

No. 4 MAY

SS. 19 60

**COMMONWEALTH**

**Versus**

IN RE: PETITION TO APPOINT A BOARD  
OF VIEWERS, TO VIEW AND LAY OUT  
CERTAIN EXTENSIONS OF PUBLIC ROAD  
IN LAWTON BLOCKS ADDITION TO THE  
VILLAGE OF MADERS, IN THE TOWNSHIP  
OF BIGLER

# 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 four (4) notices thereof were posted along the route of the proposed road, that the said view would be held on the 15th day of November A. D. 1960, and the hearing to be held in the Grand Jury Room at the Court House, in Clearfield, Pa., on the 16th day of November, 1960, at 3:30 o'clock P. M. That three viewers appointed by the said order viewed the ground proposed for the above mentioned road, and that there were present at the view William H. Ackley and Charles W. Davis

Grand Jury  
parties in interest. That the hearing was held in the Arbitration Room, in the Court House, at Clearfield, Pa., on the 16th day of November A. D. 1960, when the following appearances were noted: John Scollins, Esq., William H. Ackley and Charles W. Davis

After the view and hearing above mentioned, the undersigned, the majority of the said viewers, do agree that there is \_\_\_\_\_ occasion for a road as desired by the petitioner, and that the same is \_\_\_\_\_ 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 View and Hearing there were three proposed roadways considered, being the roadways described in paragraph (2-b) of the petition and the roadways described in paragraph (2-c) of the petition. The roadways described in paragraphs (2-a) and (2-d) were withdrawn by spokesmen for the petitioners and therefore were not considered. The roadways which were considered by the Board of View are all laid out over dedicated, but unrecorded, streets in the Lawton Blocks Addition to the Village of Madera, Bigler Township, Clearfield County, Pennsylvania, and are bounded and described as follows:

1. (Being the roadway described in paragraph 2-b of the petition)  
BEGINNING at an iron pin at the Southwest corner of the intersection of Township Road Number 549 and this proposed street; thence in a Northwesterly direction along the right-of-way of Township Road Number 549 Forty-seven (47) feet, more or less, to an iron pin; thence along lands of the Middle-  
Pennsylvania Coal Corporation and Hegarty Estate North Sixty-nine Degrees Twenty Minutes East 915 feet, more or less, to an iron pin; thence in a Southerly direction 45 feet to an iron pin; thence South Sixty-nine Degrees Twenty Minutes West 15 feet to an iron pin, said iron pin being the Northeast corner of Lot Number 39; thence along the Northern line of Lots Numbers 39 to 55 inclusive, South Sixty-nine Degrees Twenty Minutes West 911 feet, more or less, to the iron pin and place of beginning. Said roadway being 45 feet wide and running East and West along the North line of Lots 39 to 55 inclusive.

2. (Being the roadway described in paragraph 2-c of the petition)  
BEGINNING at an iron pin at the Northwest corner of the intersection of Lawton Street and Chestnut Street; thence in a Northerly direction along the

**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 30th day of August in the year of our Lord one thousand nine hundred and sixty (1960)

Honorable John J. Pentz,  
Judge of the same Court: Upon the petition of sundry inhabitants of the Township of Bigler

in said County, setting forth that they labor under great inconvenience by the lack of and are in need of a public road in the Lawton Blocks attached to the Village of Madera in Bigler Township, Clearfield County, Pennsylvania; that the proposed roads and extensions thereof are more particularly described in the petition filed in this action, which is incorporated herein by reference and made a part hereof.

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 Donald R. Mikesell, Esq., Guy A. Heil and Ward Reese

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, P.J.

Ann. J. Hagerty, Clerk.

The evidence offered at the hearing in this matter shows that the Bigler Township Supervisors were petitioned to lay out the sections of the roads here involved, and the Board of Supervisors withheld action on said petition for more than 60 days. Whereupon a petition for the same purposes was presented to the Court for appointment of a Board of Viewers under the General Road Law. It further appears that the proposed roads herein described have been laid out over dedicated streets, and that they are necessary for the convenience and accommodation of the eight or more families living along said roads, who must use the same as the only means of access to and from their homes to the main Highway, and for the travelling public.

There were no objections to the proposed roads, and the owners of the land, i.e.- Middle Pennsylvania Coal Corporation and the Hegarty Estate, by Charles W. Davis,- over which said roads pass, appeared at the View and Hearing and requested approval of the proposed roads.

Therefore, in view of all of the facts involved, your undersigned Board of Viewers recommends that the roads described herein be taken over, improved, and maintained as a public road, and at the public expense.

West side of Chestnut Street, along Lots Numbers 45 Three Hundred and Six (306) feet to an iron pin on the Southern edge of the proposed road described in paragraph (1) above; thence in an Easterly direction along road proposed in paragraph (1) above 45.2 feet to an iron pin, said iron pin being the Northwest corner of Lot Number 44; thence in a Southerly direction along Lots Numbers 44 and 31, Three Hundred Six (306) feet to an iron pin, said iron pin being the Southwest corner of Lot Number 31; thence in a Westerly direction along the right-of-way of Lawton Street 45.2 feet to the iron pin and place of beginning. Said roadway being a portion of Chestnut Street in said Plot and lying North of Lawton Street.

3. (Being the roadway described in paragraph 2-c of the petition)  
 BEGINNING at the Northwest corner of the intersection of State Highway Route Number 53 and Chestnut Street; thence along the West side of Chestnut Street and Lots Numbers 2 and 8 in a Southerly direction 369 feet, more or less, to an iron pin, said iron pin being in the North line of Lot Number 14; thence along the North line of Lot Number 14 in an Easterly direction 42.2 feet to an iron pin, said iron pin being the Northwest corner of Lot Number 13; thence along Lots Numbers 7 and 1 in a Northerly direction 369 feet, more or less, to the South side of the right-of-way of State Route Number 53; thence along the right-of-way of State Route Number 53 in a Westerly direction 42.2 feet to the iron pin and place of beginning. Said roadway being a portion of Chestnut Street in said Plot and lying South of State Route Number 53.

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 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: \_\_\_\_\_

There was no private property taken or appropriated in the construction and maintenance of the herein described roads. \_\_\_\_\_

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

WITNESS our hands and seals this 22nd day of December

A. D. 1960.

Donald R. Milesell Seal  
Guy A. Zeig Seal  
Ward Reese Seal  
 \_\_\_\_\_ Seal

No. 4 May Sessions, 19 60

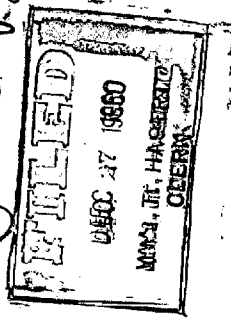
## ORDER

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

Nov 5 Sessions, 19 64

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 H. Bigler*



Filed 19

Fees \$1.25 paid by

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	AMT.
Donald B. Mikesell	6	48	62.36
Guy A. Heil	7	90	76.30
Ward Reese	3	114	37.98

## 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

# Road Viewers' Notice

NOTICE IS HEREBY GIVEN that the undersigned Viewers, appointed by the  
and lay out four  
Court of Quarter Sessions of Clearfield County, Pennsylvania, to view /a Roads or assess

~~damages extending from~~ in the Village of Madera, Township of Bigler, Clearfield  
County, Pennsylvania, as follows:

(a) Township Route 549, leading from its intersection with Township Route  
980, in a northwesterly direction, linear feet to its intersection with a  
proposed Road, (b).

(b) A proposed Township Road, running East and West from its intersection  
with Township Route 549 aforesaid, linear feet to a dead-end.

(c) Township Route 981, running North from its intersection with  
Township Route 980 to its intersection with proposed Road (b); and South  
from its intersection with the Glen-Hope-Houtzdale Highway State Route 53,  
to the New York Central Railroad.

in ~~shipship to~~

(d) Township Route 980, running Eastward from its intersection with  
Township Route 981, to a dead-end, linear feet in length.

in the Village of Madera, Bigler Township, in the County aforesaid, will

meet at the ~~house of~~ intersection of Route 53 and Township Road No. 981

in the Village of Madera, Bigler Township, on Tuesday,

the 15th day of November, A. D. 1960, at 1:30

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, AS 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 EITHER OR ALL  
OF SAID PROPOSED PUBLIC ROADS AN OPPORTUNITY TO BE HEARD, WILL BE HELD IN THE  
GRAND JURY ROOM IN THE COURT HOUSE AT CLEARFIELD, PA., ON WEDNESDAY, NOVEMBER 16TH  
1960 AT 3:30 O'CLOCK P.M., AT WHICH TIME AND PLACE ALL PARTIES INTERESTED IN  
SAID PROPOSED ROADS MAY ATTEND AND BE HEARD, IF THEY SO DESIRE.

DONALD R. MIKESELL

GUY A. HEIL

WARD REESE

**VIEWERS.**

October 26

1960

NOTICE OF VIEW

You are hereby notified that the undersigned Viewers appointed by the Court of Quarter Sessions of Clearfield County, on August 30, 1960, to view and lay out four public roads in the Village of Madera, Bigler Township, Clearfield County, Pennsylvania, as follows:

- (a). Township Route 549, leading from its intersection with Township Route 980, in a northwesterly direction, linear feet to its intersection with a proposed Road, (b).
- (b). A proposed Township Road, running East and West from its intersection with Township Route 549 aforesaid, linear feet to a dead-end.
- (c) Township Route 981, running North from its intersection with Township Route 980 to its intersection with proposed Road (b); and South from its intersection with the Glen Hope-Houtzdale Highway State Route 53, to the New York Central Railroad.
- (d). Township Route 980, running Eastward from its intersection with Township Route 981, to a dead-end, linear feet in length.

will meet at the intersection of Route 53 and Township Road 981 in the Village of Madera, Bigler Township, on Tuesday, November 15, 1960, at 1:30 o'clock P.M., to attend the duties assigned them, at which time and place all parties interested in said proposed roads, will take notice, and that the public hearing, as 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 either or all of said proposed public roads an opportunity to be heard, will be held in the Grand Jury Room in the Court House at Clearfield, Pa., on Wednesday, November 16th, 1960, at 3:30 o'clock P.M., at which time and place all parties interested in said proposed roads, may attend and be heard, if they so desire.

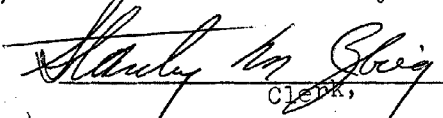
Donald R. Mikesell

Guy A. Heil

Ward Reese

Viewers

Now, November / , 1960, service of the above Viewers' Notice is hereby accepted by copy, on behalf of the County Commissioners.

  
Clerk,

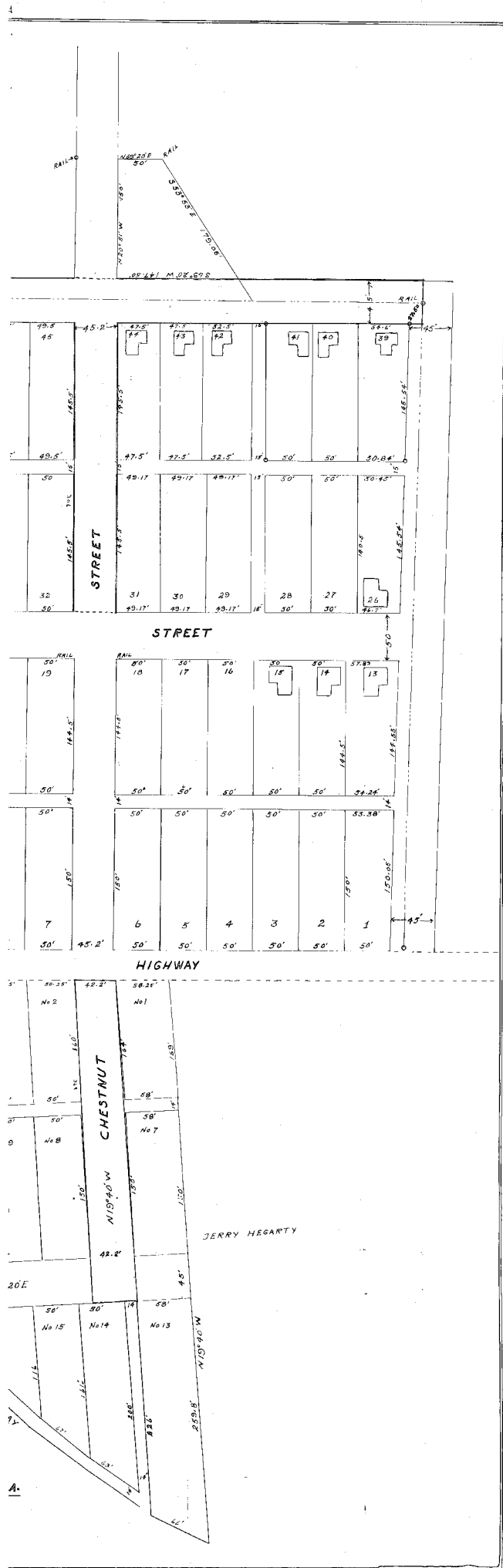
(over)



Now, November / <sup>st</sup>, 1960, service of the above Viewers'  
Notice is hereby accepted by copy, on behalf of the Township  
Supervisors of Bigler Township.

William H. Ackley  
Secretary





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

In re: Petition to Appoint a Board :  
of Viewers, to view and lay out :  
certain extensions of Public Roads :  
in Lawton Blocks Addition to the :  
Village of Madera, in Bigler Township.:

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

The petition of the subscribers, residents and citizens  
of the Township of Bigler, in said 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, certain extensions of the public roads in  
the Lawton Blocks addition to the Village of Madera, in Bigler  
Township.

2. That the proposed extentions are as follows:

(a) Township Route 549, leading from its intersection  
with Township Route 980, in a northwesterly direction,  
linear feet to its intersection with a proposed Road, (b).

(1) (b) A proposed Township Road, running East and West  
from its intersection with Township Route 549 aforesaid,  
linear feet to a dead-end.

(2) (c) Township Route 981, running North from its inter-  
section with Township Route 980 to its intersection with  
proposed Road (b); and South from its intersection with the  
Glen Hope-Houtzdale Highway State Route 53, to the New York  
Central Railroad.

(d) Township Route 980, running Eastward from its  
intersection with Township Route 981, to a dead-end,  
linear feet in length.

A pencil sketch thereof being hereto attached and  
made a part hereof.

3. The Lawton Blocks addition to the Village of Madera, is being improved as a residential centre, and adjoins the Factory site of the J B C Company, a growing manufactory, employing many residents of the community.

4. That the subscribers pray that the proposed extensions be laid out as a part of the public road system of the Township of Bigler, to the end that they may eventually be improved.

WHEREFORE, your petitioners pray your Honorable Court to appoint a Board of View, to view and lay out the extensions proposed herein; and make report thereof to your Honorable Court, as provided by the General Road Law in such case made and provided.

And they will ever pray.

STATE OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

William H. Ackley, 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 to the best of his knowledge and belief.

Sworn and subscribed to before :  
me this 30th day of August, 1960. :

Wm C. Hagerty :

William H. Ackley

DECREE.

AND NOW, to wit: this 30 day of Aug  
1960, on motion of John Scollins, attorney for the petitioners,  
the Court appoint Don R. Whitcomb, Guy Stokes  
and Ward Reese  
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 laws and Acts of Assembly in such  
case made and provided and report before or during the Nov.  
Term of Court, 1960.

BY THE COURT

John R. Jones  
President Judge.

N	Name	Address	Occupation	Date
	Robert E. Shoff	Madera Pa	Gas Station Operator	8/25/60
	Bernice Shoff	Madera Pa	Housewife	8/25/60
	Mickey Porter	Madera Pa	Housewife	8/25/60
	William C. Pooler	Madera	Student	8/25/60
	Kate Vrapel	<del>Madera</del>	Housewife	8/25/60
	W. H. Pooder	Madera Pa	Barber	8/25/60
	Mary Lucene	Madera Pa	Housewife	8/25/60
	Clair Sweeney	Madera Pa	Policeman	8-25-60
	Edith Sweeney	Madera Pa	Housewife	8-25-60
	Michael Bunge	Madera Pa	Equipment Operator	8-25-60
	Frank Bunge	Madera Pa	Fireman	8-25-60
	Francis Hamm	Madera Pa	Coal Miner	8-25-60
	Goldie Hamm	Madera Pa.	Housewife	8-25-60
	Mrs Chas Norman	Madera Pa	Housewife	8-25-60
	Chas Norman	Madera Pa	Retired	8-25-60
	Joseph Bennice	Madera, Pa.	Teacher (Public School)	8-25-60
	Quinn Bennice	Madera, Pa.	Housewife	8-25-60
	Gordon Kline	M. Pa	Truck Driver	8-25-60
	Chlor Kline	M. Pa	Machine Operator	8/25/60
	Elizabeth Stathopoul	M. Pa.	Housewife	8/25/60
	Larry Ackley	Madera, Penna	Housewife	8/25/60
	Jimmy Ackley	Madera, Penna	U.S. Air Force	8/25/60
	Mrs Frank Holshen	Madera Pa	Housewife	8/25/60
	Elizabeth Shaffer	Madera Pa	Teacher	8/25/60
	Ronald Shaffer	Madera Pa.	U.S.N	8/25/60

NAME	LOCATION	OCCUPATION	DATE
Stensbury	Madera	miner	8/25/60
Martin Juby	Madera	Retired	8/25/60
Anna Juby	Madera	Housewife	8/25/60
Tomer Delatte	Madera,	shipping clerk	8/25/60
Janet Delatte	Madera	Housewife	8/25/60
Ed Smith	Madera	Factory worker	8/25/60
Ed Smith	Madera	Factory foreman	8/25/60
Pete Bungo	Madera	Housewife	8/25/60
Bogie Bungo	Madera	Laber	8/25/60
William Zilly	Madera Pa	Swatling of Supervisors	8-30-60
Wm H Aklig	Madera Pa		



BIGLER TOWNSHIP ROAD BOARD

MADERA, PA.

BIGLER TOWNSHIP ROAD BOARD

MADERA, PA.

Proposed Extension of Route 981

Hawkins

To Len Hope

Steve Verbeke

Factory

Township Route 549

Reynolds Road

Twp Route 981

Twp Route 980

Paul Hawkins

Proposed Extension

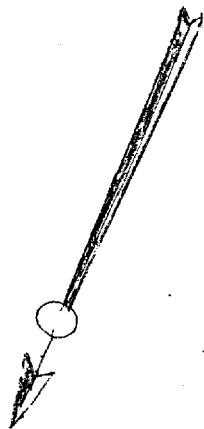
Ackleys

Proposed Twp Road

"B"

Dead End

Dead End



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

NO. 41111ay Sess., 1960

In re: Petition to Appoint a Board of Viewers, to view and lay out certain extensions of Public Roads in Lawton Blocks Addition to the Village of Madera, in the Township of Bigler.

Petition and Decree.

277  
FILED  
MC371960  
Wm. T. ROBERTY  
ATTORNEY AT LAW  
400 1st St.  
JOHN SCOLLINS  
ATTORNEY AT LAW  
HOUTZDALE, PA.