

ROAD  
DOCKET NO. 7

| NUMBER   | TERM                   | YEAR        |
|----------|------------------------|-------------|
| <u>1</u> | <u>August Sessions</u> | <u>1951</u> |

Petition to lay out a Road in

Boggs Township.

VERSUS

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

In Re: Laying out of public :  
road in Boons 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 Boons 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, Boons 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

Horner R. Steele

Harold Campbell

Flourence E. Manner

Doll. L. L. L.

Homer Shaw

Mrs W. R. Mielner

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 cor-  
rect to the best of his knowledge, information and belief.

Sworn and subscribed before  
me this 4<sup>th</sup> day of ~~Aug~~ <sup>Aug</sup>, 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  
Boggs, Clearfield County, Pennsylvania, having received notice  
of the intended presentation of the foregoing petition, do hereby  
join in the prayer thereof.

Carl W. Smeal

Burtus Davis

Leonard Meacham

Supervisors of Boggs Township.

ORDER OF COURT.

NOW, this 16 day of Aug, 1951, the  
within petition having been read and considered, John Collins  
Benjamin Hughes, Wm Yast, 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,



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P. J.

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No. 1 Aug. 24, 1951

|   |   |                 |   |
|---|---|-----------------|---|
| IN THE COURT OF QUARTER<br>SESSIONS OF CLEARFIELD<br>COUNTY, PENNSYLVANIA.<br>No. April Term 1951 | In Re: Laying out of<br>public road in Boggs Town-<br>ship, Clearfield County,<br>Pennsylvania. | P E T I T I O N | <div><b>FILED</b><br/>AUG 16 1951<br/>WM. T. HAGERITY<br/>CLERK</div> <div>A. B. SHAW<br/>ATTORNEY AT LAW<br/>CLEARFIELD, PA.</div> |
|---|---|-----------------|---|

400 Bg 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 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 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 17122 leading from Philipsburg to Wallacetown: thence via the centre line thereof South 49 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 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

John J. Hagerty, Clerk.



CLEARFIELD COUNTY, SS:

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

H. P. Crytzer Clerk.

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

In re: Order to View and : No. 1, August 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.

Benjamin Hughes  
William G. Glick  
Viewers

Dated: September 13, 1951.

ARFIELD COUNTY, SS:  
Now, September 19, 1951, Service of the within  
notice of View and Hearing accepted, and I acknowledge  
receipt of a copy thereof.

Atty. for Petitioners.

IN THE COURT OF COMMONS SESSIONS OF GLAMPSHIRE COUNTY, PENNSA.

In re: Order to View and Lay out: No. 3, August Term, 1951.  
A Road for public use in:  
Large Township.

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

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 Large,  
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 E. Flock for a  
distance of approximately four hundred and fifty (450) feet  
and ending at the residence of the said Samuel E. Flock, in  
Glampsfield County, will meet at the intersection of State High-  
way Routes No. 17049 and 17122, in the village of Blue Ball  
aforesaid in said Township on Friday, the 25th 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 Assem-  
bly and the Rules of Court to be held by the Viewers before  
filing their report in Court, in order to give all parties inter-  
ested in the proposed road an opportunity to be heard, will be  
held in the Grand Jury Room in the Court House in Glampsfield on  
Monday, 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.

John Seeling  
Benjamin Hughes  
William Goltz  
Viewers.

Dated: September 19, 1951.

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the  
Court of Quarter Sessions of Clearfield County, Pennsylvania, No. 1, August Term, 1951,  
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 ..... Township, in the County aforesaid, will  
of the said Samuel K. Fleck

in ... BOGGS ..... Township, in the County aforesaid, will  
meet at the ~~house of~~ 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 15, 1951 - Service*

*of this notice accepted  
for the Township of Boggs*

*Earl W. Small*

*Leonard Greas*

*Burtin D. ...*

JOHN SCOLLINS

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 Husted; Alvin H. Shaw; Harold Campbell; Howard R. Fleck; Victor S. Fleck, and Samuel K. Fleck;

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. 1952.

John Scellin   
Ben F. Hughes   
William J. ...   


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*

Feb. Sessions, 1952.

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,

Handley  
89  
Nov. 11. 1882  
J. Carpenter  
Richard  
1882

FILED  
AUG 11 1952  
WM. T. HAGERTY  
CLERK

**Fees \$1.25 paid by:**

A. B. SHAW  
Attorney at Law  
Clearfield, Pa.

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

FILED  
JAN 17 1952  
WMA. T. HAGERTY  
CLERK

## RELEASE OF DAMAGES

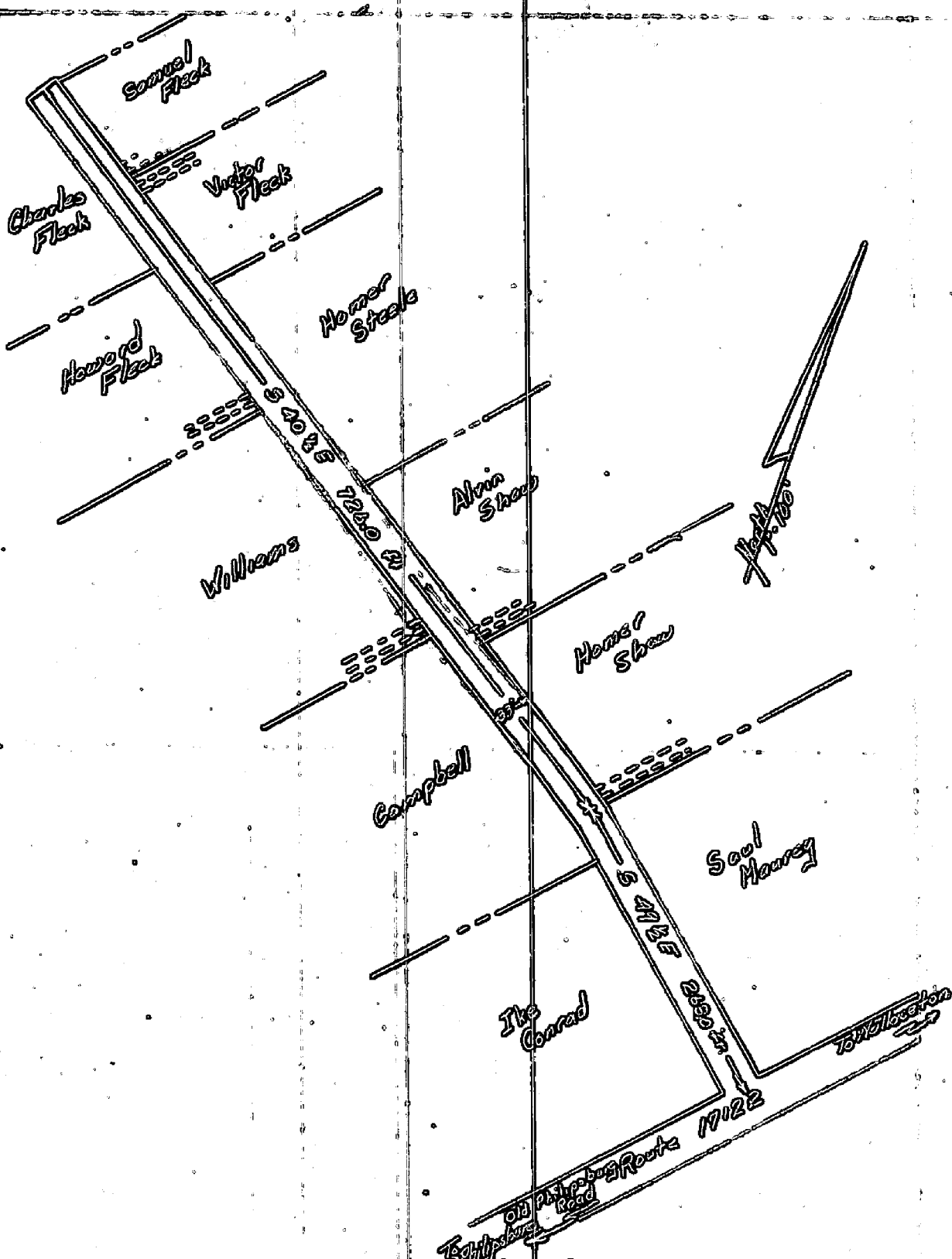
Know all Men by these Presents, that we, the undersigned, owners of lands through which the road located by the viewers, under the annexed order, passes for and in consideration of the sum of one dollar to us respectively paid by The County of Bedford

\_\_\_\_\_ 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. 1951

|   |      |                        |      |
|---|------|------------------------|------|
| <u>Harry Huested</u>                    | SEAL | <u>Samuel K Fleck</u>  | Seal |
| <u>Mrs. Rachel E. Connard</u>           | SEAL | <u>Victor J Fleck</u>  | Seal |
| <u>Miss Florence E. Maurer</u>          | SEAL | <u>Hiram A. Fleck</u>  | Seal |
| <u>                                </u> | SEAL | <u>Harold Campbell</u> | Seal |
|   |      | <u>Wilson Williams</u> | SEAL |
|   |      | <u>Alvin H. Shaver</u> | SEAL |
|   |      | <u>Homer Shaw</u>      | SEAL |



Cont. Of Quarter Sessions Of Clearfield County, Pa.

Read Men. Of September 23, 1951

Wm. D. DeGuzman, Boggs & Tappan, Clearfield Co.

Scale 1" = 100'

Dec. 23, 1951

*J. J. 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

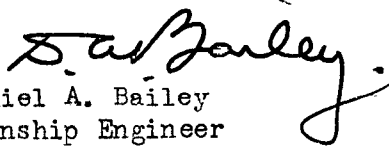
Dear Sir:

We are returning the certified road report identified as # 3 August Sessions 1952 with bill <sup>attached</sup> ~~of~~ 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

  
Daniel A. Bailey  
Township Engineer

19 52

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

1952

[illegible]



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 ad-  
visable 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 ex-  
tending 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 Town-  
ship of Knox have agreed with said property owners that the con-  
templated 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. Hagerly*  
Wm. T. Hagerly, Clerk of the Quarter  
Sessions of Clearfield County, Pa.