

ROAD

DOCKET No. 7

Number

1

Term

Sept. SS

Year

1941

Re: SANDY TOWNSHIP--Acceptance

of Reynolds Ave., Denton St., and
Murtland Ave. ^{as public streets}
Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

** * **

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TO THE HONORABLE THE JUDGE OF THE ABOVE NAMED COURT:

The petition of the SUPERVISORS OF SANDY TOWNSHIP,
Clearfield County, Pennsylvania, respectfully represents:

1. The Wilson Realty Company did, by plot of a real estate development in Clearfield County, filed on the 23rd day of May ,1904, in the Recorder's Office for Clearfield County, in Misc.Book Vol. U , page 489, dedicate certain streets to the public.

2. That said streets have been used by the public since that date, but were not accepted and made a part of the public highways of the State of Pennsylvania, or of Sandy Township.

3. In accordance with the requirements of the Act of May 1, 1933, P. L. 103, Article 11, Section 1147, as added to by the Act of July 18, 1935, P. L. 1299, (53 P.S. 19093-1147), a resolution was passed by the Supervisors of Sandy Township, on Saturday, the 3rd day of May 1941, accepting Reynolds Avenue, beginning one block South of Hand Street, thence North to Murtland Avenue; and Denton Street from Reynolds Avenue to Wesson Avenue; and Murtland Avenue from Reynolds Avenue to Wesson Avenue, as part of the public highway system. A duly certified and attested copy of the said resolution, together with a map setting forth said streets, is hereto attached and made a part hereof.

4. Your petitioners therefore pray your honorable Court to consent to the acceptance of the said streets by the Supervisors, as provided in said Act of Assembly aforesaid.

And they will ever pray, etc.

Oliver Hayne

Joshua Hopper

Jerry Brown
Supervisors

STATE OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

being duly sworn deposes and says that
he is one of the Supervisors of the Township of Sandy, and that
the facts set forth in the foregoing Petition are correct and
true.

Joshua Hoover

Sworn and subscribed before me
this ~~7th~~ day of May, 1941.

Fred M. Shaffer Jr.
My Commission Expires Jan 3 1944

WHEREAS, the plot filed by the Wilson Realty Company in Clearfield County in Deed Book Vol. *U*, page *489* on the *23rd* day of *May*, *1904*, the following roads and highways were dedicated to public use and have been used by the public since that time; and

WHEREAS, Wilson Realty Company has requested the acceptance of the said streets as public highways, and in consideration thereof, has released the Township of Sandy for all claims and demands for damages by reason of the acceptance, opening, grading or paving of the said streets; therefore, be it

RESOLVED, That Reynolds Avenue, beginning one block South of Hand Street, thence North to Murtland Avenue; and Denton Street from Reynolds Avenue to Wesson Avenue; and Murtland Avenue from Reynolds Avenue to Wesson Avenue, be and the same are hereby accepted as public highways in part of the Road System of the Township of Sandy. A map of the said streets so laid out, showing the streets accepted in yellow, being hereto attached and made a part hereof.

Jerry Brown
Secretary

I hereby certify that the foregoing resolution was passed and adopted by a majority of the Township Supervisors of Sandy Township and that said resolution and vote thereon was duly recorded and entered upon the minutes of the Board of Supervisors of Sandy Township at page No.

Joshua Hoover
President of the Board

Attest:

Jerry Brown
Secretary

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY

* * * * *
** *** **
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O R D E R

NOW, *19th* day of May, 1941, within petition having been read and considered, and it appearing that the said streets have been dedicated prior to the first day of May 1933, and have been adopted by public use, consent is hereby granted to Sandy Township to accept the said streets as public highways.

^A
By the Court

J. H. Haller *Smith* P.J.

In the Court of Quarter Sess.
of Clearfield County

No. 1 Sept. 22, 1941

In re: Acceptance of Key-
holds Avenue, Denton Street
and Murland Avenue as part
of public highway system of
Sandy Township

P E T I T I O N

FILED
MAY 19 1941
HAROLD McFADDEN
CLERK

PENTZ & PENTZ
ATTORNEYS AT LAW
DU BOIS, PENNA.

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 5th day of May in the year of our Lord one thousand nine hundred Forty-one.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Cooper, Village of Grassflat in said County, setting forth that they labor under great inconvenience for want of a public road or highway in the Village of Grassflat in Cooper Township, to begin at a point on legislative Route No. 17066 at the Kask property; thence in a Northerly direction a distance approximating One Thousand (1000) feet to the Grassflat Eighth-Grade School House and passing in front of the Grassflat Grade School and to follow the course of a street or road now being traveled and used generally as a public road for upwards of twenty years but not a part of the township road system.

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. E. Reese and Thomas C. McGarvey

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.

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 Cooper and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 27th day of May A. D. 1921, and the hearing to be held in the ^{Grand Jury} ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 29th day of May, 1921, at 10:30 o'clock A.M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Charles Westberg and Harry Rothrock, Supervisors of Cooper Township

parties in interest. That the hearing was held in the ^{Grand Jury} ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 29th day of May A. D. 1921, when the following appearances were noted: W. Albert Ramey, Esquire, Solicitor for Cooper Township Road District, together with Harry Rothrock and Charles Westberg, Supervisors of Cooper 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 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 State Highway Route # 17066 at the Lars Kask property in the village of Grassflat, Clearfield County, Pennsylvania; thence in a Northerly direction along Indiana Street as laid out and dedicated in the plan or plot of the village of Grassflat, Seven hundred and seventy-four (774) feet to the northern property line of the Grassflat Public School

That the proposed road is laid out over ~~over~~ a dedicated street in the village of Grassflat, known as Indiana Street, which has a width of thirty (30) feet, the same being fenced on either side by the abutting property owners. That said street serves as the only means of access to and from two of the Grade Schools of Cooper Township, and since said street is in a bad state of repair due to lack of grading and improper drainage, and it appearing to your undersigned Board of Viewer's that the newly proposed road over said street is necessary for the convenience and advantage of of the children of school age who must travel said road as well as for the convenience of the traveling public, it is therefore recommended that said proposed road be approved and that the same be maintained at public expense.

That there is no objection on the part of the tax payers or by the Supervisors of Cooper Township to the taking over and maintaining said street as a public road for the convenience and advantage of the traveling public, and in order that there be no damage to abutting property owners your undersigned viewers do hereby establish the width of said newly proposed road to be thirty (30) feet or not to exceed the dedicated width of Indiana Street over which said newly proposed road is to be constructed.

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.~~



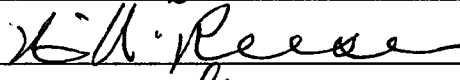

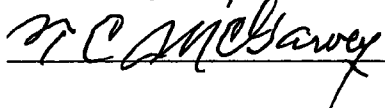


~~The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from~~

~~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 and copy of the notices.~~

WITNESS our hands and seals this 3rd day of June

A. D. 1941.

No. 6 May Sessions, 1941

ORDER

To view _____ and lay out _____
road for public _____ use in the
township of Cooper _____
Clearfield County _____

Sept Sessions, 1941,
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.

E. E. Galloway

Dec. Sessions, 1941.
Confirmed absolutely. Said
road to be 33 feet (30) feet
- with a widening
report. E. E. Galloway

Filed _____ 19__

Fees \$1.25 paid by _____

Wm W. Albert Ramey, Atty.

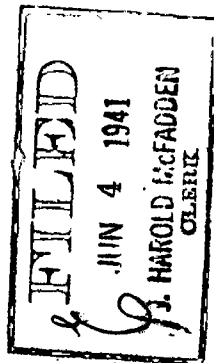
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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.
A. B. Shaw	1		10.00
H. A. Reese	1		10.00
Thos C. McGarvey	1	2.8	18.40 (11.40)



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 ensembling 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 Viewer's, appointed by the Court of Quarter Sessions of Clearfield County, on the 5th day of May, A.D., 1941 to lay out and establish a road in the Township of Cooper, Clearfield County, Pennsylvania, beginning at a point on State Highway Route # 17066 at the Kask property; thence in a Northerly direction a distance of approximately 1000 feet to the Grassflat Grade School House in said Township of Cooper, will meet on the premises on Tuesday the 27th day of May, A.D., 1941 at 11:00 o'clock A.M. to attend the duties assigned them and that the public hearing 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 an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Thursday the 29th day of May, A.D., 1941 at 10:00 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

H.A. Reese

Thos C. McGarvey

Viewer's

NOW, May 6, 1941, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.

Fred B. Reed
Clerk

TO THE SUPERVISORS OF THE TOWNSHIP OF COOPER, CLEARFIELD COUNTY, PA.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's, appointed by the Court of Quarter Sessions of Clearfield County, on the 5th day of May, A.D., 1941 to lay out and establish a road in the Township of Cooper, Clearfield County, Pennsylvania, beginning at a point on State Highway Route # 17066 at the Kask property; thence in a Northerly direction a distance of approximately 1000 feet to the Grassflat Grade School House in said Township of Cooper, will meet on the premises on Tuesday the 27th day of May, A.D., 1941 at 11:00 o'clock A.M. to attend the duties assigned them and that the public hearing 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 an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Thursday the 29th day of May, A.D., 1941 at 10:00 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

H.A. Reese

Thos C. McGarvey

Viewer's

NOW, May 1941, service of the above notice is hereby accepted on behalf of the Supervisors of the Township of Cooper, Clearfield County, Pennsylvania.

John G. Miller
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 ^{and lay out} a Road ~~commencing~~ ~~damages, leading from~~ ~~beginning at a point on State Highway Route 6. 17036 at the~~ ~~their property; thence in a northerly direction a distance of approximately~~ ~~1000 feet over a road or street now in use to the~~ ~~erecting~~ ~~Grade School thence~~

~~in~~ ~~shipship to~~

in Cooper Township, in the County aforesaid, will meet ~~at the house of~~ ~~on the premises~~

in Cooper Township, on Monday the 27th day of May, A. D. 1921, at 11:00

o'clock ^{A.}M., to attend to the duty assigned them, of which time and place aforesaid, all

parties interested will take notice.

THAT THE PUBLIC HEARING REQUIRED BY ACT OF PARLIAMENT AND LAWS OF COURT TO BE HELD BY THE VIEWERS BEFORE THE FILING OF THEIR REPORT IN COURT, IN ORDER TO GIVE ALL PERSONS INTERESTED IN SAID ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE COURT HOUSE AT CLEARFIELD, ON THURSDAY THE 20th DAY OF MAY A.D., 1921 AT 10:00 O'CLOCK A.M., AT WHICH TIME AND PLACE ALL PERSONS INTERESTED IN SAID ROAD MAY APPEAR AND BE HEARD, IF THEY SO DESIRE.

A.D. SMAY

B.A. REGE

WILLIAM C. LOGANVEX

VIEWS.

MAY 7.

1921

PUBLIC ROAD IN COOPER TOWNSHIP
 CLEARFIELD COUNTY PA.
 VIEWED AND LAID OUT MAY 27-1941
 BY A. B. SHAW ESQ.
 H. A. REESE
 T. C. MCGARVEY

SCALE 1"=100'

