

ROAD

DOCKET NO. 7

Page 103

3575

Number Term Year

1 Aug. SS. 1949

Petition for Public Road Known as
Collins Avenue in Lawrence Township

Versus

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 21st day of July in the year of our Lord one thousand nine hundred forty-nine

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Lawrence in said County, setting forth that

your petitioners are owners of property abutting on street known as Collins Avenue.

That your petitioners are of the opinion that a public road along what is known as Collins Avenue is necessary for the convenience and safety of the public and should be constructed and maintained at public expense.

That said road should be opened between the following termini:

Beginning at the intersection of what is known as Collins Avenue and Mill Road, thence running in a Northwesterly direction 527 feet to an intersection with a driveway twelve feet wide which driveway has been used by the public for a period in excess of 21 years.

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

and to appoint from and among the County Board of viewers

Wm. Yost and Ed. Pooler

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 whereever 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, President Judge

Marie O'Malley 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 10th day of August A. D. 1924 and the hearing to be held in the Arbitration Room, at the Court House, in Clearfield, Pa., on the 12th day of August 1924 at 10 o'clock A. M. ^{Grand Jury} ^(Daylight Saving Time) That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Antonio Materkowsky, Charles Buzzard, William Ogden, Mrs. Rosanna Poole.

Grand Jury
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 12th day of August A. D. 1924, when the following appearances were noted: William Ogden, Rosanna Poole, Antonio Materkowsky, Rita Materowsky, his wife, Robert Carns, Walter Shaffner, Harold McCorkle, Asa Moyer, Charles Buzzard and Blair McCorkle. Said hearing was continued until August 19th at 10:00 o'clock A.M. ^(Daylight Saving Time), at which second hearing the only person appearing was Walter Shaffner.

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 intersection of what is known as Mill Road and Collins Avenue, at a point approximately two hundred (200) feet Southeast of Turnpike Avenue Extension; thence extending in a Northwesterly direction following the course of said Collins Avenue as extended, for a distance of five hundred and forty-four (544) feet to point of intersection with a twelve (12) foot private drive or alley in said Township of Lawrence, Clearfield County, Pennsylvania.

The proposed road is layed out over a dedicated eighteen (18) foot street commonly known as Collins Avenue, long since in existence and used by the petitioners and residents in this area, except for the extended portion thereof through the land of Mrs. Rosanna Poole, which portion is unimproved and impossible for traveling for a distance of about two hundred (200) feet. That for the past twenty-one (21) years or more, the individual property owners served by said street of Avenue, except the portion as extended, 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 ten (10) families specially served by said Street or Avenue, are unable individually, to adequately maintain the same by giving it the proper care and drainage required, and as said newly proposed road which has been layed out over said Street or Avenue, as extended, is necessary for the accomodation of the abutting property owners, who will be especially benefited by said proposed road, as well as for the accomodation and convenience of the traveling

public, the same should be taken over as a public road and maintained at public expense.

That the taking over of the said Street or Avenue as extended, as a part of the public road system of the Township of Lawrence, appears to be agreeable to the Supervisors of said Township of Lawrence, and according to the petition and testimony offered before your Board of Viewers, the newly proposed road appears to be necessary for the accomodation of the traveling public, as well as for the accomodation for the persons living along same, and in view of these facts, your undersigned Viewers recommend that the same be taken over by the Supervisors of Lawrence Township, at its present width of eighteen (18) feet, to be incorporated and maintained as a part of the general 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

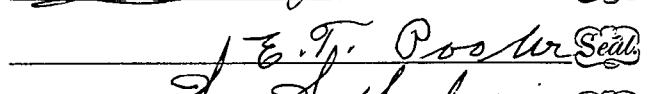
when it was not practical to preserve it within that limit.

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 William R. Ogden, Golda S. Shaffner, Walter P. Shaffner, Chas. Buzzerd, Mrs. Rosanna Poole, Mrs. Elizabeth Sigety and Robert W. Carns, abutting property owners.

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: Since the newly proposed road is layed out over an old established street and has long since been opened to the use of the abutting property owners and as the advantages to be derived from said proposed road would exceed the disadvantages to the remaining abutting property owners, namely: Asa Moyer, Antonio Materkowsky, Harold W. McCorkle, Blair McCorkle, Isaac Sayers and William Boyce, no damages can be awarded.

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

WITNESS our hands and seals this 21 day of August
A. D. 1949.

 Seal
 Seal
 Seal

No. 1 August 1949 Sessions, 1949

ORDER

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 broadcast, they will report to that effect.

	DAYS	MILES	AM.T.
A. B. Shaw	4	340.0	
William Yost	4 1/2	345.0	
E. T. Pooler	3 5	350.2	

To view and lay out a road for public use in the township of Lawrence, Clearfield County Pennsylvania, New Aug 29, 1949

August Sessions, 1949,

read and confirmed Ni. Si. Road to be opened ~~at~~ feet wide, except where there is side-trail cutting or embankment and bridging, there to be ~~16~~ feet wide.

Miss Mary & Mrs. John
Cuthbertson
1895

19
Filed _____
Fees \$1.25 paid by _____

University of Michigan Library
AUG 22 1968
e

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 af 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.

Thomson and Frantz, Attorneys.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: PETITION FOR PUBLIC ROAD

KNOWN AS COLLINS AVENUE IN LAWRENCE :

TONIGHT

NO. 1 Aug

SESSIONS, 1949

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

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

1. That your petitioners are all residents of Lawrence Township, Clearfield County, Pennsylvania, and are owners of property abutting on street known as Collins Avenue.

2. That said street known as Collins Avenue has never been taken over by the Township Supervisors of Lawrence Township, Clearfield County, Pennsylvania, as a public road, nor has it been completely opened.

3. That the said Collins Avenue is the only means of access many of your petitioners have from their residences to a public highway, while for others, if completely opened, it would provide a safe and passable means of access to a public road from their residences or places of business.

~~4.~~ That your petitioners are of the opinion that a public road along what is known as Collins Avenue is necessary for the convenience and safety of the public and should be constructed and maintained at public expense.

5. That said road should be opened between the following termini: Beginning at the intersection of what is known as Collins Avenue and Mill Road, thence running in a Northwesterly direction 527 feet to an intersection with a driveway twelve feet wide which driveway has been used by the public for a period in excess of 21 years.

WHEREFORE your petitioners pray that your Honorable Court appoint a
Board of Viewers to view and lay out a public road with the terminii above

described according to law.

And they will ever pray.

<u>Name</u>	<u>Address</u>
Robert W. Carns	clfd. R.D #1
Rosanna Poole	clfd R.D #1.
Elizabeth Sizley	clfd R.D #1
William R. Ogden	clfd. R. D #1.
Harold H. McCable	clfd. R.D #1.
Blair McCorree	clfd R.D #1
Isaac Sayers	Clearfield R.D. 1
Mrs. O. Sayers	--- R.D. 1
Hade Heberling	clfd A.D 1

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

Jos A Young
W L Owens
Jos B Thompson

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

Before me the subscriber, personally appeared William R. Ogden
_____, 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.

William R. Ogden

Sworn and subscribed before me

this 15 day of June, 1949.

Marie D. M. Franklin

My Commission Expires
First Monday in Jan. 1944

PROTHONOTARY

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: PETITION FOR PUBLIC ROAD :

KNOWN AS COLLINS AVENUE IN : NO.
LAWRENCE TOWNSHIP : :

SESSIONS, 1949

ORDER OF COURT

NOW, this 21 day of July, 1949, the within petition
having been read and considered, A. B. Shaw, New York,
Ed Poole, and _____
are appointed Viewers to view and lay out a public road within the termini
described in the foregoing petition, said Board of Viewers to hold a view and
report to the Court in accordance with law.

By the Court,

R. J. Self
P. J.

B
IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNSYLVANIA
NO. 1 Aug. SESSIONS, 1949

IN RE: PETITION FOR PUBLIC ROAD
KNOWN AS COLLINS AVENUE IN
LAWRENCE TOWNSHIP

PETITION

LAW OFFICES
THOMSON & FRANTZ
CLEARFIELD, PA.

2-5-1

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

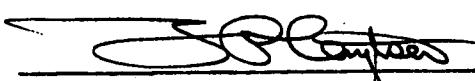
NOTICE OF VIEW.

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County on the 21st day of July, A. D., 1949, to view and lay out a public road in the Township of Lawrence, Clearfield County, Pennsylvania, the same having its beginning at the intersection of what is known as Collins Avenue and Mill Road in said Township; thence in a Northwesterly direction five hundred and twenty-seven (527) feet more or less to a point of intersection with a twelve (12) foot alley or driveway in said Township of Lawrence; will meet on the premises in the Township of Lawrence on Wednesday the 10th day of August, A. D., 1949, 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 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 Friday the 12th day of August, A. D., 1949, 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.

July 25th, 1949.

A. B. Shaw
William W. Yost
Edward Pooler

NOW, this 25 day of July, A. D., 1949, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.


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 21st day of July, A. D., 1949, to view and lay out a public road in the Township of Lawrence, Clearfield County, Pennsylvania, the same having its beginning at the intersection of what is known as Collins Avenue and Mill Road in said Township; thence in a Northwesterly direction five hundred and twenty-seven (527) feet more or less to a point of intersection with a twelve (12) foot alley or driveway in said Township of Lawrence; will meet on the premises in the Township of Lawrence on Wednesday the 10th day of August, A. D., 1949, 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 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 Friday the 12th day of August, A. D., 1949, 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.

July 25th, 1949.

A. B. Shaw
William W. Yost
Edward Pooler

NOW, the 27th day of July, A. D., 1949, service by copy of the above notice of View is hereby accepted on behalf of the Supervisors of Lawrence Township, Clearfield County, Pennsylvania.


R. B. Yost
Secretary.

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 the County Commissioners of Clearfield County 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 County Commissioners of Clearfield County 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 or hands and seals this 22nd day of August, A. D., 1949.

William L. Ogden (SEAL)

Galea J. Shaffner (SEAL)

Walter P. Shaffner (SEAL)

Chas. Buzzard (SEAL)

Mrs Rosanna Cook (SEAL)

Mrs Elizabeth Sijt (SEAL)

Robert W. Cane (SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

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 or assess damages leading from~~ and lay out a public road situate in the Township of Lawrence, Clearfield County, Pennsylvania, the same to have its beginning at the ~~point~~ intersection of what is known as Collins Avenue and Mill Road in said Township; thence along said Collins Avenue in a Northwesterly direction five hundred and twenty-seven (527) feet more or less to point of intersection with a twelve (12) foot alley or driveway.

~~in~~ ~~shipingto~~

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

in Lawrence Township, on Wednesday, the 10th day of August , A. D. 1949, at 10:00.

(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 THE PUBLIC HEARING as required by the 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 persons interested in said road to be layed out, an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Friday, the 12th day of August, A. D., 1949, at 10:00 o'clock A. M. (Daylight Saving Time), at which time and place all parties interested in said road may attend and be heard if they so desire.

..... A. B. Shaw

..... William Yost

..... Edward Pooler

VIEWERS.

..... July 25th 1949.