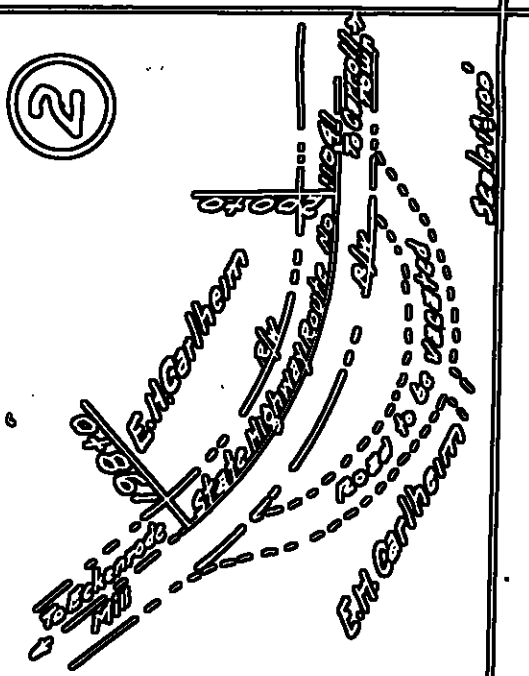


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RO# 4 Mar, 1942

Map# I



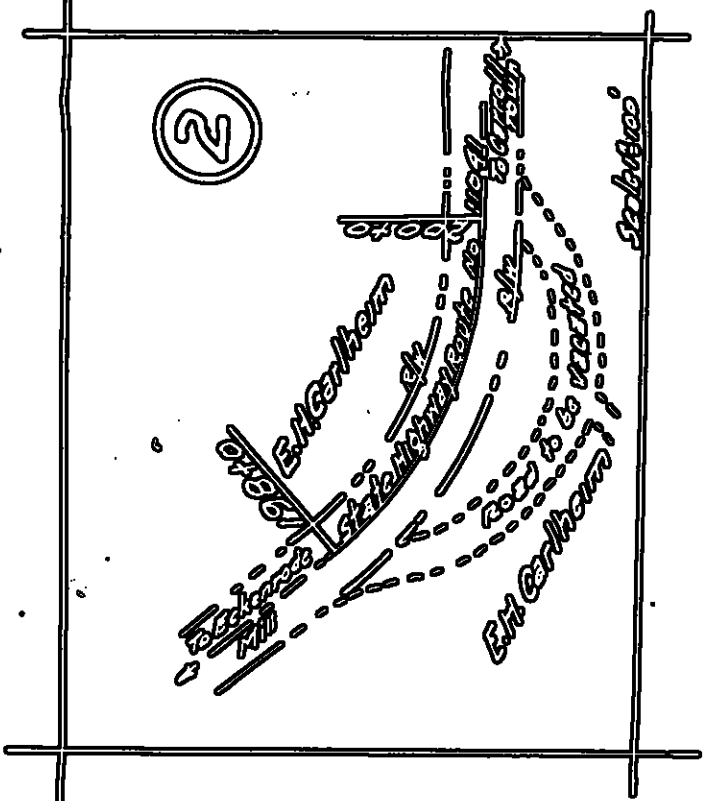
McGinnick & Cameron

Leonard A. Jeskley

3

74 to

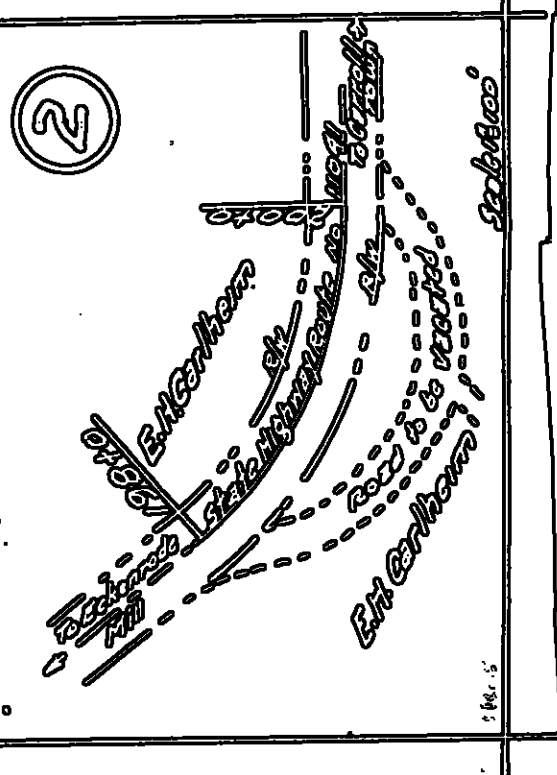
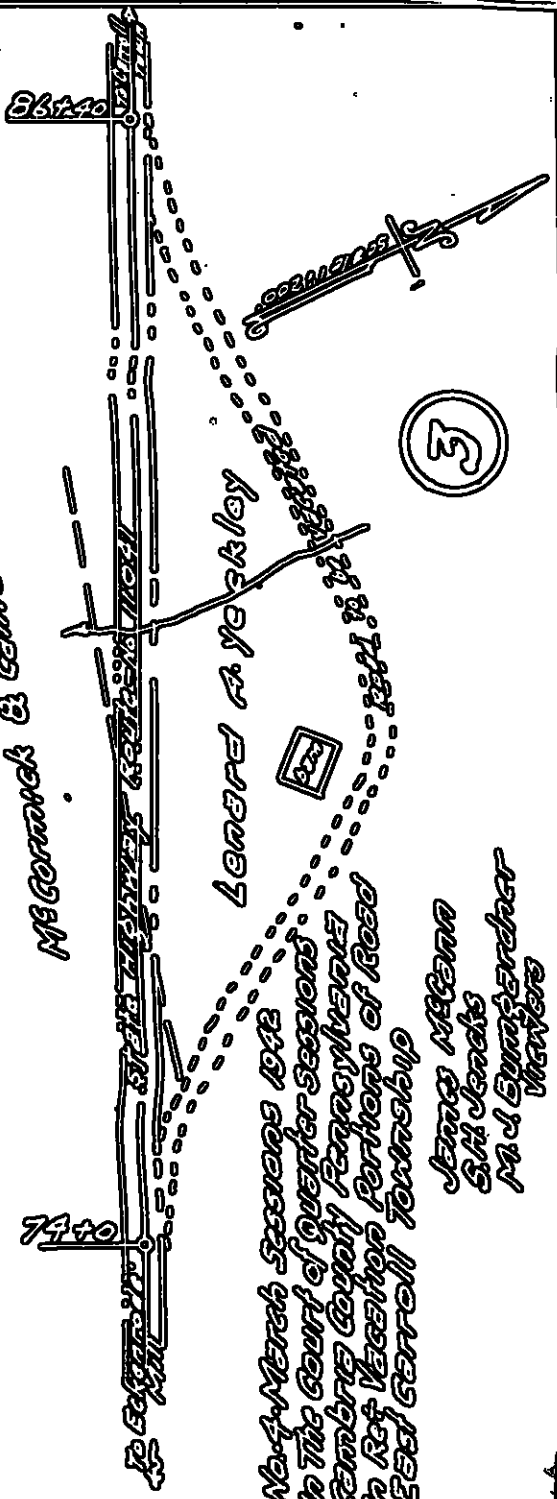
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RO# 4 Mar. 1941

map #2

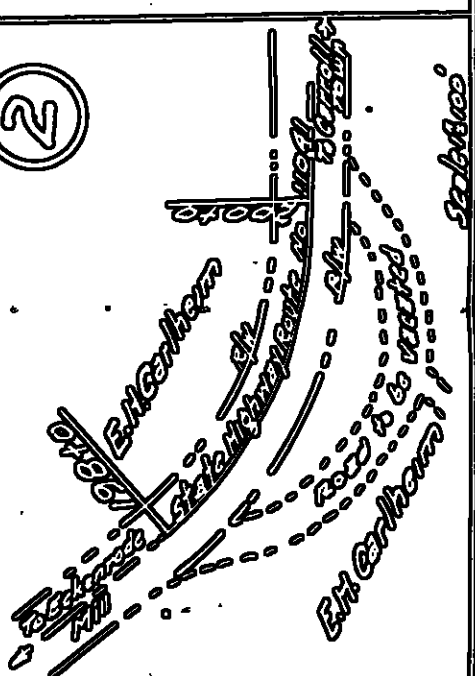


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RD# 4 Mar. 1942

map#3

2



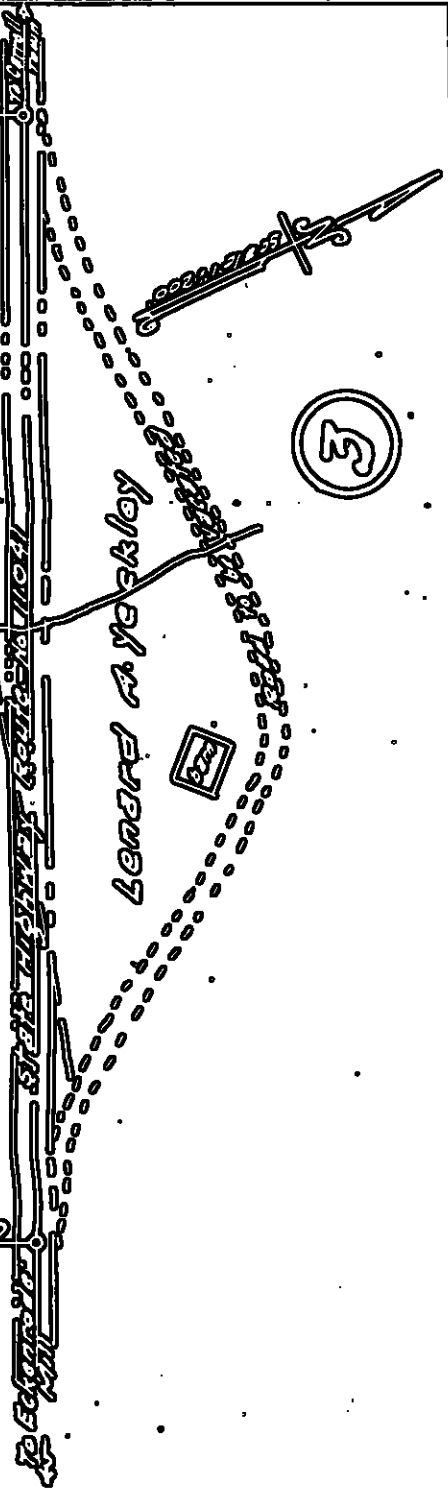
3

McGinnick & Cameron

Leonard A. Yeakley

74 to

86 to 40



No. 4 *March* Sessions, 1942.

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

In re Petition to Vacate Portions of a
Public Road long since laid out leading
from Eckenrodes Mill to Bakers Cross-
roads, in East Carroll Township, Cambria
County, Pennsylvania.

Filed May 20. 1942

PETITION FOR APPOINTMENT OF VIEWERS.

SHETTIG & SWOPE
ATTORNEYS AT LAW
EBENSBURG, PA.

map # 1

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

In re Petition to Vacate portions of a public road long since laid out leading from Eckenrodes Mill to Bakers Crossroads, in East Carroll Township, Cambria County, Pennsylvania.

No. 4 March Sessions, 1942.

Vacating Portions of public road.

PETITION FOR APPOINTMENT OF VIEWERS.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned freeholders of the Township of East Carroll, County of Cambria and State of Pennsylvania, respectfully represents:

1. That a road has been long since laid out and opened in the Township of East Carroll, in the County of Cambria and State of Pennsylvania, being known as the public road leading from Eckenrodes Mill to Bakers Crossroads, and now known as State Highway Route 11041.

2. Said road as described in Paragraph 1 of this petition was laid out pursuant to a petition to the Court as recorded in Road Docket Vol. 1 at page 744; said road was confirmed on July 28, 1820, and the width fixed at thirty-five feet. See also Road Docket Vol. 4, page 115, where confirmation of said road appears under date of April 4, 1888, and the width being fixed at thirty feet.

3. By reason of the improvement of State Highway Route No. 11041 as shown on the map hereto attached and made part hereof, and by reason of the straightening of the road, taking out two certain sharp curves and otherwise improving said highway, two certain portions of said road as described in paragraph 1 of this petition have become useless, inconvenient and burdensome to the taxpayers and citizens of the Township of East Carroll, and the undersigned freeholders seek to have the same vacated.

4. The portions of said road sought to be vacated are as follows:

(1) First Portion to be Vacated.

The point of beginning of said portion is at a point on the northern boundary of said Highway Route No. 11041, at a point 1960 feet northwest of the

center line of the Pennsylvania Railroad leading from Brandley Junction to Patton where the same intersects with said Highway Route No. 11041. Said point of beginning is shown on the map attached hereto and made part hereof as Station 174+0, and the railroad intersection above mentioned is at or near the Railroad Station known as Eckenrodes Mill. The point of ending of said portion is at Station 186+40 on said Highway Route No. 11041, and is northwestwardly from the point of beginning measured along said highway as improved a distance of 1240 feet, and is distant from the intersection with the Pennsylvania Railroad above mentioned a distance of 3200 feet.

(2) Second Portion to be Vacated.

The point of beginning of said portion is at a point on the northern boundary of said Highway Route No. 11041, at a point 4560 feet northwest of the center line of the Pennsylvania Railroad leading from Bradley Junction to Patton where the same intersects with said Highway Route No. 11041. Said point of beginning is shown on the map attached hereto and made part hereof as Station 198+0, and the railroad intersection above mentioned is at or near the Railroad Station known as Eckenrodes Mill. The point of ending of said portion is at Station 200+0, on said Highway Route No. 11041, and is northwestwardly from the point of beginning measured along said highway as improved a distance of 200 feet, and is distant from the intersection with the Pennsylvania Railroad above mentioned a distance of 4760 feet.

The said portions of road to be vacated are further indicated on the map hereto attached by appearing thereon in dotted lines, showing the same to be abandoned as State Highway.

5. On April 29, 1942, a petition was presented to the Court under Rule 301¹/₂ of the Rules of the Courts of Oyer & Terminer and Quarter Sessions of the Peace of this County for a rule on the County Commissioners of said County of Cambria as provided in said Rule, attached to which is a waiver of the issuing and service of a rule to show cause, which said waiver is provided to be effective as though all requirements of said rule had been complied with, particularly

the ten day period provided therein to elapse between the service of said Rule and the return day, and agreeing that the date of said waiver, to wit, April 27, 1942, should be considered as return day of the rule. Upon said petition, the Court made an order permitting the presentation of appropriate petitions to the Court for the vacation of the portions of the public road above described.

6. The Supervisors of East Carroll Township have waived any notice required by law or Rule of Court to be served upon them of the intention to present this petition, as appears by their signatures to this petition.

WHEREFORE, your petitioners pray the Court to inquire of and to vacate the above mentioned road which is hereinabove described, and for that purpose to appoint three members of the permanent Board of Viewers of Cambria County to view said road and inquire of the premises and make return of their proceedings according to law.

And they will ever pray, etc.

CERTIFIED on this,

the 21 day of May

A. D., 1942

Joseph C. New
Clerk of Courts

E. Paul Hoover

W. A. Westrich

H. P. Dishart

Supervisors of East Carroll Township

Walter Weiskand

Burton W. Springer

J. P. Springer

Grace M. Miller

A. L. Miller

W. J. Lauer

Bertha E. Lauer

Louis Tarabanch

B. J. Sawyer

W. J. Kirkpatrick

T. O. Smith

Joseph H. ...

W. W. ...

J. P. Springer

J. S. Springer

State of Pennsylvania |
 | SS:
County of Cambria |

John S. Springer, being duly sworn according to law, says that he is one of the signers of the within petition, and that the statements therein contained are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before me
this 14 day of May, A.D. 1942.

J. Owen
Clerk of Court.

Subscribed

John S. Springer

ORDER.

And now, May 18, 1942, the foregoing petition having been read and considered, IT IS ORDERED that James McLean, M. J. Bangard and S. A. Jencks, three members of the permanent Board of Viewers of Cambria County, be and they are hereby appointed to view said road and inquire of the premises and make return of their proceedings according to law.

BY THE COURT:

McLean
P. J.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to vacate certain portions of Public Road along State Highway Route No. 11041 in East Carroll Township, Cambria County, Pennsylvania.

NO. 4 MARCH SESSIONS

1942

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view and determine whether certain portions of a public road along State Highway, Route No. 11041, in East Carroll Township, Cambria County, Pennsylvania, should be vacated because of changes and improvements made by the State Highway Department making said portions of public road useless and burdensome to maintain.

Said portions of public road are located as follows:

Portion 1. Beginning at Station 174 + 0 and ending at Station 186 + 40.

Portion 2. Beginning at Station 198 + 0 and ending at Station 200 + 0.

9th of

Tuesday

Will meet at the place of Beginning, Station 174 + 0, on Wednesday June 3rd, 1942, at 10 o'clock A. M., to attend to the duties of our appointment, at which time and place all interested parties may appear and be heard if they think proper.

Accepted

VIEWERS

JAMES McCANN

M. J. BAUMGARDNER

S. H. JENCKS

Supervisors

W. A. Vestrick
E. Paul Hoover
H. P. Dishart

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

IN RE: Appointment of Viewers to vacate (NO. 4 MARCH SESSIONS
certain portions of Public Road along)
State Highway Route No. 11041 in East ()
Carroll Township, Cambria County,) 1942
Pennsylvania. ()

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view and determine whether certain portions of a public road along State Highway, Route No. 11041, in East Carroll Township, Cambria County, Pennsylvania, should be vacated because of changes and improvements made by the State Highway Department making said portions of public road useless and burdensome to maintain.

Said portions of public road are located as follows:

Portion 1. Beginning at Station 174 + 0 and ending at Station 186 + 40.

Portion 2. Beginning at Station 198 + 0 and ending at Station 200 + 0.

Will meet at the place of Beginning, Station 174 + 0, on Tuesday, June 9th., 1942, at 10 o'clock A. M., to attend to the duties of our appointment, at which time and place all interested parties may appear and be heard if they think proper.

VIEWERS (JAMES MCCANN
(M. J. BAUMGARDNER
(S. H. JENCKS

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

IN RE; Appointment of Viewers to vacate ()
certain portions of Public Road along) NO. 4 MARCH SESSIONS
State Highway Route No. 11041 in East ()
Carroll Township, Cambria County,)
Pennsylvania. () 1942

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view and determine whether certain portions of a public road along State Highway, Route No. 11041, in East Carroll Township, Cambria County, Pennsylvania, should be vacated because of changes and improvements made by the State Highway Department making said portions of public road useless and burdensome to maintain.

Said portions of public road are located as follows:

Portion 1. Beginning at Station 174 + 0 and ending at Station 186 + 40.

Portion 2. Beginning at Station 198 + 0 and ending at Station 200 + 0.

TUESDAY

9th of

Will meet at the place of Beginning, Station 174 + 0, on Wednesday, June 4, 1942, at 10 o'clock A. M., to attend to the duties of our appointment, at which time and place all interested parties may appear and be heard if they think proper.

(JAMES McCANN
VIEWERS (M. J. BAUMGARDNER
(S. H. JENCKS

accepted semi
now
Jan 27 1942
H. F. Dan
Club

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA.
NO. 4 MARCH SESSIONS, 1942

IN RE: APPOINTMENT OF VIEWERS
TO VACATE CERTAIN PORTIONS OF
PUBLIC ROAD ALONG STATE HIGH-
WAY ROUTE NO. 11041 IN EAST
CARROLL TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA...

ORDER OF COURT AND RE-
PORT OF VIEWERS:

Filed June 29, 1942

JAMES McCANN

M. J. BAUMGARDNER

S. H. JENCKS

VIEWERS.

*Approved this 14 day
of Sept., 1942, by the
Court
McKenrick
Justice*

20 filed

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to
Vacate Certain Portions of Public
Road along State Highway Route No.
11041 in East Carroll Township,
Cambria County, Pennsylvania.

(NO. 4 MARCH SESSIONS
(
(1942

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 Court, to view and determine whether certain portions of Public Road along State Highway Route No. 11041, in East Carroll Township, Cambria County, Pennsylvania, should be vacated because of changes and improvements made by the State Highway Department making such portions of public road useless and burdensome to maintain, respectfully report:

That we have been duly sworn as members of the Permanent Board of Viewers of Cambria County, as attested by the records of said Court; that due notice was given to the public at least ten days prior to the holding of said View of the time, place and purpose of meeting to view the road in question, by the posting of notices at the termini of said portions of road, along the route, and at points adjacent thereto, and by the serving of notices on the Commissioners of Cambria County and the Supervisors of East Carroll Township, copies of all these notices being hereto attached and made a part of this report as proof of service.

That we met in accordance with the notices given, on Tuesday, June 9th, 1942, at 10:00 o'clock A. M., and proceeded to view the portions of road to be vacated. There were present the three Viewers and Mr. Springer, Secretary of the Board of Road Supervisors of the above named Township. The members of the Board of Road Supervisors had been contacted personally when acknowledgement of receiving notice of view was received and expressed themselves as being in favor of the vacating of all the portions of public road as indicated below.

Said portions of roads to be vacated are located as follows:

Portion 1. Beginning at Station 174 + 0 and ending at
Station 186 + 40.

Portion 2. Beginning at Station 198 + 0 and ending at
Station 200 + 0.

All the portions of roads to be vacated were carefully gone over by the Viewers, accompanied by Mr. Springer, Secretary, and at the conclusion of the View all the Viewers were agreed that the prayer of the petitioners should be granted and all the portions of road indicated on maps attached and on this report should be vacated because of being useless and burdensome to maintain.

5 This was accordingly done and by unanimous vote of the Viewers the roads were ordered vacated.

Respectfully submitted,

James M. Carr

A. H. Jewers

Mahlon Bumpstead

VIEWERS.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In Re; Appointment of Viewers to vacate certain portions of public road along State Highway Route No. 11041 in East Carroll Township, Cambria County, Pennsylvania

No. 4 - March Sessions 1942

Cambria County Commissioners

	To	James McCann	Dr.	
May 27, 1942		Posting and serving notices 42 miles		\$6.00 4.20
June 9, 1942		On view	1/2 day	6.00
			34 miles-----	3.40
		Preparing and filing report		6.00
		Stenographer		1.50
		Preparing plans		6.00
		Postage & Stationery		.50
				<u>33.60</u>

June 25
June 25

	To	S. H. Jencks	Dr.	
June 9, 1942		On view	1/2 day	\$6.00
			18 miles-----	1.80
				<u>7.80</u>

	To	M. L. Baumgardner	Dr.	
June 9, 1942		On view	1/2 day	\$6.00
			18 miles-----	1.80
				<u>7.80</u>

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

Chairman

JUL 6 1942 CERTIFIED
JUL 6 1942 CERTIFIED
JUL 6 1942 CERTIFIED

map # 23

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 18th day of May A. D. 1922, be-
fore the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township
of East Carroll, in the said County, setting forth that they labor under incon-
venience for ~~next~~ vacate of a portion of public road or highway, to lead from

See copy of description and petition attached/

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

James Mc ann, M.J. Bamgardner surveyor, and
S.H. Jenks

viewers, to vacating view the ground proposed for ~~such~~ vacating 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.
Mc ann

Attest: Joseph C. Hess Clerk.

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. 4, March SESSIONS, 1924

Order to view and vacate a portion

of road in East Carroll Twp.

Viewers

James McEann

M. J. Bangardner

S. H. Jenks

Clerk Joseph C. Hen 90 cts.

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

In re Petition to Vacate portions of
a public road long since laid out
leading from Eckenrodes Mill to Bakers
Crossroads, in East Carroll Township,
Cambria County, Pennsylvania.

No. 4 March Sessions, 1942.

Vacating Portions of public road.

PETITION FOR APPOINTMENT OF VIEWERS.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT,

The petition of the undersigned freeholders of the Township of East Carroll, County of Cambria and State of Pennsylvania, respectfully represents:

1. That a road has been long since laid out and opened in the Township of East Carroll, in the County of Cambria and State of Pennsylvania, being known as the public road leading from Eckenrodes Mill to Bakers Crossroads, and now known as State Highway Route 11041.

2. Said road as described in Paragraph 1 of this petition was laid out pursuant to a petition to the Court as recorded in Road Docket Vol. 1 at page 744; said road was confirmed on July 28, 1820, and the width fixed at thirty-five feet. See also Road Docket Vol. 4, page 115, where confirmation of said road appears under date of April 4, 1888, and the width being fixed at thirty feet.

3. By reason of the improvement of State Highway Route No. 11041 as shown on the map hereto attached and made part hereof, and by reason of the straightening of the road, taking out two certain sharp curves and otherwise improving said highway, two certain portions of said road as described in paragraph 1 of this petition have become useless, inconvenient and burdensome to the taxpayers and citizens of the Township of East Carroll, and the undersigned freeholders seek to have the same vacated.

4. The portions of said road sought to be vacated are as follows:

(1) First Portion to be Vacated.

The point of beginning of said portion is at a point on the northern boundary of said Highway Route No. 11041, at a point 1960 feet northwest of the

center line of the Pennsylvania Railroad leading from Bradley Junction to Patten where the same intersects with said Highway Route No. 11041. Said point of beginning is shown on the map attached hereto and made part hereof as Station 174+0, and the railroad intersection above mentioned is at or near the Railroad Station known as Eckenrodes Mill. The point of ending of said portion is at Station 186+40 on said Highway Route No. 11041, and is northwestwardly from the point of beginning measured along said highway as improved a distance of 1240 feet, and is distant from the intersection with the Pennsylvania Railroad above mentioned a distance of 3200 feet.

(2) Second Portion to be Vacated.

The point of beginning of said portion is at a point on the northern boundary of said Highway Route No. 11041, at a point 4560 feet northwest of the center line of the Pennsylvania Railroad leading from Bradley Junction to Patten where the same intersects with said Highway Route No. 11041. Said point of beginning is shown on the map attached hereto and made part hereof as Station 198+0, and the railroad intersection above mentioned is at or near the Railroad Station known as Eckenrodes Mill. The point of ending of said portion is at Station 200+0, on said Highway Route No. 11041, and is northwestwardly from the point of beginning measured along said highway as improved a distance of 200 feet, and is distant from the intersection with the Pennsylvania Railroad above mentioned a distance of 4760 feet.

The said portions of road to be vacated are further indicated on the map hereto attached by appearing thereon in dotted lines, showing the same to be abandoned as State Highway.

5. On April 29, 1942, a petition was presented to the Court under Rule 501½ of the Rules of the Courts of Oyer & Terminer and Quarter Sessions of the Peace of this County for a rule on the County Commissioners of said County of Cambria as provided in said Rule, attached to which is a waiver of the issuing and service of a rule to show cause, which said waiver is provided to be effective as though all requirements of said rule had been complied with, particularly

State of Pennsylvania |
 | SS:
County of Cambria |

John S. Springer, being duly sworn according to law, says that he is one of the signers of the within petition, and that the statements therein contained are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before me
this _____ day of May, A.D. 1942.

ORDER.

And now, May _____, 1942, the foregoing petition having been read and considered, IT IS ORDERED that _____,

_____ and _____,
three members of the permanent Board of Viewers of Cambria County, be and they are hereby appointed to view said road and inquire of the premises and make return of their proceedings according to law.

BY THE COURT:
