

No 2. March Sessions, 1941

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

PETITION FOR APPOINTMENT
OF VIEWERS.

To Vacate Portion of
a Public Road known as
Township Road No. 11548
in Chest Township.

REPORT OF VIEWERS

James McCann,
L. E. Kaylor,
S. H. Jencks,

Viewers.

and now June 9th 1941

*Approved By the
Court*

Will Kenner

Judge

Filed May 14, 1941

IN RE: PETITION TO VACATE A
PORTION OF PUBLIC ROAD IN
CHEST TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA, KNOWN AS TOWNSHIP
ROAD NO. 11548

(IN THE COURT OF QUARTER SESSIONS
) OF CAMBRIA COUNTY, PENNSYLVANIA.
(
)
(NO. 2, MARCH SESSIONS, 1941.

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court.

We, the undersigned Viewers, appointed by the attached order of the above named Court, to view the road known as Route #11548 and to determine whether that portion of it should be vacated as prayed for by the Petitioners.

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 notice has been given to the public of the proposed view and of the time and place of meeting by posting notices as required by law, along the route and at the termini of said road proposed to be vacated, and at points adjacent thereto, and by service of such notices on the Commissioners of Cambria County; the Supervisors of Chest Township, all of which notices were personally served on parties named, evidence of which services is shown by copies of notices properly signed, hereto attached and made a part of this report. These notices set forth the time, place and purpose of said meeting.

That in accordance with the notices given we met as indicated by notices above and proceeded with the duties of our appointment and viewed the premises affected, particularly that part of the road to be vacated and what effect it would have on adjacent territory. During the view all three Viewers were present and one of the three Supervisors of Chest Township who represented the Board of Supervisors. None of the adjoining property owners were present. However, the other two Supervisors of Chest Township had been contacted prior to the meeting and expressed themselves as favorable to the abandoning of the road. We have also been advised that a petition praying for the abandonment of the road had been circulated and that all of the parties in interest, whose property was near the portion of the road in question, were favorable to its being vacated as being useless, unnecessary and burdensome to maintain.

The point of beginning of said road to be vacated is on Township Road #11548, approximately 1580 feet from the intersection of State Highway Routes Nos. 11054 and 11063, in the Village of St. Lawrence, in Chest Township, where a road turns off towards the Pennsylvania State Fire Tower No. 103, located on land of Alban Leiden; then South 6 degrees West, 1416 feet to a point in center of State Highway Route #11054, which runs from Patton to the Village of St. Lawrence, the said point being 10 feet East of the division line between lands of Leo Deitrich and John Warner, extended to center of said route #11054; a map or plan of the road vacated is hereto attached and made a part of this report.

After taking into consideration the facts that the Supervisors favored the vacating of the road, and that all the nearby residents also favored it, as evidenced by the signatures to the petition, and also the further facts that the road is seldom used and is useless, unnecessary and burdensome to maintain, we all three Viewers are of the opinion that the road should be vacated and recommend that the petition prayed for be granted.

We have not obtained any releases of damages from abutting property owners as no land has been taken and all are agreeable to the vacating. We, therefore, agree that in regard to benefits and damages that have resulted, or may seem likely to result by the vacation of said portion of Township Road #11548, we assess no benefits and no damages to any of the abutting property owners, or the owners of any other property adjacent to or indirectly affected by said vacation.

Witness our hands and seals this fourteenth day of May, 1941.

Respectfully submitted.

James McCann

L. E. Taylor

A. J. Evans

VIEWERS.

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."

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NO. 2 March SESSIONS, 1921.

Order to view Proposed vacation
of portion of a certain road
in Chest Township, Cambria County,
Penna.

Viewers

James McCann

L. E. Kaylor

S.H. Jenks

Clerk, Joseph C. Meacham 90 cts.

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 21st day of April A. D. 192⁴¹, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Chest, in the said County, setting forth that they labor under inconvenience for ~~want~~ of a public Road ~~road~~ or highway, to lead from Beginning at a point where a road leads from the course South 6° West to the Pennsylvania State fire tower located on the land of Alban Leiden, thence along said course South 6° West a distance of approximately 1400 feet to a point formerly designated as a school house on the road leading from Patton to the Village of St. Lawrence in Chest Township, now being known as Pennsylvania State Highway Route No. 11054.

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 James McCann, L. E. Kaylor ~~surveyor~~ ^{surveyor}, and S.H. Jenks

viewers, to ~~view the ground proposed~~ ^{vacate} for said road, and if they ~~view the same~~ ^{vacate} and shall agree that there is ~~no need~~ ^{no need} for such road, they shall proceed to ~~lay out~~ ^{vacate} 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: John H. McCann

Clerk.

In Re: Petition to vacate
a piece of public road in
Chest Township, Cambria
County, Penna., known as
State Route No. 11084.

In the Court of Quarter
Sessions of Cambria
County, Penna.
No. 2 March Sessions
1941.

NOTICE OF VIEW

Notice is hereby given that to the Viewers
appointed by the Court of Quarter Sessions of
Cambria County, Pennsylvania, to view and determine
whether a part of Pennsylvania State Highway
Route No. 11084 should be vacated as being un-
necessary and burdensome to maintain.

Said portion of road begins at a point where
a road leads from Course South 6 degrees West to
the Pennsylvania State Fire Tower, located on
land of Alben Leiden; thence further along said
Course, 6 degrees West a distance of approximately
1600 feet to a point formerly designated as a
school house on the road leading from Patton to
the Village of St. Lawrence in Chest Township.

Will meet at the place of beginning on
Wednesday morning, May 7th, 1941, at 9:30 A. M.
to attend to the duties of our appointment. All
persons interested may attend said meeting and be
heard if they think proper.

Viewers

James McCann

L. S. Kaylor

S. H. Jenks

April 24 1941

H. J. Dea

In Re: Petition to vacate (In the Court of Quarter
a piece of public road in) Sessions of Cambria
Chest Township, Cambria (County, Penna.
County, Penna., known as) No. 2 March Sessions,
State Route No. 11054. (1941

NOTICE OF VIEW

Notice is hereby given that we the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine whether a part of Pennsylvania State Highway Route No. 11054 should be vacated as being unnecessary and burdensome to maintain.

Said portion of road begins at a point where a road leads from Course South 6 degrees West to the Pennsylvania State Fire Tower, located on land of Alban Leiden; thence further along said Course, 6 degrees West a distance of approximately 1400 feet to a point formerly designated as a school house on the road leading from Patton to the Village of St. Lawrence in Chest Township.

Will meet at the place of Beginning on Wednesday morning, May 7th, 1941, at 9:30 A. M. to attend to the duties of our appointment. All persons interested may attend said meeting and be heard if they think proper.

	(James McCann
)	
Viewers	(L. E. Kaylor
)	
	(S. H. Jenks

Apr 26th 1941

Recd. of James M. Barron
a copy of the within
notice

Supervisors
33
Supervisors

H. J. Leiden
W. Violet Leiden
Anthony Melganes
A. K. Baker

In Re: Petition to vacate (In the Court of Quarter
a piece of public road in) Sessions of Cambria
Chest Township, Cambria (County, Penna.
County, Penna., known as) No. 2 March Sessions,
State Route No. 11054. (1941.

NOTICE OF VIEW

Notice is hereby given that we the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine whether a part of Pennsylvania State Highway, Route No. 11054 should be vacated as being unnecessary and burdensome to maintain.

Said portion of road begins at a point where a road leads from Course South 6 degrees West to the Pennsylvania State Fire Tower, located on land of Alban Leiden; thence further along said Course, 6 degrees West a distance of approximately 1400 feet to a point formerly designated as a school house on the road leading from Patton to the Village of St. Lawrence in Chest Township.

Will meet at the place of Beginning on Wednesday morning, May 7th, 1941, at 9:30 A. M. to attend to the duties of our appointment. All persons interested may attend said meeting and be heard if they think proper.

Viewers

(James McCann

(L. E. Ka...or

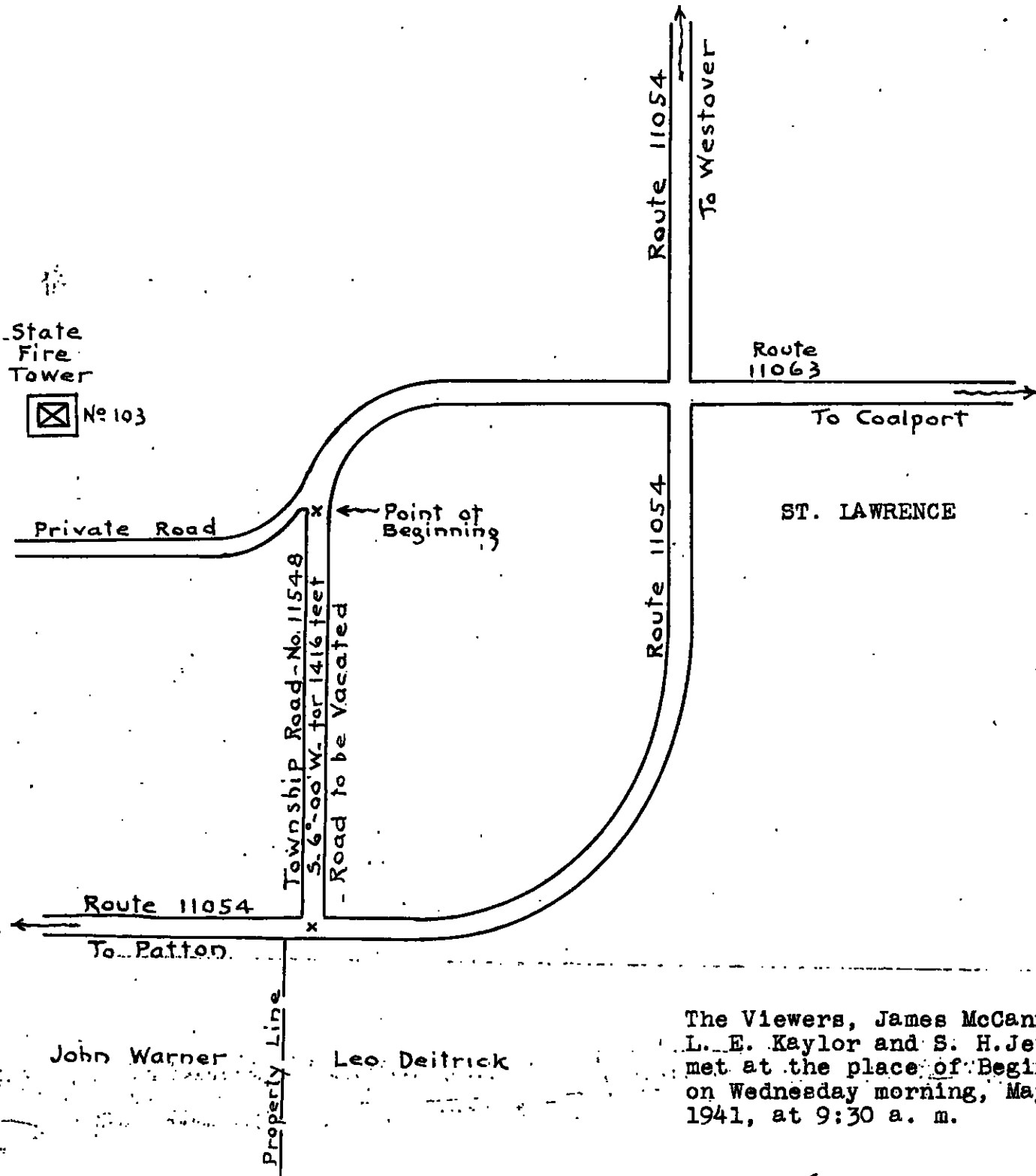
(S. H. Jenks

SKETCH
Showing Road to Vacate.

In Re: Petition to vacate
a piece of public road in
Chest Township, Cambria
County, Penna., known as
Township Road No. 11548

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

No. 2 March Sessions
1941



The Viewers, James McCann,
L. E. Kaylor and S. H. Jencks
met at the place of Beginning
on Wednesday morning, May 7th,
1941, at 9:30 a. m.

S. H. Jencks

In the petition to vacate a portion of public road in Ghost Township, in the County of Cambria, State of Pennsylvania.

I
IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA.
March Sessions, 1941, No. 3

Cambria County Commissioners
To James McCann, Dr.

Gathering Data, and preparing Notices,	66.00
April 24 To postin and serving Notices,	12.00
76 miles,	7.50
Stenographer,	2.00
May 7th., Day on View,	12.00
72 miles,	7.20
Stenographer,	2.00
Assembling Data, preparing Report and filing Report,	13.00
	<hr/>
	60.70

To L. E. Kaylor,

May 7th. To Day on View,	12.00
May 8th. To Mileage, 42 miles,	4.20
	<hr/>
	16.20

To J. H. Jencks,

May 7th. To Day on View,	
May 7th. To Mileage, 44 miles,	
To preparing data, preparing survey of road and Plotting,	12.00
	<hr/>
	28.20

I hereby certify that this is an exact copy of bill filed with the commissioners of Cambria County,

James McCann

MAY 19 1941 CERTIFIED

MAY 19 1941 CERTIFIED

MAY 19 1941 CERTIFIED

No. 2 Mar Sessions, 1941.

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

IN RE: Proposed vacation of
Portion of a Certain Road in
Chest Township, Cambria
County, Pennsylvania.

PETITION OF INHABITANTS OF
CHEST TOWNSHIP, CAMBRIA COUNTY,
FOR VACATION OF ROAD, ETC.

Filed April 21, 1941

F. J. HARTMANN
ATTORNEY AT LAW
EBENSBURG, PA.

Order to View sent out April 21, 1941

(1)

IN RE: PROPOSED VACATION OF
PORTION OF A CERTAIN ROAD IN
CHEST TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA.

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

NO. _____ SESSIONS, 1941.

To the Honorable, the Judges of said Court.

The petition of the undersigned inhabitants of the Township of Chest, in the County of Cambria and State of Pennsylvania, joined in by the Supervisors of said Township, respectfully represents:

1. That on the 1st day of June, 1908, a petition was presented to this Honorable Court praying for the appointment of viewers to lay out a public road in said Township of Chest, beginning at or near the Blacksmith Shop of John G. Gill in said Township (in the Village of St. Lawrence) on a public road leading from St. Lawrence in said County to the Borough of Westover in the County of Clearfield, now Pennsylvania Highway Route No. 11054, Section 1, thence from said point of beginning in a Northerly direction $85^{\circ} 30'$ West 1689 feet to a point, and thence in a Southerly direction 6° West 1464 feet to the main road leading from Patton to the Village of St. Lawrence in said Township near a public school house (now removed).

2. That on June 1st, 1908, a bond was filed.

3. That on June 2nd, 1908, an order to view was issued.

4. That on September 7th, 1908, the report of the viewers was filed and approved by the Court and the breadth of the road was fixed at thirty (30) feet.

5. That on January 14th, 1909, it was confirmed absolutely by the Court and an order to open was issued.

All of which appears at No. 2 June Sessions, 1908, Road Docket Volume 5 at page 231.

6. That part of said road as above laid out has become useless, inconvenient and burdensome, said portion of said road having so become useless, inconvenient and burdensome is described as follows: Beginning at a point where a road leads from the course South 6° West

to the Pennsylvania State fire tower located on the land of Alban Leiden, thence along said course South 6° West a distance of approximately 1400 feet to a point formerly designated as a school house on the road leading from Patton to the Village of St. Lawrence in Chest Township, now being known as Pennsylvania State Highway Route No. 11054.

Your petitioners therefore pray the Court that the said road may be vacated, agreeably to the Act of the General Assembly in such case made and provided, and they further pray that pursuant to Rule No. 301-1/2 a Rule be granted upon the Commissioners of Cambria County, Pennsylvania, to appear and show cause if any they have why viewers should not be appointed for the vacation of said portion of said public highway; and they will ever pray, etc.

Rose Leiden
J. L. Leiden
Mrs. P. L. Leiden
Alban A. Leiden
John Leiden
~~John Warner~~
Mrs. John Warner
Mr. Les Dietrich
Mrs. Les Dietrich
Richard B. Niebauer
Mrs. Anthony Niebauer
Germaine Niebauer
Mrs. G. N. Leiden
Celestus Niebauer
George Leiden

We, the undersigned Supervisors of Chest Township, Cambria County, Pennsylvania, hereby join in the above and foregoing petition

and waive notice of the filing of the same.

Supervisors ✓ A. L. Baker
✓ Anthony McNamee
✓ H. P. ...
Supervisors of Chest Township,
Cambria County, Pennsylvania.

COMMONWEALTH OF PENNSYLVANIA,
COUNTY OF CAMBRIA,

SS:

Anthony McNamee,

one of the above named petitioners, being duly sworn according to law,
deposes and says that the facts set forth in the above and foregoing
petition are true and correct to the best of his knowledge and belief.

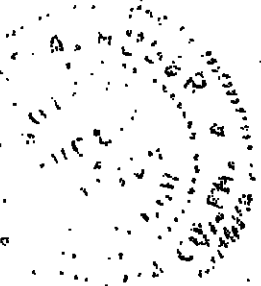
Anthony McNamee

Sworn to and subscribed before me this 18 day of February, 1941.

Vincent ...

Jattou R

My Commission expires 4/10/47



DECREE

And now, _____, 1941, the foregoing petition presented, read and considered, whereupon in accordance with Rule No. 301-1/2 of the Court of Quarter Sessions of Cambria County a Rule is granted upon the Commissioners of Cambria County to show cause if any they have why viewers should not be appointed for the purpose of vacating part of the public road as set forth in said petition in Chest Township, Cambria County, ten (10) days notice together with a copy of said petition shall be served upon the Commissioners of Cambria County before the return of said Rule, returnable the _____ day of _____, 1941.

Now April 16th 1941. Notice of the presentation of the petition is hereby accepted and Rule No. 301-1/2 is hereby waived and the Court is authorized to appoint viewers immediately upon presentation of said petition.

Frank P. Hollern
John T. [unclear]
Commissioners of Cambria County

IN RE: PROPOSED VACATION OF
PORTION OF A CERTAIN ROAD IN
CHEST TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA.

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

NO. 2 Mar SESSIONS, 1941.

DECREE

AND NOW, April 21, 1941, upon the
petition of divers inhabitants of the Township of Chest in the County
of Cambria and State of Pennsylvania, stating as in said petition set
forth that part of a public road, as in said petition mentioned, has
become useless, inconvenient and burdensome, the Commissioners of
Cambria County under Rule 301-1/2 having failed to appear and show cause
if any they have why viewers should not be appointed, the Court do now
order and appoint James M. Gamm, L. E. Kayle
and S. H. Gamm, who are to view the said road in the
said petition prayed to be vacated and to consider and adjudge whether
it is become useless, inconvenient and burdensome, and if they agree
that the same is become useless, inconvenient and burdensome as afore-
said, they shall make report accordingly to the next Court of Quarter
Sessions to be held in and for said County.

BY THE COURT:

W. W. Gamm
P.S.