

ROAD DOCKET #7

No. 3 February SS. 195 8

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In Re: WITHDRAWAL OF THE DEDICATION
OF ALLEYS:

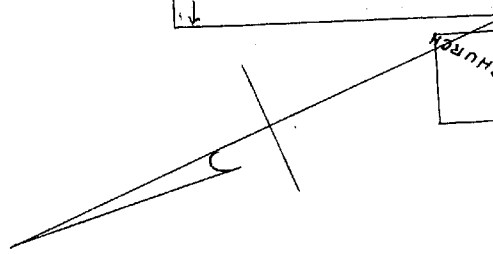
BURNSIDE TOWNSHIP:

Charge

CORNELLY

N. 21° 45' E. 187.2'

PRES. CHURCH



R.T. 555

SHOFF

McMULLEN

R.T. 564

ROAD VIEW IN THE VILLAGE OF MADERA

BIGLER TOWNSHIP CLEARFIELD COUNTY, PA

VIEWERS A.B. SHAW BENJAMIN HUGHES Gay A. Hail Enger

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

In Re: Withdrawal of the :
Dedication of Alleys :

P E T I T I O N

The Petition of J. HOWARD McFARLAND, GENEVIEVE McFARLAND
and ANDREW JOHNSON and ELIZABETH JOHNSON, respectfully represents
as follows:

(1). That your Petitioners are the owners of certain property lying along Route #219 in Burnside Township, Clearfield County, Pennsylvania.

(2). That at some time prior to 1903, the exact date of which has not been able to be determined by your Petitioners after reasonable search, a plot or plan was made showing two twenty-seven (27) foot alleys and a twelve (12) foot alley, in the said plot or plan covering the properties now owned by your Petitioners.

(3). That after diligent search, your Petitioners have been unable to find the said plot or plan on record in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania, and it appears that the same has never been recorded.

(4). That your Petitioners are the owners of all properties laid out in said plot or plan.

(5). That the only evidence of said plot or plan, which your Petitioners have been able to find after diligent search, is in the descriptions of the properties now vested in your Petitioners, such descriptions calling for alleys as set forth in paragraph 2 hereof.

(6). That attached hereto is a copy of a plan drawn in accordance with the descriptions in the deeds for the properties now vested in your Petitioners.

(7). That such plot or plan has never been approved by the Supervisors of Burnside Township, nor the alleys shown thereon accepted by the Supervisors as public alleys, as required by the second class Township Code. (53 P. S. Sections 66140 and 66140.1).

(8). That the said alleys have never been opened on the ground, and cannot now be opened without the consent of your Petitioners. Act of May 9, 1889, P. L. 173, No. 192, Section 1, (36 P. S. 1961).

(9). That your Petitioners are the owners of the property located on both sides of the alleys shown in said plan.

(10). That the said alleys are not necessary for public convenience, and their upkeep would be an unnecessary burden on the taxpayers of Burnside Township.

(11). That your Petitioners may at anytime be forced to have a survey made and a plan recorded under the Act of May 28, 1895, P. L. 124, Section 1; April 28, 1899, P. L. 123, Section 1, (21 P. S. 399).

(12). That attached hereto is a consent of the Burnside Township Supervisors to the withdrawal of the attempted dedication by plan or plot and the vacation of said plan or plot and a Joinder in the Petition.

WHEREFORE, your Petitioners pray your Honorable Court that Decree be made, directing that the attempted dedication by plot or plan be withdrawn and the plan vacated.

And they will ever pray.

J. Howard McFarland.
J. Howard McFarland

Genevieve McFarland.
Genevieve McFarland

Andrew Johnson.
Andrew Johnson

Elizabeth Johnson.
Elizabeth Johnson

✓

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF INDIANA :

Before me, the subscriber hereto, appeared J. HOWARD
McFARLAND, who, being duly sworn according to law, deposes
and says that the facts set forth in the within Petition are
true and correct to the best of his knowledge, information and
belief.

J. Howard McFarland

Sworn and subscribed to :
before me this 10 day :
of April, 1958. :

S. Nelson (signature)

JOINDER IN PETITION

NOW, the 10th day of April, 1958, WE, GEORGE KAUFMAN, J. C. BROTHERS, and L. G. REPINE, being the Supervisors of Burnside Township, Clearfield County, Pennsylvania, do hereby consent and agree that the attempted dedication by plan or plot of certain alleys on property belonging to J. Howard McFarland, Genevieve McFarland and Andrew Johnson, and Elizabeth Johnson, along Route #219, in Burnside Township, Clearfield County, Pennsylvania, be withdrawn and the said plan or plot vacated, as the alleys shown thereon have never been accepted by the Supervisors of Burnside Township and are not necessary for public convenience and the cost of the upkeep of the same would be an unnecessary burden upon the taxpayers of the Township.

SUPERVISORS OF BURNSIDE TWP.

George Kaufman
George Kaufman

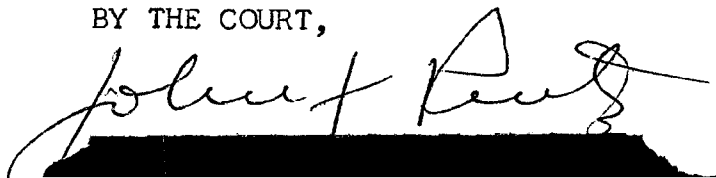
J. C. Brothers
J. C. Brothers

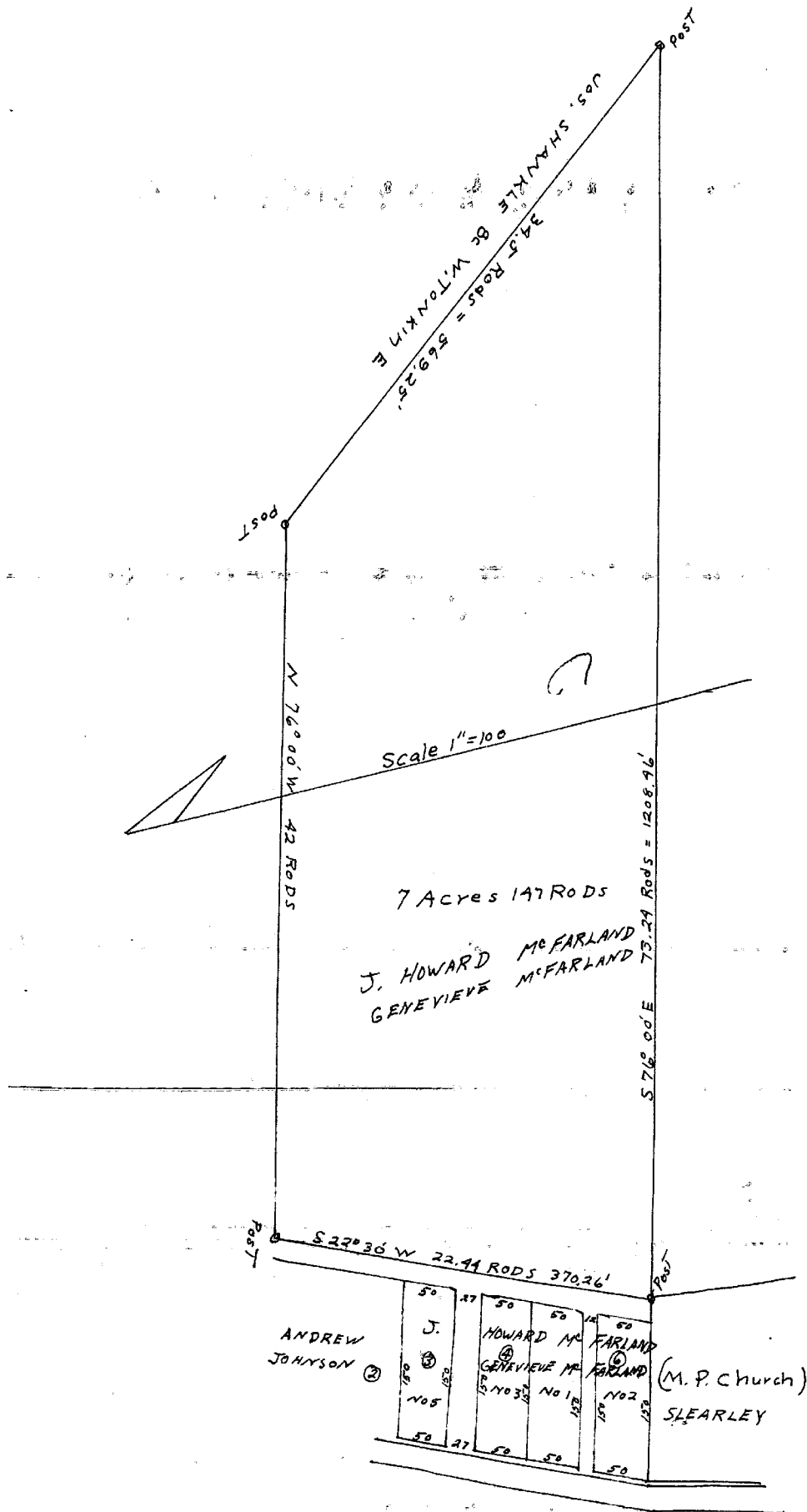
L. G. Repine
L. G. Repine

ORDER OF COURT

NOW, this 9th day of April, 1958, the within
Petition having been read and considered, and it appearing that
the alleys set forth in the plan attached to the Petition lie
wholly upon the ground of J. Howard McFarland, Genevieve McFarland
and Andrew Johnson and Elizabeth Johnson, and that a dedication
of the public alleys by plot or plan had been attempted at some
period prior to 1903, and the same had not been accepted by the
Supervisors of Burnside Township, nor the alleys opened on the
ground, and it further appearing that the Supervisors of
Burnside Township consent to the withdrawal of the attempted
dedication, and the vacation of said plan or plot, it is hereby
ORDERED and DECREED that the attempted dedication of of the
alleys, shown on the plan attached to the Petition, be withdrawn
and the plan vacated, and the land covered by said alleys revert
to the adjoining owners in accordance with the law in such case,
made and provided.

BY THE COURT,


[Redacted signature block]



3 Feb 22 1958

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

In Re: Withdrawal of the
Dedication of Alleys

P E T I T I O N

APR 22 1958
WM. T. HAGERMAN
CLERK

BELL, SILBERBLATT & SWOPE
ATTORNEYS AT LAW
121 EAST MARKET ST.
CLEARFIELD, PENNA.

OPTIONAL FORM NO. 67 (REVISED 4-54)

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