

ROAD

DOCKET NO. 7

Number	Term	Year
2	May SS	1948

GREENWOOD TOWNSHIP--Petition to

Vacate Portion of Road

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: : .

Petition to vacate : No. 2 *May* Sessions, 1948  
a township road in :  
Greenwood Township :

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

The petition of MERLE JOHNSTON, WAYNE JOHNSON, and FRANK PASSMORE, Supervisors of the Township of Greenwood, County of Clearfield and State of Pennsylvania, respectfully represents:

1. That the Pennsylvania Department of Highways constructed and completed a highway leading from Grampian to Mahaffey on December 16, 1926, known as Route No. 62, Section A-2 and which is presently known as State Highway Route No. 219.

2. That the said State Highway Route No. 219 more specifically transverses Greenwood Township in the vicinity known as Johnson Hill which is located southwest of Grampian.

3. That prior to and after the construction of the said highway Route No. 219, an unpaved township road No. 17461 transversed Greenwood Township in the vicinity of Johnson Hill.

4. That no traffic uses the unpaved township road No. 17461 beginning at a point approximately one hundred fifty (150') feet southwest of L. K. Johnston home and leading southwest to the line of land of Lew Haines Estate and individuals living in the vicinity do not use the same as a means of approaching their respective properties from said Route No. 219.

5. That the said township road No. 17461 between the point one hundred fifty (150') feet southwest of L. K. Johnston home and line of land of Lew Haines Estate, a distance of approximately eight-tenth (.8) of a mile, has been abandoned and has become useless, inconvenient and burdensome.

Your petitioners therefore pray that a portion of the said road described above be vacated, agreeably to the Act of the General Assembly in such case made and provided.

AND they will ever pray.

Frank Passmore  
Murle E. Johnson  
Wayne Johnson  
Supervisors of Greenwood Township

STATE OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

SS.

Personally appeared before me, a Notary Public in  
and for said County and State, MERLE JOHNSTON, WAYNE JOHNSON, and  
FRANK PASSMORE, Supervisors of the Township of Greenwood, who  
being duly sworn according to law depose and say that the facts  
set forth in the foregoing Petition are correct and true.

Frank Passmore  
Merle E. Johnston  
Wayne Johnson

Sworn and subscribed before me  
this 19th day of April, 1948.

J. R. Dickey

J. R. DICKEY, Justice of the Peace  
OFFICE, BELL'S LANDING, PA;  
My Commission Expires first Monday in Jan. 1949

## ORDER

CLEARFIELD COUNTY SS:

At a Court of Quarter Sessions of the County of Clearfield, held at Clearfield, Pa., in and for said County, on the        day of        A. D., 1948, before F. Cortez Bell, Judge of the said Court.

NOW, the 26 day of April, 1948, upon the petition of the Supervisors of the Township of Greenwood stating that the township road No. 17461 between the line at a point approximately one hundred fifty (150') feet southwest of L. K. Johnston home to the line of land of Lew Haines Estate, a distance of approximately eight-tenth (.8) of a mile, has become useless, inconvenient, and burdensome and has been abandoned for the purpose for which it was originally constructed; the Court, under due consideration, does order and appoint Wm York, John R. Buckbank, and El Pooler, who are to view the said road described in the said petition prayed to be vacated, and to consider and judge whether it has become useless, inconvenient, and burdensome; and if they agree that the same has become useless, inconvenient and burdensome as aforesaid, they shall make report accordingly to the next Court of Quarter Sessions, to be held for the said County.

BY THE COURT:

*John J. Hobson*  
John J. Hobson

B/

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
2 May 1948

Information on a motion of  
Petitioner, No. 17461 in  
Supreme Court.

P. M. T. C. V

*Issued*  
92 APR 3 1948

JOHN B. GATES  
ATTORNEY-AT-LAW  
CLEARFIELD, PA.

COMMERCIAL PRINTING CO., CLEARFIELD, PA.

4.00

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE COUNTY OF CLEARFIELD, PA.

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, beg leave to report as follows:

That notice of the time of the 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 Greenwood, and that four (4) notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the 18th day of August, A. D. 1948, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the <sup>Grand Jury</sup> Arbitration Room in the Court House, in Clearfield, Eastern Daylight Saving Time Pa., on the 19th day of August A. D., 1948, at 10:00 o'clock A. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view Leo P. Prockbank, William Yost and Edward Pooler, viewers, Frank Passmore, Supervisor of Greenwood Township, and Mrs. Falker Miles, whose property joins on the particular road at one side.

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the <sup>Grand Jury</sup> Arbitration Room in the Court House, in Clearfield, Pa., on the 19th day of August, A. D. 1948, when the parties interested in the said road were in attendance: Frank Passmore, one of the Supervisors of Greenwood Township, together with John B. Gates, Esq., attorney for the Supervisors of Greenwood Township,

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has xxxx, become useless, inconvenient and burdensome

That said road known as Township Road No. 17461 was formerly the road that was used for travel in this vicinity, and the part under consideration is crooked, and up a steep hill, and in the woods, and at the present time the ruts in said road are very deep and traveling over it is practically impossible, although on the day the viewers were present a coal truck from a stripping operation was using the upper part of this hill. About the year 1926 the Pennsylvania Department of Highways completed a highway through this territory known as route No. 219, which is a cement road and since that time there has been little or no use for this part under discussion as it is, generally speaking, in the form of a semi-circle, both ends of which meet the cement highway, and all traveling, of course, follows the paved road. At the view on the ground there appeared in person Mrs. Falker Miles, who desired a small portion on the western end kept open as it is the most convenient means of access for her and this small portion is the only part of the road that is in good condition, said portion being about 450 to 500 feet in length. The viewers were of the opinion that this small portion

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the **twenty-sixth** day of **April** in the year of our Lord, one thousand nine hundred and **Forty-eight**  
**F. Cortez Bell**

By the Honorable ~~Stephen Bell~~ President Judge of the said Court: Upon the petition of ~~Supervisors~~  
~~Supervisors~~

~~inhabitants~~ of the Township of **Greenwood**, in the County aforesaid setting forth that ~~no~~ traffic uses the unpaved township road No. 17461 beginning at a point approximately one hundred fifty (150) feet southwest of L. K. Johnston home and leading southwest to the line of land of Lew Haines Estate and individuals living in the vicinity do not use the same as a means of approaching their respective properties from said Route No. 219.

That the said township road No. 17461 between the point one hundred fifty (150) feet southwest of L. K. Johnston home and line of land of Lew Haines Estate, a distance of approximately eight-tenth (.8) of a mile, has been abandoned and has become useless, inconvenient and burdensome.

Wherefore, Supervisors of **Greenwood Township** pray that the portion of road situate in **Greenwood Township, Clearfield County, Pa.**, described, be vacated.

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and ap-

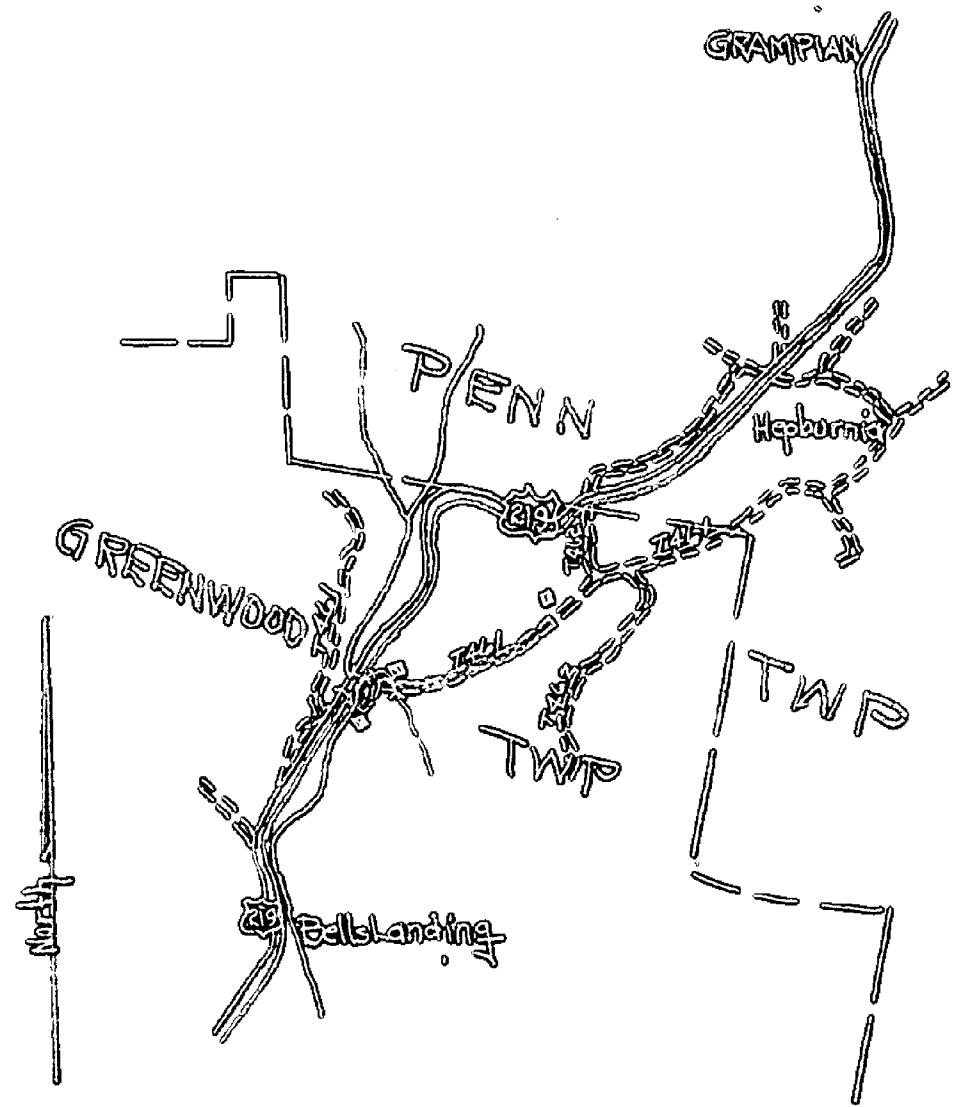
point from and among the County Board of Viewers **Leo R. Brockbank, William Yost and**

**Ed Pooler** who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court. **F. Cortez Bell, P. J.**

*Mariel O. McFadden*  
Clerk.



Clif. County Road View Of August 18, 1948

Sketch of

Roads in Greenwood Twp

SCALE 1" = 2000'

Aug. 18, 1948

By A. G. H. L.

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~xxRoadsxx~~

~~damages, leading from~~ and vacate certain unused portions of an unpaved township road No. 17461 located in Greenwood Township, Clearfield County, Pennsylvania, in the vicinity of Johnson Hill; that the Pennsylvania Department of Highways constructed and completed a highway leading from Grampian to Mahaffey which transverses Greenwood Township in the vicinity known as Johnson Hill and no traffic uses that part of the unpaved township road No. 17461 which is asked to be abandoned. The prayer is for the following portions of road No. 17461 to be abandoned: Beginning at a point approximately one hundred and fifty (150) feet Southwest of L. K. Johnston home and leading Southwest to the line of land of Lew Haines estate a distance of approximately eight-tenths (.8) of a mile. It is averred that the said portions of said abandoned highway are now useless, inconvenient and burdensome,

~~xx~~.....~~ship~~.....

in ..... Greenwood ..... Township, in the County aforesaid, will meet ~~at the house~~ on the premises.

in ..... Greenwood ..... Township, on ..... Wednesday

the 18th ..... day of August ..... A. D. 1948, at 10:00

Eastern 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 A 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 ROADS TO BE VACATED; AN OPPORTUNITY TO BE HEARD WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD, ON THURSDAY, AUGUST 19, 1948, AT 10:00 O'CLOCK A.M., EASTERN DAYLIGHT SAVING TIME AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROADS MAY ATTEND AND BE HEARD, IF THEY SO DESIRE.

.....  
LEO R. BROCKBANK

.....  
WILLIAM YOST

.....  
EDWARD POOLER

.....  
**VIEWERS.**

.....  
August 3, ..... 1948.

TO THE SUPERVISORS OF GREENWOOD 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 26th day of April, A. D., 1948, to vacate the following described public roads in the Township of Greenwood, Clearfield County, Pennsylvania, being certain unused portions of an unpaved township road, No. 17461, located in Greenwood Township, Clearfield County, Pennsylvania, in the vicinity of Johnson Hill; that the Pennsylvania Department of Highways constructed and completed a highway leading from Grampian to Mahaffey, which transverses Greenwood Township in the vicinity known as Johnson Hill and no traffic uses that part of the unpaved township road No. 17461 which is asked to be abandoned. The prayer is for the following portions of road No. 17461 to be abandoned: Beginning at a point approximately one hundred and fifty (150) feet Southwest of L. K. Johnston home and leading Southwest to the line of land of Lew Haines estate a distance of approximately eight-tenths (.8) of a mile. It is averred that the said portions of said abandoned highway are now useless, inconvenient and burdensome. Said viewers will meet on the premises in the Township of Greenwood, on Wednesday, the 18th day of August, A. D., 1948, at 10:00 o'clock A. M., Eastern Daylight Saving Time, to attend the duties assigned them, and that a 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 roads to be vacated, an opportunity to be heard will be held in the Grand Jury Room in the Court House at Clearfield on Thursday, August 19, 1948, at 10:00 o'clock A. M., Eastern Daylight Saving Time at which time and place all parties interested in said roads may attend and be heard, if they so desire.

LEO R. BROCKBANK

WILLIAM YOST

EDWARD POOLER

Viewers.

Now, August 17<sup>th</sup>, 1948, service of the above notice is hereby accepted by copy on behalf of the Supervisors of Greenwood Township, Clearfield County, Pennsylvania.

Henry Stutes  
Atty for supervisors  
of Greenwood Township

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 26th day of April, A. D., 1948, to vacate the following described public roads in the Township of Greenwood, Clearfield County, Pennsylvania, being certain unused portions of an unpaved township road, No. 17461, located in Greenwood Township, Clearfield County, Pennsylvania, in the vicinity of Johnson Hill; that the Pennsylvania Department of Highways constructed and completed a highway leading from Grampian to Mahaffey, which transverses Greenwood Township in the vicinity known as Johnson Hill and no traffic uses that part of the unpaved township road No. 17461 which is asked to be abandoned. The prayer is for the following portions of road No. 17461 to be abandoned: Beginning at a point approximately one hundred and fifty (150) feet Southwest of L. K. Johnston home and leading Southwest to the line of land of Lew Haines estate a distance of approximately eight-tenths ( .8 ) of a mile. It is averred that the said portions of said abandoned highway are now useless, inconvenient and burdensome. Said viewers will meet on the premises in the Township of Greenwood, on Wednesday, the 18th day of August, A. D., 1948, at 10:00 o'clock A. M., Eastern Daylight Saving Time, to attend the duties assigned them, and that a 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 roads to be vacated, an opportunity to be heard will be held in the Grand Jury Room in the Court House at Clearfield on Thursday, August 19, 1948, at 10:00 o'clock A. M., Eastern Daylight Saving Time at which time and place all parties interested in said roads may attend and be heard, if they so desire.

LEO R. BROCKBANK

WILLIAM YOST

EDWARD POOLER

Viewers.

Now, August 18, 1948, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.

S. R. Berryman  
\_\_\_\_\_  
Clerk.

should be left open and that the balance of the road has become useless, inconvenient and burdensome and of no use whatever to the traveling public and they recommend that it be abandoned as follows: Beginning at a point on the unpaved Township Road No. 17461 approximately 150 feet Southwest of the L. K. Johnston home and then leading Southwesterly to and across a bridge and to and across a stream, being a distance of approximately seven-tenths (.7) of a mile. A blue print is hereto attached showing the part abandoned in red and also identified at that particular place as T461.

The undersigned viewers are of the opinion that no damage will result to the abutting property owners by reason of the vacating of the seven-tenths (.7) of a mile of the unpaved Township Road No. 17461 above referred to.

and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacating of said road, or over whose properties said road passes, or in any way damaged by the vacating of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from:

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up 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 31st day of August, A. D. 19 48.

*Ed. Poeler* ..... [SEAL.]

*John J. Voat* ..... [SEAL.]

*Rocky Rockford* ..... [SEAL.]

Viewers.

No. 2 May Term 19 48

## ORDER TO VACATE

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. B. ROCKBAUGH	2	94 24 70	
WILLIAM VOST	2	32 21 60	
EDWARD POOLER	2	32 21 60	

To view and vacate road situate in the Township of Greenwood

Clearfield County  
Sept 17 1948  
Now Sessions 19

read and confirmed Ni. Si.

By the Court.  
John B. Gates  
Sessions 1948

confirmed absolute.

By the Court.  
John B. Gates  
Sessions 1948

Filed

Atty, John B. Gates

Fees \$1.25 paid by

