

ROAD

DOCKET No. 7

Number

Term

Year

1

Sept. SS

1946

In re: View of Bridge across

Muddy Run in BIGLER TOWNSHIP

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY.

In re: View of Bridge across ; No. Sept., Sess., 1946
Muddy Run, in Bigler Township. :

To the Honorable F. Cortez Bell, President Judge of said Court:

The petition of the Board of Supervisors of the Township of Bigler respectfully represents:

1. The bridge on Township Route 17550 leading from State Route 454,-the Banian-Madera Highway,-to the Tyrone-Grampian Turnpike via Chesterfield, over Muddy Run, in the Township of Bigler is in need of re-building; the Township Engineer reporting that the present bridge should be condemned as unsafe for vehicular travel.

2. By reason of a curve in Muddy Run, which is unnavigable but too high for fording, during wet and rainy seasons overflows its banks and the public road causing wash-outs and dangerous conditions.

3. That the bed of the stream should be changed, the channel dredged, the curve eliminated and the course of the road the the bridge re-located.

4. That there is urgent necessity for the re-building of a bridge of proper capacity over said Muddy Run, of sufficient span at or near the site of the present bridge.

5. That the re-building of a bridge over said Muddy Run is too expensive for the Township of Bigler to bear.

WHEREFORE, your petitioners pray the Court to appoint a Board of Viewers, to view a site for a bridge across Muddy Run in the manner and with like powers, duties and procedure provided for in the case of public roads, for the erection and construction of a bridge to take the place of the existing bridge; and to their findings add their estimate of the probable cost of erecting such bridge.

And further that such proceedings be had in relation thereto as provided in the Act of 1929, May 2, P.L. 1278, section 751 et seq., as amended, pursuant to a resolution of the Board of Supervisors, a certified copy of which is hereto attached and made a part hereof.

And they will ever pray.

David R. Morgan
Lewis Mosley
William H. Ackley
Board of Supervisors of
The Township of Bigler.

State of Pennsylvania)
 : ss.
County of Clearfield)

William H. Ackley, petitioner above named, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

And further saith not.

William H. Ackley
Sworn and subscribed before me, this 31. day of
July, 1946.

Elizabeth R. Ruffner
NOTARY PUBLIC
My Commission Expires May 1, 1948

July 29th 1946

At a *Special* meeting of the Board of Supervisors of the Township of Bigler, duly convened, held July 29th, 1946 at the office of the Township; members present, David Morgan, William H. Acklet and Lewis Mosley; David Morgan, Chairman, presiding, the following Resolution was adopted:

Whereas, the Bridge on Township Route 17550, leading from State Route 454 to Tyrone-Grampian Turnpike Route ~~17550~~ 857 via Chesterfield, over Muddy Run, in the Township of Bigler, approximately 1000 feet West of the Banian-Madera highway is in need of re-building; the Township Engineer reporting that the present bridge should be condemned as unsafe for vehicular travel; and,

Whereas, due to a curve in the stream, which is unnavigable but too high for fording, during wet and rainy seasons overflows its banks and the public road causing wash-outs and dangerous conditions; and

Whereas, the bed of the stream should be changed, the channel dredged, the ~~curve~~ ^{curve} eliminated and the course of the road and the bridge re-located; and,

Whereas, there is urgent necessity for the re-building of a bridge of proper capacity over said Muddy Run, of sufficient span at or near the site of the present bridge; and

Whereas, the rebuilding of a bridge over said Muddy Run is too expensive for the Township of Bigler. Now, therefore, on motion of William H. Ackley, seconded by Lewis Mosley:

Be it resolved, That the Board of Supervisors of Bigler Township petition the Court of Quarter Sessions of Clearfield County for the appointment of a Board of Viewers; to view a site for a bridge across Muddy Run, in the manner and with like powers, duties and procedure provided for in the case of public roads, for the erection and construction of a bridge to take the place of the existing bridge; and to their findings add their estimate of the probable cost of erecting such bridge.

And be it further resolved that such proceedings be had

in relation thereto as provided in the Act of 1929, May 2,
P.L. 1278, Sec. 751 et seq., as amended.

Certified from the record, this 31st day of July
1946.

William H. Ackley
Secretary.

ORDER OF COURT.

AND NOW, August 5 1946, the within petition presented, read and considered: Whereupon, Harry Reuer
Benjamin High and A. B. Shaw
are appointed as a Board of View, to view a site for a bridge across Muddy Run, in the manner and with like powers, duties and procedure provided for in the case of public roads; and to their findings add their estimate of the probable cost of erecting such a bridge.

Returnable

Aug 26, 1946 next term of Court

BY THE COURT

[Signature]
President Judge.

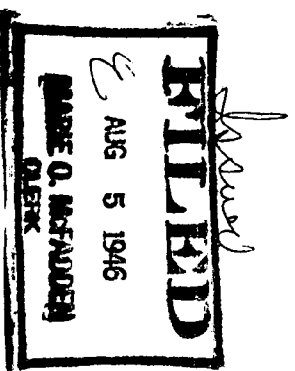
B
IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.

No. 1 Sept. Sess., 1946.

In re: View of Bridge across
Muddy Run, in Bigler Township

Petition of the Board of Supervisors of Bigler Township.

Order of Court thereon.



John Scollins, Atty.,
Pro Petitioners.

Clearfield County, ss:

At a Court of Quarter Sessions of the Peace of the county of Clearfield
Pennsylvania, held at Clearfield, in and for said county on the 5th
day of August, A. D. 19 46,
before Judge of said Court, upon a petition of Board of Supervisors
ship of Bigler in said County, setting forth
that _____

1. ~~The bridge on Township~~ the Banian-Madera Highway, to the Tyrone-Grampian Turnpike via Chesterfield, over Muddy Run, in the Township of Bigler is in need of rebuilding; the Township Engineer reporting that the present bridge should be condemned as unsafe for vehicular travel.
2. By reason of a curve in Muddy Run, which is unnavigable but too high for fording, during wet and rainy seasons overflows its banks and the public road causing wash-outs and dangerous conditions.
3. That the bed of the stream should be changed, the channel dredged, the curve eliminated and the course of the road and the bridge re-located.
4. That there is urgent necessity for the re-building of a bridge of proper capacity over said Muddy Run, of sufficient span at or near the site of the present bridge.
5. That the re-building of a bridge over said Muddy Run is too expensive for the Township of Bigler to bear.

WHEREFORE, your petitioners pray the Court to appoint a Board of Viewers, to view a site for a bridge across Muddy Run in the manner and with like powers, duties and procedure provided for in the case of public roads, for the erection and construction of a bridge to take the place of the existing bridge; and to their findings add their estimate of the probable cost of erecting such a bridge. And further that such proceedings be had in relation thereto as provided in the Act of 1929, May 2, P.L. 1278, Section 751 et seq., as amended, pursuant to a resolution of the Board of Supervisors, a certified copy of which is hereto attached and made a part hereof.

And they will ever pray. David R. Morgan
Lewis Mosley
William H. Ackley
Board of Supervisors of the
Township of Bigler.

of the State Highway Department and the approval of the Dept of Forest and Water of the Commonwealth of Pennsylvania, will cost approximately \$28,000.00 which is completely out of reach of the financial ability of Bigler Township to pay due to its present indeptedness and assessed valuation

and a map or plot thereof to be made, which shall accompany said report; the report aforesaid to be made to the next term of the Court of Quarter Sessions to be held for the said county of Clearfield.

BY THE COURT. F. Cortez Bell, President Judge

Marie O. McFadden

CLERK.

Return of Viewers.

To the Honorable the Judge of the Court 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, Pa., beg leave to report as follows:

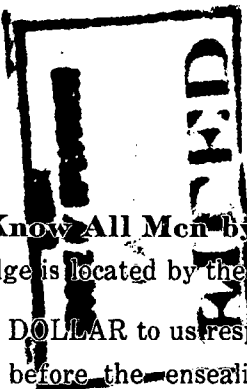
That notice of the time of the view was duly served according to law upon the Commissioners of Clearfield County and on each member of the Board of Supervisors of Bigler Township, and that three notices thereof were posted along the public road at and near the location of said bridge, giving notice that the view would be held on Monday the 26th day of August A. D. 1946, at 10:00 o'clock A. M. And that the public hearing as required by the Act of Assembly and the Rules of Court would be held in the Arbitration Room, in the Court House in Clearfield, Pa., on Wednesday the 28th day of August A. D. 1946, at 10:00 o'clock A. M.

And that the said viewers met at on the premises the site or proposed location of said bridge, where the public road leading from State Route # 452 in Bigler Township to the Tyrone-Grampian Turnpike in Bigler Township on Monday the 26th day of August A. D. 1946 at 10:00 o'clock A. M. and that there were present at the view William H. Ackley, Secretary of the Bigler Township Road District.

parties interested in said bridge.

And that the said viewers all having been present at the view and after having made said view

do agree that there is a necessity for said bridge. That according to the testimony offered before the Viewers, the present bridge (now in use but unsafe for public travel) on Township Route No. 17550 which leads from State Highway Route No. 454, on Banian-Madera Highway to the Tyrone-Grampian Turnpike, via Chesterfield, over Muddy Run in said Township of Bigler, the subject of these proceedings, is used by the residents of the Village of Chesterfield and vicinity and to eliminate the same would cause a re-routing of traffic in around about way through Becarria Township for the distance of about six miles in order to reach the Village of Chesterfield and vicinity, which would cause a great inconvenience to the residents of this area, as well as to the travelling public. However, to construct a new bridge at this point, according to the testimony offered, that would meet with the approval of the State Highway Department of the Commonwealth of Pennsylvania and the requisite authorization of the Department of Forest and Waters of the Commonwealth of Penna, would cost approximately \$28,000.00, which in the opinion of your undersigned Viewers would be an expenditure for the construction of a bridge at this time far in excess of the actual needs of the persons in this community or for the needs of the general public. WHEREFORE your undersigned Viewers recommend that the construction of a new bridge at this point be dispensed with for the time being and that the old bridge be repaired for safe travel in its present location for the use and convenience of the travelling public by the Bigler Township Road District.

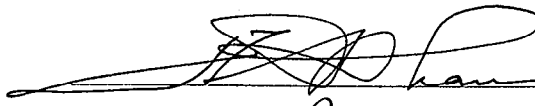

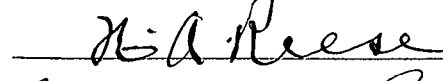






Release of Damages.

Know All Men by These Presents, That we, the undersigned owners of lands upon which the bridge is located by the viewers, under the annexed order, passes for and in consideration of the sum of ONE DOLLAR to us respectively paid by the _____ 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 respectively by reason of the location or building of said bridge, 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 or building of said bridge.

Witness our hands and seals this 8th day of November A. D. 19146.

 
 
 
_____ 

Assessment of Damages.

The following persons, having refused to release the damages to which they respectively may be entitled by reason of the location and building of said bridge in the annexed return described, we, the undersigned viewers, under oath in pursuance of our duty, under the Act of Assembly, do assess their damages and make report thereof as follows:

To _____ the sum of _____

To _____ the sum of _____

To _____ the sum of _____

Witness our hands this _____ day of _____ A. D. 191 .

No. 1 Sept. SS 19 46

in

Bigler Township

ORDER TO VIEW

BRIDGE.

*Now Dec 2 1946
& Confirmed and
Deposited*

*Now May 8. 1947
& Confirmed absolutely*
Filed *May 19 1947*

Fees \$1.25, paid by *Big*

John Scollins

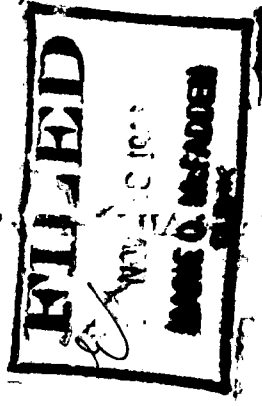
Attorney.

NOTE.—Viewers will carefully note the number of days employed, and set the amount out at the foot of their return.

Reviewers cannot interfere with 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 bridge, they will report to that effect.

		Days	Miles	Amount
H. A. Reese	2	52	2.60	\$20.00
Benjamin Hughes	2			\$20.00
	44		2.20	
A. R. Shaw	3			\$30.00
	None			



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, Pennsylvania, on the 5th day of August, A. D., 1946 to view and lay out a Bridge (now in use, but unsafe for public travel) in Bigler Township, Clearfield County, Pennsylvania, on Township Route #17550 which leads from State Route #454, the Banian-Madera Highway to the Tyrone-Grampian Turnpike via Chesterfield, over Muddy Run in said Township of Bigler, will meet on the premises on Monday the 26th day of August A. D., 1946 at 10:00 o'clock A. M. to attend the duties assigned them and that the public hearing required by Act of Assembly and Rules of Court to be held by the Viewer's before the filing of their reports in Court, in order to give all parties interested in said Bridge an opportunity to be heard, will be held in #2 Court Room in the Court House at Clearfield, on Wednesday the 28th day of August A. D., 1946, at 10:00 O'clock A. M., at which time and place all persons interested in said Bridge may attend and be heard, if they so desire.

A. B. Shaw

Harry Reese

Benjamin Hughes

Viewer's

Now, August 16, 1946, service of the above notice is hereby accepted on behalf of the County Commissioners of Clearfield County, Pa.

Ed Lukhart
Clerk

To the Supervisors of the Township of Bigler, 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, Pennsylvania, on the 5th day of August, A. D., 1946 to view and lay out a Bridge (now in use, but unsafe for public travel) in Bigler Township, Clearfield County, Pennsylvania, on Township Route #17550 which leads from State Route #454, the Banian-Madera Highway to the Tyrone-Grampian Turnpike via Chesterfield, over Muddy Run in said Township of Bigler, will meet on the premises on Monday the 26th day of August A. D., 1946 at 10:00 o'clock A. M. to attend the duties assigned them and that the public hearing required by Act of Assembly and Rules of Court to be held by the Viewer's before the filing of their reports in Court, in order to give all parties interested in said Bridge an opportunity to be heard, will be held in #2 Court Room in the Court House at Clearfield, on Wednesday the 28th day of August A. D., 1946, at 10:00 O'clock A. M., at which time and place all persons interested in said Bridge may attend and be heard, if they so desire.

A. B. Shaw

Harry Reese

Benjamin Hughes

Viewer's

Now, August , 1946, service of the above notice is hereby accepted by copy on behalf of the Supervisors of Bigler Township.

William H Ackley
Secretary

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~XXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXX~~ And lay out a Bridge (now in use but unsafe for public travel) in Bigler Township, Clearfield County, Pennsylvania on Township Route No. 17550 which leads from State Highway Route No. 454, the Banian-Madera Highway to the Tyrone-Grampian Turnpike via Chesterfield, over Maddy Run.

DISCUSSION

in **Higler** Township, in the County aforesaid, will
meet ~~at the house of~~ on the premises.....

in **Bigler** Township, on **Monday**
the **24th** day of **August**, A. D. 19 **46**, at **10:00**

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

THAT THE PUBLIC HEARING REQUIRED BY ACT OF parties interested will take notice. ASSEMBLY AND 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 SAID BRIDGE AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN NO. 2 COURT ROOM IN THE COURT HOUSE AT CLEARFIELD, ON WEDNESDAY THE 28th DAY OF AUGUST A. D., 1946, AT 10:00 O'CLOCK A. M. AT WHICH TIME AND PLACE ALL PERSONS INTERESTED IN SAID BRIDGE MAY ATTEND AND BE HEARD IF THEY SO DESIRE.

A. B. SHAW

HARRY REESE

BENJAMIN HUGHES

VIEWS.

August 12, 1946

PROPOSED RELOCATION
OF HIGHWAY BRIDGE IN BIGLER TWP.
CLEARFIELD COUNTY PA
VIEWED AUG. 26 - 1946
BY A. B. SHAW ESQ.
H. A. REESE
BENJAMIN HUGHES

SCALE - 1" = 50'

