

ROAD

DOCKET No. 7

Number	Term	Year
1	Feb. SS	1943

Petition to Vacate Road in

COVINGTON TOWNSHIP

Versus

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IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE PUBLIC ROAD IN COVINGTON  
TOWNSHIP, CLEARFIELD COUNTY,  
PENNSYLVANIA

: NO. FEBRUARY TERM 1942

:  
:

PETITION FOR VIEWERS TO  
VACATE TOWNSHIP ROAD AND  
DECLARE SAME A PRIVATE  
ROAD.

To the Honorable W. Wallace Smith, President Judg:

The Supervisors of Covington Township respectfully represent:

FIRST: That they are the Supervisors of the Township of Covington, County of Clearfield and State of Pennsylvania.

SECOND: That a Township Highway known as Route No. 742 in the Township of Covington, beginning at its intersection with Township Route No. 739, at the boundary line between the lands of Nestor Plubell and Ernest Reno and extending southerly by said boundary line and across lands of the Ernest Reno estate to where the same corner on the property of the Askey estate, a distance of five tenths (.5) of a mile, has become unnecessary and burdensome to the Township.

THIRD: That the best interests of the Township would be served by the vacating of such road.

WHEREFORE your petitioners pray the Court that viewers may be appointed to act upon this petition according to law.

ATTEST:

Matthew Liegy  
W. Alfred Vanchet  
Emery A. Gorman  
Supervisors of Covington Township

Matthew Liegy  
Secretary

STATE OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) ss

Before me, the subscriber, personally appeared Matthew Leigey, who, being duly sworn according to law, deposes and says that he is Secretary of the Supervisors of Covington Township and is authorized to make this affidavit; that the facts contained in the foregoing petition are true and correct.

Matthew Siegery

Sworn to and subscribed before  
me this 17<sup>th</sup> day of December, 1942.

W. J. Oliver Jr.

My commission expires Jan 1-1946

(3)

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD COUNTY  
PENNSYLVANIA  
NO. / FEBRUARY SESSIONS, 1942

IN RE PUBLIC ROAD IN  
COVINGTON TOWNSHIP, CLEAR -  
FIELD COUNTY, PENNA.

PETITION FOR VIEWERS TO  
VACATE TOWNSHIP ROAD AND  
DECLARE SAME A PRIVATE ROAD

NOW, January 18, 1943, the  
within petition having been  
presented D. R. Miller, a  
John and R. C. Cline,  
are appointed viewers  
to act upon the within  
petition.

By the Court,

*R. C. Cline*  
P.J.

*Issued*

LAW OFFICES  
CLARENCE R. KRAMER  
219 MARKET STREET  
CLEARFIELD, PA.

Section to be vacated is Loop Rt. 742  
beginning at its intersection with Loop Rt. 739 extending  
southerly a distance of .5 miles

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~~ <sup>W. Wallace Smith</sup>, President Judge of the said Court: Upon the petition of ~~Supervisors~~ <sup>W. Wallace Smith</sup> ~~inhabitants~~ <sup>W. Wallace Smith</sup> of the Township of Covington, in the County aforesaid setting forth that . . . . . a Township Highway known as Route No. 742 in the Township of Covington, beginning at its intersection with Township Route No. 739, at the boundary line between the lands of Nestor Plubell and Ernest Reno and extending Southerly by said boundary line and across lands of the Ernest Reno estate to where the same corner on the property of the Askey estate, a distance of five tenths (.5) of a mile, has become unnecessary and burdensome to the Township.

That the best interests of the Township would be served by the vacating of such road.

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 A. B. Shaw, Esq., E. D. Billotte

and W. E. Tobias 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 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 Covington, and that three notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

2nd day of February, A. D. 1943, 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 4th day of February, A. D., 1943, 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 Matthew Leigey and Wilfred Voinchet, Supervisors of Covington Township.

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 4th day of February,

A. D. 1943, when the parties interested in the said road were in attendance: Clarence R. Kramer, Esquire, Solicitor for Covington Township Road District, together with Matthew Leigey and Wilfred Voinchet, Supervisors of Covington Township Road District.

✓ And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has become useless, inconvenient and burdensome and should be vacated and abandoned as a Public Road, beginning at the intersection of Covington Township Route No. 742 and Township Route No. 739, at boundary line between the lands of Nester Plubell and the Ernest Reno Estate; thence extending in a southerly direction along Township Route No. 742, a distance of 2640 feet to a point where the Ernest Reno Estate corners with the Askey Estate.

That Township Road Route No. 742, according to the testimony offered by the petitioners for its vacation, has not been used as a public road for ten years or more and to continue to maintain the same would be useless, inconvenient and burdensome to the taxpaying of Covington Township.

That no persons live along said Township Road that would in any way be effected by its vacation.

Wherefore, your undersigned Viewer's having viewed said Township Road and heard the testimony in support of the vacation of the same, are of the opinion that said Township Road Route No. 742, has long since outlived its usefulness, as a public road, and recommend its vacation and abandonment as prayed for by the petitioners.

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 property said road passes, ~~an in any way damaged by the vacation 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~~ <sup>return</sup> ~~have obtained~~ and copy of the notices.

✓ Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_

..... [SEAL.]

*E. Billotti*

..... [SEAL.]

*H. E. Tobias*

..... [SEAL.]

Viewers.

No. 1 Feb. Term 1943

**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.

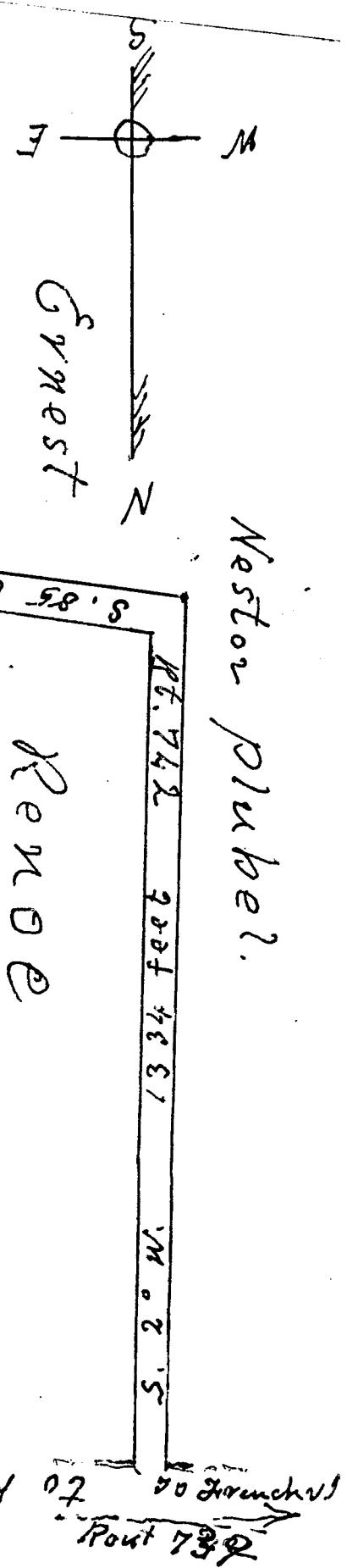
By the Court,  
R. Heller, Jr.  
(A.J.)

19  
Filed

Atty. Clarence R. Kramer

Fees \$1.25 paid by

Nestor plukel.



Draft showing location  
of old public road in Covington &  
Township Clearfield County, Pa.  
Viewed for vacation  
Mar. 2nd A.D. 1943.  
Total length of vacation 2,634 ft.

A. B. Shaw  
E. D. Billotte. } Viewers.  
W. E. Tokidas.

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 18th day of January, A.D., 1943, to vacate the following described Public Road in the Township of Covington, Clearfield County, Penna.

The road to be vacated and abandoned, is known and designated as Covington Township Route # 742 in said Township, beginning at the intersection of said Township Route # 742 and Township Route # 739, at the boundry line between the lands of Nester Plubell and Ernest Renoe and extending in an southerly direction by said boundry line and accross the lands of the Ernest Renoe Estate to a point where said boundry lines corner with the property line of the Askey Estate, a distance of approximatelt five tenths (.5) of a mile, will meet on the premises, on Tuesday February 2, 1943 at 10:30 o'clock A.M., to attend the duties assigned them, and that a public hearing as required by Act of Assembly and Rules of Court, in order to give all parties interested in said road to be vacated and abandoned, an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Thursday the 4th day of February, A.D., 1943, at 10:30 o'clock A.M., at which time and place, all parties interested in said road may attend and be heard, if they so desire.

A.B. Shaw

E.D. Billotte

W.E. Tobias

Viewer's

Now, January 19, 1943, service of the above notice is hereby accepted by copy on behalf of the Commissioners of Clearfield County, Pennsylvania.

Frederick B. Reed

Clerk

TO THE SUPERVISORS OF THE TOWNSHIP OF COVINGTON, 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 18th day of January, A.D., 1943, to vacate the following described Public Road in the Township of Covington, Clearfield County, Penna.

The road to be vacated and abandoned, his known and designated as Covington Township Route # 743 in said Township, beginning at the intersection of said Township Route # 743, and Township Route # 739, at the boundry line between the lands of Nester Plubell and Ernest Renoe and extending in an southerly direction by said boundry line and accross the lands of the Ernest Renoe Estate, to a point where said boundry lines corner with the property line of the Askey Estate, a distance of approximatelt five tenths (.5) of a mile, will meet on the premises, on Tuesday February 2, 1943 at 10:30 o'clock A.M., to attend the duties assigned them, and that a public hearing as required by Act of Assembly and Rules of Court, in order to give all parties interested in said road to be vacated and abandoned, an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Thursday the 4th day of February, A.D., 1943, at 10:30 o'clock A.M., at which time and place, all parties interested in said road may attend and be heard, if they so desire.

A.B. Shaw

E.D. Billotte

W.E. Tobias

Viewer's

Now, January 23, 1943, service of the above notice is hereby accepted by copy on behalf of the Supervisors of Covington Township, Clearfield County, Pennsylvania.

Matthew Lieger  
Secretary

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view and vacate damages, leading from in Covington Township, Clearfield County, Pennsylvania.

The road to be vacated and abandoned, is known as Covington Township Road, Route # 742, having its beginning at the intersection of said Township Road, Route # 742, and Township Road, Route # 739 in said Township, at the line between the lands of Nester Plubell and Ernest Reno Estate and extending in a southerly direction along said boundary line and across the lands of the said Ernest Reno Estate, to a point where said boundary lines in ~~ship~~ meet at the ~~house~~ ~~house~~ to a corner on the property line of the Askey Estate, a distance of approximately five tenths (.5) of a mile.

in Covington Township, in the County aforesaid, will meet at the ~~house~~ on the premises in Covington Township, on Tuesday the 2nd day of February, A.D. 1943, at 10:30 o'clock A.M., to attend to the duty assigned them, of which time and place aforesaid, all

**parties interested will take notice.** THAT A PUBLIC HEARING AS REQUIRED BY ACT OF ASSEMBLY AND RULES OF COURT TO BE HELD PRIOR TO THE FILING OF THE VIEWER'S 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 4th DAY OF FEBRUARY, A.D., 1943 AT 10:30 O'CLOCK A.M.; AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROAD MAY ATTEND AND BE HEARD, IF THEY SO DESIRE.

A. B. SHAW

E. D. BILLOTTE

W. E. TORIAS

**VIEWERS.**

January 19th 1943.