

~~XX~~ ROAD

DOCKET No. 7

Number	Term	Year
1	May SS	1945

Re: Petition to Lay Out Road in

BIGLER TOWNSHIP

Versus

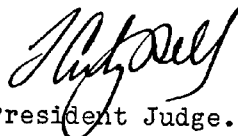
IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNA.

In re: Supplying Road in :
 : No. May SS 1945.
BIGLER TOWNSHIP :

O R D E R

NOW February 14, 1945, petition having been filed to supply a road in Bigler Township, Clearfield County, Pennsylvania, Beginning at a point on the Township Road on the Northeast side of Andrew Rokatosky, thence along the Northeast side of Andrew Rokatosky property 1/10 of a mile to Alex Ratosky; thence Southeast along a 50 foot alley to Samuel Churner's; thence South 1/10 of a mile to Russell Siford's and Andrew Mater's; thence 1/10 of a mile back to the Township road, this being a road leading from Madera to No. 18 Mine; the Court hereby appoints Harry Reese of Kylertown, Pa., John Scollins, of Houtzdale, Pa. and Benjamin Hughes of Osceola Mills, Pa. as Viewers to view said road, and afte hearing as to same to make recommendation to the Court for or against the supplying of a road as prayed for.

By the Court,


President Judge.

No. 1 May SS 1945

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD COUNTY
PENNSYLVANIA.

In re: Supplying Road
in BIGLER TOWNSHIP

ORDER

FILED
FEB 14 1945
MARIE O. McFADDEN
CLERK

F. CORTEZ BELL
PRESIDENT JUDGE
CLEARFIELD, PENNSYLVANIA

TO: David R. Morgan, Lewis Mosley and Wm. H. Ackley,
Supervisors of Bigler 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 Bigler.) NO. 1, MAY SESSIONS, 1945.

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 the Township of Bigler, begin-
ning at a point at a Township Road, along the North East side of
Andrew Rokotosky one-tenth of a mile to Alex Rotosky Estate;
thence South East along a 50-foot alley to Sam Churner's, thence
South 1/10 of a mile to Russell Siford's, Andrew Matier's, 1/10
of a mile back to Township Road. This Road leads from Madera to
No. 18, in Bigler Township, Clearfield County aforesaid, will
meet at the house of Andrew Rokotosky in said Township on Tuesday,
April 3rd, 1945 at 2:00 o'clock P. 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 Thursday,
April 5th, 1945 at 10:00 o'clock A. M., or as soon thereafter as
counsel can be heard, at which time and place all parties interest-
ed may attend and be heard.

Dated: March 22nd, 1945.

CLEARFIELD COUNTY, SS:

Now, this 23rd day of March, 1945, service of the above
Notice is accepted for the Supervisors of Bigler Township.

John Collins
Benjamin Hughes
Harry Reese
Viewers.

Wm. H. Ackley
David Morgan
Supervisors.

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. 1, MAY SESSIONS, 1945.

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 the Township of Bigler, beginning at a point at a Township Road, along the North East side of Andrew Rokotosky one-tenth of a mile to Alex Rokotosky Estate; thence South East along a 50-foot alley to Sam Churner's, thence South 1/10 of a mile to Russell Siford's, Andrew Matier's, 1/10 of a mile back to Township Road. This Road leads from Madera to No. 18, in Bigler Township, Clearfield County aforesaid, will meet at the house of Andrew Rokotosky in said Township on Tuesday, April 3rd, 1945 at 2:00 o'clock P. 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 Thursday, April 5th, 1945 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: March 22nd, 1945.

CLEARFIELD COUNTY, SS:

Now, this 23rd day of March, 1945, Service of the above Notice is accepted for the Commissioners of Clearfield County.

John Collins
Benjamin Hughes
Harry Reese
Viewers

Ed Lukehart
Clerk.

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

We the petitioners and tax payers of Bigler Township, Clear-
field 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.

We petition that viewers be appointed to lay out a road, be-
ginning at a point at a Township road , along the North
East side of Andrew Rokotosky 1/10 of a mile to Alex
Rotosky Estate thence South East along a 50 foot alley to
Sam Churners, Thence South 1/10 of a mile to Russell Sifords
Andrew Matier's, 1/10 of a mile ^{back to} Township road . This road
leads from Madera to No.18, and we will ever prey.

NAMES

ADDRESSES.

<u>William H. Ackley</u>	<u>Madera Pa</u>
<u>Lord W. Shoff</u>	<u>Madera Pa (mase)</u>
<u>Andrew Rokitoski Sr</u>	<u>Madera Pa</u>
<u>Alfred Ryhl</u>	<u>Madera Pa</u>
<u>Alex Thomas</u>	<u>Madera Pa.</u>
<u>Mrs. Dorothy Kerman</u>	<u>Madera Pa</u>
<u>Paul Rokitoski</u>	<u>Madera Pa</u>
<u>Mike Rokitoski</u>	<u>Madera Pa</u>
<u>Samuel L. Churner</u>	<u>Madera, Pa</u>
<u>Andrew Matier</u>	<u>Madera, Pa</u>
<u>Jack H. Smith</u>	<u>Madera Pa</u>
<u>John L. Resco</u>	<u>Madera Pa</u>
<u>John H. Lefell</u>	<u>Madera Pa</u>
<u>James Korman</u>	<u>Madera Pa</u>
<u>John Mumford</u>	<u>Madera Pa</u>

J. A. Shinnel
Mrs E. L. Conely
William L. Swoope
Leonard Kestner
L. C. Da C
Yaphis Trading Co.
~~Highland Trading Co.~~
Highland Trading Co.

Madera Merchant
Madera Merchant
Madera Pa. Clerk
Madera Pa. Lake
Madera Pa. Plumber
Madera Pa.

Madera Pa. P. D.

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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 14th day of February
in the year of our Lord one thousand nine hundred
and forty-five

Judge of the same Court: Upon the petition of sundry in-
habitants 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. They petition that viewers be appointed to
lay out a road, beginning at a point at a Township road, along the
North East side of Andrew Rokotosky 1/10 of a mile to Alex Rotosky
Estate thence South East along a 50 foot alley to Sam Churners,
thence South 1/10 of a mile to Russell Sifords, Andrew Matier's,
1/10 of a mile back to Township road. This road leads from Wadera
to No. 18.

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 quali-
fied 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.

Marie O. 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 Bigler and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 3rd day of April A. D. 1945, and the hearing to be held in the Grand Jury Room, at the Court House, in Clearfield, Pa., on the 5th day of April, 1945, 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 Samuel Churner, Andrew Matier, Andrew Rokitowsky and Alex Rokitowsky

parties in interest. That the hearing was held in the Grand Jury Room, in the Court House, at Clearfield, Pa., on the 5th day of April A. D. 1945, when the following appearances were noted: Andrew Rokitowsky, Samuel Churner, Andrew Matier and John Gresco, petitioners; all of whom were sworn, examined, and cross-examined by your Board.

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 post, the "T" intersection of the proposed road with the improved and bitumin-surfaced public road leading from Madera to No. 18, at land of Andrew Rokotsky: thence running North 80° East, two hundred (200) feet to post; thence still by land of Andrew Rokotsky on the North and Alex Rokotsky (or Thomas) on the South, North 57° East, one hundred and seventy-nine (179) feet to post; thence by lands of Mike Rokotsjy and Sam Churner on the North and land of the Cornely Estate on the South, North 44° East, three hundred and fifty-three (353) feet to post; thence by lands of Sam Churner and Russell Sifert on the West and Andrew Matier on the East, North 48° West, four hundred and twenty-seven (427) feet to the "T" intersection of this Road with the improved and bitumin-surfaced public road leading from Madera to No. 18.

Your Board of Viewers further find that the road as laid out, passes over streets and alleys dedicated for public use by the land-owners who sold the land after plotting it into lots; that homes have been built upon these lots, at least seven families living in the immediate vicinity to be served by the proposed road; and the present condition of the roads makes them impassable, for want of proper drainage; owners of automobiles must leave them exposed to the weather and standing in the hard-surfaced road, for the reason that there are unable to get in or out of their garages.

We further find that the road is necessary for the accommodation of the children of school age, and for the travelling public

to and from the markets, churches, and other meeting places, such as the mines, union and lodge halls and other places where people travel and meet in pursuance of their business and duties.

Your Board therefore recommends the proposed road as necessary and in the public interest.

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 assessed

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:

No damages assessed

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

WITNESS our hands and seals this 25th day of April

A. D. 1945.

John Scellins Seal
W. H. Reese Seal
Ben Hughes Seal
Seal

No. 1 May Sessions, 1945

ORDER

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

May Sessions, 1945,
Now May 12, 1945
read and confirmed Nt. St. Road to be
opened 33 feet wide, except where there
is side hill cutting or embankment and
bridging, there to be 16 feet wide.

Lyall

Now Sept 10 1945
Planned ability
to be opened for
Lyall

Filed _____ 19____
Fees \$1.25 paid by _____

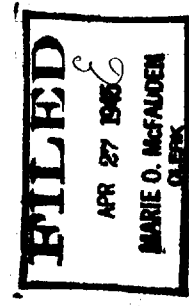
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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	AM'T.
H. A. Reese	3	100	\$35.00
John Scollins	3	70	\$23.50
Benjamin Hughes	2	70	\$23.50



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 ensembling 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

PUBLIC ROAD IN BIGLERT TWP,
 CLEARFIELD COUNTY PA.
 VIEWED AND LAID OUT APRIL 30, 1945
 SCALE 1"=200' BY JOHN SCOLLINS ESQ.
 H. A. REESE
 BENJAMIN HUGHES.

