

ROAD

DOCKET NO. 7

NUMBER

TERM

YEAR

7

SEPT.

1948

Public Road in Boggs Township

VERSUS

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 and 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. should be given, and the directions and distances, so he can have his notices prepared.

Compliments of The Gray Printing Company of DuBois, Pa.

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

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

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 termini, 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 termini 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

Address

Mr & Mrs Raymond Condon

R.D. #3 Clearfield Pa

James Hudson

R. 10 3

Scott W. Hess

Chb - R.D. #3

William Lib

Chb - R.D. #3

Mr & Mrs Lewis Bowman

Chb. - R.D. #3

Alfred Kephart

Chb. R.D. #3 Pa.

Wesley Hoover

Chb. Pa R.D. 3

Mr & Mrs J. M. Haughey

Chb. Pa R.D. 3

E. B. McLaughlin

Chb. Pa R.D. #1 3

John H. Threlk

West Decatur

Milton Brown

Box 197, Clearfield

Mrs Alice F. Logal

Box 196 Clearfield Pa

Mrs. Mary Wisner

Box 195 - Clearfield Pa

Mrs. Daniel McCracken

R.D. 3, Clearfield Pa.

John W. Parsonage

R.D. West Decatur Pa

Rachel L. Parsonage

R.D. West Decatur, Pa

Collins R. Parsonage

Clearfield R.D. 3 Pa. 189

Mr & Mrs Frank Parsonage

Clearfield R.D. 3

S. J. Cowdrey

R.D. #3 Clearfield Pa

Mr & Mrs Fred Rogers

R.D. #3 Clearfield Pa

Colin J. Rogers

R.D. #3 Clearfield Pa

Alfred Rogers

West Decatur Pa

Mr & Mrs H. K. Laird

Mineral Springs Pa

Elmer Laird

West Decatur R.D. Pa

Barton Quisenberry

West Decatur Pa

James Gummadi	West Decatur
Odis Gummadi	West Decatur Pa.
Mrs Odis Gummadi	West Decatur, Pa.
Roger Wilsoncroft	West Decatur R.D. 7
Thomae Wilsoncroft	West Decatur R.D.
Loretta McCallough	West Decatur Pa. R.D. 1
Mr and Mrs John M. Moyer	West Decatur rd 1
Mr & Mrs James Wood	West Decatur, Pa. R.D. 11
Mr & Mrs Edgar S. Dippie	West Decatur R.D.
Mrs. Mrs Richard Shummel	West Decatur R.D. Pa
Mr. Howard Shummel	Wallaceton R.
Ralph Bodle	West Decatur Pa R.D. 1
Willard Lass	West Decatur 10 R.D. 1
George Stone	West Decatur, R.D. 1.
McClith Stone	West Decatur R.D. 1.
J.B. Lummadi	West Decatur R.D. 1
Quella Lummadi	West Decatur R.D.
John E Lummadi	West Decatur Pa

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

Burt D. ...
Raymond ...
Edward ...

STATE OF PENNSYLVANIA: SS
COUNTY OF CLEARFIELD :

Before me, the subscriber, personally appeared Thomas Luzier,
one of the within named petitions 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.

H. F. ... J. P.

MY COMMISSION EXPIRES FIRST
MONDAY OF JAN. 1952

ORDER OF COURT

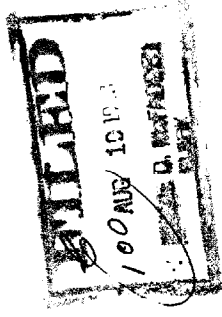
NOW, to wit, this 19 day of August, A.D., 1948, the
within petition having been read and considered, it is hereby ordered
and decreed that a Board of Viewers, ^{to} view and lay out a public road
in the termini within described, according to law, said Board of
Viewers to be composed of

*Edward Poole, A. B. Shaw
& William. Jost. Said Board to hold a hearing
and report their recommendation to the court
as provided law*

BY THE COURT

Fitzgibbon
F. J.

No. 7 Sept. 22 1948

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA.	
B/	In Re: Petition for Pub- lic 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.

Marie 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 Grand Jury 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 XXXXXX 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 an occasion for a road as desired by the petitioner, and that the same is an 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 Eddie 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 layed 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 1703A, 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 Borgs 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 Borgs 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

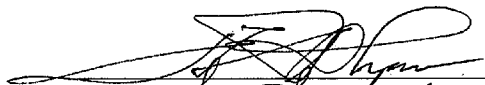
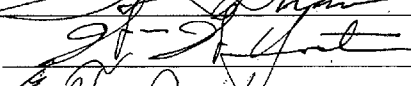
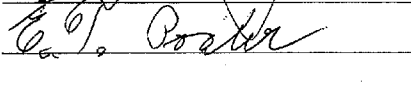
when it was not practical to preserve it within that limit.

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__.

 Seal
 Seal
 Seal
Seal

