

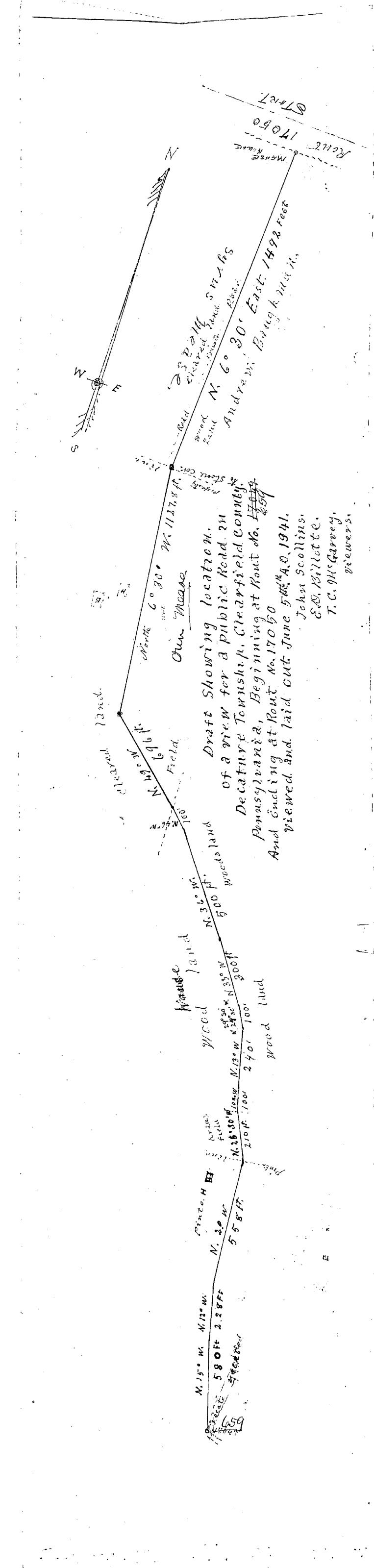
ROAD

DOCKET No. 7

Number	Term	Year
7	May SS	1941

Petition to Vacate and Supply a
Township road in DECATUR TOWNSHIP

Versus



TO: The County Commissioners of Clearfield County, Pa.: -

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

In re: Order to view and vacate, part of State Highway Route 659, and supply another part of said Highway for public use, in the Township of Decatur.

RE. 7, MAY SESSIONS, 1941.

You are hereby notified that the undersigned Victors, appointed by the Court to the above number and term, to view and vacate State Highway 659 at the corner of the John Pinto property to its intersection with State Highway Route 1705C, and that at the place and state thereof, said Highway be supplied to run from said point at the corner of the John Pinto property in a northwesterly direction through the Pinto property, the Krouse property, Orin Harro and Cyrus Harro properties, to a point of intersection with State Highway Route 1705C at or near the house of Cyrus Harro, being a continuation of a private road from Cyrus Harro to Orin Harro for a portion of said distance, in the Township of Decatur, in the County aforesaid, will meet at the John Pinto property in said Township on Thursday, June 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 Victors 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, June 7th, 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 Scellins
T. C. Mc Garvey
E. A. Billatte
Victors.

Dated: May 16, 1941.

CLEARFIELD COUNTY, SS:

Now, this 17th day of May, 1941, service of the above Notice is accepted for the Commissioners of Clearfield County.

Geo B. Head
Clerk

TO: Thomas Kerfoot, Ben F. Hughes, Jr., and Ira Winters,
Supervisors of Decatur Township, Clearfield County, Pa.:--

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

In re: Order to view and vacate,
part of State Highway Route 659,
and supply another part of said
Highway for public use, in the
Township of Decatur.

NO. 7, MAY SESSIONS, 1941.

You are hereby notified that the undersigned Viewers,
appointed by the Court to the above number and term, to view and
vacate State Highway 659 at the corner of the John Pinto
property to its intersection with State Highway Route 17050,
and that at the place and stead thereof, said Highway be supplied
to run from said point at the corner of the John Pinto property
in a northwesterly direction through the Pinto property, the
Krouse property, Orin Mease and Cyrus Mease properties, to a
point of intersection with State Highway Route 17050 at or near
the house of Cyrus Mease, being a continuance of a private road
from Cyrus Mease to Orin Mease for a portion of said distance,
in the Township of Decatur, in the County aforesaid, will meet
at the John Pinto property in said Township on Thursday, June
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, June 7th, 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.

Dated: May 16, 1941.

COUNTY OF CLEARFIELD, SS:

Now, this 17 day of May, 1941, service of the above
Notice is accepted for the Supervisors of Decatur Township.

John Scollins
T. C. McGarvey
E. S. Billotet

Viewers.

Ben F. Hughes
Ira Winters
Thomas Kerfoot

Supervisors

Section 1. It is the intent of the Legislature to provide for the construction, reconstruction, improvement, and maintenance of the State Highways and State-aid Highways of the Commonwealth. For the purpose of carrying out the intent of this section, the Secretary of Highways of the Commonwealth is authorized to construct, reconstruct, improve, and maintain certain highways designated as State Highways and State-aid Highways, and in so doing, to change, alter, or establish the width, lines, curves, and grades thereof under the conditions prescribed in said Acts, their supplements and amendments, and

WHEREAS, The Secretary of Highways is about to construct, reconstruct, improve, or maintain under the provisions of the said Acts, a section of road in DECATUR Township, CLEARFIELD County, Pennsylvania, designated on the records of the Department of Highways as TOWNSHIP ROUTE 659, and

WHEREAS, A survey of said road shows that it is necessary to
RELOCATE

NOW, KNOW ALL MEN BY THESE PRESENTS, That

owner or owners of property along the said road about to be reconstructed and improved, for and in consideration of the sum of One Dollar to us in hand paid, and other valuable considerations:

DO DONATE FREE

do hereby dedicate to the State for highway purposes, the property within the lines of the required right-of-way as shown on the construction and right-of-way plans, and do hereby remise, release, quitclaim, and forever discharge the Commonwealth of Pennsylvania and any County, Township, or Borough joining therewith, or their employes or representatives, of and from all suits, damages, claims, and demands whatsoever, in law or equity, or otherwise, against the said Commonwealth of Pennsylvania and any County, Township, or Borough joined with the Commonwealth in the improvement thereof, for or by reason of any change of grade of said road, or by reason of any change in the existing lines or location of said road, or ~~for or by reason of any divergence~~ said road from its present location, in its reconstruction or improvement, or ~~for or~~ by reason of the taking of or injury to land necessary for the widening or relocation of said road, in order that the Department of Highways may properly provide for the traveling public.

IN WITNESS WHEREOF, have hereto set hand and seal this

18 day of April, A. D. 1941.

Morley on Hamper

John Pinto (JPL)

CHAP. 17.]

Commonwealth
of
PennsylvaniaDEED OF RELEASE AND QUITCLAIM
(STATE and STATE-AID HIGHWAYS)Department
of
Highways

WHEREAS, Under the provisions of the Act of May 31, 1911, A.L. 400, the Act of June 21, 1931, P.L. 544, and other laws relating to State and State-Aid Highways, their supplements and amendments, the Secretary of Highways of the Commonwealth is Authorized to construct, reconstruct, improve, and maintain certain highways designated as State Highways and State-aid Highways and in so doing, to change, alter, or establish the width, lines, location, and grades thereof under the conditions prescribed in said Acts, their supplements and amendments, and

WHEREAS, The Secretary of Highways is about to construct, reconstruct, improve, or maintain under the provisions of the said Acts, a section of road in _____ Township, _____ County, Pennsylvania, designated on the records of the Department of Highways as _____, and

WHEREAS, A survey of said road shows that it is necessary to _____

NOW, KNOW ALL MEN BY THESE PRESENTS, That _____

owner or owners of property along the said road about to be reconstructed and improved, for and in consideration of the sum of One Dollar to us in hand paid, and other valuable considerations:

I do hereby dedicate to the State for highway purposes, the property within the lines of the required right-of-way as shown on the construction and right-of-way plans, and do hereby remise, release, quitclaim, and forever discharge the Commonwealth of Pennsylvania and any County, Township, or Borough joining therewith, or their employes or representatives, of and from all suits, damages, claims, and demands whatsoever, in law or equity, or otherwise, against the said Commonwealth of Pennsylvania and any County, Township, or Borough joined with the Commonwealth in the improvement thereof, for or by reason of any change of grade of said road, or by reason of any change in the existing lines or location of said road, or ~~for or by reason of any divergence~~ said road from its present location, in its reconstruction or improvement, or ~~for or~~ by reason of the taking of or injury to land necessary for the widening or relocation of said road, in order that the Department of Highways may properly provide for the traveling public.

IN WITNESS WHEREOF, have hereto set hand and seal this

18

day of April

, A. D. 1941.

Thomas Wilkes Jr.

Walter Stone

(S. M.)

(S. M.)

Commonwealth
of
Pennsylvania

DEED OF RELEASE AND QUITCLAIM
(STATE and STATE AID HIGHWAYS)

Department
of
Highways

... and, under the provisions of the Act of May 1, 1911, ... L. 463, the Act of June 12, 1931, P. L. 544, and other Laws relating to State and Commonwealth Highways, their supplements and amendments, the Secretary of Highways of the Commonwealth is Authorized to construct, reconstruct, improve, and maintain certain Highways designated as State Highways and State-aid Highways, and, in so doing, to change, alter, or establish the width, lines, location, and grades thereof under the conditions prescribed in said Acts, their supplements and amendments, and

WHEREAS, The Secretary of Highways is about to construct, reconstruct, improve, or maintain under the provisions of the said Acts, a section of road in DECATUR Township, CLEARFIELD County, Pennsylvania, designated on the records of the Department of Highways as TOWNSHIP ROUTE 659, and

WHEREAS, A survey of said road shows that it is necessary to
RELOCATE

NOW, KNOW ALL MEN BY THESE PRESENTS. That

owner or owners of property along the said road about to be reconstructed and improved, for and in consideration of the sum of ~~One~~ One ~~Dollar~~ to us in hand paid, and other valuable considerations:

DO DONATE FREE

do hereby dedicate to the State for highway purposes, the property within the lines of the required right-of-way as shown on the construction and right-of-way plans, and do hereby remise, release, quitclaim, and forever discharge the Commonwealth of Pennsylvania and any County, Township, or Borough joining therewith, or their employes or representatives, of and from all suits, damages, claims, and demands whatsoever, in law or equity, or otherwise, against the said Commonwealth of Pennsylvania and any County, Township, or Borough joined with the Commonwealth in the improvement thereof, for or by reason of any change of grade of said road, or by reason of any change in the existing lines or location of said road, or ~~for or by reason of any divergence~~ said road from its present location, in its reconstruction or improvement, or ~~for or~~ by reason of the taking of or injury to land necessary for the widening or relocation of said road, in order that the Department of Highways may properly provide for the traveling public.

IN WITNESS WHEREOF, have hereto set hand and seal this

have hereto set

hand and seal this

15

____ day of April

—, A. D. 1941

James W. Please

(3.122)

G. W. J.

Form 474-B (R-8-9-35)
Commonwealth
of
Pennsylvania

DEED OF RELEASE AND QUITCLAIM
(STATE and STATE-AID HIGHWAYS)

Department
of
Highways

WHEREAS, The Commonwealth of Pennsylvania, on the 21st day of July, 1911, and on the 21st day of June, 1931, and on other days relating to State and State-Aid Highways, their supplements and amendments, the Secretary of Highways of the Commonwealth is authorized to construct, reconstruct, improve, and maintain certain highways designated as State Highways and State-aid Highways and in so doing, to change alter, or establish the width, lines, grades, and grades thereof under the conditions prescribed in said Acts, their supplements and amendments, and

WHEREAS, The Secretary of Highways is about to construct, reconstruct, improve, or maintain under the provisions of the said Acts, a section of road in DECAYEUR Township, CLEARFIELD County, Pennsylvania, designated on the records of the Department of Highways as TOWNSHIP ROUTE 659, and

WHEREAS, A survey of said road shows that it is necessary to RELOCATE

NOW, KNOW ALL MEN BY THESE PRESENTS, That

owner or owners of property along the said road about to be reconstructed and improved, for and in consideration of the sum of One Dollar to us hereinafter paid, and other valuable considerations:

DO DONATE FREE

do hereby dedicate to the State for highway purposes, the property within the lines of the required right-of-way as shown on the construction and right-of-way plans, and do hereby renounce, release, quitclaim, and forever discharge the Commonwealth of Pennsylvania and any County, Township, or Borough joining therewith, or their employes or representatives, of and from all suits, damages, claims, and demands whatsoever, in law or equity, or otherwise, against the said Commonwealth of Pennsylvania and any County, Township, or Borough joined with the Commonwealth in the improvement thereof, for or by reason of any change of grade of said road, or by reason of any change in the existing lines or location of said road, or for or by reason of any divergence of said road from its present location, in its reconstruction or improvement, or for or by reason of the taking of or injury to land necessary for the widening or relocation of said road, in order that the Department of Highways may properly provide for the traveling public.

IN WITNESS WHEREOF, have hereto set hand and seal this

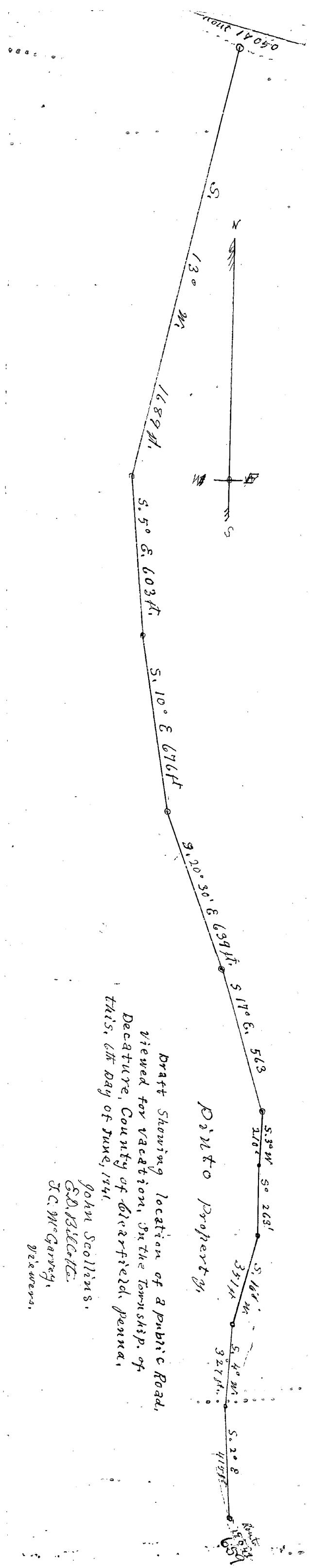
18 day of April, A. D. 1941.

Marilyn Hampton

Oren J. Mease (S.M.L.)

(S.M.L.)

(S.M.L.)



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 Fifth day of May in the year of our Lord, one thousand nine hundred and Forty-one.

W. Wallace Smith
By the Honorable ~~John~~ ^{Wm. Wallace} Smith, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Decatur, in the County aforesaid setting forth that State... Highway Route 659 at the corner of the John Pinto property be vacated from that point to its intersection with State Highway Route 17050, and that at the place and stead thereof, said Highway be supplied to run from said point at the corner of the John Pinto property in a northwesterly direction through the Pinto property, the Krouse property, Orin Mease and Cyrus Mease properties to a point of intersection with State Highway Route 17050 at or near the house of Cyrus Mease, being a continuance of a private road from Cyrus Mease to Orin Mease for a portion of said distance.

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 appoint from and among the County Board of Viewers John Scollins, T. C. McGarvey

and E. D. Billotte 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. W. Wallace Smith, P. J.

J. Harold McGadden
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 ~~Decatur~~

and that the proper notices thereof were posted along the route of the said roads to be vacated, that the said view would be held on the

fifth day of June 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~~ Grand Jury Room in the Court House, in Clearfield.

Pa., on the seventh day of June 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 ~~Thomas Kerfoot, Benjamin Hughes and Ira Winters, Supervisors of Decatur Township; Collins Hummel, Ashley Hummel; John Pinto; Harry Kephart; Orin Mease, and Mr. Todd, Engineer of Osceola Silica & Fire Clay Co.,~~

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Arbitration~~ Grand Jury Room in the Court House, in Clearfield, Pa., on the seventh day of June

A. D. 1941, when the parties interested in the said road were in attendance: ~~John Pinto, Orin Mease, Cyrus Mease; Thomas Kerfoot, Benjamin Hughes and Ira Winters, Supervisors of Decatur Township: all of whom were sworn, examined and cross-examined by your Board; that an adjournment was taken until June 21, 1941 at the same hour, when the following interested parties appeared: Cyrus Mease; Edgar Hoover, representing the Andrew Baughman Est; Albert and Mary E. Krause, Harry Kephart, John Pinto and Emma, his wife and Orin Mease.~~

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said

road has become useless, inconvenient and burdensome to wit: State Highway Route 659 Beginning at its intersection with State Highway Route 17050: thence South 13 degrees West, one thousand, six hundred and eighty-nine (1689) feet along lands of Andrew Baughman Estate, to a post; thence South 5 degrees East, six hundred and three (603) feet along lands of said Estate and Mease Estate, to a post; thence still thereby and lands of Krause, South 10 degrees East, six hundred and seventy-six (676) feet to a post; thence still by lands of Krause, South 20 degrees, 30 minutes East, six hundred and thirty-nine (639) feet to a post; thence still thereby South 17 degrees East, five hundred and sixty-three (563) feet to a post; thence by lands of John Pinto South 3 degrees West, two hundred and ten (210) feet to a post; and thence still thereby the following courses and distances: South 0 degrees West, two hundred and sixty-three (263) feet; thence South 16 degrees West, three hundred and fifty-one (351) feet; thence South 4 degrees West, three hundred and twenty-seven (327) feet; thence South 2 degrees East, four hundred and fifteen (415) feet and ending in said Route No. 659.

We further find that the aforesaid road, known as the "Hill" Road, must be snow-fenced, is passable only 6 months of the year, and accommodates and is travelled by 40 men living in "Kephart precinct" of Decatur Township, in going to and from work, and during inclement weather are required to travel 4 miles in traversing this one mile of ~~road~~ distance over other routes. In the opinion of your Board the aforesaid road should be vacated and supplied by the following described Road: to wit:

BEGINNING at the Southern terminus of the aforesaid Road on

Route 659 and corner of the John Pinto property; thence thereby the following courses and distances: North 15 degrees West, five hundred and eighty (580) feet; thence North 12 degrees West, two and twenty-eight hundredths (2.28) feet; thence North 20 degrees West, five hundred and fifty-eight (558) feet to line of lands of Mary E. and Albert Krause; thence through cleared field of said Mary E. and Albert Krause, North 26 degrees 30 minutes West, two hundred and ten (210) feet to a post; thence through woods land of the said Mary E. And Albert Krause, North 10 degrees West, one hundred (100) feet to a post; thence still thereby North 13 degrees West, two hundred and forty (240) feet to a post; thence still thereby North 29 degrees 30 minutes West, one hundred (100) feet to a post; thence still thereby and lands of Bessie Stone North 33 degrees West three hundred (300) feet to a post; thence still thereby North 36 degrees West, five hundred (500) feet to a post; thence still thereby ~~North 46 degrees West, one hundred (100) feet to line of cleared land of Orin Mease; thence thereby North 49 degrees West, six hundred and ninety-six (696) feet to a post; thence still thereby North 6 degrees 30 minutes West, eleven hundred, twenty-seven and eight-tenths (1127.8) feet to stone corner and line of lands of Andrew Baughman Estate and Cyrus Mease; and thence along the common division line between lands of Cyrus Mease and the Andrew Baughman Estate, North 6 degrees 30 minutes East, over a private road, fourteen hundred and ninety-two (1492) feet and ending in State Highway Route 17050.~~

Which said road so as aforesaid viewed and laid out, your Board is of the opinion is necessary for a public road, to supply the public road hereinbefore recommended for vacation.

and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from: John Pinto; Walter Stone; Cyrus G. Mease providing the proposed road did not require the moving of any of his buildings; and Orin T. Mease, providing the proposed road was laid out West of the lane through his property and West of the buildings thereon: The proposed road as viewed and laid out will not interfere with any buildings of the said Cyrus G. Mease, and will pass on the East side of the lane and buildings of Orin T. Mease.

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: Taking into consideration the advantages to be derived from such building of said road, and the value of the land reverting to the owners abutting the proposed vacated road, we are of the opinion that damages have been sustained and we do accordingly assess the same as follows: To Orin T. Mease, two hundred (\$200) dollars; to Mary E. and Albert Krause, two hundred (\$200.00) dollars; and the Andrew Baughman Estate, twenty (\$20.00) dollars; and we herewith return releases obtained, and copy of the notices.

Witness our hands and seals this first day of September, A. D. 1941.

John Scelling [SEAL.]
W C McGahey [SEAL.]
E B Billotte [SEAL.]

Viewers.

No. 7 May Term 1941

ORDER TO VACATE

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
T. C. McGarvey	5	279	\$63.95
E. D. Billotte	6	200	\$70.00
John Scollins	6	188	\$69.40

Now Sept Sessions 1941

read and confirmed Ni. Si.

By the Court
J. R. *John R. McFayden*
Now Sept Sessions 1941

confirmed absolute.

By the Court
Dr. John Long

Filed 19

Atty. William C. Chase

Fees \$1.25 paid by

Sept 2 1941
J. HAROLD McFAYDEN
CLERK

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 18th day of January in the year of our Lord, one

thousand nine hundred and forty-three

W. Wallace Smith

By the Honorable ~~Singleton~~ ^{W. Wallace Smith} President Judge of the said Court: Upon the petition of sundry

inhabitants of the Township of Decatur, in the County aforesaid setting forth that
petitioners desire that State Highway Route 659 at the corner of the John Pinto property be vacated from that point to its intersection with State Highway Route 17050, and that at the place and stead thereof, said Highway be supplied to run from said point at the corner of the John Pinto property in a northwesterly direction through the Pinto property, the Krouse property, Orin Mease and Cyrus Mease properties to a point on intersection with State Highway Route 17050 at or near the house of Cyrus Mease, being a continuance of a private road from Cyrus Mease to Orin Mease for a portion of said distance.

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 Scollins, Esq., E. D. Billotte

Thomas C. McGarvey 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. W. Wallace Smith, P. J.

J. Harrel 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 , and that notices

thereof were posted along the route of the said road to be vacated, that the said view would be held on the day of , A. D. 19 , 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 day of A. D., 19 , at o'clock 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.

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 _____ day of _____, A. D. 19____, 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

and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and 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

day of

, A. D. 19

..... [SEAL.]

..... [SEAL.]

..... [SEAL.]

Viewers.

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.

No. 7 May Term 19 41

ORDER TO VACATE
on Petition for Survey and supply

To view and vacate road situate in the Township of Decatur
Clearfield County.

Days	Miles	Amt
.....
.....
.....
.....

Now Sessions 19
read and confirmed Ni. Si.

By the Court.

Now Sessions 19
confirmed absolute.

By the Court.

And now, this 19th
day of May, 1943,
this Order is returned
unexecuted by
direction of Edward
P. Kelley, Atty. for the
Petitioner

John Scallions
Member of Board
of Viewers,

Atty. Edward T. Kelley

Fees \$1.25 paid by

Filed 19

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

Re: Petition to vacate and :
supply a Township Road : No. May Sessions 1941.
in the Township of Decatur:

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

We, the undersigned, being citizens of Decatur Township, do hereby petition your Honorable Court to vacate and supply a Township Road in the Township of Decatur as follows:

(1). That there now exists in Decatur Township a Township Highway known as Township Route 659 leading from the State Highway Route 17050; thence in a southerly direction to the intersection with Township Highway Route 569 a distance of 1.4 miles.

(2). At the point of intersection with Township Highway 569 the said Township Highway 569 proceeds in a southeasterly direction to Coal Run.

(3). That there exists at the present time a State Highway Route 17049 running approximately parallel to the two Township Highways, herein designated, but on the other side of the Pennsylvania Railroad tracks from Coal Run to the intersection of State Highway Route 17050, which point of intersection is within five hundred feet of the point of intersection of the Township Highway 659 with the same State Highway.

(4). That it is the desire of your petitioners, as citizens of Decatur Township, that State Highway Route 659 at the corner of the John Pinto property be vacated from that point to its intersection with State Highway Route 17050, and that at the place and stead thereof, said Highway be supplied to run from said point at the corner of the John Pinto property in a northwesterly direction through the Pinto property, the Krouse property, Orin Mease and Cyrus Mease properties to a point of intersection with State Highway Route 17050 at or near the house of Cyrus Mease, being a

continuance of a private road from Cyrus Mease to Orin Mease for a portion of said distance.

(5). That the road to be supplied would be approximately the same distance as that sought to be vacated, but would be a better grade through a district more inhabited and more easily to maintain, in which vicinity there is no immediate public roads; whereas the portion of the road herein sought to be vacated is separated from a State Highway by the Pennsylvania Railroad track only for nearly the entire distance, is subject to drifts and difficult to maintain.

(6). That your petitioners are desirous that should their prayer for the supplying of said road be granted, that the vacation of the other portion thereof not become effective until the new highway be opened and in use.

(7). That your petitioners are advised that the Supervisors of the Township of Decatur are not opposed to the prayer of this, their Petition.

(8). That the land owners through whose land said proposed highway will pass are agreeable to the waiving of any damages and will make no claim for same against the Township of Decatur if said road should be constructed. Any signers to this Petition agreeing to waive any or all damages that might accrue to them by reason of the construction of the road prayed for herein.

WHEREFORE, your petitioners pray your Honorable Court that Viewers be appointed to view the premises herein mentioned, and make report to your Honorable Court recommending the vacation and supply of the Township Highway as herein prayed for.

Names

Addresses

Clark Kephart
Sylvia Kephart
Bertram Kephart
Laura Kephart
Ron Oliphant
Pena Oliphant
Andrew Roase
Leda Roase
Harry Kephart
Doris Kephart
Mertie Kephart
Joseph Foster
Vera Pinto
Preston Phillips
Grace Phillips
Cassie Kephart
Ella Kephart
Theodore Kephart
Oscar Kephart

Osceola ~~McClain~~ 10
Osceola ~~McClain~~ 10

Osceola Mills Pa

STATE OF PENNSYLVANIA: :SS
COUNTY OF CLEARFIELD :

Before me, the subscriber hereto, came John Pinto who being duly sworn according to law, deposes and says that he is one of the signers in the foregoing Petition and that the facts set forth therein are true and correct to the best of his knowledge and belief.

Sworn and subscribed to :
before me this 24 day of :
March A.D. 1941.

David Mandelsoy

BY COMMISSION EXPIRES FIRST
JANUARY 1942

Reuben Stone
Maud Stone
Mrs Mayde Yarger
Mayde Yarger
Murd. Winters
Elvira Winters
Jesse E. Yarger
Sylvester Hefferts
Joskey Burmell
James W. Burmell

ORDER OF COURT

AND NOW THIS 5th day of May, A. D. 1941, *John Collins*,
J. C. McCarthy and *E. J. Billot*

are appointed viewers to view said roads and after hearing had,
to make recommendations to the Court as required by Acts of
Assembly in such cases, made and provided.

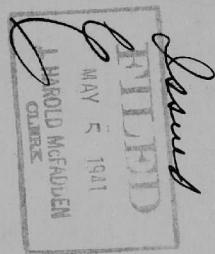
BY THE COURT,

Frank J. Hallinan
P. J.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY, PA
NO. 7 May Sessions 1941

Re: Petition to vacate
and supply a Township
Road in the Township
of Decatur.

PETITION



WILLIAM G. CHASE
ATTORNEY-AT-LAW
CLEARFIELD, PA.
KEYSTONE BLDG.

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

Re: Petition to vacate and :
supply a Township Road : No. 7 May Sessions 1941
in the Township of Decatur :

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

The Petition of Mrs. John Pinto respectfully represents:

(1). That to the above number and term, a Petition was filed asking to vacate and supply a certain road in the Township of Decatur, Clearfield County, Pennsylvania.

(2). That in accordance with the Order of Court, the road viewers did lay out and survey a certain road and recommended that the same be changed and relocated along the lines laid out in their survey.

(3). That the Supervisors and the State Highway Department, through Mr. Bailey, attempted to comply with the Court's Order in laying out the said road but they were unable to locate this road in accordance with the courses and distances as called for in the said Order; a resurvey of the newly established road failed to establish the connecting point, meaning the point of beginning and the point of ending on the newly established road.

WHEREFORE your petitioner prays your Honorable Court that the Viewers make a resurvey and report to the Court.

Mrs John Pinto

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS :
:

Mrs. John Pinto being duly sworn according to law deposes and says that the facts set forth in the foregoing

Petition are true and correct.

Mrs John Pinto.

Sworn and subscribed before
me this 14 day of Jan.
A. D. 1943.

Harold M. Fadden

PROTHONOTARY

MY COMMISSION EXPIRES FIRST
MONDAY IN JANUARY, 1944

ORDER OF COURT

And now, this 18th day of January, A. D. 1943,
John Collins, Esq., E. D. Billott
and James C. Mc Garry are appointed viewers to
resurvey the road mentioned in the Petition and make recommendation
to the Court as required by the Act of Assembly in such case made
and provided.

By the Court,

H. Bellen, Jr.
P. J.

Now May 24, 1943, the right having been concur-
ted by John Collins, Esq., 7th Broad & Vinton as afores-
aid, the order of resurvey is hereby resented
& the record shall be accordingly amended.

H. Bellen, Jr.
P. J.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD CO.
PENNA. 7 May Sessions, 1941.

Re: Petition to vacate
and supply a Township
road in the Township of
Decatur.

Petition for RE-SURVEY

PETITION

Issued



EDWARD T. KELLEY
ATTORNEY AT LAW
CLEARFIELD, PA.