

NOTE. "It shall be the duty of all persons appointed to view any public or private road or bridge, if they fail to procure from the person or persons over whose land the road or bridge is to be opened such damages as they may be liable to pay, and if they shall fail to procure such releases, it shall be their duty to assess the damages 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, in the different counties of this Commonwealth."

the several counties of this Commonwealth shall decide in favor of locating said road or bridge, and such location may be made releases from the land or the building of such bridge; and in case it shall appear to them that any damages will be made report thereof signed by a majority of the members of 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. 2 December Sessions, 1938

Order to view and vacate road

in East Taylor Township.

AND

REPORT OF VIEWERS

Viewers

M. J. Baumgardner

James McCann

L. E. Kaylor

CERTIFIED

Clerk 90 cts.

[Handwritten signature]

Filed: Mar. 7, 1938

13 March 1939 Approved.

By the Court

[Handwritten signature]

12 June 1939

Confirmed absolutely

[Handwritten signature]



In Re: Vacation of Public
Highway in East Taylor Twp.,
Cambria County, Penna.

In the Court of Quarter Sessions,
Cambria County, Pennsylvania.
No. 2, December Sessions, 1938.

REPORT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

We, the undersigned Viewers, appointed by the annexed Order of Court to view the premises for the purpose of vacating a certain public highway in East Taylor Township, Cambria County, Pennsylvania, Beginning at a point on said section of road to be vacated where it intersects with State Highway Route 52, Traffic Route 219, near State Highway Station 545 plus 50 construction survey, and ending at the intersection of the said road to be vacated with the new road already supplied leading to Echo, which point is easterly from the place of beginning a distance of approximately eleven hundred twenty-five (1125) feet. The section of road to be vacated is designated as Twp. Rd. Rt. 11402 leading to Echo, for which a new public road has been supplied, respectfully report:

That we were duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County as set forth by the records of said Court, that we gave due public notice of the time and place of meeting by handbills posted on termini of the road proposed to be vacated and also along the route of said highway and by notice served upon the Commissioners of Cambria County and upon Harry E. Simmons, Solicitor for the Board of Supervisors of East Taylor Township, at least ten days prior to the time of making of said view, evidence of which is shown by copies of said notice being hereto attached and made a part of this Report.

That we met upon the premises according to the notice given, at the point of vacation, on Saturday, March 4, 1939, at 10:00 o'clock A. M. and proceeded with the duties of our appointment.

The Viewers, Mahlon J. Baumgardner, Chairman of the Board, James McCann and L. E. Kaylor, were present, together with Mr. Joseph Bimael, one of the Supervisors of the Township of East Taylor, together with Mr. Ralph Rose, the only taxpayer affected by said vacation.

We viewed the site and locality of the road proposed to be vacated, making a personal inspection of the ground between the points designated in the petition and order.

✓ We are of the opinion and agree that a portion of the highway in East Taylor Township, County and State aforesaid, now abandoned as a Township Road, and re-located, is unnecessary for public use and travel and that the same will be burdensome and dangerous, and we therefore vacate as a public highway that portion of the Township Road, beginning at a point on said section of road to be vacated where it intersects with State Highway Route 52, Traffic Route 219, near State Highway Station 545 plus 50 construction survey and ending at the intersection of said road to be vacated with the new road already supplied leading to Echo, which point is easterly from the place of beginning a distance of approximately eleven hundred twenty-five (1125) feet. The section of the road vacated in this proceedings is designated as Township Road Route 11402 leading to Echo. This road, since a new public road has been supplied, which is far more advantageous to the travelling public, therefore, makes unnecessary and burdensome that portion of the road we hereby authorize to be vacated.

The petition praying for the vacation is the petition of Joseph Bimael, Charles Colbert and W. G. Wilson, Supervisors of East Taylor Township, Cambria County, Penna. and it is to the advantage of all parties in interest that the hereinabove road, as designated in the petition and order and as shown in the within report, be vacated, and it is hereby vacated. No taxpayer or abutting property owner is affected by said vacation except that of Mr. Ralph Rose, who is satisfied that the said road should be vacated.

No blue print was supplied the Board of Viewers showing vacation but a blue print showing said vacation accompanies the petition asking for the appointment of Viewers in said vacation. Not having any blue prints available, we therefore file none with the report.

WITNESS OUR HANDS, this seventh day of March,
A. D. 1939.

William J. Baumgardner
L. E. Taylor

Viewers.

In Re: Vacation of Public
Highway in East Taylor Twp.,
Cambria County, Penna.

In the Court of Quarter Sessions,
Cambria County, Pennsylvania.
No. 2, December Sessions, 1938.

IN ACCOUNT WITH: MAHLON J. BAUMGARDNER

JAMES McCANN, L. E. KAYLOR

Mahlon J. Baumgardner, Dr.

Preparing Notices to View and Stationery	\$12.00	
Posting Notices to View and obtaining Acceptance of Service	12.00	
Mileage - 12 miles	2.00	
Making View		
Mileage - 12 miles	12.00	
Preparing Report of Viewers and Filing Same Stenographer and Stationery	1.50	\$51.90

James McCann, Dr.

Making View	\$2.00	
Mileage - 12 miles	1.20	\$13.20

L. E. Kaylor, Dr.

Making View	\$12.00	
Mileage - 26 miles	2.60	\$14.60

CERTIFIED
COUNTY CONTROLLER

In Re: Vacation of Public
Highway in East Taylor Twp.,
Cambria County, Penna.

In the Court of Quarter Sessions
Cambria County, Pennsylvania.
No. 2, December Sessions, 1938.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above Court for the purpose of viewing the said public highway, to vacate same in East Taylor Township, Cambria County, Penna.; Beginning at a point on said section of road to be vacated where it intersects with State Highway Route 52, Traffic Route 219, near State Highway Station 545 plus 50 construction survey, and ending at the intersection of the said road to be vacated with the new road already supplied leading to Echo, which point is easterly from the place of beginning a distance of approximately eleven hundred twenty five (1125) feet. The section of road to be vacated is designated as Twp. Rd. Rt. 11402 leading to Echo, for which a new public road has been supplied, will meet at the place of beginning on Saturday, March 4, 1939 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.


MAHLON J. BAUMGARDNER

JAMES McCANN

L. E. KAYLOR

Viewers.

And Now, Feb. 23, 1939, I hereby accept service of the within Notice to View and acknowledge to have received copy of same as Solicitor for the Supervisors of East Taylor Twp.


Solicitor

In Re: Vacation of Public
Highway in East Taylor Twp.,
Cambria County, Penna.

In the Court of Quarter Sessions
Cambria County, Pennsylvania.
No. 2, December Sessions, 1938.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above Court for the purpose of viewing the said public highway, to vacate same in East Taylor Township, Cambria County, Penna.; Beginning at a point on said section of road to be vacated where it intersects with State Highway Route 52, Traffic Route 219, near State Highway Station 545 plus 50 construction survey, and ending at the intersection of the said road to be vacated with the new road already supplied leading to Echo, which point is easterly from the place of beginning a distance of approximately eleven hundred twenty five (1125) feet. The section of road to be vacated is designated as Twp. Rd. Rt. 11402 leading to Echo, for which a new public road has been supplied, will meet at the place of beginning on Saturday, March 4, 1939 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

MAHLON J. BAUMGARDNER

JAMES McCANN

L. E. KAYLOR

Viewers.

And Now, Feb. 23, 1939, I hereby accept service of the within Notice to View and acknowledge to have received copy of same as Chief Clerk of the Commissioners of Cambria County.

Chief 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 20th day of February A. D. 1929, before the Honorable Judge of the said Court: Upon the petition of ~~Commissioners~~ Supervisors of the Township of East Taylor, in the said County, setting forth that ~~the~~ ~~road~~ ~~is~~ ~~no~~ ~~longer~~ ~~needed~~ ~~for~~ ~~public~~ ~~use~~ ~~and~~ ~~travel~~ ~~or~~ ~~that~~ ~~it~~ ~~will~~ ~~be~~ ~~burdensome~~ ~~or~~ ~~dangerous~~ ~~and~~ ~~request~~ ~~that~~ ~~the~~ ~~hereinafter~~ ~~described~~ ~~portion~~ ~~of~~ ~~road~~ ~~way~~ ~~be~~ ~~vacated~~ ~~as~~ ~~public~~ ~~highway~~.

~~vacated for want of~~ ~~Public Road hereinafter described, now abandoned as Township Road and relocated is unnecessary for public use and travel or that it will be burdensome or dangerous and request that the hereinafter described portion of road way be vacated as public highway.~~

1. Beginning at a point on said section of road to be vacated where it intersects State Highway Route 52, Traffic Route 219, near State Highway Station 545 plus 50 construction survey, and ending at the intersection of the said road to be vacated with the new road already supplied leading to Echo which point is easterly from the place of beginning a distance of approximately 1125 feet. The section of road to be vacated is designated as Twp. Rd. Rt. 11402 leading to Echo. for which a new public road has been supplied.

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

Mahlon D. Baumgardner surveyor, and James McCann and L. E. Kaylor ^{vacation}

viewers, to view the ground proposed for said ~~road~~, and if they ~~report~~ ^{vacate} view the same, and shall agree that there is ^{no} occasion for such road, they shall proceed to ~~report~~ ^{vacate} the same, ~~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:

James M. Jones, Clerk.

In Re: Vacation of Public
Highway in East Taylor Twp.
Cambria County, Penna.

In the Court of Quarter Sessⁿ
Cambria County, Pennsylvania
No. 2, December Sessions, '39

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above Court for the purpose of viewing the said public highway, to vacate same in East Taylor Twp., Cambria County, Pa. Beginning at a point on said section of road to be vacated where it intersects with State Highway Route 52, Traffic Route 219, near State Highway Station 545, plus 50 construction survey, and ending at the intersection of the said road to be vacated with the new road already supplied leading to Echo, which point is easterly from the place of beginning a distance of approximately eleven hundred twenty-five (1125) feet. The section of road to be vacated is designated as Twp. Rd. Rt. 11402 leading to Echo, for which a new public road has been supplied, will meet at the place of beginning on Saturday, March 4, 1939 at 10:00 o'clock A.M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

MAHLON J. BAUMGARDNER
JAMES McCANN
L. E. KAYLOR,

Viewers.

ATTEST

1939

1939

1939

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

No. *2 Dec.* Term, 1938.

In Re. Appointment of Viewers
to View and Make Recommendation
concerning the Vacating of Section
of Public Road in East Taylor
Township

Petition.
Decree.

Filed: Feb. 20, 1939

Harry E. Simmons
Attorney at Law
Johnstown, Penna.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.

IN RE. APPOINTMENT OF VIEWERS :
TO VIEW AND MAKE RECOMMENDATION :
CONCERNING THE VACATING OF : No. 2 Dec Term, 1938.
SECTION OF PUBLIC ROAD IN :
EAST TAYLOR TOWNSHIP : Petition to Vacate Public Road

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

The petition of the undersigned, members of the Board of Road Supervisors of East Taylor Township, Cambria County, Pennsylvania, respectfully represents:

That your petitioners are of the opinion that the portion of Public Road hereinafter described, now abandoned as Township Road and relocated, is unnecessary for public use and travel or that it will be burdensome or dangerous and request that the hereinafter described portion of roadway be vacated as a public highway:

1. Beginning at a point on said section of road to be vacated where it intersects State Highway Route 52, Traffic Route 219, near State Highway station 545+50 construction survey, and ending at the intersection of the said road to be vacated with the new road already supplied leading to Echo which point is eastwardly from the place of beginning a distance of approximately 1125 feet. The section of road to be vacated is designated as Twp. Rd. Rt. 11402 leading to Echo, for which a new public road has been supplied. Drawing attached marked Exhibit No. 1.

WHEREFORE, your petitioners pray your Honorable Court to appoint proper persons to view the above described portion of highway and to recommend the vacating of the said portion.

And they will ever pray, etc.

BOARD OF ROAD SUPERVISORS
OF EAST TAYLOR TOWNSHIP

c. c. - Charles Collett
President
H. G. Wilson
Secretary.
J. B. Binnel

TO THE COMMISSIONERS OF CAMBRIA COUNTY, PENNSYLVANIA:

You are hereby notified that on or about Monday, the day of February, A.D., 1939, the foregoing petition will be presented to the Court of Quarter Sessions of Cambria County.

Harry E. Simmons
Attorney for Petitioners.

And, now, February , 1939, I hereby accept service of the above notice and acknowledge receipt of a true and correct copy of the said petition, waiving the issuing of a Rule to Show Cause.

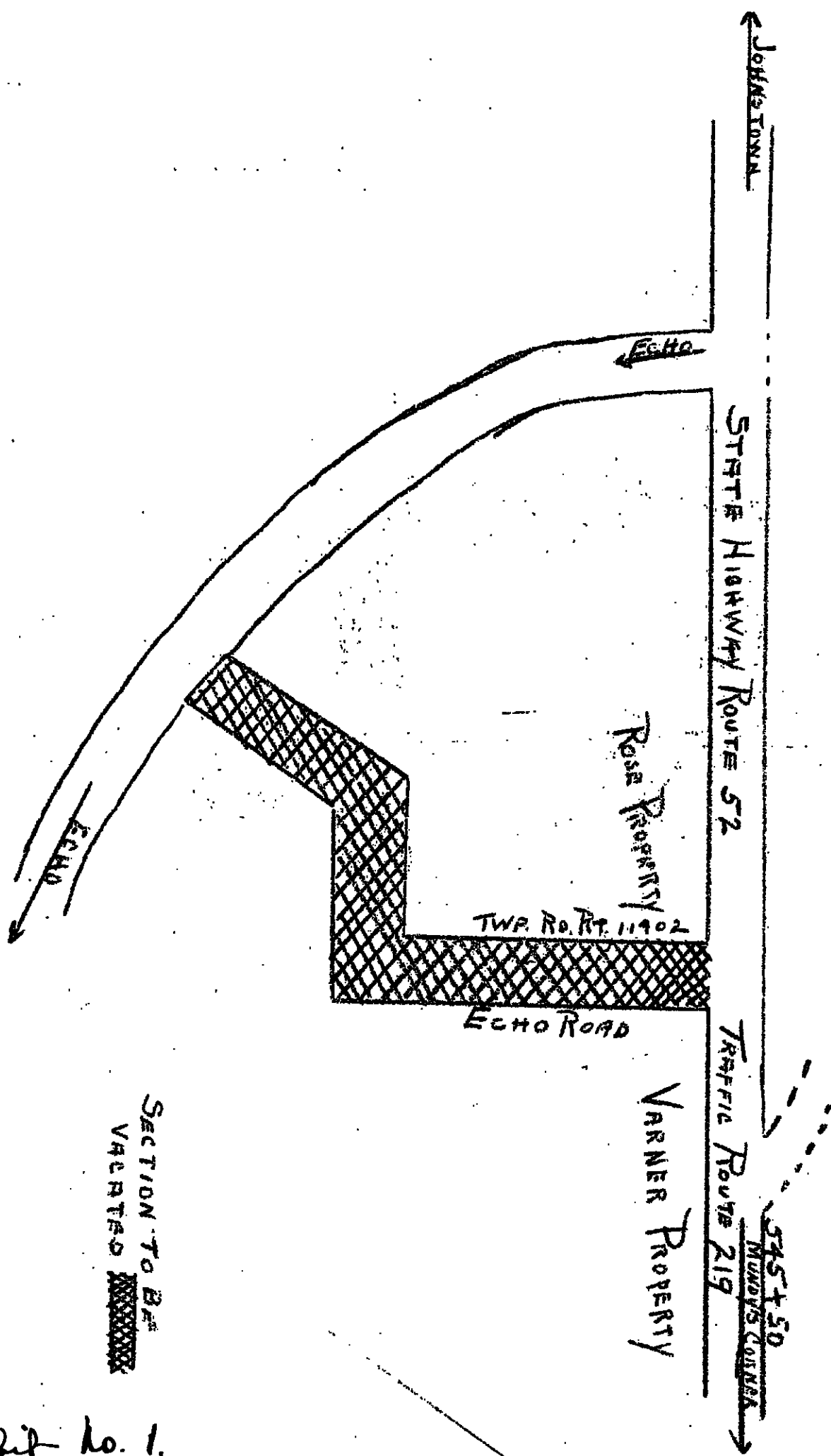
A. F. Dow
Chief Clerk.

D E C R E E

And, now, this 20th day of February, A.D., 1939, the foregoing petition having been presented, read and considered, and upon motion of Harry E. Simmons, Esq., the Court appoints William Baumgardner and L. E. Kaylor, as Viewers to view the road herein mentioned and to make report to the next term of the Court of Quarter Sessions of Cambria County, Pennsylvania.

BY THE COURT

McKenzie



SECTION TO BE
VACATED

Exhibit No. 1.