

No. 6 Dec. Term 19 40

ORDER TO VACATE

To view and vacate road situate
in the Township of Huston
Clearfield County.

Now Dec. Sessions 1940

read and confirmed Ni. Si.

By the Court.

Now Feb 3 ~~Sessions~~ 1941

confirmed absolute.

By the Court.

[Handwritten signature]

Filed _____ 19

Atty. Pentz & Pentz

Fees \$1.25 paid by _____

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 28th day of October in the year of our Lord, one thousand nine hundred and Forty.

By the Honorable ^{W. Wallace Smith} ~~Singleton Bell~~ President Judge of the said Court: Upon the petition of ~~sundry~~ Supervisors ~~inhabitants~~ of the Township of Huston, in the County aforesaid setting forth that

That there existed in Huston Township a township highway ~~known~~ what was known as the Penfield Pike to Home Camp, in Union Township, Clearfield County, Pa.; and later taken over by the State Highway Department and designated Route 17092.

That the State Highway Department in improving said highway after taking the same over, relocated the same in Huston Township as of September 9, 1940 and by reason of such relocation abandoned the old highway and the same reverted to the Township of Huston under the laws of the Commonwealth of Pennsylvania. The abandonment of the same being by notice from the State Highway Department.

The portion of the highway to be abandoned by reason of the said relocation

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 ap-

point from and among the County Board of Viewers John Cherry, Esq., H. W. Bonsall,

and J. E. Fry 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 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.

J. Harold McFadden
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 Huston, 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

22nd day of November, A. D. 1940, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield,

Pa., on the 23rd day of November A. D., 1940, at 10:00 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 John J. Pentz, Esq., Attorney for Supervisors of Huston Township;

Walter Overturf, Supervisor of Huston Township,

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Arbitration Room~~ Grand Jury Room in the Court House, in Clearfield, Pa., on the 23rd day of November,

A. D. 1940, when the parties interested in the said road were in attendance: Walter Overturf, Supervisor of Huston Township, with John J. Pentz, Esq., Solicitor of the Supervisors of Huston Township. Walter Overturf was sworn, examined and cross-examined by Counsel and your Board.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome, to wit: Those portions of Township Road, approximating .362 mile from stations 172 67 to 181 77, as shown and embraced within the dotted lines on the map attached to the Petition of the Supervisors for vacation of portion of road Route No. 17092, in said Township. Your Board further finds that there are no residences along the aforesaid portions of said Township Road proposed for vacation; that the direction having been changed, these portions are now dangerous to travel, and are of no value in any manner whatsoever.

The first portion thereof begins at the Huston and Union Township line and extends Northeast approximately 325 feet; the second thereof begins approximately 400 feet from the Huston and Union Township line and extends approximately 600 feet in a Northeasterly direction toward Anderson Creek; and the third thereof begins at the junction point of the latter portion and Route 17092 and extends in a Northeasterly direction approximately 800 feet - all of which is shown by the solid lines on the survey thereof which is hereto attached.

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 28th day of October in the year of our Lord, one thousand nine hundred and Forty.

By the Honorable ^{W. Wallace Smith} ~~Singleton Ball~~ President Judge of the said Court: Upon the petition of sundry Supervisors ~~inhabitants~~ of the Township of Huston, in the County aforesaid setting forth that

That there existed in Huston Township a township highway ~~road~~ ^{roadway} ~~roadway~~ ^{roadway} what was known as the Penfield Pike to Home Camp, in Union Township, Clearfield County, Pa., and later taken over by the State Highway Department and designated Route 17092.

That the State Highway Department in improving said highway after taking the same over, relocated the same in Huston Township as of September 9, 1940 and by reason of such relocation abandoned the old highway and the same reverted to the Township of Huston under the laws of the Commonwealth of Pennsylvania. The abandonment of the same being by notice from the State Highway Department.

The portion of the highway to be abandoned by reason of the said relocation is shown and embraced with the dotted lines on the map hereto attached and consists, as described in said notice from the State Highway Department and as shown on the map, of approximately .362 mile from Stations 172 67 to 181 77.

That the said highway reverting to Huston Township by reason of the relocation of said highway by the State Highway Department, and that portion thus abandoned by the State Highway Department, is useless, inconvenient and burdensome, in that it serves no person or persons, is composed principally of curves, and is apt to be misleading to the travelling public and direct them from the public highway.

Wherefore, petitioners respectfully pray that the Court appoint three Viewers of Clearfield County to vacate said highway.

and J. E. Fry 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 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.

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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 Huston, 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 22nd day of November, A. D. 1940, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 23rd day of November A. D., 1940, at 10:00 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 John J. Pentz, Esq., Attorney for Supervisors of Huston Township; Walter Overturf, Supervisor of Huston Township,

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Arbitration Room~~ ^{Grand Jury Room} in the Court House, in Clearfield, Pa., on the 23rd day of November,

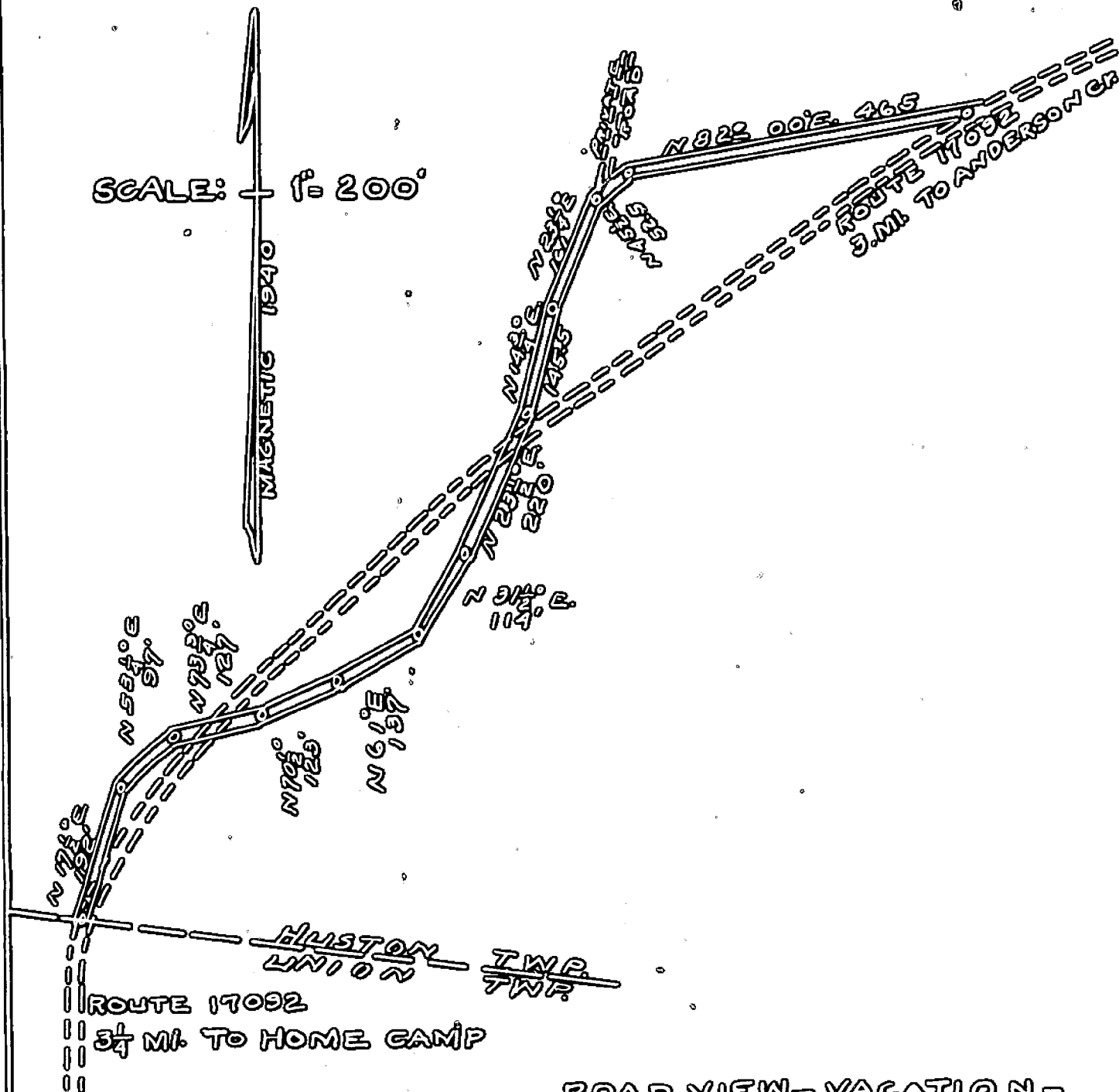
A. D. 1940, when the parties interested in the said road were in attendance: Walter Overturf, Supervisor of Huston Township, with John J. Pentz, Esq., Solicitor of the Supervisors of Huston Township. Walter Overturf was sworn, examined and cross-examined by Counsel and your Board.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome, to wit: Those portions of Township Road, approximating .362 mile from stations 172 67 to 181 77, as shown and embraced within the dotted lines on the map attached to the Petition of the Supervisors for vacation of portion of road Route No. 17092, in said Township. Your Board further finds that there are no residences along the aforesaid portions of said Township Road proposed for vacation; that the direction having been changed, these portions are now dangerous to travel, and are of no value in any manner whatsoever.

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SCALE: 1" = 200'

MAGNETIC 1940



ROAD VIEW-VACATION -
HUSTON TWP- UNIMPROVED
STATE HIGHWAY ROUTE 17092
BEGINNING AT UNION-HUSTON
LINE AND EXTENDING NORTH-
EASTERLY 1634 FEET.

VIEWED NOV 22, 1940.

JOHN A. CHERRY } VIEWERS.
J. E. FRY
H. W. BONSALL }

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: None

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 25th day of November, A. D. 19 40

John J. Cherry [SEAL]
J. O. Fry [SEAL]
W. W. Boushall [SEAL]

Viewers.

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

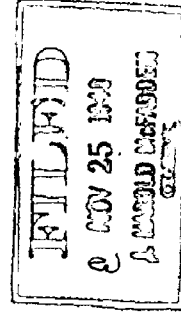
Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

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
John Cherry	3	78	\$33.90
J. E. Fry	3	102	39.10
H. W. Bonsall	2	82	24.10
Walter Overturf	1	26	3.56
Witness			

11/25/40



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