

No. *v Mar*

Sessions, 1943.

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

In Re Petition to Vacate Public Alley  
dedicated to public use by the Heirs of  
Wilhemena Pfeister, deceased, as shown  
on Plan recorded in Cambria County in  
Plat Book Vol. 2 at page 84, in Cresson  
Township, Cambria County, Pennsylvania.

PETITION FOR RULE TO SHOW CAUSE WHY  
VIEWERS SHOULD NOT BE APPOINTED FOR  
SAID PURPOSE.

*Filed 6/9-43*

SHETTIG & SWOPE  
ATTORNEYS AT LAW  
EBENSBURG, PA.

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

In Re Petition to Vacate Public Alley  
dedicated to public use by the Heirs of  
Wilhemena Pfeister, deceased, as shown  
on Plan recorded in Cambria County in  
Plat Book Vol. 2 at page 84, in Cresson  
Township, Cambria County, Pennsylvania.

No. *2/11/43* Sessions, 1943.

PETITION FOR RULE TO SHOW CAUSE WHY VIEWERS  
SHOULD NOT BE APPOINTED FOR SAID PURPOSE.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of Clyde Lutton, Lewis Eberhart and Raymond Dummer,  
Road Supervisors of the Township of Cresson, in said County of Cambria, respect-  
fully represents:

1. This petition is presented under Rule 301 $\frac{1}{2}$  of the Rules of the  
Courts of Oyer & Terminer and Quarter Sessions of the Peace of the County of  
Cambria aforesaid, which provides, inter alia, that Viewers will not be  
appointed for the purpose of laying out, re-locating or vacating any public  
highway within the County of Cambria \* \* \*, excepting after issuance of a Rule  
upon the County Commissioners of said County to appear and show cause, if any  
they have, why Viewers should not be appointed, and the service of such Rule,  
along with a copy of the petition, must be made upon the County Commissioners  
not less than ten days before the return day.

2. A certain public alley within the territory now comprised in said  
Township of Cresson was laid out and dedicated long since by the Heirs of  
Wilhemena Pfeister, deceased, in connection with a plan of lots, which said  
plan of lots showing said public alley is duly recorded in the office of the  
Recorder of Deeds of said County of Cambria in Plat Book Vol. 2, page 84. Said  
public alley has become useless and burdensome and of no value to the taxpayers  
of said Township of Cresson by reason of the fact that all of the land abutting  
on both sides of said alley, which runs from an unnamed street to another  
unnamed alley on said plan, is owned by one person, and the public has no  
occasion to travel the same.

WHEREFORE, the petitioners pray the Court for a Rule upon the County

Commissioners of said County of Cambria to appear in said Court and show cause, if any they have, why Viewers should not be appointed for the vacation of the above described public alley.

And they will ever pray, etc.

Lewis Eberhart

Raymond Dummer  
Road Supervisors of Cresson Township.

State of Pennsylvania )  
                                  ) SS:  
County of Cambria )

Lewis Eberhart, being duly sworn according to law, says that he is one of the Road Supervisors of Cresson Township, and that the statements contained in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before me  
this 18th day of May, A.D. 1943.

Raymond Paul  
Notary Public.  
My Comm. expires 3-3-45

Lewis Eberhart

ACCEPTANCE OF SERVICE AND WAIVER OF PROVISIONS OF RULE 301 $\frac{1}{2}$  IN CERTAIN RESPECTS.

Now, May 19, 1943, the County Commissioners of the County of Cambria hereby accept service of the within petition, and waive the issuing and service of a rule to show cause thereon, and hereby consent to the presentation of a petition on behalf of the residents of the Township of Cresson, in said County of Cambria, for the vacation of the public alley mentioned in said petition. This Acceptance of Service and Waiver shall be effective as if all of the provisions of said Rule 301 $\frac{1}{2}$  had been complied with, particularly the ten day period which is provided to elapse between the service of said rule and the return day, and we hereby agree that the date hereof shall be considered as the return day of said rule.

THE COUNTY COMMISSIONERS OF THE COUNTY OF CAMBRIA

5/1  
By

*H. F. Don*

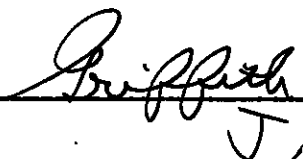
Chief Clerk.

ORDER.

Now, May 19<sup>th</sup>, 1943, the within petition having been read and presented to the Court, and it appearing therefrom that its purpose is to comply with Rule 301 $\frac{1}{2}$  of the Rules of this Court providing for notice to the County Commissioners of the intention to present a petition or petitions for the vacation of public roads, and that the County Commissioners of said County have accepted service thereof and have waived the issuing and service of a Rule to show cause, and have agreed to the presentation of a petition for the vacation of said public alley within designated, and that the date of their acceptance of service shall be considered the return day of the Rule,

IT IS THEREFORE ORDERED AND DECREED that the petitioners and other residents and freeholders of the Township of Cresson, in said County of Cambria, may present an appropriate petition to the Court for the vacation of the public alley within described.

BY THE COURT:

  
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Ebensburg, Pa. December 17,

1943

Cambria County Clerk of Courts, Ebensburg, Pa.

To John U. Shroyer, Sec. Dr.  
Harrisburg, Pa.

Filing and recording proceedings in the  
vacating of an Alley in the Township of  
Cresson, Cambria County, Pennsylvania,  
and entered to No. 3 March Sessions 1943.

\$ 3.50

*Paid in full by check #68408T  
Rec'd Jan 2 1944*