

ROAD

**DOCKET No. 7**

Number	Term	Year
4	Sept. SS	1941

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**In re: Petition for Road in**

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**BIGLER TOWNSHIP**

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**Versus**

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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 453; Thence West along line of property of A.C.Hileman, Sam Alouisa, J/F.Cornely, Anthony Iraca, Charles W.Davis, John Davis to a point on an alley a distance of 500 feet and we will ever pray.

## APMES

Mrs. Ike Tokarcheck  
Mrs. Ike Tokarcheck  
Mrs. Anthony Iraca  
Mr. Lewis Iraca  
Mrs. Lewis Iraca,  
mrs John Davis  
John R Davis  
Sam Newcomer  
Mrs Sam Newcomer,  
Mrs Anna Paster  
Mr. Steve Paster  
A. S. Hileman  
Helen A. Dugan  
Norma Hileman  
Ashley E Hall  
James W. Kreckel

## ADDRESSES

NAMES	ADDRESSES
<u>J. H. Saval.</u>	<u>Madera Pa</u>
<u>H. D. Carson</u>	<u>Madera Pa</u>
<u>Fred Norman</u>	<u>Madera Pa</u>
<u>Emilia Jane Norman</u>	<u>Madera Pa</u>
<u>Henry Bowzer</u>	<u>Madera Pa</u>
<u>Chas. W. Davis</u>	<u>Madera Pa</u>
<u>J. O. Carson</u>	<u>Madera Pa</u>
<u>R. D. Lamborn</u>	<u>Madera Pa</u>
<u>Matthew Kitho</u>	<u>Madera Pa</u>
<u>Harry Brady</u>	<u>Madera Pa</u>
<u>Asa Stoker</u>	<u>Madera Pa</u>
<u>Arthur Kitho</u>	<u>Madera Pa</u>
<u>Alvy Jopeng</u>	<u>Madera Pa</u>
<u>P. K. Blooms</u>	<u>Madera Pa</u>
<u>G. J. Hardner</u>	<u>Madera Pa</u>
<u>William C. Shoop</u>	<u>Madera Pa</u>
<u>James W. Hulless</u>	<u>Madera Pa</u>
<u>R. H. Swoof</u>	<u>Madera Pa</u>
<u>Arthur N. Gleet</u>	<u>Madera Pa</u>
<u>Eden W. Daniels</u>	<u>Madera Pa</u>
<u>Joseph Silensky</u>	<u>Madera Pa</u>
<u>George Kline</u>	<u>Madera Pa</u>
<u>W. George G. Kelly</u>	<u>Madera Pa</u>
<u>W. H. Poole</u>	<u>Madera Pa</u>
<u>Eliza Stoker</u>	<u>Madera Pa</u>
<u>Dou Morgan</u>	<u>Madera Pa</u>
<u>Anthony Russo</u>	<u>Madera</u>
<u>William Fennel</u>	<u>Madera Pa</u>

In re: PETITION FOR ROAD : IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY,  
IN BIGLER TOWNSHIP : PENNSYLVANIA  
No.

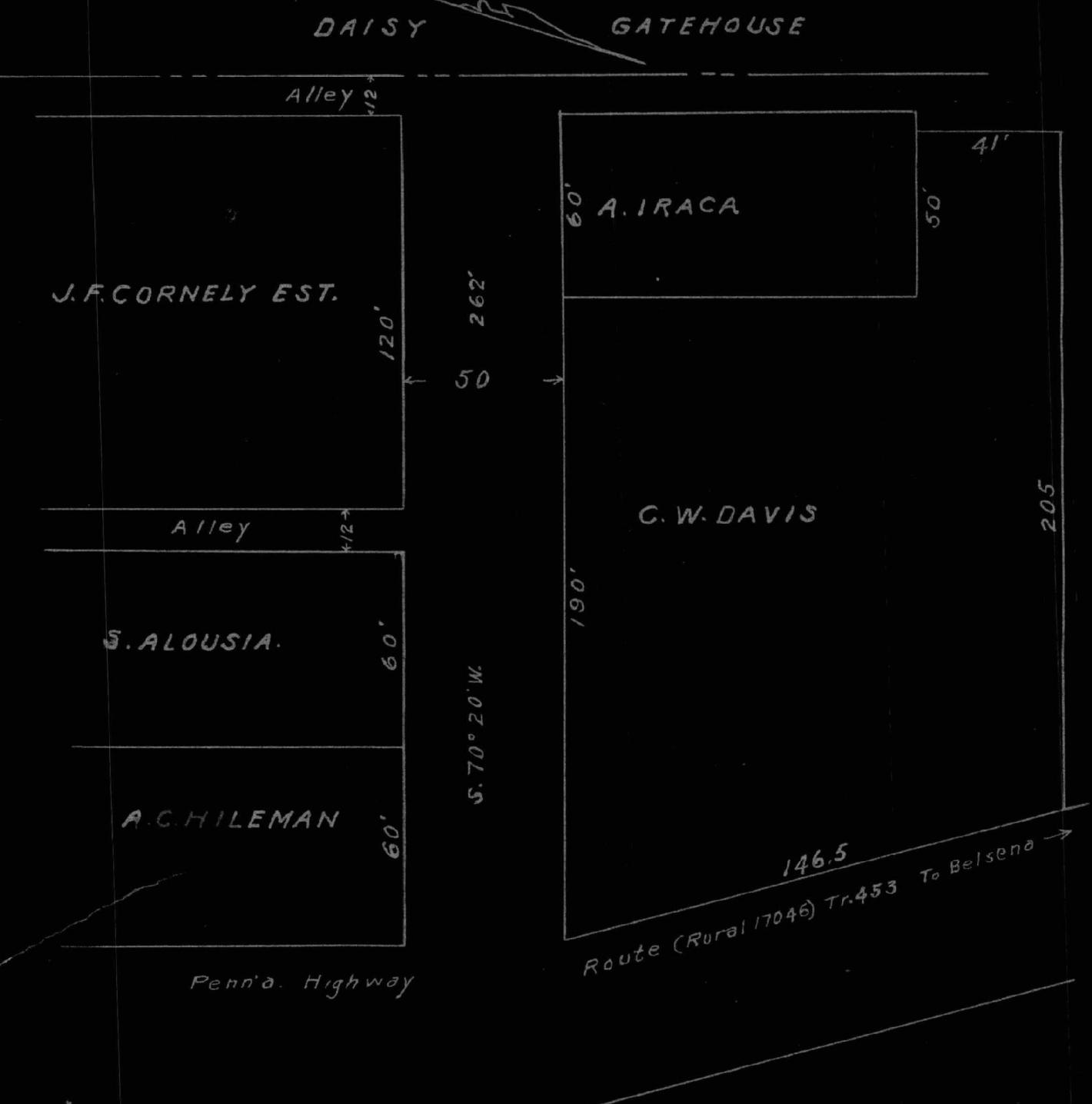
NOW July 15, 1941, the within petition being presented, John Scollins, Esq.,  
E. D. Billotte and T. C. McGarvey are appointed a Board of Viewers to view and  
report upon the prayer of the petition.

BY THE COURT,  
S. Nellor Smith  
PRESIDENT JUDGE

No. 4 Sept. 22 1941

In re: PETITION FOR ROAD  
IN BIGLER TOWNSHIP

19  
Bto  
Anthony Grace  
Makela, Pa.



Draft Showing location of view for public road in Bigler Township, Clearfield County, Pa. Beginning on Route 453 and ending at an Alley along Daisy Gatehouse Lands.

Viewed and laid out Aug. 5, 1941 JOHN SCOLLINS

Scale 1" = 40'

E. D. BILLOTTE

T. C. McGARVEY Viewers

TO: The County Commissioners of Clearfield County, Pa.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Order to view and  
lay out a road for public  
use in Bigler Township.

NO. 4, SEPTEMBER SESSIONS, 1941.

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to view and lay out a road, beginning at a point on 453; thence West along line of property of A. C. Hileman, Sam Alouisa, J. F. Cornely, Anthony Iraca, Charles W. Davis, John Davis, to a point on an alley a distance of 500 feet, in the Township of Bigler, in the County aforesaid, will meet at the A. C. Hileman property in said Township on Tuesday, August 5th, 1941 at two o'clock (2:00) P. M., to attend to the duty assigned them; of which time and place aforesaid all parties interested will take notice.

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 road an opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield, on Saturday, August 9th, 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 and be heard.

John Scallion  
E. J. Billotte  
T. C. Mc Garvey  
Viewers.

Dated: July 22, 1941.

CLEARFIELD COUNTY, SS:

On this 25<sup>th</sup> day of July, A. D. 1941, service of the above Notice is accepted for the Commissioners of Clearfield County.

Ted B. Reed  
Clerk

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Order to view and  
lay out a road for public  
use in Bigler Township.

NO. 4, SEPTEMBER SESSIONS, 1941.

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John Scellins  
E. S. Billotte  
T. C. McGarvey  
Viewers.

Dated: July 22, 1941.

Clearfield County, S.S.  
on this 25<sup>th</sup> day of July, A.D. 1941  
Service of the above notice is accepted  
for the Township of Bigler

David Morgan  
William A. Kirby  
William Hause  
Supervisors of Bigler Twp.

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 15th day of July 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 Bigler in said County, setting forth that they labor under great inconvenience in not having a road or an outlet from their places of residence. They petition for viewers to lay out a road, beginning at a point on 453; thence West along line of property of A. C. Hileman, Sam Alouisa, J. F. Cornely, Anthony Iraca, Charles W. Davis, John Davis to a point on an alley a distance of 500 feet.

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 John Scollins, Esq., E. D. Billotte 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.

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 5th day of August <sup>Grand Jury</sup> A. D. 1941, and the hearing to be held in the ~~Appropriation~~ Room, at the Court House, in Clearfield, Pa., on the 9th day of August <sup>1941</sup>, at 10 o'clock A. M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view A. C. Hileman, Hazard  
Martel and Mrs. A. Iraca.

<sup>Grand Jury</sup>  
parties in interest. That the hearing was held in the ~~Appropriation~~ Room, in the Court House, at Clearfield, Pa., on the 9th day of August A. D. 1941, when the following appearances were noted: A. C. Hileman, Anthony Iraca and C. W. David:  
All of whom were sworn, examined and cross-examined by your Board.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no 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 Route 453 (Penna. Highway Rural No. 17046) leading from Madera to Belsena and running South 70 degrees 20 minutes West, along the centre-line of a Street dedicated to public use by the original owner, two hundred and sixty-two (262) feet to line of Daisy Gatehouse, nee Hagerty, fronting the properties of A. C. Hileman, S. Alouisa and J. F. Cornely on the South; and the properties of C. W. Davis and A. Iraca on the North.

We further find that this land was formerly a part of the David Hagerty Estate, was plotted and sold in lots and homes built thereon, with a 50-foot street, and 12-foot alleys, dedicated to public use; we further find that the street has never been improved, the approaches to the homes are through narrow alleys; and the conditions are dangerous; and during inclement weather the roads are impassable, particularly the proposed road with a gradual grade of from 8 to 10%; and the said road so as aforesaid laid out, we are of opinion is necessary for public use.

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 \_\_\_\_\_

No damages sustained and none assessed.

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: No damages sustained and none assessed.

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

WITNESS our hands and seals this 30th day of August  
A. D. 1941.

John Scollen *Seal*  
E. B. Billotte *Seal*  
T. C. McBarney *Seal*  
*Seal*

## ORDER

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

Jeff M. 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.

Decrly 1941  
confining property, & all  
J. Graham Jr.

FILED

SEP 2 1941

E. J. HAROLD MCFADDEN  
CLERK

FILED

SEP 2 1941

E. J. HAROLD MCFADDEN  
CLERK

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	A.M.T.
T. C. McGarvey	2	.88	\$24.40
E. D. Billotte	3	104.35	\$20.30
John Scollins	3	.66	\$33.30

## 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