

ROAD

DOCKET NO. 7

Number Term Year

L December 1948

Public Road in Sandy Twp. on

McLain Avenue and Euclid Ave.,

Versus

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

In Re: Petition for Public :: No. September Term, 1948.
Road in Township of Sandy ::

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

The petition of the undersigned inhabitants of the Township of Sandy, County of Clearfield, and State of Pennsylvania, respectfully represents:

1. That your petitioners are all residents of Sandy Township, and live on McLane and Euclid Avenues in Sandy Township, adjoining the City of DuBois.

2. That your petitioners labor under a great inconvenience in that McLane Avenue and Euclid Avenue should be open to Seventh Street North of Fourth Street and Euclid Avenue and McLane Avenue South of Fourth Street should be connected with Third Street, and that the distance involved would be about one-quarter of a mile and would involve the taking over of this area and making it a Township Road.

3. That the present existing road or roads, being the only means of egress and regress through and from this area, becomes impassable and is difficult and dangerous to the traveling public and the upkeep of the same is too burdensome for property owners abiding along the same.

4. That your petitioners are of the opinion that a public road between the termini mentioned herein is necessary for the convenience of the traveling public and should be constructed and maintained at public expense.

5. That there are approximately fifty-five (55) people and fourteen (14) homes involved in this request and these people in these

homes own thirteen automobiles and at certain seasons of the year, it is impossible for them to drive to their homes in this district and it is necessary for them to leave their cars on Fourth Street.

WHEREFORE your petitioners pray your Honorable Court to appoint a Board of Viewers to view and lay out a public road within the termini above described, according to law.

And they will ever pray, etc.

Name

Address

<u>Arvid J. Harvanti</u>	<u>R D #1 Box 382</u>
<u>Sabatino J. Harvanti</u>	<u>R D #1 Box 382</u>
<u>Gust Thunberg</u>	<u>307 M Lane Ave</u>
<u>Helga Thunberg</u>	<u>30 M Lane Ave</u>
<u>John Laguey</u>	<u>27 Euclid Ave.</u>
<u>Lucie Laguey</u>	<u>27 Euclid Ave</u>
<u>Delma Durkin</u>	<u>337 Euclid Ave</u>
<u>Andrew Durkin</u>	<u>37. Euclid Ave</u>
<u>Otto F. Madolen</u>	<u>23. Euclid Ave</u>
<u>Pauline M. Madolen</u>	<u>23. Euclid, Ave.</u>
<u>Enole Piffieri</u>	<u>17 Euclid ave</u>
<u>William B. Bondy</u>	<u>7 Euclid ave</u>
<u>Anna Babarsky</u>	<u>7 Euclid Ave.</u>
<u>Natalie Margolis</u>	<u>11 Euclid Ave.</u>
<u>Frank Margolis</u>	<u>11 Euclid Ave.</u>
<u>J. T. Yakulis</u>	<u>36 M Lane Ave</u>
<u>Veronica Yakulis</u>	<u>36 M Lane Ave</u>
<u>Mal Williams</u>	<u>39 M. & Clair Ave.</u>
<u>George C. Williams</u>	<u>39 M. & Clair Ave.</u>
<u>Jennie Thunberg</u>	<u>37 M & Clair ave</u>
<u>Anton Thunberg</u>	<u>37 M & Clair Ave.</u>
<u>Edgar Mason</u>	<u>44 M & Clair Ave.</u>

NameAddress

<u>Elvis Mair</u>	<u>44 Mc Clain Ave.</u>
<u>Martha Goldsmith</u>	<u>128 Mc Lane Ave.</u>
<u>Harold Goldsmith</u>	<u>128 Mc Lane Ave.</u>
<u>Jennie Carlson</u>	<u>38 Mc Lane Ave.</u>
<u>E. J. Carlson</u>	<u>38 Mc Lane Ave.</u>
<u>Lena Asp</u>	<u>29 Euclid Ave.</u>
<u>Adolph Asp</u>	<u>29 Euclid Ave.</u>
<u>Anna Fioravanti</u>	<u>47 Euclid Ave.</u>
<u>George C. Williams Jr.</u>	<u>39 Mc Lain Ave.</u>
<u>RAYMOND PIERCE</u>	<u>Mc Clain Ave.</u>
<u>Anna Carlson</u>	<u>38 Mc Clain Ave.</u>
<u>Carl W. Carlson</u>	<u>38 Mc Clain Ave.</u>
<u>Freda Carlson</u>	<u>38 Mc Clain Ave.</u>
<u>Carolyn Goldsmith</u>	<u>48 Mc Lane Ave.</u>
<u>Francis Goldsmith</u>	<u>48 Mc Lane Ave.</u>
<u>Eddie Mair Jr.</u>	<u>44 Mc Lane Ave.</u>
<u>Normil Mair</u>	<u>44 Mc Lane</u>
<u>Gloria Mair</u>	<u>44 Mc Lane</u>
<u>Bobbie Mair</u>	<u>44 Mc Lane</u>
<u>Marsha Mair</u>	<u>44 Mc Lane</u>
<u>Mary Fioravanti</u>	<u>51 Euclid Ave.</u>

Erne Fioravanti
Vito Fioravanti
Josephine Fioravanti
Frances Yakulis
Barbara Yakulis
Annette Yakulis
Gr. S. Yakulis
Dennis J. Durkin
Andrew J. Durkin Jr.
Patrick Durkin
James M. Durkin
Marian J. Durkin
Francis Margolis
Donald Margolis
Edra P. Staffieri
Esto S. Staffieri

51 Euclid Ave
47 Euclid Ave
47 Euclid Ave
36 Mc Lane Ave
36 Mc Lane Ave.
36 Mc Lane Ave.
36 Mc Lane Ave
37 Euclid Ave
37 Euclid Ave.
37 Euclid Ave
37 Euclid Ave
37 Euclid Ave
11 Euclid Ave.
11 Euclid Ave.
19 Euclid Avenue.
19 Euclid Avenue

Notice of the within petition has been received by
the supervisors of Sandy Township, as follows:

James A. Nelson, Pres.
William H. Salada
James E. Palmer

STATE OF PENNSYLVANIA: SS
COUNTY OF CLEARFIELD :

Before me, the subscriber, personally appeared AUEL FIORAVANTI
~~Auel Fioravanti~~,
one of the within named petitioners, who being duly sworn accord-
ing to law, deposes and says that the facts set forth in the
foregoing petition are true and correct to the best of his know-
ledge, information, and belief.

Auel Fioravanti

Sworn and subscribed before me
this ~~30~~^{August} day of ~~May~~, A.D., 1948.

Engene D. Vallely
Notary Public
My Commission Expires 1-7-51

And NOW, this 7 day of Sept, 1948, on motion of
Edward T. Kelley, Esq. for petitioner, the Court do grant the
prayer thereof and do appoint the following Leo R. Brochbank
Benjamin Hughes & Ray Heel as viewers to assess the
damages and benefits in the above matter in accordance with the
prayer of the foregoing petition, and do further order and direct
that the said viewers shall make report to this Court at
Term 1948, in accordance with the provisions of the Act of Assembly
in such case made and provided.

BY THE COURT

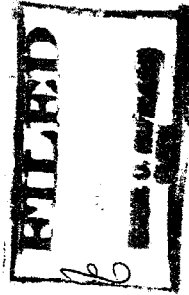
Henry J. [Signature]
President Judge

Corrected
Ray Heel

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA
No. 1 Dec. 24, 1948

In Re: Petition for
Public Road in Township
of Sandy

Petition



EDWARD T. KELLEY
ATTORNEY AT LAW
CLEARFIELD, PA.

*252
152*

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 eight (8) notices thereof were posted along the route of the proposed road, that the said view would be held on the 8th day of October

A. D. 19248 and the hearing to be held in the ^{Grand Jury}~~Probation~~ Room, at the Court House, in Clearfield, Pa., on the 11th day of October, 19248, at 10:00 clock 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 James Kilmer and James A. Nelson, two of the Supervisors of Sandy Township, and about a dozen persons who live along McLane Avenue and Euclid Avenue, the streets proposed to be made into township roads,

parties in interest. That the hearing was held in the ^{Grand Jury}~~Probation~~ Room, in the Court House, at Clearfield, Pa., on the 11th day of October A. D. 192 48, when the following appearances were noted: Edward T. Kelley, Esq., attorney for petitioners; six petitioners appeared, all of whom testified to some extent during the course of the hearing; two of the Sandy Township Supervisors, namely, James Kilmer and James A. Nelson, and the three viewers

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is _____ occasion for ~~x~~ roads as desired by the petitioner, and that the same ~~is~~ are necessary for ~~x~~ public roads. 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~~ McLane Avenue commencing at Fourth Street and running in a Northwesterly direction six hundred and sixteen (616) feet to Fifth Street; McLane Avenue commencing at Fourth Street and running in a Southeasterly direction five hundred and sixty-six (566) feet to Third Street.

Euclid Avenue commencing at Fourth Street and running in a Northwesterly direction six hundred and sixteen (616) feet to a point; Euclid Avenue commencing at Fourth Street and running in a Southeasterly direction three hundred (300) feet to an alley.

~~X~~ That the proposed roads known as McLane Avenue and Euclid Avenue are laid out over dedicated streets under the maps of the DuBois Land and Improvement Company, the original map of which is recorded among the records of Clearfield County in the Recorder's office in Deed Book 66, page 607. The said McLane Avenue and Euclid Avenue serve as the only means of access to and from a large number of properties and to all intents and purposes have been used as streets for many years and it appearing to your undersigned Board of Viewers that the newly proposed roads over said streets are necessary for the convenience and advantage of the travelling public it is therefore recommended that McLane Avenue and Euclid Avenue for the distance above enumerated be approved and that the same be maintained at public expense. That there were no objections filed on the part of the tax-payers or by the Supervisors of Sandy Township or by the County Commissioners to the taking over and maintaining said streets as public

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 7th day of Sept.
in the year of our Lord one thousand nine hundred
forty eight

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

in said County, setting forth that they labor under a great
inconvenience in that McLain Avenue and Euclid Avenue should be open to
Seventh Street North of Fourth Street and Euclid Avenue and McLane Avenue
South of Fourth Street should be connected with Third Street, and that the
distance involved would be about one-quarter of a mile and would involve
the taking over of this area and making it a Township 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 Leo. R. Brockbank,
Benjamin Hughes and Guy A. Heil

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~~
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, President Judge.

Marie O. McFadden, Clerk.

No. 1 Dec. Sessions, 19

ORDER

To view 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
is side hill cutting or embankment
bridging, there to be 16 feet wide

Nov Dec 13/1948

E. J. Conley M. C.

Mar 7/1949

E. J. Conley

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.
Leo R. Brockbank (and \$1.20 blue print) <i>included in amount.</i>	3	64	\$34.40
Benjamin Hughes	2	150	\$27.50
Guy A. Heil	2	168	\$28.40

3/17/49 cont. to
dept of Ag. to
be filed

NOV 18 1948
Fees \$1.25 paid by
Edward T. Kelley, Atty.

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

roads for the convenience and advantage of the travelling public.

That a blue print showing all the streets, alleys and lots in the immediate vicinity and also showing the parts to be taken over is hereto attached and made a part hereof.

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

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:

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

WITNESS our hands and seals this 11th day of October
A. D. 192⁴⁸.

Geo R Brockbank Seal
James A. Blair Seal
Benny H. Hughes Seal
Seal

November 6, 1948

Leo Brockbank
Deposit Nat'l. Bank Bldg.
Du Bois, Penna.

YOST, BROMFIELD & HESS

322-324 DEPOSIT NATL. BANK BLDG.

DUBOIS, PA.

Engineering Services - Two (2) Blueprints.

TOTAL \$1.20

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, on the 7th day of September, A. D., 1948, to lay out and establish a road or street known as McLane Avenue, in Sandy Township, Clearfield County, Pennsylvania, and to lay out and establish a road or street known as Euclid Avenue, in Sandy Township, Clearfield County, Pennsylvania; that said certain streets or roads known as McLane Avenue and Euclid Avenue have been laid out in Sandy Township, Clearfield County, Pennsylvania, although the same have not been laid out as public roads, will meet on the premises in Sandy Township on Friday, the 8th day of October, A. D., 1948, at 10:00 o'clock A. M., Eastern Standard 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 roads an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Monday, the 11th day of October, A. D., 1948, at 10:00 o'clock A. M., Eastern Standard Time, at which time and place all parties interested in said road may attend and be heard, if they so desire.

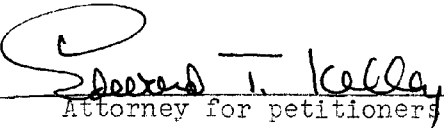
LEO E. BROCKBANK

BENJAMIN HUGHES

GUY A. HEIL

Viewers.

Now, October 4, 1948, service of the above notice is hereby accepted by copy.


Attorney for petitioners.

To the Supervisors of Sandy Township, 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 7th day of September, A. D., 1948, to lay out and establish a road or street known as McLane Avenue, in Sandy Township, Clearfield County, Pennsylvania, and to lay out and establish a road or street known as Euclid Avenue, in Sandy Township, Clearfield County, Pennsylvania; that said certain streets or roads known as McLane Avenue and Euclid Avenue have been laid out in Sandy Township, Clearfield County, Pennsylvania, although the same have not been laid out as public roads, will meet on the premises in Sandy Township on Friday, the 8th day of October, 1948, at 10:00 o'clock A. M., Eastern Standard 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 roads an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield on Monday, the 11th day of October, A. D., 1948, at 10:00 o'clock A. M., Eastern Standard Time, at which time and place all parties interested in said road may attend and be heard, if they so desire.

LEO F. BROCKBANK

BENJAMIN HUGHES

GUY A. HEIL

Viewers.

Now, October 2ND, 1948, service of the above notice is hereby accepted on behalf of the Supervisors of the Township of Sandy, Clearfield County, Pennsylvania.

William H. Sakala
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 7th day of September, A. D., 1948, to lay out and establish a road or street known as McLane Avenue, in Sandy Township, Clearfield County, Pennsylvania, and to lay out and establish a road or street known as Euclid Avenue, in Sandy Township, Clearfield County, Pennsylvania; that said certain streets or roads known as McLane Avenue and Euclid Avenue have been laid out in Sandy Township, Clearfield County, Pennsylvania, although the same have not been laid out as public roads, will meet on the premises in Sandy Township on Friday, the 8th day of October, A. D., 1948, at 10:00 o'clock A. M., Eastern Standard 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 roads an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, on Monday, the 11th day of October, A. D., 1948, at 10:00 o'clock A. M., Eastern Standard Time, at which time and place all parties interested in said road may attend and be heard, if they so desire.

LEO R. BROCKBANK

BENJAMIN HUGHES

GUY A. HEIL

Viewers.

Now, October 2nd, 1948, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.

J. P. Crytser
Clerk.

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the
lay out and establish a
Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~x~~ Road ~~or assess~~
~~damages, leading from x~~ or street known as McLane Avenue, in Sandy Township,
Clearfield County, Pennsylvania; and to lay out and establish a road or street
known as Euclid Avenue, in Sandy Township, Clearfield County, Pennsylvania;
that said certain streets or roads known as McLane Avenue and Euclid Avenue
have been laid out in Sandy Township, Clearfield County, Pennsylvania,
although the same have not been laid out as public roads

~~in~~ ~~township~~

in Sandy Township, in the County aforesaid, will

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

in Sandy Township, on Friday

the 8th day of October, A. D. 19 48, 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 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 ROADS
AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT
HOUSE AT CLEARFIELD, ON MONDAY, THE 11th DAY OF OCTOBER, A. D., 1948, AT 10:00
O'CLOCK A. M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROADS MAY
ATTEND AND BE HEARD, IF THEY SO DESIRE.

LEO R. BROCKBANK

BENJAMIN HUGHES

GUY A. HEIL

V I E W E R S .

October 1, 19 48