

Road Docket

DOCKET No. 7

Number

1

Term

MAY

Year

1946

Petition for road in SANDY TWP.

Clearfield County, Pennsylvania

known as Rural Avenue.

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In the matter of :
Petition for a road :
in Sandy Township, :
Clearfield County, :
Pennsylvania. :

P E T I T I O N

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

The petition of the undersigned subscribers, all of whom are residents of Sandy Township, Clearfield County, Pennsylvania, respectfully represents:

That a certain street or road known as Rural Avenue has been laid out in Sandy Township, Clearfield County, Pennsylvania, although the same has not been laid out as a public road, and your petitioners labor under great difficulty and inconvenience by reason of the condition of this street or road.

WHEREFORE, your petitioners pray your Honorable Court to appoint viewers to view and lay out the said Rural Avenue as a public road or street, according to law, and they will ever pray, etc.

NAME	ADDRESS
Carl Mauck	R.D. 1 Du Bois Pa.
Harry Lindahl	R.D. 1 Du Bois Pa.
W. J. Myers	R.D. 1 Du Bois Pa.
Frank Simpson	R.D. 1 Du Bois Pa.
W. H. H. H. H.	R.D. 1 Du Bois Pa.
W. A. Chatfield	R.D. 1 Du Bois Pa.
Samuel Gorman	Du Bois Pa.
Charles Lindahl	Du Bois Pa.
David H. H. H.	Du Bois Pa.
H. O. Radaker	Du Bois Pa.

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF CLEARFIELD :

SS

Personally appeared before me, a notary public in the County and State aforesaid, EARL MAUK, who being duly sworn according to law; deposes and says that the facts set forth in the foregoing Petition are true and correct.

Earl Mauk

Sworn and subscribed before me
this 16th day of March, 1946.

Josephine M. Cherry
My com. expires Jan. 5, 1947

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In the matter of :
Petition for a road :
in Sandy Township, :
Clearfield County, :
Pennsylvania :

D E C R E E

Now, to wit, this 18 day of March, 1946, the foregoing petition having been read and considered, on motion of John A. Cherry, Esq., attorney for the petitioners, the Court hereby appoints S. R. Brockbank, ~~and J. B. Cherry~~ Wm. Jost and Edward Pooler as a Board of Viewers to view and lay out a public road and lay out a public road as prayed for by the Petitioners and report their findings to the next Court of Quarter Sessions of Clearfield County, Pennsylvania.

BY THE COURT,

Hubert
President Judge.

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

No. 1 May 20, 1946

In the matter of
Petition for a road
in Sandy Township,
Clearfield County,
Pennsylvania.

P E T I T I O N

Submitted to R. Brubaker
FILED
JUN 27 1946
MARIE O. McFARLANE
CLERK

JOHN A. CHERRY
ATTORNEY AT LAW
DU BOIS, PA.
11 NORTH BRADY STREET

2.50
1.50

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 21st day of March in the year of our Lord one thousand nine hundred Forty-six.

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

in said County, setting forth that a certain street or road known as Rural Avenue has been laid out in Sandy Township, Clearfield County, Pennsylvania, although the same has not been laid out as a public road, and petitioners labor under great difficulty and inconvenience by reason of the condition of this street or road.

Wherefore, petitioners pray the Court to appoint viewers to view and lay out the said Rural Avenue as a public road or street, according to law.

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 L. R. Brockbank, Edward Pooler and J. E. Fry

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.

Maria O. McGadden, 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

Sandy and that three (3) notices thereof were posted along the route of the proposed road, that the said view would be held on the 15th day of August

A. D. 1946 and the hearing to be held in the Grand Jury Room, at the Court House, in Clearfield, Pa., on the 16th day of August, 1946, 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 John A. Cherry, Esq., representing petitioners, Joshua F. Hoover, representing Supervisors; Earl Mauk and others, representing petitioners,

parties in interest. That the hearing was held in the Grand Jury Room, in the Court House, at Clearfield, Pa., on the 16th day of August A. D. 1946, when the following appearances were noted: John A. Cherry, Esq., representing petitioners; and several of the petitioners

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 not necessary for a new 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 Being 1560 feet of road 33 feet in width within the boundaries of Rural Avenue in Sandy Township, Clearfield County, Pennsylvania, extending North 72° 10' East a distance of 780 feet from the East side of Windfall Street and extending South 72° 10' West a distance of 780 feet from the West side of Windfall Street; the above road being 200 feet North of and parallel with Pennsylvania Highway Route 17013, said route 17013 being known as Homestead Avenue.

That the proposed road is laid out over a dedicated street under the original maps of John E. DuBois in the North Suburb of DuBois in Sandy Township known as Rural Avenue, which has a width of 40 feet. The said Rural Avenue serves as the only means of access to and from certain properties and since said street is in a bad state of repair due to lack of grading and improper drainage, and it appearing to your undersigned Board of Viewers that the newly proposed road over said street is necessary for the convenience and advantage of the traveling public, it is therefore recommended that said road be approved and that the same be maintained at public expense. That there is no objection on the part of the taxpayers or by the Supervisors of Sandy Township to the taking over and maintaining said street as a public road for the convenience and advantage of the traveling public, and in order that there will be no damage to abutting property owners your undersigned viewers do hereby establish the width of said newly proposed Rural Avenue to be 33 feet within the boundaries of the original Rural Avenue of 40 feet as shown on the John E. DuBois plan. It was agreed at the view on the ground between John A. Cherry, attorney

for the petitioners, and Joshua F. Hoover, for the supervisors, that any work done this year on said road by the supervisors will be only of a temporary nature, owing to lack of funds at the present time.

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 each 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 respectively may be entitled by reason of the making and opening of the said road they the undersigned themselves after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows

and we have with us the releases obtained and copy of the notices

WITNESS our hands and seals this 21st day of August
A. D. 1924.

[Handwritten signatures and seals]
X *[Signature]* Seal
[Signature] Seal
[Signature] Seal
[Signature] Seal

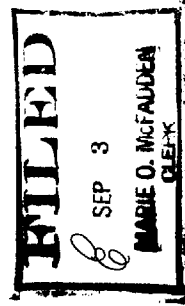
No. 1 May Sessions, 19 46

ORDER

To view and lay out a
road for public use in the
township of Sandy
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.



Filed 19

Fees \$1.25 paid by
John A. Cherry, Attorney

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.
L. R. Brockbank	3	46	\$32.30
William Yost	2	62	23.10
Edward Pooler	2	62	23.10

Now Sept 3 1946
Anyhow in it
L. R. Brockbank
Now Dec 1. 1946
Anyhow at all
L. R. Brockbank

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

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 ~~proposed~~ ~~damages extending from~~ or street known as Rural Avenue in Sandy Township, Clearfield County, Pennsylvania. That said certain street or road known as Rural Avenue has been laid out in Sandy Township, Clearfield County, Pennsylvania, although the same has not been laid out as a public road

~~in~~ ~~shipship to~~

in Sandy Township, in the County aforesaid, will meet ~~at the house of~~ on the premises in Sandy Township, on Thursday the 15th 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. 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 16th 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

WILLIAM YOST

EDWARD POOLER

VIEWERS.

August 5, 1946

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 18th day of March, A. D., 1946, to lay out and establish a road or street known as Rural Avenue in Sandy Township, Clearfield County, Pennsylvania; That said certain street or road known as Rural Avenue has been laid out in Sandy Township, Clearfield County, Pennsylvania, although the same has not been laid out as a public road, will meet on the premises in Sandy Township, on Thursday, the 15th 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 16th 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.

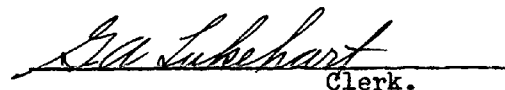
LEO R. BROCKBANK

WILLIAM YOST

EDWARD POOLER

Viewers

Now, August 12, 1946, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.


Clerk.

To the Supervisors of the Township of Sandy, 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 18th day of March, A. D., 1946, to lay out and establish a road or street known as Rural Avenue in Sandy Township, Clearfield County, Pennsylvania; That said certain street or road known as Rural Avenue has been laid out in Sandy Township, Clearfield County, Pennsylvania, although the same has not been laid out as a public road, will meet on the premises in Sandy Township, on Thursday, the 15th 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 16th 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

WILLIAM YOST

EDWARD POOLER

Viewers

NOW, August 5th, 1946, service of the above notice is hereby accepted on behalf of the Supervisors of the Township of Sandy, Clearfield County, Pennsylvania.

W. H. Schoda
Secretary.