

ROAD

DOCKET No. 7

Number

2

Term

Feb. SS.

Year

1947

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CHEST TOWNSHIP--

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Vacation of Road

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Versus

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IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: )

Petition to vacate ( . No. 2 February Sessions, 1947  
a public road in.  
Chest Township )

To Hon. F. Cortez Bell, Judge of said Court:

The petition of the undersigned Supervisors of the Township of Chest, County of Clearfield and State of Pennsylvania, respectfully represents:

1. That a public road was laid out by authority of law extending from the intersection with Route No. 17 018, at or near Clyde Stiver's farm in a northerly direction to a point on the Jordan Township line near the George Mays property line in Chest Township, Clearfield County, Pennsylvania, a distance of about 1.2 miles, as shown on the map or draft hereto attached, which said public road was designated as Route No. 422.

2. That said public road is no longer of use to the citizens of Chest Township and is inconvenient and burdensome to the Supervisors of said Township.

3. Your petitioners, therefore, pray the Court that said public road may be vacated, agreeably to the Acts of General Assembly in such cases made and provided.

And they will ever pray.

Clyde Stiver Pres  
Ralph M. Garney  
T. C. McBarney Sec  
Supervisors of Chest Township

STATE OF PENNSYLVANIA )  
( SS:  
COUNTY OF CLEARFIELD )

T. C. McGarvey, being duly sworn according to law, deposes and says that he is Secretary to the Supervisors of Roads in Chest Township, Clearfield County, Pennsylvania, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

T. C. McGarvey

Sworn and subscribed to  
before me this 16<sup>th</sup> day  
of January, A.D. 1947.  
Thomas R. Macken

NOTARY PUBLIC  
MY COMMISSION EXPIRES  
MARCH 7, 1947

ORDER OF COURT

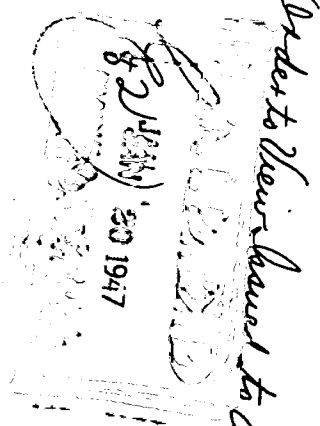
Now, January 20, 1947, the foregoing petition having been read and considered, A. B. Shaw, William Yost and Benjamin Hughes are appointed viewers to view the premises and make recommendations to the Court as required by the Acts of Assembly in such cases made and provided.

By the Court,

Thyself  
President Judge



B/

THE COURT OF COMMONS COUNTY OF ALBERTA TOWNSHIP OF ALBERTA No. 2 February Session 1947	
In re: Petition to vacate a public road in West Township.	
<i>Order to be issued to A. B. Shaw</i>  82 March 1947	
JOHN M. UREY ATTORNEY AT LAW CLEARFIELD TRUST COMPANY BUILDING CLEARFIELD, PA.	

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa.,  
in and for said County, on the twentieth day of January in the year of our Lord, one  
thousand nine hundred and Forty-seven

F. Cortez Bell

By the Honorable ~~Singleton Bell~~ President Judge of the said Court: Upon the petition of ~~xxxxxx~~

Supervisors

~~xxxxxx~~ of the Township of Chest, in the County aforesaid setting forth that a public

road was laid out by authority of law extending from the intersection with  
Route No. 17 Old, at or near Clyde Stiver's farm in a northerly direction to a  
point on the Jordan Township line near the George Mays property line in Chest  
Township, Clearfield County, Pennsylvania, a distance of about 1.2 miles, as  
shown on the map or draft hereto attached, which said public road was designated  
as Route No. 422.

That said public road is no longer of use to the citizens of Chest Township  
and is inconvenient and burdensome to the Supervisors of said Township.

Wherefore, Supervisors pray the Court that said public road may be  
vacated, agreeably to the Acts of General Assembly in such cases made and  
provided.

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the  
points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-

point from and among the County Board of Viewers A. B. Shaw, William Yost and

Benjamin Hughes who have been duly appointed by the said Court on the

County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the  
County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appoint-  
ment, with impartiality and according to the best of their judgment; are to view the said road, and after  
having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they  
shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report  
thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether  
there is any necessity for said road, or whether the same should be vacated; and the reason why, together  
with a plot, or draft, thereof showing the courses and distances with reference to the improvements through  
which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from  
the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating  
of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the  
owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers  
shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from  
the vacation of said road; and make report of such assessment; which report they shall in like manner trans-  
mit 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court. F. Cortez Bell, P. J.

*Marie O. McGadden*

Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE 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, beg leave to report as follows:

That notice of the time of the 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 Chest, and that three notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the

18th day of February, A. D. 1947, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the ~~Arbitration~~ <sup>Grand Jury</sup> Room in the Court House, in Clearfield,

Pa., on the 20th day of February A. D., 1947, at 10:30 o'clock A. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view T. C. McGarvey and Clyde Stivers, Supervisors of Chest Township. Also Levi Hamer and Vincent Ballarotto

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the ~~Arbitration~~ <sup>Grand Jury</sup> Room in the Court House, in Clearfield, Pa., on the 20th day of February,

A. D. 1947, when the parties interested in the said road were in attendance: John J. Urey, Esq., solicitor for Chest Township, together with T. C. McGarvey and Clyde Stivers, Supervisors of Chest Township, and William Michaels, Supervisor of Jordan Township. Also Dan P. Arnold, Esq., of the law firm of Chaplin & Arnold, representing Levi Hamer and Vincent Ballarotto, parties opposed to the vacation of said road.

That in further opposition to the vacation of said road, a petition was attempted to be offered in evidence by Dan P. Arnold, Esq. signed by more than 100 persons, which petition failed to disclose the residence and occupation of said petitioners, so in view of this fact the hearing was adjourned until Thursday the 27th day of February, 1947, at 10:30 A. M. in order that the residence of said petitioners could be established and that they be given an opportunity to testify as to the necessity of maintaining said Township road for the convenience of the traveling public. That at the time set for the adjourned hearing on Thursday, February 27th 1947, at 10:30 A. M. the Board of Viewers were advised by Dan P. Arnold, Esq., that none of said petitioners were able to attend said continued hearing and that the Viewers should file their report in accordance with the facts and evidence established at the first hearing on Thursday, February 20th, 1947.

Wherefore in order to establish an outlet and to create no hardship upon Mr. Ballaretto now using said Township road, Route No. 422, which your Viewers have recommended be vacated and abandoned, it is further recommended by your undersigned Viewers, in order to correct this condition, that the portion of said Township road beginning at the southern property line of Vincent Ballaretto; thence extending in a southerly direction for a distance of twenty-five hundred (2,500) feet to the point of intersection of said Township road with State Highway, Route No. 17018, be retained and established as a private road by the Court.

and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

~~And the undersigned Viewers further report that they have agreed to procure from all parties affected by the vacation of said road a release involving or all claims to damages that may arise from the vacation thereof, and that they have procured such release from~~

~~And that the following persons have in the opinion of the Viewers been damaged by the vacation of said road and have refused to release the damages to which they may be respectively entitled to by reason of the vacation and closing up of the said road, viz: the undersigned Viewers, after having considered the advantages to be derived to them, do assess their damages and make report thereof as follows:~~

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

Witness our hands and seals this 28th day of February A. D. 19 47.

*[Signature]* ..... [SEAL.]  
*[Signature]* ..... [SEAL.]  
*[Signature]* ..... [SEAL.]

Viewers.



No. Feb. Term 19 47

## ORDER TO VACATE

To view and vacate road situate  
in the Township of Chest  
Clearfield County.

Now May Sessions 19 47  
read and confirmed Ni. Si. E

By the Court  
Now Byt Sessions 19 47  
confirmed absolute.

By the Court.  
E. M. Hughes

Filed January 20, 19 47  
Atty, John M. Urey  
Kess & Co. Stationery

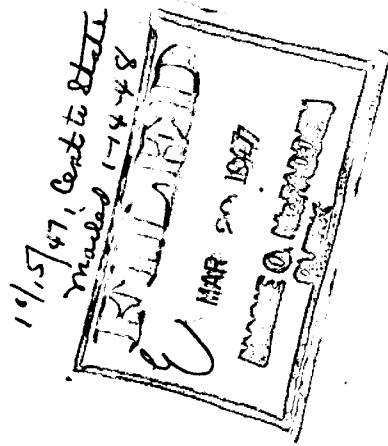
NOTE.—In case of a private road, the release must be executed in favor of the petitioner for said road.

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
A. B. Shaw	4		40.00
William Yost	2	70	23.50
Benjamin Hughes	3	158	37.90



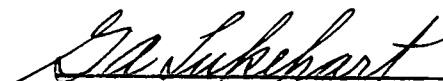
NOTICE OF VIEW

To the County Commissioners of Clearfield County, Pennsylvania:

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County on the 20th day of January, A. D., 1947, to view for vacation the following described township road which leads from the point of intersection with Route No. 17018 in Chest Township, at or near Clyde Stivers farm; thence extending in a Northerly direction to a point on the Jordan Township line near George Mays property line in Chest Township and now designated as Route No. 422, the same being approximately 1.2 miles in length, will meet on the premises in the Township of Chest on Tuesday the 18th day of February, A.D. 1947, at 10:30 o'clock A. M. to attend the duties assigned them, and that a public hearing as 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 parties interested in the road to be vacated and abandoned, an opportunity to be heard, will be held in the Grand Jury room in the Court House at Clearfield on Thursday, February 20th, 1947, at 10:30 o'clock A. M., at which time and place all parties interested in said road to be vacated and abandoned may attend and be heard, if they so desire.

A. B. Shaw  
William Yost  
Benjamin Hughes

NOW, February 7<sup>th</sup>, 1947, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County.

  
Clerk.

NOTICE OF VIEW

To the Board of Supervisors of the Township of Chest:

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County on the 20th day of January, A.D., 1947, to view for vacation the following described township road which leads from the point of intersection with Route No. 17018 in Chest Township, at or near Clyde Stivers farm; thence extending in a Northerly direction to a point on the Jordan Township line near George Mays property line in Chest Township and now designated as Route No. 422, the same being approximately 1.2 miles in length, will meet on the premises in the Township of Chest on Tuesday the 18th day of February, A. D., 1947, at 10:30 o'clock A. M. to attend the duties assigned them, and that a public hearing as 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 parties interested in the road to be vacated and abandoned, an opportunity to be heard, will be held in the Grand Jury room in the Court House at Clearfield on Thursday, February 20th, 1947, at 10:30 o'clock A. M., at which time and place all parties interested in said road to be vacated and abandoned may attend and be heard, if they so desire.

A. B. Shaw  
William Yost  
Benjamin Hughes

NOW, February 8, 1947, service of the above notice is hereby accepted by copy, on behalf of the Supervisors of Chest Township, Clearfield County, Pennsylvania.

*W C McGarvey*

Secretary.

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the  
for vacation  
Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~/a/ Road /of/ ~~the~~~~  
~~damages/ leading/ from the Township Road which leads from the point of inter-~~  
section with State Highway Route No. 17018 in Chest Township, N.E. or near  
Clyde Stivers farm; thence extending in a northerly direction to the Jordan  
Township line and now designated as Route # 422. The same being approxi-  
mately one and two-tenths (1.2) miles in length.

in Chest Township to

in Chest Township, in the County aforesaid, will  
meet ~~at the house of~~ on the premises

in Chest Township, on Tuesday  
the 18th day of February, A. D. 1947, at 10:30

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

parties interested will take notice that a public hearing as 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 parties interested in the road to  
be vacated and abandoned, an opportunity to be heard, will be held in the  
Grand Jury room in the Court House at Clearfield on Thursday, February 20th,  
1947, at 10:30 o'clock A. M., at which time and place all parties interested  
in said road to be vacated and abandoned may attend and be heard, if they  
so desire.

A. B. Shaw

William Yost

Benjamin Hughes

VIEWERS.

February 6th 1947.

