

DOCKET NO. 7 ROAD

NUMBER

TERM

YEAR

2

NOVEMBER

1953

Laying out and Opening of Two Private
ROADS into Public Roads in the
Village of Karthaus. Pa.

VERSUS

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: LAYING OUT AND OPENING OF :
TWO PRIVATE ROADS INTO :
PUBLIC ROADS WITHIN THE : *now*
VILLAGE OF KARTHAUS, KARTHAUS : NO. 2, DECEMBER TERM, 1953
TOWNSHIP, CLEARFIELD COUNTY, :
PENNSYLVANIA. :

REPORT OF THE BOARD OF SUPERVISORS OF
KARTHAUS TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA

TO: The Honorable F. Cortez Bell, President Judge of said Court;

The report of the Board of Supervisors of Karthaus Township, Clearfield County, Pennsylvania, setting as a board of viewers under and by virtue of the authority of the Act of May 1, 1953, P.L. 113, 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 laying out and opening of two (2) private roads situate within the Village of Karthaus, Karthaus Township, Clearfield County, Pennsylvania, respectfully represents:

1. That the undersigned are duly elected, qualified and acting road supervisors of Karthaus Township, Clearfield County, Pennsylvania.

2. That there was presented to the undersigned, as Road Supervisors of Karthaus Township, Clearfield County, Pennsylvania, pursuant to the provisions of the Act of Assembly above recited, two (2) petitions for the laying out and opening of two (2) roads in the Village of Karthaus, Karthaus Township, Clearfield County, Pennsylvania. The first petition being by William I. Flegal, et al, a true and correct copy of which said petition is attached hereto, made a part hereof and marked Exhibit "A". The second petition being a petition of Hugh Hoover, et al, a true and correct copy of which said petition is attached hereto, made a part hereof and marked Exhibit "B".

3. That the road provided for in the petition marked Exhibit "A" commences at a point on Pennsylvania Highway Route No. 879 at the northeast corner of the Norman Rougeux property and the northwest corner of the W. I. Flegal property; thence extending south $7^{\circ} 33'$ east along the private road which is known as Hurxthal Street in the Village of Karthaus to a point at the intersection of said Hurxthal Street and a private street which is known as Thomas Street; thence along said Thomas Street north $82^{\circ} 15'$ east to a point in the Pennsylvania Highway Route No. 879, said route being a distance of 802.85 feet. A draft or plan of said road being attached hereto, made a part hereof and marked Exhibit "C".

4. That the road provided for in the petition marked Exhibit "B" commences at a point on Township Road No. 17068 at the northeast corner of the Roy Fullington property and the southeast corner of the Robert Potter property; thence along a private street in the Village of Karthaus known as Market Street south $81^{\circ} 59'$ west to a point at the Hugh Hoover property where the said Market Street curves to the left; thence still along said Market Street north $48^{\circ} 45'$ west to a point at the southwest corner of the Robert Kolboski property and the road which leads to Township Road No. 17068, said road being a distance of 825 feet. A draft or plan of said road is attached hereto, made a part hereof and marked Exhibit "D".

5. Upon presentation of the petitions, the undersigned caused written notice to be given to all property owners effected by the laying out and opening of said roads of a hearing to be held on said petitions on Monday, November 2, 1953 at 7:00 p.m. at the home of R. J. Potter in the Village of Karthaus, Karthaus Township, Clearfield County, Pennsylvania; which notice was mailed

and received by the property owners effected, at least ten (10) days prior to the date set for hearing, and in addition to written notice as aforesaid, caused copies of said notice to be posted in conspicuous places along said purposed roads at least ten (10) days prior to the date set for hearing.

6. That on the 2d day of November, 1953 at 7:00 p.m. at the home of R. J. Potter, the undersigned met as a Board of Road Supervisors of Karthaus Township, to hear and determine the matter presented by said petitions.

7. That at such hearing, parties for and against said laying out and opening of the purposed roads were heard by the Board of Supervisors.

8. That from the evidence presented at said hearing, the undersigned finds the following facts:

(a) That the purposed roads to be laid out and opened lie wholly within the Village of Karthaus, Karthaus Township, Clearfield County, Pennsylvania.

(b) That said purposed roads are private roads which have been in existence and used by the public in excess of twenty-one (21) years.

(c) That the petitioners constitute a majority in interest of the property owners through whose land said purposed roads pass or abute.

(d) The petitioners seek to have laid out and opened the purposed roads as described hereinbefore in said report and which are shown upon drafts attached hereto, made a part hereof and marked Exhibits "C" and "D".

(e) That the purposed roads have not been maintained by the Road Supervisors of Karthaus Township and as a result, have fallen into disrepair.

(f) That the purposed roads to be laid out and opened by this proceedings are of great convenience and benefit to the public and the property owners adjoining or abutting the same.

(g) That there are no other roads in Karthaus Township which can be used by the public or the property owners adjoining or abutting said purposed roads to reach said properties.

(h) That the laying out and opening of said purposed roads as hereinbefore described are necessary to the public convenience and benefit.

(1) That due and proper notice, as required by the Act of Assembly covering this proceedings of the date, time and place set for hearing on the petition, was given to all parties in interest and the cause general has been proceeded with, in compliance with the provisions of the Act of Assembly above recited.

9. 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 Karthaus Township, Clearfield County, Pennsylvania, adopted an ordinance at a meeting of said Board held on the 2d day of November, 1953 at 8:00 p.m. at the home of R. J. Potter in the Village of Karthaus, Karthaus Township, Clearfield County, Pennsylvania, laying out and opening the two (2) streets as set forth in Exhibits "C" and "D" to the width of thirty-three (33) feet. A true and correct copy of said ordinance is attached hereto, made a part hereof and marked Exhibit "E".

10. That no damage or benefits to the property owners, through whose lands said roads pass or upon whose land the same abutes, have resulted from the laying out and opening of said roads hereinbefore described and there is no reason or necessity for damages or benefits.

WHEREFORE, the undersigned Board of Road Supervisors of Karthaus 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 confirmation Ni. Si. as allowed by law.

Respectfully submitted,

A. E. Stroup
M. J. Cole
R. J. Potter
Board of Supervisors of Karthaus Town-
ship, Clearfield County, Pennsylvania.

EXHIBIT "A"

PETITION

TO THE HONORABLE
BOARD OF SUPERVISORS OF KARTHAUS TOWNSHIP, CLEARFIELD CO., PA.

WHEREAS, the southern end of Hurxthal Street and the eastern end of Thomas Streets, extending from the Norman Rougeux corner at Penna Route #879, via Shadecks Hotel, the Karthaus Volunteer Fire Building, and Grange Hall to Penna Route #879 at the James Hoffman Storage Building, in the Village of Karthaus, has never heretofore been properly graded and place in passable condition at all times of the year, and

Whereas, Two service organizations and one other business place is located on the said Street, and particularly the Fire Company must depend on the public for their very existence and continued service to the public and the other Hall and place of business, together with the residents along the said streets, to enable patrons of the business and residents to conveniently get to and from their places.

THEREFORE We, the undersigned freeholders hereby respectfully the Honorable Board of Supervisors to grade and drain the said two parts of streets, and place then in passible condition for use at all times of the year, as provided in Sec, 1101 Of The Township Coade. and we will ever pray, etc.,

- | | |
|--------------------------------------|----------------------------------|
| 1. William I. Flegal, Karthaus | 19. A. J. Monre, Karthaus |
| 2. Inez E. Thrasher, Karthaus | 20. Graydon Teats, Karthaus |
| 3. Fred C. Miller, Karthaus | 21. Arthur C. Lewis, Karthaus |
| 4. Irwin Rougeux, Karthaus | 22. Reese Miller, Karthaus |
| 5. Robert D. Manor, Karthaus | 23. Paul Shadeck, Karthaus |
| 6. J. C. Miller, Karthaus | 24. Raymond Rauch, Karthaus |
| 7. Edward Jury, Karthaus | 25. Guy Teats, Pottersdale |
| 8. June Jury, Karthaus | 26. L. A. Renaud, Karthaus |
| 9. Ed Rowney, Karthaus | 27. Robert Potter, Karthaus |
| 10. K. K. Bradford, Master of Grange | 28. James F. Rolley, Karthaus |
| 11. Cyrus R. Lanager, Pres. Fire Co. | 29. Richard Reiter, Karthaus |
| 12. N. B. Rougeux, Karthaus | 30. Lloyd Rolley, Karthaus |
| 13. John Shadeck, Karthaus | 31. Harry I. McCloskey, Karthaus |
| 14. Wm. Boyd Shadeck, Karthaus | 32. L. F. Verbuck, Karthaus |
| 15. Wm. F. Renard, Karthaus | 33. Irwin Rauch, Karthaus |
| 16. Russell C. Norton, Karthaus | 34. H. M. McDowell, Karthaus |
| 17. Chas Shadeck, Karthaus | 35. Ross L. Stroup, Karthaus |
| 18. George A. Shadeck | 36. George B. Stroup, Karthaus |

EXHIBIT "B"

PETITION

To the Board of Supervisors of Karthaus Township,

GREETING; Whereas the undersigned petitioners reside in a part of the village of Karthaus, without our properties being adjoined by an adequate Public Highway, and our only facility for ingress and egress is over a Private Road, slightly improved many years ago, by the Trustees of the P. A. Karthaus Estate, and

Whereas the said private road is not adequately constructed or drained and becomes impassible frequently.

THEREFORE in order that we may be provided with a Public Road over which we can travel, and transport supplies to or from our homes we hereby respectfully petition the Honorable Board of Supervisors of Karthaus Township, to take over the said private road by resolution as provided in Sec 1101 of the current Road law. and thereafter place and keep the said road, to extend from the corner near the Robert Potter property, to the west side of the Street near the residence of Frank Moore, occupied by James L. Moore, a distance of about 900 feet. in reasonably good and passable condition.

NAME	ADDRESS	FOOT FRONTAGE
1. Hugh Hoover	Karthaus, Pa.	100
2. John Couteret, Jr.	Karthaus, Pa.	100
3. George G. Stroup	Karthaus, Pa.	
4. Jas. F. Rolley	Karthaus, Pa.	140
5. Pat Bamat	Karthaus, Pa.	
6. Lester Wooster	Karthaus, Pa.	
7. Phil Reese	Karthaus, Pa.	
8. Robert Potter	Karthaus, Pa.	70 ft.
9. A. P. Solomon	Karthaus, Pa.	
10. W. P. Rolley	Karthaus, Pa.	100 ft.
11. Raymond Rauch	Karthaus, Pa.	
12. Mrs. Frank Schnars	Karthaus, Pa.	100 ft.
13. Frank Schnars	Karthaus, Pa.	100 ft.
14. A. J. Moore	Karthaus, Pa.	
15. Cyrus R. Lanager	Karthaus, Pa.	100 ft.
16. John Teats	Karthaus, Pa.	
17. L. H. Hahn	Karthaus, Pa.	
18. Robert Kalwoski	Karthaus, Pa.	100 ft.
19. Lloyd Hoover	Karthaus, Pa.	
20. Edward Rowssey	Karthaus, Pa.	
21. H. E. McGovern	Karthaus, Pa.	
22. James L. Moore	Karthaus, Pa.	50 ft.
23. John Burfield	Karthaus, Pa.	
24. Hilary Picard	Karthaus, Pa.	
25. Kenneth Paul	Karthaus, Pa.	100 ft.
26. Lawrence E. Leigey	Karthaus, Pa.	
27. Dolly C. Leigey	Karthaus, Pa.	100 ft.
28. Isabelle Rolley	Karthaus, Pa.	
29. Laverne Wooster	Karthaus, Pa.	
30. Norman A. Stiner	Karthaus, Pa.	100 ft.
31. Chas Shadeck	Karthaus, Pa.	
32. George Trimpey	Karthaus, Pa.	
33. N. B. Rougeux	Karthaus, Pa.	
34. Boyd Shadeck	Karthaus, Pa.	
35. George J. Shadeck	Karthaus, Pa.	

	NAME	ADDRESS	FOOT FRONTAGE
36.	George A. Shadeck	Karthauss, Pa.	
37.	Ross L. Shoup	Karthauss, Pa.	
38.	Graydon Tests	Karthauss, Pa.	
39.	Delee Reiter	Karthauss, Pa.	
40.	Charles Miller	Karthauss, Pa.	
41.	Hary W. (illegible)	Karthauss, Pa.	
42.	David Rees	Karthauss, Pa.	
43.	Ross Rolley	Karthauss, Pa.	
44.	Donald Potter	Karthauss, Pa.	
45.	Robert Guenot	Karthauss, Pa.	

PROPOSED TOWNSHIP ROAD

7-25-53

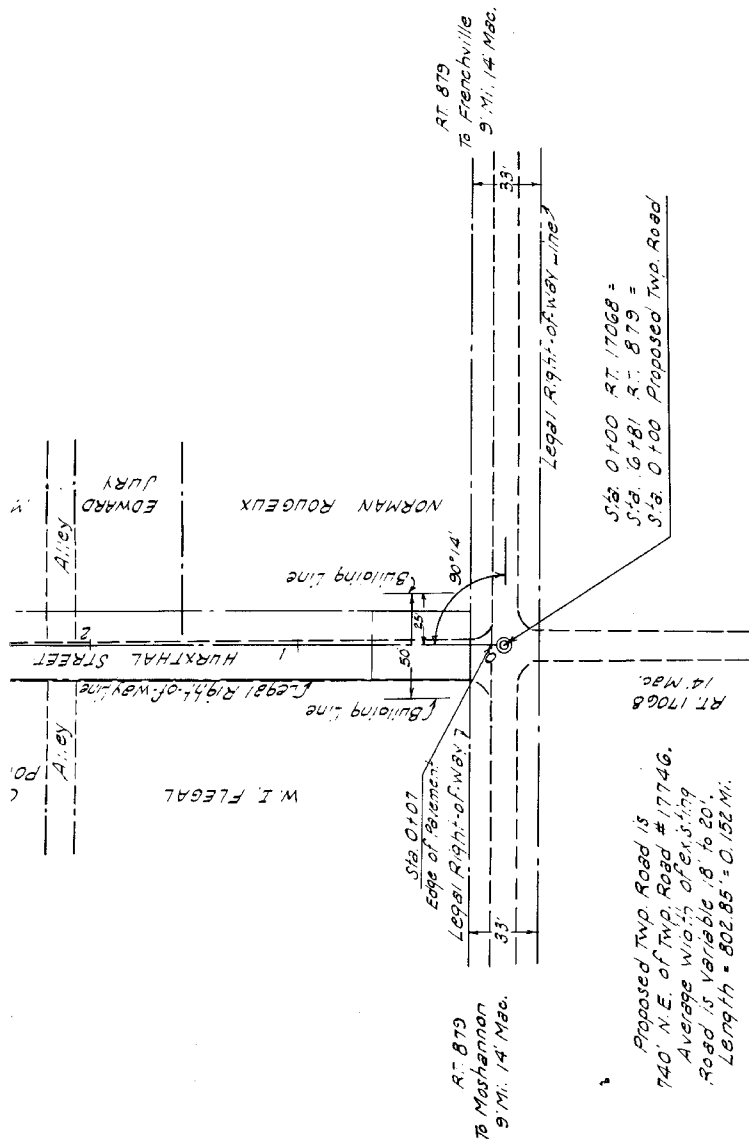


EXHIBIT "E"

ORDINANCE NO.

AN ORDINANCE TO LAY OUT AND OPEN UP TWO ROADS WITHIN THE
VILLAGE OF KARTHAUS, KARTHAUS TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA

WHEREAS, a majority in interest of the owners of property have petitioned to lay out and open up two (2) roads in the village of Karthaus, Karthaus Township, Clearfield County, Pennsylvania, hereinafter described.

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

SECTION 1. That pursuant to the petitions aforesaid, the following described roads be and the same are hereby laid out and opened as public roads:

COMMENCING at a point on Pennsylvania Highway Route No. 879 at the northeast corner of the Norman Rougeux property and the northwest corner of the W. I. Flegal property; thence extending south $7^{\circ} 33'$ east along the private road which is known as Hurxthal Street in the Village of Karthaus to a point at the intersection of said Hurxthal Street and a private street which is known as Thomas Street; thence along said Thomas Street north $82^{\circ} 15'$ east to a point in the Pennsylvania Highway Route No. 879, said route being a distance of 802.85 feet.

COMMENCING at a point on Township Road No. 17068 at the northeast corner of the Roy Fullington property and the southeast corner of the Robert Potter property; thence along a private street in the Village of Karthaus known as Market Street south $81^{\circ} 59'$ west to a point at the Hugh Hoover property where the said Market Street curves to the left; thence still along said Market Street north $48^{\circ} 45'$ west to a point at the southwest corner of the Robert Kolboski property and the road which leads to Township Road No. 17068, said road being a distance of 825 feet.

SECTION 2. That the above described roads shall be of the width of thirty-three (33) feet as provided in the drafts of said roads.

SECTION 3. That the Township solicitor is directed to file a certified copy of this ordinance along with the report of the findings in the office of the Clerk of the Court of Quarter Sessions.

SECTION 4. All ordinances or parts of ordinances consistant herewith are hereby repealed.

ORDAINED AND ENACTED this 2d day of November, 1953.

ATTEST:

Mrs. Irene Potter
SECRETARY

H. E. Stroup
PRESIDENT

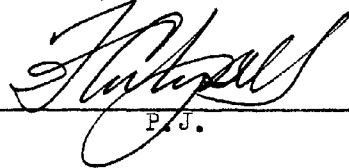
IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: LAYING OUT AND OPENING OF TWO :
PRIVATE ROADS INTO PUBLIC ROADS:
WITHIN THE VILLAGE OF KARTHAUS,;NO. , DECEMBER TERM, 1953
KARTHAUS TOWNSHIP, CLEARFIELD :
COUNTY, PENNSYLVANIA. :

ORDER OR DECREE NI. SI.

AND NOW this 16 day of November, 1953, the report of the Road Supervisors of Karthaus Township, Clearfield County, Pennsylvania, relative to the laying out and opening of two (2) roads in the Village of Karthaus, Karthaus Township, Clearfield County, Pennsylvania having been submitted to the Court and the proceedings having been examined and having been 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 (30) days from this date unless exceptions are filed as allowed by law.

By the Court,


P.J.

IN THE COURT OF QUARTER SESSIONS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

10. , DECEMBER 1953

No. 2 Nov. 21 1953

IN RE: LAYING OUT AND OPENING OF
TWO PRIVATE ROADS INTO
PUBLIC ROADS WITHIN THE
VILLAGE OF KATHAUS,
KATHAUS TOWNSHIP,
CLEARFIELD COUNTY,
PENNSYLVANIA.

REPORT

23 1953

EUGENE G. KIRAC
Attorney at Law
17 So. Second Street
Clearfield, Pa.

100 By atty

Now. Jan. 11. 1954. No Exceptions
or Objections filed within
report and proceedings are
confirmed absolute
Wm T. Hagerty.
Clerk of Courts