

ROAD
DOCKET No. 7

Number	Term	Year
1	May ss	1943

SANDY TOWNSHIP: PETITION TO VACATE

PARTS OF TWO ROADS.

Versus

IN THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CLEARFIELD

In re: Vacation of Road in
Sandy Township, Clearfield
County, Pennsylvania

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No.

May Sessions 1943

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TO THE HONORABLE THE JUDGE OF THE ABOVE NAMED COURT:

The petition of the undersigned, all of the Road Supervisors of the Township of Sandy, Clearfield County, Pennsylvania, respectfully represents:

1. That on the 16th day of March 1943 they presented petition for road view for the vacation of two portions of abandoned highway in the Township of Sandy, Clearfield County, Pennsylvania, as set forth therein.

2. That after filing and presenting said petition, the Highway Department of the Commonwealth of Pennsylvania, abandoned another piece of highway, being designated as the portion from a point at Station 384+15 to a point at Station 391+45, a distance of approximately 730 feet or approximately .1383 of a mile, which said abandoned portion of the highway is paralleled by the new improved surface and serves no purpose or convenience to the traveling public.

3. WHEREFORE, the Supervisors of the Township of Sandy respectfully request that this portion of road be added to

Rt. 17030

the previous petition and referred to the Viewers as though originally contained thereon.

Joshua Hooper
Gerry Brown
Oliver Wayne
Supervisors

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

VS:

Jerry Brown, Joshua F. Hoover and Oliver Wayne,
Supervisors, being duly sworn according to law depose and say that
the facts set forth in the foregoing Petition are correct and true.

Joshua Hoover
Jerry Brown
Oliver Wayne

Sworn and subscribed before me
this 18th day of March, 1943.

Mary Horner
NOTARY PUBLIC
My Commission Expires Jan. 5, 1947

IN THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CLEARFIELD

In re: Vacation of Road in
Sandy Township, Clearfield
County, Pennsylvania

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0
0

No.

May Sessions 1943

O R D E R

NOW, March .2.2., 1943, within petition presented and it appearing that the averments in said petition are correct and that said additional mileage, as averred in said petition, was not formerly abandoned by the Department of Highways until the day previous order for view for vacation was given, therefore, it is ORDERED AND DIRECTED that that portion of highway described in the within petition be added to the petition filed March 16, 1943, and referred to the Viewers appointed by the Court on said date, and that the Viewers consider along with the other two pieces of highway for vacation the described portion of highway contained in said petition.

By the Court

H. Walter Smith P.J.

In the Court of Quarter Sess
of Clearfield County

No. / May Sessions 1943

In re: Vacation of
Road in Sandy Township,
Clearfield County,
Pennsylvania

P E T I T I O N

PENTZ & PENTZ
ATTORNEYS AT LAW
DU BOIS, PENNA.

IN THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CLEARFIELD

In re: Vacation of Parts of 0 No. /
Two Roads in Sandy Township, 0
Clearfield County, Pennsylvania 0 May Sessions 1943

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TO THE HONORABLE THE JUDGE OF THE ABOVE NAMED COURT:

The petition of the undersigned, all of the Road Supervisors of the Township of Sandy, Clearfield County, Pennsylvania, respectfully represents:

1. The State Highway Department of the Commonwealth of Pennsylvania in improving, relocating and otherwise extending the state highway system in the Township of Sandy, Clearfield County, Pennsylvania, did, under the authority of the Acts of Assembly in such case made and provided, abandon and turn over to the Road District of Sandy Township, two certain pieces of highway, less than one mile each, as hereinafter described.

2. That the said portions of highway abandoned are paralleled by improved highway, do not serve the public, and are of no use or value, to the traveling public, but will be an expensive burden to the said Road District, and the abutting property owners thereon have no objection thereto.

3. Said two pieces of highway are described as follows:

72+20

861

The first thereof, beginning on Legislative Route 816 at Station ~~62-20~~ to the Brady Township line at Station 121 43, a distance of 4,923 feet.

which said stretch of highway has been abandoned by the State High-

way Department, and is paralleled by an improved route, known generally as U. S. Highway Route 322.

The second thereof, beginning on Legislative Route 402 at Station 112 74, to Station 128 15, a distance of about 1541 feet, and is what is properly known as U. S. Highway Route 255.

4. That both pieces of said highway are closely adjacent to the relocated and improved through highway and if left go, are apt to become dangerous to the traveling public, although the said abandoned pieces serve no useful purpose to any persons or property.

5. That the second portion of highway to be abandoned is entirely within the property limits of the Morningside Cemetery Association, and is desired by the said Association for purposes of landscaping and improvement of their grounds.

WHEREFORE, your petitioners respectfully pray your honorable Court to appoint Viewers to view the said highways and make an order of vacation of the same.

And they will ever pray, etc.

X Joshua Hower
X Jerry Brown
Y Oliver Wayne
Supervisors

STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD

SS:

Jerry Brown, Joshua F. Hoover and Oliver Wayne,
Supervisors, being duly sworn according to law depose and say that
the facts set forth in the foregoing Petition are correct and true.

X Joshua Hoover
X Jerry Brown
X Oliver Wayne

Sworn and subscribed before me
this 12th day of March, 1943.

Mary Horner

NOTARY PUBLIC
My Commission Expires Jan. 5, 1947

IN THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CLEARFIELD

In re: Vacation of Parts of 0 No.
Two Roads in Sandy Township, 0
Clearfield County, Pennsylvania 0 May Sessions 1943

O R D E R

NOW, March 16..., 1943, within Petition presented,
and A. B. Shaw, Esq., H. & B. Bousell and
J. H. Fry are appointed Viewers to go upon and
view the portions of highway petitioned to be vacated, and to make
report of the same at the next Court, to wit: first Monday of May,
1943.

By the Court

W. D. L. Linn P.J.

B,

IN THE COURT OF QUARTER SESS OF CLEARFIELD COUNTY	
No. <u>1</u>	May Sessions 1948
In re: Vacation of Parts of Two Roads in Sandy Township, Clearfield County, Pennsylvania	
P E T I T I O N	
<p><i>Order to Vacate</i> <i>6-20-48</i> <i>50 17 48 1948</i> <i>6-20-48</i> <i>6-20-48</i> <i>6-20-48</i></p> <p>PENTZ & PENTZ ATTORNEYS AT LAW DUBOIS, PENNA.</p>	

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

In re: Vacation of Road in :
Sandy Township, Clearfield : No. 1 May Sessions 1943.
County, Pennsylvania. :
: Amendment to petition.

O R D E R

Now, March 22, 1943, within petition presented and it appearing that the averments in said petition are correct and that said additional mileage, as averred in said petition, was not formerly abandoned by the Department of Highways until the day previous order for view for vacation was given, therefore, it is Ordered and Decreed that that portion of highway described in the within petition be added to the petition filed March 16, 1943, and referred to the Viewers appointed by the Court on said date, and that the Viewers consider along with the other two pieces of highway for vacation the described portion of highway contained in said petition.

By the Court,

W. Wallace Smith,

President Judge.

Certified from the record this 22nd day of March, A. D. 1943.

Harold McFadden
Clerk of Courts.

TO THE SUPERVISORS OF THE TOWNSHIP OF SANDY, 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 16th day of March, A.D., 1943, to view for vacation the following described public roads in the Township of Sandy, Clearfield County, Pennsylvania, being certain portions of Legislative Routes #861, #402, and #17030, which have been abandoned as part of said Legislative Routes by the Department of Highways of the Commonwealth of Pennsylvania, and by reason of said abandonment, have reverted back to the Road District of the Township of Sandy.

THE FIRST ROAD OR PORTION THEREOF TO BE VACATED AND ABANDONED, begins on Legislative Route #861 in the Township of Sandy, at Station #72-20 to the Brady Township line, at Station #121-43, a distance of 4,923 feet.

THE SECOND ROAD OR PORTION THEREOF TO BE VACATED AND ABANDONED, begins on Legislative Route #402 at Station #112-74, to Station #128-15 in the Township of Sandy, a distance of about 1541 feet.

THE THIRD ROAD OR PORTION THEREOF TO BE VACATED AND ABANDONED, begins on Legislative Route #17030 in the Township of Sandy, at Station #384-15 to a point on said Legislative Route at Station #391-45, a distance of about 730 feet.

will meet on Legislative Route #402 at Station #112-74, near the Morningside Cemetery in Sandy Township, on Wednesday the 14th day of April, A.D., 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 to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said roads or portions thereof to be vacated and abandoned an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Friday the 16th day of April, A.D., 1943 at 10:30 o'clock A.M., at which time and place all parties interested in said roads may attend and be heard, if they so desire.

A.B. Shaw

J.E. Fry

W.H. Bonsall

Viewer's

Now April , 1943, service of the above notice is hereby accepted by copy on behalf of the Supervisors of the Township of Sandy.

Jerry Brown
Secretary.

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 16th day of March, A.D., 1943, to view for vacation the following described public roads in the Township of Sandy, Clearfield County, Pennsylvania, being certain portions of Legislative Routes #861, #402, and #17030, which have been abandoned as part of said Legislative Routes by the Department of Highways of the Commonwealth of Pennsylvania, and by reason of said abandonment, have reverted back to the Road District of the Township of Sandy.

THE FIRST ROAD OR PORTION THEREOF TO BE VACATED AND ABANDONED, begins on Legislative Route #861 in the Township of Sandy, at Station #82-20 to the Brady Township line, at Station #121-43, a distance of 4,923 feet.

THE SECOND ROAD OR PORTION THEREOF TO BE VACATED AND ABANDONED, begins on Legislative Route #402 at Station #112-74, to Station #128-15 in the Township of Sandy, a distance of about 1541 feet.

THE THIRD ROAD OR PORTION THEREOF TO BE VACATED AND ABANDONED, begins on Legislative Route #17030 in the Township of Sandy, at Station #384-15 to a point on said Legislative Route at Station #391-45, a distance of about 730 feet.

will meet on Legislative Route #402 at Station #112-74, near the Morningside Cemetery in Sandy Township, on Wednesday the 14th day of April, A.D., 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 to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said roads or portions thereof to be vacated and abandoned an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Friday the 16th day of April, A.D., 1943 at 10:30 o'clock A.M., at which time and place all parties interested in said roads may attend and be heard, if they so desire.

A.B. Shaw

J.E. Fry

W.H. Bonsall

Viewer's

Now March 31, 1943, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield Co

Fred B. Reed
Chairman

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~at Road on vacant~~ ~~damages, leading from~~ for vacation and abandonment the following described lands in Sandy Township, Clearfield County, Pennsylvania,

121-22-23, being a certain portion of Legislative Route 861, beginning at Station 72-20 to the Army Township line, at Station 121-45, a distance of 4,926 feet.

11. STATION 1112-74, being a certain portion of Repulsive Route 7402, beginning at station 1112-74, to station 1138-15, a distance of about 1541.

THE ROAD BEING A CERTAIN PORTION OF LEGISLATIVE ROUTE #17050, BEGINNING AT STATION #384-15 TO A POINT ON SAID LEGISLATIVE ROUTE AT STATION #391-45, A DISTANCE OF ABOUT 700 FEET.

in Township, in the County aforesaid, will

meet at the house of . on Legislative. . on 400. or station 412-74. near the morning-side cemetery

in Family Township, on Wednesday

the 14th day of April, A. D. 1945, at 10:30

o'clock. At M., to attend to the duty assigned them, of which time and place aforesaid, all

parties interested will take notice. THAT THE UNITED STATES DEPARTMENT OF JUSTICE HAS ON JULY TWENTY TWO LAST BY MR. WILLIAM HENRY SCHLESINGER IN THEIR COURT IN CIVIL ACTION NO. 97-10168-1 ORDERED AND GRANTED AS FOLLOWS: WHEREAS THE UNITED STATES DEPARTMENT OF JUSTICE HAS ON JULY TWENTY TWO LAST BY MR. WILLIAM HENRY SCHLESINGER IN THEIR COURT IN CIVIL ACTION NO. 97-10168-1 ORDERED AND GRANTED AS FOLLOWS: WHEREAS THE UNITED STATES DEPARTMENT OF JUSTICE HAS ON JULY TWENTY TWO LAST BY MR. WILLIAM HENRY SCHLESINGER IN THEIR COURT IN CIVIL ACTION NO. 97-10168-1 ORDERED AND GRANTED AS FOLLOWS:

..... 1322

J. 11. 177

DECLARATION OF INTEREST

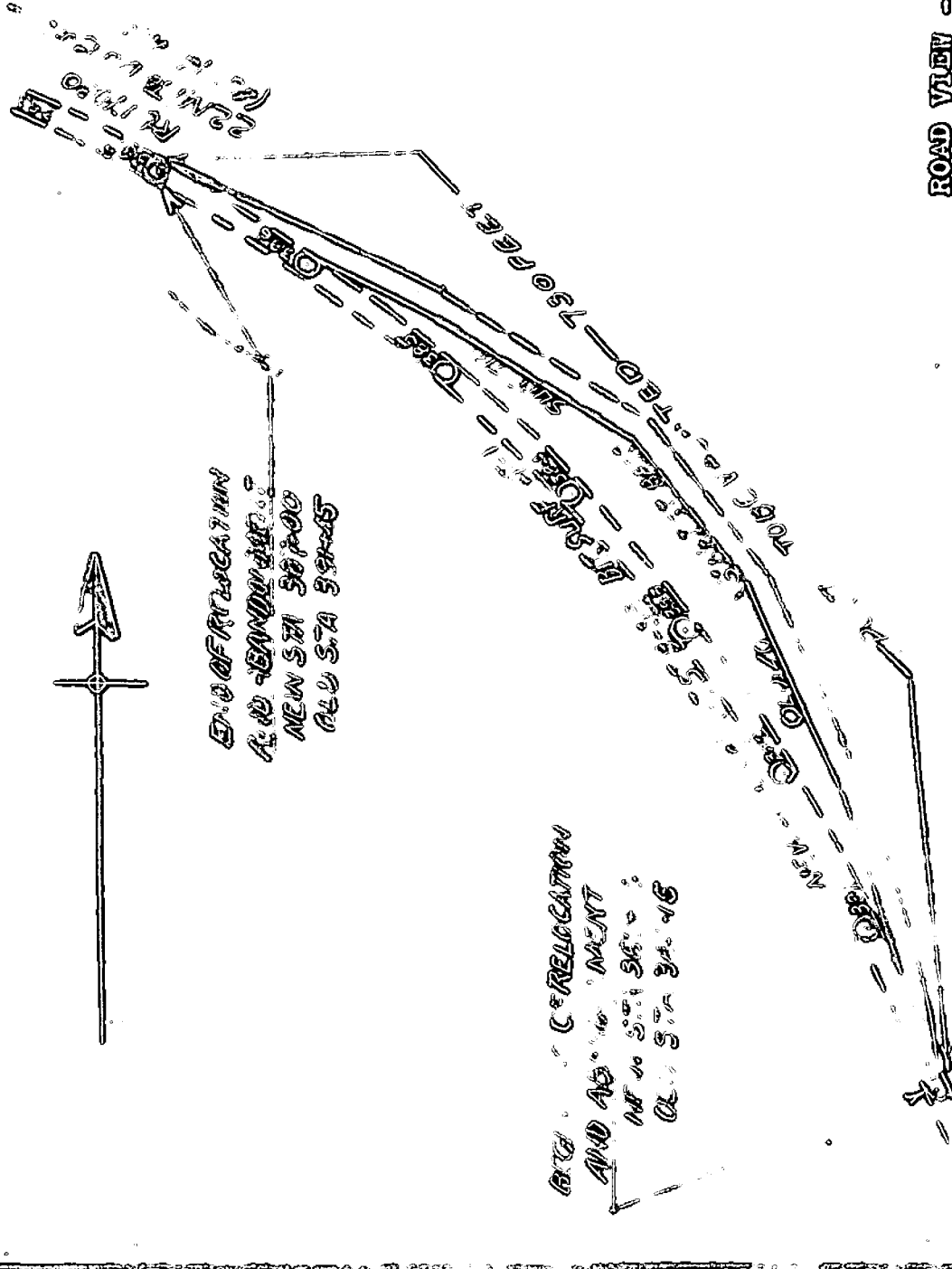
VIEWS.

March 31, 1943



END OF RELOCATION
AND RELOCATION
NEW STA 50+00
OLD STA 50+25

END OF RELOCATION
AND RELOCATION
NEW STA 50+00
OLD STA 50+25



ROAD VIEW -- VACATION
SANDY TWP. CLEARFIELD CO. PA.

VIEWED APRIL 14, 1943

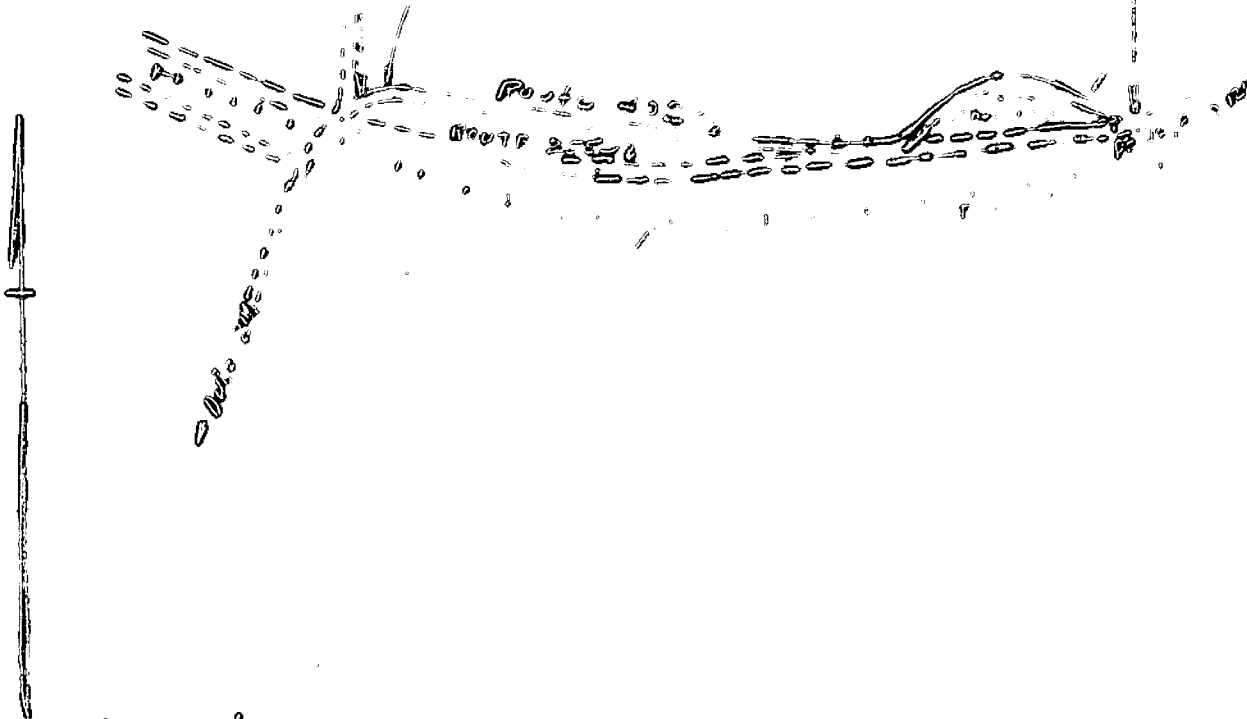
A. B. SHAW
J. E. FRY
H. W. BONSALL
VIEWERS

SKETCH SHOWING PORTION OF
STATE HIGHWAY ROUTE 17030
TO BE VACATED, SANDY TWP.,
CLEARFIELD CO., PA.
LENGTH TO BE VACATED 730 FT.

SCALE 1" = 30'

2.007 1.112 0.7

PORTION OF ROUTE 420
TO BE VACATED



SCALE: 1" = 500'

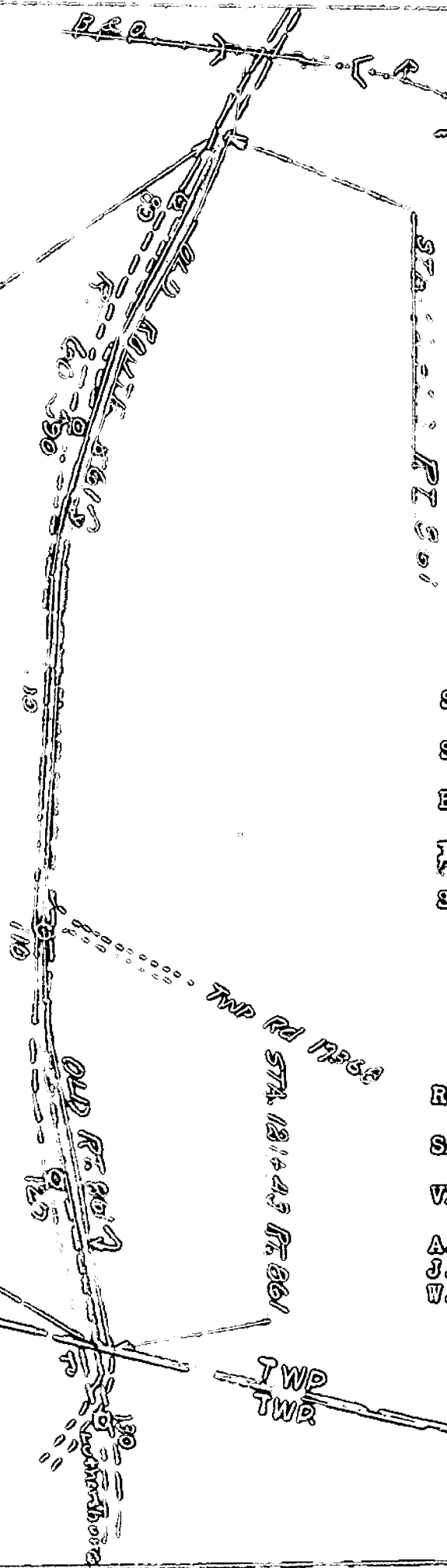
SKETCH SHOWING PORTION OF STATE
HIGHWAY, ROUTE 420, TO BE VACATED.
SANDY TWP., CLEARFIELD CO. PA.
LENGTH TO BE VACATED 1541 FEET.

ROAD VIEW--VACATION
SANDY TWP., CLEARFIELD CO. PA
A. B. SHAW }
J. E. FRY } VIEWERS.
H. W. BONSALE }

VIEWED APRIL 14, 1943

— PORTION RT 861 TO BE VACATED —

SANDY
BRADY



SKETCH SHOWING PORTIONS OF
STATE HIGHWAY ROUTE 861,
BETWEEN STATIONS 72 + 20 AND
121 + 43, TO BE VACATED.
SANDY TWP., CLEARFIELD CO. PA.

ROAD VIEW -- VACATION
SANDY TWP., CLEARFIELD CO. PA.
VIEWED APRIL 14, 1943

A. B. SHAW
J. E. FRY
W. H. BONSALL } VIEWERS

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 16th day of March in the year of our Lord, one thousand nine hundred and forty-three.

W. Wallace Smith

By the Honorable ~~Singleton Bell~~, President Judge of the said Court: Upon the petition of ~~some~~

Supervisors

~~inhabitants~~ of the Township of Sandy, in the County aforesaid setting forth that the State

Highway Department of the Commonwealth of Pennsylvania do abandon and turn over to the Road District of Sandy Twp., two certain pieces of highway, less than one mile each, as hereinafter described.

That the said portions of highway abandoned are paralleled by improved highway do not serve the public, but will be an expensive burden to the said Road District and the abutting property owners thereon have no objection thereto.

Said two pieces of highway are described as follows: THE FIRST THEREOF: Beginning on Legislative Route 816 at Station 62 20 to the Brady Township line at Station 121 43, a distance of 4,923 feet.--which said stretch of highway has been abandoned ~~there~~ by the State Highway Department, and is paralleled by an improved route, known generally as U. S. Highway Route 322. THE SECOND THEREOF: Beginning on Legislative Route 402 at Station 112 74, to Station 128 15, a distance of about 1541 feet, and is what is properly known as U. S. Highway Route 255.

That both pieces of said highway are closely adjacent to the relocated and improved through highway and if left go, are apt to become dangerous to the traveling public, although the said abandoned pieces serve no useful purpose to any person or property.

That the second portion of highway to be abandoned is entirely within the property limits of the Morningside Cemetery Association, and is desired by the said Association for purposes of landscaping and improvement of their grounds. Therefore, petitioners pray the Court to appoint Viewers to view the said highways and make an order of vacation of the same.

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., H. W. Bonsall and

J. ^E Fry

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 Sandy, and that three notices thereof were posted along ~~each~~ the route of the said road to be vacated, that the said view would be held on the

14th day of April, 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~~ Grand Jury Room in the Court House, in Clearfield.

Pa., on the 16th day of April A. D., 1943, at 10:30 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 Joshua Hoover and Jerry Brown, Supervisors of the Township of Sandy

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 16th day of April, A. D. 1943, when the parties interested in the said road were in attendance: John C. Pentz, Esq

Solicitor for Sandy Township Road District.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said or sections thereof as set forth in the petition have road ~~xxxxxx~~, become useless, inconvenient and burdensome and are of no use whatsoever to the traveling public and your undersigned Viewer's recommend the vacation for public use the following sections of road in Sandy Township, which said sections of road have already been abandoned as a part of the State Highway system of roads and reverted back to the Township of Sandy.

THE FIRST SECTION to be vacated and abandoned has its beginning at Station 72 + 20 on Legislative Route #861; thence extending in an easterly direction over said route a distance of 4,925 feet to Station 121+43 at the Brady Township line.

THE SECOND SECTION to be vacated and abandoned has its beginning at Station 112+74 on Legislative Route #402; thence extending in an easterly direction over old Legislative Route #402 a distance of 1541 feet to Station 128+15 on said Route

THE THIRD SECTION to be vacated and abandoned has its beginning at Station 380+00 on Legislative Route #17030; thence extending over old Legislative Route #17030, a distance of 730 feet to Station 387+00 on the present Legislative Route of said number in Sandy Township, Clearfield County, Pennsylvania.

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.



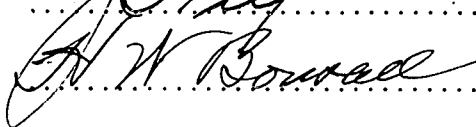
~~The undersigned Viewers further report that they endeavored to procure from all parties owning or claiming an interest in said road, or in any way damaged by the vacation of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such 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:~~

~~No damages resulted to the abutting property owners by reason of the vacation and abandonment of the abovementioned section of road in Sandy Township.~~

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

Witness our hands and seals this 27th day of April, A. D. 1943

 [SEAL.]
 [SEAL.]
 [SEAL.]

Viewers.

No. 1 May Term 19 43

ORDER TO VACATE

To view and vacate road^{Parts of 2} situate in the Township of Sandy Clearfield County.

Now May Sessions 1943 read and confirmed Ni. Si.

By the Court. *J. S. Walker J. J.*
Now Sept. Sessions 1943 confirmed absolute.

By the Court. *J. S. Walker J. J.*

Filed 19

Atty, Pentz & Pentz

Fees \$1.25 paid by

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
A. B. Shaw	4	85	34.25
J. E. Fry	4	76	43.80
W. H. Bonsall	2	86	24.30