

ROAD

**DOCKET No.** 7

**Number**

**Term**

**Year**

3

DECEMBER SESSIONS

1941

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DECATUR TOWNSHIP. Petition to

lay out a road for Public use

Versus

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**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 27th day of October in the year of our Lord one thousand nine hundred and forty one

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

in said County, setting forth that they labor under great inconvenience for want of a public road in the said township, to begin at a point on Route 53 at the Midway, between Philipsburg and Osceola Mills, Penna., and extending in a northwesterly direction a distance of one-half mile where it intersects with Route 667.

That your petitioners, because of the lack of this road are isolated from the various highways and this effects at least seven residential properties.

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. Reese, Esq., and T. 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.

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 Decatur and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 13th day of November A. D. 1941 and the hearing to be held in the <sup>Grand Jury</sup> Arbitration Room, at the Court House, in Clearfield, Pa., on the 15th day of November, 1941, at 10 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 Alex Davidson, George Myers, and Ben Hughes, one of the supervisors of the Township of Decatur.

parties in interest. That the hearing was held in the <sup>Grand Jury</sup> Arbitration Room, in the Court House, at Clearfield, Pa., on the 15th day of November A. D. 1941, when the following appearances were noted: Alex Davison

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 the point of intersection of State Highway Route # 53 at the Midway between Philipsburg & Osceola Mills, Pennsylvania; thence South 77 degrees 45 minutes West over abandoned State Highway Route #53, 444 feet to point of intersection with dedicated street in the villiage of Gearheartville, Decatur Township, Clearfield County, known as Railroad Street; thence along said street South 88 degrees, 40 minutes West 800 feet along a stake; thence still along said Railroad St. South 85 degrees West 200 feet to a stake; thence still along said street North 79 degrees 45 minutes West 200 feet to a stake; thence still along said street North 68 degrees West 200 feet to a stake; thence still along said street North 46 degrees 15 minutes West 305 feet to a stake; thence still along said street North 41 degrees West 535 feet to point of intersection with State Highway Route #667 in the Township of Decatur, Clearfield County, Pennsylvania which leads from Osceola Mills to Philipsburg, Pennsylvania.

The proposed road hereinabove described, is laid out for the most part over a dedicated street, known as Railroad Street in the villiage of Gearheartville, Decatur Township, Clearfield County, Pennsylvania, which said street forms the boundary in the deeds of conveyance by the original Grantors to the properties or lots which now abutt on said proposed road. For many years the individual property owners served by said street have kept the same in repair at their own costs and expense and in the opinion of your undersigned board, the newly proposed road over said street or route as laid out by the board is necessary for the

conveyance of the traveling public and should be kept up and maintained as a public road at public expense.

There are no objections to the proposed road, and according to the great number of petitioners requesting the same, its construction seems to be necessary for the accomodation of the traveling public, as well as for the convenience and accomodation of the great number of families living along said proposed road, so in view of these facts, your undersigned viewer's recommend the taking over and improvement of the aforementioned proposed road by the Decatur Township Road District for the use of the traveling public.

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 \_\_\_\_\_



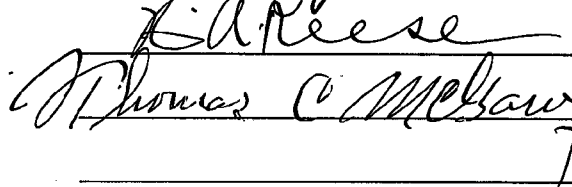



when it was not practical to preserve it within that limit.

~~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 17<sup>th</sup> day of November  
A. D. 1941.

No. 3 Dec Sessions, 19 41

# ORDER

To view and lay out \_\_\_\_\_ a  
road for Public \_\_\_\_\_ use in the  
township of Decatur \_\_\_\_\_  
Clearfield County \_\_\_\_\_

Dec. Sessions, 1944.

*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.*

W. Radha Luit

✓  
February 23rd 1942. Carpenters  
Garrett  
K. Walling Street

Filed \_\_\_\_\_ 19\_\_\_\_  
Fees \$1.25 paid-by \_\_\_\_\_  
Edward T. Kelley, 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.
H. A. Reese	3	74	33.70
T. C. McGarvey	2	120	26.00
A. B. Shaw	3	45	32.25

FILED  
NOV 18 1941  
HAROLD McFADDEN  
CLERK

## 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 SUPERVISORS OF DECATUR 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 17th day of October, A.D., 1941 to lay out and establish a road, in Decatur Township, Clearfield County, Pennsylvania, beginning at a point on State Highway Route #53 at the Midway between Philipsburg and Osceola Mills, Pennsylvania and extending in a northerly direction a distance of approximately one-half mile where it intersects with State Highway Route #667, will meet on the premises on Thursday the 13th day of November, A.D., 1941 at 10:00 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 Saturday the 15th day of November A.D., 1941, at 10:00 o'clock A.M. at which time and place all persons interested in said road may attend and be heard, if they so desire.

A.B. SHAW

H.A. REESE

THOMAS C. MCGARVEY

AND NOW, October 29, 1941  
service of the above notice is  
hereby accepted by copy on be-  
half of the Supervisors of De-  
caturs Township.

Ben J. Hughes Chairman  
~~SECRETARY~~

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 17th day of October, A.D., 1941 to lay out and establish a road, in Decatur Township, Clearfield County, Pennsylvania, beginning at a point on State Highway Route #53 at the Midway between Philipsburg and Osceola Mills, Pennsylvania and extending in a northerly direction a distance of approximately one-half mile where it intersects with State Highway Route #667, will meet on the premises on Thursday the 13th day of November, A.D., 1941, at 10:00 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 Saturday the 15th day of November A.D., 1941, at 10:00 o'clock A.M. at which time and place all persons interested in said road may attend and be heard, if they so desire.

A.B. SHAW

H.A. REESE

THOMAS C. MCGARVEY

AND NOW, October 28, 1941 service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County.

Fred A. Reese  
CLERK

# 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 ~~or assess~~ ~~damages, leading from~~ .....  
.....beginning at a point on State Highway Route #53 at the  
.....Midway between Philipsburg and Osceola Mills, Pennsylvania and extending  
.....in a northerly direction a distance of approximately one-half mile where  
it intersects with State Highway Route #667 .....

in ..... ~~shipship-to~~ .....

in ..... Township, in the County aforesaid, will  
on the premises <sup>Decatur</sup>  
~~meet at the house of~~ .....  
in ..... Township, on Thursday  
the ..... 13th ..... day of ..... A. D. 19. 41, at 10:00  
November  
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 AS REQUIRED  
..... BY ACT OF ASSEMBLY AND 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 SAID ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD SATURDAY, NOVEMBER 15th  
AT 10:00 O'CLOCK A.M. IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD  
PENNSYLVANIA AT WHICH TIME AND PLACE ALL PARTIES INTERESTED MAY ATTEND AND BE  
HEARD IF THEY SO DESIRE.

..... A.B. SHAV .....  
..... H.A. REESE .....

..... THOMAS C. MCGARVEY .....  
VIEWERS.

..... 19....  
OCTOBER 28 41

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

Re: Lay Out of Public Road : No. December  
in Decatur Township, Clearfield : Sessions, 1941.  
County, Pennsylvania :

PETITION

To the Honorable W. Wallace Smith, President Judge of said Court.

The petition of the undersigned inhabitants of the Township of Decatur, Clearfield County, Pennsylvania, respectfully represents:

That your petitioners labor under great inconvenience for want of a public road or highway in the said Township of Decatur, to begin at a point on Route 53 at the Midway, between Philipsburg and Osceola Mills, Pennsylvania, and extending in a northwesterly direction a distance of one-half mile where it intersects with Route 667.

That your petitioners, because of the lack of this road are isolated from the various highways and this effects at least seven residential properties.

WHEREFORE your petitioners pray the Court to appoint proper persons to view and lay out the same according to law.

And they will ever pray.

The names of the ...

✓ Alex. G. Davidson	Mrs Margaret Hughes
✓ Mrs. Alice Davidson	Mrs Alice Davidson
✓ Bert Baumgardner	J. William Butterworth
✓ Mrs. Minnie Baumgardner	Grace Butterworth
✓ Mina Ross	Wright Stone
✓ Jack Ross	Lena Stone
✓ Harry Ross	James Oswalt
✓ John Heritt	Mrs Marion Donahue
✓ L. Heritt	Nicholas J. La...
✓ William Doran	Mrs Nicholas J. La...
✓ Rose Doran	Mrs Thomas Crago
✓ Geo. Dargatzis	Thomas Crago
✓ Joe Dargatzis	Mrs Agnes Voyzey
✓ William Doran Jr.	Mrs Ethel Gutschall
✓ Mrs William Doran Jr.	Mr. Frank Gutschall
✓ Mary Voyzey	William Gutschall
✓ Geo. W. Mayes	James C. Duller
✓ Mrs Margaret Mayes	Violet Mc Car...
✓ John G. Mayes	R. Mayes
✓ Mrs Mary Schimmel	Philipsburg
✓ Mrs Andrew Mayes	Adelway Katooley Store - Philipsburg
W & H. Henry Raftery	James C. Philipsburg
May & Raftery	Bept. to school of 189
✓ Mrs. R. Butterworth	Mrs Ida Winters
✓ Mohawk Coal Co.	Supervisor
✓ Serena Butterworth	Alfred Doran
✓ Roswell Butterworth	Margherita Doran
✓ Elizabeth Butterworth	

ORDER OF COURT

AND NOW, this 27<sup>th</sup> day of October A. D. 1941,  
the within petition having been read and considered, \_\_\_\_\_  
A. D. Shaw, Esq., H. C. Ruse, Esq., and  
J. C. McBarney are appointed viewers to view and  
lay out the road herein described and report their recommendations  
as required by law.

By the Court,

J. Gallan

P. J.

No. 3 Dec. 22, 1941

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Re: Lay Out of Public Road  
in Decatur Township, Clear-  
field County, Penna.

PETITION

FILED  
OCT 27 1941  
J. HAROLD McFADDEN  
CLERK

LAW OFFICES  
EDWARD T. KELLEY  
WILLIAM T. DAVIS  
CLEARFIELD, PA.

The Tuttle Law Print, Publishers, Rutland, Vt.

250