

Road

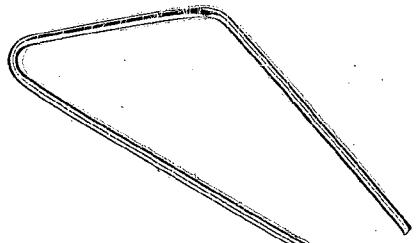
DOCKET NO. 7

Number	Term	Year
1	May	1958

Petition to View and lay out a

Township Road in Woodward

Versus Township



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

In re: Petition to View and: No. May Sess., 1958
lay out a Township Road, in:
Woodward Township. :

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

The petition of the undersigned citizens, inhabitants
and tax-payers respectfully represent:

1. That your petitioners labor under great inconven-
ience for want of a township road or highway, beginning at
the intersection of the public road leading from Brisbin to
Pacific #1, and the abandoned railroad siding right-of-way
at the property of Mrs. Elizabeth Sakutney; thence in a general
northwestern direction, seve-ntenths (.7) of a mile and ending
in Township Rt. No. leading from Brisbin to Henderson's
"X" Roads, near the property of Amy Castiaux, in said Township,
at Ocean Tabernacle.

2. There are seven families, 20 adults and 12 children
of school age, living along the route of the proposed road.

3. That during Spring and Winter Seasons the present
lanes and alleys are impassable and dangerous for public
travel:

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

And they will ever pray.

John M. Reed Peter J. Legrand Jr.
Julia A. Reed Mrs. P. J. Legrand
James Tubo John J. Thomas
Marie Tubo William Reifer
Edward Tubo H. E. Smeal
Dennis Tubo George Legg
Josephine Castiaux Steve J. Slinkarie
Clarence B. Olette Elizabeth Legg
Leland Kephart Merle L. Fahl
Hazel Kephart Charles Habasevich
Emile Bastiaux (John P. Polk's
George Hustiner Anna Berg
Bernard Zackettley Charles Berg Jr
Mrs. Steve Zackettley W.P. Reifer
Michael B. Sussko Kenneth A. Roman
Sarah M. Sullard John T. Wilkes
Ruth Tephut Harry Swanson
Andrew Sussko
Richard Marion Jr.
John K. Marion Kim E. Lewis
James Tubo Jr. Carl Swart
George Tubo Sr. Louis Cottar
W. C. Smeal Kathryn Cottar
Regis J. Lobb Warren G. Yarger
"Lair" Legge John Higgins Supervisor
H. R. L. Williams Albert L. Petrusky Supervisor
Myrda McNeil
Steve Labant
Elmer C. Anderson

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

NO. / May Sess., 1958

Page 250

In re: Petition to View
and lay out a Township
Road in Woodward Township.

ORDER
AND NOW, *June 26, 1958*
on motion of John Scollins,
attorney for the petitioners,
the Court appoints:
H. B. Scollins, John Huston
as a Board of View and fur-
ther orders that the said
Board of View shall perform
their duties in accordance
with the Act of Assembly in
such case made and provided
and report *John Scollins* next Term
of Court. *John Scollins*
ATTORNEY AT LAW
MOUNTDALE, PA.
BY THE COURT

400 by 400

TO THE COUNTY COMMISSIONERS OF CLEARFIELD COUNTY, PENNSYLVANIA

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, on the 26th day of May, A.D., 1958, to view and lay out a public road in the Township of Woodward, Clearfield County, Pennsylvania, the same to have its beginning at point of intersection of proposed road with public road leading from Brisbin to Pacific No.1 and the abandoned siding right of way, at the property of Mrs Elizabeth Sakutney; thence extending in a general northwesterly direction for a distance of approximately seven-tenths (.7) of a mile and ending at Township Road leading from Brisbin to Henderson's "X" roads, near the property of Amy Castraux, at Ocean Tabernacle, in said Township of Woodward, will meet on the premises, on Wednesday June 18, 1958, at 1:00 o'clock P.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 Viewers 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 Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Friday June 20, 1958, at 1:30 o'clock P.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

Guy Heil

Benjamin Hughes

Viewers

Now, June 5 1958, service of the above Viewers Notice, is hereby accepted by copy on behalf of the County Commissioners of Clearfield County.


Stanley M. Gobig Clerk

TO THE SUPERVISORS OF THE WOODWARD TOWNSHIP ROAD DISTRICT

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, on the 26th day of May, A.D., 1958, to view and lay out a public road in the Township of Woodward, Clearfield County, Pennsylvania, the same to have its beginning at point of intersection of proposed road with public road leading from Brisbin to Pacific No.1 and the abandoned siding right of way, at the property of Mrs Elizabeth Sakutney; thence extending in a general northwesterly direction for a distance of approximately seven-tenths (.7) of a mile and ending at Township Road leading from Brisbin to Henderson's "X" roads, near the property of Amy Castraux, at Ocean Tabernacle, in said Township of Woodward, will meet on the premises, on Wednesday June 18, 1958, at 1:00 o'clock P.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 Viewers 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 Grand Jury Room in the Court House at Clearfield, Pennsylvania, on Friday June 20, 1958, at 1:30 o'clock P.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

Guy Heil

Benjamin Hughes

Viewers

Now, June 7th 1958, service of the above Viewers Notice, is hereby accepted by copy, on behalf of the Supervisors of Woodward Township.

John Higgins
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 ~~a Road~~ ^{and lay out} ~~xxxxxx~~ ~~damages, leading from~~ in the Township of Woodward, Clearfield County, Pennsylvania, the same to have its beginning at point of intersection of proposed road with public road leading from Brisbin to Pacific No.1, and the abandoned siding right of way, at the property of Mrs Elizabeth Sakutney; thence extending in a general northwesterly direction for a distance of approximately seven-tenths (.7) of a mile and ending at Township Road leading from Brisbin to Henderson's "X" roads, near the property of Amy Castraux, at Ocean Tabernacle, ~~xxxxxx~~ ⁱⁿ Township

in Woodward Township, in the County aforesaid, will meet at the house of Mrs Elizabeth Sakutney

in Woodward Township, on Wednesday the 18th day of June, A. D. 19 58, at 1:00 o'clock ^(DST) A. 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 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 PROPOSED ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD, PA., ON FRIDAY JUNE 20th 1958, AT 1:30 O'CLOCK P.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

GUY HEIL

BENJAMIN HUGHES

V I E W E R S .

June 5, 1958.

BENJAMIN HUGHES

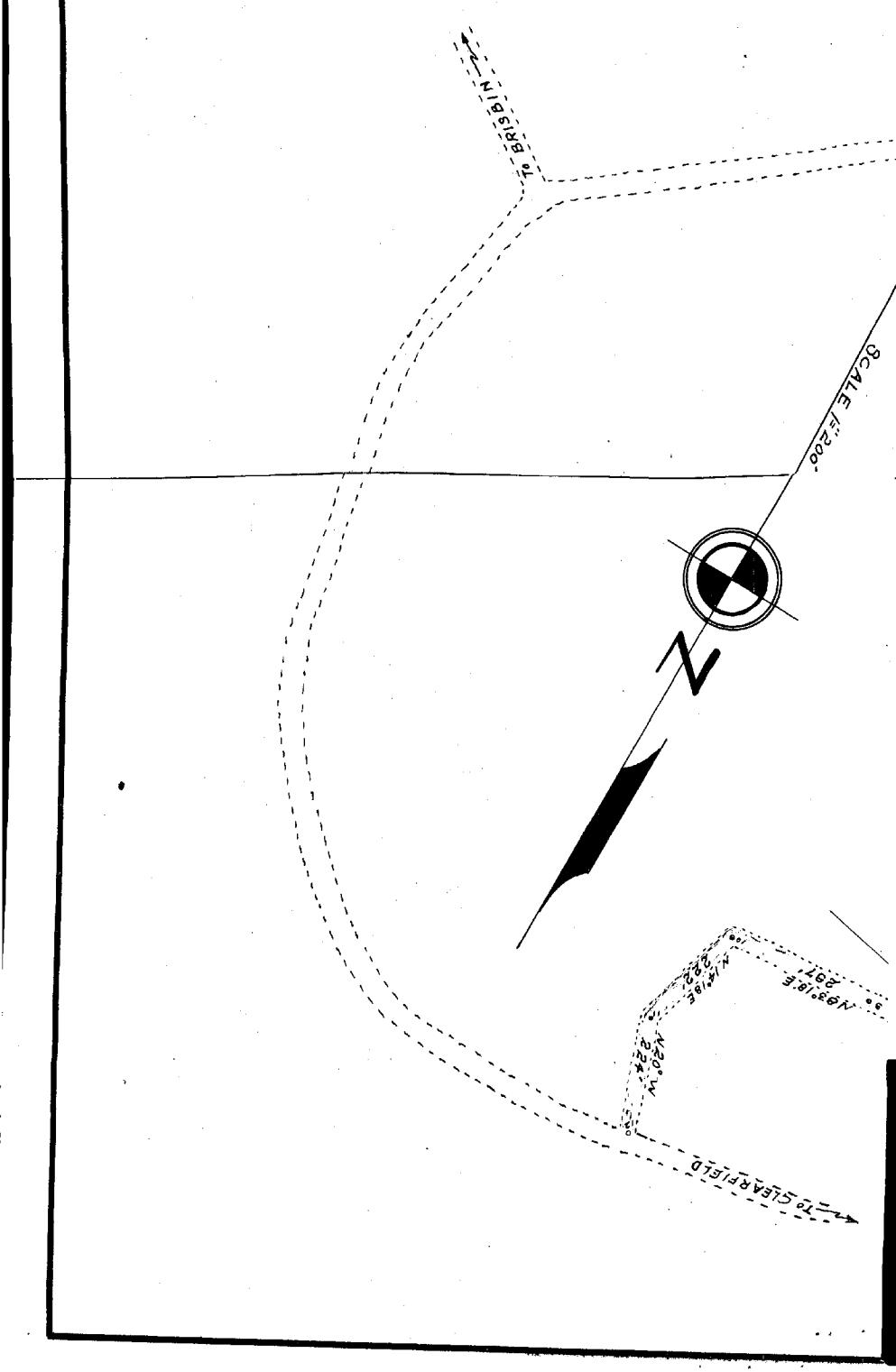
G. A. HEIL

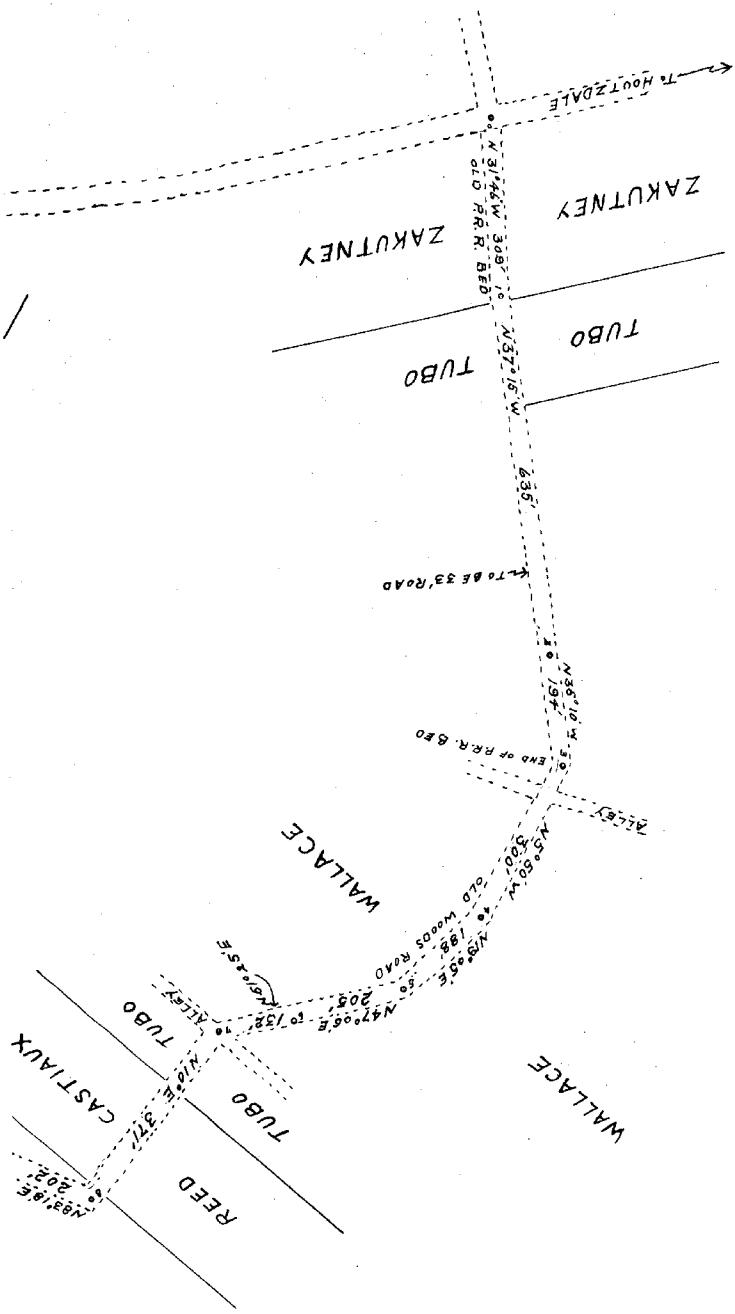
A. B. SHAW

VIEWERS

COUNTY PENNA

ROAD VIEW WOODWARD TOWNSHIP CLEARFIELD





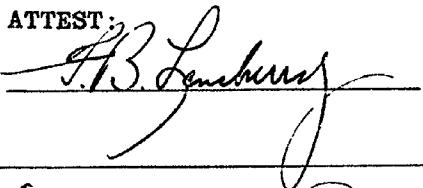
RELEASE OF DAMAGES

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, owners of land situate in the Township of Woodward, Clearfield County, Pennsylvania, through which the Township Supervisors of said Township propose to construct a public road which has been laid out by Viewers appointed by the Court of Quarter Sessions of Clearfield County, Pennsylvania, to No. 1 May Sessions, 1959, which road shall be approximately thirty-three (33) feet in width, and which will pass through our property, as shown on a sketch hereto attached, marked Exhibit "A" and made an integral part hereof, for and in consideration of the sum of One (\$1.00) Dollar to us respectively paid by the Supervisors of the Road District of the Township of Woodward at and before the sealing and delivery hereof, have remised, released and forever quitclaimed, and do hereby remise, release and forever quitclaim to the said Supervisors of the Road District of the Township of Woodward, all damages that may arise to us respectively, by reason of the location and opening of said road, so that neither we, nor any of us, nor any person claiming under us, can or may at any time hereafter ask, sue for, demand, have or receive any damages for injuries by arising or growing out of the location and opening of the road, aforesaid.

It is understood and agreed that this release only applies to the property outlined on the sketch hereto attached and that said road will be thirty-three (33) feet wide, and nothing herein contained shall pertain to any other property belonging to the parties hereto.

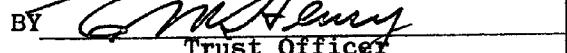
WITNESS our hands and seals, this the 30th day of June A. D. 1959.

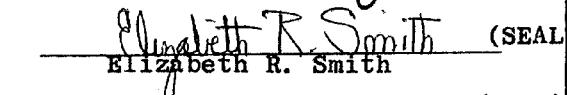
ATTEST:


A.B. Lemburg

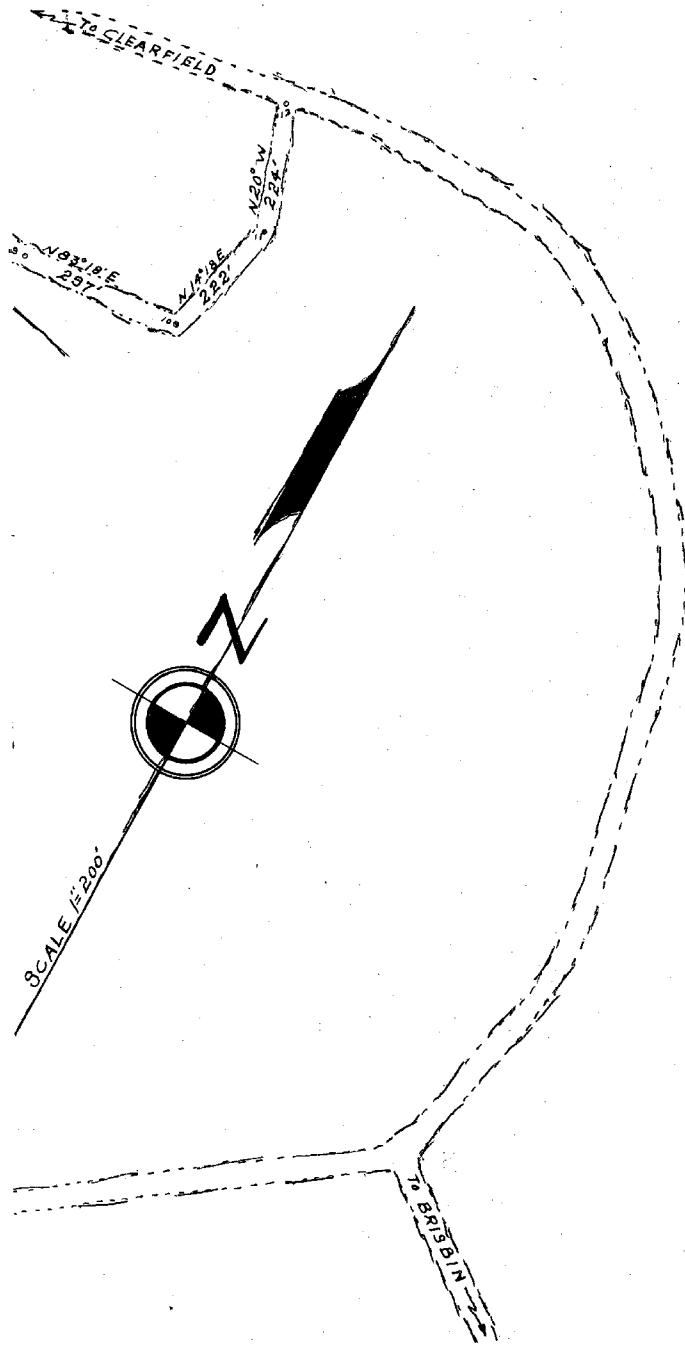

Elizabeth Ann Reed

ESTATE OF W. WALLACE SMITH
THE COUNTY NATIONAL BANK AT CLEAR-
FIELD and ELIZABETH R. SMITH,
EXECUTORS AND TRUSTEES

BY 
G.M. Henry
Trust Officer


Elizabeth R. Smith (SEAL)
Elizabeth R. Smith
(SEAL)

Mrs. Elizabeth Zakutay (SEAL) _____ (SEAL)
George Neasham (SEAL) _____ (SEAL)
John M. & Julia Reed (SEAL) _____ (SEAL)
James & Marie Tulsa (SEAL) _____ (SEAL)
Josephine & Emile Costant (SEAL) _____ (SEAL)



ROAD VIEW WOODWARD TOWNSHIP CLEARFIELD

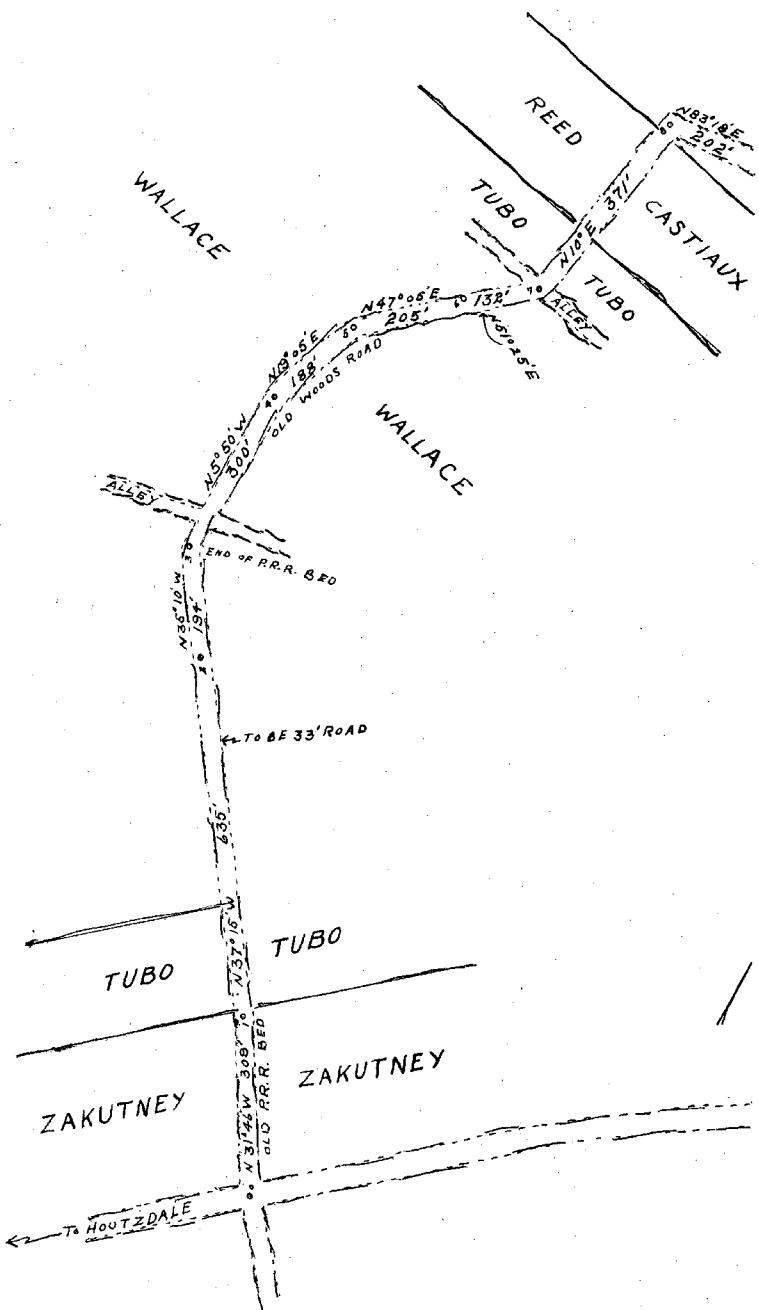
COUNTY PENNA

VIEWERS

A. B. SHAW

G. A. HEIL

BENJAMIN HUGHES



1. That your petitioners labor under great inconvenience for want of a township road or highway, beginning at the intersection of the public road leading from Brisbin to Pacific #1, and the abandoned railroad siding right-of-way at the property of Mrs. Elizabeth Sakutney; thence in a general northwestern direction seven-tent (.7) of a mile and ending in Township Rt. No. leading from Brisbin to Henderson's "X" Roads, near the property of Amy Castiaux, in said Township at Ocean Tabernacle.
2. There are seven families, 20 adults and 12 children of school age, living along the route of the proposed road.
3. That during the Spring and Winter Seasons the present lanes and alleys are impassable and dangerous for public travel.

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 26th day of May in the year of our Lord one thousand nine hundred fifty-eight

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Woodward in said County, setting forth that

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.

John J. Pentz President Judge

Sam. T. Slagerty, 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 Woodward and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 18th day of June ¹⁹⁵⁸ ~~Grand Jury~~ A. D. ~~1958~~, and the hearing to be held in the ~~Arbitration~~ Room, at the Court House, in Clearfield, Pa., on the 20th day of June ¹⁹⁵⁸, at 1:30 o'clock P.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 Carl Swartz, John Higgins, Supervisors of Woodward Twp., also James Tuba and other property owners whose names were not noted.

Grand Jury
parties in interest. That the hearing was held in the ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 20th day of June ¹⁹⁵⁸ A. D. ~~1958~~, when the following appearances were noted: Carl Swartz, John Higgins and Albert Patrusky, Supervisors of Woodward Twp., also John M. Green and James Tuba, parties in interest.

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 point of intersection of proposed road with public road leading from Brisbin to Pacific No. 1 and the abandoned siding right-of-way, at the property of Mrs. Elizabeth Zakutney; thence extending in a general Northwesterly direction for a distance of 3279 feet and ending at Township Road leading from Brisbin to Henderson's X-Roads near the property of Amy Castiaux at Ocean Tabernacle in said Township of Woodward, Clearfield County, Pennsylvania.

The proposed road is laid out over a private road having a width of approximately 20-feet, long since in existence and used by the petitioners and residents of this area. That for the past 30 years or more the individual property owners served by said private road which leads from their places of residences to the main highway, have kept and maintained said road in repairs for themselves, as well as, for the traveling public to the best of their ability.

That the seven families specially served by said private road have twelve or more children of school age, who must use said private road in going to and from school, and because of its bad state of repair is impassable by motor vehicles during certain seasons of the year, and at times when illness has occurred in the families served by said road it was found impossible to obtain the needed services of an attending physician.

That the abutting property owners are unable individually to adequately maintain said private road by giving it the proper grading and drainage required, and as said newly proposed road, which has been laid out over said private road, is necessary for the accommodation of the abutting property owners, who will be especially benefited by said proposed road, as well as for the accommodation and convenience

traveling public, the same should be taken over as a public road and maintained at public expense.

That the taking over of said private road as a part of the General Road System of the Township of Woodward appears to be agreeable to the Supervisors of the said township, according to the petition and testimony offered before your Board of Viewers, said proposed road appears to be necessary for the accommodation and convenience of the traveling public, as well as for the accommodation of the persons living along said private road, and in view of these facts your undersigned Viewers recommend that the same be taken over by the Supervisors of the Road District of the Township of Woodward and to be incorporated and maintained as a part of General Road System of said township.

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 releases in writing of all claims to damages that may arise from opening the same, and that they procured such releases from Elizabeth Zakutney, James and Marie Tubo, John M. and Julia Reed, George Kyshnew, Joseph and Emile Castiaux, and The County National Bank and Elizabeth R. Smith, Executors and Trustees of the Estate of W. Wallace Smith, deceased, the abutting property owners and parties in interest.

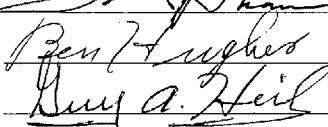
~~The following persons having refused to execute the releases required by the undersigned, the undersigned do hereby declare that the opening of the road, as set forth in the petition, will be proceeded with, notwithstanding the fact that the same may be liable to damages for the same.~~

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

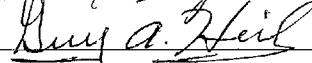
WITNESS our hands and seals this 6 th day of July
A. D. 1958



Seal



Seal



Seal

Seal

No. 1 May Sessions, 1958

ORDER

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

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.

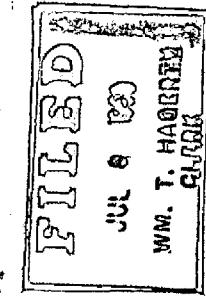
N. B.—If the viewers believe the parties are not entitled to damages, taking into consideration the advantages as well as the disadvantages of the road, they will report to that effect.

	Days	Miles	Amount
A. B. Shaw, Attorney	4	60	43.00
Benjamin Hughes	2	60	3.00
Guy A. Heil	3	70	4.50

Aug 8 Sessions, 1959.

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.

John B. Shaw



Filed 19
Fees \$1.25 paid by _____

John Scollins, Attorney

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
Seal
Seal
Seal