

ROAD

**DOCKET NO. 7**

<b>Number</b>	<b>Term</b>	<b>Year</b>
<b>#3</b>	<b>May</b>	<b>1958</b>

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**PETITION TO APPOINT A BOARD OF  
VIEWERS TO VIEW AND LAY OUT A  
PUBLIC ROAD IN BIGLER TOWNSHIP**

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**Versus**

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# 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 4th day of August in the year of our Lord one thousand nine hundred and fifty-eight

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Bigler in said County, setting forth that the proposed road begins at the intersection of Township Routes 564 with Township Route 555 on Spruce Street in the Village of Madera, aforesaid, and extending in a Northerly direction 180 linear feet from Township Route 555 aforesaid to a dead end.

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, Guy Heil and Benjamin Hughes 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. Hagerty, 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

Bigler and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 3rd day of September A. D. 19258, and the hearing to be held in the ~~Arbitration Room~~ No. 2 Court Room, at the Court House, in Clearfield, Pa., on the 5th day of September, 19258, at 10:30 o'clock A.M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Wm. H. Askey, Sec'y of the Bigler Township Rd. Dist. appeared on behalf of the Supervisor of Bigler Township, other persons whose names were not noted.

No. 2 Court  
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 5th day of September A. D. 19258, when the following appearances were noted: Wm. H. Askey, Sec'y of the Bigler Township Rd. Dist. appeared on behalf of the Supervisors of Bigler 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 point of intersection of Township Road, Rt. No. 564, and Township Rt. No. 555, at Spruce Street in the Village of Madera; thence extending in a Northeasterly direction 187.2 feet to the property line of the Joseph Alexander Estate in the Village of Madera, Bigler Township, Clearfield County, Pennsylvania.

The proposed road is laid out over a dedicated street, long since in existence, and used by the petitioners and residents of this area. That for a great number of years the individual property owners served by said dedicated street have maintained and kept the same in repair for themselves as well as for the travelling public, to the best of their ability.

That the abutting property owners are unable individually to adequately maintain said private road or street by giving it the proper grading and drainage required, and since the aforementioned proposed road is necessary for the persons living in this area, who will be especially benefited thereby, as well as for the accommodations and conveniences of the travelling public, the same should be taken over as part of the General Road System of the Township of Bigler.

The taking over said private road or street as laid out by your undersigned viewers is agreeable to the supervisors of the Road District of the Township of Bigler and according to the great number of petitioners and the testimony offered to your Board of Viewers, said proposed road is necessary for the accommodation and convenience of the travelling public and in view of these facts your undersigned viewers recommend that the same be taken over as part of the General Road System of the Township of Bigler and maintained at public expense.

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 The proposed road is laid out over a private road or dedicated street long since in existence and used by the residents of this community, and since the benefits to the abutting property owners would exceed any damages, if any, caused by the construction of said road, no releases were necessary.

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:

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

WITNESS our hands and seals this 18th day of December  
A. D. 19~~58~~

A. B. Shaw,

*Seal*

Ben Hughes

*Seal*

Guy A. Heil

*Seal*

*Seal*

No. 3 May Sessions, 19 58

## ORDER

To view & Lay Out a  
road for public use in the  
township of Bigler  
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	A.M.T.
A. B. Shaw	3	42	32.10
Guy Heil	3	90	34.50
Benjamin Hughes	2	120	26.00

May Sessions, 19 58,  
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 Court,  
John J. Pentz, P.J.

19  
File  
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

Seal

Seal

Seal

No. 3 May Sessions, 1958

## ORDER

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

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A. B. Shaw	3	42	32.10
Guy Heil	3	90	34.50
Benjamin Hughes	2	120	26.00

May Sessions, 1958  
*John H. Hager*



19  
Filed  
Fees \$1.25 paid by

## RELEASE OF DAMAGES

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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

and convenience of the travelling public / in view of these facts your undersigned viewers recommend that the same be taken over as part of the General Road System of the Township of Bigler and maintained at public expense.

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 The proposed road is laid out over a private road or dedicated street long since in existence and used by the residents of this community, and since the benefits to the abutting property owners would exceed any damages, if any, caused by the construction of said road, no releases were necessary. 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:

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

WITNESS our hands and seals this 18th day of December  
A. D. 1925.

John Seal  
Ben Dugger Seal  
Guy A. Hul Seal

# 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 ~~xxxxxx~~ Beginning at point of intersection of Township Road, Route  
No. 564 with Township Road, Route No. 555, at Spruce Street in the village of  
Madera; thence extending in a northerly direction, 180 feet to property line  
of the Joseph Alexander Estate,

~~xx~~  
in ~~xxxxxx~~ township

in ~~Bigler~~ Township, in the County aforesaid, will  
meet at the house of ~~xxxxxx~~ on the premises  
in ~~Bigler~~ Township, on ~~Wednesday~~  
the ~~3rd~~ day of ~~September~~, A. D. 19~~58~~, 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. AND THAT THE PUBLIC HEARING REQUIRED BY ACT OF  
ASSEMBLY AND RULES OF COURT IN ORDER TO GIVE ALL PARTIES INTERESTED IN SAID  
PROPOSED ROAD AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN NO. 2 COURT ROOM IN  
THE COURT HOUSE AT CLEARFIELD, PENNSYLVANIA, ON FRIDAY, SEPTEMBER 5, 1958, 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~~

~~GUY A. HEIL~~

~~BENJAMIN HUGHES~~

~~V I E W E R S .~~

~~AUGUST 19, 1958~~

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 4th day of August, A.D., 1958, to view and lay out a public road in the village of Madera, Bigler Township, Clearfield County Penna., the same to have its beginning at point of intersection of Township Road, Route No. 564 with Township Route No. 555, at Spruce Street in the village of Madera, as aforesaid; thence extending in a north-easterly direction, 180 feet to property line of the Joseph Alexander Estate, in said Township of Bigler, will meet on the premises, on Wednesday September 3, 1958, 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 given in order that all parties interested in said proposed road might have an opportunity to be heard, will be held in No. 2 Court Room in the Court House at Clearfield, Pennsylvania, on Friday September 5, 1958, 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

Guy Heil

Benjamin Hughes

Viewers

Now, August 19, 1958, service of the above Viewers notice is hereby accepted by copy on behalf of the County Commissioners of Clearfield County.

Stanley M. Zieg  
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 Bigler and that three notices thereof were posted along the route of the proposed road, that the said view would be held on the 3rd day of September A. D. 1958, and the hearing to be held in <sup>No. 2 Court Room</sup> ~~the Arbitration Room~~, at the Court House, in Clearfield, Pa., on the 5th day of September, 1958, at 10:30 o'clock A.M. That the three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view Wm. H. Askey, Sec'y of Bigler Township Road District, other persons whose names were not noted

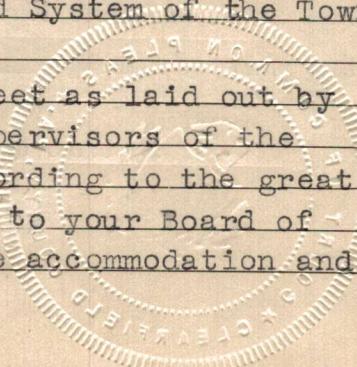
<sup>No. 2 Court</sup>  
parties in interest. That the hearing was held in the ~~Arbitration~~ Room, in the Court House, at Clearfield, Pa., on the 5th day of September A. D. 1958, when the following appearances were noted: Wm. H. Askey, Sec'y of the Bigler Township Rd. Dist. appeared on behalf of the Supervisor of Bigler 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 point of intersection of Township Road, Rt. No. 564, and Township Rt. No. 555, at Spruce Street in the Village of Madera; thence extending in a northeasterly direction 187.2 feet to the property line of the Joseph Alexander Estate in the Village of Madera, Bigler Township, <sup>County, Pennsylvania.</sup>

The proposed road is laid out over a dedicated street, long since in existence, and used by the petitioners and residents of this area. That for a great number of years the individual property owners served by said dedicated street have maintained and kept the same in repair for themselves as well as for the travelling public, to the best of their ability.

That the abutting property owners are unable individually to adequately maintain said private road or street by giving it the proper grading and drainage required, and since the aforementioned proposed road is necessary for the persons living in this area, who will be especially benefited thereby, as well as for the accommodations and convenience of the travelling public, the same should be taken over as part of the General Road System of the Township of Bigler.

The taking over said private road or street as laid out by your undersigned viewers is agreeable to the supervisors of the Road District of the Township of Bigler and according to the great number of petitioners and the testimony offered to your Board of Viewers, said proposed road is necessary for the accommodation and



# 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 4th day of August in the year of our Lord one thousand nine hundred and fifty-eight

Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Bigler in said County, setting forth that the proposed road begins at the intersection of Township Routes 564 with Township Route 555 on Spruce Street in the Village of Madera aforesaid, and extending in a Northerly direction 180 linear feet from Township Route 555 aforesaid to a dead end.

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, Guy Heil and Benjamin Hughes

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.



Jem. T. Hagerty, Clerk.

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

In re: Petition to Appoint a Board: No.  
of Viewers to view and lay out a :  
Public Road in Bigler Township, : May Sess., 1958.  
Clearfield County, Pennsylvania. :

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

The petition of the subscribers, residents and citizens of the Township of Bigler, County of Clearfield, and State of Pennsylvania, respectfully represents:

1. That they labor under great inconvenience by the lack of, and are in need of, a public road in the village of Madera, in Bigler Township, Clearfield County, Pennsylvania.
2. That the proposed road begins at the intersection of Township Routes 564 with Township Route 555 on (Spruce street in the Village of Madera aforesaid, and extending in a North-erly direction 180 linear feet from Township Route 555 aforesaid to a dead end.
3. That the proposed road leads from a sealed-mine opening, leaking sulphurous water affecting the homes and properties in that section of Madera.
4. Wherefore your petitioners respectfully pray your Honorable Court to appoint a Board of View, to view and lay out a public road as a part of the public road system of the Township of Bigler as herein proposed; and make report thereof to your Honorable Court, as provided by the Acts of Assembly in such case made and provided.

And they will ever pray.

Wm H. Ackley	Retired	6-23-58
William L. Swaine	Clerk	6-24-58
Calvin J. Pusey	Clerk	6-24-58
James M. Creative	Retired	6-25-58
<i>R. P. Cawley</i>	<i>Particulars</i>	<i>6-25-58</i>
Norma J. Davis	Clerk	6-25-58
Gard W. Shoff Jr	Clerk	6-26-58
Doris Lee	Beautician	6-26-58
W. H. Pooler	Barber	6-26-58
E. A. Puffer	Ins. agent	6/26/58
John Damdson	Retired	6/26-58
H. S. Moore	Dentist	6/26/58
Elmer J. Stitt	Justice of Peace	6/27/58
Robert Philage	Engineer	6/28/58
Jennie Lehman	Housewife	7/1/58
Martha Pusey	Housewife	7/1/58
Gard W. Shoff Jr	Merchant	7/5-58
Gard L. Shoff	"	7/5-58
Charles Robison	Retired	7/11-58
Blanche Cornely	Home owner	7/12-58
Methodist Presbyterian Church	acorporation	- 7/14/58

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

NO. 3 MAY SESSIONS, 1958

In Re: Petition to Appoint  
a Board of Viewers, to view  
and lay out a Public Road in  
Bigler Township, Clearfield  
County.

**FILED**

AUG 4 1958

WM. J. HAGERTY  
CLERK

ORDER OF COURT

AND NOW, *Aug 4* 1958 the  
within petition presented,  
read and considered: Where-  
upon

*ABellow, Henry H.  
and Benjamin Hughes*  
are appointed a Board of  
View to view the proposed  
Road and make report to the  
Court, in accordance with  
the Rules of Court

JOHN SCOLLINS

ATTORNEY AT LAW

HOOTZDALE, PA.  
BY THE COURT

*P. J.*

*400 B. J. atty.*