

ROAD

DOCKET NO. 7

NUMBER

TERM

YEAR

7

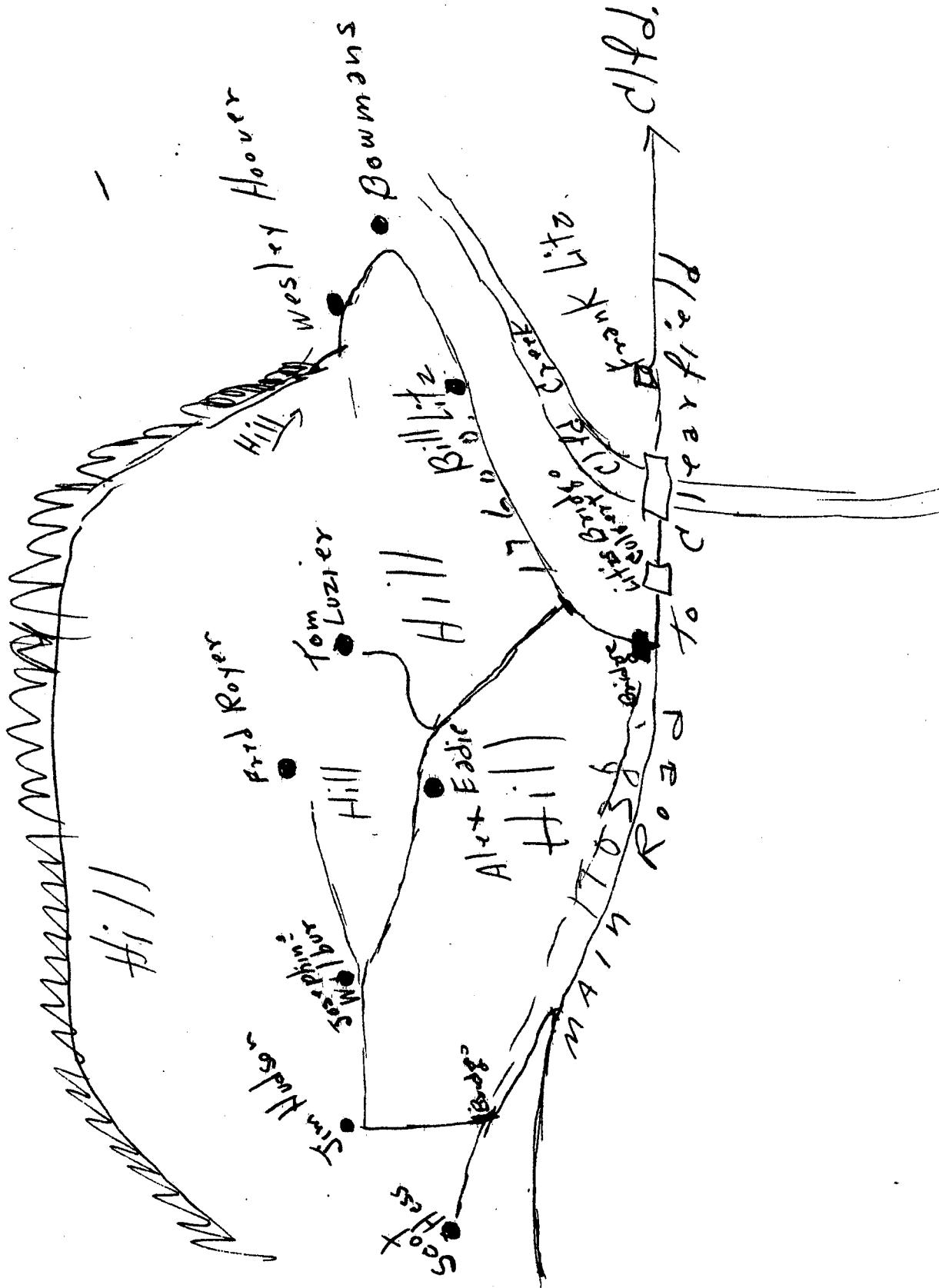
SEPT.

1948

Public Road in Boggs Township

VERSUS

Thomas L. Moxley  
42127



Description of Road in  
Lawrence Township to be  
completed.

After passing Litz's Bridge on the back road to Houtzdale, it turns right at a bridge before you reach Scot Hess, up to Mr. Jim Hudson's house; thence from the Jim Hudson house back toward Clearfield, pass Josephine Wilmer, Fred Royer and Tom Luzier, and comes out to Wesley Hoover's on the road that leads from Litz's Bridge to Dimeling; thence down to the road leading to Clearfield just West of the Calvert's.

.. *memorandum from*

EDWARD T. KELLY

TO \_\_\_\_\_ DATE \_\_\_\_\_

Bish Shaw was in ahd said he couldn't figure out where this road is from the description given. He said the Highway Route No. should be 17078 and the Township Road No. shoudl be given, and the directions and distances, so he can have his notices prepared.

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~ *Compliments of The Gray Printing Company of DuBois, Pa.*

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

In Re: Petition for Public : No. 7 September Term, 1948  
Road In Boggs Township :

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

The petition of the undersigned inhabitants of Boggs Township, Clearfield, County, Pa., respectfully represents:

1. That your petitioners are all residents of Boggs Township, Clearfield County, Pa., and that Thomas Luzier, one of your petitioners gets into his residence by a road leading from Litz Bridge to his home.

2. That your petitioners labor under great inconvenience in that this road is practically impassable and it is impossible at certain times for them to get in and out from their homes.

3. That your petitioners would like to have a road built from the Scot Hess property to the Wesley Hoover property and that there is already a road within this terminii, but it has never been completed and maintained by the Boggs Township Supervisors. The proposed road would have its beginning at a point of intersection of a private road and State Highway Route 17038 at or near the dwelling house of Scot Hess; thence extending over said private road in a northwesternly direction to the Jim Hudson property; thence in the same direction to the Fred Royer property, where said private road ends; thence in a Westerly direction through the property of Tom Luzier to a point where said proposed road will intersect the Township road No. 17600 at or near the Wesley Hoover dwelling house. Said road being approximately one mile in length.

4. That there are approximately thirty-five (35) people and seven families living in the area involved, and there are approximately six automobiles used by them in getting in and out from their homes.

5. That your petitioners are of the opinion that a public road between the terminii mentioned herein is necessary for the convenience of the traveling public and should be maintained

and constructed by the township supervisors.

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.

Name

Mr. & Mrs. Raymond Condon  
James Hardman  
Scott W. Hess  
William Litz  
Mrs. Lewis Bowman  
Alfred Kephart  
Wesley Hoover  
Mr. & Mrs. John H. Murphy  
E. B. McNaughton  
Henry Thrall  
Milton Brown  
Mrs. Alice J. Logal  
Mrs. Mary Wilson  
Mrs. Daniel McCracken  
John W. Pennington  
Rachel Lankford  
Collis R. Harvey  
Franklin T. True  
S. T. Conduch  
Mrs. Fred Rogers  
John J. Royer  
Alfred Royer  
Mrs. Mrs. H. K. Land  
Elmer Land  
Alberta Wilson

Address

R.D. #3 Clearfield, Pa.  
R. J. 3  
Clyb - R.D. # 3  
Clyd - R.D. # 3  
Clyd. - R.D. # 3  
Clyd. R.D. 3 Yrs.  
Clyd. Pa R.D. 3  
Clyd. Pa R.D. 3  
Clyd. Pa R.D. 3  
West Decatur  
Box 197 Clearfield  
Box 196 Clearfield Pa  
Box 195 Clearfield Pa  
R.D. 3 Clearfield, Pa.  
R.D. West Decatur, Pa.  
Clearfield R.D. 3  
R.D. #3 Clearfield Pa  
R.D. #3 Clearfield Pa  
R.D. #3 Clearfield Pa  
West Decatur Pa  
West Decatur Pa

James Ginnadue West Decatur  
Odis Lumadue West Decatur Pa.  
Mrs Odis Lumadue West Decatur, Pa.  
Roger Wilsoncroft West Decatur, Pa.  
Thomas Wilsoncroft West Decatur Rd.  
Loretta McBrayne West Decatur Rd.  
Mrs and Mr John M. McBrayne West Decatur Rd.  
Mr & Mrs James Wood West Decatur, Pa. R.D. 11  
Mr & Mrs Edgar Dixie West Decatur & D  
Mrs & Mrs Richard Shimmel West Decatur Rd. Pa  
Mr. Howard Shimmel Wallacetown Pa  
Bobby Bodle West Decatur Pa R.D. 1  
Willard Lass West Decatur, Pa. R.D. 1  
George Stone West Decatur, Pa. R.D. 1  
Mrs Edith Stone West Decatur R.D. 1  
J.B. Lumadue West Decatur, Pa.  
Della Lumadue West Decatur R.D.  
John E Lumadue West Decatur Pa

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

Burton Dennis  
James P. Lizer  
Howard Green

STATE OF PENNSYLVANIA : SS  
COUNTY OF CLEARFIELD :

Before me, the subscriber, personally appeared Thomas Luzier,  
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.

Thomas Luzier

Sworn and subscribed before me  
this 14 day of July, A.D. 1948.

John Kase J.P.

MY COMMISSION EXPIRES FIRST  
MONDAY OF JAN. 1952

ORDER OF COURT

NOW, to wit, this 19 day of August, A.D., 1948, the  
within petition having been read and considered, it is hereby ordered  
and decreed that a Board of Viewers <sup>to</sup> view and lay out a public road  
in the termini within described, according to law, said Board of  
Viewers to be composed of Edward Poole, C. B. Shaw  
+ William. Yost. Said road to hold a heavy  
load <sup>and</sup> year their recommendation to the court  
as forded bar

BY THE COURT

  
H. J. G.

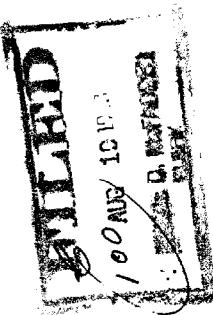
No. 7 Sept. 22, 1948

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

In Re: Petition for Public Road in Boggs Twp.

No. Sept. Term, 1948

## PETITION



EDWARD T. KELLEY  
ATTORNEY AT LAW  
CLEARFIELD, PA.

2.50  
1.50

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 19th day of August 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 Boggs

in said County, setting forth that they would like to have a road built to have its beginning at a point of intersection of a private road and State Highway Route 17038 at or near the dwelling house of Scot Hess; thence extending over said private road in a northwesterly direction to the Jim Hudson property; thence in the same direction to the Fred Royer property, where said private road ends; thence in a Westerly direction through the property of Tom Luzier to a point where said proposed road will intersect the Township road No. 17600 at or near the Wesley Hoover dwelling house.  
Said road being approximately one mile in length.

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, Atty.

Edward Pooler and William 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.

Maria O. McFadden, 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

Boggs and that Three notices thereof were posted along the route of the proposed road, that the said view would be held on the 21st day of September A. D. 1948 and the hearing to be held in the Anteroom Room, at the Court House, in Clearfield, Pa., on the 23rd day of September 1948, at 10:30 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 Cyrus Robison, Burton Davis, Leonard Mease, Supervisors of Boggs Township; also Wm. T. Meas, Secretary; also Thomas Luzier and Fred Rover, property owners.

## Grand Jury

parties in interest. That the hearing was held in the Anteroom Room, in the Court House, at Clearfield, Pa., on the 23rd day of September A. D. 1948, when the following appearances were noted: Edward W. Mills, representing Edward T. Kelley, Esq. counsel for the petitioner, together with the following petitioners: namely: Thomas Luzier, Fred Rover and Calvin Rover; also Cyrus Robison, Burton Davis and Leonard Meas, Supervisors of the Boggs Township Road District, also William Litz, a property owner in opposition.

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 private road and State Highway Route 17038 at or near the dwelling house of Scott Hess in said Township; thence extending over said private road in a Southeasterly direction and crossing a small well constructed wooden bridge for a distance of four hundred and eighteen (418) feet to the property line of James Hudson; thence following the course of said private road over lands of James Hudson and Alex Eadie and Josephine Condon in a Westerly direction for a distance of seventeen hundred and sixty-five (1765) feet to property line of Fred Rover; thence extending in a Northwesterly direction over lands of the said Fred Rover for a distance of fourteen hundred and eighty (1480) feet to private road at residence of Thomas Luzier.

The proposed road is laid out for the most part over a private road, having a width of approximately eighteen (18) feet, long since in existence and used by the petitioners and residents of this area. That for the past twenty-five (25) years or more the individual property owners served by said private road which leads from their residences to the main highway, have maintained and kept the same in repair for themselves, as well as for the travelling public, to the best of their ability.

That the four (4) or five (5) families specially served by said private road, have six (6) or more children of school age, who must use said private road in going to and from school, and because of its bad state of repair, is impassable by automobile during certain seasons of the year, and at times when illness has occurred among the families served by said road, it was found impossible to obtain the needed services of an attending physician.

That the abutting property owners are unable individually to adequately maintain said private road, by giving it the proper grading and drainage required, and as said newly proposed road, which has been laid out for the most part over said private road, with the exception of the western portion thereof, which passes through the property of Fred Rover for a distance of about fourteen hundred and eighty (1480) feet, is necessary for the accommodation of the abutting property owners, who will be especially benefited by said proposed road, as well as for the accommodation and convenience of the travelling public, the same should be taken over as a public road and constructed and maintained at public expense.

That the petition calls for a public road beginning at the point of intersection of a private road and State Highway Route 17038, at or near the dwelling house of Scott Hess; thence extending in a Northwesterly direction through the property of Thomas Luzier to a point where said proposed road would intersect with Township Road 17600 at or near the dwelling house of Wesley Hoover. After the View and Hearing however, your undersigned Viewers are of the opinion that said proposed road should not extend beyond the property of Thomas Luzier, and to extend said proposed road the full distance requested by the petition, would be useless, expensive and unnecessary at this time.

That the taking over of said private road with certain alterations as a part of the public road system of Boggs Township, appears to be agreeable to the Supervisors of said Township, and according to the petition and testimony offered before your Board of Viewers, the newly proposed road appears to be necessary for the accommodation and convenience of the travelling public, as well as for the accommodation and convenience of the persons living along said proposed road, and in view of these facts your undersigned Viewers recommend the same to be taken over, constructed and maintained as a part of the general road system of Boggs 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

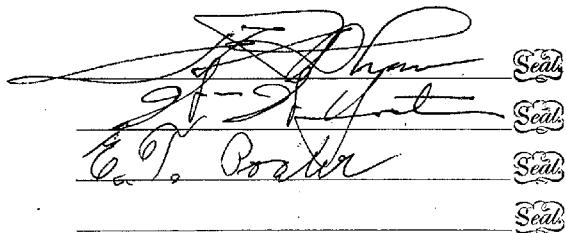
when it was not practical to preserve it within that limit.

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

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 \_\_\_\_\_ day of \_\_\_\_\_  
A. D. 192\_\_\_\_.



1948 Sept. 7 Sessions, 1948

## ORDER

To view and lay out a road for public use in the township of Boeggs, 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.

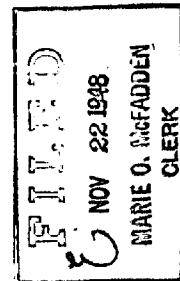
	Days	Miles	AMT.
A. B. Shaw	3	10	30.50
William W. Vost	2	20	21.00
E. T. Pooler	2	10	20.50

Sessions, 19

road and confirmed Ni. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, then 36 feet wide.

Plan of road 1/3 scale  
Elevated must

4/11/81/49  
Certified to State  
of Pennsylvania



② Confirm absolutely  
Edward T. Kelley, Atty.

Filed 19

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 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