

ROAD

DOCKET NO. 7

Number	Term	Year
6	Sept. SS	1948

Petition for Public Road in

LAWRENCE TOWNSHIP

Versus

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

In Re: Petition for Public :: No. 6 September Term, 1948
Road in Lawrence Township ::

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

The petition of the undersigned petitioners of the Township of Lawrence, Clearfield County, Pennsylvania, respectfully represent:

1. That your petitioners are all residents of Lawrence Township, Clearfield County, Pennsylvania and they get into their residences by a road that goes to Thompson's line, over Turnpike Avenue, Clearfield.
2. That your petitioners labor under great inconvenience in that this road is not maintained by the township supervisors, and they have difficulty getting in and out from their homes and if the road was maintained for a distance of approximately one-eighth of a mile, and taken over by the township, all of their difficulties would be eliminated.
3. This present existing road that begins at Turnpike Avenue near the twin school houses and goes out as far as the Daisy Thompson and Dr. Shaffer line, becomes impassable and dangerous at various times to the traveling public and the upkeep of the same is burdensome to the property owners abounding along the same.
4. That your petitioners are of the opinion that a public road between the termini of Turnpike Avenue and Thompson's line is necessary for the convenience of the traveling public and should be constructed and maintained at public expense.
5. That there are approximately thirty (30) people and five (5) homes involved in this request and these people maintain

about approximately six (6) automobiles and trucks in getting in and out from their homes.

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

And they will ever pray, etc.

Name	Address
Homer M. McDowell	Clearfield Pa. R.D. 4.
Charles Schnars	Clearfield Pa. R.I.
Alma Schnars	" " "
Mont R. Henry	Clearfield Pa. R.I.
Mabel Henry	" " "
Harry J. Shaffer (M)	Clearfield Pa.
Mrs H. J. Shaffer	Clearfield Pa.
Daisy Thompson	Clearfield Pa.
Albert Fruh	Clearfield Pa.
Mrs Albert Fruh	Clearfield Pa.
E.R. Williams	Clearfield Pa.
Doris H. Williams	Clearfield Pa.
Lucy B. Garry	Clearfield Pa. R.I.
Elmer Cawley	P.O. Clearfield Pa.
Thomas Duff	R.D. Clearfield Pa.
Edward G. Brady	R.D. Clearfield Pa.
Melvin C. Owen Jr.	R.D. 3 Clearfield Pa.
Albert R. Ogden	RFD Clearfield Pa.
Sadie M. Ogden	" "
Lee Carter	R.D. #1 Clearfield Pa.
Arthur Carter ***	R.D. #1 Clearfield Pa.
Tom J. Fenton	Turnpike Ext. Clearfield Pa.
Arnold Swales	Turnpike Ext. Clearfield Pa.
Howard Schnars	R.D. 3. Clearfield Pa.
Lawrence George	R.D. #1 Clearfield Pa.
Frank S. Carter	R.D. #1 Clearfield Pa.

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

Joe M Young
W. Givens

Jas B Thompson

STATE OF PENNSYLVANIA :
SS
COUNTY OF CLEARFIELD :

Before me, the subscriber, personally appeared
Mont R Henry, one of the within named petitioners,
who being duly sworn according to law, deposes and says that the
facts set forth in the foregoing petition are true and correct
to the best of his knowledge, information and belief.

Mont. R. Henry.

Sworn and subscribed to before me
this 9th day of June, A.D., 1948.

R. P. Neal
Judge of the Peace

BY COMMISSION EXPIRES FIRST
MONDAY IN JANUARY, 1959

ORDER OF COURT

Now, to wit, this 12 day of August A.D., 1948 *Edward Parker*
the within petition having been read and considered, it is hereby
~~Wm Yost & C B Shaw are appointed to~~
~~ordered and decreed that a Board of~~ Viewers, view and lay out
a public road in the termini within described, according to
~~and hold a hearing~~
law said Board of Viewers to be ~~composed of~~ *result of their*
investigation & the Court by next Court.

BY THE COURT,

J. C. Russell
P.J.

Ms. 6 Sept. 22 1948

B1

IN THE COURT OF CHARTER
SUSPECTS OF CLARKEFIELD
COUNTY, PA.

In Re: Petition for
Public Road in Lawrence
Township

Petition

EDWARD T. KELLEY
ATTORNEY AT LAW
CLEARFIELD, PA.

452

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA:

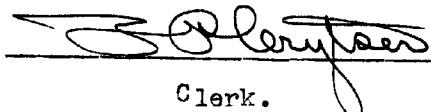
NOTICE OF VIEW.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County on the 12th day of August, A. D., 1948, to view and lay out a public road in the Township of Lawrence, Clearfield County, Pennsylvania, the same to have its beginning at the point of intersection of Turnpike Avenue Extension leading from Clearfield to Penfield and private road leading from said Turnpike Avenue Extension at or near the twin school houses in Lawrence Township; thence extending over said private road in an Easterly direction approximately one-eighth (1/8) of a mile to the property line of Daisy Thompson and Dr. H. G. Shaffer, will meet on the premises in the Township of Lawrence on Tuesday the 24th day of August, A. D., 1948, at 10:00 o'clock A. M. (Daylight Saving Time), to attend the duties assigned them, at which time and place all parties interested in said proposed public 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 26th day of August, A. D., 1948, at 10:00 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.

August 13th, 1948.

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

NOW, this 14th day of August, A. D., 1948, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.


S. O. Henyka
Clerk.

TO THE SUPERVISORS OF LAWRENCE 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 12th day of August, A. D., 1948, to view and lay out a public road in the Township of Lawrence, Clearfield County, Pennsylvania, the same to have its beginning at a point of intersection of Turnpike Avenue Extension leading from Clearfield to Penfield and private road leading from said Turnpike/Extension at or near the twin school houses in Lawrence Township; thence extending over said private road in an easterly direction approximately one-eighth (1/8) of a mile to the property line of Daisy Thompson and Dr. H. G. Shaffer, will meet on the premises in the Township of Lawrence on Tuesday the 24th day of August, A. D., 1948, at 10:00 o'clock A. M. (Daylight Saving Time), to attend the duties assigned them, at which time and place all parties interested in said proposed public 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 26th day of August, A. D., 1948, at 10:00 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.

August 13th, 1948.

NOW, the 14th day of August, 1948, service by copy of the above notice of View is hereby accepted on behalf of the Supervisors of Lawrence Township, Clearfield County, Pennsylvania.

Sign Here R. G. Jensen
Secretary.

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~the road to be laid out~~, ~~the road leading from~~ and lay out a public road in the Township of Lawrence, Clearfield County, Pennsylvania, the same to have its beginning at a point of intersection of Turnpike Avenue Extension leading from Clearfield to Penfield and private road leading from said Turnpike Avenue Extension at or near the twin school houses in Lawrence Township; thence extending over said private road in an Easterly direction approximately one-eighth (1/8 of a mile to the property line of Daisie Thompson and Dr. H. G. Shaffer.

XX

~~the road to be laid out~~

in Lawrence Township, in the County aforesaid, will

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

in Lawrence Township, on Tuesday...

the 24th day of August, A. D. 1948, at 10:00...

o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all

THAT THE PUBLIC HEARING as required by the Act of - parties interested will take notice. 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 road to be laid out, an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Thursday the 26th day of August, A. D., 1948, at 10:00 o'clock A. M. (Daylight Saving Time), at which time and place all parties interested in said road may be held and be heard if they so desire.

A. B. Shaw

William F. Yost

Edward Pooler

VIEWERS.

August 13th

1948.

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 12th day of August 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 Lawrence in said County, setting forth that they get into their residences by a road that goes to Thompson's line over Turnpike Avenue, Clearfield, Pa. That they labor under great inconvenience in that this road is not maintained by the township supervisors and if the road was maintained for a distance of approximately one-eighth of a mile, and taken over by the township, all of their difficulties would be eliminated. The present existing road begins at Turnpike Avenue near the twin school houses and goes out as far as the Daisy Thompson and Dr. Shaffer line. Petitioners are of the opinion that a public road between the termini of Turnpike Avenue and Thompson's line is necessary for the convenience of the traveling public and should be constructed and maintained at public expense. 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 A. B. Shaw, Esq., Edward Pooler and Wm. Yost

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.

Marie O. McGadden, 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 Lawrence and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 24th day of August A. D. 1928, and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 24th day of August, 1928, at 10:00 o'clock A. M. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Joseph W. Young, Jos B. Thompson, Supervisors of Lawrence Township, Chas D. Schnars, Mount R. Henry, Russell Williams and others.

Grand Jury
parties in interest. That the hearing was held in the ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 26th day of August A. D. 1928, when the following appearances were noted: Edward T. Kelley, Esq., Attorney for the petitioners, Wm C. Chase, Esq., Attorney for Lawrence Township Supervisors, Joseph W. Young and Jos B. Thompson, Supervisors, Chas D. Schnars, Mount R. Henry, Dr Harry G. Shaffer, Daisy Thompson, Albert Jany, E.R. Williams and others.

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 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 at the point of intersection of Turnpike Extension, State Highway Route #153, leading from Clearfield to Penfield, and private road leading from said Highway at or near the twin school houses in Lawrence Township; thence extending over said private road in a north-easterly direction and crossing a wooden bridge which traverses Moose Creek, for a distance of Five hundred and fifty-five (555) feet to point where private road leads to E.R. Williams Camp at residence of Chas D. Schnars.

The proposed road is laid out over a private road, long since set apart, established and used by the abutting property owners and others residing in this community; said private road calling for a uniform width of thirty-three (33) feet, and for a number of years the individual property owners served by said private road have maintained and kept the same in repair to the best of their ability, including the small bridge thereon which traverses Moose Creek.

That during certain seasons of the year said road not being hard surfaced becomes impassable due to lack of grading and improper drainage, and as said newly proposed road is necessary for the convenience of the traveling public, the same should be taken over and maintained at public expense.

That the taking over of said private road as part of the general road system of the Township of Lawrence is agreeable to the Supervisors of said Township, and according to the great number of petitioners requesting the same, the newly proposed road appears to be necessary for

the accomodation of the traveling public, as well as, for the convenience and accomodation of those families living along said road, and in view of these facts, your Board recommends that the same be taken over by the Lawrence Township Road District and maintained as a part of the public road system of said Township.

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

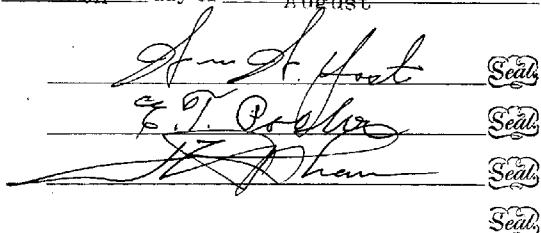
when it was not practical to preserve it within that limit.

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 Chas. D. Schnars, and Alme O. Schnars, his wife, E. Russell Williams and Doris L. Williams, his wife, and Mary J. Thompson

the following persons refusing to release the damages to which they respectively may be entitled by reason of the location and opening of the said road, we the undersigned, ~~and~~ after having considered the damages to be derived to them do assess them damages and make except thereof as follows:

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

WITNESS our hands and seals this 26th day of August
A. D. 1948.



1. 6 September Sessions, 19 48

ORDER

To view and lay out a road for public use in the township of Lawrence, Clearfield County, Mon Aug 1948

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.

Viewers 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	Amt.
Wm H. Vost	3	2	30.10
Edward Pooler	2	3	20.15
A. B. Shaw	3	2	30.10

— Sessions, 19 —

Charles D. Schmarr
Alma O. Schmarr
Estesee Williams
Doris L. Williams
Mary J. Thompson (s)

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Filed 1948
Received 1948 by Edward T. Kelley, Attorney

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 _____

Charles D. Schmarr *Seal*
Alma O. Schmarr *Seal*
Estesee Williams *Seal*
Doris L. Williams *Seal*
Mary J. Thompson (s)