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| IN RE: PETITION OF STEVE REVI, OTHERWISE STEPHEN REEVEY AND MARY REVI, OTHERWISE MARY REEVEY, HIS WIFE, OF CAMBRIA TOWN- SHIP, CAMBRIA COUNTY, PENNSYLVANIA, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES IF ANY BY REASON OF THE RELOCA- TION AND CONSTRUCTION OF A NEW HIGHWAY ROUTE KNOWN AS STATE HIGHWAY ROUTE NO. 11066, AS AFFECTING THEIR LAND. | : : : : : : : : : | IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA. NO. 5 SEPTEMBER SESSIONS, 1942 <u>PROCEEDINGS IN CONDEMNATION.</u> |
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REPORT OF VIEWERS.

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

We, the undersigned Viewers appointed by the above and annexed order of the Court to view the following named premises and ascertaining and to assess damages and benefits by the reason of the relocation and construction of a public highway known as State Highway Route No. 11066 as affecting the property of Steve Revi, otherwise Stephen Reeve and Mary Revi, otherwise Mary Reeve respectfully report:

That we were duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the Court; that due public notice of the time and place of the meeting of the said Viewers was given by the posting of ten handbills upon the premises and by personal service upon Stephen Reeve and Mary Reeve his wife, and upon H. Frank Dorr, Chief Clerk to the Commissioners of Cambria County and upon Alfred M. Shoemaker, Esq., Attorney for the petitioners and land owners ten days or more prior to the time of the meeting of the Viewers as is evidenced by copies of said notices being hereto attached and further that a copy of said notices was given to each of the parties upon whom personal service was made.

We met pursuant to said notices upon the premises on Saturday November 28, 1942 at 10 o'clock A. M., and proceeded with the duties of our appointment. There were present at said view Mahlon Baumgardner, S. H. Jencks, William McGrain all the members of the Board of View in the order of Court; H. Frank Dorr, Chief Clerk to the Commissioners of Cambria County; Stephen Reeve and Mary Reeve his wife, the owners of the property affected by the said relocation and construction of state highway

through their farm and Alfred M. Shoemaker, Esq., Attorney for the petitioners and landowners. We made a careful inspection of the elements of damages of the house, spring or well, the taking of fruit trees and all other matters appertaining to the said relocation and construction of the highway aforesaid. It was mutually agreed by the Viewers and Mr. and Mrs. Reevy, H. Frank Dorr, Chief Clerk aforesaid and Alfred M. Shoemaker, Esq., representing the petitioners that Saturday December 5 at 9:30 be the time and the Court House the place for the taking of evidence relative to the proceedings; a continuance was granted because of the inclement weather and two other continuances were granted following this first one. Pursuant to the last continuance it was agreed by all the parties in interest that January 2, 1943 at 9:30 A. M. be fixed as the time for the taking of testimony. The Viewers met at 9:30 A. M. January 2, 1943 in Court Room Number 4 as per continuance heretofore and with them were several witnesses for the Petitioners and several witnesses for the County of Cambria. It developed during the hearing that two different roads were discussed as being the one relating toⁱⁿ the petition. The Viewers asked to have the particular road definitely identified as the one in question. This could not be done at this time so another continuance was granted or permitted for the purpose of giving the Attorneys representing the parties in interest, to wit: Alfred M. Shoemaker, Esq., representing the petitioners and George M. Spence, Esq., representing as Solicitor the Commissioners of Cambria County. The time for the next hearing being agreed upon as Saturday, January 9, 1943 at 9:30 o'clock in the morning.

Pursuant to the adjournment agreed upon on January 2, 1943 the three Viewers met in Court Room Number 4, Ebensburg, Pa., and proceeded with the duties of their appointment. George M. Spence, Esq., had mailed a long letter explaining the position of the County Commissioners in the premises but agreed that the road mentioned in the petition was the correct one at issue. Alfred M. Shoemaker, Esq., appeared in behalf of the petitioners. All the matters pertinent to the matter were discussed and taken into consideration. Saturday January 16 at 10 o'clock A. M., and the Court Room Number 4 in the Court House at Ebensburg, Pennsylvania was fixed as the time and place for the Exhibit of Schedule. George M. Spence, Esq., Solicitor for the

Commissioners of Cambria County and Alfred M. Shoemaker, Esq., Council for the petitioners that the legal requirement of advertising time of Exhibit of Schedule in the Cambria Legal Journal and one local paper be waived with the same legal effect as though this requirement of the law had been complied with. It was mutually^{agreed}/by and between the Viewers, Council for the Petitioners and Solicitor for the County Commissioners that the time for Exhibit of Schedule shall take place in Court Room Number 4, Court House, Ebensburg, Penna., on Saturday January 23 at 10 O'clock A. D. 1943.

That having viewed said premises and hearing all evidence and testimony and taking into consideration all elements of damages and benefits accruing to said re-location and improvement of said Highway as well as all matters before us, we estimated and determined the quality, quantity of land, taken, occupied and injured by the widening of said public highway as well as to other damages, and having due regard to and making just allowances for the damages which have resulted or which may seem likely to result to the said owners of the land aforesaid, we estimated and determined the amount of damages and prepared a schedule thereof. That all parties interested were notified of the time and place of the meeting of the Viewers for the purpose of exhibiting said schedule and considering all exceptions and evidence thereto by the waiving of the legal rule of advertising said Exhibit of Schedule all of which ~~was~~ oral. That we met in accordance with Oral Notice given on Saturday January 23, 1943 at 10 o'clock A. M. where said Schedule was exhibited and all exceptions and testimony offered thereto was heard. That hearing all all exceptions and testimony offered and giving all matters before us due consideration, we are of the opinion that said property of Steve Revi, otherwise Stephen Reevy and Mary Revi, otherwise Mary Reevy owners of certain lands affected by the said improvement have been damaged; therefore we assess with no benefits and with damages in the amount of EIGHT HUNDRED FIFTY (\$850) DOLLARS.

That we are of the opinion that the damages above referred and shown are due and should be paid to Stephen Reevy and Mary Reevy, his wife, as their interest may appear by the County of Cambria, Pennsylvania.

No examination of the records was made as to liens that may be of record against the petitioners, Steve Revi, otherwise Stephen Reevy and Mary Revi, otherwise Mary Reevy.

Pursuant to an agreement entered into by and between the Board of Viewers and George M. Spence, Esq., Solicitor for the Commissioners of Cambria County, Pennsylvania and Alfred M. Shoemaker, Esq., Council for the petitioners legal advertisement as required by law is hereby waived as to the time of the filing of this Report of Viewers in the above proceedings and both Attorneys representing their respective constituents agreed not to take advantage of the discrepancy in the law in that no legal notice was given to the Cambria County Legal Journal and the Mountaineer Herald stating the time of filing of this report. The Chairman of the Board of Viewers personally notified orally ^{the Attorneys} that the report would be filed at 10 o'clock Monday March 1, 1943, being the First Monday of the March Term of Court. And further while not advertised because of the waiving of same as to the filing of Report it is lawfully understood that unless either or both parties to the proceedings take an appeal within thirty days after the filing of this Report of Viewers same may be confirmed absolutely.

WITNESS our hands and seals this

day of February, 1943.

M. H. Spence
A. M. Shoemaker
J. J. McGowan

IN RE: PETITION OF STEVE REVI, OTHERWISE : IN THE COURT OF QUARTER SESSIONS
STEPHEN REEVEY, AND MARY REVI, OTHERWISE : OF CAMBRIA COUNTY, PENNSYLVANIA.
MARY REEVEY, HIS WIFE, OF CAMBRIA TOWNSHIP :
CAMBRIA COUNTY, PENNSYLVANIA, FOR THE :
APPOINTMENT OF VIEWERS TO ASSESS DAMAGES : NO. 5 SEPTEMBER SESSIONS, 1942
IF ANY BY REASON OF THE RELOCATION AND :
CONSTRUCTION OF A NEW HIGHWAY ROUTE :
KNOWN AS STATE HIGHWAY ROUTE NUMBER 11066 :
AS AFFECTING THEIR LAND : PROCEEDINGS IN CONDEMNATION

MAHLON BAUMGARDNER, S. H. JENCKS AND WM. J. McGRAIN
VIEWERS.

To Mahlon Baumgardner, Dr.

| | | |
|---------------|--|--------------|
| Nov. 12, 1942 | Data and Preparing Notices to View and | |
| " 16, " | Posted same | \$18.00 |
| " 16, " | Mileage | 1.00 |
| Nov. 28, " | Made View | 12.00 |
| " 28, " | Mileage | 1.00 |
| Jan. 2, 1943 | Taking of Testimony | 12.00 |
| " 9, " | Taking of Testimony | 12.00 |
| " 16, " | Exhibit of Schedule | 12.00 |
| Feb. 22, " | Prepared Report of Viewers | 12.00 |
| | Stenographer, stationery and preparation of Notices and Exhibit of Schedule | 6.00 |
| | | <u>86.00</u> |

MAR 8 1943 CERTIFIED

To S. H. Jencks, Dr.

| | | |
|---------------|---------------------|----------------|
| Nov. 28, 1942 | Making of View | 12.00 |
| " " " | Mileage | 1.00 |
| Jan. 2, 1943 | Taking of Testimony | 12.00 |
| " 9, " | Taking of Testimony | 12.00 |
| " 16, " | Exhibit of Schedule | 12.00 |
| | | <u>\$49.00</u> |

MAR 8 1943 CERTIFIED

To William J. McGrain, Dr.

| | | |
|---------------|---------------------|----------------|
| Nov. 28, 1942 | Making View | 12.00 |
| " " " | Mileage | 2.60 |
| Jan. 2 1943 | Taking of Testimony | 12.00 |
| " 2, " | Mileage | 1.60 |
| Jan. 9, " | Taking Testimony | 12.00 |
| " 9, " | Mileage | 1.60 |
| Jan. 16, " | Exhibit of Schedule | 12.00 |
| " 16, " | Mileage | 1.60 |
| | | <u>\$53.40</u> |

MAR 8 1943 CERTIFIED

*55.40

| | |
|---|--|
| IN RE: PETITION OF STEVE REVI, OTHERWISE STEPHEN REEVEY AND MARY REVI, OTHERWISE MARY REEVEY, HIS WIFE, OF CAMBRIA TOWNSHIP CAMBRIA COUNTY, PENNSYLVANIA, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES IF ANY BY REASON OF THE RELOCATION AND CONSTRUCTION OF A NEW HIGHWAY ROUTE KNOWN AS STATE HIGHWAY ROUTE NO. 11066 AS AFFECTING THEIR LAND. | : IN THE COURT OF QUARTER SESSIONS : OF CAMBRIA COUNTY, PENNSYLVANIA. : : NO. 5 SEPTEMBER SESSIONS 1942 : : <u>PROCEEDINGS IN CONDEMNATION.</u> |
|---|--|

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view the above premises and determine and estimate the damages, if any that have resulted or that may seem likely to result by reason of the re-locating, widening and laying out of State Highway Route No. 11066 as affecting the property of STEVE REVI, otherwise STEPHEN REEVEY and MARY REVI, otherwise MARY REEVEY, his wife will meet on the premises on Saturday, November 28, 1942 at 10 o'clock A. M. for the purpose of performing the duties of our appointment and the taking of testimony appertaining thereto.

MAHLON J. BAULGARDNER

S. H. JENCKS,

WEL. J. McCRAIN
Viewers.

November 12, 1942.

NOW November 17th 1942 I hereby accept service of the above Notice to View as Solicitor to Steve Revi, otherwise Stephen Reeve and Mary Revi, otherwise Mary Reeve and acknowledge receipt of same.

A. M. Shoemaker
Attorney for Petitioners.

IN RE: PETITION OF STEVE REVI, OTHERWISE : IN THE COURT OF QUARTER SESSIONS
STEPHEN REEVEY AND MARY REVI, OTHERWISE : OF CAMBRIA COUNTY, PENNSYLVANIA.
MARY REEVEY, HIS WIFE OF CAMBRIA TOWNSHIP :
CAMBRIA COUNTY, PENNSYLVANIA, FOR THE AP- : NO. 5 SEPTEMBER 1942
POINTMENT OF VIEWERS TO ASSESS DAMAGES, IF :
ANY, BY REASON OF THE RELOCATION AND :
CONSTRUCTION OF A NEW HIGHWAY ROUTE KNOWN :
AS STATE HIGHWAY ROUTE NO. 11066, AS AF- :
FFECTING THE PROPERTY OF SAME : PROCEEDINGS IN CONDEMNATION.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view the above premises and determine and estimate the damages if any that have resulted or that may seem likely to result by reason of the re-locating, widening and layoung out of State Highway Route No. 11066 as affecting the property of STEVE REVI, otherwise STEPHEN REEVEY and MARY REVI, otherwise MARY REEVEY, his wife will meet on the premises on Saturday, November 23, 1942 at 10 o'clock A. M. for the purpose of performing the duties of our appointment and the taking of testimony appertaing thereto.

MAHLON J. BAUMGARDNER

S. H. JENCKS

WM. J. McGRAIN
Viewers.

November 12, 1942.

NOW November 17th 1942 I hereby accept service of the above Notice to View as Solicitor to Steve Revi, otherwise Stephen Reevey and Mary Revi, otherwise Mary Reevey and acknowledge receipt of same.

A. M. Shoemaker
Attorney for Petitioners.

Hearing at Court house 9:30 A M Dec 5th 1942.

IN RE: PETITION OF STEVE REVI, OTHERWISE
STEPHEN REEVEY AND MARY REVI, OTHERWISE
MARY REEVEY, HIS WIFE OF CAMBRIA TO WSHIP
CAMBRIA COUNTY, PENNSYLVANIA, FOR THE AP-
POINTMENT OF VIEWERS TO ASSESS DAMAGES, IF
ANY, BY REASON OF THE RELOCATION AND
CONSTRUCTION OF A NEW HIGHWAY ROUTE KNOWN
AS STATE HIGHWAY ROUTE NO. 11066, AS AF-
FECTING THE PROPERTY OF SAID

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

NO. 5 SEPTEMBER 1942

PROCEEDINGS IN CONDEMNATION.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named
Court to view the above premises and determine and estimate the damages
if any that have resulted or that may seem likely to result by reason
of the re-locating, widening and laying out of State Highway Route No.
11066 as affecting the property of STEVE REVI, otherwise STEPHEN REEVEY
and MARY REVI, otherwise MARY REEVEY, his wife will meet on the premises
on Saturday, November 23, 1942 at 10 o'clock A. M. for the purpose of
performing the duties of our appointment and the taking of testimony
appertaining thereto.

MAHLON J. BAUMGARDNER

S. H. JENCKS

W. J. McGRAIN
Viewers.

November 12, 1942.

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

PETITION FOR APPOINTMENT OF VIEWERS TO ASSESS
DAMAGES

TO THE HONORABLE JUDGES OF SAID COURT:

The petition of Steve Revi, otherwise Stephen Reevy, and Mary Revi, otherwise Mary Reevy, his wife, respectfully represents:

1.

That they have the legal title to a tract of land situate in Cambria Township, Cambria County, Pennsylvania, having acquired same by Deed dated October , 1926, recorded in the office for the recording of deeds, etc., in and for Cambria County in Deed Book Vol. 399, page 42.

2.

That your petitioners now are and at and prior to the time the same was damaged and a portion thereof taken, injured and destroyed; as hereinafter complained of; were the legal owners of said tract of land.

3.

That long prior to and at all times subsequent to the acquisition of said land by your petitioners there was laid out and in use for public travel a public highway leading from the Ebensburg-Summerhill Plank Road; from a point handy the old Pensacola School House; to the Ebensburg-Wilmore Road; in the said County of Cambria, which said public road or highway, passes through and over the land of your petitioners in an easterly and westerly direction, and from which said road your petitioners had easy and convenient access to their home and farm buildings.

4.

That some time during the years 1939 or 1940, the Department of Highways of Pennsylvania by virtue of the power and authority vested in it, re-located the said highway through and over the land of your petitioners

and widened the existing public road or supplied the same with a new highway known as State Highway Route No. 11066, said new highway leading in the same general direction as above indicated.

5.

that in re-locating, widening and laying out said State Highway Route No. 11066, the said Highway Department took and appropriated for highway purposes, a considerable strip of your petitioners land.

6.

That in relocating, widening and constructing said new Highway Route No. 11066 the Department of Highways saw fit to change and alter the grade of said highway at various points and to make a cut of some two foot almost immediately against the foundation of the house of your petitioners and so close to the corner of the foundation of the house of your petitioners so as to endanger the foundation and imperil the stability of the structure.

7.

That in relocating, widening and reconstructing said old road, now State Highway Route No. 11066, the line of said new highway on the northerly side of said road has been extended to within such close proximity of the residence of your petitioners and of a never failing well which, until and at the time of the change in the line and grade of said highway, had at all times since and long prior to the time of the purchasing of said premises by your petitioners; supplied an abundance of pure fresh water, ample for all domestic and farm purposes.

8.

That in the course of the changes and alterations made by the State Highway Department, said Department saw fit to install a catch basin or trap, for the purpose of drainage, beyond the northerly line of said

widened right of way, about midway between and within a few feet of the porch attached to the front of the residence of your petitioners and the said well, which had supplied all water for domestic and farm purposes, and from which water had been piped into the said residence of your petitioners and as a result of said grading and installing said catch basin as aforesaid the water from said well has been rendered unfit for domestic and other purposes, much to the inconvenience and detriment of your petitioners.

9.

That in relocating and widening the said highway, the said Highway Department and their agents and employees have taken, injured or destroyed a large number of trees of sufficient size for props, ties or saw timber, and a considerable number of fruit trees, as well as grape vines, and many bushes, shrubs, etc.

10.

That by reason of the change above complained of, your petitioners have lost and been deprived of a convenient and suitable approach and entrance to their home and have been required to change same at their expense and inconvenience, and the entrance to the cellar used for storage purposes has been rendered difficult of access.

11.

That by reason of the change in the location of drainage conduits along the route of said highway, the constant drainage and washing along said highway, adjacent to the residence of your petitioners, tends to further undermine the foundations of the residence.

12.

That your petitioners will, at all times, be deprived of the land appropriated for the said right of way of Route No. 11066 and the well, as hereinbefore mentioned.

13.

That your petitioners by reason of the facts averred in this petition and many other items of damage not herein set forth have sustained damages and that said damages are owing and payable to them by said defendants, the County of Cambria, pursuant to law.

14.

That your petitioners and the Commissioners of Cambria County can neither agree upon the amount of damages sustained nor are they able to arrive at an amicable settlement thereof.

WHEREFORE, your petitioners pray the Court to appoint viewers to examine the said land and the premises as well as the land appropriated and taken, injured and destroyed and to inquire of the damage and injuries sustained by your petitioners and make report of their proceedings and said damages, according to law.

And they will ever pray, etc.

WITNESSE

A. M. Shoemaker

Anne Bobenage

his
Steve X Revi
mark

Mary Reevy

COUNTY OF CAMBRIA

SS:

Steve Revi, otherwise Stephen Reevy, and Mary Revi, otherwise Mary Reevy, his wife, being duly sworn according to law depose and say that the facts set forth in the foregoing petition are true and correct to the best of their knowledge information and belief.

John L. Hite, Prothonotary

Sworn to and subscribed before me this 26th day of September, 1942.

D E C R E E

Nov.
And now ~~October~~ 2, 1942, the within petition presented, read and considered, then the Commissioners of Cambria County having waived the provision of Rule No. 301 $\frac{1}{2}$ of the Court of Quarter Sessions of Cambria County, Pennsylvania, by their stipulation endorsed thereon, upon motion of A. M. Shoemaker, Attorney for Petitioners, the Court do hereby appoint Mahlon H. Baumgardner, Esq. (Chairman), S. H. Jencks and Wm. J. McGrain, members of the Permanent Board of Viewers of Cambria County, as Viewers to view and examine the premises in said petition described for the purpose of ascertaining the damage, if any, sustained by the petitioners, and make report of their proceedings according to law.

BY THE COURT:

McKenrick
Judge.

Griffith
Judge.

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 second day of November A. D. 1942, before the Honorable Judge of the said Court: Upon the petition of ~~the owners~~ ^{the owners} of Cambria in the said County, setting forth that they labor under inconvenience ~~for want of~~ by reason of the relocating ~~road or highway, to lead from~~ and constructing of State Highway Route No. 11066 through and over their premises in said Township, County and State as indicated in the attached petition - - - - -

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. ~~estimate and determine the damages according to law.~~ The Court, upon due consideration had of the premises, do order and appoint

Mahlon H. Baumgardner, Esq. ~~surveyor,~~ and S. H. Jencks
Wm. J. McGrain ~~surveyor,~~

viewers, to view the ground proposed for said road, 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.

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 5 September SESSIONS, ~~Nov~~ 1942

Order to view and assess damages,

if any, to Steve Revi, otherwise Stephen Reevy and Mary Revi, otherwise Mary Reevy, his wife, of Cambria Township, Cambria Co., Pa.

Filed 8/19-42

Viewers

Mahlon H. Baumgardner.

S. H. Jencks and

Wm. J. McGrain

Clerk 90 cts.

absolute

at final order - 1943 confirmed

J. Burns

by R. B. Buley

No 5 Sept Term 1942

IN THE COURT OF COMMONS AND
SESSIONS OF CALBRIA COUNTY, PA.

PETITION FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES TO STEVE REVI, otherwise STEPHEN REEVE and MARY REVI, otherwise MARY REEVE, his wife, of CALBRIA TOWNSHIP, CALBRIA COUNTY, PENNSYLVANIA.

Filed 10/23.42 ✓

A. M. SHOEMAKER
ATTORNEY AT LAW
EBENSBURG, PA.

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

PETITION FOR APPOINTMENT OF VIEWERS TO ASSESS
DAMAGES

TO THE HONORABLE JUDGES OF SAID COURT:

The petition of Steve Revi, otherwise Stephen Reevy, and Mary Revi, otherwise Mary Reevy, his wife, respectfully represents:

1.

That they have the legal title to a tract of land situate in Cambria Township, Cambria County, Pennsylvania, having acquired same by Deed dated October , 1926, recorded in the office for the recording of deeds, etc., in and for Cambria County in Deed Book Vol. 399, page 42.

2.

That your petitioners now are and at and prior to the time the same was damaged and a portion thereof taken, injured and destroyed; as hereinafter complained of; were the legal owners of said tract of land.

3.

That long prior to and at all times subsequent to the acquisition of said land by your petitioners there was laid out and in use for public travel a public highway leading from the Ebensburg-Summerhill Plank Road; from a point handy the old Pensacola School House; to the Ebensburg-Wilmore Road; in the said County of Cambria, which said public road or highway, passes through and over the land of your petitioners in an easterly and westerly direction, and from which said road your petitioners had easy and convenient access to their home and farm buildings.

4.

That some time during the years 1939 or 1940, the Department of Highways of Pennsylvania by virtue of the power and authority vested in it, re-located the said highway through and over the land of your petitioners

and widened the existing public road or supplied the same with a new highway known as State Highway Route No. 11066, said new highway leading in the same general direction as above indicated.

5.

that in re-locating, widening and laying out said State Highway Route No. 11066, the said Highway Department took and appropriated for highway purposes, a considerable strip of your petitioners land.

6.

That in relocating, widening and constructing said new Highway Route No. 11066 the Department of Highways saw fit to change and alter the grade of said highway at various points and to make a cut of some two foot almost immediately against the foundation of the house of your petitioners and so close to the corner of the foundation of the house of your petitioners so as to endanger the foundation and imperil the stability of the structure.

7.

That in relocating, widening and reconstructing said old road, now State Highway Route No. 11066, the line of said new highway on the northerly side of said road has been extended to within such close proximity of the residence of your petitioners and of a never failing well which, until and at the time of the change in the line and grade of said highway, had at all times since and long prior to the time of the purchasing of said premises by your petitioners; supplied an abundance of pure fresh water, ample for all domestic and farm purposes.

8.

That in the course of the changes and alterations made by the State Highway Department, said Department saw fit to install a catch basin or trap, for the purpose of drainage, beyond the northerly line of said

widened right of way, about midway between and within a few feet of the porch attached to the front of the residence of your petitioners and the said well, which had supplied all water for domestic and farm purposes, and from which water had been piped into the said residence of your petitioners and as a result of said grading and installing said catch basin as aforesaid the water from said well has been rendered unfit for domestic and other purposes, much to the inconvenience and detriment of your petitioners.

9.

That in relocating and widening the said highway, the said Highway Department and their agents and employees have taken, injured or destroyed a large number of trees of sufficient size for props, ties or saw timber, and a considerable number of fruit trees, as well as grape vines, and many bushes, shrubs, etc.

10.

That by reason of the change above complained of, your petitioners have lost and been deprived of a convenient and suitable approach and entrance to their home and have been required to change same at their expense and inconvenience, and the entrance to the cellar used for storage purposes has been rendered difficult of access.

11.

That by reason of the change in the location of drainage conduits along the route of said highway, the constant drainage and washing along said highway, adjacent to the residence of your petitioners, tends to further undermine the foundation of the residence.

12.

That your petitioners will, at all times, be deprived of the land appropriated for the said right of way of Route No. 11066 and the well, as hereinbefore mentioned.

13.

That your petitioners by reason of the facts averred in this petition and many other items of damage not herein set forth have sustained damages and that said damages are owing and payable to them by said defendants, the County of Cambria, pursuant to law.

14.

That your petitioners and the Commissioners of Cambria County can neither agree upon the amount of damages sustained nor are they able to arrive at an amicable settlement thereof.

WHEREFORE, your petitioners pray the Court to appoint viewers to examine the said land and the premises as well as the land appropriated and taken, injured and destroyed and to inquire of the damage and injuries sustained by your petitioners and make report of their proceedings and said damages, according to law.

And they will ever pray, etc.

WITNESSE

A.M. Shoemaker

Anna Bobenage

Steve ^{his} X Revi
_{mark}

Mary Revi

COUNTY OF CAMBRIA

SS:

Steve Revi, otherwise Stephen Reevy, and Mary Revi, otherwise Mary Reevy, his wife, being duly sworn according to law depose and say that the facts set forth in the foregoing petition are true and correct to the best of their knowledge information and belief.

John L. Nite, Notary

Sworn to and subscribed before me this 26th day of September, 1942.

In re: Petition for the ap-)
pointment of Viewers to Assess)
Damages to Steve Revi, other-)
wise Stephen Reevy, and Mary)
Revi, otherwise Mary Reevy,)
in Cambria Township, Cambria)
County, Pennsylvania.)

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

NO. December Sessions,
1942.

PRELIMINARY ORDER.

Now, October 21st 1942, the within petition having
been presented, read and considered, a Rule is hereby granted
upon the Commissioners of Cambria County, Pennsylvania, to
show cause, if any they have, why Viewers should not be ap-
pointed as prayed for in the within petition; said Rule is
returnable at 10:00 O'clock, a. m., November 2nd 1942.

Service of said Rule, together with a copy of this peti-
tion shall be made upon the said County Commissioners not
less than ten days before the said return day.

By the Court
Griffith

ACCEPTANCE OF SERVICE OF ABOVE RULE BY COMMISSIONERS.

Now, October 1942, service of the above rule is hereby
hereby accepted, together with a copy of the within peti-
tion.

5-15-

CERTIFICATE OF SERVICE.

Notice of intention of presentation of this petition for the appointment of Viewers was duly served upon the Commissioners of Cambria County, Pa., by leaving an exact copy of this petition and rule with Walter C. Port; one of the Clerks in the office of said Commissioners at Ebensburg, Pa.; making the contents thereof known to him and exhibiting to him this petition and rule on the 23rd. day of October, 1942, at 11:05 a. m.

A. M. Shoemaker

D E C R E E

And now ~~October~~ ^{Nov 2}, 1942, the within petition presented, read ^{been read} and considered, then the Commissioners of Cambria County having ~~waived the~~

with notice

~~provided by~~ Rule No. 301 $\frac{1}{2}$ of the Court of Quarter Sessions of Cambria County, Pennsylvania, ~~by their stipulation endorsed thereon,~~ upon motion of

A. M. Shoemaker, Attorney for Petitioners, the Court do hereby appoint Walter H. Baumgardner (Chairman), J. H. Jencks

and Wm. J. McEwen, members of the Permanent Board of Viewers of Cambria County, as Viewers to view and examine the premises in said petition described for the purpose of ascertaining the damage, if any, sustained by the petitioners, and make report of their proceedings according to law.

BY THE COURT:

McKenrick

Guffath
Judge.