

Road

DOCKET NO. 7

Number

Term

Year

4

November SS 1957

Petition to vacate road in

BOGGS Township

Versus

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

In Re: Order to View and Vacate a : No. 4, November Sess. 1957.
Township Road, Route #672, situate :
in the Township of Boggs, Clearfield:
County. :

To: County Commissioners of the County of Clearfield:

You are hereby notified that the undersigned Viewers appointed by the Court to the above number and term, to view and vacate a Township Road leading from the intersection of Township Road Route #672 with Township Road Route #674, leading from West Decatur to Wallacetown, at or near the village of West Decatur; thence extending over said Township Route No. 672 in a general northwesterly direction, crossing over the Pennsylvania Railroad tracks to the point of intersection of said Township Road with Legislative Route No. 57 U.S. Route #322) leading from Clearfield to Philipsburg, Penna., being approximately 1500 feet in length, in Boggs Township, in the County aforesaid, will meet at the intersection of Township Road Route #672 with Legislative Route No. 57 (U.S. Route #322) in Boggs Township, on Friday, the 14th day of February, A.D. 1958, at 2:00 o'clock P.M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice. And that the public hearing required by the Act of Assembly and Rules of Court to be held by the Viewers, will be held in the Grand Jury Room in the Court House at Clearfield on Monday, the 17th day of February, 1958 at 10:00 o'clock A.M., or as soon as Counsel can be heard, at which time and place all parties interested may attend and be heard.

JOHN SCOLLINS
GUY A. HEIL
JOHN BUTLIN

Viewers.

Dated: January 29th, 1958

CLEARFIELD COUNTY, SS:

Now, this 31 day of January 1958 service of the above Notice accepted for the County of Clearfield, and we acknowledge receipt of a copy thereof.

Stanley M. Zbieg
Clerk

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

In re: Order to View and Vacate a: No. 4, November Sess., 1957.
Township Road, Route #672, situ- :
ate in the Township of Boggs, :
Clearfield County. :

To: Earl W. Smeal,)
Willard Millner: Supervisors of Boggs Township:
Burton Davis)

You are hereby notified that the undersigned Viewers appointed by the Court to the above number and term, to view and vacate a Township Road leading from the intersection of Township Road Route #672 with Township Road Route #674, leading from West Decatur to Wallacetown, at or near the village of West Decatur; thence extending over said Township Route No. 672 in a general northwesterly direction, crossing over the Pennsylvania Railroad tracks to the point of intersection of said Township Road with Legislative Route No. 57 (U.S. Route #322) leading from Clearfield to Philipsburg, Penna., being approximately 1500 feet in length, in Boggs Township, in the County aforesaid, will meet at the intersection of Township Road Route #672 with Legislative Route No. 57 (U.S. Route #322) in Boggs Township, on Friday, the 14th day of February, A.D. 1958, at 2:00 o'clock P.M., to attend to the duty assigned them, of which time and place aforesaid, all parties interested will take notice. And that the public hearing required by the Act of Assembly and Rules of Court to be held by the Viewers, will be held in the Grand Jury Room in the Court House at Clearfield on Monday, the 17th day of February, 1958 at 10:00 o'clock A.M., or as soon as Counsel can be heard, at which time and place all parties interested may attend and be heard.

JOHN SCOLLINS
GUY A. HEIL
JOHN BUTLIN

Dated: January 29th, 1958.

Viewers.

COUNTY OF CLEARFIELD, SS: NOW, Jan 31, 1958
We hereby accept service of the above Notice of View and Hearing, and acknowledge receipt of a copy thereof.

Willard Millner
Earl W. Smeal
Robert Shaw
Supervisors of Boggs Township

No. 4 Nov Term 19 57

ORDER TO VACATE

To view and vacate road situate

in the Township of Boggs

Clearfield County.

Now May Sessions 19 58

read and confirmed Ni. Si.

By the Court:

Now Sept Sessions 19 58

confirmed absolute.

By the Court:

Filed 19

Atty, A. B. Shaw

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 |
|---------------|------|-------|---------|
| John Butlin | 2 | 44 | \$22.20 |
| Guy C. Heil | 3 | 160 | \$38.00 |
| John Scollins | 3 | 84 | \$34.20 |



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, or 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 damage that may arise from the vacation thereof, and that they procured such release from: No damages claimed, or assessed.

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: No damages claimed, or assessed.

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

Witness our hands and seals this 14th day of March, A. D. 19 58

John Scellins (SEAL.)
Sam A. Hill (SEAL.)
John Butten (SEAL.)
Viewers.

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 Boggs

, 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 14th day of February, A. D. 19 58 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 17th day of February A. D., 1958, at 10:00 o'clock A.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 John Butlin, Guy A. Heil and John Scollins, Viewers; Thos. W. Heil, George Carney and Willard Gray, Earl W. Smeal and Robert Shaw,

parties interested, either in favor of or against vacating said road. And that the aforesaid hearing was held in the Court House, in Clearfield, Pa., on the 17th day of February, A. D. 19 58 when the parties interested in the said road were in attendance: A. B. Shaw, Esq., Solicitor for Boggs Township Road District; John Butlin, Guy A. Heil and John Scollins, Board of Viewers. A. B. Shaw, Esq., sworn, examined and cross-examined.

And that after the view and hearing above mentioned, the undersigned Viewers do agree that said road has , become useless, inconvenient and burdensome to wit: Township Route No. 672 beginning at its intersection with Township Route No. 674, leading from West Decatur to Wallaceton, at or near the village of West Decatur; thence extending over said Township Route No. 672, in a general northwesterly direction, crossing over the Pennsylvania Railroad tracks, to the point of intersection of said Township Route No. 672 with Legislative Route No. 57 (U.S. Route 322) leading from Clearfield to Philipsburg, approximately 1500 feet in length, in the Township of Boggs, in the County of Clearfield aforesaid.

Your Viewers further find that since the relocation of U.S. Route 322, that portion of Township Route 672 from its intersection with U.S. Route 322 in a general southeasterly direction to its intersection with Township Route 674, has been taken off the Highways Map, and abandoned; and Boggs Township has received no appropriation for its upkeep. The aforesaid portion of the said Township Route 672 has never been taken off the Boggs Township system of public roads; hence this petition of the Board of Supervisors for its vacation.

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 7th day of January in the year of our Lord, one thousand nine hundred and fifty-eight

By the Honorable John J. Pentz, President Judge of the said Court: Upon the petition of sundry inhabitants of the Township of Boggs, in the County aforesaid setting forth that in said Township of Boggs a portion of Twp. Road Route #672, beginning at the intersection of said Twp. Road with Twp. Road Route #674, leading from West Decatur to Wallacetown, at or near the village of West Decatur; thence extending over said Township Road Route No. 672 in a general northwesterly direction crossing over the Penna. Railroad tracks to point of intersection of said Township Road with Legislative Route No. 57 (U.S. Route #322) leading from Clearfield to Philipsburg, Penna. being approximately 1500 feet in length.

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..... John Scollins, Guy A. Heil and

John Butlin..... 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.

John J. Pentz, President Judge

Sam. G. Hagerty
Clerk.

IN THE COURT OF QUARTER SESSIONS OF CLEARFIELD COUNTY, PENNSYLVANIA

In re: Petition to Vacate Road : No. 4 November Sessions 1957
in the Township of Boggs, :
Clearfield County, Penna. :

P E T I T I O N

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

The petition of Earl W. Smeal, Willard Millner, and Burton Davis, Supervisors of the Road District of the Township of Boggs, Clearfield County, Pennsylvania, respectfully represent:-

(1) That the said Earl W. Smeal, Willard Millner, and Burton Davis, are duly qualified Supervisors of said Township of Boggs, Clearfield County, Pennsylvania.

(2) That in said Township of Boggs there is a certain portion of Township Road Route No. 672, beginning at the intersection of said Township Road with Township Road Route No. 674, leading from West Decatur to Wallacetown, at or near the village of West Decatur; thence extending over said Township Road Route No. 672 in a general northwesterly direction, crossing over the Pennsylvania Railroad tracks to point of intersection of said Township Road with Legislative Route No. 57 (U.S. Route No. 322) leading from Clearfield to Philipsburg, Pennsylvania.

(3) That the above described Township Road Route No. 672 or portion thereof, being approximately 1500 feet in length, has become useless, inconvenient and burdensome, and should therefore, be vacated and abandoned.

WHEREFORE, your undersigned petitioners respectfully pray that the above described Township Road or portion thereof, be vacated and abandoned and that Viewer's be appointed by your Honorable Court for this purpose.

And they will ever pray,

Willard Miller

Burton Davis

Carl W. Smith

Supervisors of the Road District
of the Township of Boggs.

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD : SS

Before me the subscriber, personally appeared,
L. Lorraine Henchcliffe, Secretary of the Road District of the Township of Boggs, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct.

L. Lorraine Henchcliffe
Secretary of the Road District
of the Township of Boggs.

Sworn to and subscribed before
me this 2 day of December, A.D.,
1957.

PROTHONOTARY

My Commission Expires
January 4, 1958

ORDER OF COURT

AND NOW, this ~~7th~~ day of January, A.D., 1958, the foregoing petition having been read and considered, the Court appoints John Scollins, Sam A Heil, and John Buttrick, as the Board of Viewers to view for vacation the aforementioned described road in Boggs Township, as prayed for and to assess the damages that may be caused the persons affected by such vacation, and report thereon to the Court of Quarter Sessions of Clearfield, Pennsylvania, at its next regular Sessions .

By the Court,

John H. H. H.
P.J.