

R. A. #1 Sept - 1908
Nat. Microfilm

MAP SHOWING VIEW TO
VACATE ROAD

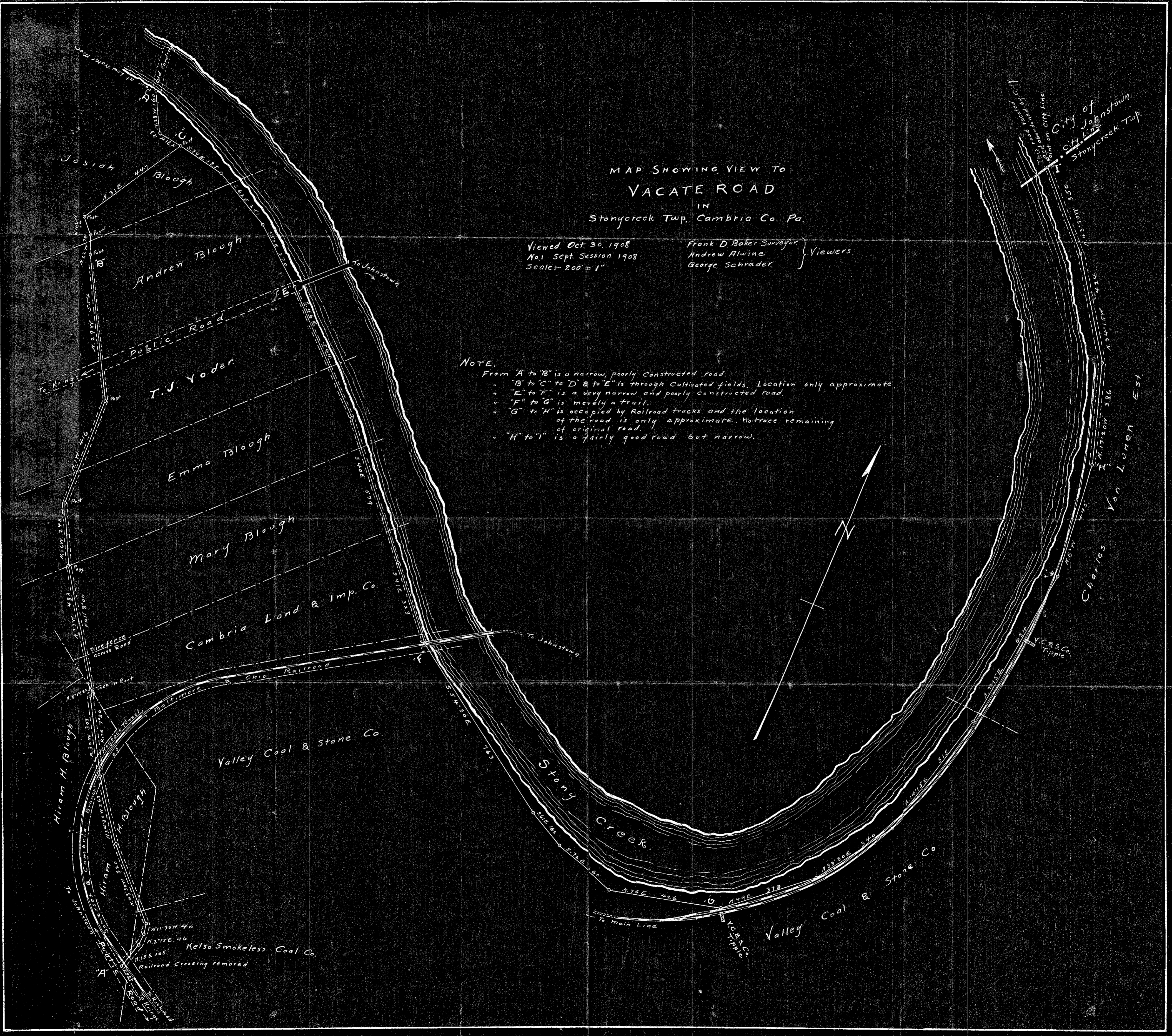
IN
Stony Creek Twp. Cambria Co. Pa.

Viewed Oct. 30, 1908
No. 1 Sept. Session 1908
Scale = 200' = 1"

Frank D. Baker, Surveyor.
Andrew Alwine, } Viewers.
George Schrader, }

NOTE.

- From "A" to "B" is a narrow, poorly constructed road.
- "B" to "C" to "D" & "E" is through cultivated fields. Location only approximate.
- "E" to "F" is a very narrow and poorly constructed road.
- "F" to "G" is merely a trail.
- "G" to "H" is occupied by Railroad tracks and the location of the road is only approximate. No trace remaining of original road.
- "H" to "I" is a fairly good road, but narrow.



IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY.

TO FRANCIS J. O'CONNOR, PRESIDENT JUDGE

OF SAID COURT:

The undersigned viewers named in the attached order respectfully report:

1. That we were severally sworn as provided by law, and met at the time and place specified in the attached notice, to-wit, 30th day of October, A. D. 1908, at 9 o'clock A. M. at the house of Hiram Blough in the Township of Stonycreek.

2. The notices required by law were duly given, that is to say, ten days notice in writing to the Supervisors of Stonycreek Township, and like notices to the Commissioners of Cambria County, of the time and place at which said viewers should meet to discharge the duties of their appointment, and also notices to the land owners and the public of the time and place of such meeting by three advertisements put up in the most public places in the vicinity of the ground to be viewed five days before the time for holding said view.

3. We viewed the site and locality of the road proposed to be vacated, making a personal inspection of the ground designated in the petition and order on the 30th day of October, A. D. 1908.

4. We are of the opinion and agree that the road mentioned in the petition is useless, inconvenient and burdensome, only about one-fourth of the whole length of road is now in such condition that it may be used if necessary. A very short distance from the point of beginning of this road there is a railroad crossing, which in itself is very inconvenient. Along the road about six hundred (600) feet from the place of beginning

there is a rise of 7 degrees and 30 minutes for 307 feet, and then a fall of 8 degrees for 483 feet. At just about this place a wire fence has been stretched across the road, which was done by one of the persons owning the land adjacent to the road, because the road had become so far obliterated that it was useless to put the wire to the road and not across it.

As will be shown by the note on the plot attached, from "B" to "C" and from "D" to "E" the road is through cultivated fields, and location is only approximate. Then from "F" to "G" the road is merely a trail. From "G" to "H", what was formerly the road, is now occupied by railroad tracks, no trace of the original road remaining. Then from "H" to "I", which is the point on the city line where the road ends, is a fairly good road, but narrow.

The whole length of this road is in such shape that it is impossible to be travelled from one end to the other. Other roads established since this one have taken the travel from it, and at present no part of this road is used except the small portion marked on the plot as "H" to "I".

Therefore, we the undersigned viewers, respectfully suggest that the above mentioned road be vacated.

Frank R. Baker
Andrew Flavin
Geo. Schrader

Commonwealth of Pennsylvania, }
County of Cambria. } as

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the... 7... day of... September... A. D. 190... , before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of... Stonycreek... , in the said County, setting forth that they ~~labor under inconvenience for want of a~~... road or highway, to lead from

~~A road has been long since laid out beginning at or near the Baltimore & Ohio Railroad crossing a short distance south of the Baltimore & Ohio Tunnel, known as the Hogback Tunnel, and ending at or near the Valley Local Company on the line of the city of Johnstown, your petitioners conceive is now become useless, inconvenient and burdensome to the inhabitants of said Township.~~

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

~~F. D. Baker~~... surveyor, and ~~Andrew~~... ~~Alvino and George Schrader~~...

viewers, to view the ground proposed for said ~~road~~ ^{vacation} and if they view the same, and shall agree that there is ^{no} 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 or 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:

S. S. Kirkhead... 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."

Cambria County, SS.

Before me, the subscriber, a Notary Public in and for said County, personally appeared Frank D. Baker, George Schrader and Andrew Alwine, viewers duly appointed by the Court of Quarter Sessions of Cambria County to No. 1, September Sessions, 1908, to view road situate in Stonycreek Township, who being by me duly affirmed separately deposed and said that they and each of them would perform the duties of their appointment with zeal and fidelity and to the best of their ability.

Sworn and subscribed to before me this 30th day of October, 1908

Jessie M. McKeel
Notary Public
My commission expires 16th Jan, 1909.

Frank D. Baker
Andrew Alwine
Geo. Schrader

NO. <u>1</u> <u>Sept</u> SESSION, 190 <u>8</u>	Order to view and locate <u>road in Stonycreek Twp.</u>	Viewers. <u>F. D. Baker</u> <u>Andrew Alwine</u> <u>George Schrader</u>	Clerk <u>Kimhead</u> 90 cts. <u>A. S. Passmore</u>
--	--	--	---

IN RE ROAD STONYCREEK TOWNSHIP.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County to view and vacate the public road in Stonycreek Township, beginning at or near the Baltimore & Ohio Railroad crossing, a short distance South of the Baltimore & Ohio Tunnel, known as the Hogback Tunnel, and ending at or near the Valley Coal Company on the line of the City of Johnstown, will meet at the house of Hiram Blough, in the Township of Stonycreek, on Friday, the 30th day of October, A. D. 1908, at 9 o'clock A. M. for the purpose of viewing said ground.

Stonycreek Township,
October 16, 1908.

F. D. Baker,
Andrew Alwine.
George Schrader.

(Service accepted on last)

OCT 17 1908

Service on within notice
accepted for County Commissioners.
J. B. Lehman
Clerk

IN RE ROAD STONYCREEK TOWNSHIP.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, to view and vacate the public road in Stonycreek Township, beginning at or near the Baltimore & Ohio Railroad crossing, a short distance South of the Baltimore & Ohio Tunnel, known as the Hogback Tunnel, and ending at or near the Valley Coal Company on the line of the City of Johnstown, will meet at the house of Hiram Blough, in the Township of Stonycreek, on Friday, the 30th day of October, A.D 1908, at 9 o'clock A. M. for the purpose of viewing said ground.

F.D. Baker,

Andrew Alwine,

George Schrader,

Stonycreek Township,
October 16, 1908.

We the Supervisors of Stonycreek Twp. accept service of the above notice
this 26th day of Oct. 1908. *Joseph E. Blough*
John D. Constatable
William Leventry Supervisors

IN RE ROAD STONYCREEK TOWNSHIP.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County to view and vacate the public road in Stonycreek Township, beginning at or near the Baltimore & Ohio Railroad crossing, a short distance South of the Baltimore & Ohio Tunnel, known as the Hogback Tunnel, and ending at or near the Valley Coal Company on the line of the City of Johnstown, will meet at the house of Hiram Blough, in the Township of Stonycreek, on Friday, the 30th day of October, A. D. 1908, at 9 o'clock A. M. for the purpose of viewing said ground.

Stonycreek Township,
October 16, 1908.

F. D. Baker,
Andrew Alwine,
George Schrader.

In the Court of
Quarter Sessions
for Cambria County.

In re the vacation of
a road beginning at
or near Hogback Tunnel
and ending on the
line of the City of
Johnstown, it being in
the Township of Stonycreek

Report of Viewers

Filed 7 December, 1908,
in open court.
Costs:

F. D. Baker, Sur.	3 days	\$ 15.00
" " "	3 mi	.15
" " "	Paid 30 cents	.75
" " "	Paid Chamman,	2.00
George Schrader, viewer,		3.00
" " "	5 miles	.25
Andrew Alvine, viewer,		3.00
" " "	2 miles	.10
Total Costs.		\$ 24.25

7 Dec. 1908
Baker

TO THE HONORABLE FRANCIS J. O'CONNOR, PRESIDENT JUDGE
OF THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY.

The Petition of the undersigned inhabitants of the
Township of Stonycreek in said County, respectfully represent:

That a road has been long since laid out beginning at or
near the Baltimore & Ohio Railroad crossing a short distance
South of the Baltimore & Ohio Tunnel, known as the Hogback Tunnel,
and ending at or near the Valley Coal Company on the line of the
City of Johnstown, your petitioners conceive is now become useless,
inconvenient and burdensome to the inhabitants of said Township.

Your petitioners therefore pray the Court that the said
Road may be vacated agreeably to the Act of Assembly in such
cases made and provided,

And they will ever pray.

Juliah S Blough
Andrew Blough
Pofias J. Yoder
J A Wertz
Alvin S. Wertz
Nathaniel Blough
Hiram H. Blough
E. Wertz
Earl S. Wertz
L. E. Blough

CAMBRIA COUNTY, SS:

Personally appeared before me a Notary Public, in and for said County, Tobias J. Yoder, a resident of the Township of Stonycreek, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Tobias J. Yoder

Sworn to and subscribed before me this 5th day of September, A. D. 1908.

Dan L. Parsons
Notary Public.

My commission expires February 2, 1910.

1908
In the Court of
Quarter Sessions
~~Chancery~~ of

Cambridge.

Petition of citizens
of Stary Creek Park
for vacation of
Public Road.

Filed 7 September 1908.
And now, Sept 7/08
petition read and
considered and ~~the~~
F. S. BARK, C. E.,
Andrew Alton and
George Shradley are
appointed viewers
and ~~will~~ are directed
to make return of
their view according
to law. P. G.

W. J. Sandage
for District
Magistrate

D. Fenwick