylvania.

Myra E. Lucas  
Clerk

TOWNSHIP,  
TO THE SUPERVISORS OF PIKE/<sup>1/2</sup> 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 24th day of July, A.D., 1939, to view and supply a public road or highway in the Township of Pike, Clearfield County, Pennsylvania, the same to have its beginning at a point on the north side of the Lakes-to-Sea Highway, Route #322, approximately 500 feet distant from the Hayes Gas Station in the direction of Grampian; thence to extend in a northerly direction over the lands of Clarence Bell, Robert Bloom, Lewis Hauch and Charles Hauch, and ending on the line of property of Amos Thomas, said proposed road being approximately one-fourth (1/4) mile in length, will meet at the Hayes Gas Station aforesaid, near the point where the said proposed road has its beginning, in said Township on Wednesday, the 23rd day of August, A. D., 1939, at 10:30 o'clock A.M. to attend to the duties assigned them, 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 in the Court House at Clearfield on Friday, the 25th day of August, A.D., 1939, at 10:30 o'clock A.M. at which time and place all parties interested may attend and be heard if they so desire.

A. B. Shaw

H. A. Giles

E. D. Billotte

Viewers

NOW THIS 12 day of August, A.D., 1939, service of the above notice is accepted  
for the Supervisors of Pike/<sup>1/2</sup> of Clearfield County, Pennsylvania.

Henry A. Giles

# 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~~<sup>AND SUPPLY</sup>  
~~A PUBLIC ROAD OR HIGHWAY~~  
assess damages, leading from ~~RECORDED~~<sup>BEING</sup> BEGINNING AT A POINT ON THE NORTH SIDE OF THE LAKE TO SEA  
HIGHWAY, ROAD #228, APPROXIMATELY 600 FEET DISTANT FROM THE PAYES GAS STATION IN THE DIREC-  
TION OF GRAMPIAN, thence to extend in a northerly direction over the lands of CLARENCE BELL,  
ROBERT BLOOM, LEWIS DAUCH AND CHARLES DAUCH, and ending on the line of property of AMOS  
THOMAS, said proposed road being approximately ONE-FOURTH (1/4) MILE IN LENGTH

**555**..... Township 16.....

in **PIES** Township, in the County aforesaid, will  
meet at the house of **HAYES GAS STATION**.

in 7123 Township, on WEDNESDAY  
the 8<sup>th</sup> day of APRIL, A. D. 1928, 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 VENERS ISHARE THE VILLAGE OF TOWER HAMPTON IN COUNTY, IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEVELAND ON FRIDAY THE 20TH DAY OF AUGUST, A.D., 1930 AT 10:00 O'CLOCK A.M. AT WHICH TIME AND PLACE ALL PARTIES INTERESTED MAY ATTEND AND BE HEARD IF THEY SO DESIRE.

A. D. 325

H. A. GILLES

**B. D. BILLOTT**

.....  
**VIEWERS**

AUGUST 10, 19 39

19 50

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 24th day of July in the year of our Lord one thousand nine hundred and thirty-nine

Lewis Hauch, Charles Hauch, Robert Bloom & Amos Thomas habitants of the Township of Pike

in said County, setting forth that they have no public road to travel from their properties to the State Road leading from Curwensville to Grampian, Route 322. That they desire a spur be built as a State Highway to and through the properties of your petitioners, agreeing to waive any damages for the taking of land for such road purposes.

That said road should begin on the State Highway Route 322, on the right hand side thereof, at or about 500 feet on the Grampian side of the Hayes Gas Station; thence through the land of Clarence Bell, at the most convenient location to and through the property of Robert Bloom, Lewis Hauch, Charles Hauch to the line of property of Amos Thomas at the most convenient location for said road, extending in distance approximately one-fourth mile, 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., H. A. Giles and E. D. Billotte

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. W. Wallace Smith, P. J.

*W. R. 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

Pike and that Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 23rd day of August

A. D. 1939 and the hearing to be held in the ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 25th day of August, 1939 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 Henry Hile, Supervisor of the Township of Pike, also Amos Thomas, one of the petitioners,

Grand Jury  
parties in interest. That the hearing was held in the ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 25th day of August 1923, when the following appearances were noted Morris L. Silberblatt, Esq., of the Law Firm of Bell & Silberblatt, Attorneys for the petitioners, Henry Hile and John Smeal, Supervisors of Pike Township, also Robert Bloom, Clarence Bell and Louis Hauck, petitioners. all of whom were sworn and examined and cross-examined by your board.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is \_\_\_\_\_ occasion for a road as desired by the petitioner, and that the same is \_\_\_\_\_ 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 public \_\_\_\_\_ use the following described road, to wit Beginning at a point on the north side of the Lakes-to-sea highway, Route #322, at a point approximately 300 feet east from the point on said highway where the present private road leads off of Route #322 and which extends in a westerly direction to the properties of Clarence Bell, Louis Hauck and others in said Township of Pike; Approximately 500 feet distant from the Hayes Gas Station in the direction of Grampian; thence through the land of Clarence Bell; thence south 81 degrees west 100 feet to a stake; thence south 89 degrees 30 minutes west 100 feet to a stake; thence south 85 degrees west 100 feet to a stake; thence south 83 degrees 30 minutes west 100 feet to a stake; thence south 86 degrees 30 minutes west 100 feet to a stake; thence south 87 degrees 15 minutes west 100 feet to a stake; thence north 68 degrees 30 minutes west 100 feet to a stake; thence north 54 degrees 30 minutes west 100 feet to a stake; thence north 12 degrees 30 minutes west 100 feet to a stake; thence along line which divides the land of the Harbison-Walker Refractories Company and Louis Hauck, north 37 degrees 30 minutes west 283 feet to a stake; thence still north along <sup>and</sup> line or over the land of the Harbison-Walker Refractories Company 44 degrees west 210 feet to a stake; thence still north along <sup>and</sup> line or over the land of the Harbison-Walker Refractories Company north 40 degrees 15 minutes west 500 feet to a stake; thence north over land of Louis Hauck 29 degrees west 40 feet to a stake; thence still north over land of Louis Hauck and Charles Hauck north 5 degrees west 600 feet to a stake on line of land of Amos Thomas.

The undersigned viewers are of the opinion that said road is necessary for public travel and for the use of the abutting property owners thereon; that at the present time the private road that is being used as the only means of access to and from the properties of Amos Thomas, Louis Hauck, Charles Hauck, Clarence Bell, and others is in a very bad state of repair and during most of the year is impass-

able; that the persons living in this section of Pike Township are under a great disadvantage due to the lack of a public road to and from their premises; that the private road now being used by the residents in this section of Pike Township is so inadequate and in such a bad state of repair that it is impossible to obtain the professional services of a doctor, a funeral director or for the delivery of coal or any other commodities to these premises; that the need for a public road is further necessary in order that children of school age will have the necessary access to and from school throughout the year; that said residents in this particular locality have been tax payers for a number of years and your undersigned viewers recommend that said proposed road be laid out as a public road.

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.

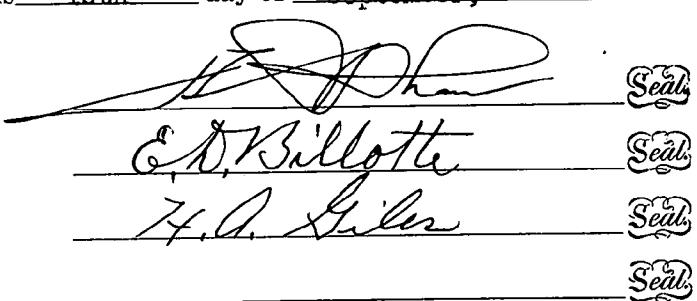
The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from Clarence Bell and Louis Hauck

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 12th day of September,

A. D. 1939



H. J. Phan  
E. D. Billotte  
F. J. Giles

No. 5 Sept. Sessions, 1939

## ORDER

To view and supply a road for public use in the township of Pike, Clearfield County

Dec. Sessions, 1939.

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. Niallant (P.)

F. L. Grinnell \$40.  
C. J. Bell \$100.00

19  
Filed  
Fees \$1.25 paid by

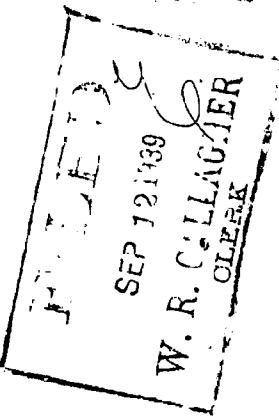
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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 A.M.T.
A. B. Shaw	3	18 30.90
H. A. Giles	2	28 21.40
E. D. Billotte	3	78 33.90



## 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 \_\_\_\_\_.

Clarence Bell   
Grace Bell   
Louis Hauck   
Florence Hauck 

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

Re: SUPPLY OF ROAD FOR :

PIKE TOWNSHIP, CLEAR-: No. 5 September Sessions 1939  
FIELD COUNTY, PENNA. :

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

Petition of Clarence Bell, Lewis Hauch, Charles Hauch, Robert Bloom, and Amos Thomas respectfully represents:

(1). That they are citizens of Pike Township, Clearfield County, Pennsylvania, and have no public road to travel from their properties to the State Road leading from Curwensville to Grampian, Route 322.

(2). That your Petitioners desire that a spur be built as a State Highway to and through the properties of your Petitioners, agreeing to waive any damages for the taking of land for such road purposes. ✓

(3). That the Supervisors of the Township of Pike are not opposed to the establishment of said road as a Township Road as evidenced by their consent attached hereto.

(4). That said road should begin on the State Highway Route 322, on the right hand side thereof, at or about 500 feet on the Grampian side of the Hayes Gas Station; thence through the land of Clarence Bell, at the most convenient location, to and through the property of Robert Bloom, Lewis Hauch, Charles Hauch to the line of property of Amos Thomas at the most convenient location for said road, extending in distance approximately one-fourth of a mile.

WHEREFORE, your Petitioners pray your Honorable Court that Viewers be appointed the examine said premises, take testimony recommending the supplying and opening of the road herein prayed

for as a Township Highway.

And they will ever pray,

Charles Hauck  
Louis Hauck  
Amos Thomas  
Robert Brown.  
Clarence Bell

STATE OF PENNSYLVANIA:

COUNTY OF CLEARFIELD : : SS

Before me, the subscriber hereto, came Clarence Bell, 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 and belief.

Sworn and subscribed before me:  
this 15 day of July A.D. 1939.:

J. Lewis Leib : :

My Commission Expires  
January First, 1942

Clarence Bell

NOW, July 15 A.D. 1939, we, the supervisors of Pike Township aver that we are not opposed to the prayer in the within Petition and will open said highway as a Township road if found to be necessary and so established by the Court of Quarter Sessions of Clearfield County.

Ralph B. Bennett  
Henry A. Kil  
John E. Smith

NOW, July 24 A.D., 1939, the within Petition having been read and considered, A. B. Shaw Esq., H. A. Biles, and E. D. Billotte are appointed Viewers to examine the premises, and after View and hearing as required by law, do make recommendation to this Court relative to same.

By the Court,

R. Waller Jr.

P.J.

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

No. 5 Sept. Sessions 1939

RE: SUPPLY OF ROAD FOR  
PIKE TOWNSHIP, CLEARFIELD  
COUNTY, PENNSYLVANIA

PETITION

Notice of Petition &  
Order accepted by  
copy, July 24, 1939  
Frank G. Smith  
County Collector

FILED

JUL 24 1939

W. R. G. LLAGHER

CLERK

BELL & SILBERBLATT

ATTORNEYS AT LAW  
COUNTY NATIONAL BANK BUILDING  
CLEARFIELD, PENNA.