

ROADS

DOCKET NO. 7

NUMBER	TERM	YEAR
1	February SS	1953 <u>1954</u>

PETITION TO LAY OUT A PUBLIC ROAD  
IN BIGLER TOWNSHIP (Route 17047 )

VERSUS

---

---

---

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

IN RE: PETITION TO APPOINT A :  
BOARD OF VIEWERS TO VIEW AND :  
LAY OUT A PUBLIC ROAD IN BIG- : No. November Sessions 1953  
LER TOWNSHIP, CLEARFIELD :  
COUNTY, PENNSYLVANIA :  
:

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

The petition of the subscribers, residents and citizens of the Township of Bigler, County of Clearfield and State of Pennsylvania, respectfully represents:

1. That they labor under great inconvenience by the lack of, and are in need of, a public road in Bigler Township, Clearfield County, Pennsylvania
2. That the proposed road is to start from route 17047, - approximately at station  $\frac{0}{67}$  and is to extend in an easterly direction for approximately 1/4 of a mile to a dead end.

WHEREFORE, your petitioners respectfully pray your Honorable Court to appoint a Board of Viewers to view and lay out a public road as herein proposed; and make report thereof to your Honorable Court, as provided by the Act of Assembly, and Rules of Court.

And they will ever pray.

NAMEADDRESS

Oct. 19-1953

Mike Gaco	Hautzdale, Pa. P.O.
Anna Lucas	Hautzdale, Pa. P.O.
John Halobenks	Hautzdale, Pa. P.O.
Martha Halobenks	Hautzdale, Pa. P.O.
Nicholas Grossman	Hautzdale, Pa. P.O.
Victor Vaughan	Hautzdale, Pa. P.O.
Henry Vaughan	Hautzdale, Pa. P.O.
Philip Murray	Hautzdale, Pa. P.O.
Henry Murray	Hautzdale, Pa. P.O.
Mr. Moscolic	Hautzdale Pa P.O.
Ann Moscolic	Hautzdale Pa P.O.
Emile Dersin	Hautzdale Pa. P.O.
Vera Dersin	Hautzdale Pa. P.O.
John Lucas	Hautzdale Pa. P.O.
Walter C. Sunkovich	Hautzdale, Pa. P.O.
Mary Sunkovich	Hautzdale, Pa. P.O.
Joseph Grinier	Hautzdale Pa. P.O.
Julia Grinier	Hautzdale, Pa. P.O.
Steve J. Sunkovic	" " "
Christine Sunkovic	" " "
Mary Sunkovich Sr.	" " "
Adolph Dufour sr	Hautzdale, Pa. P.O.
Victoria Dufour	" " "
William H. Ackley	Madrona Pa. "

COMMONWEALTH OF PENNSYLVANIA : : SS  
COUNTY OF CLEARFIELD : :

William H. Ackley, one of the petitioners,  
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.

William H. Ackley

Sworn and subscribed to  
before me, this 24 day  
of November, 1953.

Dick Reed

RECORDER OF DEEDS

My Commission Expires  
First Monday in January 1958

O R D E R

AND NOW, to wit: this 27 day of November  
1953, the Court appoints Benjamin Hughes, John  
Collins - Wm York

as a Board of Viewers to view and lay out a public road as  
prayed for by the petitioners, and assess such damages as they  
may find due to persons living along the proposed road and  
report their findings to the next Court of Quarter Sessions of  
Clearfield County.

By the Court,

  
President Judge

*Nov. 16, 1953*

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY,  
PENNSYLVANIA

No.

November 16, 1953

IN RE:

PETITION TO APPOINT A  
BOARD OF VIEWERS TO VIEW AND  
Lay Out A PUBLIC ROAD IN  
BIGLER TOWNSHIP, CLEARFIELD  
COUNTY, PENNSYLVANIA

PETITION & ORDER OF COURT

*E-166*

JOSEPH A. DAGUE  
ATTORNEY-AT-LAW  
CLEARFIELD TRUST COMPANY BUILDING  
CLEARFIELD, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Order to View and lay out a road for Public use in : No. 1, February Sess., 1954.  
the Township of Bigler. :

To the COUNTY COMMISSIONERS OF CLEARFIELD COUNTY:

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, at the above Number and Term, to view and lay out a road for public use, leading from Route 17047, at approximately Station 0/67, and extending in an easterly direction approximately one-fourth of a mile, in the village of Atlantic No. 2, in the Township of Bigler, in the County of Clearfield aforesaid, will meet at Station 0/67, on Township Route 17047 leading from Amesville to Henderson's "X" Roads, on Wednesday, the 4th day of August, 1954, at 10.30 A.M., D.S.T., to attend to the duties assigned them.

And that the required Public Hearing will be held in the Grand Jury Room of the Court House, at Clearfield, on Monday, the 9th day of August, 1954, at 10 o'clock A.M., D.S.T., when and where all interested parties may attend and be heard.

John Scollins  
John Scollins  
Benjamin Hughes  
Benjamin Hughes  
William Yost  
William Yost

Houtzdale, Pa., July 17th, 1954.

VIEWERS.

Now, July 18<sup>th</sup>, 1954, Service of the above Notice accepted for the County Commissioners of Clearfield County,

A.R. Dippie  
Clerk.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENN'A.

In re: Order to View and lay :  
out a road for Public use in : No. 1, February Sess., 1954.  
the Township of Bigler. :

To the BOARD OF SUPERVISORS OF BIGLER TOWNSHIP:

You are hereby notified that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, at the above Number and Term, to view and lay out a road for public use, leading from Route 17047, at approximately Station 0/67, and extending eastwardly approximately one-fourth of a mile, in the village of Atlantic No. 2, in the Township of Bigler, in the County of Clearfield aforesaid, will meet at Station 0/67 on Township Route 17047 leading from Amesville to Henderson's "X" Roads, on Wednesday, the 4th day of August, 1954, at 10.30 A.M., D.S.T., to attend to the duties assigned them.

And that the Public Hearing will be held in the Grand Jury Room of the Court House, at Clearfield, on Monday, the 9th day of August, at 10 o'clock A.M., D.S.T., when and where all interested persons may attend and be heard.

John Scollins  
John Scollins  
Benjamin Hughes  
Benjamin Hughes  
William Yost  
William Yost

Houtadela, Pa., July 17th, 1954.

VIEWERS.

July 22d, 1954, Service of the above  
Notice accepted for the Board of Supervisors of Bigler Township.

William H. Achley  
Secretary of the Boards

to the Improved Route 17047, which is an Improved Highway.

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.

7 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 Mike Moscollic and Mike Lucas

7 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: No damages assessed; the improvement of a public road, exceeds the value of any land taken therefor.

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

7 WITNESS our hands and seals this 31st day of August  
A. D. 1954.

*John Eddings* Seal  
*Ben F. Hugler* Seal  
*A. D. Felt* Seal

No. 1 February Sessions, 1954

ORDER

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

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.
William W. Yost	4	40	\$42.00
Benjamin Hughes	2	34	24.20
John Scollins	4	60	43.00

Sept Sessions, 1954  
John J. Dague

Sept 1954  
W.M. T. HAGERTY  
CLERK

Joseph A. Dague, Attorney

Filed 19  
Fees \$1.25 paid by

Dec 1, 1954  
Confirmed  
John J. Dague  
Feb 7, 1955  
Confirmed  
By the Court  
John J. Dague

## 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 County of Clearfield

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 County of Clearfield

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 9th day of August  
A. D. 1954.

Mike Moscolle Seal  
Mike Lucco Seal  
Seal  
Seal

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 November 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 Bigler in said County, setting forth that they labor under great inconvenience by the lack of, and are in need of, a public road in Bigler Township, Clearfield County, Pa.

That the proposed road is to start from route 17047, approximately at station 0/67 and is to extend in an easterly direction for approximately 1/4 of a mile to a dead end.

WHEREFORE

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 Benjamin Hughes, John Scollins and William Yost 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, P.J.

Wm. J. Haggerty, 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

Bigler and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 4th day of August A. D. 1954, and the hearing to be held in the ~~Arbitration~~ <sup>Grand Jury</sup> Room, at the Court House, in Clearfield, Pa., on the 9th day of August, 1954, at 10 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 William W. Yost, Benjamin Hughes and John Scollins, Board of View; Mike Lukach, Mike Moscollic, Victor Vaughn, Phillip Vaughn and George Kline,

Grand Jury  
parties in interest. That the hearing was held in the ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the ninth day of August A. D. 1954, when the following appearances were noted: Mike Moscollic, Victor Vaughn and Mike Lucas, petitioners; all of whom were sworn, examined and cross-examined by your Board.

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 Station 0/67 on Township Route 17047 leading from Amesville to Henderson's "X" Roads, in the Village of Atlantic No. 2: thence running South 73° 45' East between lands of Joseph Finney and Emile Dersin, 113 feet to a post in the centre line thereof; thence South 54° 30' East, still thereby, 271 feet along land of Joseph Finney and 291 feet along land of Emile Dersin, to a post in the centre line thereof; thence South 41° 00' East, along land of Mike Lucas, 117 feet on the North side thereof and 97 feet on the South side thereof, and 127 feet along land of John Lucas on the North side thereof and 198 feet on the South side thereof, (315) to a post; thence South 34° 30' East, along land of Wallace Smith on the North side thereof, 315 feet to a post and 296 feet along land of Mike Moscollic on the South side thereof; and thence still thereby South 16° 45' East, 52 feet along land of Vera Dersin on the North side thereof, and ending at the property line of Phillip Finney.

We further find that the proposed road is 882 feet in length and 33 feet in width; that there are 7 families occupying homes along the route thereof; that during wet and rainy seasons, the Doctors, and Merchants refuse to visit the homes and deliver food and necessities to the homes. That the children of school age are required to travel on foot to the school-bus station under unkept roads with no footing. One home-owner has started a chicken-farm and labors under difficulty in getting in and out