

Rot microfilmed

RO#3

Mar. 1920



Not Microfilmed

RO #3

Mar. 1922

JOHN W. BURKHART

Showing Location of PRIVATE ROAD

Jackson Twp Cambria County Pa.

Scale 1/4" = 100'

S. E. Dickey & Co. May 31-1920

Civil & Mining Engrs. Johnstown Pa.

In the Court of Quarter Session of Cambria County Pennsylvania 1st 3 March Session 1920

Affidavit of Surveyors

S. E. Dickey

L. R. Owen

J. W. BURKHART

Old Private Road Inaccessible

To Vinco Burkhart Road 1/2 Miles

IDA G. WILSON  
9 As. 156 Ps.

RACHEL VIOLA FRANTZ  
9 As. 156 Ps.

LUCY A. WERTZ  
9 As. 156 Ps.

MARY M. GROVE  
8 As. 109 Ps.

DANIEL W. BROWN  
21 As. 39 Ps.

PUBLIC

ROAD VINCO TO BURKHARTS

GEORGE PAGE

JOHN COONEY & HARRY DAVIS

N 27° 30' E - 375.0

888.0

N 44° E 737.0

530.0

S 62° 00' E - 437.0

DANIEL DEVLIN

N 44° E 572.0

N 44° 15' E - 1100.0

530.0

N 44° 15' E - 1303.0

To Burkhardt's

S 55° 45' W - 855.0

662.55

1033.55

S 27° 12' E - 688.0

6488

N 62° 25' E - 1152.0

530.0

4250.0

1022.0

N 41° 15' E - 485.0

N 41° 15' E - 571.44

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

N 75° 40' E - 404.5

10-B-137

*Read No. 2.*  
No. 3 March Term 1920.

In re Private Road  
to lead from Dwelling  
House of J. W. Burkharth  
in Jackson Twp. to point  
on public road leading  
from Vinco to Burkharth.

Order to Open.

COMMONWEALTH OF PENNSYLVANIA | SS  
COUNTY OF CAMBRIA

At a Court of Quarter Sessions of the Peace of the County of Cambria, held at Ebensburg, in the said County, on the Fourth day of May A.D. 1920, before the Honorable Judges of the said Court: Upon the petition of J. W. Burkhart of the Township of Jackson in the said County, setting forth that they labor under inconvenience for want of a Private road or highway, to lead from the dwelling house and property of J. W. Burkhart in the said Township of Jackson, in said County, to a point in the public road leading from Vinco to Burkharts, in said Township, where the division line between the land of Dan Devlin and the Brown heirs intersects said road.

REPORT OF VIEWERS.

To the Honorable, the Judges of the Court of Quarter Sessions  
of Cambria County, Pennsylvania.

We, the undersigned members of the board of viewers of Cambria County, appointed by your honorable Court; upon the attached order, to view and determine as to the necessity for a private road from the dwelling house and premises of J. W. Burkhart, in Jackson Township, Cambria County, Pennsylvania, to a point on the public road leading from Vinco to Burkhart's, in said Township, county and state respectfully report: -

That having given due notice of the view and of the time and place of meeting of the viewers to the petitioner, the parties through and over whose land said petitioner desired to reach the public road and the Commissioners of Cambria County by presenting them with a copy of the notice hereto attached and to the general public by printed hand bills posted at and near the termini, on said public road,

suggested in said attached order, and being first duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability: All of us met at the time and place specified in the notices so given and having gone carefully over the premises, we are of the opinion that the petitioner has need of a private road between his premises and the public highway.

That, although there is now a private road between the dwelling house and property of the petitioner and the public road it is impracticable and therefore we proceeded to lay out a private road as follows; viz: Beginning at the termini on the public road leading from Vinco to Burkharts, as specified on said attached order, and following thence along said public road these four courses and distances; South 40 degrees 34' West 885 feet, South 27 degrees 01' West 346 feet, North 87 degrees 25' West 299 feet, and South 45 degrees 40' West 40 feet; thence through and over land of the Brown Heirs; along South westerly line of said premises; by a twenty foot lane taking these courses and distances, namely North 41 degrees 00' West 340 feet, and North 36 degrees 00' West 1948 feet; which said strip of ground, with the exception of the last seven hundred fifty seven feet has already been laid out by said Brown Heirs as a private road for the use of said Heirs respectively.

We have awarded damages to said Heirs as follows, to Daniel W. Brown the sum of twenty (20.00) Dollars, to Mary M. Grove the sum of twenty-five (\$25.00) Dollars, to Lucy A. Wirtz, the sum of thirty (\$30.00) Dollars, to Rachel V. Frantz the sum of thirty-five (\$35.00) dollars and to Ida G. Wilson the sum of fifty (\$50.00) dollars

Witness our hands this fifth day of June A.D. 1920.

A. M. Shoemaker,

S. E. Dickey.

L. R. Owen,

Viewers.

7 June 1920 Approved and Breadth fixed at Twenty feet.

The damages to land to be paid by the petitioners and the cost of the view to be paid by Cambria County.

By the Court.

7 September 1920 Confirmed.

Frank C. Robb, Clerk

Extract from the Record.

Certified this 4th, day of October, 1920.

Frank C. Robb  
Clerk Q. S.

No. 3 March Term, 1920.

In the Court of Quarter  
Sessions of Cambria  
County.

In Re Petition of J. W.  
Burkhart for Private  
Road.

PETITION FOR ORDER OPEN-  
ING PRIVATE ROAD.

*Filed 21 July 1921*

LEECH & LEECH  
ATTORNEYS-AT-LAW  
EBENSBURG, PA.

JOHNSTOWN STATE DEPOSIT BANK

JOHNSTOWN, PA. July 19, 1920 No. 132

PAY TO THE ORDER OF

Ida Wilson

\$ 50<sup>00</sup>/<sub>100</sub>

Fifty DOLLARS

FOR

Road Right of Way J. W. Buschert

JOHNSTOWN STATE DEPOSIT BANK

JOHNSTOWN, PA. July 19, 1920 No. 131

PAY TO THE ORDER OF

Rachel Viola Frantz

\$ 35<sup>00</sup>/<sub>100</sub>

Thirty-five DOLLARS

FOR

Road Right of Way J. W. Buschert

JOHNSTOWN STATE DEPOSIT BANK

JOHNSTOWN, PA. July 19, 1920 No. 130

PAY TO THE ORDER OF

Leroy A. West

\$ 30<sup>00</sup>/<sub>100</sub>

Thirty DOLLARS

FOR

Road Right of Way J. W. Buschert

JOHNSTOWN STATE DEPOSIT BANK

JOHNSTOWN, PA. July 19, 1920 No. 128

PAY TO THE ORDER OF

Daniel H. Brown

\$ 20<sup>00</sup>/<sub>100</sub>

Twenty DOLLARS

FOR

Road Right of Way J. W. Buschert



No. 3 March Term, 1920.

In the Court of Quarter  
Sessions of Cambria  
County.

In Re Petition of J. W.  
Burkhart for Private  
Road.

PETITION FOR ORDER OPEN-  
ING PRIVATE ROAD.

*Filed 21 July 1921*

LEECH & LEECH  
ATTORNEYS-AT-LAW  
EBENSBURG, PA.

In Re Petition of J. W.  
Burkhart for Private  
Road.

In the Court of Quarter Sessions  
of Cambria County.

No. 3 March Term, 1920.

TO THE HONORABLE THE JUDGES OF SAID COURT:-

The petition of the above named petitioner, J. W. Burkhart, respectfully represents:-

First. That the report of the viewers appointed to view and lay out the private road in accordance with the petition originally filed in this proceeding and to assess damages therefor, was filed in your Honorable Court on June 7, 1920.

Second. That the said report has been confirmed absolutely and that no exceptions have been filed thereto nor appeal taken therefrom.

Third. That in the report of said viewers certain damages were assessed against your petitioner for land to be taken in the said road, as laid out, and that all these damages have been paid and receipts secured therefor, which receipts, in the form of cancelled checks are attached hereto and made part hereof, except in the single case of Mary M. Grove.

Fourth. That your petitioner has made numerous and consistent tenders to the said Mary M. Grove of the damages, in the amount of Twenty-five Dollars (\$25.00), assessed in said report of viewers, but the said Mary M. Grove consistently refuses to accept the same.

Fifth. That your petitioner herewith tenders to the said Mary M. Grove Twenty-five Dollars (\$25.00), in full

of damages sustained by reason of the laying out and construction of a private road, as laid out in the report of the viewers in this proceeding.

Sixth. That under the laws of the Commonwealth of Pennsylvania applying to the laying out and construction of private roads, an order for the opening of a private road cannot be issued until all the damages to property owners suffering thereby under the report of the viewers in such cases have been paid and receipts therefor filed in Court or the said damages tendered and paid into Court.

WHEREFORE, your petitioner prays your Honorable Court that he may pay the said sum of Twenty-five Dollars (\$25.00) due the said Mary M. Grove on account of damages suffered by the laying out and construction of a private road in accordance with the petition in these proceedings, as set out in the report of viewers in said proceeding, into Court, and that the order issue for the opening of said private road as laid out in said report of said viewers.

And he will ever pray, &c.

JWB J. St. Burkhardt.

STATE OF PENNSYLVANIA  
COUNTY OF CAMBRIA

SS:

Before me, the subscriber, a J. W. Burkhart  
in and for said County and State, personally came J. W. Burk-  
hart, the within named petitioner, who being duly sworn accord-  
ing to law, deposes and says that the matters and facts set  
forth in the foregoing petition are true and correct.

J. W. Burkhart

J. W. Smith  
~~Notary~~ and subscribed to  
before me this 18th  
day of February, A. D.,  
1921.

J. W. Smith

NOTARY PUBLIC

My Commission expires Feb. 27th. 1921.



DECREE.

And now, Feb. 21, 1921, the foregoing petition having been duly read and considered, it is hereby ordered, adjudged and decreed that on the payment of Twenty-five Dollars (\$25.00) by the petitioner, J. W. Burkhart, to the Clerk of the Court of Quarter Sessions, in full of damages assessed against him in favor of Mary M. Grove in the report of viewers appointed by this Court to lay out a private road leading from petitioner's farm in Jackson Township to a point in the public road leading from Vinco to Burkharts, in said Township, the order for the opening of the said private road shall be issued to the said petitioner, J. W. Burkhart.

*Samuel Lemmon Reed*  
*Resident Judge of the*  
*Orphans' Court*  
*Specially Finding*

R E P O R T O F V I E W E R S .

To the Honorable, the Judges of the Court of Quarter Sessions of  
Cambria County, Pennsylvania.

We, the undersigned members of the board of viewers of Cambria County, appointed by your honorable Court; upon the attached order; to view and determine as to the necessity for a private road from the dwelling house and premises of J. W. Burkhardt, in Jackson township, Cambria county, Pennsylvania to a point on the public road leading from Vinco to Burkhardt, in said township, county and state, respectfully report:-

That having given due notice of the view and of the time and place of meeting of the viewers to the petitioner, the parties through and over whose land said petitioner desired to reach the public road and the Commissioners of Cambria County by presenting them with a copy of the notice hereto attached and to the general public by printed hand bills posted at and near the termini, on said public road, suggested in said attached order, and being first duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability: All of us met at the time and place specified in the notices so given and having gone carefully over the premises, we are of the opinion that the petitioner has need of a private road between his premises and the public highway.

That, although there is now a private road between the dwellinghouse and property of the petitioner and the public road it is impracticable and therefore we proceeded to lay out a private road as follows, viz: Beginning at the termini on the public road leading from Vinco to Burkhardt, as specified on said attached order, and following thence along said public road these four courses and distances; South 40° 34' West 885 feet, South 27° 01' West 346 feet, North 87° 25' West 299 feet and South 45° 40' West 40 feet; thence through and over land of the Brown Heirs; along the South Westerly line of said premises; by a twenty foot lane taking these courses and distances, namely, North 41° 00' West 340 feet, and North 36° 00' West 1948 feet; which said strip of ground, with the exception of the last seven hundred fifty seven feet,

has already been laid out by said Brown Heirs as a private road for the use of said heirs respectively.

We have awarded damages to said heirs as follows, to Daniel W. Brown the sum of twenty (\$20.00) dollars, to Mary M. Grove the sum of twenty five (\$25.00.) dollars, to Lucy A. Wirtz the sum of thirty(\$30.00.) dollars, to Rachel V. Frantz the sum of thirty five (\$35.00.) dollars and to Ida G. Wilson the sum of fifty (\$50.00) dollars.

Witness our hands this fifth day of June, A.D., 1920.

A. M. Shoemaker  
D. E. Orby  
L. A. Owen

Viewers.

# ROAD NOTICE

Notice is hereby given that the Viewers appointed by the Court of ...Quarter.....  
Sessions..... of Cambria County, Pa., to view and determine as to  
the necessity for a Private Road to lead from the dwelling house  
and property of J. E. Burkhart, in Jackson Twp., Cambria Co., Pa.,  
to a point in the public road leading from Vinco to Burkhar's, in  
said township, where the division line between the land of Dan Dev-  
lin and the Brown heirs intersect said road in said township:

..... same;  
will meet on the public road, where said property line intersects in the  
Township ..... of Jackson ..... aforesaid,  
on the 29th day of May ..... 1920, at 9:30 o'clock a.m.,  
for the purpose of performing the duties of their appointment.

..... A. M. Shoemaker.....  
..... S. E. Rickey and.....  
..... L. R. Owen.....

Ebensburg, Pa. May 18<sup>th</sup> 1920.

Viewers.

Now, May 15th. 1920, Service of  
the within notice is hereby  
accepted for the Commissioners  
of Cambria County, Penna.

James McLean  
Clerk.

# ROAD NOTICE

Notice is hereby given that the Viewers appointed by the Court of ...Quarter.....  
Sessions..... of Cambria County, Pa., to view and determine as to  
the necessity for a Private Road to lead from the dwelling house  
and property of J. W. Burkhart, in Jackson Twp., Cambria Co., Pa.,  
to a point in the public road leading from Vinco to Burkharts, in  
said township, where the division line between the land of Dan Dev-  
lin and the Brown heirs intersect said road; in said township:

..... same;  
will meet on the public road, where said property line intersects in the  
..... Township ..... of ..... Jackson ..... aforesaid,  
on the ..29th... day of ..... May..... 1920, at 9:30 .. o'clock a.m.,  
for the purpose of performing the duties of their appointment.

..... A. M. Shoemaker,.....  
..... S. E. Dickey and.....  
..... L. B. Owen.....

Pa. May 18" 1920.

Viewe

COURT OF QUARTERS SESSIONS  
 No. 3 March Session 1920

To S. E. Outby

Making View	_____	750
Milage Auto hri	_____	600
Making survey	_____	750
Preparing report	_____	1500
Tracing cloth	_____	150
3 Linen prints	_____	420
Outage	_____	30

1920 CERTIFIED

42,00

To L. R. Owen

Making View	_____	750
Milage	_____	100
Making survey	_____	750

1920 CERTIFIED  
 1920 CERTIFIED

16,00

A. M. Shoemaker

Lifting Order	_____	.90
6 Days	_____	45.00
85 Miles (3 trips)	_____	4.25
Livery	_____	1.00

1920 CERTIFIED  
 1920 CERTIFIED

51,15

1920 CERTIFIED

S. E. DICKEY & CO.  
CIVIL, MINING AND CONSULTING ENGINEERS  
809-B11 JOHNSTOWN TRUST BLDG.  
JOHNSTOWN, PENNA.

NO. 3, March SESSION, 1920

Order to view \_\_\_\_\_

In re Petition of J. W.  
Burkhart for Appointment of  
Viewers to lay out Private  
Road leading from Petitioners'  
farm to point on public road  
leading from Vinco to Burkharts  
in Jackson Township, Cambria  
County, Pennsylvania.

Alfred Shoemaker,

S. E. Dickey,

L. R. Owen

Clerk \_\_\_\_\_

90 cts.

*Filed* *June 15 1920*

RECEIVED  
JUN 15 1920  
VIEWERS

7 June 1920 Approved and breadth fixed at Twenty feet.  
The damage to land ~~is~~ by way of ~~the~~ petitioners  
and the costs of them by Cariboo County ~~of the~~ Cause  
7 September 1920 Conference.  
Frank H. Robt Clerk.

Commonwealth of Pennsylvania, }  
County of Cambria. } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the Fourth day of May A. D. 19120, before the Honorable Judge of the said Court: J. W. Burkhart Upon the petition of ~~James H. Burkhart~~ of the Township of Jackson, in the said County, setting forth that they labor under inconvenience for want of a Private road or highway, to lead from the dwelling house and property of J. W. Burkhart in the said Township of Jackson, in said County, to a point in the public road leading from Vinco to Burkharts, in said Township, where the division line between the land of Dan Devlin and the Brown heirs intersects said road.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint

Alfred Shoemaker, surveyor, and

S. E. Dickey and L. R. Owen

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a ~~public~~ private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

Frank C. Roth, Clerk.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

No 3 March Term 1920.

In the Court of Quarter  
Sessions of Cambria County,  
Pennsylvania.

---

PETITION of J. W. Burkhart  
for appointment of viewers  
to view and lay out private  
road in Jackson Township,  
in said County.

---

*Filed 4 May 1920.*

---

*(See inside)*

---

LEECH & LEECH  
ATTORNEYS-AT-LAW

TO THE HONORABLE THE JUDGES OF THE COURT OF QUARTER SESSIONS OF  
CAMBRIA COUNTY, PENNSYLVANIA:-

The petition of J. W. Burkhart, of the City of Johnstown, in said County, respectfully represents:-

That your petitioner is the owner of a farm in the Township of Jackson, County of Cambria, Pennsylvania, into and from which there is no access by means of any public or private road, and that he labors under great inconvenience for want of a private road to lead from his dwelling-house and property in the said Township of Jackson, in said County, to a point in the public road leading from Vinco to Burkharts, in said Township, where the division line between the land of Dan Devlin and the Brown heirs intersects said road.

He, therefore, prays the court to appoint three persons, qualified according to law, to view and lay out the same according to law, and make report of their proceedings at the next term of this court.

J. W. Burkhart

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CAMBRIA

SS:

Before me, the subscriber, personally appeared the above named petitioner, J. W. Burkhart, who being by me duly sworn according to law, doth depose and say that the matters and things set forth in the foregoing petition are true and correct, as he verily believes.

J. W. Burkhart

*Witness*

~~sworn~~ and subscribed to

before me, this 31<sup>st</sup>

day of April,

A. D., 1920.

J. W. Smith

NOTARY PUBLIC

My Commission expires Feb. 27th, 1931.

ORDER.

AND NOW, May 4<sup>th</sup>, 1920, the foregoing  
petition having been read and considered, and Alfred Brantley  
S. E. Slicker, and L. R. Brown,  
are appointed viewers as prayed for.

By Samuel Lemmon Reed  
President Judge of the  
Orphans Court  
Specially Presiding