

ROAD

DOCKET NO. 7

Number

Term

Year

3

Dec. SS

1947

In re: Petition to Lay Out Public

Road in PIKE TOWNSHIP

Versus

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

IN RE PETITION FOR A PUBLIC
ROAD IN PIKE TOWNSHIP LEADING
FROM THE BAILEY ROAD AT A POINT
NEAR THE GARAGE ON THE PLACE OF
GEORGE J. MAYERSKY TO THE DWELLING
HOUSE OF GEORGE W. MAYERSKY.

No. 3 Dec. ss 1947

PETITION FOR THE APPOINTMENT
OF VEIWEERS

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

The petition of the undersigned citizens of Pike Township, Clearfield County, respectfully represents that they labored under great inconvenience for want of a public road leading from the public highway known as the Bailey Road in Pike Township at a point near the garage on the property of George J. Mayersky an approximate distance of eight hundred (800) feet in said Township to the dwelling house of George W. Mayersky.

Your petitioners therefore pray the Court to appoint proper persons to veiw and lay out such road according to law.

Respectfully submitted:

George J. Mayersky Pike Township
Simon Kavelak Jr. Pike 11 & 1
Harry A. Bunnell 2 47 Pike Twp
Joseph Hancanukha Pike Twp
Steve Kudlich Pike 6 - 47

J. M. Wangert Pike Township
 Joe Majorsky Pike Township
 Edward Majorsky Curwensville Pa.
 Sarah Majorsky Curwensville Pa.
 Joseph J. J. Curwensville Pa.
 Joe Jaralich Pike Township
 Simon Kavelock Pike Township
 Kenneth Leonard Pike Township
 Geo M. Strofer Pike Township
 Char Middleton Pike Township
 W. H. Eckert " "
 Henry M. Kuepp Pike Township
 Dorey Bilger Pike Township
 Clair Whitaker Pike Township

COMMONWEALTH OF PENNSYLVANIA)
: SS
COUNTY OF CLEARFIELD)

George W. Mayersky being duly sworn according to law and being one of the petitioners for the foregoing road does hereby depose and say that the facts set forth in the foregoing petition are true and correct.

George W Mayersky

Sworn to and subscribed before
me this 17 day of July, 1947.

H. K. Tolson

NOTARY PUBLIC
MY COMMISSION EXPIRES
MARCH 11, 1949

ORDER APPOINTING
VEIERS

and ^{Oct 30} NOW, ~~July~~ ; 1947, Wm W. Yeast, Ed Pooler
and A B Shaw and _____
are appointed veiwers to act upon the foregoing petition.

By the Court:

H. K. Tolson
P. G.

No. 3 Dec. 22 1947
IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNA.

IN RE PETITION FOR A PUBLIC
ROAD IN PIKE TOWNSHIP
LEADING FROM THE BAILEY ROAD
AT A POINT NEAR THE GARAGE ON
THE PLACE OF GEORGE J.
MAYERSKY TO THE DWELLING
HOUSE OF GEORGE W. MAYERSKY.

PETITION FOR THE
APPOINTMENT OF
VIEWERS.

forwarded to A.B. Shaw
FILED
19 Oct 30
CLEARFIELD

LAW OFFICES
CLARENCE R. KRAMER
219 MARKET STREET
CLEARFIELD, PA.

4-00 By City

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

IN RE PETITION FOR A PUBLIC
ROAD IN PIKE TOWNSHIP LEADING
FROM THE BAILEY ROAD AT A POINT
NEAR THE GARAGE ON THE PLACE OF
GEORGE J. MAYERSKY TO THE DWELLING
HOUSE OF GEORGE W. MAYERSKY.

No. 3

~~September Term~~, 1947.

MOTION TO EXTEND POWERS
OF THE VIEWERS

AND NOW, April 5th, 1948, the Viewers having been appointed, having performed their duties, but the report having not been filed and the term of Court to which the report should have been filed having passed, the petitioner moves the Court that the powers of the Viewers be extended and that they be authorized to file their report at the ^{next} current term.

George W. Mayersky

By

Attorney

DECREE

NOW, April 5, 1948, the powers of the viewers are extended as requested in the foregoing motion: *Agreed to be*,
at May Term.

By the Court:

Huffy well
P.J.

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 30th day of October in the year of our Lord one thousand nine hundred and Forty-seven

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

in said County, setting forth that labor under great inconvenience for want of a public road leading from the public highway known as the Bailey Road in Pike Township at a point near the garage on the property of George J. Mayersky an approximate distance of eight hundred (800) feet in said Township to the dwelling house of George W. Mayersky.

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. B. Shaw, Wm. W. Yost and Ed Pooler

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.

Marie 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

Pike and that three (3) notices thereof were posted along the route of the proposed road, that the said view would be held on the 23rd day of December

A. D. 1947 and the hearing to be held in the ^{Grand Jury}~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 26th day of December, 1947, at 10 o'clock A.M. That

the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view George W. Mayersky, the petitioner, and Dorsey Bilger, one of the Supervisor's of Pike Township.

parties in interest. That the hearing was held in the ^{Grand Jury}~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 26th day of December A. D. 1947, when the following appearances were noted: Clarence R. Kramer, Attorney for petitioner, together with petitioner, George W. Mayersky, and the following witnesses, namely: Howard Bloom, Dorsey Bilger, Clair Whitaker and George J. Mayersky.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a public road. ~~XXXXXX having had respect to the XXXXX and the best ground for such road we have XXXXX in such manner as shall do XXXXX to private property and as far as possible agree to the desire of the XXXXX and do return XXXXXXXXXXXXXXXXXXXXXXX use the following described road, to wit XXXXX~~ That the proposed road is intended to replace a private road leading from a point on Township road, Route No. 494 in Pike Township, at or near the dwelling house of Philip Wellgus; thence extending in a Southerly direction over and through a piece of thick woodland owned by the said Philip Wellgus, for a distance of about seven hundred and seventy-five (775) feet to the property line of George W. Mayersky. That in order to transform said private road into a public road with proper drainage and of the width required by law, would necessitate the cutting down and removal of considerable saw timber. No figures on the approximate damage that would be caused to the property of Philip Wellgus were presented before your board of Viewers and since the owner of said land has refused to sign ^arelease of damages, your undersigned Viewers are of the opinion that the construction of said road is not necessary for public travel and with the great expense involved, is unwarranted, as well as unnecessary ~~since it would not~~ benefit the community at large.




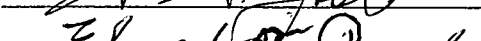
That ~~the~~ only residents to be served by such a proposed public road would be that of George W. Mayersky, who has access to the main highway over a private road which has been in continuous use by him and his predecessors in title, for more than thirty (30) years last past.

That although your undersigned Viewers appreciate the desire and need of Mr. George W. Mayersky of a better road leading from his residence to the main highway, the necessity and circum-

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 six~~
~~feet above the~~ _____

[illegible][illegible]

WITNESS our hands and seals this 7th day of April

 Seal
 Seal
 Seal
 Seal

Road
not recommended

No. 3 December Sessions, 1947

ORDER

To view and lay out a
road for public use in the
township of Pike
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 May 3 1948
Confirmed
to be confirmed absolutely
next term of Court
under system of
J. J. Ball
J. J.

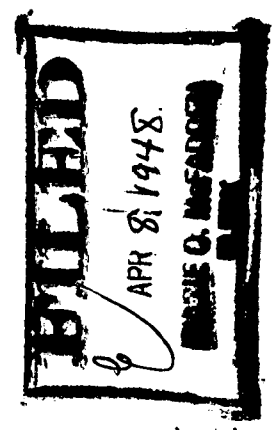
Filed 19

Clarence R. Kramer, Attorney

Now Sept 7 1948
Confirmed absolutely
J. J. Ball

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.
William W. Yost	3	16	30.80
Edward T. Pooler	2		20.00
A. B. Shaw	3		30.00



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 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 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

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 30th day of October, A. D., 1947, to view and supply a public road in the Township of Pike, Clearfield County, Pennsylvania, the same to have its beginning leading from the public highway known as the Bailey Road in Pike Township at a point near the garage on the property of George J. Mayersky; thence extending over the property of CPhillip Welligus a distance of approximately eight hundred (800) feet in said Township to the dwelling house of George W. Mayersky, will meet on the premises in the Township of Pike on Tuesday, the 23rd day of December, A. D., 1947, at 10:00 o'clock A. M. to attend to 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 Friday, the 26th day of December, A. D., 1947, at 10:00 o'clock A. M.; at which time and place all parties interested in said road may attend and be heard if they so desire.

A. B. Shaw.

William W. Yost.

Edward Pooler

December 8th¹⁹⁴⁷ 1947.

NOW, the 8th day of December, 1947, service by copy of the above notice of view is hereby accepted on behalf of the County Commissioners of Clearfield County.


Clerk.

TO THE SUPERVISORS OF PIKE TOWNSHIP, CLEARFIELD COUNTY, PENNA:

NOTICE OF VIEW.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County on the 30th day of October, A. D., 1947, to view and supply a public road in the Township of Pike, Clearfield County, Pennsylvania, the same to have its beginning leading from the public highway known as the Bailey Road in Pike Township at a point near the garage on the property of George J. Mayersky; thence extending over the property of ~~Gphillip~~ ~~Wellgusky~~ a distance of approximately eight hundred (800) feet in said Township to the dwelling house of George W. Mayersky, will meet on the premises in the Township of Pike on Tuesday, the 23rd day of December, A. D., 1947, at 10:00 o'clock A. M. to attend to 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 Friday, the 26th day of December, A. D., 1947, at 10:00 o'clock A. M; at which time and place all parties interested in said road may attend and be heard if they so desire.

A. B. Shaw.

William W. Yost.

Edward Pooler.

December 8th, 1947.

NOW, the // day of December, 1947, service by copy of the above notice of View is hereby accepted on behalf of the Supervisors of Pike Township, Clearfield County, Pennsylvania.

Dorsey Bilger
Secretatary.

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~the Road proposed~~ ~~damaged, to be laid out~~ and lay out a road leading from the public highway known as the Bailey Road in Pike Township at a point near the garage on the property of George J. Mayersky; thence extending over the property of George J. Mayersky a distance of approximately eight hundred (800) feet in said Township, to the dwelling house of ~~George J. Mayersky~~ ~~George J. Mayersky~~.....

~~in~~..... ~~the Township of~~.....

in Pike Township, in the County aforesaid, will meet ~~on the premises~~.....

in Pike Township, on Tuesday.....

the ... 23rd ... day of ... December, A. D. 1947..., at 10:00..

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 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 TO BE LAID OUT AS A PART OF THE PUBLIC ROAD SYSTEM OF THE TOWNSHIP OF PIKE, AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD, PENNSYLVANIA, ON FRIDAY, THE 26th DAY OF DECEMBER, A.D., 1947, AT 10:00 O'CLOCK A.M. AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROAD MAY ATTEND AND BE HEARD IF THEY SO DESIRE.**

..... A. B. Shaw

..... William W. Yost

..... Edward Pooler

VIEWERS.

..... December 8th 1947.

