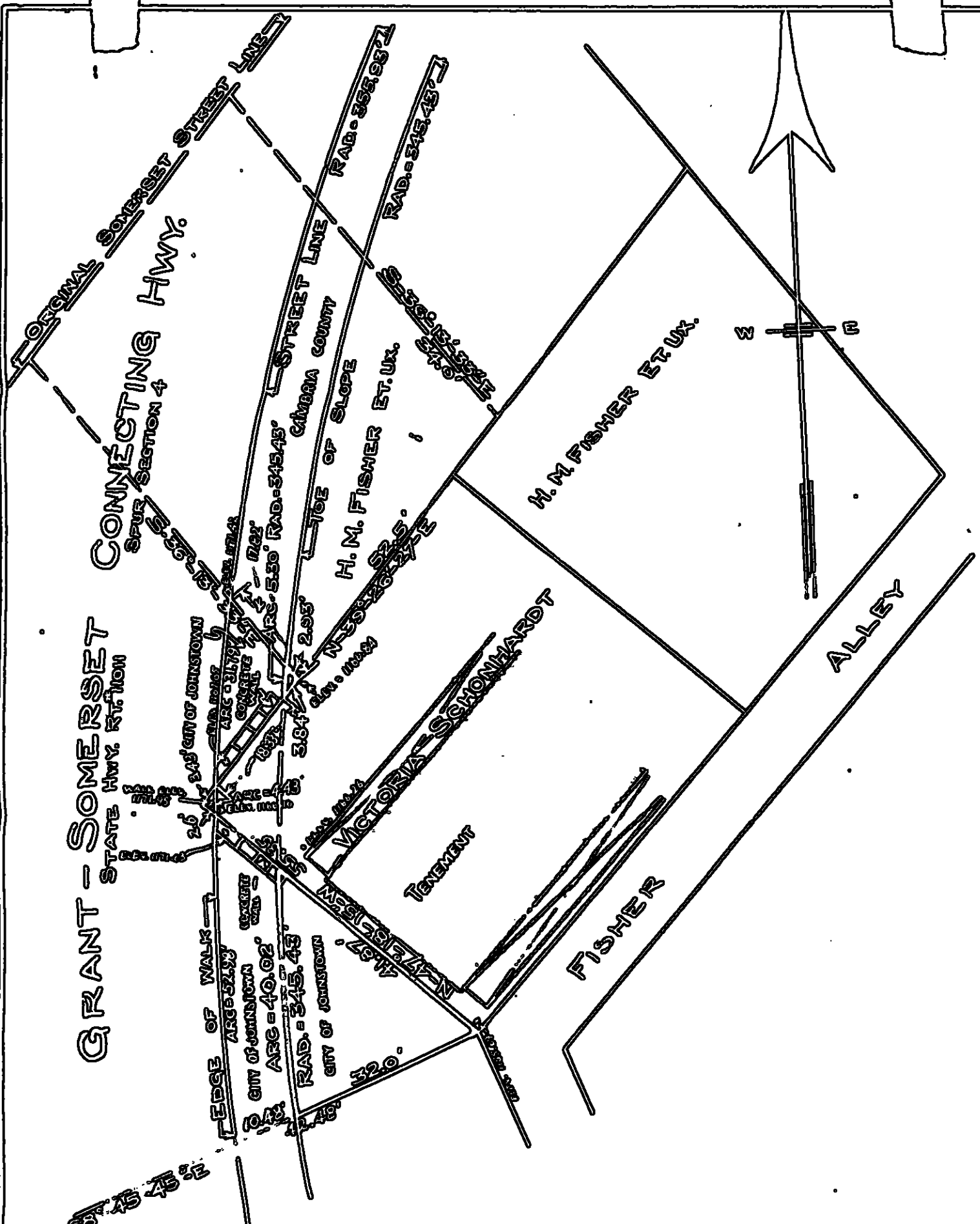


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RO# 1 Sept. 1949



PLAN FOR VIEWERS REPORT
ASSESSMENT OF DAMAGES

VICTORIA SCHONHARDT SEIBERT

GRANT ST. 5th & 6th WARDS JOHNSTOWN, PA.

No. 1 SEPT. SESSIONS 1949

SCALE: 1"=20'

F. W. CLAFLIN
CHAIRMAN OF VIEWERS

SEPT. 15, 1949
JUNE 5, 1950

IN RE: ORDER TO VIEW AND
ASSESS DAMAGES TO THE PROPERTY
OF VICTORIA SCHONHARDT SEIBERT
CITY OF JOHNSTOWN, CAMBRIA
COUNTY, PENNSYLVANIA

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¶

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA
No. 1 September Sessions,
1949

RECEIPT AND RELEASE

The undersigned hereby acknowledges the receipt of EIGHT HUNDRED THIRTY-FIVE DOLLARS AND FOUR CENTS (\$835.04) being the award of the Viewers in the above matter in the sum of SEVEN HUNDRED NINETY (\$790.00) DOLLARS, and interest thereon to date of payment, and record costs in the sum of fourteen dollars and fifty cents (\$14.50).

The Clerk of Courts is hereby authorized and directed to file this Receipt and Release as payment in full for the above AWARD.

Victoria Schonhardt Seibert
VICTORIA SCHONHARDT SEIBERT

Filed
4-20-51

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No. 1 Sep. Term 1949

In Re: Order To View And
Assess Damages To The
Property Victoria Schonhardt
Seibert, City of Johnston,
Cambria County, Pennsylvania.

Report of Viewers

Filed
6/14/50

New June 20-1950 the within
report of viewers is approved and
certified true and correct.
By the Court
M. K. ...
Judge

In re: Order to view and assess
damages to the property of
Victoria Schonhardt Seibert,
City of Johnstown, Cambria County, Pa.

Quarter Sessions
In the Court of ~~Common Pleas~~,
Cambria County, Pa.
No. ~~44-2000~~ Term 1949
1 September

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court, we the undersigned Viewers, appointed by the annexed order of the Court to view and assess damages for the taking and injury to the lands of Victoria Schonhardt Seibert in the improvement of State Highway Route No. 11011 Spur, Section 4 (Grant Street, in the 5th and 6th Wards) from Station 148-01 near Everhart Street to Station 167-66.63 near Haynes Street, being about 0.37 miles in length, respectfully report:

That we have been duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, as shown by the records of the Court; that having given due public notice of the time and place of meeting, by posting notices as required by law along the route and at the site of property to be viewed, as evidenced by copy of said notice hereto attached and service of such notice on the County Commissioners of Cambria County, the Mayor and City Solicitor of the City of Johnstown and the Solicitor for the Petitioner being hereto attached; that we met in accordance with the notice given on the 9th day of March, 1950 at 3:30 P.M., E.S.T. and proceeded with the duties of our appointment and viewed the property.

Notices for a hearing, to be held in the Judge's Chambers, U.S. National Bank Building at 9:30 A.M., D.S.T. on May 13, 1950, were sent out. This hearing was postponed due to the fact that no representative from the City of Johnstown appeared, therefore notices for a second hearing were sent out to be held in the Judge's Chambers, U.S. National

Bank Building at 9:30 A.M., D.S.T. on May 20, 1950 re the assessment of damages to the property of Victoria Schonhardt Seibert, City of Johnstown, Cambria County, Pa.

At this meeting the City of Johnstown was represented by the City Solicitor, Elvin W. Teitelbaum and H. Lee Wilson, City Engineer. Mrs. Seibert was represented by her Attorney, Frank P. Barnhart, a registered real estate man, and five (5) witnesses. The services of Mrs. Williams, from Mr. Barnhart's Office, were obtained to take testimony.

At the view and during the hearing, the Viewers based their assessment of damages on the following conditions:

First: Value of property taken. Land taken from Victoria Schonhardt Seibert was a small triangular piece being the northwest corner of the property and amounted to 4.5 square feet, which land due to location and area carries little or no value.

Second: Damage due to storm water and lack of drainage. The Viewers found from testimony, at the hearing, and inspection on the ground, that a very small amount of fill at the south end of the Seibert Apartments will remedy this condition, and the Viewers estimate that \$50.00 will repair the drainage difficulty.

Third: From the testimony, at the hearing, and inspection on the ground the damage caused by the loss of shrubbery and one small tree is not more than twenty-five dollars (\$25.00).

Fourth: Ingress and egress to property. The Viewers found that when the property was erected, it was done so with full intent that the entrance to these apartments should be on Fisher Alley. Due to the fact that all the time since the erection of said apartments, the tenants have used vacant ground between the Seibert Property and Somerset Street for ingress and egress, notwithstanding the fact that there has been no written

permission ever granted for the use of this ground to Victoria Schonhardt Seibert, the change in grade of Somerset Street, going on to Grant Street has not created an undue hardship and the Seibert Tenants are still using the H.M. Fisher Property as a means of going to and from Somerset Street, therefore the Viewers do not assess damages for this condition.

Fifth: Damage to property due to change of grade on Somerset and Grant Streets. The Viewers, from the testimony at the hearing and inspection on the site, consider that the erection of the approximately six foot fill for Grant Street, at the South Tenement of the Victoria Schonhardt Seibert Property has sustained some real damages due to the relocation of Somerset Street and Grant Street.

After taking into consideration all of the matters above briefed, the Viewers hereby assess total damages to Victoria Schonhardt Seibert in the amount of seven hundred ninety dollars (\$790.00) and the Viewers assess no benefits.

Witness our hands and seals this ninth day of June, 1950.

Fred Clapham

Robert Mayer,

M. J. McGraw
Viewers

In re: Order to view and assess
 damages to the property of
 Victoria Schoenhardt Seibert,
 City of Johnstown, Cambria County, Pa.

In the Court of Common Pleas,
 Cambria County, Pa.
 No. 44 December Term 1949

TO FRED CLAFLIN, ROBERT MAYER AND WILLIAM MCGRAIN

To Fred Claflin, Dr.

March 2, 1950	Data and preparing notices of view	1 day	\$12.00	
	Stenographer, Stationery, and Stamps		2.60	
5	Posting and serving notices of view	1 day	12.00	
	Mileage	5 miles	\$20.10	.50
9	Making View	1 day	12.00	
	Mileage	5 miles	\$20.10	.50
April 14-17	Engineer calculations & deed search	7 hrs.	21.00	
17-18	Draftsman making plan	11 hrs.	22.00	
May 13	Hearing at Judge's Chambers, Johnstown	1 day	12.00	
	Mileage	5 miles	\$20.10	.50
20	Hearing at Judge's Chamber, Johnstown	1 day	12.00	
	Mileage	5 miles	\$20.10	.50
29	Viewer's meeting Gray & Claflin office to review testimony and assess damages	1 day	12.00	
	Mileage	5 miles	\$20.10	.50
June 5	Mrs. Williams taking and transcribing testimony		26.00	
9	Tracing cloth and blue prints		1.60	
14	Filing report at Ebensburg	1 day	12.00	
	Mileage	40 miles	\$20.10	4.00
				<u>\$163.70</u>

To Robert Mayer, Dr.

March 9	Making View	1 day	\$12.00	
	Mileage	5 miles	\$20.10	.50
May 13	Hearing at Judge's Chambers, Johnstown	1 day	12.00	
	Mileage	5 miles	\$20.10	.50
20	Hearing at Judge's Chambers, Johnstown	1 day	12.00	
	Mileage	5 miles	\$20.10	.50
29	Viewer's meeting Gray & Claflin office to review testimony and assess damages	1 day	12.00	
	Mileage	5 miles	\$20.10	.50
				<u>\$ 50.00</u>

To William McGrain, Dr.

March 9, 1950	Making View		1 day	\$12.00	
	Mileage	48 miles	\$0.10	4.80	
May 15	Hearing at Judge's Chambers, Johnstown		1 day	12.00	
	Mileage	48 miles	\$0.10	4.80	
20	Hearing at Judge's Chambers, Johnstown		1 day	12.00	
	Mileage	48 miles	\$0.10	4.80	
29	Viewer's meeting Gray & Clafflin Office to review testimony and assess damages		1 day	12.00	
	Mileage	48 miles	\$0.10	4.80	\$67.20

TOTAL AMOUNT OF VIEW \$280.00

I hereby certify that the above bill is an exact duplicate of the bill presented to the Cambria County Commissioners.

Fred Clafflin
Fred W. Clafflin
Chairman of Board of View

May 6, 1950

Mr. Elvin Teitelbaum
Solicitor for the City of Johnstown
310 Johnstown Trust Building
Johnstown, Pennsylvania

Dear Mr. Barnhart:

Please be advised that there will be a meeting in the Judge's Chambers, U.S. National Bank Building at 9:30 o'clock A.M., D.S.T. on May 13, 1950 re the assessment of damages to the property of Victoria Schonhardt Seibert, City of Johnstown, Cambria County, Pennsylvania.

Please be there.

Yours very truly,

Fred Claflin
Chairman of Viewers

FWC:ibr

In re: Order to view and
assess damages to the
property of Victoria
Schonhardt Seibert, City of
Johnstown, Cambria County,
Pa.

In the Court of Common
Pleas, Cambria County,
Pa.
No. 44 December Term 1949

NOTICE OF VIEW

We, the undersigned viewers, appointed by the above named Court for the purpose of viewing and acting upon petition of the Owners to assess damages for the taking and injury to the lands of Victoria Schonhardt Seibert in the improvement of State Highway Route No. 11011 Spur, Section 4 (Grant Street) in the City of Johnstown, Cambria County, Pennsylvania, will meet at the Victoria Schonhardt Seibert property on the ninth day of March, 1950 at 3:30 o'clock p.m. E.S.T. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear and be heard.

Fred Clafin
Robert Mayer
William McGrain

Viewers

March 1, 1950

IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: PETITION OF
VICTORIA SCHONHARDT SEIBERT

44 FOR

THE APPOINTMENT OF VIEWERS TO
ASSESS DAMAGES FOR THE TAKING AND
INJURY TO THE LANDS OF VICTORIA
SCHONHARDT SEIBERT IN THE IMPROVE-
MENT OF STATE-HIGHWAY ROUTE NO. 11011
SPUR, SECTION 4 (Grant Street, in the
5th and 6th Wards) FROM STATION 148-01.10
NEAR EVERHART STREET TO STATION 167-66.63
NEAR HAYNES STREET, BEING ABOUT 0.37 MILES IN
LENGTH: IN THE CITY OF JOHNSTOW, CAMBRIA
COUNTY, PENNSYLVANIA

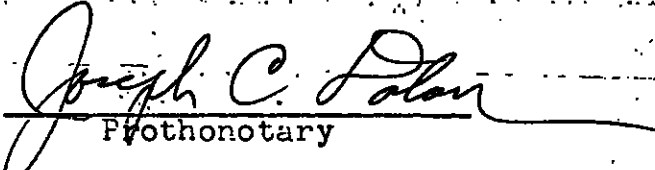
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: No. 44 December Term, 1949
C.P.

ORDER OF COURT

AND NOW, FEBRUARY 14, 1950, on presentation of the within petition and on the consideration thereof, the Court appoints Fred Claflin and Robert Mayer and William McGrain as Viewers to view the premises herein described, to assess damages to the property of Victoria Schonhart Seibert, the petitioner, occasioned by the within highway Improvements, and to make Report to this Court according to law and ^{the} Rules of this Court.

BY THE COURT:
McCann, P.J.

Extract from the Record,
Certified this 15th day
of February A.D., 1950.


Prothonotary

May 13, 1950

In re: Order to view and
assess damages to the
property of Victoria
Schonhardt Seibert, City
of Johnstown, Cambria
County, Pa.

In The Court of Common
Pleas, Cambria County,
Pa.
No. 44 December Term 1949

Mr. Walter Rose
Mayor of Johnstown
City Hall
Johnstown, Pennsylvania

Dear Sir:

Please be advised that there will be a meeting
in the Judge's Chambers, U. S. National Bank Building
at 9:30 o'clock A.M., D.S.T. on May 20, 1950 re the
assessment of damages to the property of Victoria
Schonhardt Seibert, City of Johnstown, Cambria
County, Pennsylvania.

This postponement of hearing is necessitated
by the absence of representatives from the City
without due notice of their inability to be there.

Please accept service on this notice and return
one (1) copy to me.

Yours very truly,

Fred Claflin
Chairman of Viewers

FUC:ibr

May 13, 1950

In re: Order to view and
assess damages to the
property of Victoria
Schonhardt Seibert, City
of Johnstown, Cambria
County, Pa.

In the Court of Common
Pleas, Cambria County,
Pa.
No. 44 December Term 1949

Mr. Frank Barnhart
Swank Building
Johnstown, Pennsylvania

Dear Sir:

Please be advised that there will be a meeting
in the Judge's Chambers, U. S. National Bank Building
at 9:30 o'clock A.M., D.S.T. on May 20, 1950 re the
assessment of damages to the property of Victoria
Schonhardt Seibert, City of Johnstown, Cambria
County, Pennsylvania.

This postponement of hearing is necessitated
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without due notice of inability to be there.

Yours very truly,

Fred Claflin
Chairman of Viewers

FWC:ibr

May 6, 1950

Mr. Frank Barnhart
Swank Building
Johnstown, Pennsylvania

Dear Mr. Barnhart:

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Please be there.

Yours very truly,

Fred Claflin
Chairman of Viewers

FWC:ibr

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City Hall
Johnstown, Pennsylvania

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Please be there.

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Fred Claflin
Chairman of Viewers

FWC:ibr