

ROAD

DOCKET No. 6

Number	Term	Year
6	Feb. SS	1939

CHEST TOWNSHIP--In re: Petition to
vacate and supply a public road

Versus

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

In re: Petition to vacate and : No. February Sessions 1939
supply a public road in Chest :
Township. :

To Hon. W. Wallace Smith, Judge of said Court:

The petition of the undersigned Supervisors and residents of the Township of Chest, County of Clearfield, and State of Pennsylvania, respectfully represents;

1. That a public road was laid out by authority of law in Chest Township extending from the bridge over Chest Creek near the village of Waukesha or Five Points ~~and extending~~ in a southerly direction up Chest Creek through the property now owned by Alexander F. Michaels which public road is crossed by the Pennsylvania Railroad about 500 feet from the dwelling house on said property, and is known on the map of roads in Chest Township as Township Road 17317.

2. That it is the desire of the Supervisors of Chest Township and the owner of the land through which said road passes that a part thereof be re-located for the purpose of eliminating a grade crossing of the Pennsylvania Railroad and also to eliminate the danger to traffic from floods in Chest Creek.

3. That Alexander F. Michaels, the owner of the lands through which the part of said road to be vacated now extends and through which the new road is to be located, has signed a release of all claims and demands for damages resulting from said vacation and re-location, a copy of which release is hereto attached.

Your petitioners therefore pray your Honorable Court to appoint viewers to vacate that part of said Township Road 17317 extending from the bridge over Chest Creek near Waukesha or Five Points in a southerly and westerly direction to the crossing of the Pennsylvania Railroad, a distance of approximately 1600 feet, as

shown on the blueprint hereto attached, and to supply the same with a road beginning at a point on the west side of the Pennsylvania Railroad where the same crosses Township Road 17317 and ending at a point on Township Road 195 L. R. 17004 near the foundation of the Five Points passenger station of the Pennsylvania Railroad Company, a distance of approximately 1400 feet. And they will ever pray.

Clyde McCloskey
Sheridan Westover
Chas. L. Michaels

Supervisors of Chest Township

Norman Hollister

Arthur Litcher

William Dunbar

Ed Westover

Clair Westover

Lyman J. Michael

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:

Sheridan Westover, being duly sworn according to law, deposes and says that he is one of the Supervisors of the Road District of Chest Township, Clearfield County, Pennsylvania, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

Sheridan Westover

Sworn and subscribed to before

me this 31st day of January, A. D.
1939.

John G. Tugay, J. P.

ORDER OF COURT.

NOW February 2, 1939, the within petition having been read and considered, A. B. Shaw, Esq., J. C. McElroy and E. D. Billot, H. A. Giles are appointed viewers to view the premises described in said petition and report to the Court on the advisability of the vacation of the piece of road therein described and the supplying of the same with a road between the points therein indicated.

By the Court,

A handwritten signature in black ink, appearing to read "J. D. Miller, Esq." followed by initials "G.J." The signature is fluid and cursive, with the "J." being particularly large and stylized.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Deed of Release and Quitclaim

KNOW ALL MEN BY THESE PRESENTS, That I (xxxxx) Alexander F. Michaels
(Name)

.....of the Township of Chest, County of Clearfield, and State of Pennsylvania,
La Rose - P2

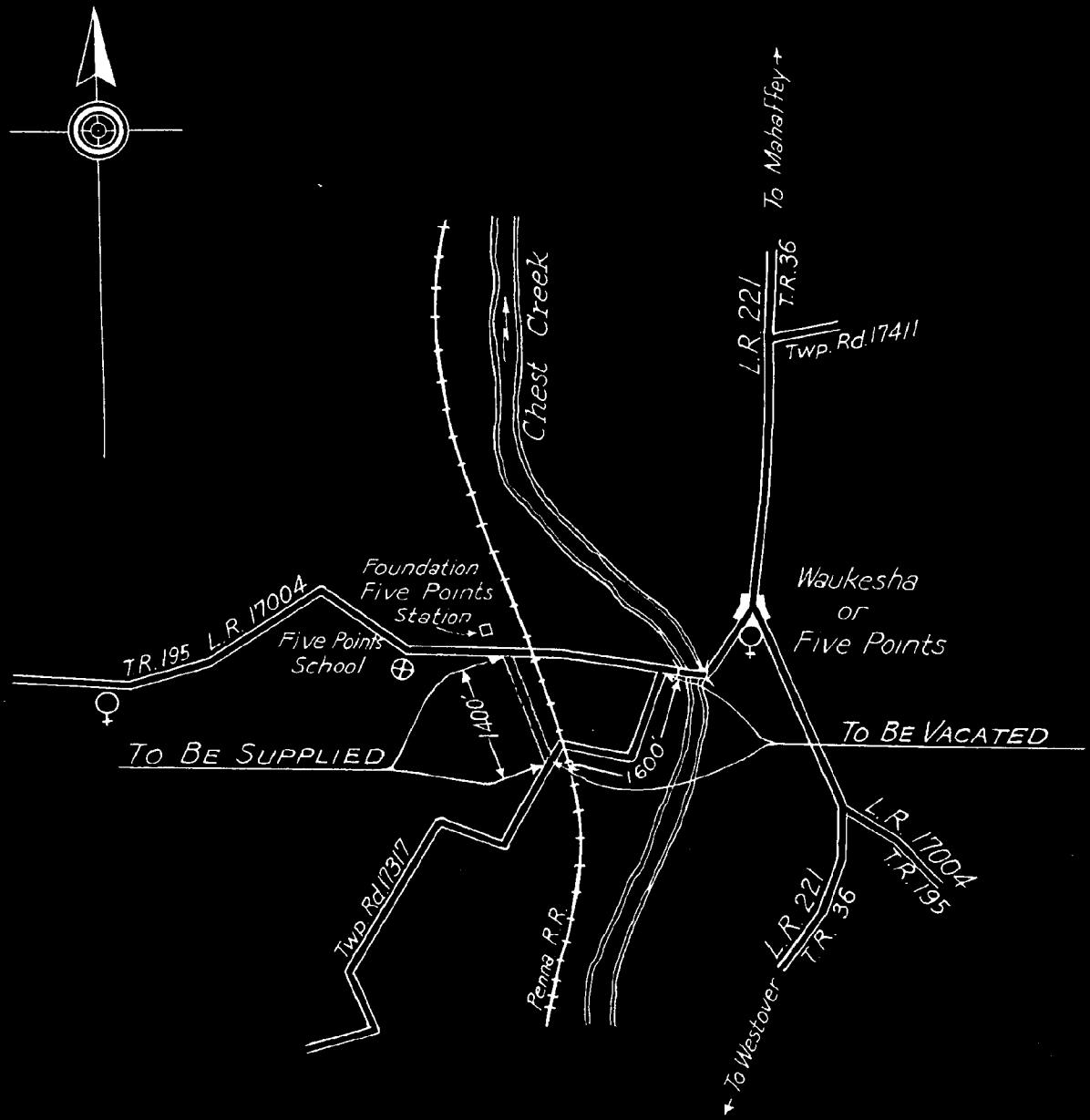
(Address)

owner or owners of property affected by the improvement of a section of road in

.....Chest Township, Clearfield County, Pennsylvania, designated on the records of the Department of Highways as Township Road 17317, for and in consideration of the benefits resulting from the improvement of the said road, do hereby remise, release, quitclaim, and forever discharge the Commonwealth and any agency or political subdivision thereof, their employes or representatives, of and from all suits, damages, claims and demands whatsoever, in law or equity or otherwise, against it or them or any of them, for or on account of any taking, injury, or destruction of property, through or by reason of the improvement of the said road, including the change of any streams, watercourses, drainage, or drainage structures or facilities, or through or by reason of the subsequent maintenance thereof according to the standards of the Department of Highways. A plan showing the proposed improvement is hereto attached and made part of this release.

IN WITNESS WHEREOF, I (xxxxx) have hereto set my (xxxxx) hand (x) and seal (x) this 31st day of January, A. D. 1939.

Witness: Mr. & Nancy Michael X Alexander F. Michaels (Seal)
..... (Seal)



SKETCH SHOWING
PORTION OF TWP RD No 17317
TO BE
VACATED AND SUPPLIED
CHEST TWP - CLEARFIELD Co.

(No Scale)

Now this, 2, 1939, I place it to service of
notice of presentation of the within peti-
tion to the County Commissioners of
Clearfield County.

Myra E. Lucas, Chief Clerk.

IN THE COURT OF QUARTER SES-
SIONS OF CLEARFIELD COUNTY, PA.

No. 6 Feb. Sessions 1939.

In re: Petition to vacate
and supply a public road in
Chest Township.

PETITION AND ORDER APPOINT-
ING VIEWERS.

1/5/39
J.P.

JOHN M. UREY
ATTORNEY AT LAW
CLEARFIELD TRUST COMPANY BUILDING
CLEARFIELD, PA.

KURTZ BROS. CLEARFIELD, PA.

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 second day of February in the year of our Lord, one

thousand nine hundred and thirty-nine

Supervisors

W. Wallace Smith
By the Honorable ~~Stephen~~ ^{and} President Judge of the said Court: Upon the petition of/sundry

inhabitants of the Township of Chest, in the County aforesaid setting forth that .the....
Court appoint viewers to vacate that part of said Township Road 17317 extending
from the bridge over Chest Creek near Waukesha or Five Points in a southerly and
westerly direction to the crossing of the Pennsylvania Railroad, a distance of
approximately 1600 feet, as shown on the blueprint hereto attached, and to
supply the same with a road beginning at a point on the west side of the
Pennsylvania Railroad where the same crosses Township Road 17317 and ending
at a point on Township Road 195 L. R. 17004 near the foundation of Five
Points passenger station of the Pennsylvania Railroad Company, a distance of
approximately 1400 feet.

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 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 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 trans-
mit 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.

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 Chest, 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

14th day of February, A. D. 1939, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the ~~Arbitration Room~~^{Law Library} in the Court House, in Clearfield,

Pa., on the 16th day of February A. D., 1939, 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 No

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Arbitration Room~~^{Law Library} in the Court House, in Clearfield, Pa., on the 16th day of February,

A. D. 1939, when the parties interested in the said road were in attendance: John M. Urey, Esquire, Solicitor for Chest Township Road District

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said

road has become useless, inconvenient and burdensome and there is an occasion for a public road as desired by the petitioners, and that the same is believed necessary for a public road and having had respect to the shortest distance and the best ground for such road and there being no damage claimed by Alex Michaels over whose property the newly proposed road is to pass, we return for public use the following described road, to wit: Beginning at a point on the west side of the Pennsylvania Railroad where the same crosses Township Road Route #17317 in the Township of Chest near the farm buildings of Alex Michaels, approximately 1600 feet from the Chest Creek Bridge at Five Points, thence in a northerly direction along the right-of-way of the Pennsylvania Railroad, approximately 1400 feet to a point where the newly proposed road intersects Township Road Route #195, L.R. 17004, near the foundation of Five Points Passenger station of the Pennsylvania Railroad.

That after the view and hearing aforesaid, the undersigned viewers do agree in accordance with the prayer of the petition to vacate the section of Township Road Route #17317, hereinafter described as having become useless, inconvenient and burdensome, to wit: Beginning at the southern side of the right-of-way of Township Road Route #195, L.R. 17004, on the western side of Chest Creek Bridge at Five Points, thence in a southwesterly direction along Township Road Route #17317, a distance of approximately 1600 feet to the west side of the Pennsylvania Railroad crossing where the newly proposed road has its beginning.

That the section of Township Road Route #17317, that is being vacated is situated for the most part on low land adjacent to Chest Creek and is frequently flooded and impassable as

well as costly for the Chest Township Road District to keep up and maintain. That in addition to the above, the vacation of the section of Township Road Route #17317, as hereinabove described and the construction of the newly proposed road, a dangerous and hazardous railroad crossing which now exists at or near the farm buildings of Alex Michaels, in the Township of Chest would be eliminated, so it is the opinion of your undersigned viewers that by the construction of the newly proposed road the public interest would be more conveniently and economically served by the supplying of a public road as hereinabove laid out and recommended,

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: Alex Michaels

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:

None

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

Witness our hands and seals this

7th day of

March

A. D. 1937

[SEAL.]

E. D. Billotte

[SEAL.]

H. A. Giles

[SEAL.]

Viewers.

No. 6 Feb. Term 19 39

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	Amt
A. B. Shaw	3	75	33.75
E. D. Billotte	3	135	36.75
H. A. Giles	2	85	24.25

To view and vacate/and supply
in the Township of Chest
Clearfield County.

Now May Sessions 1939
I read and confirmed N. S. 1939
By the Court
Now May Sessions 1939

confirmed absolute.

By the Court
J. A. Rehman Justice

Filed 19

Atty, John M. Urey

Fees \$1.25 paid by

MAR 7 1939
W. H. GILLIGAN
CLERK

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 2nd day of February, A.D., 1939, to vacate and supply the following described road in the Township of Chest, Clearfield County, Penna.

The road to be vacated, being a part of Township Road Route #17317, beginning at the bridge over Chest Creek near Waukesha or Five Points and extending in a southwesterly direction to the crossing of the Pennsylvania Railroad, a distance of approximately 1600 feet.

The above road or portion thereof to be vacated and abandoned and supplied by a new road, beginning at a point on the west side of the Pennsylvania Railroad where the same crosses Township Road #17317, thence in a northwesterly direction for a distance of approximately 1400 feet to a point on Township Road Route #195 L. R. 17004 near the foundation of Five Points passenger station of the Pennsylvania Railroad Company, will meet on the premises, at the bridge over Chest Creek near Waukesha or Five Points in the Township of Chest, Clearfield County, Pennsylvania, on Tuesday the 14th day of February, A.D., 1939 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 road to be vacated and supplied, an opportunity to be heard, will be held in the Law Library in the Court House at Clearfield, on Thursday the 16th day of February, A.D., 1939 at 10:30 o'clock A.M., at which time and place all parties interested in said road may attend and be heard, if they so desire.

Now February 2nd 1939 service of the above notice is hereby accepted by copy

A. B. Shaw

H. A. Gilesvey

E. D. Billotte

Viewers

Clerk

Mary E. Lucas

TO THE SUPERVISORS OF CHEST TOWNSHIP

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 2nd day of February, A.D., 1939, to vacate and supply the following described road in the Township of Chest, Clearfield County, Penna.

The road to be vacated, being a part of Township Road Route #17517, beginning at the bridge over Chest Creek near Waukesha or Five Points and extending in a southwesterly direction to the crossing of the Pennsylvania Railroad, a distance of approximately 1600 feet.

The above road or portion thereof to be vacated and abandoned and supplied by a new road, beginning at a point on the west side of the Pennsylvania Railroad where the same crosses Township Road #17517, thence in a northwesterly direction for a distance of approximately 1400 feet to a point on Township Road Route #195 L, R. 17004 near the foundation of Five Points passenger station of the Pennsylvania Railroad Company, will meet on the premises, at the bridge over Chest Creek near Waukesha or Five Points in the Township of Chest, Clearfield County, Pennsylvania, on Tuesday the 14th day of February, A.D., 1939 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 road to be vacated and supplied, an opportunity to be heard, will be held in the Law Library in the Court House at Clearfield, on Thursday the 16th day of February, A.D., 1939 at 10:30 o'clock A.M., at which time and place all parties interested in said road may attend and be heard, if they so desire.

Now February 6 1939 service of the above Notice of View is hereby accepted on behalf of the Supervisors of Chest Township.

A. B. Shaw

T. C. McGarvey

E. D. Billotte

Viewers

Clyde McGarvey

Secretary of Chest Township

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~~ ^{Vacate and supply} assess damages ~~leading from~~ ^{a road} in the Township of Chest, Clearfield County, Pennsylvania.

The road to be vacated, being a part of Township Road Route #17317, beginning at the bridge over Chest Creek near Waikesh or Five Points and extending in a southwesterly direction to the crossing of the Pennsylvania Railroad, a distance of approximately 1600 feet.

in Chest Township #58

The above road or portion thereof to be vacated and abandoned and supplied by a new road, beginning at a point on the west side of the Pennsylvania Railroad where the same crosses Township Road #17317, thence in a northwesterly direction for a distance of approximately 1400 feet to a point on Township Road Route #195 L. R. 17004 near the foundation of Five Points passenger station of the Pennsylvania Railroad Company.

in Chest Township, in the County aforesaid, will meet at the house of on the premises, at the bridge over Chest Creek near Waikesh or Five Points

in Chest Township, on Tuesday
the 16th day of February , A. D. 1959, 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.

THAT A PUBLIC HEARING AS REQUIRED BY ACT OF ASSEMBLY AND RULES OF COURT TO BE HELD BY THE VIEWERS' DOCTOR AND FILING OF THEIR REPORT IN COURT, IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID ROAD TO BE VACATED AND SUPPLIED, AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE LAW LIBRARY IN THE COURTHOUSE AT CLEARFIELD, ON TUESDAY THE 16TH DAY OF FEBRUARY, A. D. 1959 AT 10:30 O'CLOCK A.M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROAD MAY APPEAR AND BE HEARD, IF THEY SO DESIRE.

..... A. D. Shaw, Esq.

..... H. A. Giles,

..... E. D. Billotte,

..... VIEWERS

Sketch showing location
of Public Road laid out in
the Township of Chest Mtn.
County, Pa; over property
of Alex Michaels.
And the location of old road
which eliminates crossing
of the Rail Road.

Viewed and laid out on the
14th day of Feb. A.D. 1939.
Scale $\frac{1}{2}$ inch to 100 feet

P. S. R. vacated
New Roadviewed to join P. R. R. at
viewing point

A. B. SHAW, Eng.
E. D. B. Mott, C.
T. C. McGarvey,
viewers.

Alex Michaels.

