

Conn. Plea

~~CRIMINAL ACTION~~

No. 5 May Term 1941

COMMONWEALTH

Versus

VILLAGE

OF

WINBURN

PA 15301

ROUTE 11

ROUTE 11

ROUTE 11

PUBLIC ROAD IN COOPER TOWNSHIP

CLARENCE COOPER, OWNER

VIEW AND LAND OUT OF THE TOWNSHIP

ROUTE 11

CHARLES

T. C. BROWN

ROUTE 11

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 Winburne in said County, setting forth that they labor under great inconvenience for want of a public road or highway in Village of Winburne in Cooper Township, to begin at a point on legislative Route No. 17065 at the Presbyterian Church in the Village of Winburne; thence North on Church Street to Roosevelt Street; thence East on Roosevelt Street to Byo Street; thence South on Byo Street to legislative Route No. 17065, a distance approximating Fifteen Hundred (1500) feet and made necessary to serve a church, a public school and at least nine 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. 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 ^{Grand Jury} A. D. 1921, and the hearing to be held in the ~~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 Harry Rothrock and Charles Westberg, Supervisors of Cooper Township

Grand Jury
parties in interest. That the hearing was held in the ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 29th day of May A. D. 1921, when the following appearances were noted: Harry Rothrock and Charles Westberg, Supervisors of Cooper Township, also W. Albert Ramey, Solicitor for said Township Road District.

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 Legislative Route # 17065 at the Presbyterian Church in the village of Winburne at the intersection of said State Highway Route # 17065 and a Street known in the village of Winburn as Church Street; thence along said Church Street laid out and dedicated in the plan or plot of said village of Winburne, North 7 degrees East 690 feet to point of intersection with Roosevelt Street in said village of Winburne; thence along Roosevelt Street as laid out and dedicated in the plan or plot of said village of Winburne, South 79 degrees East, 570 feet to a sixteen foot alley, called Ryo Street, at or near the property of Steve Arway. That the petition and notices called for the proposed road to further extend along Ryo Street to the point of intersection of said Street or Alley with Legislative Route # 17065, but after viewing the premises and noting the objection raised at the hearing to the extent of said proposed road along Ryo Street which is only sixteen feet in width, your undersigned viewers are of the opinion that the construction of said proposed road along Ryo Street would be impracticable and burdensome, and that the public would be best served by terminating the proposed road at the intersection of Roosevelt Street and Ryo Street as hereinabove laid out and recommended in this report.

That the proposed road above described is laid out over a dedicated Street or Streets in the village of Winburne, Clearfield County Pennsylvania, known as Church and Roosevelt Streets which have a width of Forty (40) feet, the same being fenced for the most part on either side by abutting property owners. That for many years the individual property

owners served by said streets have kept the same in repair at their own cost and expense, and in the opinion of your undersigned Board of Viewer's the newly proposed road over said Streets is necessary for the convenience of the traveling public and should be maintained at public expense.

That approximately nine families live along the proposed road and according to the number of petitioners requesting the same, including the Supervisors of Cooper Township, its construction seems to be necessary for the accomodation of the traveling public as well as for the convenience and accomodation of the families living along said proposed road, and for the convenience and advantage of the great number of children of school age using said ~~proposed~~ road in going to and from the Winburne Public School which is located along said proposed road; your undersigned Board, therefore recommends its approval,

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

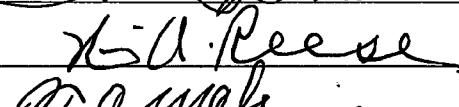
~~when it was not practical to preserve it within that limit.~~

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. 1921.


R. D. Ham 

H. L. Reese 

A. C. McGawey 

No. 5 May Sessions, 1941

ORDER

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	AMT.
A. B. Shaw	3	50	32.50
H. A. Reese	3	60	33.00
Thos C. McCgarvey	1	143	17.15

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

Sept Sessions, 1941,

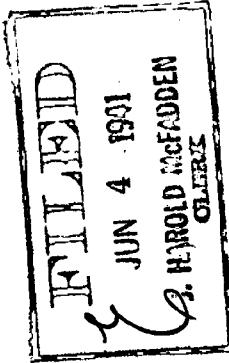
read and confirmed Ni. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

R. J. McFadden

Dec. Sessions, 1941
Confirmed absolutely. Said road to be 40 ft. in width
as far as possible.

19
Filed
Fees \$1.25 paid by

W. Albert Ramey, Attorney



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 COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF VIEW

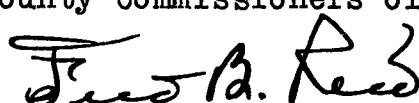
You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 5th day of May, A.D., 1941 to lay out and establish a road, in Cooper Township, Clearfield County, Pennsylvania, beginning at a point on State Highway Route # 17065 at the Presbyterian Church in the village of Winburne; thence North on Church Street to Roosevelt Street; thence East on Roosevelt Street to Byo Street; thence South on Byo Street to State Highway Route # 17065, being in all a distance of approximately 1500 feet, will meet on the premises on Tuesday the 27th day of May, A.D., 1941 at 10:30 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 persons interested in said road may attend and be heard, if they so desire.

A.B. Shaw

H.A. Reese

Thomas 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.



Fred A. 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 Cooper Township, Clearfield County, Pennsylvania, beginning at a point on State Highway Route # 17065 at the Presbyterian Church in the village of Winburne; thence North on Church Street to Roosevelt Street; thence East on Roosevelt Street to Byo Street; thence South on Byo Street to State Highway Route # 17065, being in all a distance of approximately 1500 feet, will meet on the premises on Tuesday the 27th day of May, A.D., 1941 at 10:50 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 persons interested in said road may attend and be heard, if they so desire.

A.B. Shaw

H.A. Reese

Thomas C. McGarvey
Viewer's

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

John G. Miller
Secretary

