

ROAD

DOCKET No. 7

Number	Term	Year
2	May SS	1941

Re: Vacation of Portion of Route

402 and Route 360 in SANDY TOWNSHIP

Versus

IN THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CLEARFIELD

In re: Vacation of Road
in Sandy Township

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0
0

No. 2
May Sessions 1941

PETITION TO AMEND VACATION AND RELOCATION

TO THE HONORABLE THE JUDGE OF THE ABOVE NAMED COURT:

The petition of JERRY BROWN, JOSHUA HOOVER and OLIVER WAYNE, Supervisors of the Township of Sandy, County of Clearfield and State of Pennsylvania, respectfully showeth:

1. That your petitioners as Supervisors presented petition to the above term and number for vacation of a certain highway in Sandy Township abandoned by the State Highway Department, by virtue of relocation by the State Highway of State Highway Route 402.

2. That subsequently to filing the said petition it appears that certain residents and citizens of the Township of Sandy, by virtue of the vacation prayed for, will be left without access to a public highway, and a portion of the road prayed for vacation will be necessary to furnish such access.

WHEREFORE your petitioners respectfully pray that the petition for vacation of the state highway specified in said original petition be amended so that the Viewers shall be authorized and directed to vacate the portion of the said State

Highway Route 402 abandoned and relocate the same as may be necessary to furnish access to the persons and individuals affected thereby.

And they will ever pray, etc.

Jerry Brown
Joshua Hoover
Oliver Wayne

STATE OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

Personally appeared before me, a Notary Public in and for said County and State, JERRY BROWN, JOSHUA HOOVER and OLIVER WAYNE, Supervisors of Sandy Township, who being duly sworn according to law, depose and say that the facts set forth in the foregoing Petition are correct and true.

Jerry Brown
Joshua Hoover
Oliver Wayne

Sworn and subscribed before me
this 25th day of October, 1941.

Mary Horner

NOTARY PUBLIC

My Commission Expires November, 15, 1942

O R D E R

NOW, October 27, 1941, foregoing Petition presented and considered and it appearing from the record that the powers of the viewers appointed herein have been extended to December Sessions of the Quarter Sessions Court of Clearfield County, and the amendment prayed for is desirable and necessary, the same is therefore allowed and to be referred to the Viewers appointed herein, with directions to make the necessary and required relocation as they shall deem necessary.

By the Court

R. Walter Smith
P. J.

In the Court of Quarter Sess.
of Clearfield County

No. 2 May Sessions, 1941

In re: Vacation of
Road in Sandy Township

PETITION TO AMEND VACATION
AND RELOCATION

FILED
OCT 27 1941
J. HAROLD McFADDEN
CLERK

PENTZ & PENTZ
ATTORNEYS AT LAW
DU BOIS, PENNA.

TO THE HONORABLE THE JUDGE OF THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CLEARFIELD:

The petition of JERRY BROWN, JOSHUA HOOVER and OLIVER WAYNE, Supervisors of the Township of Sandy, County of Clearfield and State of Pennsylvania, respectfully showeth:

1. That State Highway Route 402, leading from DuBois to Sabula, lying in Sandy Township, was laid out as a township road and subsequently taken over by the State of Pennsylvania as part of the State highway system.

2. That on the 21st day of August 1939, construction plans were approved and relocated the said highway from a point at the Morningside Cemetery in Sandy Township, known as Station 150+15, and now named 150+00, to Station formerly 359+81, now known as Station 351+00. In pursuance of said plans the said new highway was constructed and completed during the years of 1939 and 1940 and is now known as State Highway Route 402-2.

3. That the old road between these points has been abandoned by the State Highway Department, saving and excepting a few portions crossed by the new highway and by virtue of the road laws of the State of Pennsylvania reverts to public highway under the jurisdiction of your petitioners.

4. The said original highway so abandoned by the Department of Highways of the State of Pennsylvania has now become useless, inconvenient and burdensome.

5. In addition to the above highway, Route 360 has long existed as a township road within the Township of Sandy and during the years 1938 and 1939 a portion of the said road was incorporated into Route No. 17091 at a point East of the B. & O. Railroad running from thence North to Highway Route 402 and following Route 402 Westerly approximately one-tenth of a mile, continued as a township road to a point in front of the Osborn School House a distance of two-tenths mile between Route 402 and Township Route 404. The said short pass of Route 360 is supplemented and supplied by Route 404, which intersects with Route 402, making the two-tenths mile of Route 360 from Osborn School House to Route 402 useless, inconvenient and burdensome.

Your petitioners therefore pray that the said roads so named may be vacated, agreeably to the Act of the General Assembly in such case made and provided.

And they will ever pray, etc.

Jerry Brown

Oliver Wayne

Joshua Hoover

STATE OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

Personally appeared before me, a Notary Public in and for said County and State, JERRY BROWN, JOSHUA HOOVER and OLIVER WAYNE, Supervisors of Sandy Township, who being duly sworn according to law depose and say that the facts set forth in the foregoing Petition are correct and true.

Jerry Brown

Oliver Wayne

Joshua Hoover

Sworn and subscribed before me
this 29th day of March, 1941.

Mary Horner

NOTARY PUBLIC

My Commission Expires November, 15, 1942

CLEARFIELD COUNTY

ss:

At a Court of Quarter Sessions of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the 31st day of March, A. D., 1941, before W. Wallace Smith, Judge of the said Court.

Upon the petition of the Supervisors of the Township of Sandy, in the said County, stating: That the highway from a point at the Morningside Cemetery in Sandy Township, known as Station 150+15, and now named 150+00, to Station formerly 359+81, now known as Station 351+00, has been abandoned by the State Highway Department, saving and excepting a few portions crossed by the new highway, and has now become useless, inconvenient and burdensome; and that portion of Route 360 from Osborn School House to Route 402, a distance of two-tenths mile, is supplemented and supplied by Route 404, which intersects with Route 402, making the two-tenths mile of Route 360 from Osborn School House to Route 402 useless, inconvenient and burdensome; the Court, on due consideration, does order and appoint John Cherry, Esq. and J. M. Feltz, who are to view the roads in the said petition prayed to be vacated, and to consider and judge whether they have become useless, inconvenient, and burdensome; and if they agree that the same are become useless, inconvenient, and burdensome as aforesaid, they shall make report accordingly to the next Court of Quarter Sessions, to be held for the said County.

By the Court

W. Wallace Smith P.J.

6,

In the Quarter Sessions of
the County of Clearfield

No. 2 *May* Sessions 1941

In re: Vacation of a
Portion of Route 402
and Route 360 in Sandy
Township

P E T I T I O N

Filed
FILED
MAR 31 1941
J. HAROLD McFADDEN
CLERK

50

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, Pa., held at Clearfield, Pa., in and for said County, on the 31st day of March in the year of our Lord, one thousand nine hundred and Forty-one.

By the Honorable ^{W. Wallace Smith} ~~Stephen D. Bink~~, President Judge of the said Court: Upon the petition of ~~xxxxxx~~ Supervisors ~~xxxxxx~~ of the Township of Sandy, in the County aforesaid setting forth that Highway

Route 402, from a point at the Morningside Cemetery in Sandy Twp., known as Station 150+15, and now named 150+00, to Station formerly 359+81, now known as Station 351+00, has been abandoned by the State Highway Dept., saving and excepting a few portions crossed by the new highway and has now become useless, inconvenient and burdensome. 20100

That Route 360 has long existed as a township road within Sandy Township and during the years 1938 and 1939 a portion of the said road was incorporated into Route No. 17001 at a point East of the B. & O. Railroad running from thence North to Highway Route 402 and following Route 402 Westerly approximately one-tenth of a mile, continued as a township road to a point in front of the Osborn School House a distance of two-tenths mile between Route 402 and Township Route 404. The said short pass of Route 360 is supplemented and supplied by Route 404, which intersects with Route 402, making the two-tenths mile of Route 360 from Osborn School House to Route 402 useless, inconvenient and burdensome.

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 A. Cherry, Esq.,

H. W. Bonsall and J. M. 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 Sandy , and that five notices

thereof were posted along the route of the said road to be vacated, that the said view would be held on the

27th day of September , A. D. 1941, 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 29th day of September A. D., 1941, 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

Jerry Brown, Supervisor; John J. Pentz, Esq., Attorney for Supervisors; Mrs. D. S. Kinter; Howard Hess; Henry Harvey; Dewey Shrauger; Mrs. A. W. Cornelius; G. E. Clinton; and all of said Viewers,

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Arbitration Room in the Court House, in Clearfield, Pa., on the 29th day of September , A. D. 1941, when the parties interested in the said road were in attendance:

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has , become useless, inconvenient and burdensome in part, and therefore do agree that said road, to wit, at a point at the Morningside Cemetery in Sandy Township, known as Station 150 15, and now named 150 00, to Station formerly 359 81, now known as Station 351 00, be vacated; and that portion of route 360 in said Sandy Township, to wit, the portion thereof incorporated into route No. 17091 at a point East of the B. & O. Railroad running from thence North to Highway Route 402 and following Route 402 Westerly approximately one-tenth of a mile, continued as a township road to a point in front of the Osborn School House a distance of two-tenths mile between Route 402 and Township route 404, to be useless, and therefore agree that the same be vacated. The undersigned Viewers do find, however, that for the care and benefit of the property owners along said Routes so vacated, the same should be and remain as private roadway, and therefore do agree that in vacating said Road, the same be vacated as private road.

It is further determined by the undersigned viewers that for the convenience of the residents and citizens of Sandy Township, and because of necessity, certain portions of said route so vacated should be supplied as

public road, and therefore agree that the following portions be supplied in order to provide the access to Route 402-2 which is necessary:

FIRST: That portion of old route 255, beginning at or near Station 340 on Relocation of route 255; thence by the old location of route 255 and along the center thereof the following courses and distances; North $3\frac{1}{2}^{\circ}$ East 152 feet; North 2° West 185 feet; North 1° West 100 feet; North $16\frac{1}{2}^{\circ}$ East 100 feet; North $34\frac{1}{2}^{\circ}$ East 100 feet; North 51° East 100 feet; North 64° East 200 feet; North $60\frac{1}{2}^{\circ}$ East 100 feet; and North 53° East 140 feet to a point at or near Station 350, a total distance of 1177 feet.

SECOND: That portion of old route 255, beginning at a point at or near plus 900 on the improved relocation of Route #255 in Sandy Township; thence by the center line of said old Route #255 due North 481 feet to a point at the intersection of this old Route #255 with Township Road #17406; thence continuing by the center line of said old Route #255, North 9° East 100 feet, North 14° East 100 feet, North $21\frac{1}{2}^{\circ}$ East 100 feet, and North 25° East 198 feet, ending at a point at or near Station 330 plus 870, a total of 979 feet.

THIRD: That portion of old route 255, beginning at a point in the old macadam Route No. 255 at a point at the intersection of a Private Road, leading up Narrows Creek, said point being 483 feet southwesterly from the center line of the Narrows Creek Bridge; thence by the center line of said Old Route No. 255 N. $46\frac{1}{2}^{\circ}$ East 100 feet, N. 58° East 100 feet, N. 75° East 100 feet, N. 87° East 100 feet, and S. $88\frac{1}{2}^{\circ}$ East 83 feet to the center line of the Narrows Creek Bridge; thence continuing by the center line of said old Route No. 255 (concrete pavement) S. $76\frac{1}{2}^{\circ}$ East 300 feet, S. $80\frac{1}{2}^{\circ}$ East 100 feet, S. 86° East 100 feet, S. $89\frac{1}{2}^{\circ}$ East 63 feet, N. $86\frac{1}{2}^{\circ}$ East 157 feet; thence by a

connecting road (earth), and through land of Howard H. Hess, S. 70° East 200 feet, more or less, to and ending at the north right of way line of the new Route No. 255 (1940) at or near Station 230; having a total length of 1403 feet.

By the vacation of said road, or over whose properties said road passes, or in any way affecting said road, a release in writing of all claims to damages that may arise from the

that they procured such release from:

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:

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

Witness our hands and seals this 22nd day of October, A. D. 1941

John A. Cherry [SEAL]

H. W. Borglund [SEAL]

J. O. Tray [SEAL]

Viewers.

No. 2 May Term 1941

ORDER TO VACATE

To view and vacate road's situate
in the Township of Sandy
Clearfield County.

Now Sessions 19
read and confirmed Ni. Si.

By the Court.

Now Sessions 19
confirmed absolute.

By the Court.

Dec. 2, 1941. This report
is submitted to the views
of the majority.

E. S. Graham

Filed 19

Atty. Pentz & Pentz

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.

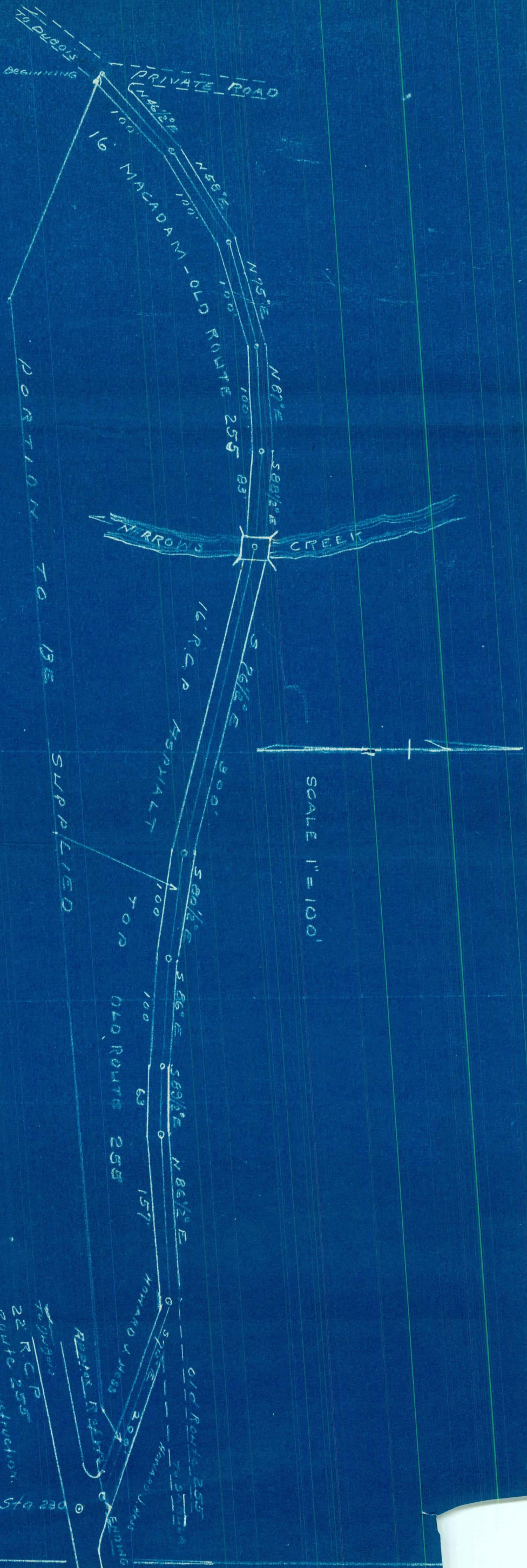
Days	Miles	Amount
1	86	24.20
2	70	22.00
3	70	22.00

May 27 1942. The

viewers report having been unable to clarify same. It is recommended that the road be vacated.

E. S. Graham

Description: Beginning at a point in the old (macadam) Route No. 255 at a point at the intersection of a Private Road, lead up Narrows Creek, said point being 483 feet southwesterly from the center of the Narrows Creek Bridge; Thence by the center line of said Old Route No. 255 N 46-1/2° E 100 feet, N 58° E 100 feet, N 75° E 100 feet, N 87° E 100 feet and S 88-1/2° E 83 feet to the center of the Narrows Creek bridge; Thence continuing by the center line of said old Route No. 255 (concrete pavement) S 76-1/2° E 300 feet, S 80° E 100 feet, S 86° E 100 feet, S 89-1/2° E 63 feet, N 86-1/2° E 157 feet; Thence by a connecting road (earth), and through land of Howard J. Hess, S 70° E 200 feet, more or less, to and ending at the north right of way line of the new Route No. 255 (1940) at or near Station 230; having a total length of 1403 feet.

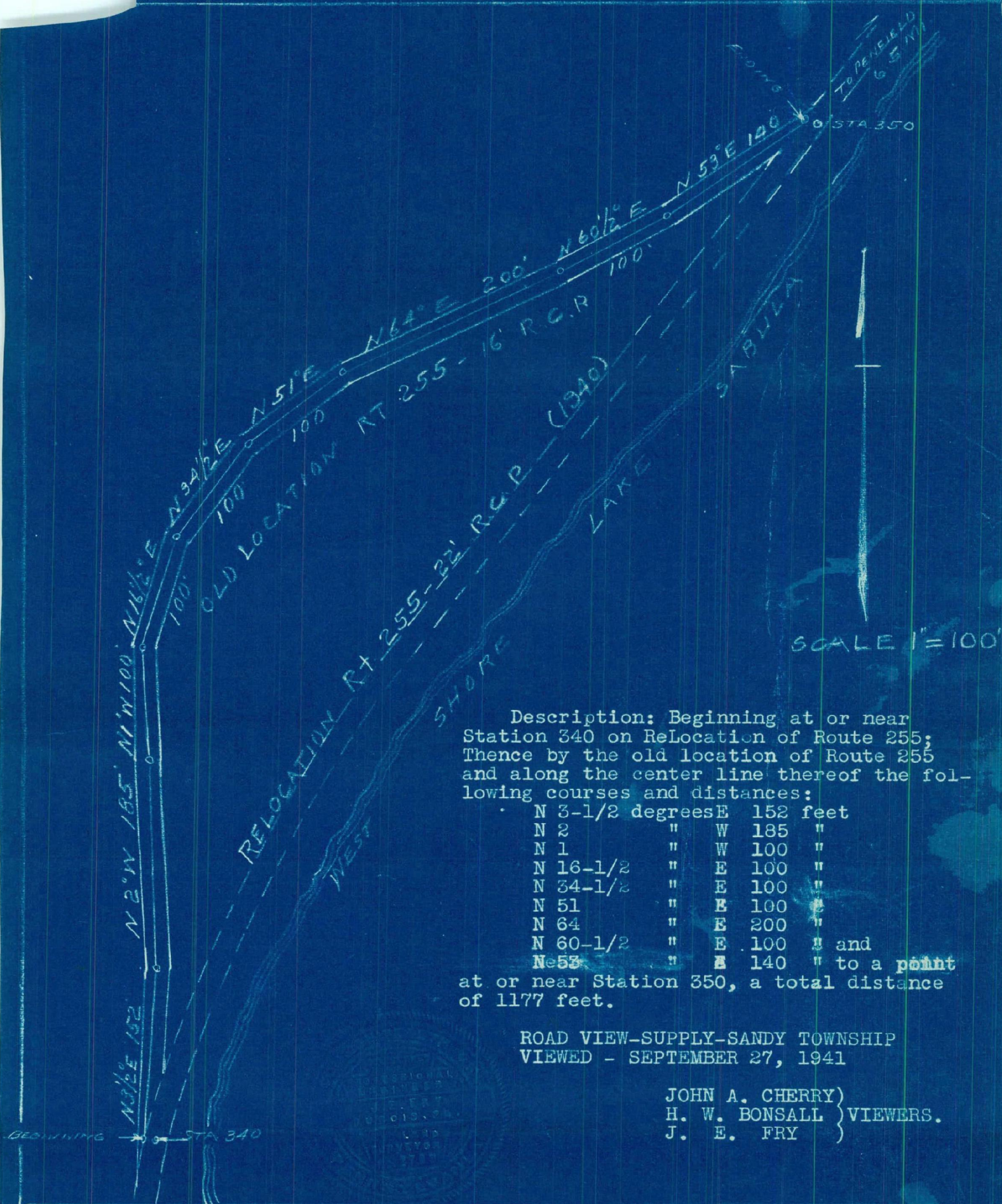


ROAD VIEW - SUPPLY

SANDY TOWNSHIP

VIEWED SEPT 27 1941

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



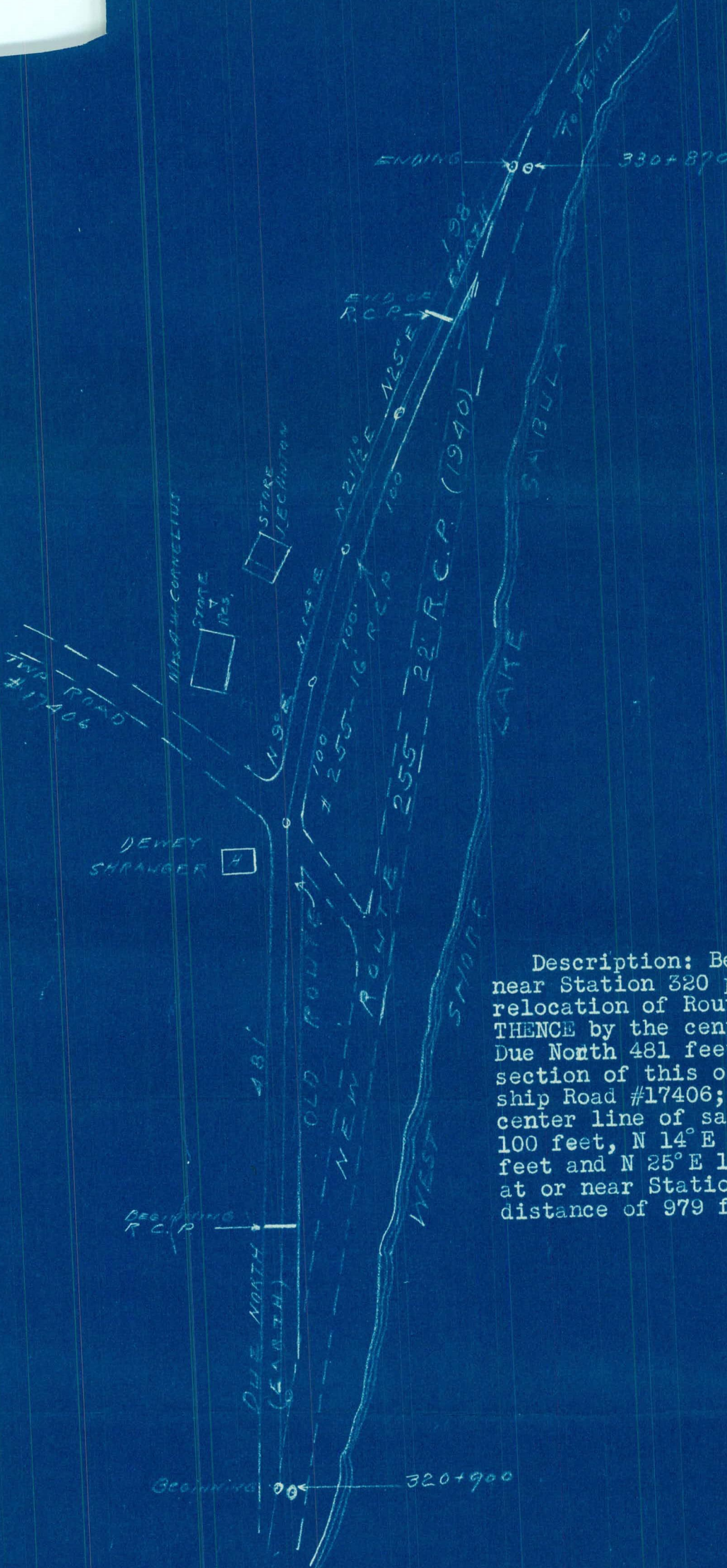
Description: Beginning at or near Station 340 on ReLocation of Route 255; Thence by the old location of Route 255 and along the center line thereof the following courses and distances:

N 3-1/2 degrees E	152 feet
N 2	W 185 "
N 1	W 100 "
N 16-1/2	E 100 "
N 34-1/2	E 100 "
N 51	E 100 "
N 64	E 200 "
N 60-1/2	E 100 " and
N 53	E 140 " to a point

at or near Station 350, a total distance of 1177 feet.

ROAD VIEW-SUPPLY-SANDY TOWNSHIP
VIEWED - SEPTEMBER 27, 1941

JOHN A. CHERRY)
H. W. BONSALE } VIEWERS.
J. E. FRY }



SCALE 1"=100'

ROAD VIEW - SUPPLY
SANDY TOWNSHIP

VIEWED SEPT. 27, 1941

JOHN A. CHERRY)
H. W. BONSALE } VIEWERS
J. E. FRY

Description: Beginning at a point at or near Station 320 plus 900 on the improved relocation of Route #255 in Sandy Township; THENCE by the center line of old Route 255 Due North 481 feet to a point at the intersection of this old Route #255 with Township Road #17406; Thence continuing by the center line of said old Route #255, N 9° E 100 feet, N 14° E 100 feet, N 21-1/2° E 100 feet and N 25° E 198 feet, ending at a point at or near Station 330 plus 870, a total distance of 979 feet.



IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: Order to View Portion of :
Route No. 402, Sandy Township, :
Clearfield County, Pennsylvania :

You are hereby notified that the undersigned Viewers, appointed by the Court to view for purposes of vacating portions of Highway Route 402, from a point at the Morningside Cemetery in Sandy Township, known as Station 150 15, and now named 150 00, to Station formerly 359 81, now known as Station 351 00, saving and excepting a few portions crossed by the new highway as having become inconvenient and burdensome, in Sandy Township, Clearfield County, Pennsylvania, will meet at the above stations, in said Sandy Township, on Saturday, September 27, 1941, at 2:00 o'clock P. M.

And that the public hearing required by Act of Assembly and the 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 the said matter an opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Monday, September 29, 1941, at 10:00 o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend with their witnesses and be heard.

J. E. Fry

A. W. Bussell

John A. Cherry

*Service of above notice accepted
this 11th day of September, 1941, on
behalf of Clearfield County Commissioners.*

Fred B. Reed
Chief Clerk