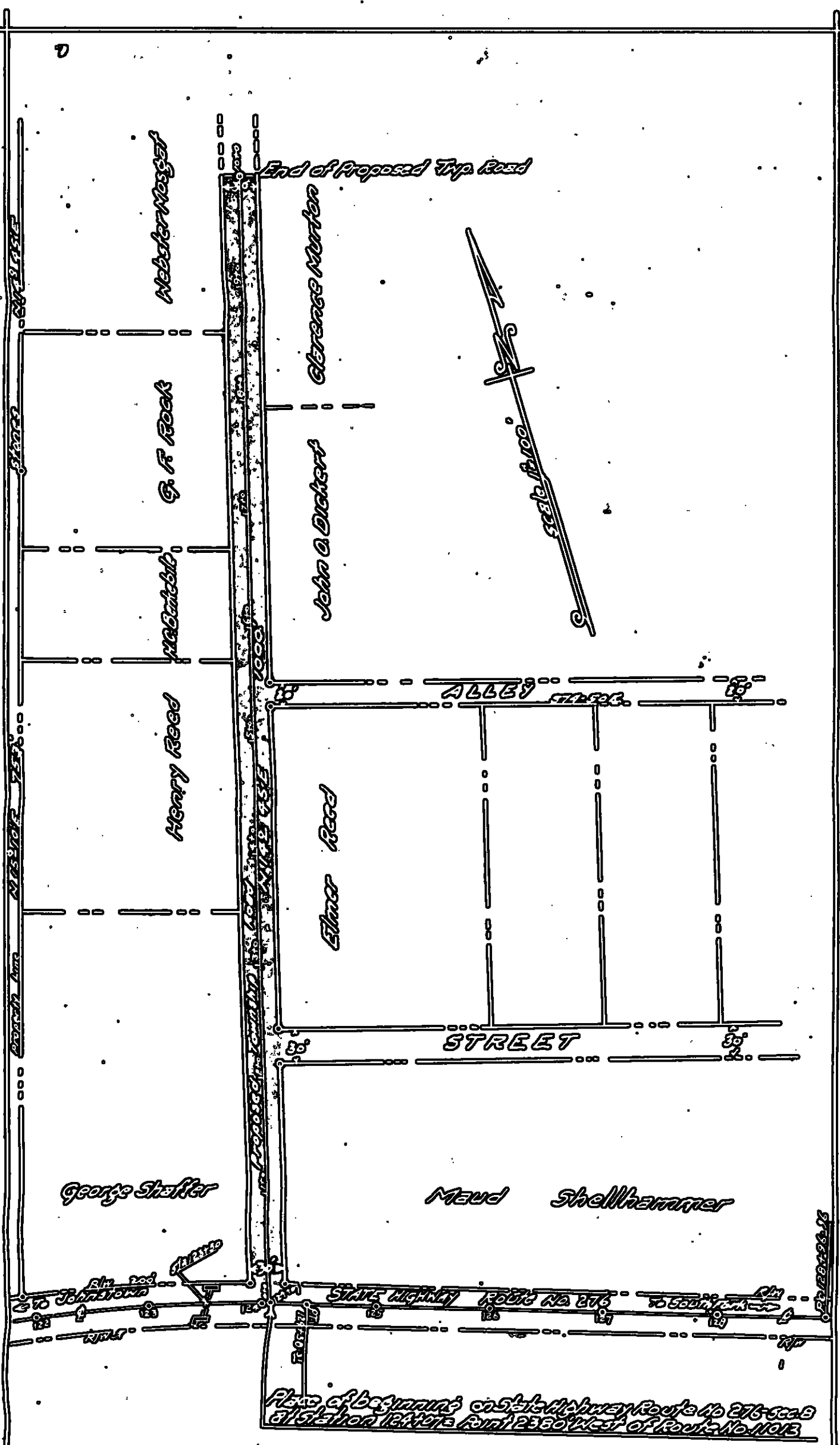


Not Microfilmed

RO#6 June 1943



PLAN-Showing Proposed Township Road.
 Situate Cornermouth Twp, Cambria County Pa,
 Viewers Appointed by Court of Quarter Sessions
 To No. 6, June Term 1943
 James McCann
 St. Jencks
 Theodore Hunt
 Viewers

July 31-1944 ~~29~~
Condemns absolutely
specific picture as
of March 6-1944
By the Court
W. K. Hennrich
Judge

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA
No. 6 JUNE SESSIONS 1943

RE: Petition for the appointment
of Viewers to lay out a proposed
new Public Road in Conemaugh
Township, Cambria County,
Pennsylvania

Filed 10/4-43

ORDER OF COURT &
REPORT OF VIEWERS

VIEWERS

James McCann
S. H. Jencks
THEODORE HUNT

Approved, Dec 6-1943
Not yet filed at 30 feet
By the Court
W. K. Hennrich
Judge

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. 6, June 43, SESSIONS, 192

Order to view and layout a public road in the Township of Conemaugh

Viewers

Joe McEann
John Fenker
Johnson Hunt

Clerk 90 cts

Ralph Emmel

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 4th day of Sept A. D. 1923, be-
fore the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township
of Conemaugh, in the said County, setting forth that they labor under incon-
venience for want of a Public road or highway, to lead from

Frankstown Road (Route 53) which is eight tenths of a mile in a
Westerly direction from the Franklin Road, a road running from
the Borough of Franklin to the Frankstown Road, (Route 53) said
proposed road to extend in a Northerly direction from the place
of beginning to a point on the property of Clarence Merton, a
distance of 1000 feet to a dead end. The exact distance from the
place of beginning of the proposed road at the intersection with
the Frankstown Road (Route 53) to the nearest intersecting High-
way, namely, the Franklin Road, herein referred to, is eight-
tenths of a mile measured from the center line of the proposed
road in an Easterly direction to the center line of the Franklin
Road, the nearest intersecting Highway as aforesaid. The ending
of the proposed road is at a point other than in a public high-
way or place of public resort but the said proposed road is
necessary for public travel.

NOTE : Would the Viewers make Three Copies of this report
and oblige.

P. J. Culliton
Acting Clerk of Courts.

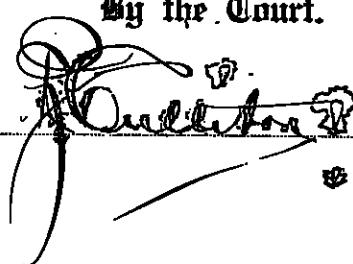
and therefore praying the Court to appoint proper persons to view and lay out the same according
to law. The Court, upon due consideration had of the premises, do order and appoint

James McCann surveyor, and S. H. Jencks
and Theodore Hunt

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 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.

At test:



Clerk.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Petition for the appointment
of Viewers to lay out a proposed,
new public road in Conemaugh Township,
Cambria County, Pennsylvania

No. 6 JUNE SESSIONS

1943

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court

We, the undersigned Viewers appointed by the attached order of the Court, to view the proposed new road above mentioned, respectfully report as follows:

That we have been duly sworn as members of the Permanent Board of Viewers of Cambria County, as shown by the records of the Court; that due public notice has been given of the time, place and purpose of the meeting, by posting notices as required by law, along the route and at the termini of the proposed new route and at points adjacent thereto, as evidenced by copies of said notices hereto attached, and by service of said notice on the County Commissioners of Cambria County and the Supervisors of Conemaugh Township, evidence of which is shown by copies of said notices hereto attached and made a part of this report.

That we met in accordance with the notices given, Monday, September 20th 1943, at 9:30 O'clock, and proceeded with the duties of our appointment; all three Viewers were present, two of the Township Supervisors, the Attorney for the petitioners and a number of interested persons. We carefully viewed the road in its entire length, and heard from a number of those interested as to the necessity for the new road. All agreed that a necessity existed for the road. Four houses are already erected and a number of others are preparing to build; There is no egress from these homes only over other properties. This road will be what is commonly called a dead end road. We find however, that said proposed road is necessary for public travel. The description of road is as follows:

Public road or highway to lead from Frankstown Road (Route 53) which is eight tenths of a mile in a Westerly direction from the Franklin Road, a road running from the Borough of Franklin to the Frankstown Road, (Route 53) said proposed road to extend in a Northerly direction from the place of beginning to apoint on the property of Clarence Merton, a distance of 1,000 feet to a dead end. The exact distance from the place of beginning of the proposed road at the intersection with the Frankstown Road (Route 53) to the nearest intersecting Highway, namely, the Franklin Road, herein referred to, is eight-tenths of a mile, measured from the center line of the proposed road in an Easterly direction to the center line of the Franklin Road, the nearest intersecting Highway as aforesaid. The ending of the proposed road is at a point other than in a public highway or place of public resort, but the proposed road is necessary for public travel.

There was no objection to the road and the Supervisors present, favored it. After taking into consideration all the matters before us, we are agreed that a necessity exists for the opening of the road to public travel, and it will not be burdensome to the Taxpayers of the Township.

We, therefore, recommend that the prayer of the petitioners be granted and the road opened. There are no damages nor benefits to any person residing along the route of the proposed road or at points adjacent thereto.

Respectfully submitted,

VIEWERS

James M. Carr
A. H. Jewers
Theodore W. Hunt

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In Re: Petition for the appointment
of Viewers to lay out a proposed new
road in Conemaugh Township, Cambria
County, Pennsylvania

No. 6 JUNE SESSIONS

1943

Commissioners of Cambria County

To James McCann

Dr.

Sept. 10	Preparing Notices, serving and	-----	\$18.00	
11	posting Notices and gathering Data	-----	2.00	
	Stenographer	-----	2.00	
	20 Miles	-----	12.00	
20	Day on View	-----	1.80	
	18 Miles	-----	12.00	
27	Preparing and filing report	-----	2.00	\$49.80
	Stenographer	-----		
	Having Maps and Plans prepared	- - - -	14.00	

To S. H. Jencks

Dr.

Sept. 20	Day on View	-----	\$12.00	
	48 Miles	-----	4.80	\$16.80

To Theodore Hunt

Dr.

Sept. 20	Day on View	-----	\$12.00	
	28 Miles	-----	2.80	\$14.80

OCT 5 1943 CERTIFIED
OCT 5 1943 CERTIFIED
OCT 5 1943 CERTIFIED

I hereby certify that the above bill is an exact duplicate
of bill filed with the County Commissioners.

James M. Conner
Chairman

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Petition for the appointment
of Viewers to lay out a proposed new
Public Road in Conemaugh Township,
Cambria County, Pennsylvania.

No. 6 JUNE SESSIONS

1943

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing a proposed new road in Conemaugh Township, Cambria County, Pennsylvania, and to ascertain if a necessity exists for it. Said proposed road being bounded and described as follows:

Public road or highway to lead from Franstown Road (Route 53) which is eight tenths of a mile in a Westerly direction from the Franklin Road, a road running from the Borough of Franklin to the Frankstown Road, (Route 53) said proposed road to extend in a Northerly direction from the place of beginning to a point on the property of Clarence Merton, a distance of 1,000 feet to a dead end. The exact distance from the place of beginning of the proposed road at the intersection with the Frankstown Road (Route 53) to the nearest intersecting Highway, namely, the Franklin Road, herein referred to, is eight-tenths of a mile measured from the center line of the proposed road in an Easterly direction to the center line of the Franklin Road, the nearest intersecting Highway as aforesaid. The ending of the proposed road is at a point other then in a public highway or place of public resort, but the proposed road is necessary for public travel.

Will meet at the point of beginning on Monday, September 20th at 9:30 O'clock A. M. for the purpose of viewing said proposed new road and to determine if a necessity exists for it, at which time and place all parties interested may appear and be heard if they think proper.

VIEWERS

James McCann
S. H. Jencks
Theodore Hunt

*Rec'd a copy of
above notice
William Beam
Mar Ralph Esmer (L)*

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Petition for the appointment of Viewers to lay out a proposed new Public Road in Conemaugh Township, Cambria County, Pennsylvania.

No. 6 JUNE SESSIONS

1943

NOTICE OF VIEW

So, the undersigned Viewers appointed by the above named Court, for the purpose of viewing a proposed new road in Conemaugh Township, Cambria County, Pennsylvania, and to ascertain if a necessity exists for it. Said proposed road being bounded and described as follows:

Public road or highway to lead from Frankstown Road (Route 53) which is eight tenths of a mile in a westerly direction from the Franklin Road, a road running from the Borough of Franklin to the Frankstown Road, (Route 53) said proposed road to extend in a northerly direction from the place of beginning to a point on the property of Clarence Horton, a distance of 1,000 feet to a dead end. The exact distance from the place of beginning of the proposed road at the intersection with the Frankstown Road (Route 53) to the nearest intersecting Highway, namely, the Franklin Road, herein referred to, is eight-tenths of a mile measured from the center line of the proposed road in an Easterly direction to the center line of the Franklin Road, the nearest intersecting Highway as aforesaid. The ending of the proposed road is at a point other than in a public highway or place of public resort, but the proposed road is necessary for public travel.

Will meet at the point of beginning on Monday, September 20th at 9:30 O'clock A. M. for the purpose of viewing said proposed new road and to determine if a necessity exists for it, at which time and place all parties interested may appear and be heard if they think proper.

VIEWERS

James McCann
S. H. Jencks
Theodore Hunt

*Serv. accepted
Sept - 13 - 1943
J. J. Dan
Clerk*

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Petition for the appointment of Viewers to lay out a proposed new Public Road in Conemaugh Township, Cambria County, Pennsylvania.

No. 6 June Sessions
1943

NOTICE OF VIEW

To, the undersigned Viewers appointed by the above named Court, for the purpose of viewing a proposed new road in Conemaugh Township, Cambria County, Pennsylvania, and to ascertain if a necessity exists for it. Said proposed road being bounded and described as follows:

Public road or highway to lead from Frankstown Road (Route 53) which is eight tenths of a mile in a Easterly direction from the Franklin Road, a road running from the Borough of Franklin to the Frankstown Road, (Route 53) said proposed road to extend in a Northerly direction from the place of beginning to a point on the property of Clarence Herton, a distance of 1,000 feet to a dead end. The exact distance from the place of beginning of the proposed road at the intersection with the Frankstown Road (Route 53) to the nearest intersecting Highway, namely, the Franklin Road, herein referred to, is eight-tenths of a mile measured from the center line of the proposed road in an Easterly direction to the center line of the Franklin Road, the nearest intersecting Highway as aforesaid. The ending of the proposed road is at a point other than in a public highway or place of public resort, but the said proposed road is necessary for public travel.

Will meet at the point of beginning on Monday, September 20th at 9:30 O'clock A. M. for the purpose of viewing said proposed new road and to determine if a necessity exists for it, at which time and place all interested parties may appear and be heard if they think proper.

VIEWERS

James McGann
S. H. Jencks
Theodore Hunt

NO. 6

SESSIONS,
1943.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

IN RE: LAYING OUT OF A PUBLIC
HIGHWAY IN THE TOWNSHIP OF
CONEMAUGH, COUNTY OF CAMBRIA,
STATE OF PENNSYLVANIA - -

PETITION FOR APPOINTMENT
OF VIEWERS

Filed Aug 23-43

*Filed to
Sept 5*

WEIMER, BENNETT & JONES

WEIMER & BENNETT
ATTORNEYS AT LAW
OTTO BUILDING
JOHNSTOWN, PA.

IN RE: LAYING OUT OF A
PUBLIC HIGHWAY IN THE
TOWNSHIP OF CONEMAUGH,
COUNTY OF CAMBRIA, STATE
OF PENNSYLVANIA

: IN THE COURT OF QUARTER
: SESSIONS OF CAMBRIA
: COUNTY, PA.

: No. 6 June
: 1943-

PETITION FOR APPOINTMENT
OF
VIEWERS

TO THE HONORABLE, THE JUDGES OF THE ABOVE-NAMED COURT: -

The Petition of the undersigned inhabitants of the Town-
ship of Conemaugh, County and State aforesaid, respectfully repre-
sents: -

1st - That your petitioners labor under great incon-
venience for want of a public road or highway in said Township of
Conemaugh to begin at a point on the Frankstown Road (Route 53),
which point is eight-tenths of a mile in a westerly direction from
the Franklin Road, a road running from the Borough of Franklin, in
said County, to the Frankstown Road (Route 53), said proposed road
to extend in a Northerly direction from the place of beginning
aforesaid to a point on the property of Clarence Merton, a distance
of one thousand (1000) feet to a dead-end.

2nd - The exact distance from the place of beginning of
the proposed road at its intersection with Frankstown Road (Route
53) to the nearest intersecting highway, namely, the Franklin Road,
hereinbefore referred to, is eight-tenths of a mile, measured from
the center line of the proposed road in an easterly direction to
the center line of the Franklin Road, the nearest intersecting high-
way as aforesaid.

3rd - The ending of said proposed road, that is the other
terminus of the said proposed road is at a point other than in a
public highway or place of public resort but the said proposed road
is necessary for public travel.

4th - A copy of the written notice to the Supervisors of said Conemaugh Township of the intended presentation of this Petition, with the acceptance of service thereon, is hereto attached, made a part hereof and marked "Exhibit A".

5th - A release of damages whereby the owners of property abutting the aforesaid proposed road, releasing the said Township of Conemaugh from any damages they may have sustained or may seem likely to sustain by reason of the accepting, opening, grading, draining, improving and maintaining of said proposed highway, is hereto attached, made part hereof and marked "Exhibit B".

6th - Your petitioners therefore pray the Court to appoint three members of the Permanent Board of Viewers of Cambria County to view the ground proposed for such road and if they see the necessity therefor, lay out the same and make report of this proceeding to the next session of the Court.

Henry W. Reed
Elizabeth Reed
George F. Shaffer
Charles F. Reed
Edna H. Reed
John O. Dickert
Edna M. Dickert
G. E. Rock
Maudie Schellhammer
Clarence J. Murtou
Jennie B. Murtou
H. C. Berkebile

STATE OF PENNSYLVANIA)
) SS:
COUNTY OF CAMBRIA)

Personally appeared before me, the subscriber, a Notary Public, in and for said State and County, EKMER REED, who being duly sworn according to law, deposes and says that he is one of the petitioners within set forth and that the statements contained in the said Petition are true and correct.

Ekmer Reed

Sworn and subscribed to before me
this 20th day of August 1943.

Walter H. King
Notary Public
My Com. Ex. Mar. 9. 1947

IN RE: LAYING OUT OF A
PUBLIC HIGHWAY IN THE
TOWNSHIP OF CONEMAUGH,
COUNTY OF CAMBRIA, STATE
OF PENNSYLVANIA

: IN THE COURT OF QUARTER
: SESSIONS OF CAMBRIA
: COUNTY, PENNSYLVANIA
:
: No. _____ SESSIONS,
1943 -

PRELIMINARY ORDER

NOW, August 23, 1943, the within Petition having
been presented and considered, a Rule is granted upon the
Commissioners of Cambria County, Pennsylvania, to show cause,
if any there be, why Viewers should not be appointed as
within prayed for; and said Rule is returnable at ten o'clock
A. M., Eastern War Time, September 3, 1943.

Service of the Rule, together with a copy of this
Petition, shall be made upon the said County Commissioners
not less than ten (10) days before the said Return Day.

BY THE COURT

McKenzie
Judge

- - -

ACCEPTANCE OF SERVICE
OF
THE COMMISSIONERS OF CAMBRIA COUNTY, PA.

NOW, 23rd 1943, service of the
above Rule is hereby accepted, together
with a copy of the within Petition.

H. J. Doe

IN RE: LAYING OUT OF A
PUBLIC HIGHWAY IN THE
TOWNSHIP OF CONEMAUGH,
COUNTY OF CAMBRIA, STATE
OF PENNSYLVANIA

: IN THE COURT OF QUARTER
: SESSIONS OF CAMBRIA
: COUNTY, PA.
:
: No. _____ SESSIONS,
1943.

D E C R E E

AND NOW, Sept 4 1943, the within
Petition having been read and considered, the
Court appoints James McCann, ~~James McCann~~ James McCann
and Thomas Hunt, Viewers to view the road
hereinreferred to and make a report of their proceed-
ings to the next term of the Court of Quarter Ses-
sions of said County.

BY THE COURT

W. Kenrick
Judge

"EXHIBIT A".

IN RE: LAYING OUT OF A
PUBLIC HIGHWAY IN THE
TOWNSHIP OF CONEMAUGH,
COUNTY OF CAMBRIA, STATE
OF PENNSYLVANIA

: IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA
COUNTY, PENNA.

: No. _____ SESSIONS,
1943.

NOTICE TO SUPERVISORS

TO: - _____
SUPERVISORS OF CONEMAUGH TOWNSHIP, CAMBRIA COUNTY, PA.

YOU will please take notice that there will be presented a Petition to the Court of Quarter Sessions of Cambria County, at Ebensburg, Pa., in said County, at ten o'clock A. M. Eastern War Time, on the 23rd day of August 1943, asking the Court for the appointment of Viewers to view and lay out a proposed road in the said Township of Conemaugh, described more fully as follows: -

To begin at a point on the Frankstown Road (Route 53), which point is eight-tenths of a mile in a westerly direction from the Franklin Road, a road running from the Borough of Franklin, in said County, to the Frankstown Road (Route 53), said proposed road to extend in a Northerly direction from the place of beginning aforesaid to a point on the property of Clarence Merton, a distance of one thousand (1000) feet to a dead-end.

The exact distance from the place of beginning of the proposed road at its intersection with Frankstown Road (Route 53) to the nearest intersecting highway, namely, the Franklin Road, hereinbefore referred to, is eight-tenths of a mile measured from the center line of the proposed road in an easterly direction to the center line of the Franklin Road, the nearest intersecting highway as aforesaid.

The ending of said proposed road, that is, the other terminus of the said proposed road, is at a point other than in a public highway or place of public resort, but the said proposed

road is necessary for public travel.

Werner Bennett & Jones
Attorneys for Petitioners

ACCEPTANCE OF SERVICE OF ABOVE
NOTICE BY SUPERVISORS

August 10 1943, service of the above
stated Notice is hereby accepted.

Ralph J. Samuel.
Harry Tilley

Supervisors of Conemaugh
Township, Cambria County,
Penna. - - - - -

"EXHIBIT B"

IN RE: LAYING OUT OF A
PUBLIC HIGHWAY IN THE
TOWNSHIP OF CONEMAUGH,
COUNTY OF CAMBRIA,
STATE OF PENNSYLVANIA

: IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNA.

: No. _____ SESSIONS,
1943 -

RELEASE

WHEREAS, by the order of the Court of Quarter Sessions of Cambria County, directed to a Board of View to inquire into the propriety of laying out a public road in Conemaugh Township, Cambria County, Pa., said proposed road being as in said Petition, more fully described, as follows: -

To begin at a point on the Frankstown Road (Route 53), which point is eight-tenths of a mile in a westerly direction from the Franklin Road, a road running from the Borough of Franklin, in said County, to the Frankstown Road (Route 53), said proposed road to extend in a Northerly direction from the place of beginning aforesaid to a point on the property of Clarence Merton, a distance of one thousand (1000) feet to a dead-end.

The exact distance from the place of beginning of the proposed road at its intersection with Frankstown Road (Route 53) to the nearest intersecting highway, namely, the Franklin Road, hereinbefore referred to, is eight-tenths of a mile measured from the center line of the proposed road in an easterly direction to the center line of the Franklin Road, the nearest intersecting highway as aforesaid.

The ending of said proposed road, that is, the other terminus of the said proposed road, is at a point other than in a public highway or place of public resort, but the said proposed road is necessary for public travel; which said proposed road runs along and over or affects the property of the undersigned.

THEREFORE, know all men by these presents, that we, the undersigned, owners of property along or over whose lands said road is proposed to be located, or whose lands are affected by such location, in consideration of the benefits and advantages we expect to derive from the same, if confirmed, do hereby release all damages that have accrued or may accrue to us or any of us for or on account of or by reason of the locating, opening, grading, draining, improving and maintaining the said proposed road or that might accrue to us from said road for any reason whatsoever.

IN WITNESS WHEREOF, we the said property owners have hereunto set our hands and seals this 10th day of August 1943.

Witnesses

Ralph L. Miller
Ralph L. Miller
William J. Sarbois
Ralph L. Miller
Ralph L. Miller

W. J. Schhammer
Cecelia R. Walker
Cecelia R. Walker

Property Owners

Henry W. Reed
Elizabeth Reed
George F. Shaffer
Edna H. Reed
Edna H. Reed
John O. Dickert
Edna M. Dickert
G & Rock
Maudie Schhammer
Clarence J. Murtow
Jessie B. Murtow
H. L. Berkebile

