

ROADS

DOCKET NO. 7

NUMBER	TERM	YEAR
<u>2</u>	<u>NOV. SS</u>	<u>1952</u>

IN RE: VACATION OF PART OF TWP. ROAD

NO. 609 SITUATED WHOLLY WITHIN BRADFORD
TWP., ~~CLEARFIELD COUNTY, PA.~~

VERSUS

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

RE: VACTION OF PART OF TWP. :
ROAD NO. 609 SITUATED WHOLLY :
WITHIN BRADFORD TOWNSHIP, CLEAR : NO. *216* SESSIONS, 1952
FIELD COUNTY, PENNSYLVANIA. :

> 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 Township, 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 as further amended by the Act of May 24, 1951, P.L. 370 with respect to the vaction of a part of Township Road No. 609 situate 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 County, Pennsylvania.

2. That at the regular meeting of the said Board of Road Supervisors held on the *4* day of August, 1952, it was decided by the said Board, that part of Township Road No. 609 was unnecessary for the convenience of the public and that said part of Township Road No. 609 should be vacated.

3. That said Township Road No. 609 commences at the intersection of Township Road No. 609 and No. 605; thence extending southward along Township Road No. 609, three thousand (3,000) feet thus extending westerly nine hundred thirty-eight (938) feet; thence extending southwesterly nine hundred thirty-eight (938) feet, being a total of 4,976 feet in length.

recd

4. Upon said decision of the Board of Road Supervisors the undersigned caused written notice to be given to all property owners effected by the vacation of the said part of said Township Road No. 609, of a hearing to be held on said vacation on Thursday, the twenty-eighth (28th) day of August, 1952 at 7:30 p.m. in the office of Eugene G. Kitko at 17 South Second Street, Clearfield, Pennsylvania, which said notice was mailed and received by the property owners effected, at least ten (10) days prior to the date set for the hearing and in addition to by mail as aforesaid, caused at least five (5) copies of said notice to be posted in conspicuous places along said Township Road No. 609 at least ten (10) days prior to the day set for hearing.

5. That on the twenty-eighth (28th) day of August, 1952 at 7:30 p.m., in the office of Eugene G. Kitko at 17 South Second Street, Clearfield, Pennsylvania, the undersigned met as a Board of Road Supervisors of Bradford Township to hear and determine the matter presented at the previous meeting.

6. That no protests were filed nor any objections lodged to the part of said Township Road No. 609 above described, nor did any property owner or any other person appear at the hearing in opposition to the same.

7. That evidence was presented at said hearing, and with respect to the evidence, the undersigned finds the following facts:

(A) That Township Road No. 609 lies wholly within Bradford Township, Clearfield County, Pennsylvania, as does that portion of said Township Road sought to be vacated by this proceedings.

(B) That said Township Road No. 609 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 Board of Road Supervisors pick to be vacated that part of said Township Road No. 609 described hereinbefore in said report, a draft of which said portion is attached hereto made part hereof and marked exhibit A.

(D) That said Township Road No. 609 including the portion hereof sought to be vacated by this proceedings 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.

(E) That the portion of Township Road No. 609 sought to be vacated by this proceedings is not used by the public nor the property owners through whose land the said road passes or upon whose lands 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.

(F) That there are other roads in Bradford Township maintained and laid out by the Road Supervisors of Bradford Township 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. 609 sought to be vacated by this proceedings.

(G) That the vacation of that portion of Township Road No. 609 as herein before described is necessary for the public convenience.

(H) That due and proper notification as required by the Act of Assembly governing this proceedings of the date, time and

place set for the hearing 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 an ordinance at a meeting of said Board held on the 28th day of August 1952 at 8:00 p.m. in the office of Eugene G. Kitko, 17 South Second Street, Clearfield, Pennsylvania vacating that portion of Township Road No. 609 herein before described in this report and as shown upon the draft attached to this report as Exhibit A, a true and correct copy of which said resolution is attached hereto made a part hereof and marked Exhibit B.

9. That subsequent to the passage of approval of said ordinance, attached hereto as Exhibit B, and within ten (10) days thereafter, the undersigned caused notice to the passage of ordinance to be given by hand-bills posted in conspicuous places on the line or portion of Township Road No. 609 vacated, which said notice stated the fact of the passage or approval of the same.

10. That no damage or benefits to the property owners through whose land Township Road No. 609 passes or upon whose land the same abuts have resulted from the vacation of that portion of Township Road No. 609 herein before described, and there is no reason or necessity for the assessment of damages or benefits.

WHEREFORE, the undersigned Board of Road Supervisors of Bradford Township, Clearfield County, Pennsylvania, respectfully requests 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 (30) 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

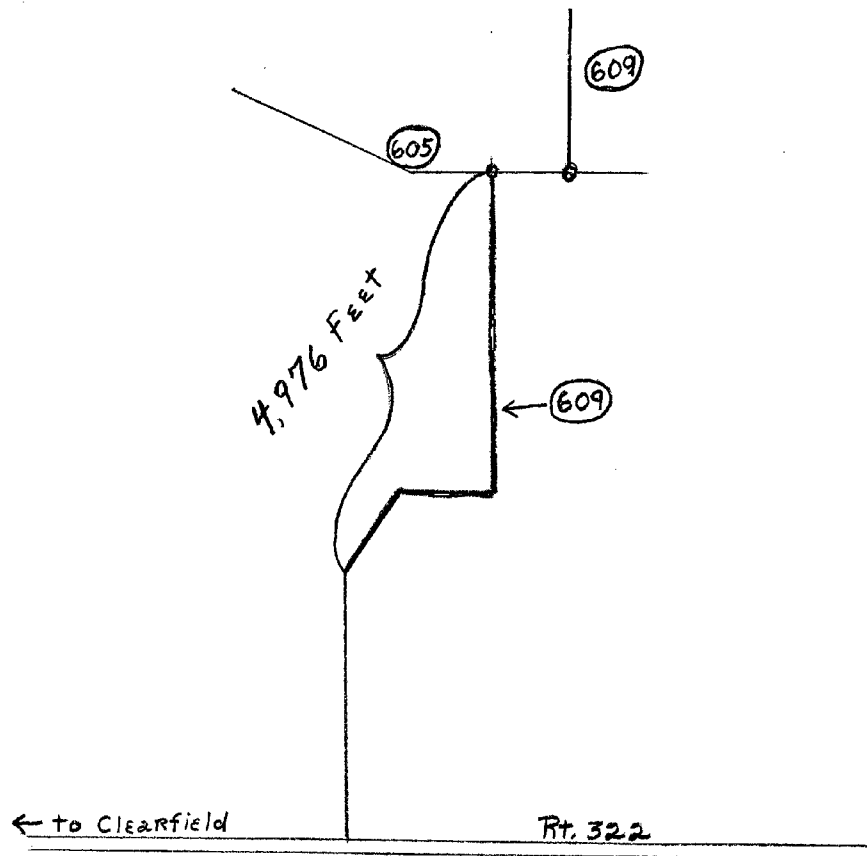
Robert Read

Olney Lummadore

Fred Graham

Record

Exhibit "A"



☆ Vacated Portion Marked in Red

note draft attached

EXHIBIT "B"

ORDINANCE NO. 2

AN ORDINANCE TO VACATE A ROAD WHOLLY WITHIN BRADFORD TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA

WHEREAS, in the judgment of the Supervisors, they have decided to vacate a section of the Township Road hereinafter described, now

THEREFORE, be it ordained and enacted by the Supervisors of Bradford Township, Clearfield County, Pennsylvania, and it is hereby ordained and enacted by authority of the same,

Section 1. That in the judgment of the Supervisors the following described road be, and the same is hereby vacated:

Beginning at the intersection of
Township Road No. 609 and No. 605;
thence extending southerly along
Township Road No. 609, 3000 feet;
thence extending westerly along
Township Road No. 609, 938 feet;
thence extending southwesterly
along said Township Road No. 609,
938 feet. Being 4976 feet in length.

Section 2. That the Township Solicitor is authorized and directed to file a certified copy of this ordinance, along with the report of the Supervisors, in the office of the Court of Quarter Sessions.

Section 3. All ordinances or parts of ordinances inconsistent with, are hereby repealed.

ORDAINED AND ENACTED this 28th day of August, 1952.

ATTEST:

Robert Read

President

Edw. B. Leavish
Secretary

note ordinance attached + 1/2

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

RE: VACATION OF PART OF TWP.
ROAD NO. 609 SITUATED WHOLLY
WITHIN BRADFORD TOWNSHIP,
CLEARFIELD COUNTY, PENNA.

No. 2 Nov. SESSIONS 1952

ORDER OR DECREE NI. SI.

AND NOW, this *8th* day of *Sept*, 1952, the
report of the Board of Road Supervisors of Bradford Township,
Clearfield County, Pennsylvania relative to the vacation of a part
of Township Road No. 609, having been submitted to the Court and
the proceedings having been examined and found according to law
and the matter having been considered, the Report of the Super-
visors 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.

record.

2.58 Nov 1952

FILED
SEP 8 1952
WM. T. HAGERTY
CLERK

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

Now, Oct 9, 1952 No Exceptions ^{filed} after 30 days
having elapsed. Same is confirmed absolute
as per Order of Court. Wm T. Hagerty, Proting