

ROAD  
DOCKET NO. 7

NUMBER TERM YEAR

1 August Sessions 1951

Petition to lay out a Road in

Boggs Township.

VERSUS

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

In Re: Laying out of public :  
road in Bogg's Township, Clear- : No. April Sessions 1951  
field County, Pennsylvania. :  
.

P E T I T I O N

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

The petition of the undersigned inhabitants of the Township of Bogg's in said County aforesaid, respectfully represents;

1. That your petitioners labor under great inconvenience for want of a public road, beginning at the point of intersection of State Highway Route No. 17049 and State Highway Route No. 17122 in the Village of Blue Ball, Bogg's Township, and County aforesaid, thence extending in a Southeasterly direction over private road leading to the residence of Samuel K. Fleck for a distance of approximately four hundred and fifty (450) feet and ending at the residence of the said Samuel K. Fleck. .

2. That the private road hereinabove referred to, heretofore constructed by Samuel K. Fleck as a means of access from his residence to the main highway, now provides the only means of access to the main highway for eight additional families, and since it is too costly for the individual property owners to keep and maintain said private road in a proper state of repair, your petitioners, because of necessity, are requesting that said private road be taken over and maintained as a public road.

WHEREFORE your petitioners respectfully pray your Honorable Court to appoint proper persons to view and lay out the same as a public road, according to law.

And they will ever pray.

Samuel K. Fleck

Howard R. Fleck

Victor L. Fleck

Alvin H. Shaw

Wilson H. Williams

Homer R. Steele

Harold Campbell

Elaine E. Murray

Dale L. Reid

Honor Shaw

Mrs. W. R. Williams

Mrs. Mabel E. Conrad

Harry Husted

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

Samuel K. Fleck, being duly sworn according to law, deposes and says that he is one of the signers to the foregoing Petition and that the facts set forth therein are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before  
me this 4<sup>th</sup> day of Aug, 1951.

Samuel K. Fleck

Newton Shaw

MY COMMISSION EXPIRES  
FIRST MONDAY IN JAN. 1952

J O I N D E R

We, the undersigned Supervisors of the Township of  
Boys, Clearfield County, Pennsylvania, having received notice  
of the intended presentation of the foregoing petition, do hereby  
join in the prayer thereof.

Samuel W. Mead

Burton Davis

Leonard Mead

Supervisors of Boys Township.

ORDER OF COURT.

NOW, this 16 day of Aug, 1951, the  
within petition having been read and considered, John Scollins  
Benjamin Hughes. Wm Yaat, and  
, are appointed Viewers to view and lay out the  
road herein described and report their recommendations to the  
Court as required by law.

By the Court,



P. J.

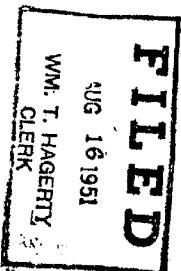
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No. 1 Aug. 22, 1951

IN THE COURT OF QUARTER  
SESSIONS OF CLEARFIELD  
COUNTY, PENNSYLVANIA.  
No. April Term 1951

In Re: Laying out of  
public road in BOY'S Town-  
ship, Clearfield County,  
Pennsylvania.

P E T I T I O N



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

400 Bp atty

# 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 28th day of September A. D. 1951, and the hearing to be held in the Grand Jury Room, at the Court House, in Clearfield, Pa., on the first day of October, 1951, at 11 o'clock A.M. That John Scollins and William Yost and Benjamin Hughes viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view October 1, 1951: Benjamin Hughes and John Scollins, Viewers; Earl W. Smeal and Leonard Meas, Supervisors; Samuel K. Fleck, Victor Fleck and Howard R. Fleck, parties in interest. Dec. 27, 1951, William Yost viewed and surveyed the land for the proposed Road, with Leonard Meas and other parties in interest. That the hearing was held in the Grand Jury Room, in the Court House, at Clearfield, Pa., on the first day of October A. D. 1951, when the following appearances were noted: Earl W. Smeal and Leonard Meas, Supervisors of Boggs Township, with A.B. Shaw, Esq., Solicitor; at which time the hearing was adjourned until October 15, 1951 at the same hour. Now, October 15th, 1951 the hearing was further adjourned until October 29, 1951, when the following appearances were noted: Earl W. Smeal and Leonard Meas, Supervisors, with A.B. Shaw, Esq., Solicitor. Earl W. Smeal and Leonard Meas, sworn and examined by Counsel and your Board.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is ----- occasion for a road as desired by the petitioner, and that the same is ----- 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 the proposed road, 33 feet in width, as presently located in the Village of Blue Ball (west Decatur), with State Highway Route 171221 leading from Philipsburg to Wallacetton: thence via the centre line thereof South 49 $\frac{1}{2}$ ° East, along line of lands of Mabel E. Conrad (Ike Conrad) and Florence E. Maurer (Saul Maurey) on either side thereof, two hundred and sixty-eight (268) feet to a post; thence still thereby thirty-three feet in width South 40 $\frac{1}{2}$ ° East, along line of lands of Harold Campbell and Homer Shaw; Wilson Williams and Alvin Shaw; Howard R. Fleck and Homer Steele; Charles Fleck and Victor S. and Samuel Fleck, on either side thereof, seven hundred and twenty-six (726) feet; and ending at line of lands of Samuel K. Fleck.

Your Board further finds that the proposed road accommodates thirteen families resident in a built-up addition to the Village of Ball (West Decatur); that the approach to the Improved Highway is on a steep grade; that the road is in need of proper drainage to prevent wash-outs; and constructed to withstand heavy motor vehicle deliveries; and removal of embankments at the approach to the improved Highway, giving a clear view of traffic on either road.

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 sixteenth day of August in the year of our Lord one thousand nine hundred Fifty One

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

inhabitants labor under great inconvenience for want of a public road, beginning at the point of intersection of State Highway Route No. 17049 and State Highway Route No. 17122 in the Village of Blue Ball, Boggs Township, and County aforesaid, thence extending in a Southeasterly direction over private road leading to the residence of Samuel K. Fleck for a distance of approximately four hundred and fifty (450) feet and ending at the residence of the said Samuel K. Fleck.

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, John Scollins, Benjamin Hughes, 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

*June J. Haggerty*, Clerk.

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

In re: Order to View and : No. 1, Ausust Sess., 1951  
Lay out for the public :  
use a Road in Boggs Township. :

To: The County Commissioners of Clearfield County:

You are hereby notified that the undersigned Viewers appointed by the Court to the above number and term, to view and lay out a road for the public use in the Township of Boggs, beginning at the point of intersection of State Highway Route No. 17049 and State Highway Route No. 17122 in the Village of Blue Ball, thence extending in a Southeasterly direction over private road leading to the residence of Samuel K. Fleck for a distance of approximately four hundred and fifty (450) feet and ending at the residence of the said Samuel K. Fleck, in Clearfield County, will meet at the intersection of State Highway Routes No.'s 17049 and 17122, in the village of Blue Ball aforesaid in said Township on Friday, the 28th day of September, 1951, at 2.00 o'clock P.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 filing their report in Court, in order to give all parties interested in the proposed road an opportunity to be heard, will be held in the Grand Jury Room in the Court House in Clearfield on Monday, the 1st day of October, 1951, at 11.00 A.M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

CLEARFIELD COUNTY, SS:

Now, September 13, 1951, Service of the within Notice accepted for Clearfield County Commissioners, and I acknowledge receipt of a copy thereof.

J. P. Crighton Clerk.

Attest:

Dated: September 13, 1951.

John Seddell  
Benjamin Hughes  
William York  
Viewers.

IN THE COURT OF COMMON PLEAS OF CLAREMONT COUNTY, PENNA.

IN THE MATTER OF CLAREMONT COUNTY OF CLAREMONT COUNTY, PENNA.  
A PETITION TO VIEW AND BY COUNSEL FOR PETITIONERS,  
A ROAD FOR PUBLIC USE IN THE  
CLAREMONT TOWNSHIP.

To: A. B. Shaw, Esq., Attorney for Petitioners:

You are hereby notified that the unengaged viewers appointed by the Court to the above matter and town, to view and lay out a road for the public use in the Township of Claremont, beginning at the point of intersection of State Highway Route No. 17000 and State Highway Route No. 27000 in the village of Blue Bell, thence continuing in a Southwesterly direction over private road leading to the residence of Sam'l E. Block for a distance of approximately four hundred and fifty (450) feet and ending at the residence of the said Sam'l E. Block, in Claremont County, will meet at the intersection of State Highway Routes No. 17000 and 17000, in the village of Blue Bell aforesaid in said Township on Friday, the 20th day of September, 1951, at 8:00 o'clock P.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 filing their report in Court, in order to give all parties interested in the proposed road an opportunity to be heard, will be held in the Grand Jury Room in the Court House in Claremont on Tuesday, the 1st day of October, 1951, at 12:00 A.M., or as soon thereafter as counsel can be heard, at which time and place all parties interested may attend and be heard.

CLAREMONT COUNTY, PENNA:  
Now, September 17, 1951, Service of the within  
Notice of View and Hearing accepted, and I acknowledge  
receipt of a copy thereof.

Atty. for Petitioners.

Dated: September 19, 1951.

John Scellins  
Benjamin Hughes  
William Goch

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the  
Court of Quarter Sessions of Clearfield County, Pennsylvania, <sup>No. 1, August Term, 1951,</sup> to view a Road or assess  
damages, leading from the intersection of State Highway Route No. 17049 . . . . .  
and State Highway Route No. 17122, in the Village of Blue Ball, thence . . . . .  
extending in a Southeasterly direction over private road leading to the  
residence of Samuel K. Fleck for a distance of approximately 450 feet

in . . . . . BOGGS . . . . . shipship to . and ending at the residence . . . . .  
of the said Samuel K. Fleck . . . . .

in . . . BOGGS . . . . . Township, in the County aforesaid, will  
meet at the ~~number~~ intersection of State Highway Routes No.'s 17049 and 17122  
in . . . the Village of Blue Ball, . . . BOGGS . . . . . Township, on . Friday . . . . .  
the . . . 28th . . . day of . . . September . . . . ., A. D. 19. 51 . . . at . 2.00 . . .  
o'clock. P. M., to attend to the duty assigned them, of which time and place aforesaid, all  
parties interested will take notice. And the Public Hearing required to be held  
by the Viewers before filing their Report in Court, will be held in the  
Grand Jury Room in the Court House in Clearfield, on Monday, the 1st day of  
October, 1951, at 11.00 A.M., or as soon thereafter as counsel can be heard.

Now, Sept 13, 1951 - Service  
of this notice accepted  
for the Township of Boggs . . . . . JOHN SCOLLINS . . . . .  
Carl W. Fleck . . . . .  
Leonard Fleck . . . . .  
Burton Donato . . . . .  
BENJAMIN HUGHES . . . . .  
WILLIAM YOST . . . . .  
VIEWERS . . . . .

Dated: September 13, . . . . . 19. 51

Supervisors

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 at its intersection with the Improved Highway:

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 Florence E. Maurer; Mabel E. Conrad; Wilson Williams; Homer Shaw; Harry Rusted; Alvin H. Shaw; Harold Campbell; Howard R. Fleek; Victor S. Fleek, and Samuel K. Fleek;

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: Homer Steele and Charles Fleck, One (\$1.00) Dollar each:

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

WITNESS our hands and seals this 10th day of January  
A. D. 1932.

John Scollin *Seal*  
Begs of Hugh  
Williams Post *Seal*  
*Seal*  
*Seal*

No. 1 August Sessions, 1951

## ORDER

To view and lay out a road for the public use in the township of Boggs, Clearfield County, Pennsylvania

July Sessions, 1952

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.

Viewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the viewers.

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.

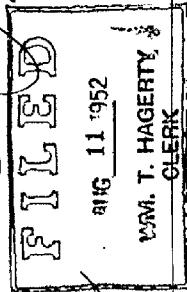
	Days	Miles	AMT.
Benjamin F. Hughes	4	150	\$47.50
Wm. W. Yost	4	26	41.30
John Scollins	4	168	48.40

read and confirmed Ni. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, there to be 16 feet wide.

*John F. Hughes  
Wm. W. Yost  
John Scollins*

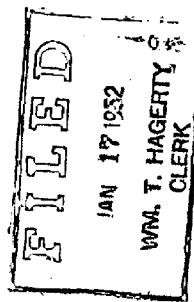
Mo. Day 11/1/52

of Clearfield County



Fees \$1.25 paid by

A. B. SHAW  
Attorney for Plaintiff, Pa.



## 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 of Clearfield

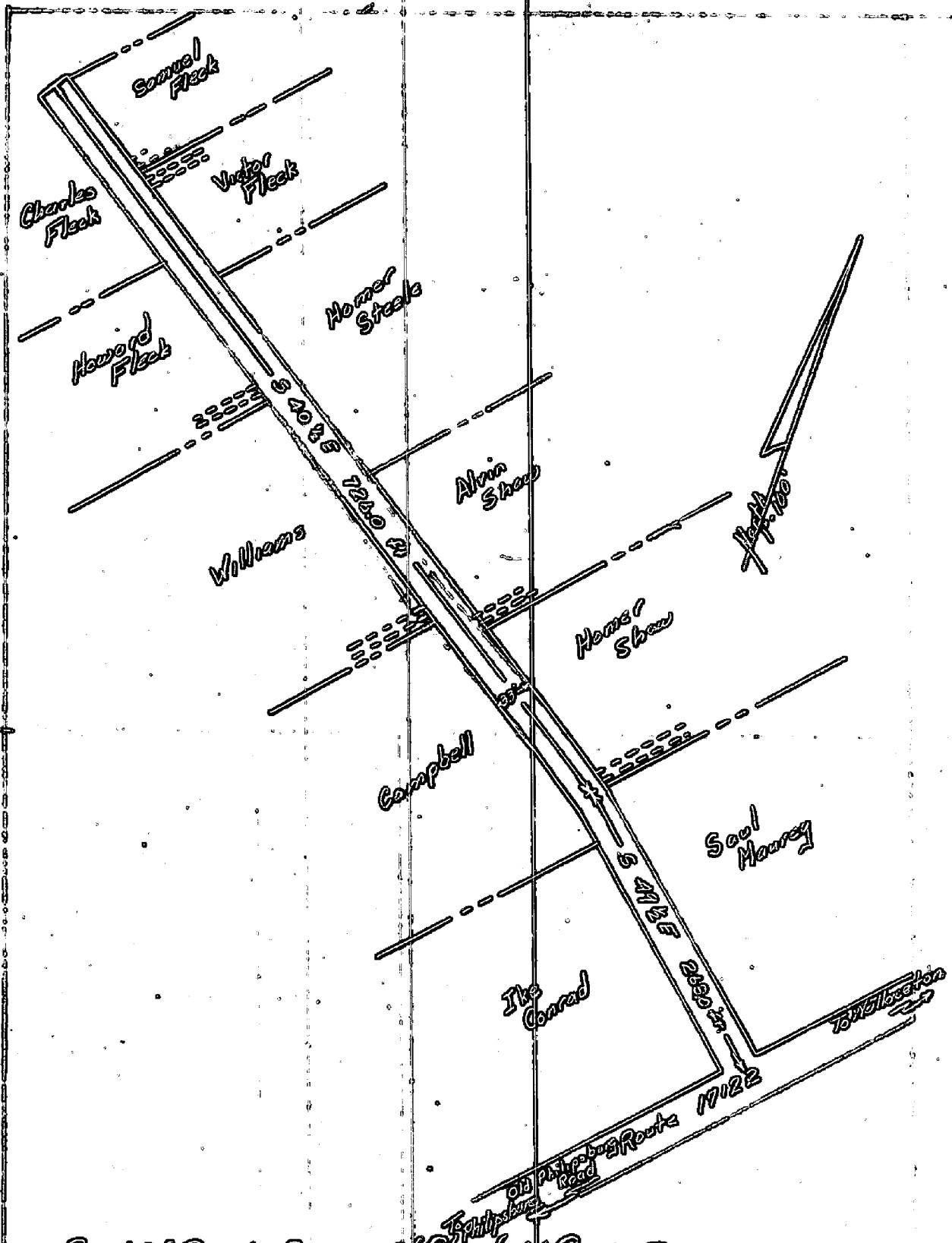
at and before the ensealing and delivery hereof, have remised, released and forever quit-claimed, and do hereby remise, release and forever quit-claim to the said County of Clearfield

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 28<sup>th</sup> day of September

A. D. 1952

<u>Harry Husted</u>	SEAL	<u>Samuel R. Fleck</u>	SEAL
<u>Mrs. Mabel E. Conard</u>	SEAL	<u>Victor S. Fleck</u>	SEAL
<u>Miss Florence E. Manner</u>	SEAL	<u>Howard A. Fleck</u>	SEAL
	SEAL	<u>Heald Campbell</u>	SEAL
	SEAL	<u>Wilson Williams</u>	SEAL
	SEAL	<u>Alvin H. Shugrue</u>	SEAL
	SEAL	<u>Homer Shaw</u>	SEAL



Court of Quarter Sessions of Clearfield County, Pa.

Board Meeting of September 28, 1957

Worthy Deafatur, Bogg, Temple, Clearfield Co.

Scale 1" = 100'

Dec 22, 1957

S. H. Galt, Esq.



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF HIGHWAYS  
HARRISBURG

IN REPLY REFER TO

O. R. 251  
Clearfield County  
Knox Township

August 25, 1952

Mr. Wm. T. Hagerty  
Clerk of Courts  
Clearfield, Pennsylvania

Dear Sir:

We are returning the certified road report identified as # 3 August Sessions 1952 with bill ~~of~~ <sup>attached</sup> which under the present laws the Department is not permitted to pay. This information is required to be furnished by the Board of Supervisors under a recent amendment to the township laws.

Very truly yours

E. L. Schmidt  
Secretary of Highways

By

*D. A. Bailey*  
Daniel A. Bailey  
Township Engineer

Clearfield, Pa., August 22,

1952

Commonwealth of Pennsylvania  
Department of Highways  
Harrisburg, Pa.

TO Wm. T. HAGERTY, DR.,  
PROTHONOTARY AND CLERK OF COURTS  
OF CLEARFIELD COUNTY.

1952

Aug. 22 To Certified copy of PETITION TO ALTER, CHANGE  
OR IMPROVE TOWNSHIP ROAD 428 IN KNOW TOWNSHIP,  
CLEARFIELD COUNTY, PA.

3.00

Filed to No. 3 August Sessions 1952

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

IN RE:

PETITION TO ALTER, CHANGE :  
OR IMPROVE TOWNSHIP ROAD :  
428 IN KNOX TOWNSHIP, CLEAR- : No. 3 August Sessions 1952.  
FIELD COUNTY, PENNSYLVANIA. :

To the Honorable F. Cortez Bell, President Judge of said Court:

The Petition of the undersigned Supervisors of the Township of Knox respectfully represents:

1. That Township Road, Route No. 428, is presently established in Knox Township between a certain bridge over little Clearfield Creek located on the line between Ferguson and Knox Townships and extends from that point in a Southerly and South-westerly direction approximately 600 feet to a point as shown on the blue print or map attached hereto.

2. That the said Township Supervisors deem it advisable to abandon said portion of said road and to supply in its place a new section of road to become part of Route No. 428 extending from a point designated on said map as Station 0100 and its several courses and distances as shown on said map to a point designated as Station 29107.3 on a Township Road which extends in a Northerly direction from said point to join with State Highway Route 17037.

3. The property owners affected by such improvement or vacation are as follows: B.W. Norris, Zuilla Bell, Josephine Bell, Herman Bell, Ethlyn Bowers, Wayne Norris and Roy W. Fink.

4. The undersigned Supervisors on behalf of the Township of Knox have agreed with said property owners that the contemplated vacation and improvement be made without the formality of a view and said property owners have waived any damages to

their respective properties resulting from the proposed vacation and improvement and release the Township of Knox from any damages in connection with the same or by reason of the taking of any property in connection with said improvement, a copy of said Agreement being attached hereto.

5. That the said cost and expense of making said improvement and change including damages to Knox Township shall not exceed \$1,000.00.

WHEREFORE, your petitioners pray that the new location of Route 428 as shown on the map attached hereto be approved and the old location as shown by said blue print or map be vacated, as provided by Act of Assembly dated July 10, 1947, P.L. 1481, 53 Purdon Supplement, 19093-1115. Harry Robbins, Ben Freeman, and Henry McGarry, Supervisors of Knox Township.

ORDER OF COURT

NOW, August 21, 1951, the within Petition and map attached thereto having been considered, it appearing that from the Agreement attached to said Petition that the property owners have agreed with the Township of Knox that the proposed vacation and improvement and relocation be made without the formality of a view, IT IS ORDERED AND DECREED, that the new location of Route 428 in the Township of Knox be and the same is hereby approved and the new location as shown by said map shall be taken to be the public road and the old location between Station 0100 as shown on said map and the bridge over Little Clearfield Creek on the line between Knox Township and Ferguson Townships be and the same is hereby vacated, all without the formality of a view.

By The Court, F. Cortez Bell, President Judge.

CERTIFIED FROM THE RECORD THIS 22ND. DAY OF AUGUST A.D. 1952.

Wm. J. Hager  
Wm. T. Hager, Clerk of the Quarter  
Sessions of Clearfield County, Pa.