

DOCKET NO. 7

NUMBER	TERM	YEAR
8	February SS	1950

IN RE: VACATION OF ROADS IN

BOGGS TOWNSHIP, CLEARFIELD COUNTY

PENNSYLVANIA **VERSUS**

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

In Re: Vacation of roads in Boggs : No. 8
Township, Clearfield County, Penna. : ~~March~~ Term 1950
Feb ss

PETITION

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

The petition of the undersigned Board of Supervisors of the Township of Boggs, Clearfield County, Pennsylvania, respectfully represents:

X 1. That the State Highway Department of the Commonwealth of Pennsylvania in the improving and relocating of the State Highway system in the Township of Boggs, Clearfield County, Penna, did, under the authority of an Act of Assembly in such case made and provided, abandon and thus turn over to the Road District of the Township of Boggs four (4) certain pieces of Highway, each less than one (1) mile in length, as hereinafter specifically described. X

X 2. That the said portions of the State Highway abandoned are parallel by the relocated improved Highway, and are of no use or value to the travelling public or the abutting property owners, and for the Road District of the Township of Boggs to maintain the same would be useless and burdensome.

X 3. That the said four (4) pieces of Highway abandoned by the State Highway Department are situate along State Highway Route No. 17047 as relocated, leading from Houtzdale to Clearfield, Pennsylvania, the same being described as follows:

X The First Thereof beginning on Legislative Route 17047 as improved and relocated, leading from Houtzdale to Clearfield, Pennsylvania, at Station 413+00, a distance of approximately four hundred and fifty (450) feet.

The Second Thereof beginning on State Legislative Route 17047 as relocated and improved between Houtzdale and Clearfield, Pennsylvania at Station 422±00 to Station 427±50, a distance of approximately five hundred and fifty (550) feet.

The Third Thereof beginning on State Legislative Route 17047 at Station 431±00 to Station 451±50, a distance of approximately two thousand five hundred and forty-five (2,545) feet

The Fourth Thereof beginning on State Legislative Route 17047 at Station 545±000 relocated and improved between Houtzdale and Clearfield, Pennsylvania; thence over old State Highway Route 17047 as abandoned, for a distance of approximately two thousand five hundred and seventy-seven (2,577) feet to point of intersection with Highway Route 869 leading from West Decatur to Curwensville, Pennsylvania. X

no 4. That all four (4) pieces of said highway are closely adjacent to the relocated and improved through highway and serve no useful purposes and unless abandoned, could become dangerous to the traveling public. A blue print or sketch of the portions of the old State Highway Route 17047, which your undersigned petitioners desire to have vacated, is hereto attached and made a part hereof.

no X WHEREFORE your petitioners respectfully pray your undersigned Court to appoint Viewers for the purpose of vacating the portions of old State Highway Route 17047 herein specifically set forth and described, which due to their abandonment as a part of the State Highway system, have reverted to the Road District of the Township of Boggs, for upkeep and maintenance.

And they will ever pray.

Carl W. Smeal

Burton Davis

Leonard Meas

Supervisors of Boggs Township.

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

Before me, the subscriber, personally appeared Cyrus Robison, Burton Davis and Leonard Meas, who being duly sworn according to law, depose and say that the facts contained in the foregoing petition are true and correct to the best of their knowledge, information and belief.

Carl W. Smel

Burton Davis

Leonard Meas

Sworn and subacribed before me this

11 day of February, A.D., 1950.

Wm. T. Hagerty

PROTHONOTARY

My Commission Expires
First Monday in Jan. 1954

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

In Re: Vacation of roads in Boggs : No.
Township, Clearfield County, Penna. : March Term 1950

O R D E R

NOW, February ¹³, 1950, the within petition having been presented, *Ed Porter*, *Wm Gort* and *John Scollins*, are appointed Viewers to go upon and view the portions of Highway petitioned to be vacated and to make report of the same at the next term of Court, to wit: the First Monday of March, A. D., 1950. -

By the Court,


P. J.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA.
No. 8 ~~1950~~ Term 1950.

(Sub. ad)

In Re: Vacation of roads
in Boegs Township, Clear-
field County, Pennsylvania.

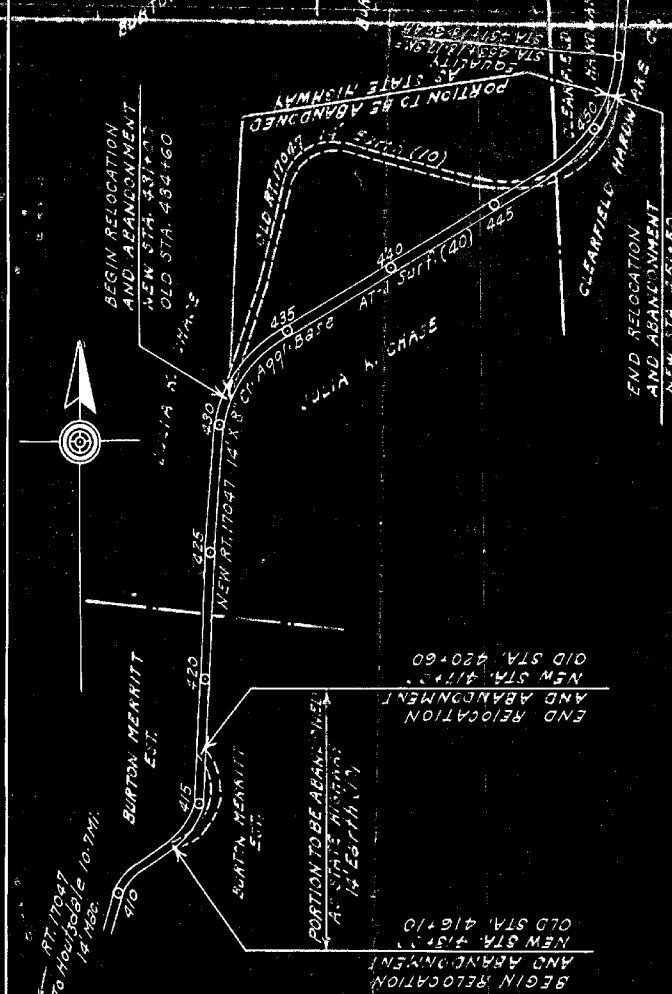
P E T I T I O N

*2/13/50, Order to Vacate
issued before the deadline
city*

RECEIVED

A. B. SHAW
ATTORNEY AT LAW
CLEARFIELD, PA.

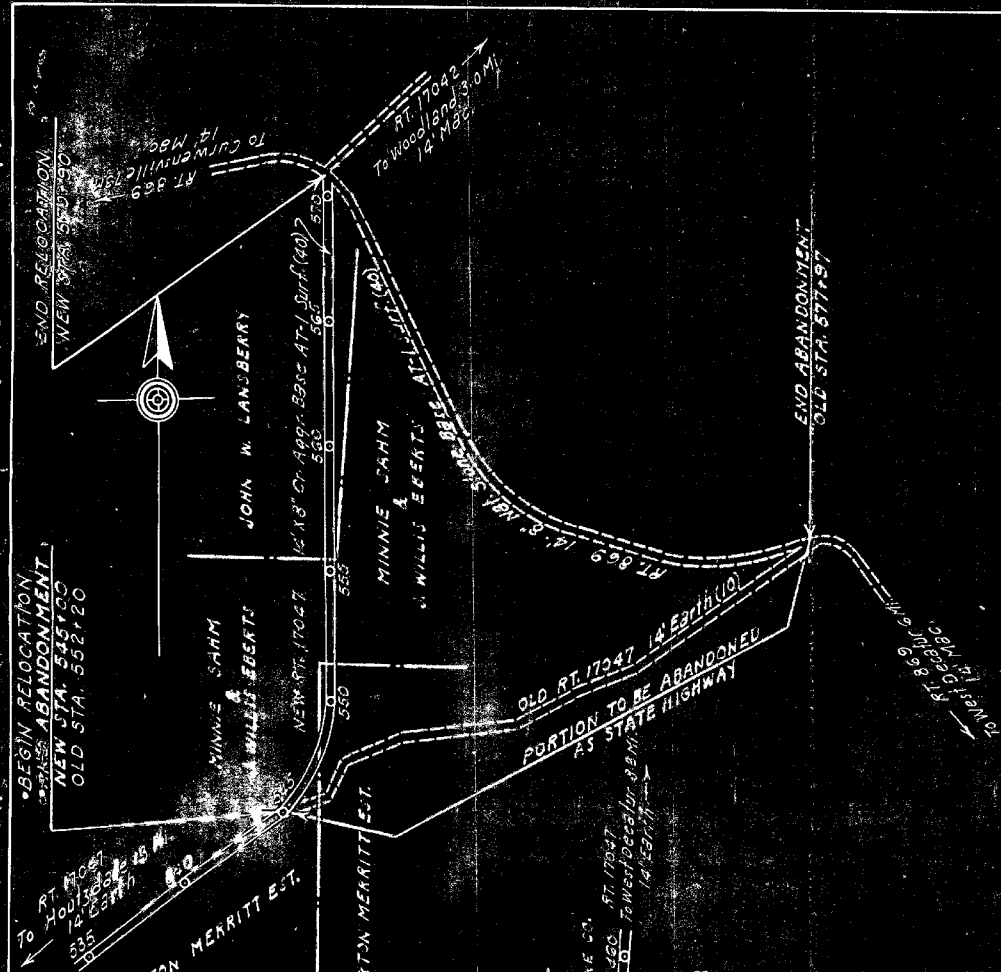
2.50 } 4.00 By Atty.
1.50 }



SKETCH

SHOWING PORTION OF STATE HIGHWAY RT. 17047-3

BOGGS TWP. CLEARFIELD COUNTY			
ROUTE CHANGED FROM	LENGTH	RELOCATION	ABANDONED
STATION TO STATION	IN FEET	IMPROVED (MI)	IMPROVED (MI)
413 + 00 - 417 + 00	400'	0.0758	0.0852
416 + 10 - 420 + 60	450'	—	—
431 + 00 - 451 + 50	2050'	0.3883	0.4820
434 + 60 - 460 + 05	2545'	—	—
545 + 00 - 570 + 90	2590'	0.4905	—
552 + 20 - 577 + 97	2577'	—	0.4881
TOTAL		0.9546	1.0553



NOTE: Construction plans covering relocation approved by the Governor, June 3, 1948.

SCALE 1" = 500'

TO: The County Commissioners of Clearfield County, Pa.:-

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Order to view and)
vacate four (4) pieces of) NO. 8, FEBRUARY SESSIONS, 1950.
road in Boggs Township.)

You are hereby notified that the undersigned Viewers appointed by the Court to the above number and term, to view and vacate four pieces of Highway abandoned by the State Highway Department, situate along State Highway Route No. 17047 as relocated, leading from Houtzdale to Clearfield, to wit:

The First Thereof: Beginning on Legislative Route 17047 as improved and relocated, leading from Houtzdale to Clearfield, Pennsylvania, at Station 413200, a distance of approximately four hundred and fifty (450) feet.

The Second Thereof: Beginning on State Legislative Route 17047 as relocated and improved between Houtzdale and Clearfield, Pennsylvania, at Station 422200 to Station 427250, a distance of approximately five hundred and fifty (550) feet.

The Third Thereof: Beginning on State Legislative Route 17047 at Station 431200 to Station 451250, a distance of approximately two thousand five hundred and forty-five (2,545) feet.

The Fourth Thereof: Beginning on State Legislative Route 17047 at Station 5452000 relocated and improved between Houtzdale and Clearfield, Pennsylvania; thence over old State Highway Route 17047 as abandoned, for a distance of approximately two thousand five hundred and seventy-seven (2,577) feet to point of intersection with Highway Route 269 leading from West Decatur to Curwensville, Pennsylvania;

all located in the Township of Boggs, Clearfield County, will meet at Station 5452000 on State Legislative Route 17047 in said Township on Wednesday, the 8th day of March, 1950, at 10:30 o'clock A. M., to attend to the duties assigned them; of which time and place aforesaid all parties interested will take notice.

And that the public hearing required by the Act of Assembly and the 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 the proposed pieces of road an opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Monday, the 13th day of March, 1950, at 11:00 o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

John Scollins
Ed. Pooler
Wm. Yost
Viewers.

Dated: February 22, 1950.

County of Clearfield, SS:

Now, this 24th day of February, 1950, Service of the above Notice is accepted for the Commissioners of Clearfield County.

W. B. Crompton
Clerk.

TO: Cyrus Robison, Burton Davis and Leonard Meas,
Supervisors of Boggs Township, Clearfield County, Pa.:

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Order to view and)
vacate four (4) pieces of : NO. 8, FEBRUARY SESSIONS, 1950.
road in Boggs Township.)

You are hereby notified that the undersigned Viewers appointed by the Court to the above number and term, to view and vacate four pieces of Highway abandoned by the State Highway Department, situate along State Highway Route No. 17047 as relocated, leading from Houtzdale to Clearfield, to wit:

The First Thereof: Beginning on Legislative Route 17047 as improved and relocated, leading from Houtzdale to Clearfield, Pennsylvania, at Station 413±00, a distance of approximately four hundred and fifty (450) feet.

The Second Thereof: Beginning on State Legislative Route 17047 as relocated and improved between Houtzdale and Clearfield, Pennsylvania, at Station 422±00 to Station 427±50, a distance of approximately five hundred and fifty (550) feet.

The Third Thereof: Beginning on State Legislative Route 17047 at Station 431±00 to Station 451±50, a distance of approximately two thousand five hundred and forty-five (2,545) feet.

The Fourth Thereof: Beginning on State Legislative Route 17047 at Station 545±000 relocated and improved between Houtzdale and Clearfield, Pennsylvania; thence over old State Highway Route 17047 as abandoned, for a distance of approximately two thousand five hundred and seventy-seven (2,577) feet to point of intersection with Highway Route 869 leading from West Decatur to Curwensville, Pennsylvania;

all located in the Township of Boggs, Clearfield County, will meet at Station 545±000 on State Legislative Route 17047 in said Township on Wednesday, the 8th day of March, 1950, at 10:30 o'clock A. M., to attend to the duties assigned them: of which time and place aforesaid all parties interested will take notice.

And that the public hearing required by the Act of Assembly and the 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 the proposed pieces of road an opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Monday, the 13th day of March, 1950, at 11:00 o'clock A. M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

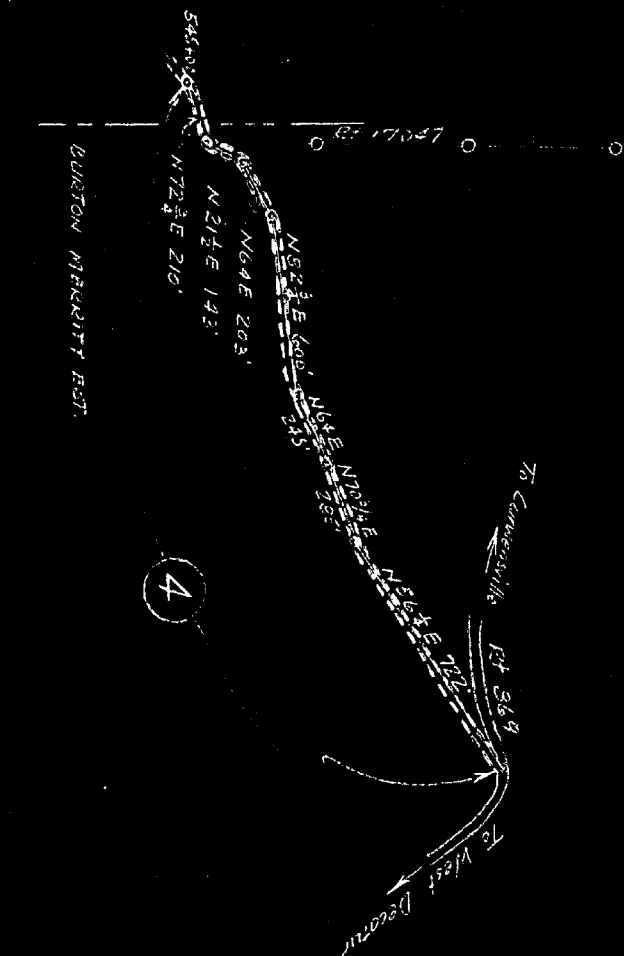
John Collins
Ed. Toaler
Wm. Yost
Viewers.

Dated: February 22, 1950.

Clearfield County, SS:

Now, this 27 day of February, 1950, Service of the above Notice is accepted for the Supervisors of Boggs Township.

Burton Davis
Carl W. Meas
Leonard Meas
Board of Supervisors of
Boggs Township.



Clearfield County Court of Quarter Sessions
Road View No. 8, February Session 1950
Road in Foggs Two Clearfield Co. Pa.
SCALE 1 in = 500 ft.
March 12, 1950 By Spencer H. Webb Esq.
FILED 1950

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the thirteenth day of February in the year of our Lord, one thousand nine hundred and Fifty

By the Honorable ~~Singlemeyer~~ F. Cortez Bell, President Judge of the said Court: Upon the petition of the Board of Supervisors of ~~the Township of Boggs~~ Boggs, in the County aforesaid setting forth that four (4) pieces of highway abandoned by the State Highway Department are situate along State Highway Route No. 17047 as relocated, leading from Houtzdale to Clearfield, Pennsylvania, being described as follows:

The First Thereof beginning on Legislative Route 17047 as improved and relocated, leading from Houtzdale to Clearfield, Pennsylvania, at Station 413±00, a distance of approximately four hundred and fifty (450) feet.

The Second Thereof beginning on State Legislative Route 17047 as relocated and improved between Houtzdale and Clearfield, Pennsylvania at Station 422±00 to Station 427±50, a distance of approximately five hundred and fifty (550) feet.

The Third Thereof beginning on State Legislative Route 17047 at Station 431±00 to Station 451±50, a distance of approximately two thousand five hundred and forty-five (2,545) feet.

and, the points point from The Fourth Thereof beginning on State Legislative Route 17047 at Station 545±000 relocated and improved between Houtzdale and Clearfield, Pennsylvania; thence over old State Highway Route 17047 as abandoned, for a distance of approximately two thousand five hundred and seventy-seven (2,577) feet to point of intersection with Highway Route 869 leading from West Decatur to Curwensville, Pennsylvania.

County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in-favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; 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 the place where they would meet, to view said road and the time and place of hearing.

By order of the Court. F. Cortez Bell, P.J.

Wm. T. Hagerdy
Clerk.

RETURN OF VIEWERS.

TO THE HONORABLE THE JUDGE OF QUARTER SESSIONS OF THE PEACE, IN AND FOR THE
COUNTY OF CLEARFIELD, PA.

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, beg leave to report as follows:

That notice of the time of the 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 said road to be vacated, that the said view would be held on the eighth day of March, A. D. 1950, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, would be held in the Grand Jury Room in the Court House, in Clearfield,

Pa., on the 13th day of March A. D., 1950, at 11.00 o'clock A.M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view Earl W. Smeal, Burton Davis and Leonard Meas, Supervisors of Boggs Township; John Scollins, E. T. Pooler and Wm. W. Yost, Board of Viewers. The hearing scheduled for Monday, March 13th, 1950, was attended by E. T. Pooler, Member of the Board, who announced the adjournment thereof until Thursday, March 16th, 1950, at the same hour.

adjourned parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Grand Jury Room in the Court House, in Clearfield, Pa., on the 16th day of March, A. D. 1950, when the parties interested in the said road were in attendance: Earl W. Smeal, Burton Davis and Leonard Meas, Supervisors; Wm. T. Meas, Secretary, and A. B. Shaw, Esq., Township Solicitor. Wm. T. Meas, Earl W. Smeal, Burton Davis and Leonard Meas sworn, examined and cross-examined by counsel and your board.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road shave, become useless, inconvenient and burdensome to wit:

The first thereof: Beginning on Legislative Route 17047 as improved and relocated, leading from Houtzdale to Clearfield, at Station 413 ± 00: thence North 61-3/4° East, one hundred and twenty-eight (128) feet to a post; thence North 17 1/2° East, one hundred and forty (140) feet to a post; thence North 10-3/4° West, one hundred and sixty-five (165) feet to post on Legislative Route 17047, ending therein; through lands of the Merritt Estate, unimproved.

The second thereof: Beginning on Legislative Route 17047 as improved and relocated, leading from Houtzdale to Clearfield, at Station 422 ± 00, on lands of Burton Merritt Estate: thence North 13-3/4° East over land of Burton Merritt Estate, and land of Julia K. Chase, three hundred and twenty-five (325) feet to a post; thence North 2 1/2° East, along land of Julia K. Chase aforesaid, one hundred and forty-five (145) feet to post on same; and thence still thereby North 27° West, ninety-nine (99) feet and ending at Station 427 ± 50 on Legislative Route 17047 aforesaid. Said lands being unimproved.

The Third thereof: Beginning at Station 431 I 00 on Legislative Route 17047, leading from Houtzdale to Clearfield, over the land of Julia K. Chase, thence North 10° East, four hundred and fifty (450) feet to a post on same; thence still thereby North 14½° East, four hundred and thirty (430) feet to post on same; and thence still thereby North 56° East, one hundred and forty (140) feet to a post, has become useless, inconvenient and burdensome as a public road; however, the Board of Viewers recommends that that portion thereof shall be and remain a private road of the width of 25 feet for the use and benefit of the owners of lands through or along which it passes, to be maintained and used as private roads are now maintained and used under existing laws. The remaining portion thereof, running thence South 73° East five hundred and fifteen (515) feet to a post; thence still thereby South 83½° East, two hundred and thirty (230) feet; thence North 81-1/4° East, three hundred and thirty (330) feet to a post on land of Clearfield Hardware; thence thereby North 47-1/4° East, two hundred (200) feet to a post; thence still thereby North 16-1/4° East, one hundred and thirty-two (132) feet to post at Station 451 I 50 on Legislative Route 17047 aforesaid, has become useless, inconvenient and burdensome as a public road and is recommended for vacation as such.

The Fourth thereof: Beginning at Station 545 I 00 on land of Clearfield Hardware, on Legislative Route 17047: thence along said lands North 72-3/4° East, two hundred and ten feet to a post on lands of Burton Merritt Est.; and thence thereby the following courses and distances, to wit: North 21½° East one hundred and forty-three feet; North 64° East, 203 feet; North 82-3/4° East, 600 feet; North 64° East, 245 feet; North 70-3/4° East, 285 feet; and North 56-1/4° East, 722 feet and ending in Route 869 leading from West Decatur to Curwensville;—
and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

The undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, or over whose properties said road passes, or in any way damaged by the vacation of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from: No damages assessed.

And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation, and closing up 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: No damages assessed.

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

2 Witness our hands and seals this 14th day of April, A. D. 19 50

John Seelling [SEAL]

John J. Galt [SEAL]

E. T. Pooler [SEAL]

Viewers.

No. 8 Feb. SS Term 1950

ORDER TO VACATE

To view and vacate road situate
in the Township of Boggs
Clearfield County.

Now April 24 Sessions 1950

read and confirmed Ni. Si.

By the Court.
Now Mar 5 Sessions 1951

confirmed absolute.

By the Court.
[Signature]

Filed Feb. 13, 1950

Atty. A. B. Shaw, Atto y

Fees \$1.25 paid by

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	Am't
E. T. Pooler	4	41	42.05
Wm. W. Yost	3	41	32.05
John Scollins	4	38	44.40

