

ROAD
DOCKET No. 7

Number	Term	Year
1	Sept. SS	1945

Petition to View and Lay Out

Public Road in LAWRENCE TOWNSHIP

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In Re: Petition for Public Road in the Township of Lawrence : No. / September S S, 1945

TO THE HONORABLE, F, CORTEZ BELL, PRESIDENT JUDGE OF SAID COURT:

The Petition of the undersigned inhabitants of the Township of Lawrence, County of Clearfield, respectfully represents:

1. That your petitioners labor under a great inconvenience for want of a public road leading from the State Highway, Route # 17038, at or near the village of Glen Richey in said Township, thence extending in an Easterly direction from said Highway via a private road or roads, a distance of approximately one-half mile and ending at the farm of Ed. Gill in said Township.

2. That the present existing private road or roads, being the only means of access to and from this area, become impassable during certain seasons of the year, and dangerous to public travel, and the upkeep thereof is too burdensome to property owners abutting along the same.

3. That your undersigned petitioners are of the opinion that a public road between the termini mentioned herein is essential and necessary for the convenience of the traveling public and should be constructed and maintained at public expense.

Wherefore your Petitioners pray your Honorable Court to appoint a Board of Viewers to view and lay out a public road with the termini above described, according to law.

And they will ever pray.

Name	Address
Albert B. Johnson	Glen Richey, Pa.
William Morgan	Glen Richey, Pa.
Thomas Morgan	" "
John Morgan	" "
Andrew B. Gill	" "
Samuel Gill	" "
Joseph T. Locke	Glen Richey, Pa.
Vernard Lewis	Glen Richey, Pa.

Name	Address
Roy Levin	Glen Richey Pa
V. L. Levin	" "
Jerry Hoyt	" "
Ernest Levin	" "
Harry Johnson	" "
Albert Johnson	" "
H. H. Owen	Glen Richey Pa
Andrew G. Johnson	" "
Charles Sample	Glen Richey Pa
E. K. Thompson	Glen Richey Pa
M. S. Schernick	Glen Richey Pa
Ed. J. Brown	Glen Richey Pa
Joseph L. Hill	Glen Richey Pa
Allison Rauler	Glen Richey Pa
James Duncan	Glen Richey Pa
C. W. Thompson	Glen Richey Pa
Edwin Thompson	Glenfield P.D. #4 Pa
Florence Ward	Glen Richey Pa
John Brady	Glen Richey Pa
August H. Dwyer	Glen Richey Pa
Bryan Seckler	Glen Richey Pa
Orta Mielarski	Glen Richey Pa
Leon J. Sprague	Glen Richey Pa
Edward Gill	" " "

SUPERVISORS OF
LAWRENCE TWP.

Joseph B. Thompson
Frank S. Carter
W. L. Owens

Name

Address

STATE OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

Before me, the subscriber, personally appeared

Albert B. Johnson, one of the within petitioners, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, and belief.

Albert B. Johnson

Sworn and subscribed to before
me this 18 day of August A. D. 1945.

Maie O. M. Fadden

BY COMMISSIONER EDWARD T. HOSI
MONDAY IN JANUARY, 1946

PROTHONOTARY,

13,

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNSYLVANIA
NO. 1 September Term, 1945.

PETITION

Now August 20, 1945 *Henry R. ...*

Leo R. Buckland, ad

Raymond Hughes and _____
.....
are appointed

ed as a Board of Viewers to
lay out a road in Lawrence
Township as prayed for and
make report thereon to the
Court.

By the Court,

[Signature]
I. J.

A. B. SHAW
ATTORNEY AT LAW
CLEARFIELD, PA.

FILED

AUG 20 1945

MARIE O. McLAUDEN
CLERK

Issued Order to Viewers to S. R. Buckland

400

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 20th day of August in the year of our Lord one thousand nine hundred and Forty-five

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Lawrence and Supervisors of Lawrence Township in said County, setting forth that they labor under a great inconvenience for want of a public road leading from the State Highway, Route #17038, at or near the village of Glen Richey in said Township, thence extending in an Easterly direction from said Highway via a private road or roads, a distance of approximately one-half mile and ending at the farm of Ed. Gill in said Township.

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 Leo R. Brockbank, Esq., Harry Reese and Benjamin Hughes

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.

Maxie O. McTadden, 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

Lawrence and that three (3) notices thereof were posted along the route of the proposed road, that the said view would be held on the 22nd day of August A. D. 19246, and the hearing to be held in the Grand Jury Room, at the Court House, in Clearfield, Pa., on the 23rd day of August, 19246, at 10:00 o'clock Daylight Saving Time A. M. That three (3) viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view we did not see anyone present at the view, but talked with Edward Gill at his premises at the Eastern end of said proposed road

Grand Jury Room
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 23rd day of August A. D. 19246, when the following appearances were noted: A. B. Shaw, Esq., representing petitioners; also Edward Gill, Albert B. Johnson and John W. Brady, petitioners.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is NO occasion for a road as desired by the petitioner, and that the same is NOT 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~~ use the following described road, to wit
Beginning

The testimony showed that the proposed road is at present a private road commencing at a point on State Highway Route No. 17038 in the village of Glen Ritchey in Lawrence Township, Clearfield County, Pennsylvania, at or near the company store, and thence running in an Easterly direction across a small stream and up the hill to the premises of Edward Gill, where it comes to a dead end. The distance is about eight hundred (800) feet and the dead end terminus never was on a public highway of any kind, and this entire proposed road has always been a private road, and Edward Gill testified that he had lived at the end of the private road for at least 30 years. That the township supervisors have never done any work on this proposed road and any work on the road was done by those using it.

That 3 families are affected, John W. Brady at the bottom of the hill; Albert B. Johnson in the rear and to the North of Brady; and Edward Gill at the extreme Eastern end. That Brady has 3 children going to school and Johnson has 2 children going to school; and Gill has one son about 24 years of age. That both Brady and Johnson live about four hundred (400) feet from state highway No. 17038.

That about one hundred and thirty (130) feet from State Highway Route No. 17038 the proposed road passes over a small stream, and that the bridge over said stream should be raised as it will not take the water in wet times, and that when the water is high a man could not cross with knee boots. That an eight (8) foot span or culvert would

take the water. That the road drifts with snow in the winter time and makes it hard to get out. That the proposed road passes a picnic ground that would be used more if the road would be repaired.

That no testimony was supplied as to any damages that might result from the taking over of said road by the supervisors and no testimony was supplied as to the cost of a bridge or culvert that sooner or later be needed.

That Benjamin Hughes and Leo R. Brockbank, two of the viewers appointed by your Honorable Court, are of the opinion that there is no occasion for such a road and the same is not necessary for a public road. That Harry Reese has not signed this report as he differs with the report herewith submitted.

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~~

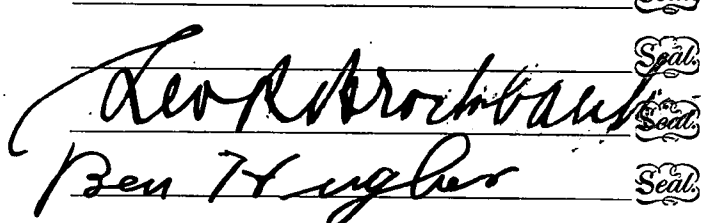
~~when it was not practical to preserve it within that limit.~~

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, ~~the undersigned view~~ ~~ers, after having considered the advantages to be derived to them, do assess them damages and~~ ~~make report thereof as follows~~

~~and we have with this report releases obtained and copies of the notices~~

WITNESS our hands and seals this 23rd day of August
A. D. 1924


Ben Hughes

No. 1 Sept. Sessions, 19 45

ORDER

To view and lay out a
road for public use in the
township of Lawrence,
Clearfield County

Sessions, 19

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.

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

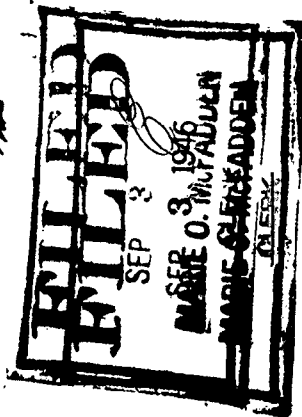
Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

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.
Harry Reese	3	97	\$34.85
Benjamin Hughes	2	104	25.20
L. R. Brockbank	3	92	34.60

Now Sept 3 1946
Confirmed m.v.
Harry Reese
Og.
Now Dec 2. 1946
Confirmed at public sale
Harry Reese
Og.



Filed 19

Fees \$1.25 paid by
A. B. Shaw, Attorney

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 af 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_____.

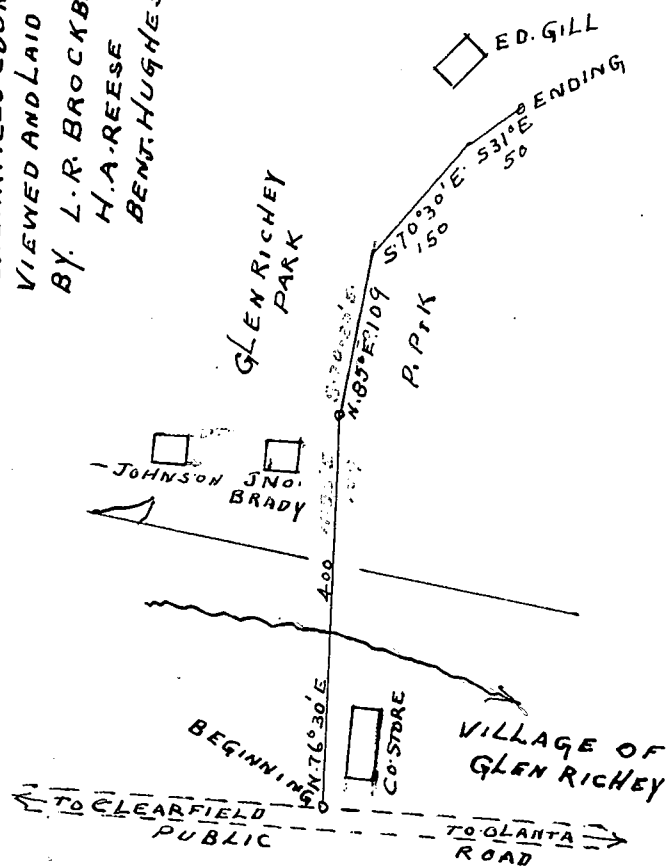
Seal

Seal

Seal

Seal

1
PUBLIC ROAD IN LAWRENCE TWP.
CLEARFIELD COUNTY PA
VIEWED AND LAID OUT AUG. 22 - 1946
BY L. R. BROCKBANK ESQ.
H. A. REESE
BENT HUGHES.



To the Supervisors of Lawrence Township, Clearfield County,
Pennsylvania:

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, on the 20th day of August, A. D., 1945, to lay out a road leading from the State Route No. 17038 at or near the village of Glen Richey, in Lawrence Township, Clearfield County, Pennsylvania, thence extending in an Easterly direction from said highway via a private road or roads, a distance of approximately one-half mile and ending at the farm of Ed. Gill in said Township, will meet on the premises on Thursday, the 22nd day of August, A. D., 1946, at 10:00 o'clock A. M., Daylight Saving Time, 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 Rules of Court to be held by the viewers before the filing of their report in court, in order to give all persons interested in said road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Friday, the 23rd day of August, A. D., 1946, at 10:00 o'clock A. M., Daylight Saving Time, at which time and place all parties interested in said road may attend and be heard, if they so desire.

LEO R. BROCKBANK

HARRY REESE

BENJAMIN HUGHES

Viewers.

NOW, August 9th, 1946, service of the above notice is hereby accepted on behalf of the Supervisors of the Township of Lawrence, Clearfield County, Pennsylvania.



Secretary.

To the County Commissioners of Clearfield County, Pennsylvania:

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, on the 20th day of August, A. D., 1945, to lay out a road leading from the State Route No. 17038 at or near the village of Glen Richey, in Lawrence Township, Clearfield County, Pennsylvania, thence extending in an Easterly direction from said highway via a private road or roads, a distance of approximately one-half mile and ending at the farm of Ed. Gill in said Township, will meet on the premises on Thursday, the 22nd day of August, A. D., 1946, at 10:00 o'clock A. M., Daylight Saving Time, 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 Rules of Court to be held by the viewers before the filing of their report in court, in order to give all persons interested in said road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Friday, the 23rd day of August, A. D., 1946, at 10:00 o'clock A. M., Daylight Saving Time, at which time and place all parties interested in said road may attend and be heard, if they so desire.

LEO R. BROCKBANK

HARRY REESE

BENJAMIN HUGHES

Viewers.

Now, August 22, 1946, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.


Clerk.

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the
Court of Quarter Sessions of Clearfield County, Pennsylvania, to view/a Road ~~or assess~~
~~damages, leading from~~ and lay out
leading from the State Route No. 17038 at or near the
village of Glen Richey, in Lawrence Township, Clearfield County, Pennsyl-
vania, thence extending in an Easterly direction from said highway via a
private road or roads, a distance of approximately one-half mile and ending
at the farm of Ed. Gill in said Township

~~xxx~~ ~~shipship~~

in Lawrence Township, in the County aforesaid, will
meet ~~at the house of~~ on the premises
in Lawrence Township, on Thursday,
the 22nd day of August, A. D. 1946, at 10:00
Daylight Saving Time
o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all

parties interested will take notice. THAT THE PUBLIC HEARING REQUIRED BY ACT OF
ASSEMBLY AND RULES OF COURT TO BE HELD BY THE VIEWERS BEFORE THE FILING OF
THEIR REPORT IN COURT, IN ORDER TO GIVE ALL PERSONS INTERESTED IN SAID ROAD
AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT
HOUSE AT CLEARFIELD, ON FRIDAY, THE 23rd DAY OF AUGUST, A. D., 1946, AT 10:00
O'CLOCK A. M.; DAYLIGHT SAVING TIME; AT WHICH TIME AND PLACE ALL PARTIES
INTERESTED IN SAID ROAD MAY ATTEND AND BE HEARD, IF THEY SO DESIRE.

LEO R. BROCKBANK

HARRY REESE

BENJAMIN HUGHES

VIEWERS.

August 5, 1946.