

ROAD

DOCKET No. 7

Number	Term	Year
3	Dec. SS	1944

Petition to Lay Out a Road in

FIGLER TOWNSHIP

Versus

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 16th day of October in the year of our Lord one thousand nine hundred and Forty-four.

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

in said County, setting forth that they labor under great inconvenience in not having a road or an outlet from their places of residence in Chesterfield, Clearfield County, Pa. That viewers be appointed to lay out a road, beginning at a point at property of Peter Jargic on Scott Street; thence along line of John Matier Estate and Bondy Estate, and Sophia Palcisco and line of Swetz to Palcisco corner, approximately 2/3 mile; thence North across Banian Run and Railroad to Township road, leading from Madera to Utahville, Clearfield County, Pa.

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., Benjamin Hughes and Harry Reese

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. F. Cortez Bell, P. J.

J. Harold McAdams, 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

Bigler and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 9th day of November

A. D. 1924, and the hearing to be held in the ^{Grand Jury} ~~Admiration~~ Room, at the Court House, in Clearfield, Pa., on the 13th day of November, 1924, at 10 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 John Sucick, Barbara Manion, Sophia Palcisko, and John Kanuth, petitioners and

^{Grand Jury} parties in interest. That the hearing was held in the ~~Admiration~~ Room, in the Court House, at Clearfield, Pa., on the 13th day of November A. D. 1924, when the following appearances were noted: County Commissioner Ira Jay, unofficially and in behalf of Taft Williams, Mgr., Williams Supply Co.; William Ackley and Louis Mosley, Supervisors of Bigler Twp.; John Sucick, Steve Yagrik, Joseph Matier, Oscar Mannion, Barbara Manion and Sophia Palcisko; petitioners; and F. K. Witherow, Engr., State Highway Department: all of whom were sworn, examined and cross-examined by Members of the Board of Viewers.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is _____ occasion for a road as desired by the petitioner, and that the same is _____ 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 at the property of Peter Jargic on Scott Street: thence thereby South 68 degrees West, along line of lands of Peter Jargic, John Matier, Mary Bondy and Joe Palcisko on the North, and the Bondy Estate and Elizabeth Swetz on the South, one thousand, six hundred and six (1606) feet to corner of Palcisko, Swetz and McGlynn lands; thence North 24 degrees West, along lands of Joe Palcisko, abandoned railroad right-of-way, the Slovak Hall and Mike Mowchan on the East and the McGlynn Estate, abandoned railroad right-of-way and John Kanuth on the West, six hundred and ninety (690) feet and ending in the Township Road leading from Utahville to Madera, opposite the property of John Bunyak; all in the former mining Village of Chesterfield (Ventland post office) originally laid out by the Clearfield Creek Coal Company.

We further find that a bridge is necessary to cross Banien Run, and to obtain the approval of the State Department of Highways would have to meet the following minimum requirements, viz: 12 feet in width, with 4 feet of clearance to accomodate a basin area one mile square, the estimated cost of which including excavation and abutments, 30½ cubic yards of masonry, but excluding steel "I" beams, would approximate \$1100.00. There was testimony that the necessary steel "I" beams and plank would be furnished gratis by the County Commissioners from the fallen Second Street bridge at Clearfield.

We further find that the proposed road is necessary for public travel; that merchants and coal-dealers refuse to deliver

☐

BY JOHN SCOLLINS, ESQ.

H. A. REESE.

SCALE 1"=300'

ROAD TO MADERA

□

52,0

JOHN KAVUTS

MIKE MOWCHAN

100

1

520VAIK
HALL

P.R. BRANCH R.R.
McGLYNN. EST.

ABANDONED

BANYON RUN

POWERS MARY
BONDY

四

JOHN MATIER

S. 68° W. 1606'



PETER JARGIC.

ELIZABETH SWEETS.

BONDY ESTATE

 *5/11/11*

To The County Commissioners of 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 Bigler.) NO. 3, DECEMBER SESSIONS, 1944.

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 in Chesterfield, beginning at a point at property of Peter Jargic on Scott Street; thence along line of John Matier Estate and Bondy Estate, and Sophia Palcisco and line of Swetz to Palcisco corner, approximately 2/3 mile; thence North across Banian Run and Railroad to Township Road leading from Madera to Utahville, in the Township of Bigler, in the County aforesaid, will meet at the house of Peter Jargic in said Township, on Thursday, November 9th, 1944 at 10:00 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, November 13th, 1944 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: October 23rd, 1944.

County of Clearfield, SS:

Now, this 25th day of October, 1944, service of the above Notice is accepted for the Commissioners of Clearfield County.

John Collins
Benjamin Hughes
Harry Reese
Viewers.

Ed Lukehart
Clerk.

TO: David R. Morgan, Lewis Mosley and Wm. H. Ackley,
Supervisors of the Township of Bigler:-

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 :
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and line of Swetz to Palcisco corner, approximately 2/3 mile;
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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, November 13th, 1944 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: October 23rd, 1944.

COUNTY OF CLEARFIELD, SS:

NOW, this 25 day of October, 1944, service of
the above Notice is accepted for the Supervisors of Bigler Town-
ship.

Wm. H. Ackley
Lewis Mosley
Supervisors

John Collins
Benjamin Hughes
Harry Reese
Viewers.

groceries, feed, fuel and other necessities to the families living
therealong in the wet and rainy seasons; during which time the
automobiles used by the miners in traveling to and from their work
must be left parked on the Utahville-Madera public road, without
shelter, and their tires, tools and equipment at the mercy of thieves
and highwaymen.

All are agreed that the proposed road is necessary, but
the public officials charged with the duty of building it are unable
to do so for lack of funds, and annual decreasing revenues. How-
ever your Board feels that some way must be found ^{out} to these long-
suffering people "out of the mud", and would recommend the project
be given first consideration in any municipal post-war planning.

From the foregoing view and findings of fact, your Board
concludes that the proposed road is necessary for public use; that
the same be recommended for approval by your Honorable Court;

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

No damages claimed or assessed; the right-of-way having been
originally dedicated for public use by the original owners;

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 view-
ers, after having considered the advantages to be derived to them, do assess them damages and
make report thereof as follows: No damages assessed.

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

WITNESS our hands and seals this 25th day of November

A. D. 1924.

John Scellin Seal
Will Reese Seal
Bryan L. Hughes Seal
Seal

No. 3 December Sessions, 1944

ORDER

To view and lay out a
road for public use in the
township of Bigler,
Clearfield County
Nov Dec 4 1944
Dec. Sessions, 1944,

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

Charles
Now Dec 6, 1944
Confirmed absolutely
Jan 1945

Filed _____ 19____
Fees \$1.25 paid by _____

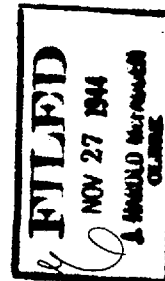
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	AMT.
H. A. Reese	3	110	\$35.50
Benjamin Hughes	2	79	\$23.95
John Scollins	3	76	\$33.80



RELEASE OF DAMAGES

Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by _____

_____ at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said _____

all damages that may arise to us respectfully by reason of the location and opening of the said road, so that neither we nor any of us, nor any person claiming under us, can or may hereafter ask, sue for, demand, have or receive any damages for injuries arising or growing out of the location and opening of the road aforesaid.

Witness our hands and seals this _____ day of _____
A. D. 192____.

Seal
Seal
Seal
Seal

DISTANCE OF THE ROAD LONG.

2,325 feet.

Val 53 - ~~Paradise~~
damage not to exceed 568 lbs

To the Hon. Cortez Bell, President Judge of the Court of
Clearfield County, Pennsylvania .

We the petitioners and tax payers of Bigler Township , Clearfield
County and residence of Bigler Township, respectfully represents, that
we labor under great inconvenience in not having a road or an outlet from
our place of residence, in Chesterfield, Clearfield County, Pa.

We petition that viewers be appointed to lay out a road, beginning
at a point at property of Peter Jargic on Scott street ; Thence along
line of John Matier Estate and Bondy Estate, and Sophia Palcisco and
line of Swetz to Palcisco corner , approximately 2/3 mile ; Thence North
across Banian Run and Railroad to Township road, leading from Madera
to Utahville, Clearfield County, Pa.

Names	Addresses
Steve Yagrik	Utahville Pa
Joseph Yagrik	Utahville Pa
John Yagrik	Utahville Pa
John Lucik	Utahville Pa
Anna Lucik	Utahville Pa
Joseph Matier	Utahville Pa
Mary Bondy	Utahville Pa
Sophia Palcisco	Utahville Pa
Oscar Marmion	Utahville Pa
Barbara Marmion	Utahville Pa
Elizabeth Swetz	Utahville Pa
Steve Stack	Utahville Pa
Jan Knutt	Utahville Pa
Guarona Knutt	Utahville Pa
Stephen Matia	Utahville Pa
Anna Matia	Utahville Pa
Alex Sahol	Utahville Pa
Matthew Duke	Utahville Pa
Sophia Duke	Utahville Pa
John Molner	Utahville Pa
Steve Molner	Utahville Pa

1944
No. 3 & 4. ad 1944

1944
No. 3 & 4. ad 1944

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: :
: Supplying of road in :
: Bigler Township, Clearfield :
: County, Pennsylvania :

O R D E R

NOW, October 16, 1944, petition having been presented to supply road in Bigler Township, John Scollins, Benjamin Hughes and Harry Reese are appointed viewers, who after giving due and proper notice as provided by law, are directed to view the premises, hold a hearing and make recommendation to the Court as to the advisability of the road therein prayed for.

BY THE COURT

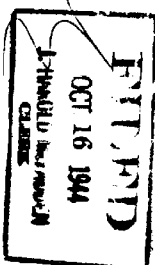


President Judge

70.3 Dec. 22 1944
IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA

In re:
Supplying of road in
Bigler Township,
Clearfield County, Penna.

O R D E R



F. CORTEZ BELL
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

OFFICIAL FILING OFFICE, CLEARFIELD, PA.

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