

ROAD

DOCKET NO. 7

NUMBER	TERM	YEAR
--------	------	------

6	Sept. SS.	1955.
---	-----------	-------

---

In Re: Public Road in the

Township of Woodward

---

**VERSUS**

---

---

---

TO THE COUNTY COMMISSIONER OF CLEARFIELD COUNTY

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, on the 29th day of August, A. D. 1955, <sup>to</sup> view and lay out a public road in the Township of Woodward, Clearfield County, Pennsylvania, the same to have its beginning at the intersection of the proposed road with Township Road Route No. 654 in the Village of Pacific; thence extending in an easterly direction over an abandoned railroad right-of-way, a distance of approximately 700 feet in length to the residence of Andrew Kowatch in said Township of Woodward; will meet on the premises in said Township on Wednesday, September 21, 1955, at 10:30 o'clock A.M. (DST) to attend the duties assigned them, at which time and place all parties interested in said proposed road will take notice, and that the public hearing required by Act of Assembly and Rules of Court, to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said proposed road an opportunity to be heard, will be held in the No. 2 Court Room in the Court House at Clearfield, Pennsylvania, on Friday the 23rd/ <sup>day of September</sup> at 10:30 o'clock A.M. (DST) at which time and place all parties interested in said proposed road may attend and be heard, if they so desire.

September 1, 1955.

A. B. Shaw

Ben Hughes

Guy Heil

Viewer's

NOW, September ~~2~~, 1955, service of the above Viewer's Notice is hereby accepted by copy on behalf of the County Commissioner of Clearfield County.

W.R. Dugger  
Clerk

TO THE SUPERVISORS OF THE ROAD DISTRICT  
OF THE TOWNSHIP OF WOODWARD

NOTICE OF VIEW

You are hereby notified that the undersigned Viewer's appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, on the 29th day of August, A. D. 1955, <sup>to</sup> view and lay out a public road in the Township of Woodward, Clearfield County, Pennsylvania, the same to have its beginning at the intersection of the proposed road with Township Road Route No. 654 in the Village of Pacific; thence extending in an easterly direction over an abandoned railroad right-of-way, a distance of approximately 700 feet in length to the residence of Andrew Kowatch in said Township of Woodward; will meet on the premises in said Township on Wednesday, September 21, 1955, at 10:30 o'clock A.M. (DST) to attend the duties assigned them, at which time and place all parties interested in said proposed road will take notice, and that the public hearing required by Act of Assembly and Rules of Court, to be held by the Viewer's before the filing of their report in Court, in order to give all parties interested in said proposed road an opportunity to be heard, will be held in the No. 2 Court Room in the Court House at Clearfield, Pennsylvania, <sup>day of September</sup> on Friday the 23rd/at 10:30 o'clock A.M. (DST) at which time and place all parties interested in said proposed road may attend and be heard, if they so desire.

September 1, 1955.

A. B. Shaw

Ben Hughes

Guy Heil

Viewer's

NOW, September , 1955, service of the above Viewer's Notice is hereby accepted by copy on behalf of the Supervisors of the Road District of the Township of Woodward.

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to view/a Road or assess damages, ~~leading from~~ beginning at the intersection of the proposed road and lay out with Township Road Route No. 654 in the Village of Pacific; thence extending in an easterly direction over an abandoned railroad right-of-way, a distance of approximately 700 feet in length to the residence of Andrew Kowatch in said Township of Woodward

in Woodward township

in WOODWARD Township, in the County aforesaid, will meet at the house of ANDREW KOWATCH

in WOODWARD Township, on WEDNESDAY  
the 21st day of SEPTEMBER, A. D. 1955, at 10:30  
(DST)  
o'clock A. M., to attend to the duty assigned them, of which time and place aforesaid, all

parties interested will take notice, THAT THE PUBLIC HEARING REQUIRED BY ACT OF ASSEMBLY AND RULES OF COURT, TO BE HELD BY THE VIEWER'S BEFORE THE FILING OF THEIR REPORT IN COURT, IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID PROPOSED ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE NO. 2 COURT ROOM IN THE COURT HOUSE AT CLEARFIELD, PENNSYLVANIA, ON FRIDAY, THE 23rd DAY OF SEPTEMBER AT 10:30 O'CLOCK A.M. (DST) AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN SAID PROPOSED ROAD MAY ATTEND AND BE HEARD, IF THEY SO DESIRE.

A. B. SHAW

BEN HUGHES

GUY HEIL

V I E W E R S .

SEPTEMBER 1,

55

19

No. 6 September Sessions, 1955

## ORDER

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

**NOTE.**—In case of a private road, the release must be executed in favor of the petitioner for said road.

Also, viewers will carefully note the number of days employed and set the amount out at the foot of their return.

Reviewers cannot interfere with the damages assessed by the original viewers, except so far as the location may be changed by the reviewers.

N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road they will report to that effect.

	DAYS	MILES	AM'T.
A. B. Shaw	3	36	31.8
Guy A. Heil	3	92	34.6
Ben Hughes	2	60	23.00

Worship Sessions, 19

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.

By The Count  
Joseph Henry

FILED  
SEP 28 1955  
WM. T. HAGERTY CLERK

Filed 19

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

including the Supervisors of the Road District of the Township of Woodward, its construction and maintenance seems to be necessary for the accomodation and convenience of the traveling public, as well as, for the convenience and accomodation of the six (6) families living along said proposed road, who must use the same as their only means of excess to and from their homes to the main highway, so in view of these facts your undersigned Board of Viewers recommend the taking over and improvement of the aforesaid proposed road, as laid out by the Road District of the Township of Woodward, for the use of the traveling public.

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.

and that a plan or draft of said road showing courses and distances and the properties affected is hereto attached and made a part hereof said road being at an elevation not exceeding five degrees, excepting

when it was not practical to preserve it within that limit

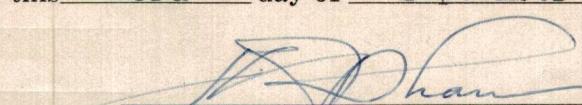
The undersigned further report that they endeavored to procure from all the owners of the land over which the said road passes a release as hereinabove of any claims to damages that may arise from opening the same, and that they procured such releases from

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

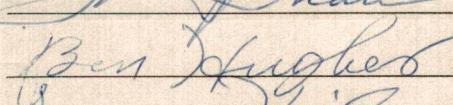
That the benefits of the proposed road are in excess of any damages, if any, to the property owners affected thereby so no damages are awarded to the abutting property owners.

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

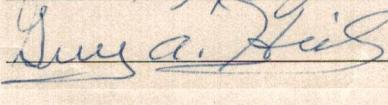
WITNESS our hands and seals this 23rd day of September  
A. D. 1925.



Seal



Seal



Seal

Seal

# RETURN OF VIEWERS

To the Honorable the Judge of the Court of Quarter Sessions of the Peace for the County of Clearfield:

We, the undersigned viewers, duly appointed by your Honorable Court by the foregoing order from and among the County Board of Viewers who have been duly appointed by your Honorable Court and have filed their oaths of office in the Court of Common Pleas of Clearfield County, be leave to report as follows:

That notice of the time of view and of the hearing day was duly served according to law upon the Commissioners of Clearfield County and the Board of Supervisors of the Township of Woodward and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 21st day of September <sup>No. 2 Court</sup> A. D. 1925, and the hearing to be held in the ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 23rd day of September <sup>(DST)</sup>, 1925, 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 Gordon Fowler, Carl Swartz, and John J. Higgins, Supervisors of Woodward Township, also Albert Petrisky, Paul Takach, Andrew Kowatch, and Michael B. Susko.

<sup>No. 2 Court</sup> parties in interest. That the hearing was held in the ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 23rd day of September A. D. 1925, when the following appearances were noted: Albert Petrisky, Paul Takach, Andrew Kowatch, and Michael B. Susko, also Gordon Fowler, Carl Swartz, and John J. Higgins, Supervisors of Woodward Township.

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is no occasion for a road as desired by the petitioner, and that the same is not necessary for a public road: And having had respect to the shortest distance and the best ground for such road we have laid out in such manner as shall do the least injury to private property, and as far as practicable agreeably to the desire of the petitioner, and do return for public use the following described road, to wit Beginning at the point of intersection of Township Road Rt. No. 654 in the Village of Pacific, Woodward Township, Clearfield County, Pennsylvania; thence extending in a Northwesterly direction partly over an abandoned railroad right-of-way and partly over a dedicated alley in the Plan or Plot of Lots of the Village of Pacific, a distance of Eleven Hundred Forty-four (1144) feet to the residence of Andrew Kowatch in said Village of Pacific, Woodward Township, Clearfield County, Pennsylvania.

The proposed road herein above described is laid out partly over an old railroad right-of-way which has been abandoned for over fifty (50) years and partly over a dedicated, but unrecorded alley-way which traversed said railroad right-of-way, in the Plan or Plot of Lots of the Village of Pacific, Woodward Township, Clearfield County, Pennsylvania, and has long since been used by the property owners of this area as a private road. That for many years the individual property owners served by said private road, have kept the same in repair at their own cost and expence, and during certain seasons of the year the same becomes impassable, due to lack of proper grading and drainage and in the opinion of your undersigned Viewers, the newly proposed road that has been laid out is necessary for the accomodation and convenience of the traveling public and should be kept up and maintained as a public road at public expense.

There are no objections to the proposed road as layed out in accordance to the great number of Petitioners requesting the same,

# 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 29th day of August in the year of our Lord one thousand nine hundred Fifty Five

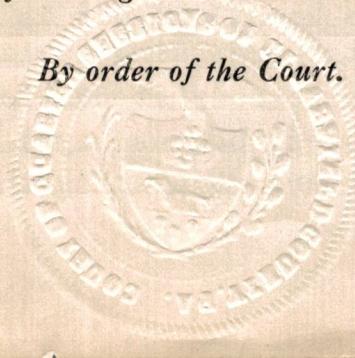
Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Woodward in said County, setting forth that Beginning at the intersection of the proposed road with Township Route 654, leading from Route 353 to Route 53, in the village of Pacific; thence in an Easterly direction over the abandoned railroad right-of-way to the residence of Andrew Kowatch, approximately 700 feet in length.

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 Ben Hughes and Guy Heil

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. Haggerty, Clerk.

## Appearances

Albert Deltushy	
Paul Takach	
Andrew Knatch	
Gordon Weller	
Carl Swartz	Deformers
John J Higgins	
Michael B Busho	

22  
60  
92

Hil	2 days	92 m
Shaw	2 "	36
Hughes	2 "	60

$$\begin{array}{r} 36 \\ 5 \\ \hline 180 \\ 30. \text{ v}^2 \end{array} \quad \begin{array}{r} 92 \\ 5 \\ \hline 460 \end{array} \quad \begin{array}{r} 60 \\ 5 \\ \hline 300 \end{array}$$

In re: Public Road in the: In the Court of Quarter Sessions  
Township of Woodward : of Clearfield County, Penn'a.  
No. September SS., 1955.

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

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

1. That your petitioners labor under great inconvenience for want of a public road or highway, beginning at the intersection of the proposed road with Township Route 654, leading from Route 353 to Route 53, in the village of Pacific: thence in an Easterly direction over the abandoned railroad right-of-way to the residence of Andrew Kowatch, approximately 700 feet in length.

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

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

And they will ever pray.

Albert L. Petrusky  
Ellen M. Petrusky  
Margaret Petrusky  
Michael B. Fink

Lewis Evans  
Roseanna Evans  
Daniel Cotter, Jr.,  
La Rue Cotter  
Mary Trella  
Jack Robertson  
Eleanor Robertson  
Helen Takach  
Paul Takach  
Mary Kowatch  
Amelia Kowatch  
Oscar Bruberg Jr  
Leonard Q Duke  
Livingston Baker  
Andrew Kowatch  
Elmer Q. Anderson  
Fr. J. Seyboldt  
E. A. Ronon M.D.  
E.R. Lobb - Lobb's Grocery Store  
Clayton Bruberg  
K. has D. Edgo. - Meter man  
Paul A. Trella  
J. C. Merckle  
Dr. A. J. Durig  
Mrs. Schaner  
Ellen R. Steele  
Gordon Fowler  
Carl Swartz  
John J. Higgins.

Road Supervisor  
Road Supervisor  
Road Supervisor

State of Pennsylvania:  
: ss:  
County of Clearfield :

Albert Petrusky, one of the petitioners within named, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

And further saith not.

Albert Petrusky

Sworn and subscribed to before me, this 22 day of August, A.D. 1955.

John J. Garman  
Notary of the Peace

My Commission Expires  
First Monday of January, 1960

In re: Public Road in the: In the Court of Quarter Sessions of  
Township of Woodward. : Clearfield County, Pennsylvania.

No. September SS., 1955.

ORDER OF COURT.

AND NOW, Aug 29, 1955 on motion of  
John Scollins, Attorney for the petitioners, the Court appoint  
*Q B Shaw, Ben Hughes Guy Heil*  
as a Board of View upon the foregoing petition, and further  
orders that the said Board of View shall perform their duties  
in accordance with the Acts of Assembly in such case made and  
provided, and report at the next term of Court.

BY THE COURT

*John R. P.*  
President Judge.