

ROAD

DOCKET NO. 7

Number	Term	Year
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3	April Sessions,	1954.
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In Re: Laying out and opening of a
Private Road into a public Road in the
Village of Bigler, Bradford Township
Clearfield County, Pennsylvania

Versus

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: LAYING OUT AND OPENING OF A :
PRIVATE ROAD INTO A PUBLIC : NO. , MAY SESSIONS, 1954
ROAD IN THE VILLAGE OF BIGLER, :
BRADFORD TOWNSHIP, CLEARFIELD :
COUNTY, PENNSYLVANIA. :

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

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

✓ The report of the Board of Supervisors of Bradford Township, Clearfield County, Pennsylvania sitting as a Board of Viewers under and by virtue of the authority of the Act of May 1, 1933, P.L. 113, Article 2 as amended by the Act of July 10, 1947, P.L. 1481 as further amended by the Act of May 2, 1949, P.L. 189, No. 216 as further amended by the Act of May 24, 1951, P.L. 370, with respect to the laying out and opening of one (1) private road situate within Bigler, Bradford Township, Clearfield County, Pennsylvania.

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

2. That there was presented to the undersigned, as Road Supervisors of Bradford Township, Clearfield County, Pennsylvania, pursuant to the provisions of the Act of Assembly above recited, one (1) petition for the laying out and opening of one (1) private road in Bigler, Bradford Township, Clearfield County, Pennsylvania, said petition being by George Wilkinson, et al, a true and correct copy of which said petition is attached hereto, made a part hereof and marked Exhibit "A".

3. That the road provided for in the petition marked Exhibit "A" is described as follows:

BEGINNING at a point at the intersection with Township Road 611, said point being located 52 feet west of the near rail of the New York Central Railroad crossing on Township Road 611 in the Village of Bigler; thence by the land of the Petitioners the following courses and distances; south 1° west 118.5 feet to a point; thence south 10° 31' east 438.2 feet to the end. The above courses and distances being on the center line of the road and said road having a right of way width of 33 feet.

A graft or plan of said road being attached hereto, made a part hereof, and marked Exhibit "B".

4. Upon presentation of the petition, the undersigned caused written notice to be given to all property owners effected by the laying out and opening of said road of a hearing to be held on said petition on Monday, March 8, 1954 at 7:30 p.m. at the Shiloh School Building in Bradford Township, Clearfield County, Pennsylvania which notice was mailed and received by the property owners effected, at least ten (10) days prior to the date set for hearing, and in addition to written notice as aforesaid, caused copies of said notice to be posted in conspicuous places along said purposed road at least ten (10) days prior to the date set for hearing.

5. That on the 8th day of March, 1954 at 7:30 p.m. at the Shiloh School Building, the undersigned met as a Board of Road Supervisors of Bradford Township to hear and determine the matter presented by said petition.

6. That at such hearing, parties for and against said laying out and opening of the purposed road was heard by the Board of Supervisors.

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

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

(b) That said purposed road is a private road which has been in existence and used by the public in excess of twenty-one (21) years.

(c) That the petitioners constitute a majority in interest of the property owners through whose land said purposed road passes or abutes.

(d) The petitioners seek to have laid out and opened the purposed road as described hereinbefore in said report and which is shown upon a draft attached hereto, made a part hereof and marked Exhibit "B".

(e) That the purposed road has not been maintained by the Road Supervisors of Bradford Township and as a result, has fallen into disrepair.

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

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

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

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

8. Pursuant to the proceedings had in this matter, after hearing and based upon the evidence submitted to the undersigned, the Board of Road Supervisors of Bradford Township, Clearfield County, Pennsylvania, adopted an ordinance at a meeting of said Board held on the 8th day of March, 1954 at 8:30 p.m. at the Shiloh School Building in Bigler, Bradford Township, Clearfield County, Pennsylvania, laying out and opening of one (1) private road as set forth in Exhibit "B" to the width of thirty-three (33) feet. A true and correct copy of said ordinance is attached hereto, made a part hereof and marked Exhibit "C".

9. That no damage or benefits to the property owners through whose lands said road passes or upon whose lands the same abutes will result from the laying out and opening of said road

hereinbefore described except that some damage will result to the land owned by Ray S. Walker and Louise S. Walker, his wife, for which Ray S. Walker and Louise S. Walker have given to the Board of Supervisors of Bradford Township, Clearfield County, Pennsylvania a deed of release and quitclaim for said portions of land which deed is dated the 9th day of December, 1953. A copy of said deed of release and quitclaim is hereto attached, made a part hereof and marked Exhibit "D". Therefore, there is no reason or necessity for damages or benefits.

WHEREFORE, the undersigned Board of Road Supervisors of Bradford Township, Clearfield County, Pennsylvania respectfully requests the Court to confirm this report Ni. Si., confirmation absolute to be made by the Clerk of the Court of Quarter Sessions of Clearfield County, Pennsylvania, as of course, unless exceptions thereto are filed within thirty (30) days of the confirmation Ni. Si. as allowed by law.

Respectfully submitted,

Paul W. Mellor

W. J. Brown

R. B. Harris

Board of Supervisors of Bradford Township,
Clearfield County, Pennsylvania.

EXHIBIT "A"

TO: THE BOARD OF SUPERVISORS OF BRADFORD TOWNSHIP, CLEARFIELD
COUNTY, PENNSYLVANIA.

IN RE: TAKING AND OPENING OF A PRIVATE
ROAD ADJOINING PRESENT TOWNSHIP
ROAD NO. 611

PETITION TO TAKE OVER AND OPEN

The undersigned petitioners who are the owners of the majority in interest of the land abutting a private road one-tenth (1/10) of a mile adjoining the present township road No. 611 in the Village of Bigler, Bradford Township, Clearfield County, Pennsylvania, hereby respectfully petition the Board of Road Supervisors of Bradford Township to take over and open said road and maintain said road at the expense of the Township.

Respectfully submitted,

<u>George Wilkinson</u>	<u>Bigler, Pa.</u>
<u>Kenneth H. Shirey</u>	<u>Bigler, Pa.</u>
<u>Clair Dunlap</u>	<u>Bigler, Pa.</u>
<u>Clyde Robinson</u>	<u>Bigler, Pa.</u>
<u>Clifford Waple</u>	<u>Bigler, Pa.</u>
<u>Bud Knepp</u>	<u>Bigler, Pa.</u>
<u>R. S. Mann</u>	<u>Bigler, Pa.</u>

P.O.T. Sta 5156.7
Angle 180°00'
Nail in the

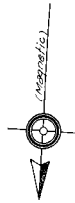


P.O.T. Sta 5156.7
End of Survey

P.I. Sta 118.5
Angle 180°00'
100' Station



P.I. Sta 0+00
Angle 180°00'
100' Station



P.I. Sta 118.5
 $\Delta = 11^{\circ}31'21''$

New York Center
Township Road
Legal Right of Way Line
Railroad

Required Right of Way Line

Existing 16' Brick

S 10°31' E

Required Right of Way Line

Existing Brick

33'

33'

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Exh. "B"

PLAN SHOWING

PROPOSED TOWNSHIP ROAD

BRADFORD TOWNSHIP
CLEARFIELD COUNTY

SCALE 1" = 25'

11-14-53

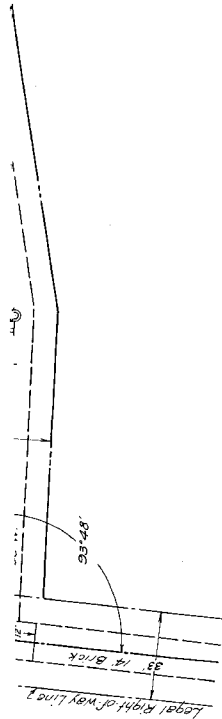


EXHIBIT "C"

ORDINANCE NO.

AN ORDINANCE TO LAY OUT AND OPEN A PRIVATE ROAD WHOLLY WITHIN THE VILLAGE OF BIGLER, BRADFORD TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA.

WHEREAS, a majority in interest of the owners of property abutting and adjoining a private road in the Village of Bigler, Bradford Township, Clearfield County, Pennsylvania have petitioned the Board of Road Supervisors of Bradford Township, Clearfield County, Pennsylvania to lay out, take over and open a road in the said Village of Bigler, Bradford Township, Clearfield County, Pennsylvania.

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

SECTION 1: Pursuant to the petition aforesaid, the following described road be and is hereby laid out, taken over and opened:

BEGINNING at a point at the intersection with Township Road 611, said point being located 52 feet west of the near rail of the New York Central Railroad crossing on Township Road 611 in the Village of Bigler; thence by the land of the Petitioners the following courses and distances; south 1° west 118.5 feet to a point; thence south 10° 31' east 438.2 feet to the end. The above courses and distances being on the center line of the road and said road having a right of way width of 33 feet.

SECTION 2: That the Township Solicitor is directed to file a certified copy of this ordinance along with the report of the findings in the Office of the Clerk of Quarter Sessions.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED this 8th day of March, 1954.

ATTEST:

Edu B. Leanish
Secretary

Paul W. Nelson
President

EXHIBIT "D"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

No Monetary Consideration
Deed of Release and Quitclaim

KNOW ALL MEN BY THESE PRESENTS, That I (or we) Ray S. Walker and Louise
(Name)

S. Walker Bigler, Pennsylvania
(Address)

Owner or owners of property affected by the improvement of a section of road in Bradford Township, Clearfield County, Pennsylvania designated on the records of the Department of Highways as Route No. _____, the property being situated between Stations _____ and _____, on the East side of the road, for and in consideration of the benefits resulting from the improvement of the said road, do hereby remise, release, quitclaim, and forever discharge the Commonwealth and any agency or political subdivision thereof, their employes or representatives, of and from all suits, damages, claims and demands whatsoever, in law or equity or otherwise, against it or them or any of them, for or on account of any taking, injury, or destruction of property, through or by reason of the improvement of said road, including the change of any streams watercourses, drainage, or drainage structures or facilities, or through or by reason of the subsequent maintenance thereof according to the standards of the Department of Highways.

Before signing the within release, the undersigned examined a plan of the proposed improvement, copy of said plan being attached and made part hereof, and it is hereby acknowledged that the effect of said plan on property was fully explained to and understood by the undersigned. (SEE ATTACHMENT)

IN WITNESS WHEREOF, I (or we), intending to be legally bound hereby and to relinquish any claim for damages as aforesaid, have hereto set my (or our) hand (s) and seal (s) this 9th day of December A.D. 19 53

Witness C. A. Walker Ray S. Walker (SEAL)
C. A. Walker Louise S. Walker (SEAL)

ATTACHMENT TO FORM 474 (R-6-11-46)

The stone retaining wall now existing at edge of street shall be maintained, parallel to, and a distance not less than twelve (12) feet from the west side of Laboratory building, and shall be at least four (4) feet high from the surface of the roadway. The execution of this instrument makes this attachment a part of the agreement.

rec'd this

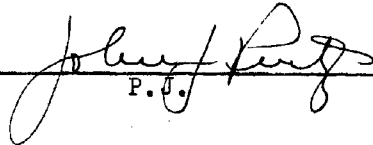
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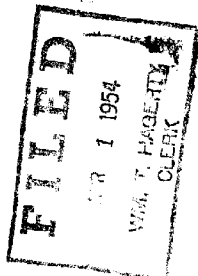
ORDER OF DECREE NI. SI.

AND NOW this *1st* day of *April*, 1954, the report of the Road Supervisors of Bradford Township, Clearfield County, Pennsylvania, relative to the laying out and opening of a private road having been submitted to the Court and the proceedings having been examined and found according to law and the matter having been considered, the report of the Supervisors hereby confirmed Ni. Si., the Prothonotary to enter upon the record an absolute confirmation thereof upon the expiration of the thirty (30) days from this date unless exceptions are filed as allowed by law.

By the Court,


P.F.

Record This

<p>IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA</p> <p>NO. <u>3</u>, MAY <u>April</u> SESSIONS, 1954</p>	<p>IN RE: LAYING OUT AND OPENING OF A PRIVATE ROAD INTO A PUBLIC ROAD IN THE VILLAGE OF BIGLER, BRADFORD TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA.</p>	<p>REPORT OF THE BOARD OF SUPERVISORS OF BRADFORD TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA</p>	<div style="text-align: center;">  </div> <p>EUGENE G. KITKO ATTORNEY AT LAW 17 SOUTH SECOND STREET CLEARFIELD, PA.</p>
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400 By ally

*Now May 4, 1954. Thirty days having
elapsed and no exceptions having
been filed. Same is confirmed
absolute. Wm T. Hagerity, Clerk of Courts*