

ROAD

**DOCKET NO. 7**

Number	Term	Year
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3	Sept. SS	1948
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FERGUSON TOWNSHIP--Vacation and  
Re-location of a Portion of Township  
Road No. T-428 and T-814

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**Versus**

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IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In the matter of:

The Vacation and Re-location  
of a Portion of Township Road  
No. T-428 and T-814 in Ferguson  
Township, Clearfield County,  
Pennsylvania

: No. 3 September Sessions, 1948

P E T I T I O N

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

The petition of Lewis McCracken, Merrill Condon and  
Anderson Shaffer respectfully represents:

1. That your petitioners are the Supervisors of Ferguson Township, Clearfield County, Pennsylvania.
2. That your petitioners are desirous of vacating a portion of an existing Township Road No. T-428 and T-814 located in Ferguson Township, Clearfield County, Pennsylvania, and of re-establishing the said road as the said road now exists and of re-locating a portion of the said road.
3. That attached hereto and by reference incorporated herein is a map showing the proposed re-establishment and re-location of the said Township road and also showing the location of the existing Township Road which it is the desire of your petitioners to vacate.
4. That it is the desire of your petitioners to re-establish and re-grade that portion of Route T-428 a distance of four hundred twenty (420) feet and a distance of four hundred eighty (480) feet as shown on map hereto attached.
5. That it is the desire of your petitioners to re-locate a portion of road designated as Route T-814 for a distance of one hundred twenty (120) feet as shown upon map hereto attached which said re-location will give better grade and less curve in the road.

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6. That your petitioners have entered into an agreement with Mays Brothers, Inc., a corporation having its office and principal place of business in Clearfield County, Pennsylvania, wherein the said Company has agreed with your petitioners that the change or alteration of the aforesaid portions of the Township Road shall be made at the cost and expense of the said Company and that the proposed vacation and re-location will be without expense to the Township of Ferguson.

7. That the portion of the said road which is proposed to be re-established lies entirely within the boundaries of the property of Harrison Norris and Gussie Norris, his wife, and that the said property owners are the only persons affected by the proposed re-establishment and re-location, and that they have agreed that the said vacation, re-establishment and re-location shall be made without the formality of a view and have released the said Supervisors and Contractors and the said Township of and from any and all claims for damages which they might have against them as a result of the proposed vacation, re-establishment and re-location and that the said release is hereto attached.

8. That the proposed re-location, re-establishment and vacation results in an improved grade and in the elimination of a sharp turn and that your petitioners are, therefore, of the opinion that it is for the best interest of the Township that it be made.

WHEREFORE, it is the prayer of your petitioners that the part or portion of the Township Road No. T-428 and T-814, as described in the foregoing petition may be vacated, re-established and re-located as set forth in the attached map without the formality of a view and with the approval of your Honorable Court in accordance with the tenor of the Act of May 1, 1933, P. L. 103, Article 11, Section 1115.

And they will ever pray.

Anderson Shaffer  
Anderson Shaffer

Lewis McCracken  
Lewis McCracken  
Merrill J. Condon  
Merrill Condon

COMMONWEALTH OF PENNSYLVANIA : SS:  
COUNTY OF CLEARFIELD :

*Merrell J. Condor* , being duly sworn according to law, deposes and says that he is one of the petitioners in the foregoing petition and that the facts set forth therein are true and correct.

*Merrell J. Condor*.

Sworn and subscribed  
before me this 18 day  
of June, A. D. 1948.

*P.W. Heist Jr.*

R E L E A S E

KNOW ALL MEN BY THESE PRESENTS, that we, Harrison Norris and Gussie Norris, his wife, being fully advised of the intention of the Supervisors of Ferguson Township to vacate, re-establish and relocate those portions of the Township Road No. T-428 and T-814 as shown on the attached map, in consideration of our desire to have the said vacation, re-establishment and re-location made, and in further consideration of the sum of One (\$1.00) Dollar to each of us in hand paid by the Road Supervisors of the Township of Ferguson and Mays Brothers, Inc., the receipt whereof is hereby acknowledged, have remised, released, quit-claimed and forever discharged, and by these presents do remise, release, quit-claim and forever discharge the Township of Ferguson, the Road Supervisors of the Township of Ferguson, and their successors, and Mays Brothers, Inc., of and from all manner of actions and causes of actions, suits, damages, claims and demands whatsoever in law or in equity or otherwise howsoever, which against the said Township of Ferguson, Road Supervisors of the Township of Ferguson or Mays Brothers, Inc., we may have or acquire out of or on account of the said proposed vacation, re-establishment and re-location of the said roads.

IN WITNESS WHEREOF we have hereunto set our hands and seals this 17 day of June, 1948.

Signed, Sealed and  
Delivered in the

Presence of:

P.W. Heist

Harrison Norris (SEAL)  
Harrison Norris

Gussie A. Norris (SEAL)  
Gussie Norris

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In the matter of: :  
The Vacation and Re-location :  
of a Portion of Township Road :  
No. T-428 and T-814 in Ferguson :  
Township, Clearfield County, :  
Pennsylvania. :  
No. September Sessions, 1948

ORDER OF COURT

And Now, June 21, 1948, the foregoing Petition having been presented, read and considered, and it appearing to the Court that the change or alteration, re-establishment, re-location and vacation of the said Township Road T-428 and T-814 in Ferguson Township, Clearfield County, Pennsylvania, is to be made without cost to said Township or to the Road District thereof, and it appearing further that the change is being made with the full consent and agreement of the property owners affected thereby, the said change, alteration, vacation, re-establishment and re-location is hereby approved by the Court and the Supervisors of the Road District of the Township of Ferguson are hereby authorized to re-establish, re-locate and alter those portions of Township Road No. T-428 and T-814 in Ferguson Township as more fully set forth in the foregoing Petition, without the formality of a View and upon the completion of the new part or portion of the said road the same shall constitute a part of the Township Road T-428 and T-814 in Ferguson Township for public use and the old part or portion of the said road which has not been re-established shall be vacated as a part of the Public Road System of the Road District of the Township of Ferguson Clearfield County, Pennsylvania.

By the Court,

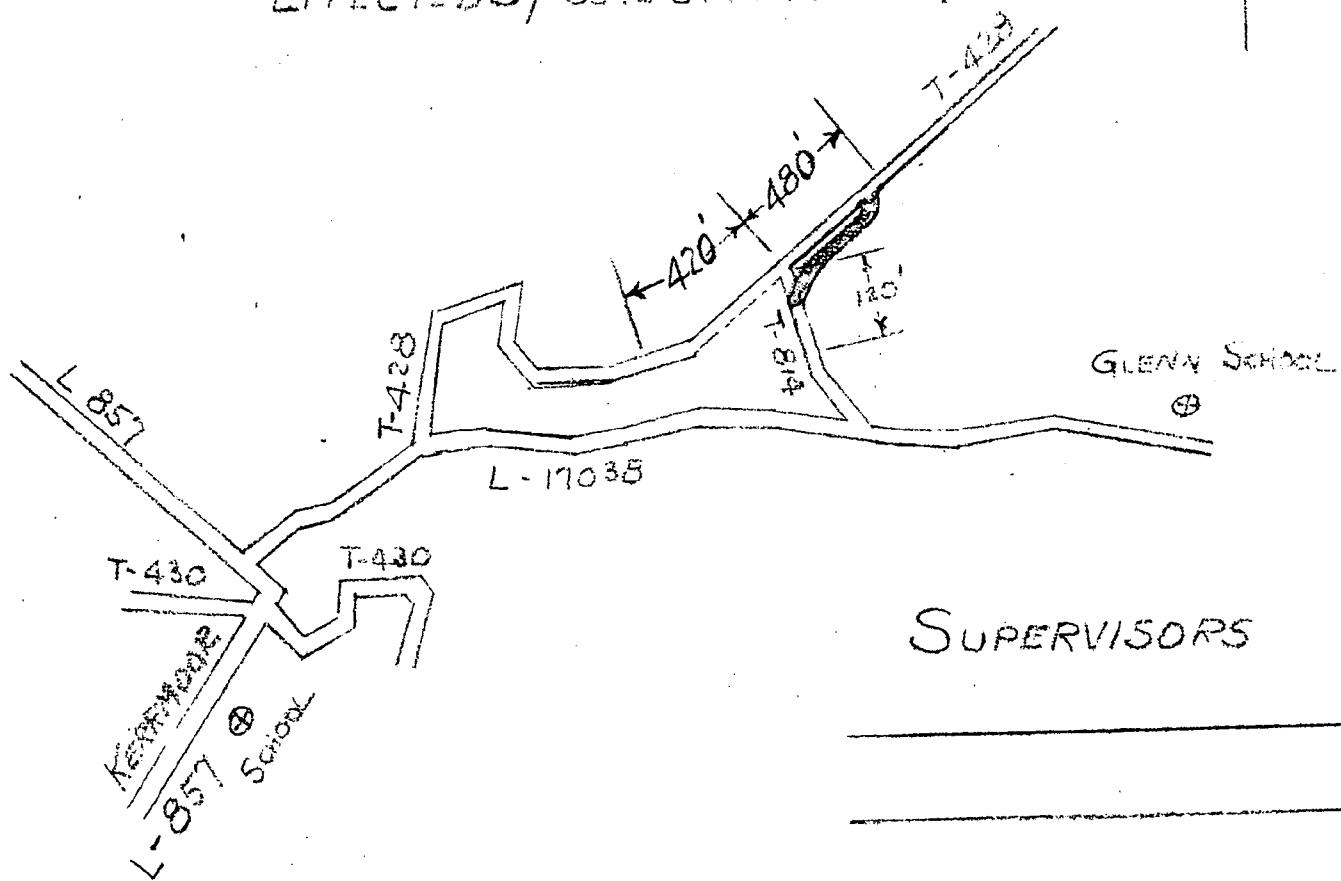
  
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President Judge

CLEARFIELD COUNTY  
FERGUSON TOWNSHIP  
SKETCH

SHOWING SECTION OF  
TOWNSHIP ROUTES 428 & 814

EFFECTED BY COAL STRIP MINING

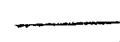
N  
A  
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LEGEND



RELOCATION



REESTABLISH ON  
SAME LOCATION

STRIP MINE OWNERS

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IN THE COURT OF JUDICATURE  
SESSIONS OF CLEARFIELD  
COUNTY, PENNSYLVANIA  
No. 3, Sept. Session, 1948

In the matter of:

The Vacation and Relocation  
of a portion of Township Road  
No. T-428 and T-814 in Fergu-  
son Township, Clearfield  
County, Pennsylvania

PETITION

6  
96 JUN 1948

BOULTON, NEVLING & DAVIS  
ATTORNEYS-AT-LAW  
CLEARFIELD TRUST CO. BLDG.  
CLEARFIELD, PA.