

ROADS

ROADS

DOCKET NO. 8

NUMBER	TERM	YEAR
<u>1</u>	<u>April SS</u>	<u>1953.</u>

IN RE: PETITION TO VIEW AND LAY OUT  
ROAD IN WOODWARD TOWNSHIP

VERSUS





Scale 1" = 200'

May 19, 1953

17/08/09

John F. Fenger



# 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 ~~to be laid out~~ and lay out ~~damages, leading from~~ beginning at the point of intersection of St. James Street with the improved Highway Route #17135 leading from State Highway Route #53, via the Village of Sterling, to the Borough of Brisbin; thence in a Westerly direction over St. James Street to Rush Street; thence over Rush Street to Penn Street; and thence in an Easterly direction over Penn Street to the intersection of Allegheny Street and the Township Road leading from the Borough ~~xxx~~ of Houtzdale to ~~township~~ Sterling, said proposed road being approximately fifteen hundred (1500) feet in length and extends over streets and ways dedicated to public use in said Village of Sterling

in Woodward Township, in the County aforesaid, will meet ~~at the house of xxx~~ on the premises

in Woodward Township, on Monday, the eighteenth day of May, A. D. 19 53, at 10:30 o'clock (DST) A. M. to attend to the duty assigned them, of which time and place aforesaid, all

parties interested will take notice. THAT A PUBLIC HEARING AS REQUIRED BY THE ACT OF ASSEMBLY AND RULES OF COURT, TO BE HELD BY THE VIEWERS 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 COURTHOUSE AT CLEARFIELD, PENNSYLVANIA, ON WEDNESDAY, THE TWENTIETH DAY OF MAY, 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 .

May 1, 1953.



# 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 27th day of April in the year of our Lord one thousand nine hundred and fifty- three

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Woodward

in said County, setting forth that your petitioners labor under great inconvenience for want of a township road or highway, beginning at the intersection of St. James Street with the improved Highway 17135 leading from State Route 53, via the village of Sterling to the Borough of Brisbin; thence in a Westerly direction over St. James street to Rush street; thence over Rush street to Penn Street; and thence Eastwardly over Penn street to the intersection of Allegheny Street and the township road leading from the Borough of Houtzdale, approximately 1500 feet in length, and dedicated to public use in said village of Sterling.

and therefore, praying the Court to appoint proper persons to view and lay out 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 William W. 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 petitioners 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  
President Judge.

Wm. J. Hagerty, 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 Woodward and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 18th day of May A. D. 1953, and the hearing to be held in the Grand Jury ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 20th day of May, A. D. 1953 at 10:30 o'clock A. M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Benjamin Zimmerman, Lillian LaHave, Arvida Archer, George Love, petitioners and parties in interest, also Blair Smith and Gordon Fowler, Supervisors of the Road District of the Township of Woodward, Clearfield County, Pennsylvania, parties in interest. That the hearing was held in the Grand Jury ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 21st day of May, A. D. 1953, when the following appearances were noted: Benjamin Zimmerman, Lillian LaHave, Arvida Archer, George Love, petitioners and parties in interest, also Blair Smith and Gordon Fowler, Supervisors of the Road District of the Township of Woodward, Clearfield County, Pennsylvania.

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 St. James Street with improved State Highway Route #17135 in the Village of Sterling, Woodward Township, Clearfield County, Pennsylvania; thence extending in a Westerly direction over St. James Street a distance of 928 feet to a 20 foot Public Alley (mistakenly taken by the petitioners for Rush Street, which was never opened due to its impracticable location and the excessive cost of building and maintaining same across declivity); thence over said alley in a Southerly direction 354 feet to Penn Street; thence over Penn Street in an Easterly direction 595 feet to point of intersection with Township Road leading from Houtzdale to the Village of Sterling, Woodward Township, Clearfield County, Pennsylvania.

The proposed road is laid out over dedicated, but unrecorded, streets and an alley in the Village of Sterling, Woodward Township, Clearfield County, Pennsylvania, the street having a width of 50 feet and the alley 20 feet, parts of which are fenced in by the abutting property owners; and for the past thirty years or more the individual property owners served by said streets and alley have maintained and kept the same in repair for themselves, as well as for the traveling public, to the best of their ability.

That the abutting property owners are unable individually to adequately maintain said streets and alley, over which said proposed road shall pass, by giving them the proper grading and drainage required, and, as stated, the newly proposed road is necessary for the convenience of the traveling public and the same should be taken over and maintained



at public expense.

That the taking over of said streets and alley as a part of the public road system of Woodward Township is agreeable to the Supervisors of said Township and according to the great number of petitioners requesting the same, the newly proposed road appears to be necessary for the accommodation of the traveling public, as well as for the convenience of persons living along said proposed road. In view of these facts, your undersigned Viewers recommend that the same be taken over by the Road District of the Township of Woodward to be incorporated and maintained as a part of the general road system of said Township

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~~

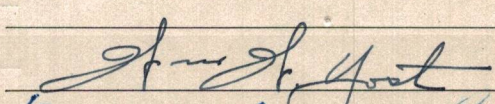

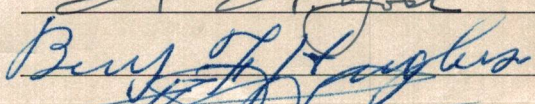



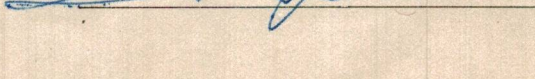

~~the following persons having refused to release the damages to which they respectfully may be entitled by reason of the location and opening of the said road, we, the undersigned viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof as follows:~~

The undersigned Viewers further report that since the newly proposed road has been laid out over dedicated streets and an alley and has long since been opened to public travel, no releases were obtained or damages awarded the abutting property owners as the advantages to be derived from said road would far exceed the disadvantages, if any, to the abutting property owners.

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

WITNESS our hands and seals this 21st day of May

A. D. 1953.



No. 1 April Sessions, 1953

## ORDER

To view and lay out a  
road for public use in the  
township of Woodward,  
Clearfield County Pennsylvania

Aug 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, there to be 16 feet wide.

*[Signature]*

Nov 31. 1953

*[Signature]*



Filed 19

Fees \$1.25 paid by 1

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	AM'T.
A. B. Shaw	3	54	32.70
Wm. W. Yost	3	54	32.70
Benjamin Hughes	2	65	23.25

## 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



TO THE SUPERVISORS OF WOODWARD TOWNSHIP, CLEARFIELD COUNTY, PENNA.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, on the twenty-seventh day of April, A. D. 1953, to view and lay out a public road in the Township of Woodward, Clearfield County, Pennsylvania, the same having its beginning at the point of intersection of St. James Street with the improved Highway Route #17135 leading from State Highway Route #53, via the Village of Sterling, to the Borough of Brisbin; thence in a Westerly direction over St. James Street to Rush Street; thence over Rush Street to Penn Street; and thence in an Easterly direction over Penn Street to the intersection of Allegheny Street and the Township Road leading from the Borough of Moutzdale to Sterling, said proposed road being approximately fifteen hundred (1500) feet in length and extends over streets and ways dedicated to public use in said Village of Sterling, will meet on the premises in the Township of Woodward on Monday, May 18, 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 public road will take notice, and that a public hearing as required by the Act of Assembly and Rules of Court, to be held by the Viewers 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 Wednesday, the twentieth day of May, 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.

May 1, 1953.

A. B. Shaw  
William W. Yost  
Benjamin Hughes

NOW, the 4 day of May, A. D. 1953, service by copy of the above notice of View is hereby accepted on behalf of the Supervisors of Woodward Township, Clearfield County, Pennsylvania.

*Gordon Howler*  
Secretary



TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, on the twenty-seventh day of April, A. D. 1953, to view and lay out a public road in the Township of Woodward, Clearfield County, Pennsylvania, the same having its beginning at the point of intersection of St. James Street with the improved Highway Route #17135 leading from State Highway Route #53, via the Village of Sterling, to the Borough of Brisbin; thence in a Westerly direction over St. James Street to Rush Street; thence over Rush Street to Penn Street; and thence in an Easterly direction over Penn Street to the intersection of Allegheny Street and the Township Road leading from the Borough of Houtzdale to Sterling, said proposed road being approximately fifteen hundred (1500) feet in length and extends over streets and ways dedicated to public use in said Village of Sterling, will meet on the premises in the Township of Woodward on Monday, May 18, 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 public road will take notice, and that a public hearing as required by the Act of Assembly and Rules of Court, to be held by the Viewers 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 Wednesday, the twentieth day of May, 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.

May 1, 1953.

A. B. Shaw  
William W. Yost  
Benjamin Hughes

NOW, this 2 day of May, A. D. 1953, service of the above notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County, Pennsylvania.



In re: Petition to View and : In the Court of Quarter Sessions  
lay out a Township Road, in : of Clearfield County, Penn'a.  
Woodward Township. : No. April Sess., 1953.

To the Honorable F. Cortez Bell, President Judge of said Court:

The petition of the undersigned, citizens, inhabitants and tax-payers of the Township of Woodward, and County of Clearfield respectfully represent:

1. That your petitioners labor under great inconveniences for want of a township road or highway, beginning at the intersection of St. James Street with the improved Highway 17135 leading from State Route 53, via the village of Sterling to the Borough of Brisbin: thence in a Westerly direction over St. James street to Rush street; thence over Rush street to Penn Street; and thence Eastwardly over Penn street to the intersection of Allegheny Street and the township road leading from the Borough of Houtzdale, approximately 1500 feet in length, and dedicated to public use in said village of Sterling.

2. That the present existing roads and paths traversed in going to and from the improved roads leading to schools, churches and business places are neglected, muddy and impassable during winter and spring seasons, and inclement weather, and dangerous for public travel, by children on foot and motor vehicle travel.

WHEREFORE, your petitioners pray your Honorable Court to appoint a Board of Viewers, to view and lay out for public use and travel a Township road, according to law.

AND THEY WILL EVER PRAY.



4/9/53	Chas Esaupe &	Houtdale Pa
4/9/53	Dr. H. A. M. Kurzie	Houtzdale Pa.
4/9/53	W. H. H. H. H. H.	Haverhill Pa
4-9-53	George Bungo	Houtzdale Pa
4-9-53	Edna Smiles	Houtzdale, Pa.
4-9-53	Ben T. Vogt	Houtzdale Pa.
4-9-53	John D. Keimig	Houtzdale Pa.
4/9/53	Jack Seuberg	Houtzdale Pa
4/9/53	Monsieur Seuberg	Houtzdale Pa
4/9/53	Simon Schlaney	Houtzdale
4/9/53	Elias Schlaney	Houtzdale
4/9/53	Rae G. Love	Houtzdale Pa
4/9/53	George R. Love	Houtzdale Pa
4/9/53	Long Massey	Houtzdale
4/9/53	Seline Massey	Houtzdale
4/9/53	Lester Zimmerman	Houtzdale, Pa
4/9/53	Ray Johnson	Houtzdale, Pa.
4/10/53	Bl. Fruberg	Houtzdale Pa
4/10/53	Elmer C. Anderson	Houtzdale R. H. Pa.
4/10/53	Ray M. Hayes	Houtzdale Pa.
4/10/53	R. J. Moran	Houtzdale Pa
4/10/53	Norman S. Bloom	Houtzdale, Pa.
4/10/53	Bert Zimmerman	Houtzdale Pa.



State of Pennsylvania, :  
: ss:  
County of Clearfield, :

Benjamin Zimmerman, one of the petitioners within named, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

And further saith not.

Benjamin Zimmerman  
Sworn and subscribed to before me, this 9 day  
of April, A.D. 1953.

John J. Garman  
Justice of the Peace.

My Commission Expires Jan. 4, 1956

NOW, April 27. 1953, William H. Yost, Benjamin Hughes and A. B. Shaw are appointed Viewers, to view the above premises, and after holding hearing, to make report to the Court with recommendation as to the same.

BY THE COURT

John J. Garman  
President Judge