

road
DOCKET NO. 17

Number	Term	Year
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Petition to Lay out a Public Road

in Woodward Township

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Public Road in) No. December Sess., 1947.
Township of Woodward.)

To the Honorable F. Cortez Bell,

President Judge of said Court:

The petition of the undersigned, inhabitants of the Township of Woodward, in said County of Clearfield, respectfully represents:

1. That your petitioners labor under great inconvenience for want of a public road or highway, beginning at the intersection of Houtzdale Borough line on David Street; thence Eastwardly to the division line between the Minds Estate and the Sterling tract; thence South to the Andrew Emala property; and thence West, ending in Don Street in Houtzdale, approximately 2000 feet in length.

2. That the proposed road is a dedicated but unrecorded street in the Town of Houtzdale; that it is hilly in places and requires proper drainage; is an earth road and becomes impassable in winter and inclement weather; and is in need of public maintenance.

3. That there are many children of school age required to walk to the hard-surfaced road in Houtzdale Borough to be transported to school.

Wherefore, your petitioners representing that a public road is necessary, prays your Honorable Court to appoint a Board of Viewers, to view and lay out a public road, according to law.

And they will ever pray.

Birger Furberg
Leonard F. Krysiak
Joseph Unick

Walter Skagenberg
Andrew Emala

Charles W. Russin
Frank Bizik

Mary Hanczak
E. J. Corvold
Joseph Lovbetsky.

Frank Kemmy

Michael & Catherine Jęzowski
John & Cecilia Perok

Frank Emala.
Gottard Johnson

State of Pennsylvania)
 : ss.
County of Clearfield)

Berger Freeberg being duly sworn according to law deposes and says that he is one of the petitioners within names, and that the facts set forth in the within petition are true and correct, to the best of his knowledge and belief.

Berger Freeberg

Sworn and subscribed before me, this 13th day of
September, 1947.

K. L. Scollins

NOTARY PUBLIC
My Commission Expires March 9, 1951

DECREE.

AND NOW, this 16 day of Sept 1947, the
within petition presented, read and considered, and on motion
of John Scollins, attorney for the petitioners, A. B. Shum
Wm. Yost & Benjamin Hughes
ARE APPOINTED AS A Board of View thereon, and it is further
ordered that the said Board of View shall perform their duties
in accordance with the Acts of Assembly in such case made and
provided; and report before or during the December Sess., 1947
of Court.

BY THE COURT

Thompson
PRESIDENT JUDGE.

Ma 2 Dec A. 1947

IN THE COURT OF QUARTER
SESSIONS OF CLARKEFIELD
COUNTY, PENN'A.

No. DECEMBER SESS., 1947

In re: Public Road in the
Township of Woodward.

Petition and Order of Court

JOHN SCOLLINS
ATTORNEY AT LAW
HOUTZDALE, PENNA

The Tuttle Law Print, Publishers, Rutland, Vt.

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 16th day of September
in the year of our Lord one thousand nine hundred
forty-seven

Judge of the same Court: Upon the petition of sundry in-
habitants of the Township of Woodward

in said County, setting forth that your petitioners labor
under great inconvenience for want of a public road, beginning at the intersection
of Houtzdale Borough line on David Street; thence Eastwardly to the division line
between the Minds Estate and the Sterling tract; thence South to the Andrew Emala
property; and thence West, ending in Don Street in Houtzdale, approximately
2000 feet in length.

The proposed road is a dedicated but unrecorded street in the Town of Houtzdale;
that it is hilly in places and requires proper drainage; is an earth road and be-
comes impassable in winter and inclement weather; and is in need of public
maintenance;

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 † A. E. Shaw, Atty.
Wm. Yost and Benjamin Hughes

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 Woodward and that Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 7th day of October ~~Grand Jury~~ ~~Assessment~~ A. D. 1947 and the hearing to be held in the ~~Assessment~~ Room, at the Court House, in Clearfield, Pa., on the 9th day of October, 1947, at 10:30 clock A.M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view William S. Pooler and Leo J. Slogoskie, Supervisors of Woodward Township; also Berger Freeberg, E. J. Crosovolt and Mike Yazwinski

~~parties in interest.~~ Grand Jury That the hearing was held in the ~~Assessment~~ Room, in the Court House, at Clearfield, Pa., on the 9th day of October A. D. 1947, when the following appearances were noted: John Scollins. Esq., Attorney for Woodward Township Road District, and James Yarger, Supervisor of Woodward Township; also Berger Freeberg, Walter Skagenky and Mike Yazwinski, 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 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 the line dividing Houtzdale Borough from Woodward Township on David Street; thence extending in an Easterly direction along David Street South seventy-five (75) degrees East five hundred and forty-one (541) feet to the end of said street and property of Berger Freeberg; thence extending in a Southerly direction along Pennington Street South fifteen (15) degrees West six hundred and forty-three (643) feet to a point at or near the coal mine and tippie of E. J. Crosovolt; thence extending in a Westerly direction over lands of E. J. Crosovolt and land of Frank Kenney to a point in front of property of Mike Yarwinski; thence extending in a Westerly direction over Blandy Street North seventy-four (74) degrees thirty (30) minutes West seven hundred and sixty-six (766) feet to the point of intersection of said proposed road with Township road leading from Woodward Townsnip to Houtzdale Borough.

The proposed road is layed out over dedicated but unrecorded streets in the Township of Woodward immediately adjacent to Houtzdale Borough; said streets having a width of approximately forty (40) feet, parts of which are fenced in by abutting property owners, and for a number of years the individual property owners served by said streets have maintained and kept the same in repair to the best of their ability.

That during certain seasons of the year said streets not being hard surfaced, are impassable due to lack of grading and improper drainage, and as said newly proposed road is necessary for the convenience of the traveling public, the same should be taken over and maintained at public expense.

That the taking over of said streets as part of the general road system of the Township of Woodward is agreeable to the Supervisors of said Township, and according to the great number of petitioners requesting the same, the newly proposed road appears to be necessary for the accomodation of the traveling public as well as for the convenience of those families living along said road, and in view of these facts, your Board recommends that the same be taken over by the Supervisors of the Township of Woodward and maintained as a public road.

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

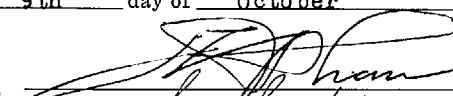
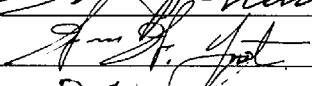
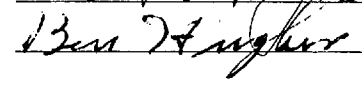
when it was not practical to preserve it within that limit.

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 Ephriam J. Crosovolt; Joseph Losbitsky and Frank Kenney

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

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

WITNESS our hands and seals this 9th day of October
A. D. 1947.

 Seal
 Seal
 Seal
Seal

No. 2 Dec. Sessions, 19 47

ORDER

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

Now Sec 1 Cor 1

Confirmed

E. J. W. W.

Confirmed

Now March 11, 1948

Confirmed

Confirmed

Filed

Fees \$1.25 paid by

John Scollins, Atty.

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.
A. B. Shaw	3		20.00
William W. Yost	3	40	32.00
Ben Hughes	2	55	23.25



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

Edmund J. Gorscott Seal
Joseph Lorbetsky Seal
Frank H. H. Seal
Seal

To the County Commissioners of Clearfield County:

NOTICE OF VIEW.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County on the 16th day of September, A. D., 1947, to view and supply a public road in the Township of Woodward, Clearfield County, Pennsylvania, the same to have its beginning at a point of intersection of the Houtzdale Borough line on David Street; thence extending in an Easterly direction to the division line between the Minds Estate and the Sterling tract; thence extending in a Southerly direction to the Andrew Emala property; thence extending in a Westerly direction and ending on Don Street in Houtzdale, said proposed road being approximately two thousand (2,000) feet in length, will meet on the premises in the Township of Woodward on the 7th day of October, A. D., 1947, at 10:30 o'clock A. M. to attend the duties assigned them at which time and place all parties interested in said proposed road will take notice and that the 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 said road an opportunity to be heard, will be held in the Grand Jury room in the Court House at Clearfield, Pennsylvania, on Thursday the 9th day of October, A. D., 1947, at 10:30 o'clock A. M., at which time and place all parties interested may attend and be heard if they so desire.

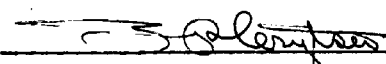
A. B. Shaw.

William Yost.

Benjamin Hughes.

September 18, 1947.

NOW this 19th day of September, 1947, service of the above notice is hereby accepted by copy, on behalf of the County Commissioners of Clearfield County.


Clerk.

To the Supervisors of Woodward Township:

NOTICE OF VIEW.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County on the 16th day of September, A. D., 1947, to view and supply a public road in the Township of Woodward, Clearfield County, Pennsylvania, the same to have its beginning at a point of intersection of the Houtzdale Borough line on David Street; thence extending in an Easterly direction to the division line between the Minds Estate and the Sterling tract; thence extending in a Southerly direction to the Andrew Emala property; thence extending in a Westerly direction and ending on Don Street in Houtzdale, said proposed road being approximately two thousand (2,000) feet in length, will meet on the premises in the Township of Woodward on the 7th day of October, A. D., 1947, at 10:30 o'clock A. M. to attend the duties assigned them at which time and place all parties interested in said proposed road will take notice and that the 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 said road an opportunity to be heard, will be held in the Grand Jury room in the Court House at Clearfield, Pennsylvania, on Thursday the 9th day of October, A. D., 1947, at 10:30 o'clock A. M., at which time and place all parties interested may attend and be heard if they so desire.

A. B. Shaw.

William Yost.

Benjamin Hughes.

September 18, 1947.

Now September , 1947, service of the above notice is hereby accepted by copy on behalf of the Supervisors of Woodward Township.

William D. Poole

James Yarger
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/ ^{and lay out} a Road ~~XXXXXX~~ ~~damages leading from~~ beginning at the intersection of Houtzdale Borough line on David Street; thence Eastwardly to the division line between the Minds Estate and the Sterling tract; thence South to the Andrew Emala property; and thence West, ending in Don Street in Houtzdale, approximately two thousand (2000) feet in length.

in ~~shipship to~~

in Woodward Township, in the County aforesaid, will meet at the house of .. on the premises

in Woodward Township, on Tuesday

the 7th day of October, 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 THE PUBLIC HEARING as required by Act of Assembly and Rule 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 proposed road to be laid out as a part of the public road system of the Township of Woodward, an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Thursday the 9th day of October, A. D., 1947, at 10:30 o'clock A. M. at which time and place all parties interested in said roads ~~or~~ may attend and be heard if they so desire.**

..... A. B. Shaw.

..... William Yost.

..... Benjamin Hughes.

VIEWERS.

..... September 18th 1947,