

ROAD
DOCKET NO. 7

Number Term Year

2 NOVEMBER 1951

Bradford Township - Petition to
Vacate a portion of Public Road thro
lands of Abbie Lansberry et al

Versus

Ryan - 11/11/51
W. J. -
Abbie Lansberry
et al

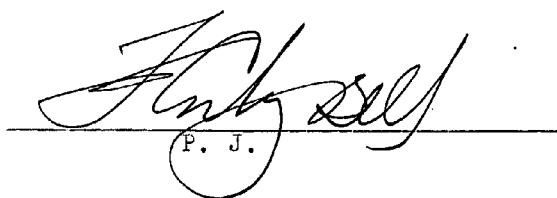
IN THE COURT OF QUARTER SESSIONS, CLEARFIELD COUNTY, PENNSYLVANIA

RE: VACATION OF PART OF TWP. :
ROAD NO. 612 SITUATE WHOLLY :
WITHIN BRADFORD TOWNSHIP, : NO. 2 November SESSIONS, 1951
CLEARFIELD COUNTY, PENNA. :

ORDER OR DECREE NI. SI.

And now October 29 1951, the report of the Board of Road Supervisors of Bradford Township, Clearfield Co. Pennsylvania, relative to the vacation of a part of township road no. 612 having been submitted to the Court and the proceeding having been examined and found 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 days from this date, unless exceptions are filed as allowed by law.

By the Court



P. J.

E Now, November 30, 1951, thirty days having expired since the
ni si confirmation and no exceptions or objections having been
filed thereto, same is confirmed absolute as per Order of Court.

Walter J. Haigerty
Clerk of Courts.

PAUL COURT OF APPEAL
Sessions, Clearfield Co., Pa.
No. 2 November 30, 1951

Re: VACATION OF PART OF RD.
ROAD NO. 612 STATE HIGHWAY
SECTION 37A JUDICTIONAL
CLEARFIELD COUNTY, PA. A.

ORDER OF DECREE AT. ST.

OCT 29

LAW OFFICES
EUGENE KITKO
17 SOUTH SECOND STREET
CLEARFIELD, PA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

RE: VACATION OF PART OF TWP. :
ROAD NO. 612 SITUATE WHOLLY :
WITHIN BRADFORD TOWNSHIP, : No.
CLEARFIELD COUNTY, PENNA. :
SESSIONS, 1961

REPORT OF THE BOARD OF ROAD SUPERVISORS OF
BRADFORD TOWNSHIP, CLEARFIELD CO. PENNA.

TO: the Honorable F. Cortez Bell, presiding judge of said Court:

The report of the Board of Road Supervisors of Bradford twp. Clearfield County, Pennsylvania setting 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. 612 situate wholly within Bradford Township, Clearfield County, Pennsylvania, respectfully represents:

1. That the undersigned are the duly elected qualified and acting road supervisors of Bradford township, Clearfield Co., Pennsylvania.

2. That there was presented to the undersigned as road supervisors of Bradford township, Clearfield County, Pennsylvania pursuant to the provisions of the Act of Assembly above recited a Petition by Michael Killeen, Abbie Lansberry and Geynet Lansberry for the vacation of a part of township road no. 612, a public road situate wholly within Bradford 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. 612 commences at the junction of public road no. 603 and 612, extending northeasterly through the property of Michael Killeen, Abbie Lansberry and

Geynet Lansberry to the western boundary of the land of Michael Killeen. The said township road being approximately 8/10 of a mile 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. 612 of a Hearing to be held on the Petition on Thursday the 18th day of October, 1951 at 7:30 p. m. in the Pleasant Valley Grange Hall, Bradford township, Clearfield County, 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 said notice to be posted in conspicuous places along said township road no. 612 at least ten days prior to the date set for Hearing.

5. That on the 18th day of October, 1951 at 7:30 p. m. in the Pleasant Valley Grange Hall, Bradford township, Clearfield County, Pennsylvania, the undersigned met as the Board of Road Supervisors of Bradford township to hear and determine the matter presented by the Petition of the said Michael Killeen, Abbie Lansberry and Geynet Lansberry.

6. That no protests were filed nor any objections lodged to the part of said township road no. 612 above described nor did any property owner or other person appear at the Hearing in opposition to the same.

7. That evidence was presented at said Hearing with respect to the Hearing and as evidence the undersigned find the following facts:

(A) That township road no. 612 lies wholly within Bradford 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. 612 is a public road having been in existence and used by the public in excess of twenty-one years and said road was not laid out by 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. 612 passes or upon whose land the said road abuts.

(D) The Petitioners seek to have vacated that part of said township road no. 612 described hereinbefore in said report, a draft of which said portion is attached hereto, made a part hereof, and marked Exhibit B.

(E) That said township road no. 612, including the portion hereof sought to be vacated by this proceeding, has been repaired and maintained by the Board of Road Supervisors of Bradford township, Clearfield County, Pennsylvania at the cost of the tax payers generally of Bradford township, Clearfield County, Pennsylvania and is and has been expensive to maintain and repair.

(F) That the portion of township road no. 612 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 Bradford township, Clearfield County, Pennsylvania.

(G) That there are other roads in Bradford township maintained and laid out by the road supervisors of Bradford twp. and the commonwealth of Pennsylvania, particularly improved which are open to and being used by the public in preference to that portion of township road no. 612 sought to be vacated by this proceeding.

(H) That the vacation of that portion of township road no. 612 as hereinbefore described is necessary for the public convenience.

(I) That due and proper notice as required by the Act 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.

8. Pursuant to the proceedings had in this matter after hearing and based upon the evidence submitted to the undersigned the Board of Road Supervisors of Bradford township, Clearfield County, Pennsylvania adopted a Resolution at a meeting of said Board held on the 18th day of October, 1951 at 8:00 p. m. in the Pleasant Valley Grange Hall, Bradford township, Clearfield County, Pennsylvania vacating that portion of township road no. 612 hereinbefore described in this report and as shown upon the draft 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.

9. That subsequent to the passage or approval of said resolution attached hereto as Exhibit C and within ten days thereafter the undersigned caused notice of the passage of Resolution to be given by handbills posted in conspicuous places along the line or portion of township road no. 612 vacated, which said notice stated the fact of the passage or approval of the same.

10. That no damage or benefit to the property owners through whose land township road no. 612 passes or upon whose land the same abuts have resulted from the vacation of that portion of township road no. 612 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 Bradford 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 of ni. si. as allowed by law.

Respectfully submitted,

BOARD OF ROAD SUPERVISORS OF
BRADFORD TOWNSHIP, CLEARFIELD COUNTY,
PENNSYLVANIA

Wiley B Linnadue

Fred Graham

Sam B. Gaskins

EXHIBIT "A"

BEFORE THE ROAD SUPERVISORS OF BRADFORD TWP. CLEARFIELD CO. PENNA.

IN RE: PETITION TO VACATE A PUBLIC
ROAD TO THE ROAD SUPERVISORS OF
BRADFORD TOWNSHIP

Petition of Michael Killeen and Mrs. Abbie Lansberry and Geynet
Lansberry respectfully represents:

(1) That they are the owners of property situate in Bradford
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.
612 which has been used by the public for a period of 21 years and
upwards, which has been maintained and repaired by the use of
tax money for a period of 21 years and upwards.

(3) That said public road is wholly within Bradford township
and passes through or abuts the land of the Petitioners and your
Petitioners constitutes all of the owners of property through
which the said road passes, or upon whose land the said road abuts,
the one terminus of the said road commencing at the junction of
public road 603 and 612 extending northeasterly ^{through} / the property
of Petitioners and extending to the westerly boundary of Michael
Killeen's property, being approximately .8 of a mile.

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

(5) That the said road was not laid out by any act of
assembly nor has it been adopted by the 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 of the acts of
1481, and May 2, 1949 P.L.
July 10, 1947, P.L./819, No. 216 (53 P.S. 1909-1101 et seq.)

Abbie Lansberry

Geynet Lansberry

Michael Killeen

STATE OF PENNSYLVANIA

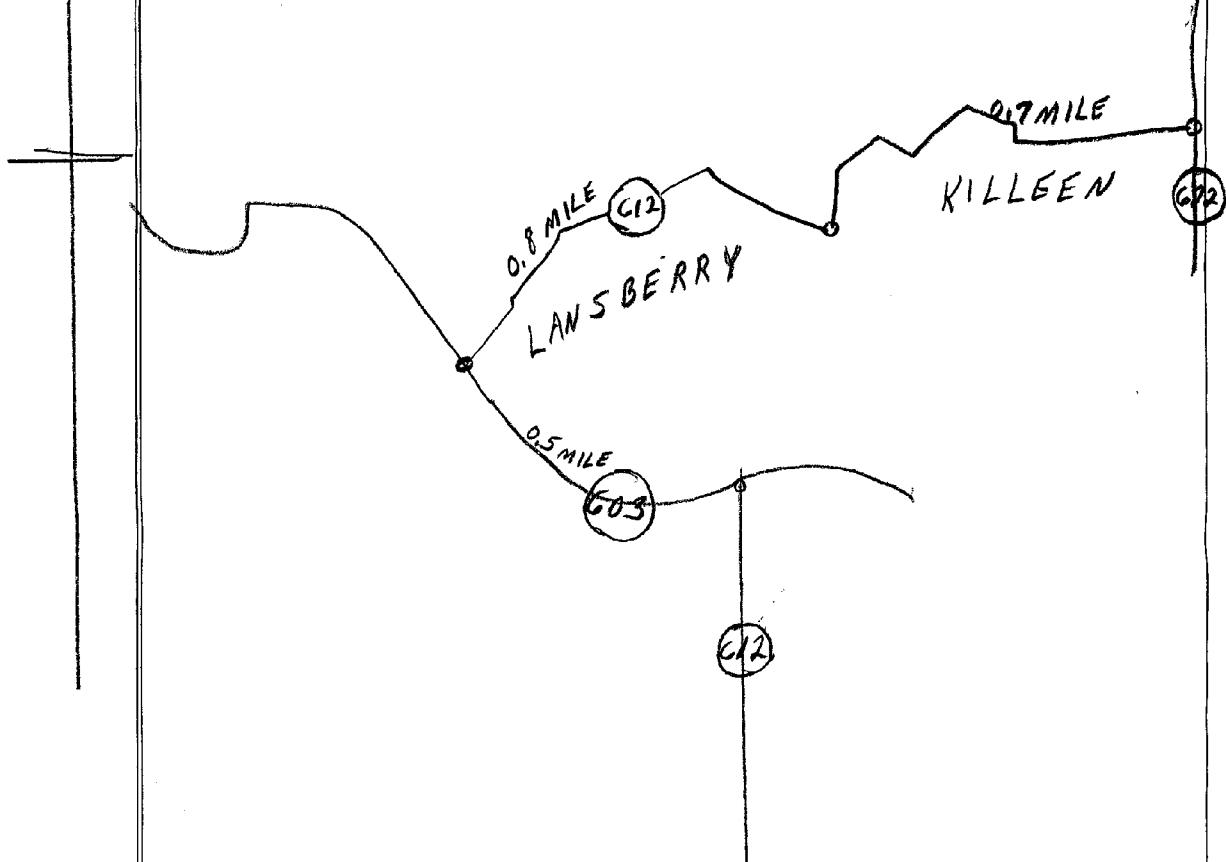
COUNTY OF CLEARFIELD

Abbie
~~Scisset~~ Lansberry 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.

Abbie Lansberry

Sworn and subscribed before me
this day of September, 1851.

EXHIBIT "B"



— PORTION TO BE VACATED

EXHIBIT "C"

RESOLUTION VACATING A PORTION OF TOWNSHIP ROAD NO. 612 SITUATE WHOLLY WITHIN BRADFORD TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA

Whereas Michael Killeen, Abbie Lansberry and Geynet Lansberry presented their Petition to the Board of Road Supervisors of Bradford Township, Clearfield County, Pennsylvania seeking the vacation of the portion of township road no. 612 situate wholly within Bradford township, Clearfield County, Pennsylvania, and

Whereas said township road no. 612 is a public road which has been used by the public and which has been maintained by the Board of Road Supervisors of Bradford Township for upwards of twenty (20) 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 Bradford Township on the 18th day of October 1951 at 7:30 p.m. Eastern Standard Time in the Grange Hall of Bradford Township, 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. 612 as hereinafter described is necessary for the public convenience: NOW THEREFORE BE IT RESOLVED, that the following described portion of township road no. 612 situate wholly within Bradford township, Clearfield County, Pennsylvania, be the same and is hereby vacated:

All that certain portion of township road no. 612 commencing at the junction of the public road 603 and 612 extending northeasterly through the property of Michael Killeen, Abbie Lansberry and Geynet Lansberry and extending to the westerly boundary of Michael Killeen, that property being approximately eight-tenths of a mile.

BE IT FURTHER RESOLVED that notice of the passage or approval of this resolution shall be given by handbills posted in conspicuous places along that road no. 612 hereby vacated which said notice shall state the vacation 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 18th day of October 1951 at 8:30 p.m. in the Grange Hall of Bradford Township, Clearfield County, Pennsylvania.

Board of Road Supervisors of Bradford Township, Clearfield County, Pennsylvania.

Urey Lumadue

Fred Graham

Guy Graffius

IN THE COURT OF COMMON PLEAS
OF THE COMMONWEALTH OF PENNSYLVANIA,
NO. 2, MARCH SESSION, 1861

vs. MARCHANT, JOHN JR. P.M.
AND CO., 612 SPRUCE STREET,
PHILADELPHIA, PENNSYLVANIA,
COMMONWEALTH OF PENNSYLVANIA.

STORY JR. VS. BOARD OF TRUSTEES
OF THE CLEARFIELD HIGH SCHOOL,
CLEARFIELD COUNTY, PENNSYLVANIA.

CT 29

LAW OFFICES
EUGENE KITKO
17 SOUTH SECOND STREET
CLEARFIELD, PA.

\$4.00 Payable