

ROAD
DOCKET NO. 7

NUMBER	TERM	YEAR
1	April SS.	1954

In Re: Petition for an Order of
Court Directing View for Private Road
in Burnside Township

VERSUS

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In Re: PETITION FOR AN ORDER
OF COURT DIRECTING
VIEW FOR PRIVATE ROAD () No. 1 April Sessions 1954

ANSWER TO PETITION

JAMES A. RORABAUGH, JR. appears and makes answer to the petition of D. T. Mitchell, Jr. and William Mahaffey, filed in the above stated proceeding, as follows:

1. Admitted.
2. Denied. It is averred that said petitioners have a road constructed with a red top surface extending from their lands, described in the petition, to a public highway over which the said William Mahaffey has been hauling logs and lumber from said lands to said highway for some time past.
3. Denied as stated, and it is averred that Township Road No. 314 crosses State Highway Route No. 17130 some considerable distance from State Highway Route No. 17005 as shown on said map. It is also averred that State Highway Route No. 17002 also approaches the petitioners' lands, as clearly appears by reference to said map.
4. Admitted, and it is averred that the viewers stated in their report that the road so vacated had become useless, inconvenient and burdensome to the taxpayers of the Township.
5. Admitted.
6. Admitted.
7. Denied. It is averred that the red top road extending from said lands to the public highway was constructed and in use as an outlet to the Hopkins & Irwin lands, now owned by the petitioners, when the road described in paragraph 7 of the petition was vacated.
8. Denied. It is averred, however, that the vacated road

is not travelable, and that the petitioners have means of approach from a public highway to their lands by a red top road over which they are now hauling logs and lumber.

9. It is admitted that the petitioners are the owners of considerable land in the locality described, and it is averred that they have access to said land over the red top road which they are now using.

10. A road in the location stated by the petitioners would pass almost through the middle of affiant's property, which is used for pasture land, and would impose upon him the burden of building and maintaining fences along both sides of the entire length of the road.

11. The petitioners failed to state the termini, or the place of beginning and the place of ending, of the proposed road in their petition.

WHEREFORE, your affiant respectfully asks the Court to stay all proceedings by the viewers until the matters raised by this Answer can be passed upon by the Court, and prays the Court to dismiss the petition.

UREY, AMMERMAN & MIKESELL

By *John M. Urey*
Attorneys for James A. Rorabaugh, Jr.

STATE OF PENNSYLVANIA ()
COUNTY OF () SS:

JAMES A. RORABAUGH, JR., being duly sworn according to law, deposes and says that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge and belief, and he expects to be able to prove the same at the hearing hereof.

Sworn and subscribed to before
me this 2 day of April, 1954.

Wm. G. Haggerty

James A. Rorabaugh, Jr.

PROTHONOTARY My Commission Expires
January 4, 1958

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: PETITION FOR AN ORDER (OF COURT DIRECTING) No. 1 April Sessions 1954
VIEW FOR PRIVATE ROAD (.

ORDER OF COURT

BY THE COURT,

John J. Long
P.J.

ambulante

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD CO., PA.
No. 1 April Sessions 1954

In Re:

PETITION FOR AN ORDER
OF COURT DIRECTING
VIEW FOR PRIVATE ROAD

ANSWER TO PETITION

RECEIVED
APR 15 1954
CLERK OF COURT
CLEARFIELD, PA.

URRY, AMERMAN & MCFESELL

JEREMY EXAMMERMANN

ATTORNEYS AT LAW

CLEARFIELD TRUST COMPANY BUILDING

CLEARFIELD, PA.

KURTZ BROS. CLEARFIELD, PA.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: PETITION TO LAY OUT PRIVATE :
ROAD IN BURNSIDE TOWNSHIP, : No. 1 April Sessions, 1954
CLEARFIELD COUNTY, PENNSYL- :
VANIA. :
:

P E T I T I O N

TO THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The Petition of your undersigned Viewers respectfully
represent:

(1). That they were duly appointed by your Honorable
Court on the 24th day of February, 1954, in a proceeding filed in
the Court of Quarter Sessions of Clearfield County to the above
term and number to lay out a private road in Burnside Township,
Clearfield County, Pennsylvania, with a directive that a report of
their findings be made to the next Court of Quarter Sessions to be
held for Clearfield County, which convened the First Monday of May,
1954.

(2). That your undersigned Viewers viewed the premises
where said private road was to be laid out and established in
compliance with their appointment on April 6, 1954 and a hearing
was held thereon at the Court House at Clearfield on April 15,
1954, after due and proper notice of said view and hearing to all
parties in interest.

(3). That on account of certain requests made to the
Viewers, following said hearing, by opposing counsel which re-
quired further study and investigation in addition to other
motivating causes, your undersigned Viewers were unable to com-
plete and file a report of their findings to the May Term of
Court, as directed in their appointment.

WHEREFORE, your undersigned Viewers request your
Honorable Court that they be granted leave to file a report of

their findings to the next Court of Quarter Sessions to be held for Clearfield County beginning the First Tuesday of September, 1954.

AND THEY WILL EVER PRAY.

A. B. Shaw

H. St. Fort

John B. Justice
Viewers

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS.

Before me, the subscriber, personally appeared A. B. SHAW, who being duly sworn according to law deposes and says that the facts contained in the foregoing Petition are true and correct.

Sworn and subscribed before
me this 19th day of July A.D.,

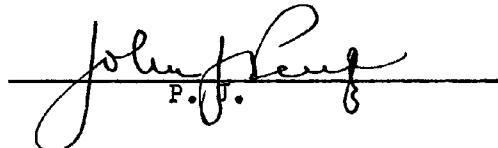
1954.

Dent. H. Ogletby My Commission Expires
PROTHONOTARY January 4, 1958

ORDER OF COURT

NOW, THIS 19th day of July A.D., 1954, the foregoing Petition having been read and considered, the Viewers appointed to lay out a private road in Burnside Township filed to No. 1 April Sessions, 1954, are hereby granted leave to file a report of their findings for confirmation *in si* by the Court at the next Term of Quarter Sessions to be held for Clearfield County beginning the First Tuesday of September A. D., 1954.

BY THE COURT,


John F. Shaw
P. J.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA NO. 1 APRIL SESSIONS, 1954

IN RE: PETITION TO LAY OUT PRIVATE ROAD IN BURNSIDE TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA.

PETITION

JUL 19 1954

W. T. HAGERTY

Clerk

A. B. SHAW
ATTORNEY AT LAW
CLEARFIELD, PA.

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

In Re:)
Petition for Private Road) No. 1 April Sessions 1954
in Burnside Township,)
Clearfield County, Pennsylvania.)

Now, December 15, 1954, received of D. T. Mitchell, Jr. and
William Mahaffey Two Hundred (\$200.00) Dollars in payment of the
damages assessed by the Board of Viewers to be paid by the
petitioners in the above stated proceeding.

James A. Borbaugh

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA

IN RE: Petition for
Private Road in Burnside
Township, Clearfield County,
Pennsylvania

RECEIPT OF AMOUNT OF
VIEWERS' AWARD

W. ALBERT RAMEY
ATTORNEY AT LAW
CLEARFIELD, PENNA.

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

IN RE: PETITION FOR AN :
ORDER OF COURT DIRECTING :No. _____ February Sessions,
VIEW FOR PRIVATE ROAD : 1954

PETITION

TO HONORABLE JOHN J. FENTZ, PRESIDENT JUDGE OF SAID COURT:

The Petition of D. T. MITCHELL, JR. and WILLIAM
MAHAFFEY respectfully represents:

1. That they are the owners of two adjoining tracts
of land situate in Burnside Township, Clearfield County, Penn-
sylvania containing 301 acres and 324 acres respectively or
625 acres in all, which said two tracts of land were formerly
owned by and known as the Hopkins & Irwin lands, excepting
and reserving out of the southern portion of said two contiguous
tracts of land 130 acres and 156 perches conveyed by Hopkins
& Irwin by deed dated February 7, 1916 to Mary E. Sunderlin
which said 130 acre tract was known as the W. F. Sunderlin
tract. Said W. F. Sunderlin being the husband of Mary E.
Sunderlin.

2. That your petitioners have no road from their
lands aforesaid to a highway or place of necessary public
resort, or to any private way leading to a highway.

3. That Township Road No. 314 (shown on the Burnside
Township road map hereto attached and made a part hereof)
which connects with State Highway Route No. 17005 midway be-
tween the Borough of Burnside and the Borough of New Washington
is the only public road approaching petitioners' lands.

4. Said Township Road No. 314 terminates at a dead end at the Southern boundary line of the Mary E. Sunderlin 130 acre tract, aforesaid, also known as the W. F. Sunderlin tract, which is now owned or reputed to be owned by James A. Rorabaugh, Jr., and which said terminal point of Township Road No. 314 is a distance of approximately 132 perches South of your petitioners' property line, being the Southern boundary line of the two tracts aforementioned formerly known as the Hopkins & Irwin lands or Irwin & Hopkins Estate.

5. For many years prior to the year 1922 said Township Road No. 314 extended from its present terminus Northwardly through the W. F. Sunderlin, also known as Mary E. Sunderlin tract, now owned by James A. Rorabaugh, Jr., and also through the remaining portion of the Hopkins & Irwin lands to and beyond the Bell Township line.

6. On April 14, 1922 a petition for viewers to vacate all of said Township Road No. 314 was filed in the Court to No. 9 May Sessions, 1922, which said proceedings resulted in a return of viewers to this court that that portion of said road leading from a point where it joins onto the public road from Burnside to New Washington, now known as State Highway Route No. 17005, to the W. F. Sunderlin property line which is the same as Mary E. Sunderlin property line and which is now the James A. Rorabaugh, Jr. property line, was a benefit to the people living along said road and in the opinion of the viewers should not be vacated. However, the viewers did recommend a vacation of the balance of said road from the Southern boundary line of the Sunderlin tract aforesaid to a point beyond the Bell Township line. Said return of viewers was made to this Honorable Court and an Order to vacate was entered which

which became absolute at December Sessions, 1922.

7. A portion of said road which was vacated and which was the only outlet to the aforesaid Hopkins and Irwin lands, now owned by your petitioners, passed through the W. F. Sunderlin tract, now owned by James A. Rorabaugh, Jr., is described as follows:

Beginning at the Northern end of Township Road No. 314; thence through James A. Rorabaugh, Jr., 130 acre tract the following courses and distances, to wit: North 14 degrees 30 minutes east 12 perches; thence North 6 degrees 45 minutes east 12 perches; thence North 0 degrees 30 minutes west 16 perches; thence North 14 degrees east 8 perches; thence North 5 degrees west 4 perches; thence North 27 degrees west 16 perches; thence North 22 degrees west 16 perches; thence North 45 degrees west 16 perches; thence North 45 degrees west 16 perches; thence North 34 degrees 15 minutes west 8 perches; thence North 11 degrees 30 minutes west 4 perches; thence North 17 degrees west 24 perches to property line of Irwin & Hopkins Estates also known as Hopkins & Irwin lands, now owned by your petitioners, a distance of approximately 132 perches as aforesaid.

8. Said portion of said vacated road is still well marked and largely travelable and is the only means of approaching your petitioners' lands from any public road or highway.

9. Your petitioners' lands are of a vast acreage as aforesaid and are underlaid with valuable mineral deposits and a valuable growth of timber stands thereon, access to which your petitioners cannot obtain because of the vacation of the only road leading thereto or within the vicinity thereof.

WHEREFORE, your petitioners are in need of relief and pray your Honorable Court to direct a view to be had of the above described portion of said now vacated road over which course your petitioners now desire to have a private road, twenty-five (25) feet in width, established through the lands

of James A. Rorabaugh, Jr., for the use and benefit of the owners or owner of the lands now owned by your petitioners, as aforesaid, and for the use and benefit of owners of lands through which said proposed road passes and to be maintained and used by them as a private road.

And they will ever pray.

D. T. Mitchell, Jr.

William Mahaffey

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :
:

Before me, the undersigned, personally appeared D. T. MIGCHELL, JR. and WILLIAM MAHAFFEY, who, being by me first duly sworn according to law, depose and say that the facts set forth in the foregoing Petition are true and correct.

Sworn to and subscribed

before me this 16 day
of February, A.D., 1954,

D. T. Mitchell, Jr.

William Mahaffey

Alie Reed

Registers of Deeds
My Commission Expires
First Monday in Jan. 1956

ORDER OF COURT

NOW, this 22nd day of February, 1954, the foregoing petition for an Order of Court directing a View for Private Road in Burnside Township, Clearfield County, Pennsylvania, having been presented, read and considered, a view is hereby directed to be had of the place where such road is requested.

_____, _____, and _____, are appointed viewers for the purposes stated who shall make report thereof in accordance with the provisions of the Act of 1836 as amended (36 P. S. 2731).

By the Court,

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In Re: PETITION FOR AN ORDER
OF COURT DIRECTING
VIEW FOR PRIVATE ROAD () No. 1 April Sessions 1954

ANSWER TO PETITION

JAMES A. RORABAUGH, JR. appears and makes answer to the petition of D. T. Mitchell, Jr. and William Mahaffey, filed in the above stated proceeding, as follows:

1. Admitted.
2. Denied. It is averred that said petitioners have a road constructed with a red top surface extending from their lands, described in the petition, to a public highway over which the said William Mahaffey has been hauling logs and lumber from said lands to said highway for some time past.
3. Denied as stated, and it is averred that Township Road No. 314 crosses State Highway Route No. 17130 some considerable distance from State Highway Route No. 17005 as shown on said map. It is also averred that State Highway Route No. 17002 also approaches the petitioners' lands, as clearly appears by reference to said map.
4. Admitted, and it is averred that the viewers stated in their report that the road so vacated had become useless, inconvenient and burdensome to the taxpayers of the Township.
5. Admitted.
6. Admitted.
7. Denied. It is averred that the red top road extending from said lands to the public highway was constructed and in use as an outlet to the Hopkins & Irwin lands, now owned by the petitioners, when the road described in paragraph 7 of the petition was vacated.
8. Denied. It is averred, however, that the vacated road

is not travelable, and that the petitioners have means of approach from a public highway to their lands by a red top road over which they are now hauling logs and lumber.

9. It is admitted that the petitioners are the owners of considerable land in the locality described, and it is averred that they have access to said land over the red top road which they are now using.

10. A road in the location stated by the petitioners would pass almost through the middle of affiant's property, which is used for pasture land, and would impose upon him the burden of building and maintaining fences along both sides of the entire length of the road.

11. The petitioners failed to state the termini, or the place of beginning and the place of ending, of the proposed road in their petition.

WHEREFORE, your affiant respectfully asks the Court to stay all proceedings by the viewers until the matters raised by this Answer can be passed upon by the Court, and prays the Court to dismiss the petition.

UREY, AMMERMAN & MIKESELL

By s/ John M. Urey
Attorneys for James A. Rorabaugh, Jr.

STATE OF PENNSYLVANIA () SS:
COUNTY OF (

JAMES A. RORABAUGH, JR., being duly sworn according to law, deposes and says that the facts set forth in the foregoing Answer are true and correct to the best of his knowledge and belief, and he expects to be able to prove the same at the hearing hereof.

Sworn and subscribed to before

(SEAL) me this 2 day of April, 1954. s/ James A. Rorabaugh, Jr.

s/ Wm. T. Hagerty

PROTHONOTARY

My Commission Expires
January 4, 1958

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: PETITION FOR AN ORDER ()
OF COURT DIRECTING) No. 1 April Sessions 1954
VIEW FOR PRIVATE ROAD ()

ORDER OF COURT

NOW, April 5, 1954, the foregoing Answer having been presented, same referred to viewers for consideration, with right to petitioners to raise all questions, formal and substantive at time of viewers report.

BY THE COURT,

s/ John J. Pentz
P.J.

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERY
OFFICE

Return to J. B. Shaw

(NAME OF SENDER)

Street and Number
or Post Office Box

REGISTERED ARTICLE

3793 Post Office

NO. 3793
INSURED PARCEL

16-12421

State

Form 3811
Rev. 1-32

RETURN RECEIPT

*Received from the Postmaster the Registered or Insured Article, the number
of which appears on the face of this Card.*

1

(Signature or name of addressee)

2

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 3/25, 195⁴
Pres

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~and~~ Road ~~and~~ assess damages, leading from the Northern end of Township Road Route No. 314, thence extending through the lands of James A. Rorabaugh, Jr. in a general North-westerly direction of approximately twenty-two hundred (2200) feet to the Southern property line of what is generally known as the Hopkins & Irwin lands, now owned by D.T. Mitchell, Jr. and William Mahaffey.

in township.....

in Burnside Township, in the County aforesaid, will meet at the ~~southeast~~ Northern end of Township Road Route No. 314

in Burnside Township, on Tuesday
the 6th day of April , A. D. 19 54 , at 10:30
o'clock 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 OR MEETING IS REQUIRED BY ACT OF ASSEMBLY IN SUCH CASE MADE AND PROVIDED TO BE HELD BY THE VIEWERS BEFORE THE FILING OF THEIR REPORT IN COURT FOR THE PURPOSE OF TAKING TESTIMONY TO DETERMINE THE NECESSITY FOR SAID PROPOSED PRIVATE ROAD AND TO DETERMINE THE DAMAGES IF ANY TO THE PROPERTY OWNER OR OWNERS AND TO WHOM PAYABLE, WILL BE HELD IN THE GRAND JURY ROOM OF THE COURT HOUSE AT CLEARFIELD, PENNSYLVANIA ON THURSDAY, APRIL 8th, 1954 AT 10:30 O'CLOCK A.M., WHEN AND WHERE ALL PARTIES INTERESTED IN SAID PROPOSED ROAD MAY ATTEND AND BE HEARD, IF THEY SO DESIRE.

..... A. B. SHAW

..... WILLIAM YOST

..... JOHN BUTLIN

V I E W E R S .

VIEWERS' NOTICE

Notice is hereby given that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, on the 24th day of February A.D., 1954, to view and lay out a Private Road in Burnside Township, Clearfield County, Pennsylvania; said Private Road to have its beginning at the Northern end of Township Road, Route No. 314 in said Township; thence extending in a general Northwesterly direction through the lands of James A. Rorabaugh, Jr. for a distance of approximately twenty-two hundred (2200) feet to the Southern property line of what is generally known as the Hopkins and Irwin lands, now owned by D. T. Mitchell, Jr. and William Mahaffey in said Township of Burnside, will meet at the Northern end of Township Road, Route No. 314 in said Township on Tuesday, the 6th day of April A.D., 1954 at 10:30 o'clock A.M. EST, to attend the duties assigned them and that the public hearing or meeting as required by the Act of Assembly in such case made and provided to be held by the Viewers before the filing of their report in Court for the purpose of taking testimony with relation to the construction and necessity of the establishment of said Private Road and to ascertain the damages, if any, that will be caused thereby to the property owner or owners and to whom payable, will be held in the Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Thursday, the 8th day of April A.D., 1954 at 10:30 o'clock A.M. EST, at which time and place all parties interested in said proposed Private Road may attend and be heard, if they so desire.

A. B. SHAW
LAW OFFICES
CLEARFIELD, PENNA.

A. B. Shaw
William Yost
John Butlin
Viewers

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

IN RE: PETITION FOR AN :
ORDER OF COURT DIRECTING :No. _____ February Sessions,
VIEW FOR PRIVATE ROAD : 1954

PETITION

TO HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

The Petition of D. T. MITCHELL, JR. and WILLIAM MAHAFFEY respectfully represents:

1. That they are the owners of two adjoining tracts of land situate in Burnside Township, Clearfield County, Pennsylvania containing 301 acres and 324 acres respectively or 625 acres in all, which said two tracts of land were formerly owned by and known as the Hopkins & Irwin lands, excepting and reserving out of the southern portion of said two contiguous tracts of land 130 acres and 156 perches conveyed by Hopkins & Irwin by deed dated February 7, 1916 to Mary E. Sunderlin which said 130 acre tract was known as the W. F. Sunderlin tract. Said W. F. Sunderlin being the husband of Mary E. Sunderlin.

2. That your petitioners have no road from their lands aforesaid to a highway or place of necessary public resort, or to any private way leading to a highway.

3. That Township Road No. 314 (shown on the Burnside Township road map hereto attached and made a part hereof) which connects with State Highway Route No. 17005 midway between the Borough of Burnside and the Borough of New Washington is the only public road approaching petitioners' lands.

1936 - 36052731

4. Said Township Road No. 314 terminates at a dead end at the Southern boundary line of the Mary E. Sunderlin 130 acre tract, aforesaid, also known as the W. F. Sunderlin tract, which is now owned or reputed to be owned by James A. Rorabaugh, Jr., and which said terminal point of Township Road No. 314 is a distance of approximately 132 perches South of your petitioners' property line, being the Southern boundary line of the two tracts aforementioned formerly known as the Hopkins & Irwin lands or Irwin & Hopkins Estate.

5. For many years prior to the year 1922 said Township Road No. 314 extended from its present terminus Northwardly through the W. F. Sunderlin, also known as Mary E. Sunderlin tract, now owned by James A. Rorabaugh, Jr., and also through the remaining portion of the Hopkins & Irwin lands to and beyond the Bell Township line.

6. On April 14, 1922 a petition for viewers to vacate all of said Township Road No. 314 was filed in the Court to No. 9 May Sessions, 1922, which said proceedings resulted in a return of viewers to this court that that portion of said road leading from a point where it joins onto the public road from Burnside to New Washington, now known as State Highway Route No. 17005, to the W. F. Sunderlin property line which is the same as Mary E. Sunderlin property line and which is now the James A. Rorabaugh, Jr. property line, was a benefit to the people living along said road and in the opinion of the viewers should not be vacated. However, the viewers did recommend a vacation of the balance of said road from the Southern boundary line of the Sunderlin tract aforesaid to a point beyond the Bell Township line. Said return of viewers was made to this Honorable Court and an Order to vacate was entered which

which became absolute at December Sessions, 1922.

7. A portion of said road which was vacated and which was the only outlet to the aforesaid Hopkins and Irwin lands, now owned by your petitioners, passed through the W. F. Sunderlin tract, now owned by James A. Rorabaugh, Jr., is described as follows:

Beginning at the Northern end of Township Road No. 314; thence through James A. Rorabaugh, Jr., 130 acre tract the following courses and distances, to wit: North 14 degrees 30 minutes east 12 perches; thence North 6 degrees 45 minutes east 12 perches; thence North 0 degrees 30 minutes west 16 perches; thence North 14 degrees east 8 perches; thence North 5 degrees west 4 perches; thence North 27 degrees west 16 perches; thence North 22 degrees west 16 perches; thence North 45 degrees west 16 perches; thence North 45 degrees west 16 perches; thence North 34 degrees 15 minutes west 8 perches; thence North 11 degrees 30 minutes west 4 perches; thence North 17 degrees west 24 perches to property line of Irwin & Hopkins Estates also known as Hopkins & Irwin lands, now owned by your petitioners, a distance of approximately 132 perches as aforesaid.

8. Said portion of said vacated road is still well marked and largely travelable and is the only means of approaching your petitioners' lands from any public road or highway.

9. Your petitioners' lands are of a vast acreage as aforesaid and are underlaid with valuable mineral deposits and a valuable growth of timber stands thereon, access to which your petitioners cannot obtain because of the vacation of the only road leading thereto or within the vicinity thereof.

WHEREFORE, your petitioners are in need of relief and pray your Honorable Court to direct a view to be had of the above described portion of said now vacated road over which course your petitioners now desire to have a private road, twenty-five (25) feet in width, established through the lands

of James A. Rorabaugh, Jr.; for the use and benefit of the owners or owner of the lands now owned by your petitioners, as aforesaid, and for the use and benefit of owners of lands through which said proposed road passes and to be maintained and used by them as a private road.

And they will ever pray.

D.T. Mitchell Jr.

William Mahaffey

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS:
:

Before me, the undersigned, personally appeared D. T. MITCHELL, JR. and WILLIAM MAHAFFEY, who, being by me first duly sworn according to law, depose and say that the facts set forth in the foregoing Petition are true and correct.

Sworn to and subscribed

before me this 16 day
of February, A.D., 1954,

Dick Reed

RECORDER OF DEEDS

My Commission Expires
First Monday in January 1956

D.T. Mitchell Jr.

William Mahaffey

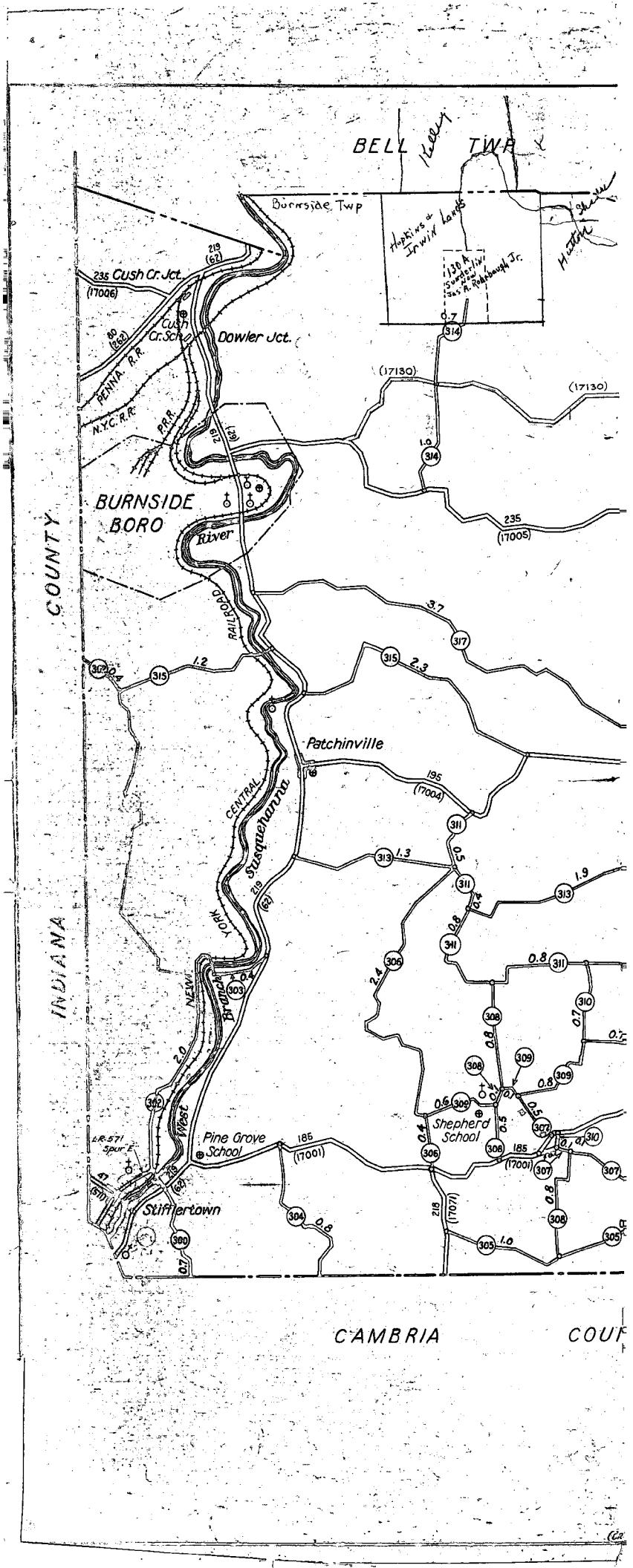
ORDER OF COURT

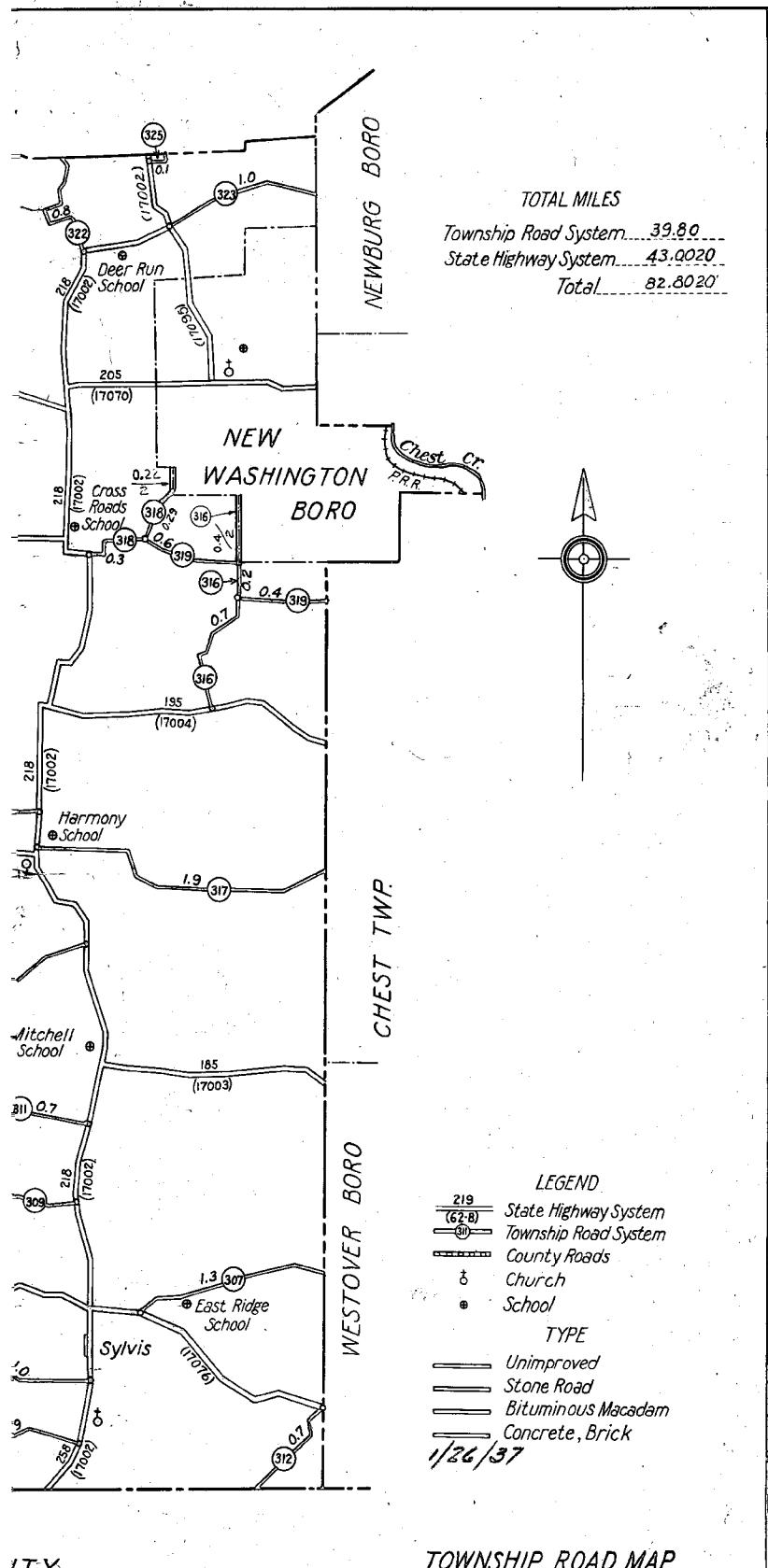
NOW, this 22nd day of February, 1954, the foregoing petition for an Order of Court directing a View for Private Road in Burnside Township, Clearfield County, Pennsylvania, having been presented, read and considered, a view is hereby directed to be had of the place where such road is requested.

AB Shaw, Wen yost, and
John Billin, are appointed viewers for the purposes stated who shall make report thereof in accordance with the provisions of the Act of 1836 as amended (36 P. S. 2731).

By the Court,

John R. Ramey





ITY

TOWNSHIP ROAD MAP
BURNSIDE TOWNSHIP
CLEARFIELD COUNTY

County Code No. 17

SCALE
0 1 2 3
One inch = Approx. 3000 ft.

IN THE COURT OF QUARTER
SESSIONS OF CLEARFIELD
COUNTY, PENNSYLVANIA
No. ~~14~~ ~~14~~ Sessions
1954

IN RE: PETITION FOR AN
ORDER OF COURT DIRECTING
VIEW FOR PRIVATE ROAD

P E T I T I O N

W. ALBERT RAMEY
ATTORNEY AT LAW
CLEARFIELD, PENNA.

Beginning at the Northern end of Township road No. 314; thence through James A. Rorabaugh, Jr., 130 acre tract the acre tract the following courses and distances, to wit: North 34 degrees 30 minutes east 12 perches; thence North 6 degrees 45 minutes east 12 perches; thence North 0 degrees 30 minutes west 16 perches; thence North 14 degrees east 8 perches; thence North 15 degrees west 4 perches; thence North 27 degrees west 16 perches; thence North 22 degrees west 16 perches; thence North 45 degrees west 16 perches; thence North 45 degrees west 16 perches; thence North 34 degrees 15 minutes west 8 perches; thence North 11 degrees 30 minutes west 4 perches; thence North 17 degrees west 24 perches to property line of Irwin & Hopkins Estates also known as Hopkins & Irwin lands, now owned by your petitioners, a distance of approximately 132 perches as aforesaid.

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 24th day of February in the year of our Lord one thousand nine hundred fifty four

Judge of the same Court: Upon the petition of ~~sundry in-~~
~~D. T. Mitchell, Jr. and William Mahaffey~~
~~habitants of the Township of Burnside~~
in said County, setting forth that

and therefore, praying the Court to appoint proper persons to view and lay out the rodd between the points mentioned, whereupon the Court upon due consideration had of the premises, order and appoint from and among the County Board of Viewers A. B. Shaw,
M. Yost and John Butlin

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.

Wm. T. 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 James A. Rorabaugh, Jr., the land owner, by registered mail, addressee only, at 301 Ashland Avenue, Punxsutawney, Pa., the return receipt being hereto attached and made a part of this report.

A. D. 1954 and the hearing to be held at the Court House, in Clearfield, Pa., on the 8th day of April, 1954, at 10:30 o'clock A. M. 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 W. Albert Ramey, Esq., Attorney for the Petitioners, D. T. Mitchell and William Mahaffey, the Petitioners, James A. Rorabaugh, Jr. and William Rorabaugh

Grand Jury
parties in interest. That the hearing was held in the ~~Attoration Room~~, in the Court House, at Clearfield, Pa., on the 15th day of April A. D. 1954, when the following appearances were noted: D. T. Mitchell, William Mahaffey, the Petitioners, together with their attorney W. Albert Ramey, Esq., James A. Rorabaugh, Jr., together with his Attorneys, John M. Urey, Esq. and Donald R.

Mikesell, Esq. of the law firm of Urey, Amerman & Mikesell, also William Rorabaugh, witness for James A. Rorabaugh, the property owner. The hearing originally scheduled for Thursday, April 8, 1954, was postponed due to death and agreement of counsel.

Viewers, we agree that there is occasion for a road as desired by the petitioner, and that there is strict necessity for a private road ~~the same~~. 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 petitioners and do return for Private use the following described road, to wit Beginning at the northern end of Township Road, Route No. 314 in Burnside Township which intersects with State Highway leading from Burnside to New Washington, heretofore petitioned for vacation, but not vacated by proceedings filed in the Court of Quarter Sessions of Clearfield County to No. 9 May SS 1922, as shown by the Viewers' report thereon and map or sketch attached thereto; thence following the course of the vacated or abandoned portion of said old Township Road over land formerly of W. F. Sunderland, now James A. Rorabaugh, Jr., North 14° 30 minutes East 198 feet to a stake; thence North 6° 45 minutes East 198 feet to a stake; thence North 00° 30 minutes West 264 feet to a stake; thence North 14° East 132 feet to a stake; thence North 5° West 66 feet to a stake; thence North 27° West 264 feet to a stake; thence North 22° West 264 feet to a stake; thence North 45° West 264 feet to a stake; thence North 34° 15 minutes West 132 feet to a stake; thence North 11° 30 minutes West 66 feet to a stake; thence North 17° West 396 feet to property line of Hopkins & Irvin, now D. T. Mitchell and William Mahaffey; said proposed private road as laid out having an overall length of 2244 feet and a recommended width of 25 feet as requested by the Petitioners.

That the land of the Petitioners is surrounded by lands of other persons and the Petitioners have no legal road or right-of-way from their land to a public highway or place of necessary public resort. That the proposed private road hereinabove described is laid out over a vacated portion of Township Road in Burnside Township which was officially abandoned or vacated by proceedings filed in the Court of

Quarter Sessions of Clearfield County to No. 9 May SS 1922 as aforesaid, since which time the same has been kept in repair by the owners of the land to whom said Township Road reverted by operation of law and used as a private road by James A. Rorabaugh, Jr., the present owner, and by his predecessors in title.

That the only other outlet from the Petitioners' land would be over another portion of Township Road in Burnside Township officially vacated or abandoned from the northeastern boundary line of the Petitioners' land to a wild cherry tree on farm of Ralph Hutton, now Jessie Hutton, at point of intersection of said Township Road with Township road leading from New Washington to Mahaffey, presently known and designated as Township Road, Route 322 in Burnside Township, by proceedings filed to No. 8 May SS 1922, since which time said vacated portions of Township Road has been used as a private road by the owners of the land to whom said Township Road reverted by operation of law and by their successors in title, as well as, by strip mine coal operators in this area to whom the greater portion of said old vacated Township Road has either been sold or agreements entered into by the land owners with said coal stripping operators for the transportation of coal thereover to market.

That the private road herein referred to extends from Township Road, Route 322 in Burnside Township; thence in a general northwesterly direction over lands of Jessie Hutton, Viola Shales and H.M. McFarland to the boundary line of the Petitioners' land, which said road in approximately one mile in length and impractical due to the steepness and nature of the terrain and further is inaccessible for use as a private road by the Petitioners for the reasons herein set forth. That the road hereinabove laid out by your undersigned Viewers extending from the North end of Township Road Route 314 in Burnside Township; thence following the course of a private road over land of James A. Rorabaugh, Jr. to the boundary line of the Petitioners is laid out over practically level land, the total distance thereof being only about one-half mile in length.

The undersigned further doth declare that they have viewed the same and doth assess the damages to be paid by the Petitioners to James A. Rorabaugh, Jr. at the sum of \$200.00

That the damages claimed by James A. Rorabaugh, Jr. in the amount of \$1699.54 for the use of a private road over his land by the Petitioners and as laid out by your Board, as a means of access to and from their land to Township Road Route 314 in Burnside Township, is in the opinion of your undersigned viewers excessive and after taking into account the advantages to be derived to the property owner as well as the disadvantages do assess the damages to be paid by the Petitioners to James A. Rorabaugh, Jr. at the sum of \$200.00

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

WITNESS our hands and seals this 20th day of July
A. D. 1922 54

S/ A. B. Shaw

Seal

W. W. Yost

Seal

John Butlin

Seal

Seal

ORDER

To view and lay out a road for Private use in the township of Burnside, Clearfield County

Days Miles AMT. Sessions, 1954,

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.

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.

Viewers 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	5	—	\$50.00
William Yost	4	—	\$40.00
John Butlin	3	134	\$36.70

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 _____

1954
Filed _____
Fees \$1.25 paid by _____



Sept 7 1955
The present 7th day
of September
1955, Butlin
releases - remits to the
viewers -

Seal

Seal

Seal

Seal

Beginning at the Northern end of Township road No. 314; thence through James A. Ronabaugh, Jr., 130 acre tract the acre tract the following courses and distances, to wit: North 14 degrees 30 minutes east 12 perches; thence North 6 degrees 45 minutes east 12 perches; thence North 0 degrees 30 minutes west 16 perches; thence North 14 degrees east 8 perches; thence North 5 degrees west 4 perches; thence North 27 degrees west 16 perches; thence North 45 degrees west 16 perches; thence North 45 degrees west 16 perches; thence North 45 degrees west 16 perches; thence North 11 degrees 30 minutes west 4 perches; thence North 17 degrees west 24 perches to property line of Irwin & Hopkins Estates also known as Hopkins & Irwin Lands, now owned by your petitioners, a distance of approximately 132 perches as aforesaid.

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 James A. Rorabaugh, Jr., the land owner, by registered mail, addressee only, at 301 Ashland Avenue, Punxsutawney, Pa., the return receipt being hereto attached and made a part of this report

Clearfield, Pa., on the 8th day of April, 1954, at 10:30 o'clock A.M. That the viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were also present at the view W. Albert Ramey, Esq., Attorney for the Petitioners, D. T. Mitchell and William Mahaffey, the Petitioners, James A. Rorabaugh, Jr. and William Rorabaugh

Grand Jury
parties in interest. That the hearing was held in the ~~XX~~ Room, in the Court House, at Clearfield, Pa., on the 15th day of April A.D. 1954, when the following appearances were noted: D.T. Mitchell, William Mahaffey, the Petitioners, together with their Attorney W. Albert Ramey, Esq., James A. Rorabaugh, Jr., together with his Attorneys, John M. Urey, Esq. and Donald R. Mikesell, Esq. of the law firm of Urey, Ammerman & Mikesell, also William Rorabaugh, witness for James A. Rorabaugh, the property owner.
The hearing originally scheduled for Thursday, April 8, 1954 was postponed due to death and agreement of counsel.

viewers, do agree that there is no occasion for a road as desired by the petitioner^s, and that there is strict necessity for a private 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^s, and do return for Private use the following described road, to wit Beginning at the northern end of Township Road, Route No. 314 in Burnside Township which intersects with State Highway leading from Burnside to New Washington, heretofore petitioned for vacation, but not vacated by proceedings filed in the Court of Quarter Sessions of Clearfield County to No. 9 May 22 1922, as shown by the Viewers' report thereon and map or sketch attached thereto; thence following the course of the vacated or abandoned portion of said old Township Road over land formerly of W.F. Sunderland, now James A. Rorabaugh, Jr., North 14° 30 minutes East 198 feet to a stake; thence North 6° 45 minutes East 198 feet to a stake; thence North 00° 30 minutes West 264 feet to a stake; thence North 14° East 132 feet to a stake; thence North 5° West 66 feet to a stake; thence North 27° West 264 feet to a stake; thence North 22° West 264 feet to a stake; thence North 45° West 264 feet to a stake; thence North 34° 15 minutes West 132 feet to a stake; thence North 11° 30 minutes West 66 feet to a stake; thence North 17° West 396 feet to property line of Hopkins & Irvin, now D.T. Mitchell and William Mahaffey; said proposed private road as laid out having an overall length of 2244 feet and a recommended width of 25 feet as requested by the Petitioners.

That the land of the Petitioners is surrounded by lands of other persons and the Petitioners have no legal road or right-of-way from their land to a public highway or place of necessary public resort. That the proposed private road hereinabove described is laid out over a vacated portion of Township Road in Burnside Township which was officially abandoned or vacated by proceedings filed in the Court of

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 24th day of February in the year of our Lord one thousand nine hundred fifty four.

Judge of the same Court: Upon the petition of ~~sundry in-~~
D. T. Mitchell, Jr. and William Mahaffey
~~habitants of the Township of~~ Burnside
in said County, setting forth that

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. A. B. Shaw
Wm. Yost and John Butlin.

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~~ 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.

Wm. T. Hegerty, Clerk.

That the private road herein referred to extends from Township Road, Route 322 in Burnside Township; thence in a general northwesterly direction over lands of Jessie Hutton, Viola Shales and H.M. McFarland to the boundary line of the Petitioners' land, which said road in approximately one mile in length and impractical due to the steepness and nature of the terrain and further is inaccessible for use as a private road by the Petitioners for the reasons herein set forth. That the road hereinabove laid out by your undersigned Viewers extending from the North end of Township Road Route 314 in Burnside Township; thence following the course of a private road over land of James A. Rorabaugh, Jr. to the boundary line of the Petitioners is laid out over practically level land, the total distance thereof being only about one-half mile in length.

WHEREFORE, your undersigned Viewers hereby recommend and return for private use a road 25 feet in width as herein laid out from the property line of the Petitioners, thence over the land of James A. Rorabaugh, Jr. to the North end of Township Road Route 314 as aforesaid.

No. 1 April Sessions, 1954

ORDER

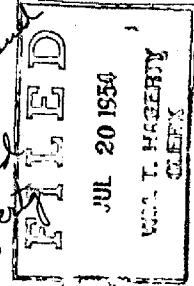
To view and lay out a road for private use in the township of Burnside, Clearfield County.

Sept. 7, 1954, Sessions, 1954,
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	5	---	\$50.00
William Yost	4	---	\$40.00
John Butlin	3	1 3/4	\$36.70

to be absolute if
no exception be made
written by [Signature]



Filed Feb. 24, 1954
Fees \$1.25 paid by

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

Quarter Sessions of Clearfield County to No. 9 May SS 1922 as aforesaid, since which time the same has been kept in repair by the owners of the land to whom said Township Road reverted by operation of law and used as a private road by James A. Rorabaugh, Jr., the present owner, and by his predecessors in title.

That the only other outlet from the Petitioners' land would be over another portion of Township Road in Burnside Township officially vacated or abandoned from the northeastern boundary line of the Petitioners' land to a wild cherry tree on farm of Ralph Hutton, now Jessie Hutton, at point of intersection of said Township Road with Township Road leading from New Washington to Mahaffey, presently known and designated as Township Road, Route 322 in Burnside Township, by proceedings filed to May SS 1888, since which time said vacated portion of Township Road has been used as a private road by the owners of the land to whom said Township Road reverted by operation of law and by their successors in title, as well as, by strip mine coal operators in this area to whom the greater portion of said old vacated Township Road has either been sold or agreements entered into by the land owners with said coal stripping operators for the transportation of coal thereover to market. That the private road herein referred to extends from Township Road, Route 322 in Burnside Township; thence in a general northwesterly direction over lands of Jessie Hutton, Viola Shales and H.M. McFarland to the boundary line of the Petitioners' land, which said road is approxi-

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

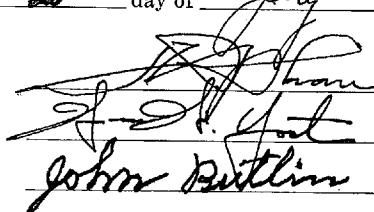
when it was not practical to preserve it within that limit.

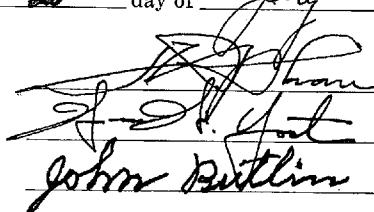
XXXXXX which the road goes to the property of H.M. McFarland
XXXXXX which the road goes to the property of Jessie Hutton
XXXXXX which the road goes to the property of Viola Shales

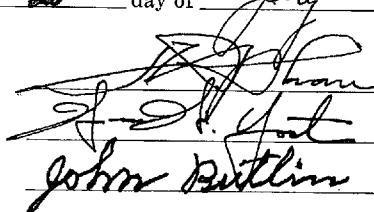
That the damages claimed by James A. Rorabaugh, Jr. in the amount of \$1699.54 for the use of a private road over his land by the Petitioners and as laid out by your Board, as a means of access to and from their land to Township Road Route 314 in Burnside Township, is in the opinion of your undersigned Viewers excessive and after taking into account the advantages to be derived to the property owner as well as the disadvantages do assess the damages to be paid by the Petitioners to James A. Rorabaugh, Jr. at the sum of \$200.00.

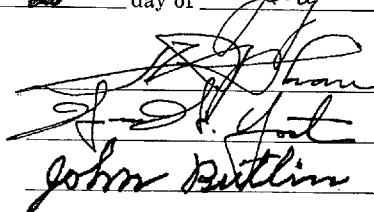
and we herewith return releases obtained and copy of the notices.

WITNESS our hands and seals this 20th day of July
A. D. 1954.


John Buttlin
Seal


John Buttlin
Seal


John Buttlin
Seal


John Buttlin
Seal