

DOCKET NO. 7

NUMBER

TERM

YEAR

1 NOV. y SS.

1955.

In Re: Vacation of certain Roads
in Beccaria Township.

VERSUS

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

IN RE: Vacation of certain : NO.

Roads in Beccaria Township.: November Sessions, 1955.

PETITION FOR VIEWERS

To the Honorable John J. Pentz, President Judge of said Court:

The petition of Carl Weakland, J. J. Kachelries and
Merl E. Myers respectfully represents:

1. That your petitioners are the duly elected and
acting Supervisors of Beccaria Township, Clearfield County,
Pennsylvania, a township of the second class.

2. That State Highway Route 53, originally 234, laid
out and constructed upon the township road leading from Glen
Hope Borough to Irvona Borough, has been re-located, straight-
ened and improved as a paved concrete highway.

3. That in the improvement of said State Highway
Route 53, certain portions of the original township road have
become abandoned, to wit:

(i.) Township Route 547, 1.0 mile in length leading
from Glen Hope Borough, via the properties of Jesse Irvin
and Ashley Killion, and ending in State Highway Route 53;

(ii.) Township Route 546, 0.7 mile in length, from its
intersection with Township Route 547 leading to Glen Hope Bor-
ough, via the properties of Samuel Salem, _____ Dotts and
John Niebauer, and parallel to State Highway Route #53:

(iii.) Township Route 547, 0.1 mile in length, leading
from its intersection with Township Route 546 to State Highway
Route 53:

are abandoned portions of the original township road, partly
bordering on Clearfield Creek, and parallel to the Improved

Highway Route 53, have become useless, inconvenient, and burdensome to keep up and maintain, and are dangerous in their present condition.

WHEREFORE, your petitioners pray your Honorable Court to appoint three Viewers from the County Board of Viewers, to view the township roads aforesaid, proposed for vacation, and to consider and judge whether the same have become useless, inconvenient and burdensome; and if they agree, make their report accordingly to the next Court of Quarter Sessions, to be held in and for the County of Clearfield, pursuant to the General Road law, in such case made and provided.

AND THEY WILL EVER PRAY.

J. Kachelrie
Carl Weakland
Merle Myers
Board of Supervisors of the
Township of Beccaria.

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

Carl Weakland, petitioner above 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.

Carl Weakland

Sworn and subscribed to before me, this 28 day of October, A.D. 1955.

H. F. Estright J.P.

My Commission Expires Jan. 4, 1960

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

IN RE: Vacation of certain : No.

Roads in Beccaria Township.: November Sessions, 1955.

ORDER OF COURT

AND NOW, Oct 31, 1955, ~~the~~ THE WITHIN PETITION
having been presented, read and considered, on motion of
John Scollins, Esq., Solicitor of the Township of Beccaria,
the Court orders and appoints AB Shaw
Gray Heil and Bruce Hughes
who are to view the roads in said petition prayed to be
vacated, and to consider and judge whether they have become
useless, inconvenient and burdensome; and if they agree, they
shall make report accordingly to the next Court of Quarter
Sessions, to be held in and for the County of Clearfield.

BY THE COURT

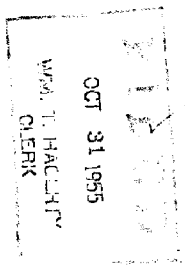
John Heil
President Judge.

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

NO. / NOVEMBER SESS., 1955

IN RE: Vacation of certain
Roads in Beccaria Township.

Petition of the Board of
Supervisors.
Order of Court.



JOHN SCOLLINS
ATTORNEY AT LAW
HOUTZDALE, PA.

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 31st day of October A.D., 1955, to view for vacation the following described public roads in the Township of Beccaria, the same being abandoned portions of the original Township Road partly boarding on Clearfield Creek and parallel to the improved State Highway No. 53 in said Township of Beccaria.

The First Road to be vacated and abandoned being that portion of Township Road Route No. 547, 1.0 mile in length, leading from Glen Hope Borough via the properties of Jesse Irvin and Ashley Killion and ending on State Highway, Route No. 53 in said Township of Beccaria.

The Second Road to be vacated and abandoned being Township Road Route No. 546, 0.7 of a mile in length, beginning at the intersection of said Township Road Route No. 546 with Township Road Route No. 547 leading from Glen Hope Borough via the properties of Samuel Salem, Dotts and John Niebauer, said Township Road being parallel with State Highway Route No. 53 in said Township of Beccaria.

The Third Road to be vacated and abandoned being Township Road Route No. 547, 0.1 of a mile in length leading from the intersection of Township Road Route No. 547 with Township Road Route No. 546, thence extending over Township Road Route No. 547 to State Highway, Route No. 53 in said Township of Beccaria.

will meet on State Highway Route No. 53 in the Borough of Glen Hope, Pennsylvania, on Wednesday, the 16th day of November, A.D., 1955, at 10:30 o'clock A.M., to attend the duties assigned them, and that a public hearing as required by 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 roads or portions thereof to be vacated and abandoned an opportunity to be heard, will be held in No. 2 Court Room in the Court House at Clearfield, Penna. on Friday the 18th day of November, A.D., 1955, at 10:30 o'clock A.M., at which time and place all parties interested in said roads may attend and be heard, if they so desire.

A. B. Shaw

Guy Heil

Benjamin Hughs Viewer's

NOW, November 2 , 1955, service of the above
Notice of View is hereby accepted by copy on behalf of the County
Commissioners of Clearfield County.

AR Duffek
Clerk

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, on the 31st day of October A.D., 1955, to view for vacation the following described public roads in the Township of Beccaria, the same being abandoned portions of the original Township Road partly boarding on Clearfield Creek and parallel to the improved State Highway No. 53 in said Township of Beccaria.

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A. B. Shaw

Guy Heil

Benjamin Hughs Viewer's

NOW, November 3 , 1955, service of the above
Notice of View is hereby accepted by copy on behalf of the Super-
visors of the Road District of the Township of Beccaria.

H. F. Estright
Secretary

Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view ~~the following described roads or portions thereof, situate in Beccaria Township, Clearfield County, Pennsylvania:~~ ^{for vacation} ~~the following described roads or portions thereof, situate in Beccaria Township, Clearfield County, Pennsylvania:~~ ~~XXXXXX XXXXXX~~

The First Road to be vacated and abandoned being that portion of Township Road Route No. 547, 1.0 mile in length, leading from Glen Hope Borough via the properties of Jesse Irvin and Ashley Killion and ending on State Highway, Route No. 53.

The Second Road to be vacated and abandoned being Township Road Route No. 546, 0.7 of a mile in length, beginning at the intersection of said Township Road Route No. 546 with Township Road Route No. 547 leading from Glen Hope Borough via the properties of Samuel Salem, Dotts and John Niebauer, said Township Road being parallel with State Highway Route No. 53.

The Third Road to be vacated and abandoned being Township Road Route No. 547, 0.1 of a mile in length leading from the intersection of Township Road Route No. 546, thence extending over Township Road Route No. 547 to State Highway, Route No. 53.

in Beccaria Township, in the County aforesaid, will meet on State Highway Route No. 53 on dividing line between Glen Hope Boro. at the house of and Beccaria Township near the residence of Jesse Irvin.

in Beccaria Township, on Wednesday the 16th day of November, A. D. 19 55, 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 AS REQUIRED BY 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 ROADS OR PORTIONS THEREOF TO BE VACATED AND ABANDONED AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN NO. 2 COURT ROOM IN THE COURT HOUSE AT CLEARFIELD, PENNA., ON FRIDAY, THE 18th DAY OF NOVEMBER, A.D., 1955, AT 10:30 O'CLOCK A.M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID ROADS MAY ATTEND AND BE HEARD, IF THEY SO DESIRE.

A. B. Shaw

Guy Heil

Benjamin Hughs VIEWERS.

November 2, 19 55

CLEARFIELD COUNTY, SS.:

At a Court of Quarter Sessions of the Peace of the County of Clearfield, Pa., held at Clearfield, Pa., in and for said County, on the 31st day of Oct. in the year of our Lord, one thousand nine hundred and fifty five.

By the Honorable John J. Pentz, President Judge of the said Court: Upon the petition of ~~sundry inhabitants~~ ^{Supervisors} of the Township of Beccaria, in the County aforesaid setting forth that

(i.) Township Route 547, 1.0 mile in length leading from Glen Hope Borough, via the properties of Jesse Irvin and Ashley Killian, and ending in State Highway Route 53:

(ii.) Township Route 546, 0.7 mile in length, from its intersection with Township Route 547 leading to Glen Hope Borough, via the properties of Samuel Salem, () Dotts and John Niebauer, and parallel to State Highway Route #53:

(iii.) Township Route 547, 0.1 mile in length, leading from its intersection with Township Route 546 to State Highway Route 53: are abandoned portions of the original township road, partly bordering on Clearfield Creek, and parallel to the Improved Highway Route 53, have become useless, inconvenient, and burdensome to keep up and maintain, and are dangerous in their present condition.

and, therefore, praying the Court to appoint proper persons to view and vacate said road between the points mentioned, whereupon the said Court, upon due consideration had of the premises, do order and appoint from

and among the County Board of Viewers.... A. B. Shaw, Guy Heil and.....

Ben Hughes..... who have been duly appointed by the said Court on the County Board of Viewers, and filed their oaths of office in the office of the Court of Common Pleas of the County aforesaid, as required by law and are, therefore, duly qualified to perform the duties of their appointment, with impartiality and according to the best of their judgment; are to view the said road, and after having viewed the same, if they, or a majority of them, do agree that there is no necessity for said road, they shall proceed to vacate the same as agreeably to the desire of the petitioners as may be, and make report thereof to the next Court of Quarter Sessions to be held in and for said County, stating particularly whether there is any necessity for said road, or whether the same should be vacated; and the reason why, together with a plot, or draft, thereof showing the courses and distances with reference to the improvements through which said road passes.

And in case the viewers aforesaid shall decide in favor of vacating said road, they shall obtain from the persons through whose lands the said road passes, or otherwise affected, or damaged, by the vacating of said road, releases from whatever damage they may sustain by the vacation of said road; and in case the owners of such lands, or persons affected, thereby refuse to release their claim to damages, the said Viewers shall assess the same, taking into consideration the advantages, as well as the disadvantages, arising from the vacation of said road; and make report of such assessment; 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 the place where they would meet, to view 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 QUARTER SESSIONS OF THE PEACE, IN AND FOR THE
COUNTY OF CLEARFIELD, PA.

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, beg leave to report as follows:

That notice of the time of the 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 Beccaria

, and that three notices thereof were posted along the route of the said road to be vacated, that the said view would be held on the 16th day of November, A. D. 1955, and that the public hearing, as required by the Act of Assembly, and the Rules of Court, in the Court House, in Clearfield, Pa., on the 18th day of November A. D., 1955 at 10:30 o'clock P. M., and that said Viewers, appointed by the said order, viewed the road desired to be vacated, and that there were present at the view J. J. Kachelries, Carl Weakland, & Merele L. Myers, Supervisors of the Road District of the Township of Beccaria.

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held No. 1 Court Room in the Court House, in Clearfield, Pa., on the 18th day of November, A. D. 1955, when the parties interested in the said road were in attendance: J. J. Kachelries, Carl Weakland, & Merele L. Myers

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road ~~have~~, become useless, inconvenient and burdensome and serve no useful purpose to the traveling public by virtue of the construction and relocation of the original Township Road between the Boroughs of Glen Hope and Irvona, Penna. (the improved highway presently known and designated as said highway Route No. 53) wherefore, your undersigned viewers recommend that the following roads or portions thereof be vacated and abandoned as part of the general road system of the Township of Beccaria.

The First Road to be vacated and abandoned being that portion of Township Road Route No. 547, 1.0 mile in length, leading from Glen Hope Boro. via the properties of Jesse Irvin and Ashley Killion and ending on State Highway, Route No. 53 in said Township of Beccaria.

The Second Road to be vacated and abandoned being Township Road Route No. 546, 0.7 of a mile in length, beginning at the intersection of said Township Road Route No. 546 with Township Road Route No. 547 leading from Glen Hope Borough via the properties of Samuel Salem, Dotts and John Niebauer, said Township Road being parallel with State Highway Route No. 53 in said Township of Beccaria.

The Third Road to be vacated and abandoned being Township Road Route No. 547, 0.1 of a mile in length leading from the intersection of Township Road Route No. 547 with Township Road Route No. 546, thence extending over Township Road Route No. 547 to State Highway, Route No. 53 in said Township of Beccaria.

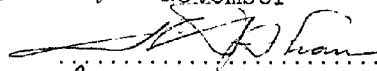
and that a plan, or draft, of said road to be vacated showing the courses and distances, and over whose property the said road passes, is hereto attached and made a part hereof.

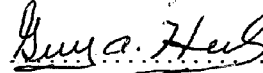
~~THE undersigned Viewers further report that they endeavored to procure from all parties affected by the vacation of said road, and over whose properties said road passes, or in any way damaged by the vacation of said road, a release in writing of all claims to damages that may arise from the vacation thereof, and that they procured such release from:~~

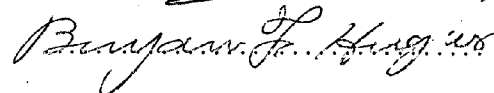
~~And that the following persons having, in the opinion of the Viewers, been damaged by the vacation of said road, and having refused to release the damages to which they may be respectively entitled to by reason of the vacation and closing up of the said road, we the undersigned Viewers, after having considered the advantages to be derived to them, do assess them damages and make report thereof, as follows:~~

and we herewith return ~~release obtained, and~~ copy of the notices.

Witness our hands and seals this 18th day of November, A. D. 1955

 (SEAL.)

 (SEAL.)

 (SEAL.)
Viewers.

Doc 7 Cy 204

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 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	2	-	20.00
Guy Heil	1	-	10.00

No. 1. NOV. Term 19.55.....

ORDER TO VACATE

To view and vacate road situate
in the Township of Beccaria...
Clearfield County.

Now 76 Sessions 19.56..

read and confirmed Ni. Si.

By the Court
Now 76 Sessions 19.56..

confirmed absolute.
By the Court.

FILED
NOV 25 1955
WM. T. HAGERTY
CLERK

Filed 19..

Atty,

