

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 McLain Avenue and Euclid Avenue should be open to Seventh Street North of Forth 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 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.

<u>Name</u>	<u>Address</u>
Carol J. Horowitz	13041 Box 383
Sabatino Sopravento	13041 Box 382
Just Thunberg	307 M ^c Lane Ave
Helga Thunberg	307 M ^c Lane Ave
John Lacy	27 Euclid Ave.
Lucie Lacy	27 Euclid Ave.
Delma Durbin	337 Euclid Ave
Gradwell Laskin	37 Euclid Ave
Otto J. Nadolen	23 Euclid Ave
Pauline M. Nadolen	23 Euclid Ave.
Encio Stafieri	17 Euclid Ave
W. Wm. B. Brady	7 Euclid Ave
Anna Babarsky	7 Euclid Ave
Natalie Margolis	811 Euclid Ave.
Frank Margolis	11 Euclid Ave.
S. T. Yachulis	36 M ^c Lane Ave
Veronica Yachulis	36 M ^c Lane Ave
Mal Williams	39 M ^c Lane Ave.
George C. Williams	39 M ^c Lane Ave.
Lennie Thunberg	39 M ^c Lane Ave.
Arthur Thunberg	37 M ^c Lane Ave.
Edgar Marin	144 M ^c Lane Ave.

<u>Name</u>	<u>Address</u>
<u>Mary 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>C. F. 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 McLain Ave.</u>
<u>RAYMUND PERDIT</u>	<u>71 1/2 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>Dorothy 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 McLain Ave.</u>
<u>Horace 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>

Gene Fioravanti
Vito Fioravanti
Josephine Fioravanti
Frances Yakulis
Barbara Yakulis
Gretta Yakulis
Jr. S. T. Yakulis
Dennis J. Surkin
Andrew J. Surkin Jr.
Patrick Surkin
James M. Surkin
Margaret Surkin
Lorraine Margalis
Donald Margalis
Edra P. Staffieri
Esto G. Staffieri

51 Euclid Ave
77 Euclid Ave
77 Euclid Ave
36 M^o Lane Ave
36 M^o Lane Ave
36 M^o Lane Ave
36 M^o Lane 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 M. Salada
James E. Palmer

STATE OF PENNSYLVANIA : SS
COUNTY OF CLEARFIELD :

Before me, the subscriber, personally appeared Avel 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.

Avel Fioravanti

Sworn and subscribed before me
this 30th day of August, A.D., 1948.

Eugene D. Kelley
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 Les R. Burchard
Benjamin Hughes & Ray H. Heid 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

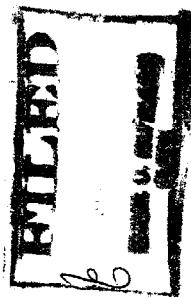
Henry J. Kelly
President Judge

Henry J. Kelly

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA
No. 1. Dec. 22, 1945

In Re: Petition for
Public Road in Township
of Sandy

Petition



EDWARD T. KELLEY
ATTORNEY AT LAW
CLEARFIELD, PA.

2-52
5

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

Grand Jury A. D. 19248 and the hearing to be held in the ~~Examination~~ Room, at the Court House, in Clearfield, Pa., on the 11th day of October, 19248, at 10:00 o'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,

Grand Jury parties in interest. That the hearing was held in the ~~Examination~~ 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 no occasion for ~~x~~ roads as desired by the petitioner, and that the same ~~are~~ 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.

~~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 taxpayers 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 inhabitants 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 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, 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

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	A.M.T.
Leo R. Brockbank <i>Land \$1.20 blue print</i>	3	64	\$34.40
Benjamin Hughes	2	150	\$27.50
Guy A. Heil	2	168	\$28.40

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.

Mon Dec 13 1948

E. Anthony M.

E. Anthony M.

② Approved

E. Anthony M.

Mon 7/1949

E. Anthony M.

3/1/49 cont. to

E. Anthony M.

Nov 18 1949

E. Anthony M.

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

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 view-
ers, 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. 1924.

Carl Rockwood *Seal*
Henry A. Neill *Seal*
Benj F. 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 R. BROCKBANK

BENJAMIN HUGHES

GUY A. HEIL

Viewers.

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

Sherald T. Kelly
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 8ND, 1948, service of the above notice is hereby accepted on behalf of the Supervisors of the Township of Sandy, Clearfield County, Pennsylvania.

William H. Salado
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 7th, 1948, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.

J. P. Crysner
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 ~~xx~~ Road ~~xxxxxx~~ damages, leading from ~~xx~~ 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

~~xx~~ ~~township~~

in Sandy Township, in the County aforesaid, will

meet ~~xx~~ on the premises

in Sandy Township, on Friday

the 8th day of October, A. D. 19⁴⁸, 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,

19⁴⁸