

Road DOCKET NO. 7

NUMBER	TERM	YEAR
<u>2</u>	August 28	1953.

In Re: Request for Township road

Decatur Township

VERSUS

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February 6th, 1952

We the undersigned property owners whose property borders along the proposed township road.

BEGINNING at the intersecting corner of Route 53 near the Dunlap Service Station; THENCE in a Northerly direction to an intersection at the corner of the William Smiley property; THENCE in a Westerly direction to the intersection with the Township road leading from Route 53 to Gearhartville.

We hereby grant and release unto the Decatur Township Road Board a thirty-three (33) foot right of way and release them from any and all damage that may occur in the construction of the above described road.

Wilfred Lamb  
Charles Vaughn  
Hannah Rodgess  
David E Erick  
William Smiley  
John Richmond  
Albert Hood  
William Nolan

Frances Lamb,  
Mary Frances Vaughn  
Verna H. Erick  
Margert Smiley  
Emma Richmond  
Debel Wood  
Verna Nolan

February 6th, 1952

We the undersigned Electors and Taxpayers of Decatur Township, Clearfield County, Pennsylvania hereby presents petition the Decatur Township Road Board to take over, keep and maintain as a township public road the following described road:

BEGINNING and intersecting with Route 53 at the Ernest Dunlap Service Station; THENCE in a Northern direction to the intersecting corner at the residence of William Smiley. THENCE in a Westerly direction to the intersection of Township Road leading from Route 53 to Gearhartville. Along said road are 13 property owners.

Wilfred Lamb  
William Smiley

Frances Lamb.

Mary Frances Vaughn  
Hannah Rodgers  
Opie E. Einrich.

John G. Bamey  
John C. Bamey  
Ernest Dunlap

John Richmond  
Shirley Low Schenre.  
Albert Wood  
William Nolan

William Richmond

Thos Botwright  
Mrs Thos Botwright  
Arthur Bordes

Leona Stone

W. A. Lepke

Adeline Barbance  
Elvyn Clark

Charles Vaughn  
Mildred Klett

Verna H. Einrich

Margaret L. Rodgers.  
Enoch Rodgers.  
Margert Smiley

Alice M. Bamey  
George Bamey  
Ruth Bamey

Emma Richmond  
George Patrick  
Isabel Wood

Verna Nolan

Christine Bordes

Bethel Smith

Emerson Stone

Helen Richmond

Florence Clark

Betha Klett.

Paul Klett.

Wilfred Rodgers.



Donna Baturight  
Barbara Rodgers  
Ruth Gearhart  
Elspao Rodgers  
Thomas Clark  
Thomas L Causier  
Roswell Bulleworth Jr.  
Rebecca Watson  
Kathryn Twiss  
Janet Twiss  
William C Brown  
Mary Ann Brown  
Mrs Herbert Pierson  
Herbert Pierson  
Elizabeth Schnars  
Ada Stratton  
Harold L Kephart  
Emma Kephart  
Rev S. S. Burke

John Gearhart  
Harvey Rodgers  
Vannie Brown  
James Brown  
Michael Legman  
Fred C Ladenberger  
Sue Beach  
Ben Hughes  
Cornelius G Twiss  
Aaron H. Twiss  
Mrs Rena Bell Schnars  
Valter B Schnars  
Harold Wain  
Frances Wain  
Mrs. Ben Hughes  
Mrs. Tom R. Helich  
Morilla Brown  
Olive E. Wain  
Mrs Mary Burke  
Mrs. Frances Stratton  
Mrs Mary Hadash

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

INRE:

REQUEST FOR TOWNSHIP ROAD,  
DECATUR TOWNSHIP

WILFRED LAMB, WILLIAM SMILEY, CHARLES VAUGHN, J. L.

RICHMOND and ALBERT WOOD respectfully petition your Honorable Court under the Act of July 10, 1947 P. L. 1481 sec. 15; as amended by the Act of May 2, 1949, P. L. 819 No. 216 sec. 1; Act of May 24, 1951 P. L. 370 sec. 13; as follows:

1. Your petitioners are electors and tax payers of Decatur Township, Clearfield County, Pennsylvania.

2. This petition is presented to require the Township Supervisors of Decatur Township, Clearfield County, Penna. to take over, keep and maintain as a township road the following described road located in Decatur Township, Clearfield County, Pa.:

BEGINNING and intersecting with Route 53 at the Ernest Dunlap Service Station; thence in a Northern direction to the intersecting corner at the residence of William Smiley; thence in a Westerly direction to the intersection of township road leading from Route 53 to Gearhartville.

3. A petition signed by 82 electors and tax payers of Decatur Township requesting the township supervisors of Decatur Township, Clearfield County, Penna. to take over, keep and maintain the aforesaid road as a township road, was presented to the township supervisors of Decatur Township at a regular meeting of the said township supervisors on or about April 7, 1952.

4. The property owners along such proposed township road have all signed a grant and release of a 33 foot right of way for such road to Decatur Township Road Board and a release of damage which might incur in the completion of the aforesaid road, said petition and grant are attached and made a part hereof.

5. There are 13 property owners along such proposed road.

6. The township supervisors of Decatur Township, Clearfield County, Penna. have retained in their possession copy of the aforesaid petition and

release and refuse to act thereon from April 7, 1952, to the present time, a period in excess of 60 days.

7. Attached hereto is a road map of Decatur Township, Clearfield County, on which the proposed township road is marked in red, showing it to be a strip of approximately 3000 feet.

WHEREFORE, your petitioners pray your Honorable Court that viewers be appointed and proceedings now be had on this petition under the general roading law as authorized by Act of July 10, 1947 P. L. 1481 sec. 15; as amended by the Act of May 2, 1949, P. L. 819 No. 216 sec. 1; Act of May 24, 1951 P. L. 370 sec. 13.

And they will ever pray.

Albert Hood

Wilfred Lamb

Charles Vaughn

William Smith

John Richmond

✓

STATE OF PENNSYLVANIA :

COUNTY OF CLEARFIELD : SS:

Before me, the undersigned officer, personally appeared \_\_\_\_\_

Charles Vaughan. who 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 knowledge, information and belief.

Charles Vaughan

Sworn and subscribed

to before me, this

18th day of August

A. D. 1953.

Steel Buttenworth Jr.

MY COMMISSION EXPIRES  
FIRST MONDAY IN JAN. 1954

ORDER

NOW, this ~~31st~~ day of August, 1953, the within Petition having read and considered, and it appearing that the petitioners are electors and taxpayers of Decatur Township, Clearfield County, Pennsylvania, and it appearing that as such electors and taxpayers the petitioners presented their petition to the Township Supervisors of the said Decatur Township at a regular meeting of such supervisors requesting the said Supervisors to take over, keep and maintain as a township road that portion of road in Decatur Township Beginning and intersecting with Route 53 at the Ernest Dunlap Service Station; thence in a Northern direction to the intersecting corner at the residence of William Smiley; thence in a westerly direction to the intersection of township road leading from Route 53 to Gearhartville, and it further appearing that the Township Supervisors of Decatur Township have failed to act on such petition for a period in excess of sixty (60) days and the petitioners have presented the within petition to this Court in conformity with the Act of July 10, 1947, P. L. 1481, sec. 15; as amended by the Act of May 2, 1949, P. L. 819, No. 216, sec. 1; Act of May 24, 1951, P. L. 370, sec. 13; NOW.

therefore, it is hereby ordered and decreed that

Hughes - A. B. Shaw Wm. Post - Bryan  
be and hereby are appointed as viewers under the General Road Law, to proceed herein under the General Road Law.

BY THE COURT

John B. Bell  
President Judge

No. 2 August Sessions, 1953

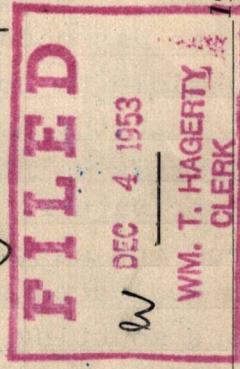
## ORDER

To view to take over, and to keep and maintain a road for public use in the township of Decatur, Clearfield County

Mo. on 3 Sessions, 1953,

read and confirmed Ni. Si. Road to be opened 33 feet wide, except where there is side hill cutting or embankment and bridging, these to be 16 feet wide.

*W. T. Hagerty*  
Nov 7th 25, 1954  
Concurrent Decatur  
Clearfield County



Fees \$1.25 paid by  
Swoope & Bell, Attorneys.

3/20/54 Opening Order issued  
to atty. 1.50 filed

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.
A. B. Shaw	3	37	\$31.85
William Yost	2	37	\$21.85
Benjamin Hughes	2	37	\$22.70

## 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

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

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 \_\_\_\_\_ day of

A. D. 192 \_\_\_\_\_.

Seal  
Seal  
Seal  
Seal

by automobile during certain seasons of the year and at times when illness has occurred in the family, served by said road, it was found impossible to obtain the needed services of an attending physician.

That the abutting property owners are unable, individually, to adequately maintain said dedicated street and alley, now being used as a private road, by giving it the proper grading and drainage required and as said newly proposed road which has been laid out over said dedicated street and alley, is necessary for the accommodation of the abutting property owners, who will be especially benefited by said proposed road, as well as for the accommodation and convenience of the traveling public, the same should be taken over as a public road and maintained at public expense.

WHEREFORE, we, the undersigned viewers, appointed by the Court of Quarter Sessions of Clearfield County to lay out said proposed road, recommend that the same be taken over and maintained as part of the general road system of the Township of Decatur, Clearfield County, Pennsylvania, for the accommodation and convenience of the traveling public.

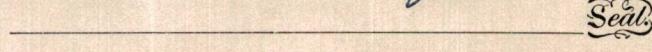
and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof, said road being at an elevation not exceeding five degrees, excepting

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 William Smiley & Margaret Smiley, his wife, John Richmud & Emma Richmud, his wife, Rebecca Watson, single, Frank Hastings & Alice Hastings, his wife, the property owners abutting on the aforementioned 20 foot dedicated alley over which a portion of said proposed road passes and since the remaining portion of said proposed road is laid out over a 40 foot dedicated street ~~the following persons having refused to release the damages to which they respectively may be entitled by reason of the location and opening of the said road are the undersigned viewers~~ ~~and after having considered the advantages to be derived to them, do ask them damages and make report thereof as follows:~~ XXXXXXXXXXXXXXXXXXXXXXX no releases from the abutting property owners is necessary.

and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 30th day of November  
A. D. 19~~2~~53.

  
John D. Han   
  
Burgoon F. Hughes   
  


RELEASE OF DAMAGES

KNOW ALL MEN BY THESE PRESENTS, that we, the undersigned, owners of lands to which the road located by the viewers appointed by the Court of Quarter Sessions of Clearfield County to No. 2 August Term, 1953, passes for and in consideration of the sum of One (\$1.00) Dollar to us respectively paid by the Supervisors of the Road District of the Township of Decatur 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 Supervisors of the Road District of the Township of Decatur, 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 23rd day of November A.D., 1953.

W.S. Wm. Smiley (SEAL)

W.S. Margaret Smiley (SEAL)

J.P. John Richmond (SEAL)

E.P. Emma Richmond (SEAL)

P.W. Rebecca Watson (SEAL)

O.K. F.H. Frank Hastings (SEAL)

O.H. F.H. Miss Hastings (SEAL)

\_\_\_\_ (SEAL)

TO THE BOARD OF SUPERVISORS OF THE ROAD DISTRICT OF THE TOWNSHIP  
OF DECATUR, CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 31st day of August, A.D., 1953, to view and lay-out a Public Road in the Township of Decatur, Clearfield County, Pennsylvania, the same to have its beginning on State Highway Route No. 53, at or near the Ernest Dunlap Service Station in said Township of Decatur, thence extending in a Northwesterly direction a distance of approximately, 1500 feet to a point of intersection with Township Road Route No. 671 in said Township of Decatur; will meet on the premises in said Township, on Wednesday the 30th day of September, A.D., 1953, at 10:30 o'clock A.M. (DST) to attend the duties assigned them, at which time and place all parties interested in said proposed road will take notice, and that the public hearing required by Act of Assembly and Rules of Court, to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said proposed road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Friday October 2nd 1953 at 10:30 o'clock A.M. (DST), at which time and place all parties interested in said proposed road may attend and be heard, if they so desire.

A. B. Shaw

September 10, 1953

William W. Yost

Benjamin Hughes  
Viewer's

NOW, the 14<sup>th</sup> day of September, A.D., 1953, service of the above notice is hereby accepted by copy on behalf of the Board of Supervisors of the Road District of the Township of Decatur.

W.H. Woltercroft  
Secretary

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view/a Road or assess damages, leading from State Highway Route No. 53, at or near the Ernest Dunlap Service Station in Decatur Township, Clearfield County, Pennsylvania, thence extending in a northwesterly direction a distance of approximately 1500 feet to the residence of William Smiley; thence extending in a southwesterly direction a distance of approximately 1500 feet to a point of intersection with Township Route No. 671 ~~in said Township of Decatur~~

ix township

in Decatur Township, in the County aforesaid, will

meet ~~at the house of~~ on the premises ~~on Wednesday September 10th 1953~~

in Decatur Township, on Wednesday

the 30th day of September, A. D. 1953, at 10:30 (DST)

o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all

parties interested will take notice. AND THAT THE PUBLIC HEARING REQUIRED BY ACT OF ASSEMBLY AND RULES OF COURT TO BE HELD BY THE VIEWER'S BEFORE THE FILING OF THEIR REPORT IN COURT, IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID PROPOSED ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD, PENNSYLVANIA, ON FRIDAY THE 2nd DAY OF OCTOBER A.D., 1953 AT 10:30 O'CLOCK A.M. (DST), AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID PROPOSED ROAD MAY ATTEND AND BE HEARD, IF THEY SO DESIRE.

A. B. SHAW

WILLIAM W. YOST

BENJAMIN HUGHES

V I E W E R S .

SEPTEMBER 10th 1953

Rebecca  
Watson

Wm  
Smiley

K ft SE

55 N. 100 ft ESS

John  
Richmond

Frank  
Hastings

Wilfred  
Lamb

Alfred  
Woods

Hannah  
Roger

Charles  
Vaughn

Private Rd.

Earl  
Errick

Putman &  
Green

John  
Baney

To Chester Hill

Ernest  
Dunkop  
Service Sta.

North

421  
Rt. 53

Clearfield County Court Of Quarter Sessions  
No 2 August 1953  
Road View  
Decatur Twp. Clearfield County Penna.  
SCALE 1"=100'

Nov. 3, 1953

St. J. Engr

TO THE COUNTY COMMISSIONER'S OF CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 31st day of August, A.D., 1953, to view and lay-out a Public Road in the Township of Decatur, Clearfield County, Pennsylvania, the same to have its beginning on State Highway Route No. 53, at or near the Ernest Dunlap Service Station in said Township of Decatur, thence extending in a Northwesterly direction a distance of approximately, 1500 feet to a point of intersection with Township Road Route No. 671 in said Township of Decatur; will meet on the premises in said Township, on Wednesday the 30th day of September, A.D., 1953, at 10:30 o'clock A.M. (DST) to attend the duties assigned them, at which time and place all parties interested in said proposed road will take notice, and that the public hearing required by Act of Assembly and Rules of Court, to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said proposed road an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Friday October 2nd 1953 at 10:30 o'clock A.M. (DST), at which time and place all parties interested in said proposed road may attend and be heard, if they so desire.

A. B. Shaw

September 10, 1953

William W. Yost

Benjamin Hughes  
Viewer's

NOW, this 10<sup>th</sup> day of September, A.D., 1953, service of the above notice is hereby accepted by copy on behalf of the County Commissioner's of Clearfield County, Pennsylvania.

W.R. Burgess  
Clerk

# 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

Decatur and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 30th day of September A. D. 19253 and the hearing to be held in the ~~Arbitration~~ <sup>Grand Jury</sup> Room, at the Court House, in Clearfield, Pa., on the 2nd day of October, 19253, at 10:30 'clock A.M.DS that the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view

William Smiley

Charles Vaughn

Clifford Lamb

parties in interest. That the hearing was held in the ~~Arbitration~~ <sup>Grand Jury</sup> Room, in the Court House, at Clearfield, Pa., on the 2nd day of October A. D. 19253, when the following appearances were noted: Charles Vaughn, Mary Frances Vaughn, William Smiley, Margaret Smiley, Clifford Lamb, Verna Errick, Mrs. Margaret Roger.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is occasion for a road as desired by the petitioner, and that the same is 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 state highway route 53 and dedicated street in the Village of Hudson at or near the Ernest Dunlap Service Station in the Township of Decatur, Clearfield County, Pennsylvania; thence extending over said street in a northwesterly direction 793 feet to the premises of William Smiley; thence extending in a southwesterly direction over dedicated alley and lands of William Smiley, Frank Hastings, Rebecca Watson and John Richmund a distance of 352 feet where said proposed road intersects the Township road, Route 671 in said Township of Decatur, Clearfield County, Pennsylvania.

The proposed road is laid out over a dedicated street, having a width of approximately 40 feet, and a dedicated alley, having a width of approximately 20 feet as aforesaid, long since in existence and used by the petitioners and residents of this alley. That for the past 25 years or more the individual property owners served by said dedicated street and alley, which leads from their residences to the main traveled highway, have maintained and kept the same in repair at their individual expense for themselves, as well as, for the traveling public, to the best of their ability.

That the 10 families specially served by said proposed road have fifteen children of school age who must use said proposed road going to and from school or to the school bus waiting station at the intersection of said proposed road with Township road, Route 671 as aforesaid, and because of its bad state of repair it is impassable

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 31st day of August in the year of our Lord one thousand nine hundred fifty-three.

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Decatur in said County, setting forth that

and therefore, praying the Court to appoint proper persons to view and ~~lay out~~ <sup>TAKE OVER</sup> 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 Wm. Yost, Benjamin Hughes and A. B. Shaw

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,

Wm. J. Hagerty, Clerk.

ORDER

NOW, this 31st day of August, 1953, ths within Petition having read and considered, and it appearing that the petitioners are electors and taxpayers of Decatur Township, Clearfield County, Pennsylvania, and it appearing that as such electors and taxpayers the petitioners presented their petition to the Township Supervisors of the said Decatur Township at a regular meeting of such supervisors requesting the said Supervisors to take over, keep and maintain as a township road that portion of road in Decatur Township Beginning and intersecting with Route 53 at the Ernest Dunlap Service Station thence in a Northern direction to the intersecting corner at the residence of William Smiley; thence in a westerly direction to the intersection of township road leading from Route 53 to Gearhartville and it further appearing that the Township Supervisors of Decatur Township have failed to act on such petition for a period in excess of (60) Sixty days and the petitioners have presented the within petition to this Court in conformity with the Act of July 10, 1947, P.L. 1481, sec. 15; as amended by the Act of May 2, 1949 P.L. 819 No. 216 sec. 1: Act of May 24, 1951, P.L. 370, sec. 13, NOW. Therefore, it is hereby ordered and decreed that Wm. Yost, Benjamin Hughes and A. B. Shaw be and hereby are appointed as viewers under the General Road Law, to proceed herein under the General Road Law. By The Court F. Cortez Bell, President Judge.

