

Road

**DOCKET No.** 7

**Number**

**Term**

**Year**

3

February

1943

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Petition to lay out a Public Road

in Boggs Township in Morrow Addition

**Versus**

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IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: Laying Out Public Road :  
in Boggs Township, : No. Sessions, 1942  
Clearfield County, :  
Pennsylvania :

PETITION

TO HONORABLE W. WALLACE SMITH, PRESIDENT JUDGE OF SAID COURT:

The petition of the undersigned inhabitants of  
the Village of Blue Ball, Boggs Township, in said County,  
respectfully represents:

1. That your petitioners labor under great  
inconvenience for want of a public road in the Village of Blue  
Ball in the said Township of Boggs.
2. That your petitioners are owners and/or  
occupants and residents of that certain section of the Village of  
Blue Ball known as the Morrow Addition and property adjacent  
thereto.
3. That a map of said Morrow Addition is recorded  
in the office for the recording of deeds in Clearfield County  
in Deed Book 290, page 433, being a conveyance from M. T. Morrow  
et ux to General Refractories Company.
4. That the map or plot of lots aforesaid  
does not show an outlet to the public highway and no outlet in  
fact exists except a private right-of-way which has been used for  
a number of years by the residents of said Morrow Addition.

Said private right-of-way is adjacent to the Blue Ball school house lot and within two (2) feet of the school building and the use of said private right-of-way is a hazard to the school children.

5. Your petitioners desire a public road to be laid out at a point beginning at legislative route No. 17049 known as old Philadelphia and Erie Turnpike, and at the Western line of the lot conveyed by M. T. Morrow to William D. Crispen and Irvin M. Lindsay; thence in a Northeasterly direction to the property line of James Kurtz; thence in an Easterly direction along the street through Morrow Addition as shown on the map or plot aforesaid, being a distance of approximately one thousand (1000) feet.

6. Said proposed public road is necessary to provide a safe and adequate means of travel to the public school aforesaid from Morrow Addition, a large section of the Village of Blue Ball lying East thereof, as well as to provide access to the homes of the residents of said Morrow Addition.

WHEREFORE, your petitioners pray the Court to appoint proper persons to view and lay out the same according to law.

And they will ever pray,

BOGGS TOWNSHIP SCHOOL BOARD

By Howard D. Woods, Secretary

BOGGS TOWNSHIP BOARD OF SUPERVISORS

By Wm. J. Wood, Sec.

GENERAL REFRACTORIES COMPANY

By 66m Blue

Waldo Drake.

James Kurtz

Mary A. Snyder.

James Hinckley, Jr.

STATE OF PENNSYLVANIA :  
*Centre* ss:  
COUNTY OF ~~CLEARFIELD~~ :

Waldo Dark being duly sworn according to law, deposes and says that he is one of the signers to the foregoing Petition and that the facts set forth therein are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before

me this 16<sup>th</sup> day of ~~October~~ January,

A. D. 1943

Waldo Drake,

A. D. 1948.

Jim Pearce Jr.

My Commission Expires

My Commission Expires  
First Monday of January 1946

ORDER OF COURT

NOW, this 1st day of February, 1943, the  
within petition having been read and considered,

H. E. Reese, John Scother, Esq.  
and Thomas C. McGarvey are appointed viewers to  
view and lay out the road herein described and report their  
recommendations as required by law.

BY THE COURT,

J. William Smith

P. J.

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD COUNTY  
PENNSYLVANIA

No. *3 Feb* 194*3*

IN RE: LAYING OUT  
PUBLIC ROAD IN BOGGS  
TOWNSHIP, CLEARFIELD  
COUNTY, PENNSYLVANIA.

P E T I T I O N

FILED  
FEB 2 1943  
HAROLD HOFFMAN  
CLERK

W. ALBERT RAMEY  
ATTORNEY AT LAW  
CLEARFIELD, PA.

**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 1st day of February in the year of our Lord one thousand nine hundred forty-three

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Boggs

in said County, setting forth that they desire a public road to be paid out at a point beginning at legislative route No. 17049 known as old Philadelphia and Erie Turnpike, and at the Western line of the lot conveyed by M. T. Morrow to William D. Crispen and Irvin M. Lindsay; thence in a Northwesterly direction to the property line of James Kurtz; thence in an Easterly direction along the street through Morrow Addition as shown on the map or plot aforesaid, being a distance of approximately one thousand feet. Being necessary to provide a safe means of travel to the public school from Morrow Addition, a large section of the Village of Blue Ball lying East thereof.

and therefore, praying the Court to appoint proper persons to view and lay out the road between the points mentioned, whereupon the Court upon due consideration had of the premises, do order and appoint from and among the County Board of Viewers John Scollins, Esq 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

Boggs and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 19th day of February A. D. 1923, and the hearing to be held in the <sup>Grand Jury</sup> ~~Admiration~~ Room, at the Court House, in Clearfield, Pa., on the 22nd day of February, 1923, at 10.30 o'clock A. M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Burton Davis, Leonard Meas and Roger Wilsoncroft, Supervisors of Boggs Township,

parties in interest. That the hearing was held in the <sup>Grand Jury</sup> ~~Admiration~~ Room, in the Court House, at Clearfield, Pa., on the 22nd day of February A. D. 1923, when the following appearances were noted: W.A. Ramey, Esq., Attorney for petitioners, with Burton Davis, Wm.T. Meas, Leonard Meas and Loraine Hinchcliffe, all of whom were sworn, examined and cross examined by counsel and your Board. The hearing was adjourned until March 8th, 1943 at the same hour, when C.R. Kramer, Esq., appeared as Attorney for the Boggs Township School District: Carrie Kurtz, witness, sworn, and examined and all the other witnesses re-examined and re-cross examined by Counsel and your Board.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is an occasion for a road as desired by the petitioner, and that the same is public 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 North 86½ degrees East twelve and one-half (12½) feet from the southeast corner of the Grange Lot, said point being the centre of the proposed Township Road twenty-five (25) feet in width leading from Legislative Route No. 17049, -known as the old Philadelphia & Erie Turnpike in the village of West Decatur: thence North 3½ degrees East, over the land of the General Refractories company and twelve and one-half (12½) feet equidistant from said centre line on either side thereof, one hundred and thirty-five (135) feet to post on land of Mrs. Amy Snyder, formerly known as the Morrow Estate; thence thereby North 74 degrees East one hundred and sixty-seven (167) feet to post on line of the present existing private road, laid out through the Morrow Addition to the Village of Blue Ball (P. O. West Decatur); thence thereby North 63 degrees East two hundred (200) feet to a post; and thence still thereby North 76 degrees East, four hundred (400) feet and ending in the property-line of the aforesaid W. T. Morrow Estate.

We further find that there are six families living in homes in the "Morrow Addition" to the Village of Blue Ball, since known as West Decatur; that a private road was laid out on said plot, passing within two feet of the Village School house; that the present road is maintained by the families living therealong; that in its present location it is dangerous to the children attending the public school, being extensively used by Deliverymen; and tax-payers visiting the home of the Tax Collector, Loraine Hinchcliffe.



The proposed public road is to be laid out twenty-five (25) feet in width, over the western end of a Lot of ground owned by the General Refractories Company, thus preserving the Well or Spring on the School-house Lot from surface water and contamination.

~~One of the termini of the proposed road is at a point other than in a public highway or place of public resort, nevertheless your Board finds that the proposed road is necessary for public travel and for the use of property owners living on the road heretofore dedicated to public use in the laying out of the Morrow Addition to Blue Ball.~~

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: Mrs. Amy Snyder, Forty (\$40.00) Dollars;  
and the General Refractories Company, Fifty (\$50.00) Dollars.

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

WITNESS our hands and seals this fifth day of April  
A. D. 1923.

John Collins Seal  
H. A. Reese Seal  
T. C. McGraw Seal



TO: The Commissioners of Clearfield County, Pennsylvania:-

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

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

NO. 3, FEBRUARY SESSIONS, 1943.

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to view and pay out a public road, beginning at legislative route No. 17049 known as old Philadelphia and Erie Turnpike, and at the Western line of the lot conveyed by M. T. Morrow to William D. Crispen and Irvin M. Lindsay; thence in a Northwesterly direction to the property line of James Kurtz; thence in an Easterly direction along the street through Morrow Addition as shown on the map or plot aforesaid, being a distance of approximately 1000 feet, in the Township of Boggs, in the County aforesaid, will meet at the Public School in Morrow's Addition, in said Township, on Friday, the 19th day of February, 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.

And that the public hearing required by Act of Assembly and the Rules of Court to be held by the viewers before the filling 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 Monday, February 22, 1943 at 10:30 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: February 4th, 1943.

CLEARFIELD COUNTY, SS:

Now, this 6th day of February, 1943, service of the above Notice is accepted for the Commissioners of Clearfield County.

John Scellina  
H. E. Reese  
Thomas C. McGarvey  
Viewers.

Frederic A. Reed  
Clerk

TO: Roger Wilsoncroft, Burton Davis and Leonard Meas,  
Supervisors of Boggs Township, Clearfield County:-

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

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

NO. 3, FEBRUARY SESSIONS, 1943.

You are hereby notified that the undersigned Viewers, appointed by the Court to the above number and term, to view and lay out a road for public use, beginning at legislative route No. 17049 known as old Philadelphia and Erie Turnpike, and at the Western line of the lot conveyed by M. T. Morrow to William D. Crispen and Irvin M. Lindsay; thence in a Northwesterly direction to the property line of James Kurtz; thence in an Easterly direction along the street through Morrow Addition as shown on the map or plot aforesaid, being a distance of approximately 1000 feet, in the Township of Boggs, in the County aforesaid, will meet at the Public School in Morrow's Addition in said Township, on Friday, February 19th, 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.

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 Monday, February 22, 1943 at 10:30 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: February 4th, 1943.

CLEARFIELD COUNTY, SS:

Now, this 6th day of February, 1943, service of the above Notice is accepted for the Supervisors of Boggs Township.

Roger Wilsoncroft

Leonard Meas

Burton Davis  
Supervisors

John Scollins  
H. E. Reese

Thomas C. McGarvey  
Viewers

