

ROAD

DOCKET No. 6

Number

Term

Year

4

Sept. SS

1940

Petition to Lay Out a Road in

BIGLER TOWNSHIP

Versus

P E T I T I O N .

To the Hon. W. Wallace Smith, President Judge of the Court of Clearfield County, Penna.

We the petitioners and tax payers of Bigler Township Clearfield County and residence of Bigler Township, respectfully represent, That we labor under great inconvenience in not having a road or an outlet from our place of residence.

We petition that viewers be appointed to lay out a road beginning at a point on the road leading from Madera to Morgan Run, and at the residence of Elmo Diggins; Thence East along line of a street approximately six Hundred feet to a point, on land of Robert Stoddart, and we will ever pray.

NAMES

William H. Ackley
Robert Stoddart
Clifford J. Miller
Wm. Krivich
S. L. Churner
John W. Ober
R. H. Swope
John Peters
Frank Kowalczyk
John Kowalczyk
Elmo Diggins
Walbur Mader
Wm. John J. Silensky

ADDRESSES

Madera Pa
Madera Pa
Madera
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Madera Pa
Madera
Madera, Pa
Madera Pa
Madera, Pa
" "
Madera
Madera
Madera

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Personally appeared before me, the subscriber, a
Notary Public in and for said County and State, William H. Ackley,
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.

William H. Ackley

Sworn and subscribed before me, this 21st day of
August, 1940.

K. L. Collins

NOTARY PUBLIC
My commission expires Mar. 9, 1943

No. 4 Sept. 22 1940

Aug 22, 1940. Now
A. H. Shaw, Esq., H. A. Baker
and C. D. Brillette are
appointed since with the
named persons to view &
report on the progress
of the petition.
E. A. Scollin, Jr.

Filed by
John Scollin, Atty

E

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 22nd day of August in the year of our Lord one thousand nine hundred and forty.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Bigler

in said County, setting forth that they labor under great inconvenience in not having a road or an outlet from our place of residence.

They petition that viewers be appointed to lay out a road beginning at a point on the road leading from Madera to Morgan Run, and at the residence of Elmo Diggins; Thence East along line of a street approximately six Hundred feet to a point, on land of Robert Stodart.

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.

J. Harold McFadden, 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 Bigler and that Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 10th day of September ^{Grand Jury} A. D. 1940, and the hearing to be held in the ~~Admiration~~ ^{Grand Jury} Room, at the Court House, in Clearfield, Pa., on the 12th day of September, 1940, 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 William H. Ackley, one of the Supervisors of Bigler Township

Grand Jury
parties in interest. That the hearing was held in the ~~Admiration~~ ^{Grand Jury} Room, in the Court House, at Clearfield, Pa., on the 12th day of September A. D. 1940, when the following appearances were noted: William H. Ackley, Supervisor of Bigler Township

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an 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 Public use the following described road, to wit Beginning at a point on Township Road leading from Madera to Morgan Run at residence of Elmo Diggins in the Township of Bigler, Clearfield County, Pennsylvania; thence East along line of dedicated Street 85 degrees South, Six hundred and eighty (680) feet to a private road on land of Robert Stodart.

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 _____

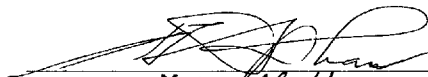

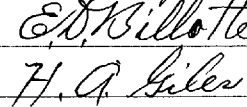

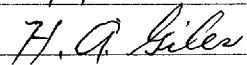



when it was not practical to preserve it within that limit.

~~THE UNDERSIGNED DO HEREBY RELEASE THE UNDERSIGNED TO PRESERVE FROM ALL THE OWNERS OF THE LAND OVER WHICH THE SAID ROAD PASSES RELEASES IN WRITING OF ALL CLAIMS TO DAMAGES THAT MAY BE INCURRED BY ANY PERSON OPENING THE SAME AND THAT THEY PROCEED AT SUCH EXPENSE THEM~~

~~THE FOLLOWING PERSONS HAVING REFUSED TO RELEASE THE DAMAGES IN WHICH THEY RESPECTFULLY MAY BE INCURRED BY REASON OF THE LOCATION AND OPENING OF THE SAID ROAD, THE UNDERSIGNED DO HEREBY, AFTER HAVING CONSIDERED THE ADVANTAGES TO BE DERIVED TO THEM, DO ASSESS THEM DAMAGES AND MAKE REPORT THEREOF AS FOLLOWS:~~

and we herewith return ~~the~~ ^{XX} ~~copies~~ ^{copies} obtained and copy of the notices.

WITNESS our hands and seals this 12th day of September
A. D. 1920.

No. 4 Sept. Sessions, 1940

ORDER

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

Sept. Sessions, 1940,

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.

H. Scollins

H. 3 18 41. Original

Subst. to amt. H. Scollins

Filed 19

Fees \$1.25 paid by

John Scollins, Attorney

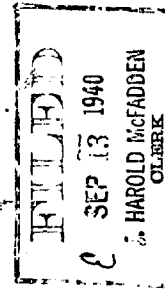
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
E. D. Billotta	3	120	\$36.00
A. B. Shaw	3	60	33.00
H. A. Giles	2	70	23.50



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

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, on the 22nd day of August, A.D., 1940, to lay out and establish a road, beginning at a point on the road leading from Moran to Morgan Run, at the residence of Elmo Diggins; thence East along line of a Street, approximately six hundred (600) feet to a point on land of Robert Stodart, in the Township of Bigler, will meet on the premises on Tuesday September 10th 1940 at 10:30 o'clock A.M., to attend the duties assigned them and that the public hearing as required by Act of Assembly and Rules of 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 Thursday the 12th day of September A.D., 1940, 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

E.D. Billotte

H.A. Giles

Viewers

Now August 26 1940, service of the above notice of view is hereby accepted
by copy.

Fred R. Res

Clerk

TO THE SUPERVISORS OF BIGLER TOWNSHIP

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, on the 22nd day of August, A.D., 1940, to lay out and establish a road, beginning at a point on the road leading from Madera to Morgan Run, at the residence of Elmo Diggins; thence East along line of a Street, approximately six hundred (600) feet to a point on land of Robert Stodart, in the Township of Bigler, will meet on the premises on Tuesday September 10th 1940 at 10:30 o'clock A.M., to attend the duties assigned them and that the public hearing as required by Act of Assembly and Rules of 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 Thursday the 12th day of September A.D., 1940, 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

E.D. Billotte

H.A. Giles

Viewers

Now August 18th 1940, service of the above notice of view is hereby accepted by copy on behalf of the Supervisors of Bigler Township.

William Hensel
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 ^{and lay out} ~~process~~ ~~damages, leading from~~ Beginning at a point on Township Road leading from Madera to Morgan Run at or near the residence of Elmo Diggins in the Township of Bigler, Clearfield County, Pennsylvania; thence East along line of a Street approximately six hundred (600) feet to a point on land of Robert Stodart

in ~~shipship to~~

in Bigler Township, in the County aforesaid, will meet at the house of .. Elmo Diggins in Bigler Township, on Tuesday the ... 10th day of September , A. D. 19.40, 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 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 THURSDAY THE 12th DAY OF SEPTEMBER A.D., 1940 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

..... A.B. SHAW

..... E.D. BILLOTTE

..... H.A. GILES

VIEWSERS.

..... August 26th 19.40

Draft Showing location of
Public Road viewed in Bigler Twp.
Clearfield County, Penna.
Beginning on public Road leading
from Morgan to Morgan Run
at a point near Residence
of Elmo Diggins, on said Road,
Thence South 85° East Along
Street line 680 ft. to land of
Robert Stodart.

Viewed and laid out Sep 10th 1940

scale 1" to 100 ft.

A.B. Shaw
E.D. Billette
H.A. Giles

viewers,

Robert Stodart

