

1 QUART

ROADS

DOCKET NO. 7

NUMBER	TERM	YEAR
3	NOV. SS	1952

IN RE: VACATION AND REFUSAL OF CERTAIN
STREETS AND ALLEYS IN LOEB 2ND.
ADDITION, SITUATE IN SANDY TWP.
CLEARFIELD COUNTY, PA.

VERSUS

STATE OF PENNSYLVANIA : : SS
COUNTY OF CLEARFIELD : :

Fred Hockin, being duly sworn according to law, deposes and says that he is President of the Board of Supervisors of Sandy Township, Clearfield County, Pennsylvania, and that attached hereto is a copy of the notices of the passage of Ordinance No. 7 of said Board, on October 6, 1952, relating to the vacation of certain streets and alleys and the refusal of certain streets and alleys in said Township, which said notices were posted at his direction and under his personal supervision on October 15, 1952, at the following locations in Sandy Township, Clearfield County, Pennsylvania, being the locations of the streets and alleys which were the subject matter of said Ordinance:

1. On Ohio Avenue west of the Horm property line (Lot No. 83)
2. On the 15 foot alley back of the Overall Factory.
3. On the west side of Tip St., opposite the alley between Ohio and Pacific Avenues.
4. On the west side of Tip St., opposite Pacific Avenue.
5. On the west side of Tip St., opposite the alley between Pacific and Atlantic Avenues.
6. On the west side of Tip St. just south of the south line of Atlantic Ave.

Fred Hockin
Fred Hockin

Sworn to and subscribed before me
this 22 day of October, 1952

Merle J. Edman
Notary Public
My com-exp 11/15/52

N O T I C E

Notice is hereby given that Ordinance No. 7 of the Sandy Township Board of Supervisors, being an ordinance vacating and refusing all of the streets and alleys lying West of Tip Street, and South of Tozier Avenue and North of the Triangle Auto Spring Corp. Lot, excepting a portion of Ohio Street, was passed by the Board of Supervisors in regular session assembled on Monday, October 6, 1952.

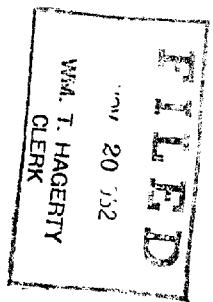
SANDY TOWNSHIP,
BOARD OF SUPERVISORS

FRED HOCKIN

JAMES A. NELSON

WILLIAM H. SALADA

Mo. 3 Nov 22, 1952



PROOF OF PUBLICATION OF NOTICE APPEARING IN THE DUBOIS-COURIER-EXPRESS
 PUBLISHED BY COURIER-EXPRESS PUBLISHING COMPANY
 Under Act No. 587, Approved May 16, 1929, P. L. 1784

State of Pennsylvania } ss:
 County of Clearfield }

J. F. Mohney

of the County, and State aforesaid, being duly sworn, deposes and says that The DuBois Courier-Express is a daily newspaper published by Courier-Express Publishing Company at 56-58 West Long Avenue, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said daily newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the daily newspaper

on the following dates, viz: the 9th day of October, A. D. 1952

Affiant further deposes that he is an officer duly authorized by The DuBois Courier-Express, a daily newspaper, to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

COURIER-EXPRESS PUBLISHING COMPANY

Publisher of
 THE DUBOIS COURIER-EXPRESS

By *J. F. Mohney*

Sworn and subscribed to before me this 18 day of Nov., 1952

ORDINANCE NO. 7

An Ordinance vacating and refusing all of the streets and alleys lying West of Tip Street, and South of Tozier Avenue, and North of the Triangle Auto Spring Corp. Lot, excepting a portion of Ohio Street. BE IT ORDAINED, and it is hereby ordained by the Board of Supervisors of the Township of Sandy, in regular session assembled, as follows:

SECTION I: All that portion of Ohio Street lying West of a line parallel to the right of way of the Baltimore and Ohio Railroad Company and at all points Fifty-nine and four tenths (59.4) feet distant from the said Railroad Company right of way, be and the same is hereby vacated.

SECTION II: All other alleys and parts of alleys and all other streets and parts of streets lying West of Tip Street, in Sandy Township, South of Tozier Avenue, North of the Triangle Auto Spring Corp.

property and East of the Baltimore and Ohio Railroad Company right of way, be and the same are hereby vacated insofar as they are public streets and alleys.

SECTION III: All other alleys and parts of alleys and all other streets and parts of streets lying West of Tip Street, in Sandy Township, South of Tozier Avenue, North of the Triangle Auto Spring Corp. property and East of the Baltimore and Ohio Railroad Company right of way, be and the same are hereby refused as public streets and alleys insofar as they have not been accepted as public streets and alleys heretofore.

ALL other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SANDY TOWNSHIP
 BOARD OF SUPERVISORS,
 Fred Hockin,
 James A. Nelson,
 William H. Salada.

Attest:
 J. A. Nelson, secretary.

W. M. Edm
 Notary Public
 my com. exp 11/15/55.

Statement of Advertising Costs

COURIER-EXPRESS PUBLISHING COMPANY

Publisher of
 THE DUBOIS COURIER-EXPRESS
 DUBOIS, PA.

To *Sandy Township Board Sup.* Dr.

For publishing the notice or advertisement 7.20 attached hereto on the above stated dates \$

Probating same \$.50

Total \$ 7.70

er's Receipt for Advertising Costs

aily newspaper hereby acknowledges receipt of the aforesaid ad-tifies that the same have been fully paid.

, Pa.

COURIER-EXPRESS PUBLISHING COMPANY

Publisher of
 THE DUBOIS COURIER-EXPRESS

By *J. F. Mohney*

is the original Proof of Publication and Receipt for the Ad-
 d notice.

ATTORNEY FOR

In re: Vacation and renunciation of certain streets and alleys
in Loeb Brothers 2nd Addition, situate in Sandy Township,
Clearfield County, Pennsylvania

SUPERVISORS REPORT

The report of the Supervisors of Sandy Township in the matter of the vacation and renunciation of certain streets and alleys in Loeb Brothers 2nd Addition, in Sandy Township, Clearfield County, Pennsylvania, is as follows:

HISTORY

1. At a special meeting of the Sandy Township Supervisors held at the Township Building in the Oklahoma section on September 8, 1952, a petition was presented by Kenneth L. Horm and Lillian Horm, his wife, Leona Armolovich, Anna H. Reitz, and the DuBois Board of Trade, being all of the owners of property lying west of Tip Street in the said Loeb Brothers 2nd Addition, and also being all of the abutting owners on the streets and alleys which are the subject matter of this report. The Triangle Auto Spring Corp., the owner of the adjoining property immediately to the South of Loeb Brothers 2nd Addition, and abutting on one of the alleys concerned in this report, joined and consented to said petition.

2. The said petitioners prayed that the streets and alleys hereinafter described be vacated insofar as their dedication has been heretofore accepted by action of public authority or by user by the public, and that insofar as their dedication has never been accepted, and they have remained unopened and unused, the Supervisors shall refuse to accept such streets and alleys as public streets and alleys. The streets and alleys so referred to are situate in said Township of Sandy, and are more fully described as follows:

All of the streets and alleys in Loeb Brothers 2nd Addition to the City of DuBois lying or situate west of Tip Street as now located and extended, except for that part of Ohio Street lying west of Tip Street which shall be vacated only

west of a line parallel with the right of way of The Baltimore and Ohio Railroad Company and at all points parallel thereto and 59.4 feet distant therefrom, and being the streets and alleys shown shaded in red on the map attached hereto and made a part hereof.

3. A resolution was adopted at the said special meeting of September 8, 1952, adopting the prayer of the petition, and providing that a hearing be held on the intention to vacate and renounce said streets and alleys at a special meeting of the Supervisors to be held at the aforesaid Township Building on September 29, 1952, at 7:00 P. M.

4. Notices of the said hearing were served on all of the petitioners, being all of the abutting property owners, by mailing the same to them on September 18, 1952. A copy of such notice and an affidavit as to service by mail is attached hereto and made a part hereof.

5. At the hearing on September 18, 1952, appearances were made by Robert I. Reed, Esquire, and Mr. George W. Yohe in behalf of the DuBois Board of Trade. No appearances were entered by any of the other abutting owners on said streets and alleys, or by anyone in their behalf.

FINDINGS OF FACT

1. The above named petitioners are all of the owners of land in Loeb Brothers 2nd Addition to the City of DuBois, which lies or is situate west of Tip Street as now located and extended in said Addition, and are all of the abutting owners in said Addition to the streets and alleys hereinabove more fully described.

2. Streets and alleys were laid out and dedicated on a plan of lots known as Loeb Brothers 2nd Addition to the City of DuBois, as filed in the office of the Recorder of Deeds at Clearfield, Penna., in May, 1903, in Miscellaneous Book T, page 389, and also on a plan of an extension to said Addition, filed in the same office on January 5, 1906, in Miscellaneous Book W, page 247.

3. Certain of the streets and alleys in the aforesaid Loeb Brothers 2nd Addition have been opened, changed or extended by proceedings in the Court of Quarter Sessions at Clearfield County such as the proceedings to No. 6 May SS, 1920, and No. 4 September SS, 1913. Other streets and alleys in said addition have been used by the public and the property owners abutting thereon without formal action or acceptance by public authority.

4. So far as the streets and alleys west of Tip Street are concerned, there is evidence that the dedication of that part of Ohio Avenue lying west of Tip Street has been accepted by public use. Kenneth L. Horm, et ux, and Leona Armolovich, widow, and their predecessors in title have used the said street for access to their dwelling houses facing and abutting thereon. There is no evidence of the acceptance of the dedication of the remaining streets and alleys west of Tip Street either by action of public authority or by use by the public. Except for part of Ohio Street as aforesaid, these streets and alleys have not been used by the public for very many years, if ever.

5. Except for that part of Ohio Avenue lying west of Tip Street the said streets and alleys exist only on the plan of Loeb Brothers 2nd Addition, and have not been laid out or designated on the land.

6. All of the streets and alleys lying to the west of Tip Street are dead end streets and alleys. They do not provide access to any lands other than that owned by the petitioners and The Triangle Auto Spring Corp. None of said streets and alleys now cross the right of way of The Baltimore and Ohio Railroad Company, and there is no likelihood that they will ever cross said right of way.

7. The said streets and alleys shaded in red on the map attached hereto are not used for and are not necessary for trunk water or sewer mains.

8. The lands traversed by these streets and alleys are in part swampy land with stagnant pools of water, and the area has been used for unauthorized dumping of trash by persons unknown.

9. The said streets and alleys are not required for fire or police protection to any of the buildings or structures in their vicinity, and in fact there is inadequate police protection in this area, and this inadequacy would be intensified if these streets and alleys were to be opened and used.

10. The said streets and alleys as shaded in red on the attached map are not used by or necessary for use by the public, serve no public purpose, and it would be a detriment to the public by way of an unreasonable expense to accept, open, use or maintain the said streets and alleys as public streets and alleys.

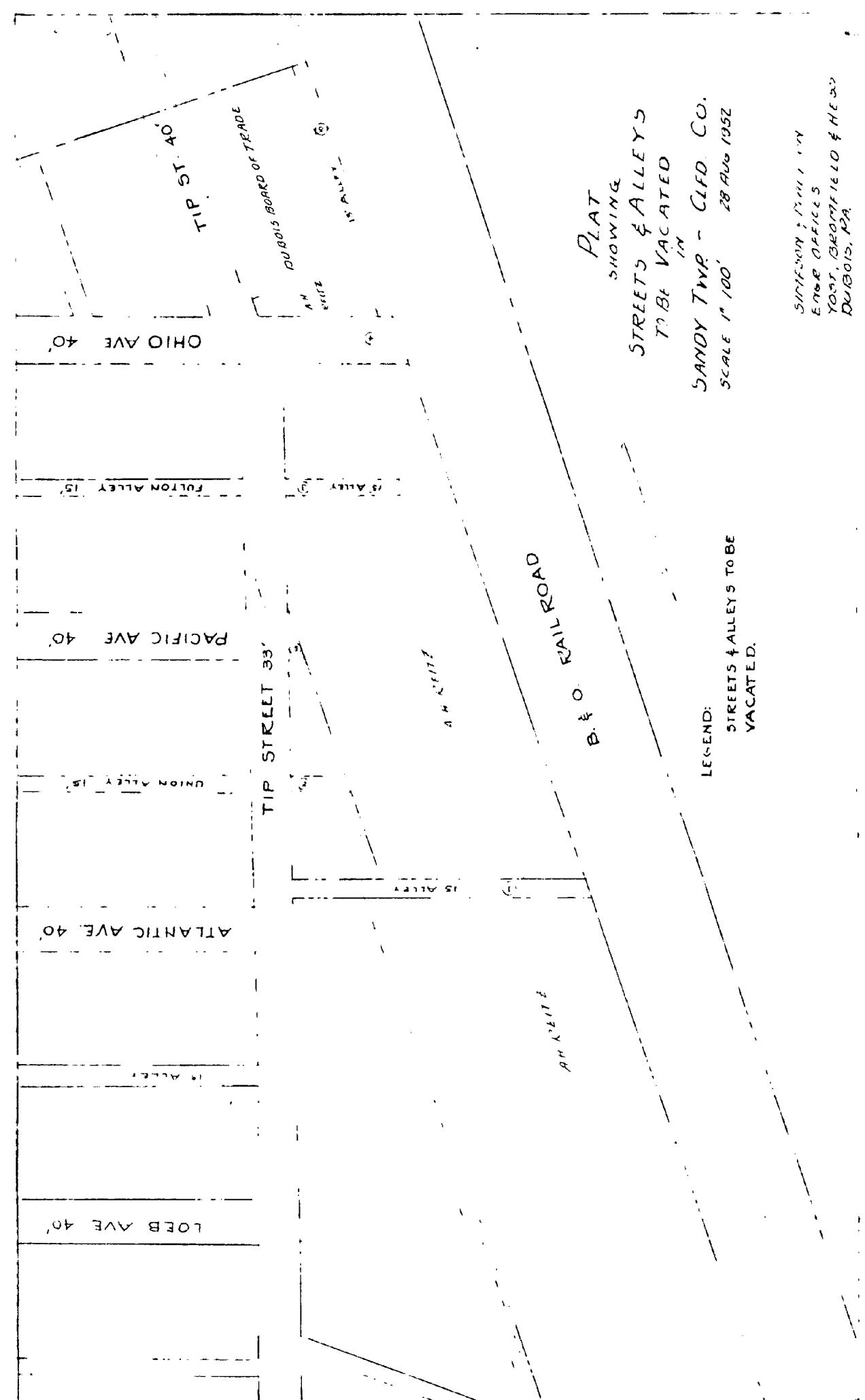
CONCLUSION

The Supervisors of Sandy Township, therefore, do unanimously conclude, based on the foregoing findings of fact, and also on the fact that no objections were made or testimony offered in opposition to the aforesaid petition, that the prayer of the petition should be and hereby is granted and approved, and that an Ordinance shall be enacted declaring that the streets and alleys lying to the west of Tip Street as hereinabove described shall be vacated insofar as their dedication has been heretofore accepted by action of public authority or by public user, and that insofar as their dedication has never been so accepted, and they have remained unopened and unused, the Supervisors shall refuse them as public streets and alleys.

SANDY TOWNSHIP
BOARD OF SUPERVISORS

Fred Hockin

James A. Nelson Secy
William H. Schodek



STATE OF PENNSYLVANIA : : SS
COUNTY OF CLEARFIELD : :

Robert I. Reed, being duly sworn according to law, deposes and says that he served the attached notice of Supervisors hearing by mailing copies of the same by U. S. Mail on September 18, 1952, at DuBois, Pennsylvania, to the following persons:

Kenneth L Horm and Lillian Horm, R. D. #1, DuBois, Pa.
Leona Armolovich, R. D. #1, DuBois, Pa.
Anna H. Reitz, 17 N. High St., DuBois, Pa.
DuBois Board of Trade, DuBois, Penna.
Triangle Auto Spring Corp., DuBois, Penna.

Robert I. Reed

Sworn to and subscribed before me
this 6th day of October, 1952

Rich E. Matthews
DuBois Pa
My Com. expires
2-1-53

In re: Vacation of certain Streets and Alleys in Loeb Brothers
2nd Addition, situate in Sandy Township, Clearfield County,
Pennsylvania

NOTICE

To: Kenneth L. Horm and Lillian Horm, his wife
Leona Armolovich
Anna H. Keitz
DuBois Board of Trade
Triangle Auto Spring Corporation

Notice is hereby given that the Supervisors of Sandy Township, at a special meeting held at the Township Building at Oklahoma on September 8, 1952, adopted a resolution to vacate, insofar as they are public, and to refuse to accept, insofar as they are not public, certain streets and alleys in Loeb Brothers 2nd Addition to the City of DuBois, situate in the Township of Sandy, Clearfield County, Pennsylvania, and that a hearing will be held on September 29, 1952, at 7:00 P.M. at the aforesaid Township Building at Oklahoma where and when the addressees hereinabove set forth, being all of the abutting owners on said streets and alleys, may appear and be heard, with witnesses, if they so desire.

Sandy Township Supervisors

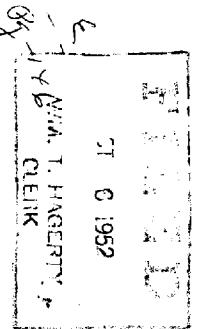
By J. Nelson
Secretary

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 3 Nov. 22, 1952

In re: Vacation and refusal of
certain streets and
alleys in Loeb Bros.
2nd Addition, situate
in Sandy Township,
Clearfield County, Pa.

REPORT OF THE SANDY TOWNSHIP
SHIP BOARD OF SUPERVISORS



Robert R. Reed
Atty.

400