

B ROAD
DOCKET NO. 7

NUMBER	TERM	YEAR
1	Sept. SS	1948

Petition to Lay Out Public Road in
Woodward Township

VERSUS

In the Court of Quarter Sessions of Clearfield County, Penn'a.

In re: Public Road in) No. 1 *Sept* ~~May~~ Sess., 1948.
the Township of Woodward :
)

to the Honorable F. Cortez Bell, President Judge of said Court;

The petition of the undersigned, citizens and tax-payers of the County of Clearfield, respectfully represents:

1. That they labor under great inconvenience for want of a public road leading from the intersection of the Houtzdale and Brisbin roads, near the site of the old Sterling school-house, to the Goss Run Junction settlement.

2. That there are five families living in that settlement, with no out-let that is passable for vehicular traffic.

3. That the merchants refuse to deliver groceries and other necessaries to the people living in their present homes; Doctors are unable to travel to their homes by automobile; and the funeral of one of the late residents could not be held from his home, and the friends had to be received at the home of a relative. Deliveries of lumber, coal and feed for their livestock demand extra charges and compensation.

4. That out-lets through Beaverton and Parsonville would require the building of bridges, and extra mileage of road.

Wherefore, your petitioners pray that a Board of Viewers be appointed, to lay out a public road, as provided by Act of Assembly. And they will ever pray.

Nellie M. Nipko

Edwin C. Gordon Insurance Agent.

L. Gail Lobb Merchant - Brisbin Pa.

Adeline Lobb Merchant Brisbin Pa.

Elwood Lobb Truck Driver Brisbin Pa.

Rev. H. J. Farcaik
Rector Sacred Church Hantzdale Pa.

Wm. E. Lewis Truck Driver Hantzdale, Pa.

Clare Vinofsky Clerk Hantzdale Pa.
Joseph Keraty Clerk Hantzdale Pa.

Elias Solinsky merchant Hantzdale Pa.
Lukki, a. a. ilka merchant Hantzdale Pa.

Madigan Merchant Hantzdale Pa.

J. L. Williams M.D. Hantzdale Pa.

Jacob Isenberg Hantzdale

Mme Isenberg Hantzdale Pa.

Jacob Draker Hantzdale Pa.

Clarence Sharpless Hantzdale Pa.

Wallace E. Dale Hantzdale Pa.

Parikh, Bernard I Hantzdale, Pa. (TRUCK DRIVER)

Alex Vinofsky Hantzdale Pa. (TRUCK DRIVER)

Anthony Moltello Hantzdale Pa. (TRUCK DRIVER)

Jack Thompson (Truck Driver) Hantzdale, Pa.

George M. Hunt (Truck Driver) Hantzdale, Pa.

John L. Moroff Brisbin, Pa.

David Price Hantzdale (TRUCK DRIVER.)

Paul A. Daugh Hantzdale Pa. Postmaster.

Thomas Zakutney (truck driver) Hantzdale, Pa.
Edmund Zakutney (truck driver) Hantzdale Pa.
Peter G. Zakutney Coal Operator
Mike Dipko Hantzdale Pa.
Doris Hyde Boisbri, Pa.
Mr. Joseph Rebar Hantzdale Pa. School Children
Joseph Glagler Hantzdale Pa.
John Antol Hantzdale Pa.
Charles J. Kelly Cleaners - Mrs. Charles Kelly
Andy Charney Hantzdale Pa.
Mrs. John Patrick Hantzdale, Pa.
Grace McKenzie Teacher Hantzdale Pa.
Velma G. Lobb Teacher, Hantzdale, Pa.
Charles E. Vogel Teacher Hantzdale Pa.
Lena Tubb Teacher, Bushin, Pa.
Sarah G. Heile Hantzdale Pa.
Bruno J. Novak Teacher Hantzdale, Pa.
G. F. Kruel H. S. Price. Hantzdale, Pa.
Thomas Zimmerman Hantzdale, Pa.

State of Pennsylvania)

: ss:
County of Clearfield)

Nellie Dipko, being duly sworn according to law deposes and says that she is one of the petitioners within named, and that the facts set forth in the foregoing petition are true and correct, to the best of her knowledge and belief.

Nellie M. Dipko

Sworn and subscribed to before me, this 16th day of April, 1948.

K. L. Scallion

In the Court of Quarter Sessions of Clearfield County, Penn'a.
No. 1 Sept Sess., 1948

In re: Public Road in the
Township of Woodward.

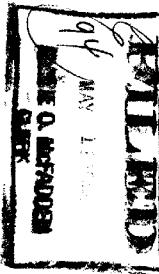
Petition.

And now, May 11, 1948
the within petition presented,
read and considered: where-
upon the Court appoints
John Kerling, Guy A. Kiel
Raymond Heile,
as a Board of View, and it is
further ordered that the said
Board of View shall perform
their duties in accordance
with the Act of Assembly in
such case made and provided,
and report at the next term
of Court.

BY THE COURT

James D. Bellis
President Judge.

B 5-13-8
to Russell Springs
Huntingdon, Pa.



4-02

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 11th day of May in the year of our Lord one thousand nine hundred and Forty-eight

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

~~in said County setting forth that they labor under great inconvenience for want of a public road leading from the intersection of the Houtzdale and Brisbin roads, near the site of the old Sterling schoolhouse, to the Goss Run Junction settlement.~~

That there are five families living in that settlement with no out-let that is passable for vehicular traffic.

That out-lets through Beaverton and Parsonville would require the building of bridges, and extra mileage of road.

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 John Scollins,

Guy A. Heil and Benjamin Hughes

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 J. 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 25th day of June 1948, and the hearing to be held in the Grand Jury Room, at the Court House, in Clearfield, Pa., on the 28th day of June 1948, at 11 o'clock A. M. That two viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that ~~the two viewers~~ William S. Pooler and James H. Yarger, Supervisors of Woodward Twp., Lester Zimmerman, Dennis Hyde, Nellie Dipko, Mrs. Andrew Charney and Verna Zimmerman: Whereupon the View and Hearing were adjourned for two weeks. On July 9, 1948 the three Viewers viewed the premises; present also were W. S. Pooler, Supervisor, Mike Dipko, Joseph Yarger, Mrs. Rebo Charney and Mrs. Zimmerman: parties in interest. That the hearing was held in the ~~Assembly Room~~ Court House, at in the Grand Jury Room day of July 12th A. D. 1948, when the following appearances were noted: Guy A. Heil, Benj. Hughes and John Scollins, Viewers; James Yarger and W.S. Pooler, Supervisors of Woodward Township; Michael Dipko; Nellie Dipko and Verna Zimmerman; all of whom were sworn, examined and cross-examined by the Board of Viewers.

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: And having had respect to the shortest distance and the best ground for such road we ~~have~~ surveyed 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 now~~ surveyed the following described road, to wit Beginning at the intersection of the township roads leading from Sterling (School House site) to Hontzdale and Brisbin, and the old right-of-way of the P. & S. Railroad: thence in a north-easterly direction along said right-of-way, 33 feet in width, seven hundred and sixty (760) feet to a small Run; thence still thereby in the same north-easterly direction, four hundred and seventy-three and five tenths (473.5) feet to a small Creek, Branch of Goss Run; thence along a public street laid out by Beaver Branch Coal Co., in the same north-easterly direction across Goss Run Branch Railroad, crossing, eight hundred and twenty-five (825) feet; and thence still thereby, in the same north-easterly direction, four hundred and sixty-eight (468) feet to the Decatur Township line, and ending at said line, being 2526.5 feet in length: the cost of building the said road, as estimated by Viewer, Guy A. Heil, and hereto attached and made a part of this Report, being \$28760.00.

From the testimony produced at the hearing there are 5 families to be served by the surveyed road; and as now used by the residents of that community, the ground is swampy and not passable for vehicular traffic; merchants refuse to deliver food and necessaries to these homes; Doctors are unable to make house-calls, except on foot, and the recent funeral of one of the residents had to be held from the home of a relative living where friends of the deceased could call; however, only one family resides in Woodward Township and the others live in Decatur Township.

In conclusion a majority of the Board finds that inasmuch as the Woodward Township family have access over a private road laid out by the Beaver Branch Coal Company, designated open streets and alleys, a public road is not necessary; and therefore recommends that the petition be denied.

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 None.

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, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows: None.

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

WITNESS our hands and seals this 25th day of August
A. D. 1928.

Ben H. Hughes Seal
Henry Addey Seal
Seal
Seal

No. 1 Sept. Sessions, 1948

ORDER

To view and lay out a road for public use in the township of Woodward, Clearfield County, Pa., 1948

	Days	Miles	Amt.
Benjamin Hughes	3	.98	\$34.90
Guy A. Heil	2 9/10	.48	\$36.00
John Scollins	3	.60	\$33.00

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

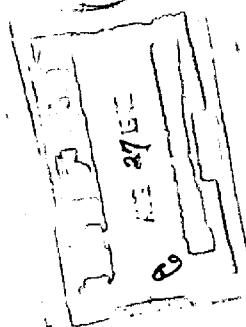
Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

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.

Confirmed and
J. J. Bell
A. J.
Dec 6, 1948
Confirmed and
J. J. Bell
A. J.
Dec 6, 1948

Filed
Fees \$1.25 paid by



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

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

In re: Order to view and lay) NO. 1, SEPTEMBER SESSIONS, 1948.
out a road for public use in ;
the Township of Woodward.)

To: The County Commissioners of Clearfield County, Pa.

You are hereby notified that the undersigned Viewers appointed by the Court to the above number and term, to view and lay out a road for public use in the Township of Woodward, leading from the intersection of the Houtzdale and Brisbin roads, near the site of the old Sterling Schoolhouse, to the Goss Run Junction settlement, in Clearfield County, will meet at the old Sterling Schoolhouse site in said Township on Friday, the 25th day of June, 1948 at 10:00 o'clock A. M., to attend to the duties assigned them: of which time and place aforesaid all parties interested will take notice.

And that the public hearing required by the Act of Assembly and the 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 proposed road an opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Monday, the 28th day of June, 1948, at 11:00 o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Hollis
George Feil
Benjamin Hughes
Viewers.

Dated: JUNE 11th, 1948.

COUNTY OF CLEARFIELD, SS:

NOW, this 14 day of June, 1948 service of the above Notice is accepted for the Commissioners of Clearfield County.

S. R. Lantz
Clerk.

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

In re: Order to view and lay) NO. 1, SEPTEMBER SESSIONS, 1948.
out a road for public use in :
the Township of Woodward.)

To: William S. Pooler, Leo J. Slogoskie and James Yarger,
Supervisors of Woodward Township, Clearfield County, Pa.

You are hereby notified that the undersigned Viewers appointed by the Court to the above number and term, to view and lay out a road for public use in the Township of Woodward, leading from the intersection of the Houtzdale and Brisbin roads, near the site of the old Sterling Schoolhouse, to the Goss Run Junction settlement, in Clearfield County, will meet at the old Sterling Schoolhouse site in said Township on Friday, the 25th day of June, 1948 at 10:00 o'clock A. M., to attend to the duties assigned them; of which time and place aforesaid all parties interested will take notice.

And that the public hearing required by the Act of Assembly and the 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 proposed road an opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Monday, the 28th day of June, 1948, at 11:00 o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scollins
Henry A. Heil
Benjamin Hughes
Viewers

Dated: JUNE 11th, 1948.

COUNTY OF CLEARFIELD, SS:

NOW, this 14th day of June, 1948, service of the above notice is accepted for the Supervisors of Woodward Township.

Leo J. Slogoskie
William S. Pooler
James Yarger
Supervisors of Woodward Twp.

G. A. HEIL

MINE AND LAND SURVEYING
LICENSED BY THE STATE

PHONE 3

COALPORT, PA.
July 9, 1948

The estimated cost of trucking is based on a three yard truck and the hourly rate of \$ 3.00 Per. hour.

The estimated cost of rolling and grading is based on the rental of equipment and operator at the hourly rate of \$ 4.00 Per. hour.

The cost of the crushed stone was based on hauling and loading only , using a three yard truck at the hourly rate of \$ 3.00 Per. hour.

Due to the fact that all of the viewers are in favor of an all concrete reinforced bridge , I assume that this bridge would be built to meet the States requirements. If this is so, then this estimate is very reasonable.

This estimate does not include cost of right of way.

Guy A Heil



County Surveyor

G. A. HEIL
MINE AND LAND SURVEYING
LICENSED BY THE STATE

PHONE 3

COALPORT, PA.
July 9, 1948

Estimated cost of building a purposed road from the intersection of the Houtzdale and Brisban roads to the Woodward and Decatur Township Line.

Total length of purposed road	2,526.5 feet.
Width of purposed road	33.0 feet.
Length of road requiring fill	2058.0 feet.
Estimated square feet of fill	67930.0 Sq.Ft.
Amount of earth required for fill	22643.0 Cu.Yd.
Estimated Truck loads of fill	7547.0 Loads.
Estimated cost of trucking	\$ 9,048.00
Estimated cost of rolling and grading	700.00
Assuming six inches of crushed stone topping or	3773.0 Cu.Yd.
Estimated cost of trucking	1,512.00
Assuming an all reinforced concrete bridge	17,000.00
Estimate for sewers and miscellaneous	500.00
Total estimated cost	----- 28,760.00

Guy A Heil

Guy A. Heil

County Surveyor

Furnish Penna Dept. of Highways, Clearfield Pa.

Copies of vacation proceedings for sections
of old State Highway Route 170 47 now designated
as Township Routes 909 Totaling 0.914;
Also Township Route 594 Totaling 4.4 "

7 Apr 1948

8 Jul 1950

TO THE SUPERVISORS OF BOGGS 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 19th day of August, A.D., 1948, to view and lay out a public road in the Township of Boggs, Clearfield County, Pennsylvania, the same to have its beginning at the point of intersection of a private road and State Highway Route 17038 at or near the dwelling house of Scott Hess; thence extending over said private road in a North-westerly direction to the Jim Hudson property; thence extending in the same direction over said private road to the Fred Rover property where said private road ends; thende extending in a Westerly direction through the property of Thomas Luzier to a point where said proposed road intersects with Township road No. 17600 at or near the Wesley Hoover dwelling house. Said proposed road being approximately one (1) mile in length, will meet on the premises in the Township of Boggs on Tuesday, September 21st, A. D., 1948, at 10:30 o'clock A. M. (Daylight Saving Time) 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 proposed road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Thursday, the 23rd day of September, A. D., 1948, at 10:30 o'clock A. M. (Daylight Saving Time); at which time and place all parties interested in said proposed road may attend and be heard if they so desire:

A. B. Shaw.
William W. Vost.
Edward Pooler.

September 8th, 1948.

NOW, the 10th day of September, 1948, service by copy of the above notice of View is hereby accepted on behalf of the Supervisors of Boogs Township, Clearfield County, Pennsylvania.

X John T. Hess X
Secretary

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 19th day of August, A.D., 1948, to view and lay out a public road in the Township of Boggs, Clearfield County, Pennsylvania, the same to have its beginning at the point of intersection of a private road and State Highway Route 17038 at or near the dwelling house of Scott Hess; thence extending over said private road in a Northwesterly direction to the Jim Hudson property; thence extending in the same direction over said private road to the Fred Royer property where said private road ends; thence extending in a Westerly direction through the property of Thomas Luzier to a point where said proposed road intersects with Township road No. 17600 at or near the Wesley Hoover dwelling house; said proposed road being approximately one (1) mile in length; will meet on the premises in the Township of Boggs on Tuesday, September 21st, A. D., 1948, at 10:30 o'clock A. M. (Daylight Saving Time) 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 proposed road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Thursday, the 23rd day of September, A. D., 1948, at 10:30 o'clock A. M. (Daylight Saving Time); at which time and place all parties interested in said proposed road may attend and be heard if they so desire.

September 8th, 1948.

A. B. Shaw
William W. Vost
Edward Pooler

NOW, this ~~8th~~ day of September, A. D., 1948, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.


D. S. Berryman
Clerk.

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~XXRoad of Assess~~
~~XXXXXX~~ and lay out a public road in the Township of Boggs,....
Clearfield County, Pennsylvania, the same to have its beginning at the point of intersection of a private road and State Highway Route 17038, at or near the dwelling house of Scott Hess; thence extending over said private road in a Northwesterly direction to the Jim Hudson property; thence extending in the same direction over said private road to the Fred Rover property where said private road ends; thence extending in a Westerly direction through the property of Thomas Luzier to a point where said proposed road intersects with Township road No. 17600 at or near the Wesley Hoover dwelling house. Said proposed road being approximately one ⁽¹⁾ mile in length.

in Boggs Township, in the County aforesaid, will

meet ~~at the house of~~ on the premises.....

in Boggs Township, on Tuesday.....

the 21st day of September....., A. D. 1948, at 10:30.
(Daylight Saving Time)

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, an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Penns. on Thursday, September 23rd, 1948, at 10:30 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.

..... A. B. Shaw.....

..... William Vost....

..... Edward Pooler...

VIEWERS.

September 8th 1948.

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 Dollars to us respectively paid by the County Commissioners of Clearfield County at and before the sealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said County Commissioners of Clearfield County 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 persons 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
October, A. D., 1948.

Mr Thomas Luzier (SEAL)

Fred Royer (SEAL)

Mr & Mrs Raymond Condon (SEAL)

James Hudson (SEAL)

Mr Clegg
Scott W. Fifer (SEAL)

Mathias Alex Cradie (SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

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

In re: Order to view and lay out a road for public use in the Township of Woodward.) No. 1, Sept., Sess., 1948.

Minority Report.

To the Honorable F. Cortez Bell, President Judge of the Quarter Sessions of the Peace for the County of Clearfield:

The undersigned viewer, John Scollins, appointed by your Honorable Court by the attached order, begs leave to file a minority Report, for the following reasons:

1. In the opinion of the undersigned there is occasion for a road as desired by the petitioners; and that the same is necessary for a public road.

2. That the residents of the Goss Run Settlement have lived there for upwards of 60 years; that during the coal mining period, before the exhaustion of the coal, the roads and streets laid out by the Coal Company were kept in a passable condition; that the streams, Goss Run and Beaver Run, that merge at "B-Z" junction have been allowed to fill up, with swamp grass, willow trees, and no longer have channel to carry the water; that the bridges were washed out during the 1936 Flood; and nothing has been done to carry off the water from their water-shed, as a result it has become stagnant; and these citizens are obliged to travel by foot over the abandoned P. & S. Railway bed, over a dangerous unbridged creek (Goss Run), which is unfit for such travel.

3. The cost of building a public road and bridge is estimated at \$28,760.00; which includes an item of \$17,000.00 for a reinforced concrete bridge, which in the opinion of the undersigned Viewer is unnecessary as a wooden structure would suffice for the use to be made of it; and the cost is immaterial in view of the necessity for the road.

The undersigned Viewer therefore recommends that the prayer of the petitioners be granted; and an order made to lay out the road as surveyed.

Respectfully submitted,

August 25, 1948.

John Seelens
Viewer.