

ROADS

**DOCKET NO.** 7

<b>Number</b>	<b>Term</b>	<b>Year</b>
2	Nov. SS	1950

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RE: VACATION OF PART OF TOWNSHIP ROAD  
No. 502 situate wholly within

Pike Township, Clearfield Co., Pa.

REPORT of the Board of Road Super-  
visors

**Versus**

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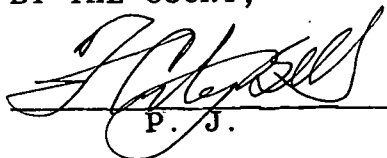
IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

RE: Vacation of part of Township :  
Road No. 502 situate wholly within : No. *2 Nov* Sessions  
Pike Township, Clearfield County, :  
Pennsylvania : 1950

ORDER OR DECREE NI. SI.

AND NOW, November 2, 1950, the Report of the Board of Road Supervisors of Pike Township, Clearfield County, Pennsylvania, relative to the vacation of a part of Township Road No. 502 having been submitted to the Court and the proceedings having been examined and found to be according to law, and the matter having been considered, the Report of the Supervisors is hereby confirmed, ni. si., the Prothonotary to enter upon the record an absolute confirmation thereof upon the expiration of thirty (30) days from this date, unless exceptions are filed as allowed by law.

BY THE COURT,

  
P. J.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PA. No. <i>2 Nov</i> Sessions 1950	
RE: Vacation of part of Township Road No. 502 situate wholly within Pike Township Clearfield County, Pa.	
ORDER OR DECREE NI. SI.	
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>FILED</b>  <i>E</i> NOV 2 1950          WM. T. HAGERTY          CLERK       </div>	
SMITH, MAINE AND WHITSETT ATTORNEYS-AT-LAW CLEARFIELD, PA.	

*E* Now, December 4, 1950, thirty days having expired and no exceptipns filed, the report of the Board of Road Supervisors of Pike Township is confirmed absolute as per directions of Order of Court.

*Wm T Hagerty*  
 Clerk of Courts.

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

Re: Vacation of part of Township :  
Road No. 502 situate wholly within : No. 2 Nov Sessions, 1950  
Pike Township, Clearfield County, :  
Pennsylvania. :

REPORT OF THE BOARD OF ROAD SUPER-  
VISORS OF PIKE TOWNSHIP, CLEARFIELD  
COUNTY, PENNSYLVANIA.

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

The Report of the Board of Road Supervisors of Pike Township, Clearfield County, Pennsylvania, sitting as a Board of Viewers under and by virtue of the authority of the Act of May 1, 1933, P.L. 103, Article 2, as amended by the Act of July 10, 1947, P.L. 1481, as further amended by the Act of May 2, 1949, P.L. 189, No. 216, with respect to the vacation of a part of Township Road No. 502, situate wholly within Pike Township, Clearfield County, Pennsylvania respectfully represents:

(1). That the undersigned are the duly elected, qualified and acting Road Supervisors of Pike Township, Clearfield County, Pennsylvania.

(2). That there was presented to the undersigned as Road Supervisors of Pike Township, Clearfield County, Pennsylvania, pursuant to the provisions of the Acts of Assembly above recited, a Petition by Droze A. Dotts and Fred M. Schoenwalder for the vacation of Township Road No. 502, a public road situate wholly within Pike Township, Clearfield County, Pennsylvania, a true and correct copy of which said Petition is attached hereto, made a part hereof, and marked Exhibit "A".

(3). The said Township Road No. 502 has its northern terminus on State Highway Route 17097; thence proceeds in a southerly direction passing through the property of Droze A. Dotts and Fred Schoenwalder 0.5 miles to its intersection with State Highway Route 17040; thence continuing in a southerly direction 1.1 miles to its intersection with State Highway Route No. 322 at its southern terminus. The said Township Road being 1.6 miles in length.

(4). Upon presentation of the Petition the undersigned caused Notice, by registered mail to all property owners affected by the vacation of a part of said Township Road No. 502, of a hearing to be held on the Petition on Monday the 23rd day of October, 1950 at 7:30 o'clock P.M. in the Borough Building, Curwensville, Pennsylvania, which said Notice was mailed and received by the property owners affected at least ten days prior to the date set for hearing, and in addition to Notice by registered mail as aforesaid, caused at least five copies of the said Notice to be posted in conspicuous places along said Township Road No. 502 at least ten days prior to the date set for hearing.

(5). That on the said 23rd day of October, 1950 at 7:30 o'clock P.M. in the Borough Building, Curwensville, Pennsylvania, the undersigned met as the Board of Road Supervisors of Pike Township, Clearfield County, Pennsylvania to hear and determine the matter presented by the Petition of the said Droze A. Dotts and Fred Schoenwalder.

(6). Upon information received, the Petition avers that Township Road No. 502 commences on the property of Droze A. Dotts at the intersection of said Township Road with State Highway Route 17097 and terminates at the property of Fred M. Schoenwalder, and seeks the vacation of the entire road, when in fact the said Township Road commences and ends as hereinbefore described.

(7). At the hearing on the Petition the Petitioners asked leave to amend the Petition to seek the vacation of only a part of the said Township Road, the part sought to be vacated having its northern terminus on the property of Droze A. Dotts at the intersection of said Township Road with State Highway Route 17097 and its southern terminus at the property line of Fred Schoenwalder, one of the Petitioners, where it adjoins the property of the other Petitioner, Droze A. Dotts, and being 0.3 miles in length, which said amendment was allowed and the cause proceeded with.

(8). That no protests were filed, nor any objections lodged to the vacation of that part of said Township Road No. 502 above described nor did any property owner nor other person

appear at the hearing in opposition to the same.

(9). That the Petitioners appeared at said hearing with witnesses and presented evidence to the undersigned with respect to the subject matter of the Petition, and as a result of the evidence submitted thereat, the undersigned find the following facts:

(a). That Township Road No. 502 lies wholly within Pike Township, Clearfield County, Pennsylvania, as does that portion of said Township Road sought to be vacated by this proceeding.

(b). That said Township Road No. 502 is a public road having been in existence and used by the public in excess of 21 years, and the said road was not laid out under any Act of Assembly of the Commonwealth of Pennsylvania, nor has the same been adopted as a State Highway.

(c). That the Petitioners constitute a majority in interest of the property owners through whose land the Township Road No. 502 passes or upon whose land the said road abuts.

(d). The Petitioners seek to have vacated that part of said Township Road 502, described hereinbefore in this report, a draft of which said portion is attached hereto, made a part hereof, and marked Exhibit "B".

(e). That said Township Road No. 502, including the portion thereof sought to be vacated by this proceeding, has been repaired and maintained by the Board of Road Supervisors of Pike Township, Clearfield County, Pennsylvania at the cost of the tax payers generally of Pike Township, Clearfield County, Pennsylvania, and is and has been expensive to maintain and repair.

(f). That that portion of said Township Road 502 sought to be vacated by this proceeding is not used by the public nor the property owners through whose land the said road passes or upon whose land it abuts, nor is the same of any convenience or benefit to the public or the property owners aforesaid, but rather constitutes a needless expense to the tax payers of Pike Township,

Clearfield County, Pennsylvania.

(g). That there are other roads in Pike Township, Clearfield County, Pennsylvania laid out and maintained by the Board of Road Supervisors of Pike Township, Clearfield County, Pennsylvania and the Commonwealth of Pennsylvania, particularly improved State Highway Routes Nos. 17097 and 17040 which are open to and being used by the public in preference to that portion of Township Road No. 502 sought to be vacated by this proceeding.

(h). That the vacation of that portion of the Township Road 502, as hereinbefore described, is necessary for the public convenience.

(i). That due and proper notice, as required by the Acts of Assembly governing this proceeding, of the date, time and place set for hearing on the Petition was given to all parties in interest, and the cause generally has been proceeded with in compliance with the provisions of the Acts of Assembly above recited.

(10). Pursuant to the proceedings had in the matter, after hearing and based upon the evidence submitted to the undersigned thereat, the Board of Road Supervisors of Pike Township, Clearfield County, Pennsylvania adopted a Resolution at a meeting of said Board held on the 23rd day of October, 1950 at 8:30 o'clock P.M. in the Borough Building, Curwensville, Pennsylvania, vacating that portion of Township Road No. 502, hereinbefore described in this Report, and as shown upon the draft thereof attached to this Report as Exhibit "B", a true and correct copy of which said Resolution is attached hereto, made a part hereof, and marked Exhibit "C".

(11). That subsequent to the passage or approval of the said Resolution, attached hereto as Exhibit "C", and within ten days thereafter, the undersigned caused notice of the passage of said Resolution to be given by hand bills posted in conspicuous places along the line or portion of Township Road No. 502 vacated, which said notice stated the fact of the passage or approval of

the Resolution and the date of the passage or approval of the same. A true and correct copy of the hand bill so posted is attached hereto, made a part hereof, and marked Exhibit "D".

(12). That no damages or benefits to the property owners through whose land Township Road 502 passes or upon whose land the same abuts have resulted from the vacation of that portion of said Township Road No. 502 hereinbefore described, and there is no reason or necessity for the assessment of damages or benefits.

WHEREFORE, the undersigned, the Board of Road Supervisors of Pike Township, Clearfield County, Pennsylvania, respectfully request the Court to confirm this Report ni. si., confirmation absolute to be made by the Clerk of the Court of Quarter Sessions of Clearfield County, Pennsylvania as of course unless exceptions thereto are filed within thirty days of the date of confirmation ni. si. as allowed by law.

Respectfully submitted,

BOARD OF ROAD SUPERVISORS OF PIKE  
TOWNSHIP, CLEARFIELD COUNTY, PENN-  
SYLVANIA

Howard Bloom  
(Howard Bloom)

Clair Whittaker  
(Clair Whittaker)

Paul Shively  
(Paul Shively)



EXHIBIT "A"

BEFORE THE ROAD SUPERVISORS OF PIKE TOWNSHIP,  
CLEARFIELD COUNTY, PENNSYLVANIA

RE: PETITION TO VACATE A :  
PUBLIC ROAD :  
:

TO THE ROAD SUPERVISORS OF PIKE TOWNSHIP:

The Petition of DROZE A. DOTTS and FRED SCHOENWALDER  
respectfully represents:

(1) That they are the owners of property situate in  
Pike Township, Clearfield County, Pennsylvania, and are assessed  
with and pay taxes upon such property.

(2) That there is a public road known as Township Road  
No. 502 which has been used by the public for a period of twenty-  
one years and upwards which has been maintained and repaired by  
the use of tax money for a period of twenty-one years and up-  
wards.

(3) That said public road is wholly within Pike Town-  
ship and passes through or abuts the land of the Petitioners, and  
your Petitioners constitute a majority in interest of the owners  
of properties through which the said road passes, or upon whose  
land the said road abuts, the one terminus of the said road com-  
mencing on the property of Fred Schoenwalder, and the other ter-  
minus being on the property of Droze A. Dotts, at the intersection  
of said road with State Highway Route No. 17097.

(4) The said road is useless, inconvenient and burden-  
some, and is not necessary for the convenience of the public.

(5) That the said road was not laid out under any Act of  
Assembly, nor has it been adopted as a State Highway.

WHEREFORE, your Petitioners pray that proceedings  
on this Petition be had in accordance with the provisions of the  
Act of May 1, 1933, P.L. 103, Article XI, as amended by the Acts

/s/ Droze A. Dotts  
(Droze A. Dotts)

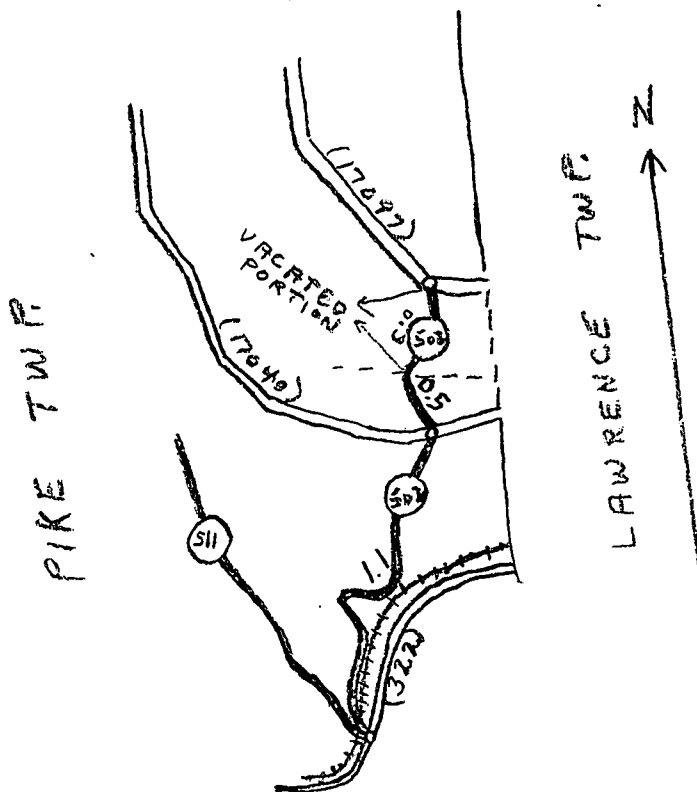
/s/ Fred Schonwalder)  
(Fred Schoenwalder)

DROZE A. DOTTS, 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 information and  
belief.

Subscribed and sworn to  
before me this            day of  
August, A.D., 1950.

Notary Public

Exhibit "B"



*Exhibit "C"*

RESOLUTION VACATING A PORTION OF  
TOWNSHIP ROAD NO. 502 SITUATE  
WHOLLY WITHIN PIKE TOWNSHIP, CLEAR-  
FIELD COUNTY, PENNSYLVANIA

WHEREAS, Droze A. Dotts and Fred M. Schoenwalder presented their Petition to the Board of Road Supervisors of Pike Township, Clearfield County, Pennsylvania seeking the vacation of the portion of Township Road No. 502 situate wholly within Pike Township, Clearfield County, Pennsylvania; and,

WHEREAS, said Township Road No. 502 is a public road which has been used by the public and has been maintained by the Board of Road Supervisors of Pike Township for upwards of twentyone years; and,

WHEREAS, a hearing on the Petition, after due and proper notice as required by law, was held by the Board of Road Supervisors of Pike Township on the 23rd day of October, 1950 at 7:30 o'clock P.M. EST in the Borough Building, Curwensville, Pennsylvania; and,

WHEREAS, the evidence received at said hearing established, and the Board of Road Supervisors found, and do hereby find, as a fact, that the vacation of a portion of said Township Road No. 502, as hereinafter described, is necessary for the public convenience:

NOW, THEREFORE, BE IT RESOLVED, that the following described portion of Township Road No. 502, situate wholly within Pike Township, Clearfield County, Pennsylvania, passing through and abutting on the property of Droze A. Dotts and Fred M. Schoenwalder, be and the same is hereby vacated:

ALL that certain portion of Township Road No. 502 commencing or having its northern terminus at the intersection of said Township Road with State Highway Route 17097; thence proceeding in a southerly direction through the property of Droze A. Dotts a distance of 0.3 miles to the northern property line of Fred Schoenwalder where the same adjoins the southern boundary line of property owned by Droze A. Dotts.

BE IT FURTHER RESOLVED, that notice of the passage of the

approval of this Resolution shall be given by handbills posted in conspicuous places along that portion of Township Road No. 502 hereby vacated, which said Notice shall state the fact of the passage or approval of this Resolution and the date of the passage or approval of the same.

UNANIMOUSLY passed and approved by the undersigned Road Supervisors at a meeting of the Board held pursuant to law on the 23rd day of October, 1950 at 8:30 o'clock P.M. in the Borough Building, Curwensville, Pennsylvania.

BOARD OF ROAD SUPERVISORS OF PIKE  
TOWNSHIP, CLEARFIELD COUNTY, PENN-  
SYLVANIA

Howard Blosser  
Clair Whitaker  
Paul Shively

*Exhibit "D."*

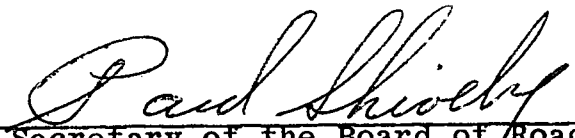
N O T I C E

TO WHOM IT MAY CONCERN:

Notice is hereby given that at a meeting of the Board of Road Supervisors of Pike Township, Clearfield County, Pennsylvania held on Monday, October 23, 1950, at 8:30 o'clock P.M., Borough Building, Curwensville, Pennsylvania, a Resolution was unanimously passed or approved by the Board of Road Supervisors of Pike Township, Clearfield County, Pennsylvania vacating the following portion of Township Road No. 502, situate wholly within Pike Township, Clearfield County, Pennsylvania:

ALL that certain portion of Township Road No. 502 commencing or having its northern terminus at the intersection of said Township Road with State Highway Route 17097; thence proceeding in a southerly direction through the property of Droze A. Dotts a distance of 0.3 miles to the northern property line of Fred Schoenwalder where the same adjoins the southern boundary line of property owned by Droze A. Dotts.

A copy of the Resolution is in the possession of the undersigned as Secretary of the Board of Road Supervisors where the same may be inspected by any person interested.

*Shirley*  
  
Secretary of the Board of Road  
Supervisors of Pike Township,  
Clearfield County, Pennsylvania.

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD CO, PA.  
No. *2 Nov* Sessions  
1950

RE: Vacation of part of  
Township Road No. 502 situat  
wholly within Pike Township,  
Clearfield County, Pa.

REPORT OF THE BOARD OF  
ROAD SUPERVISORS OF PIKE  
TOWNSHIP, CLEARFIELD COUNTY  
PENNSYLVANIA

**FILED**  
NOV 2 1950  
*187* WM. T. HAGERITY  
CLERK

SMITH, MAINE AND WHITSETT  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

*Clerk 500*