

IN RE: Petition of John Jacoby and Angeline : No. 2, December Sessions, 1951  
 Jacoby, his wife of Richland Township, Cambria :  
 County, Penna., for the Appointment of Viewers :  
 to estimate and determine damages or benefits : In the Court of Quarter Sessions  
 by reason of the change of grade and location : of Cambria County, Pennsylvania.  
 of State Highway Route #222 as it affects their :  
 real estate situate in said Township of Rich- :  
 land, County and State aforesaid. : CONDEMNATION PROCEEDINGS

REPORT OF VIEWERS

We, the undersigned Viewers appointed by the above named Court to View and Inspect the real estate and premises of John Jacoby and Angeline Jacoby, his wife of Richland Township, Cambria County, Penna., and to determine and estimate the damages that have resulted or that may seem likely to result by the reason of the change of the grade and location of State Highway Route #222 in the Township of Richland, County and State aforesaid as it affects the real estate of the above petitioners and owners described as follows:

NO. 1: Beginning at the northeast corner of intersection of Lehman Avenue and the Bedford Pike, a distance of 25 feet from the center line of the paved road, to wit: Bedford Pike; thence by said paved road or Bedford Pike, North 20 degrees 11 minutes West 56.13 feet to a point; thence continuing North 18 degrees no minutes West 42.62 feet; thence still continuing along said road North 13 degrees 16 minutes West 48.78 feet to a point on the corner of Lot No. 24, on the aforesaid plan; thence by said Lot No. 24, North 80 degrees 15 minutes East a distance of 161.99 feet to corner of Lot No. 28 on said Plan; thence by lot #28 South 9 degrees 45 minutes East 146.07 feet to Lehman Avenue; thence by said Lehman Avenue South 80 degrees 15 minutes West 142.71 feet to the Bedford Pike, the place of beginning; being marked, known and designated as Lots Nos. 25, 26 and 27 on the Plan of Lots of George M. Ofish, situate in Richland Township, Cambria County, Pennsylvania, as surveyed by S. E. Dickey & Company on June 26, 1928;

NO. 2: BEGINNING at a point at intersection of Lot No. 27 on the hereinafter mentioned plan of lots and Lehman Avenue, thence from said point and along the line of Lehman Avenue, North 80 degrees 15 minutes East a distance of 50 feet to a point at intersection of lot # 29 on the aforesaid plan of lots; thence from said point and along the line of lot No. 29 North 9 degrees 45 minutes West a distance of 146.07 feet to a point at intersection of Lots 20 and 21 on aforesaid plan; thence from said point and along the line of lot No. 21 South 80 degrees 15 minutes West a distance of 50 feet to a point at intersection of Lots Nos. 25 and 26 and 27 on the said plan South 9 degrees 45 minutes East a distance of 146.07 feet to a point, the place of beginning; being marked, known and designated as Lot No. 28 on the George M. Ofish Plan of Lots situate in Richland Township, Cambria County, Pa., surveyed by S. E. Dickey & Company, on June 26, 1928 which said plan is of record.

NO. 3: BEGINNING At the intersection of Gap Avenue and Lot No. 18 on the hereinafter mentioned Plan of Lots; thence along the line of Lot No. 18, South nine (9) degrees forty five (45) minutes East a distance of one hundred forty-six and six-hundreth (146.06) feet to a point at intersection of Lots No. 18, No. 31 and No. 30 on the hereinafter mentioned Plan of Lots; thence along the line of Lot No. 30 South eighty (80) degrees fifteen (15) minutes West fifty (50) feet to a point at intersection of Lots No. 30, No. 29 and No. 20 on the aforesaid Plan of Lots; thence along the line of Lot No. 20 North nine (9) degrees forty-five (45) minutes West a distance of one hundred forty-six and six-hundreths (146.06) feet to a point on Gap Avenue; thence along Gap Avenue North eighty (80) degrees fifteen (15) minutes East a distance of fifty (50) feet to a point, the place of beginning; being marked, known and numbered as Lot No. 19 on the hereinafter mentioned Plan of Lots;

NO. 4: ALL those three (3) certain lots of ground, BEGINNING at a point at intersection of Lehman Avenue and Lot No. 28 on the aforesaid Plan of Lots; thence along the line of Lot No. 28 North nine (9) degrees forty-five (45) minutes West a distance of one hundred forty-six and seven-hundredths (146.07) feet to a point at the intersection of Lots No. 28, No. 21 and No. 20; thence from said point north eighty (80) degrees fifteen (15) minutes East a distance of one hundred fifty (150) feet to a point at intersection of lots No. 17 and No. 32 on the aforesaid plan of lots; thence along the line of lot No. 32 South nine (9) degrees forty-five (45) minutes East a distance of one hundred forty-six and seven-hundreths (146.07) feet to a point on Lehman Avenue; thence along Lehman Avenue South eighty (80) degrees fifteen (15) minutes West a distance of one hundred fifty (150) feet to a point, the place of beginning; said lots being marked, known and numbered on the plan of George M. Ofish, situate in Cambria County, Pennsylvania, by S. E. Dickey & Co., on June 26, 1928, as Lots No. 29, No. 30 and No. 31; said plan being recorded in the Recorder's Office aforesaid in Plat Book, Vol. 3 at Page 157.

NO. 5: FRONTING twenty-four and thirty-five hundredth (24.35) feet on the easterly side of State Highway Route No. 56, running between Geistown Borough and Scalp Level Borough and identified on the hereinafter mentioned plan of lots as Bedford Street, and extending back the same width between parallel lines a distance of one hundred (100) feet, more or less, to the line of lot No. 21 on said plan, and bounded on the southerly side by lot No. 25, now of John and Angeline Jacoby, and on the northerly side by the northerly one-half of lot No. 24; and being marked, known and numbered on the George M. Ofish plan of lots as laid out by S. E. Dickey & Co., on June 26th 1928, and numbered and recorded in Cambria County in Plat Book Vol. 3 at page 57, as the SOUTHERLY ONE-HALF OF LOT NO. 24.

NO. 6: BEGINNING at a stake on the southerly boundary line of Gap Avenue on the hereinafter mentioned plan of lots; thence South nine degrees forty-five minutes ( 9 deg 45') East along line of lot No. 19 on said Plan of Lots, a distance of one hundred forty-six and six-hundredth (146.06) feet to a stake, corner of Lot No. 29 on the hereinafter mentioned Plan of Lots; thence south eighty degrees (80) degrees fifteen (15) minutes West along the boundary line of Lots 29 and 28 on the said Plan of Lots a distance of one hundred (100) feet to a stake, corner of Lot No. 24 on the hereinafter mentioned Plan of Lots; thence North nine degrees (9) degrees forty-five (45) minutes West along the line of Lots Nos. 24, 23 and 22 on the hereinafter mentioned Plan of Lots, a distance of one hundred forty-six and six-hundreths (146.06) feet to a stake on the southerly boundary line of Gap Avenue; thence along the southerly line of Gap Avenue North eighty (80) degrees fifteen (15) minutes East a distance of one hundred (100) feet to a stake the place of Beginning; being marked, known and designated on the Plan of Lots prepared

by S. E. Dickey and Company on June 26, for George M. Ofish as LOTS NOS 20 and 21; said Plan being recorded in the Recorder's Office in Cambria County, Pennsylvania, in Plat Book, Vol. 3 page 157; having erected thereon a two-story four apartment building;

UNDER AND SUBJECT, NEVERTHELESS, to the conditions, exceptions, restrictions and reservations, in prior deeds contained.

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 posting ten handbills upon the premises of John and Angeline Jacoby who accepted service of the Notice of same. Personal service was made upon C. R. Forbes, District Engineer of the State Highway Department with offices at Hollidaysburg. No attorney being of record notice of the time and place of the meeting was thus given to the Highway Department who would in due time appoint Counsel to represent the State: upon Maurice A. Springer, Chief Clerk to the Cambria County Commissioners and upon Frank F. Barnhart, Esq. Counsel for the petitioners and owners Mr. and Mrs. John Jacoby all of which acceptances of service are hereto attached and made a part of this Report. All of the parties having been given a copy of the Notice of View to which they had accepted service. Pursuant to said Notice to View we met on the premises on November 24, 1951 at 10 o'clock A. M. and proceeded with the duties of our appointment. All of the Viewers were present as were John Jacoby and Angeline Jacoby and Frank P. Barnhart, Esq., Counsel for them. No one appeared for the State Highway Department. A very careful inspection was made of the land and the premises affected by the improvement of the said Highway. A very exhaustive inspection was made of the conditions affecting the premises of the petitioners. An examination of the change of the change of the location and affected thereby and all other elements pertinent to the matter in issue. We were shown through the house and apartment and its relation to the improved highway. In the absence of a representative of the Highway Department no tentative date for the taking of testimony could be fixed. We were informed that George Spence, Esq., had been appointed to represent the State Highway Department. After many continuances on the part of counsel for the petitioners and for the State Highway Department a time and place was fixed. It was mutually agreed that February 9, 1952 at 10 o'clock A. M. in the Judges Chambers in the United States Bank Building as the place. Pursuant to

aforesaid mutual agreement we met on February 16, 1952 at 10 o'clock in the Judges Chambers in the United States National Building, Johnstown, Pennsylvania and proceeded with the duties of our appointment. There were present at the meeting to offer testimony a number of persons together with the members of the Board of Viewers, Frank P. Barnhart, Esq., Counsel for John Jacoby and Angeline Jacoby his wife and Joseph Holzman, Esq., Counsel for the Highway Department of the Commonwealth of Pennsylvania. The owners and petitioners were heard first. An array of witnesses were called which included real estate value experts and real estate brokers. We do not deem it necessary to give names of witnesses who were called and sworn. The State Highway Department too had representatives of the Department as witnesses together with real estate value experts and real estate brokers. Much time was spent by respective counsel in direct examination and in cross examination during the day. All witnesses were given an opportunity to testify. The entire day was used in bringing out all facts pertinent to the matter in issue.

It must mutually agreed by the Attorneys representing each side that all legal requirements as advertising the Exhibit of Schedule and the Filing of the Report of the Viewers be dispensed with because of the expenses involved in doing so.

At the conclusion of the taking of evidence it was announced that Thursday February 28, 1952 at 7:30 P. M. be the time and the offices of Gray and Claflin Engineers with offices 606 Swank Building, Johnstown, Penna. be the place for the purpose of reporting on the Exhibit of Schedule.

There was a wide variance with reference to the amount of damages sustained by the petitioners Jacob Jacoby and Angeline Jacoby his wife. The Board of Viewers met in conference going <sup>over</sup> all of the testimony offered at the hearing. It was a most difficult task to make any kind of reconciliation. The three Viewers met and discussed the full testimony and having taken into consideration all the elements and matters pertinent thereto were discussed and taken into consideration in determining and estimating the amount of damages.

That having viewed said premises and making a careful inspection of same and hearing all evidence and testimony concerning said real estate and taking into consideration all the elements of benefits and damages according to the said change of grade and relocation of State Highway Route #222 as well as all matters before us, we estimated the quality, quantity of land taken, occupied and injured by the widening of said highway as well as all 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. All parties in interest by agreement waived the legal requirements of advertising notice of the Exhibit of Schedule. Pursuant to the agreement as to time and place of making said Exhibit of Schedule all the parties in interest appeared in the Offices of Gray and Clafflin, Engineers in Room 606 Swank Building, Johnstown, Penna., at 7:30 P. M. February 28, 1952. Before making public said Exhibit of Schedule of Damages further testimony was given by the owners of the land taken in the presence of Counsel and hearing all and further testimony and evidence, the Board of Viewers retired and considered the additional evidence. After having taken into consideration the further evidence offered we having agreed, estimated and determined the amount of damages and the Schedule of Damages was offered and all testimony and exceptions thereto heard. That after hearing all exceptions and testimony offered and giving all matters before us due consideration, we are of the opinion that the said land of John Jacoby and Angeline Jacoby, his wife, affected by the change of grade and change of location in making said improvements in State Highway Route #222 and affected thereby have been damaged, therefore we assess no Benefits and Damages in the amount of THIRTEEN THOUSAND AND TWO HUNDRED Dollars (\$13,200.00) .

That we are of the opinion that the damages above awarded and referred to should be paid to John Jacoby and Angeline Jacoby, his wife in compliance with an agreement made and entered into the 3rd day of April, A. D. 1950, by and between the COMMONWEALTH OF PENNSYLVANIA , acting through the Department of Highways, hereinafter called the COMMONWEALTH, and the COUNTY OF CAMBRIA, by its County Commissioners, hereinafter called the County. Said AGREEMENT having been made a part of the proceedings in the first instance and which said AGREEMENT was approved on the 11th day of April, 1950 which is filed in the Office of the County Commissioners and in the Department of Highways of the Commonwealth.

Said sum to be paid as aforesaid as the interest of John Jacoby and Angeline Jacoby, his wife MAY APPEAR.

IN WITNESS whereof we have set our hands and affixed our signatures this twenty-ninth day of February In the Year of Our Lord Nineteen Hundred Fifty-two (1952.)

*Mahlon Baumgardner*  
 Mahlon Baumgardner  
*Fred W. Clafin*  
 Fred W. Clafin  
*Robert Mayer*  
 Robert Mayer  
 Viewers

29 February 1952.

IN RE: Petition of John Jacoby and Angeline	: No. 2 December Sessions, 1951
Jacoby, his wife of Richland Township, Cambria	:
County, Penna., for the Appointment of Viewers	:
to estimate and determine damages or benefits	: In the Court of Quarter Sessions
by reason of the change of grade and location	:
of State Highway Route #222 as it affects their	: of Cambria County, Pennsylvania.
real estate in said Township of Richland,	:
County and State aforesaid	: CONDEMNATION PROCEEDINGS.

EXHIBIT OF SCHEDULE

We, the undersigned Viewers appointed by the above named court to having fixed November 28, 1952 at 7:30 o'clock P. M. in the offices of Gray & Claflin, Registered Engineers at 606 Swank Building, Johnstown, Cambria County, Penna. as the time and place for the Exhibit of Schedule in the above proceedings, having viewed the premises and heard testimony and giving all matters before us due consideration we are of the opinion that the land of John Jacoby and Angeline Jacoby, his wife affected by the change of grade and the change of location of State High Route #222 and affected thereby have received no benefits and damages in the \$ - 13, 2 00

should be paid to the said Jacob Jacoby and Angeline Jacoby, his wife in compliance with an agreement made and entered into the 3rd day of April A. D. 1950 by and between the COMMONWEALTH OF PENNSYLVANIA, acting through the Department of Highways, hereinafter called the COMMONWEALTH and the COUNTY OF CAMBRIA byt its County Commissionets, hereinafter called the County. Said AGREEMENT having been approved on the 11th day of April 1950 and filed in the Office of the County Commissioners and in Department of Highways of the Commonwealth said sum to be paid as aforesaid to John Jacoby and Angel ne Jacoby, his wife as THEIR INTEREST MAY APPEAR.

UNLESS Exceptions be filed or an Appeal be taken as provided by the law, The Report filed with the Exhibit of Schedule thereto attached shall be CONFIRMED ABSOLUTE.

WITNESS our Hands this 28 day of February , A.D. 1952

*Richard Pennypacker*  
*F. W. B. Claflin*  
*Robert Mayer*  
 Viewers

IN RE: Petition of John Jacoby and Angeline : No. 2 December Sessions 1951  
 Jacoby, his wife --- by reason of the change :  
 of grade and location of State Highway Route : In the Court of Quarter Sessions  
 #222 as it affects their Real Estate in : of Cambria County, Pennsylvania  
 Richland Township, Cambria County, Penna. : CONDEMNATION PROCEEDINGS.

CAMBRIA COUNTY indebted to Mahlon Baumgardner, Fred W, Claflin and Robert Mayer  
 To Mahlon Baumgardner

Nov 11, 1951	Preparing Notices to View	\$12.00	
Nov.12, 1951	Accepting Service- C.R.Forbes	12.00	
	Mileage to Hollidaysburg and return 30 miles	3.00	
Nov 13, 1951	Posting Notices to View	12.00	
	Mileage- 23 miles and return	4.60	
Nov.24, 1951	Making View	12.00	
	Mileage- 23 miles and return	4.60	
Dec.22, 1951	Continuance of hearing and numerous other continuances for hearing	12.00	
	Mileage 18 miles and return	.3.60	
Feb 16, 1952	Hearing	12.00	
	Mileage 18 miles and return	3.60	
Feb 21, 1952	Conference and estimating damages	12.00	
	Mileage 18 miles and return	3.60	
Feb 27, 1952	Data and Preparing Exhibit of Schedule	12.00	
Feb 28, 1952	Exhibit of Schedule and additional Testimony	12.00	
	Mileage 18 miles and return	3.60	
Feb 29, 1952	Data and Preparing Report of Viewers	12.00	
Mar. 3, 1952	Filing Report- Signatures of Viewers	12.00	
	TOTAL - - - - -		\$158.60

To Fred W. Claflin

Nov. 24, 1952	Making View	12.00	
	Mileage 8 miles and return	1.60	
Dec. 22, 1952	Continuance of hearing and numerous other continuances of hearing	12.00	
	Mileage 3 miles and return	.60	
Feb. 16, 1952	Hearing	12.00	
	Mileage 3 miles and return	.60	
Feb. 21, 1952	Conference and estimating damages	12.00	
	Mileage 3 miles and return	.60	
Feb. 28, 1952	Exhibit of Schedule and additional Testimony	12.00	
	Mileage 3 miles and return	.60	
	TOTAL - - - - -		\$ 64.00

To Robert Mayer

Nov. 24, 1952	Making View	12.00	
	Mileage 7 miles and return	1.40	
Dec. 22, 1952	Continuance of hearing and numerous other continuances of hearing	12.00	
	Mileage 2 miles and return	.40	
Feb. 16, 1952	Hearing	12.00	
	Mileage -2 miles and return	.40	
Feb. 21, 1952	Conference and estimating damages	12.00	
	Mileage 2 miles and return	.40	
Feb. 28, 1952	Exhibit of Schedule and additional Testimony	12.00	
	Mileage 2 miles and return	.40	
	TOTAL - - - - -		\$ 63.00

IN RE: Petition of John Jacoby and Angeline Jacoby, his wife of Richland Township, Cambria County, Penna., for the Appointment of Viewers to estimate and determine damages or benefits by reason of the change of grade and location of State Highway Route #222 as it affects their real estate in said Township of Richland, County and State aforesaid. : No. 2, December Sessions, 1951  
: :  
: :  
: In the Court of Quarter Sessions  
: :  
: of Cambria County, Pennsylvania.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view and inspect the premises of John Jacoby and Angeline Jacoby, his wife of Richland Township, Cambria County, Penna., and to determine and estimate the damages that have resulted or that may seem likely to result by reason of the change in the grade and the location of State Highway Route #222 in the Township of Richland, County and State aforesaid as it affects the real estate of the above petitioners described as follows:

- No. 1- Lots Nos. 25, 26 and 27 on the Plan of Lots of George H. Offish situate in Richland Township surveyed by S. S. Dickey and Company.
- No. 2- Lot No. 28 on the aforesaid Plan of Lots.
- No. 3- Lot No. 19 on aforesaid Plan of Lots.
- No. 4- Lots Nos. 29, 30 and 31 on said Plan.
- No. 5- The southerly one-half of Lot No. 24 on said Plan
- No. 6- Lots Nos. 20 and 31 on said plan and having erected thereon a two story four-apartment building.

will meet upon the premises on November 24, 1951 at 10 o'clock A. M.

for the purpose of performing the duties of our appointment.

Lahlon J. Baumgardner

F. W. Clafin

Robert Mayor  
Viewers.

12 November 1951

NOW November 12, 1951 we hereby accept service of the above Notice to View as the owners of the real estate and the petitioners and acknowledge receipt of a copy of said Notice to View.

*John Jacoby*  
*Angeline Jacoby*

Maurice Springer  
to be returned to Mahlon J. Baumgardner  
for Report

IN RE: Petition of John Jacoby and Angeline : No. 2. December Sessions 1951  
Jacoby, his wife of Richland Township, Camb- :  
ria County, Penna., for the Appointment of :  
Viewers to estimate and determine damages and :  
benefits by reason of the change of grade and : In Court of Quarter Sessions  
location of State Highway Route #222 as it :  
affects their real estate in said Township :  
of Richland, County and State aforesaid. : of Cambria County, Pennsylvania.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view and inspect the premises of John Jacoby and Angeline Jacoby, his wife of Richland Township, Cambria County, Pennsylvania, and to determine and estimate the damages that have resulted or that may seem likely to result by reason of the change in the grade and the location of State Highway Route #222 in the Township of Richland, County and State aforesaid as it affects the real estate of the above petitioners, described as follows:

No. 1- Lots Nos 25, 26 and 27 on the Plan of Lots of George H. Ofish situate in Richland Township surveyed by S. E. Dickey & Company

No. 2- Lot No. 28 on the aforesaid Plan of Lots.

No. 3- Lot No. 19 on aforesaid Plan of Lots.

No. 4- Lots 29, 30 and 31 on said Plan.

No. 5- The southerly one half of Lot No 24 on said Plan

No. 6- Lots Nos. 20 and 21 on said plan and having erected thereon a a two story fourapartment building.

will meet upon the premises on November 24, 1951 at 10 o'clock A. M.

for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner

F. W. Claflin

Robert Mayer  
Viewers.

12 November 1951

HOW November 14, 1951 I hereby accept service of the above Notice to View and acknowledge to have received copy for filing purposes and acknowledge same for and in behalf of the Commissioners of Cambria County, Pennsylvania.

*Maurice Springer*  
Chief Clerk of the Cambria County  
Commissioners

904

*J. E. Baugardner*

IN RE: Petition of John Jacoby and Angeline : No. 2. December Sessions  
Jacoby, his wife of Richland Township, Cambria :  
County, Penna., for the Appointment of :  
Viewers to estimate and determine damages or :  
benefits by reason of the change of grade and : In the Court of Quarter Sessions  
location of State Highway Route #222 as it :  
affects their real estate in said Township :  
of Richland, County and State aforesaid. : of Cambria County, Pennsylvania.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view and inspect the premises of John Jacoby and Angeline Jacoby, his wife of Richland Township, Cambria County, Penna., and to determine and estimate the damages that have resulted or that may seem likely to result by reason of the change in the grade and the location of State Highway Route #222 in the Township of Richland, County and State aforesaid as it affects the real estate of the above petitioners, described as follows:

- No. 1- Lots Nos 25, 26 and 27 on the Plan of Lots of George M. Ofish situate in Richland Township and surveyed by S. E. Dickey and Company.
- No. 2- Lot No. 28 on the aforesaid Plan of Lots.
- No. 3- Lot No. 19 on aforesaid Plan of Lots
- No. 4- Lots Nos 29, 30 and 31 on said Plan.
- No. 5- The southerly one-half of Lot No. 24 on said Plan
- No. 6- Lots Nos. 20 and 21 on said Plan and having erected thereon a two story four-apartment building

will meet upon the premises on November 24, 1951 at 10 o'clock A. M.

for the purpose of performing the duties of our appointment.

Mahlon J. Baugardner

F. W. Claflin

Robert Mayer  
Viewers

12 November 1951

Now November 12 1951 I hereby accept service of the above Notice to View as District Engineer of the Pennsylvania Department of Highways with offices in Hollidaysburg, Pennsylvania.

*C. R. Forbes*

*Mail this copy to me at 511 ...*

IN RE: Petition of John Jacoby and Angeline : No. 2. December Sessions  
Jacoby, his wife of Richland Township, Cambria :  
County, Penna., for the Appointment of :  
Viewers to estimate and determine damages or :  
benefits by reason of the change of grade and : In the Court of Quarter Sessions  
location of State Highway Route #222 as it :  
affects their real estate in said Township :  
of Richland, County and State aforesaid. : of Cambria County, Pennsylvania.

NOTICE TO VIEW

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- No. 1- Lots Nos 25, 26 and 27 on the Plan of Lots of George L. Gfish situate in Richland Township and surveyed by S. E. Dickey and Company.
- No. 2- Lot No. 28 on the aforesaid Plan of Lots.
- No. 3- Lot No. 19 on aforesaid Plan of Lots
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- No. 5- The southerly one-half of Lot No. 24 on said Plan
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will meet upon the premises on November 24, 1951 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner

F. W. Cleflin

Robert Mayer  
Viewers

12 November 1951

NOW November 12 1951 I hereby accept service of the above Notice to View as Attorney for John Jacoby and Angeline Jacoby in the above proceeding.

*Frank P. Barnhart*  
Attorney for Petitioners

IN RE: Petition of John Jacoby and Angeline : No. 2, December Sessions, 1951  
Jacoby, his wife of Richland Township, Camb- :  
ria County, Penna., for the Appointment of :  
Viewers to estimate and determine damages or :  
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NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view and inspect the premises of John Jacoby and Angeline Jacoby, his wife of Richland Township, Cambria County, Penna., and to determine and estimate the damages that have resulted or that may seem likely to result by reason of the change in the grade and the location of State Highway Route #222 in the Township of Richland, County and State aforesaid as it affects the real estate of the above petitioners described as follows:

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- No. 6- Lots Nos. 20 and 21 on said plan and having erected thereon a two story four-apartment building,

will meet upon the premises on November 24, 1951 at 10 o'clock A. M.  
for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner

F. W. Claflin

Robert Mayer  
Viewers.

12 November 1951

IN THE COURT OF QUARTER SESSIONS OF  
CAMBRIA COUNTY, PENNSYLVANIA

IN RE: CHANGE OF LOCATION AND GRADE OF STATE HIGHWAY  
ROUTE NO. 222

No.

December Sessions, 1951

\* \* \* \*

PETITION OF JOHN JACOBY AND ANGELINE JACOBY  
FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE JUDGES OF THE ABOVE COURT:

The petition of JOHN JACOBY AND ANGELINE JACOBY respectfully represents:

- (1) Petitioners are residents of the Township of Richland, County of Cambria, State of Pennsylvania.
- (2) Petitioners are owners of certain land and improvements thereon situated on Bedford Street (known as Scalp Level Turnpike and State Highway No. 222) in Richland Township, Cambria County, Pennsylvania, bounded and described as follows:

NO. 1: BEGINNING at the northeast corner of intersection of Lehman Avenue and the Bedford Pike, a distance of 25 feet from the center line of the paved road, to wit: Bedford Pike; thence by said paved road or Bedford Pike, North 20 degrees 11 minutes West 56.13 feet to a point; thence continuing North 18 degrees no minutes West 42.62 feet; thence still continuing along said road North 13 degrees 16 minutes West 48.78 feet to a point on the corner of Lot No. 24, on the aforesaid plan; thence by said Lot No. 24, North 80 degrees 15 minutes East a distance of 161.99 feet to corner of Lot No. 28 on said plan; thence by Lot No. 28 South 9 degrees 45 minutes East 146.07 feet to Lehman Avenue; thence by said Lehman Avenue South

80 degrees 15 minutes West 142.71 feet to the Bedford Pike, the place of beginning; being marked, known and designated as LOTS NOS. 25, 26 and 27 on the Plan of Lots of George M. Orish, situate in Richland Township, Cambria County, Pennsylvania, as surveyed by S. E. Dickey & Company on June 26, 1928;

NO. 2: BEGINNING at a point at intersection of Lot No. 27 on the hereinafter mentioned plan of lots and Lehman Avenue; thence from said point and along the line of Lehman Avenue, North 80 degrees 15 minutes East a distance of 50 feet to a point at intersection of Lot No. 29 on the aforesaid plan of lots; thence from said point and along the line of Lot No. 29 North 9 degrees 45 minutes West a distance of 146.07 feet to a point at intersection of Lots Nos. 20 and 21 on the aforesaid plan; thence from said point and along the line of Lot No. 21 South 80 degrees 15 minutes West a distance of 50 feet to a point at intersection of Lots Nos. 24 and 25; thence from said point and along Lots Nos. 25 and 26 and 27 on the said plan South 9 degrees 45 minutes East a distance of 146.07 feet to a point, the place of beginning; being marked, known and designated as LOT NO. 28 on the George M. Orish Plan of Lots situate in Richland Township, Cambria County, Pa., surveyed by S. E. Dickey & company, on June 26, 1928, which said plan is of record.

NO. 3: BEGINNING at the intersection of Gap Avenue and Lot No. 18 on the hereinafter mentioned Plan of Lots; thence along the line of Lot No. 18 South nine (9°) degrees forty-five (45') minutes East a distance of one hundred forty-six and six-hundredths (146.06) feet to a point at intersection of Lots No. 18, No. 31 and No. 30 on the hereinafter mentioned Plan of Lots; thence along the line of Lot No. 30 South eighty (80°) degrees fifteen (15') minutes West fifty (50) feet to a point at intersection of Lots No. 30, No. 29 and No. 20 on the aforesaid Plan of Lots; thence along the line of Lot No. 20 North nine (9°) degrees forty-five (45') minutes West a distance of one hundred forty-six and six-hundredths (146.06) feet to a point at Gap Avenue; thence along Gap Avenue North eighth (80°) degrees fifteen (15') minutes East a distance of fifty (50) feet to a point, the place of beginning; being marked, known and numbered as LOT NO. 19 on the hereinafter mentioned Plan of Lots;

NO. 4: ALL those three (3) certain lots of ground, BEGINNING at a point at intersection of Lehman Avenue and Lot No. 28 on the aforesaid Plan of Lots; thence along the line of Lot No. 28 North nine (9°) degrees forty-five (45') minutes West a distance of one hundred forty-six and seven-hundredths (146.07) feet to a point at intersection of Lots No. 28, No. 21 and No. 20; thence from said point north eighty (80°)

degrees fifteen (15') minutes East a distance of one hundred fifty (150) feet to a point at intersection of lots No. 17 and No. 32 on the aforesaid plan of lots; thence along the line of Lot no. 32 South nine (9°) degrees forty-five (45') minutes East a distance of one hundred forty-six and seven-hundredths (146.07) feet to a point on Lehman Avenue; thence along Lehman Avenue South eighty (80°) degrees fifteen (15') minutes West a distance of one hundred fifty (150) feet to a point, the place of beginning; said lots being marked, known and numbered on the plan of George M. Ofish, situate in Cambria County, Pennsylvania, by S. E. Dickey & Co. on June 26, 1928, as LOTS NO. 29, No. 30 and No. 31; said plan being recorded in the Recorder's Office aforesaid in Plat Book, Vol. 3 at Page 157.

NO. 5: FRONTING twenty-four and thirty-five-hundredths (24.35) feet on the easterly side of State Highway Route No. 56, running between Geistown Borough and Scalp Level Borough and identified on the hereinafter mentioned plan of lots as Bedford Street, and extending back the same width between parallel lines a distance of one hundred sixty (160) feet, more or less, to the line of Lot No. 21 on said plan; bounded on the southerly side by Lot No. 25, now of John and Angeline Jacoby, and on the northerly side by the northerly one-half of lot No. 24; and being marked, known and numbered on the George M. Ofish plan of lots as laid out by S. E. Dickey & Co., on June 26th 1928, and recorded in Cambria County in Plat Book, Vol. 3 at Page 57, as THE SOUTHERLY ONE-HALF OF LOT NO. 24.

NO. 6: BEGINNING at a stake on the southerly boundary line of Gap Avenue on the hereinafter mentioned plan of lots; thence South nine degrees forty-five minutes (9° 45') East along the line of lot No. 19 on the said Plan of Lots, a distance of one hundred forty-six and six one hundredths (146.06) feet to a stake, corner of Lot No. 29 on the hereinafter mentioned Plan of Lots; thence South eighty degrees fifteen minutes (80° 15') West along the boundary line of Lots 29 and 28 on the said Plan of Lots a distance of one hundred (100) feet to a stake, corner of Lot No. 24 on the hereinafter mentioned Plan of Lots; thence North nine degrees forty-five minutes (9° 45') West along the line of Lots Nos. 24, 23 and 22 on the hereinafter mentioned Plan of Lots, a distance of one hundred forty-six and six one hundredths (146.06) feet to a stake on the southerly boundary line of Gap Avenue; thence along the southerly boundary line of Gap Avenue

North eighty degrees fifteen minutes (80° 15') East a distance of one hundred (100) feet to a stake the place of beginning; being marked, known and designated on the Plan of Lots prepared by S. E. Dickey and Company on June 26, 1928, for George M. O'Fish as LOTS NOS. 20 and 21; said Plan being recorded in the Recorder's Office in Cambria County, Pennsylvania, in Plat Book, Vol. 3, Page 157; having erected thereon a two-story four-apartment building;

UNDER AND SUBJECT, NEVERTHELESS, to the conditions, exceptions, restrictions and reservations, in prior deeds contained.

(3) The Commonwealth of Pennsylvania, acting through the Department of Highways, decided to improve, widen and change the grade of said Bedford Street, or State Highway No. 222, opposite said property of plaintiffs as above described, and entered into an agreement with the Commissioners of Cambria County wherein it was recited that the County by resolution duly adopted, refused to assume responsibility for any resulting damage to property owners but agreed to make a contribution to the Commonwealth for part of the cost of construction, and the Commonwealth agreed to pay all damages to property owners entitled to receive the same.

A copy of said agreement is hereto annexed, marked EXHIBIT A, and made a part hereof.

(4) On plaintiffs' land above described there was constructed a two story building known and conducted as a tavern and restaurant, and a two-story four-apartment building, as stated above. A part of the land in front of said tavern to the extent of approximately 6532 square feet, was taken by the widening of the highway and access to the said buildings from Bedford Street was cut off, making it necessary for patrons to follow a roundabout way to enter from another side, and interfering with the ingress and egress to the said apartment, with the result that the profits of the business have been seriously reduced and the

market value of the premises depreciated. Plaintiffs have also suffered damage to their property by the change in grade which leaves their tavern standing on an elevation which requires the construction of a retaining wall to protect the remaining premises from erosion and for the safety of guests at plaintiffs' tavern, and has sustained other expenses and losses incident to the changes in the highway.

(5) The Commonwealth and your petitioners have been unable to agree on the amount of damage sustained by petitioner.

WHEREFORE plaintiffs pray your Honorable Court to appoint Viewers to view the premises and estimate and fix damages sustained by them and make return thereof to your Honorable Court, as in such case provided by the Statutes of Pennsylvania.

1st John Jacoby

1st Angelina Jacoby

\* \* \* \* \*

COMMONWEALTH OF PENNSYLVANIA ?

COUNTY OF CAMBRIA :

SS

JOHN JACOBY being duly sworn according to law, deposes and says that he is one of the plaintiffs in the foregoing petition and is authorized and does make this affidavit for both petitioners; that the facts set forth in this petition are true.

Sworn to and subscribed  
before me this third day  
of November, A. D. 1951.

1st John Jacoby

Marie Anna Vallentyne

1 11. 11. 51

THIS AGREEMENT made and entered into this 3rd day of April, A. D. 1950, by and between THE COMMONWEALTH OF PENNSYLVANIA, acting through the Department of Highways, hereinafter called the COMMONWEALTH, and the COUNTY OF CAMBRIA, by its County Commissioners, hereinafter called the COUNTY:

WITNESSETH

WHEREAS, the COMMONWEALTH is making, or is about to make an improvement on Legislative Route 222, Section 6, between station 153 + 75 and 271 + 15.82, Route 11009, Ext. between stations 0 + 00 and 10 + 25, in Stonycreek and Richland Townships and Geistown Borough, Cambria County, which will require the taking of additional property for right of way purposes, and the payment of damages to the owners thereof; and

WHEREAS, the COUNTY, by resolution duly adopted, has refused to assume responsibility for any of the property damages involved in the improvement, but desires to make a contribution to said damages in order to assist in the construction of the highway;

NOW, THEREFORE, IT IS AGREED by and between the parties hereto:

SECTION I: the COMMONWEALTH will proceed to make the improvements and will assume responsibility for all property damages incurred by reason thereof, and will pay to the property owners, or others legally entitled to receive the same, when and as ascertained, either by legal proceedings or by agreement with the owners, the full amount of property damages to which they are legally entitled.

"EXHIBIT A"

SECTION 2: The COUNTY OF CAMBRIA shall pay to the COMMONWEALTH the sum of SIXTY THOUSAND (\$60,000.00) DOLLARS, said sum to be due and payable on December 31, 1951.

SECTION 3: The estimated amount of property damages in connection with the proposed improvement is \$271,220.00.

IN WITNESS WHEREOF the parties hereto have affixed their hands and seals the day and year first above written.

ATTEST:

S. S. MAY

(SEAL OF COMMONWEALTH)

ATTEST:

MAURICE A. SPRINGER  
Commissioners' Clerk

(SEAL OF CAMBRIA CO.)

COMMONWEALTH OF PENNSYLVANIA

BY O. H. BARBOUR  
DEPUTY SECY. OF HIGHWAYS

COUNTY OF CAMBRIA

BY PAT FARRELL  
BY THOMAS A. OWENS  
BY CYRUS W. DAVIS  
COMMISSIONERS

APPROVED THIS — DAY OF APRIL 11, 1950, A. D. 1950

B. F. STEWART  
ASST. DEPUTY ATTORNEY GENERAL

"EXHIBIT A"

ORDER OF COURT

AND NOW, NOVEMBER 1, 1951, F. W. CLAFLIN  
and MAHLON BAUMGARDNER and ROBERT MAYER  
members of the County Board of Viewers, are appointed to view  
the premises referred to in the within petition, to conduct  
hearings to ascertain the damages and benefits resulting from  
said appropriation, after giving at least ten days notice in  
writing to the Secretary of Highways and the petitioners, and  
file their report to the Court of Quarter Sessions on or before  
the fifteenth day of Dec. 1951.

BY THE COURT:

McKENRICK

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 5th day of November A. D. 1951, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Richland, in the said County,

~~setting forth that they labor under an inconvenience to the extent that they are unable to travel to and from their homes and places of business and that they are unable to do so because of the fact that the road is in such a state of disrepair that it is unsafe to travel on the same and that they are unable to do so because of the fact that the road is in such a state of disrepair that it is unsafe to travel on the same~~  
To appoint Viewers to view the premises and estimate and fix damages sustained by them and make return thereof to your Honorable Court, as in such case provided by the Statutes of Pennsylvania.

ORDER OF COURT

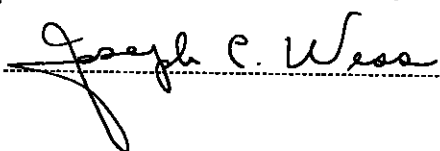
AND NOW, November 5, 1951, and Mahlon Baumgardner, and Fred W. Claflin and Robert Mayer members of the County Board of Viewers, are appointed to view the premises referred to in the within petition, to conduct hearings to ascertain the damages and benefits resulting from said appropriation after giving at least ten days notice in writing to the Secretary of Highways and the petitioners, and file their report to the Court of Quarter Sessions on or before the First Monday of December, 1951.

By the Court:  
McKenrick, Judge.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint Mahlon Baumgardner surveyor, and F. W. Claflin and Robert Mayer

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.  
McKenrick, J.

Attest:  
 Clerk

Order to view property of John

Jacoby and Angeline Jacoby

to ascertain the damages

and benefits to same.

In Richland Township, Cambria

County, Pennsylvania.

Mahlon Baumgardner

F.W. Claffin

Robert Mayer

Viewers

Clerk Joseph C. Weiss

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."

March 12-1952 Report  
Approved *maai*.

By The Court  
D.H. K. *maai*

April 18-1952 Report  
*approved by the Court*

*W. H. K. maai*

No 2 December Sessions 1952  
In Court of Quarter Sessions  
Cambria County, Pennsylvania

Petition for Condemnation Proceedings by John Jacoby and Angelina Jacoby, his wife for Damages in Richland Township, Cambria County Penna., caused by State Highway Route #222.

REPORT OF VIEWERS

Filed  
2/3/52.

IN RE: PETITION OF JOHN JACOBY AND ANGELINE JACOBY, HIS WIFE, OF RICHLAND TOWNSHIP, CAMBRIA COUNTY, PENNA., FOR THE APPOINTMENT OF VIEWERS TO ESTIMATE AND DETERMINE DAMAGES OR BENEFITS BY REASON OF THE CHANGE OF GRADE AND LOCATION OF STATE HIGHWAY ROUTE #222 AS IT AFFECTS THEIR REAL ESTATE IN SAID TOWNSHIP OF RICHLAND, COUNTY AND STATE AFORESAID

NO. 2 DECEMBER SESSIONS, 1951

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

CONDEMNATION PROCEEDINGS.

RECEIPT AND RELEASE

We, the undersigned, John Jacoby and Angeline Jacoby, his wife, hereby acknowledge receipt of the sum of Thirteen Thousand Two Hundred (\$13,200.00) Dollars from the Commonwealth of Pennsylvania in full satisfaction of the award made by the County Board of Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, under the above captioned condemnation proceedings, and we do hereby remise, release, quitclaim and forever discharge the Commonwealth of Pennsylvania of and from all liability in connection with said condemnation proceedings.

We hereby authorize the Clerk of the Court of Quarter Sessions aforesaid to enter this receipt and release as part of the record of these condemnation proceedings.

WITNESS our hands and seals this 14th day of May, 1952.

WITNESS:

Frank P. Williams

Jennie Beyer Williams

John Jacoby

Angeline Jacoby

(SEAL)

(SEAL)

RONL

NO. 2 DECEMBER SESSIONS, 1951

IN THE COURT OF QUARTER SES-  
SIONS OF CAMBRIA COUNTY,  
PENNSYLVANIA.

IN RE: JOHN JACOBY  
AND ANGELINE JABODY  
CONDEMNATION PROCEED-  
INGS.

RECEIPT AND RELEASE

*Filed*  
*5/12/52*

JOSEPH H. HOLZMAN

ATTORNEY AT LAW

JOHNSTOWN, PENNSYLVANIA

JOHNSTOWN BANK & TRUST COMPANY BLDG.

IN THE COURT OF QUARTER SESSIONS OF  
CAMBRIA COUNTY, PENNSYLVANIA

IN RE: CHANGE IF LOCATION AND GRADE OF STATE HIGHWAY  
ROUTE NO. 222

No.

December Sessions, 1951

\* \* \* \*

PETITION OF JOHN JACOBY AND ANGELINE JACOBY  
FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE JUDGES OF THE ABOVE COURT:

The petition of JOHN JACOBY AND ANGELINE JACOBY respectfully represents:

(1) Petitioners are residents of the Township of Richland, County of Cambria, State of Pennsylvania.

(2) Petitioners are owners of certain land and improvements thereon situated on Bedford Street (known as Scalp Level Turnpike and State Highway No. 222) in Richland Township, Cambria County, Pennsylvania, bounded and described as follows:

NO. 1: BEGINNING at the northeast corner of intersection of Lehman Avenue and the Bedford Pike, a distance of 25 feet from the center line of the paved road, to wit: Bedford Pike; thence by said paved road or Bedford Pike, North 20 degrees 11 minutes West 56.13 feet to a point; thence continuing North 18 degrees no minutes West 42.62 feet; thence still continuing along said road North 13 degrees 16 minutes West 48.78 feet to a point on the corner of Lot No. 24, on the aforesaid plan; thence by said Lot No. 24, North 80 degrees 15 minutes East a distance of 161.99 feet to corner of Lot NO. 28 on said plan; thence by Lot No. 28 South 9 degrees 45 minutes East 146.07 feet to Lehman Avenue; thence by said Lehman Avenue South

80 degrees 15 minutes West 142.71 feet to the Bedford Pike, the place of beginning; being marked, known and designated as LOTS NOS: 25, 26 and 27 on the Plan of Lots of George M. Ofish, situate in Richland Township, Cambria County, Pennsylvania, as surveyed by S. E. Dickey & Company on June 26, 1928;

NO. 2: BEGINNING at a point at intersection of Lot No. 27 on the hereinafter mentioned plan of lots and Lehman Avenue; thence from said point and along the line of Lehman Avenue, North 80 degrees 15 minutes East a distance of 50 feet to a point at intersection of Lot No. 29 on the aforesaid plan of lots; thence from said point and along the line of Lot No. 29 North 9 degrees 45 minutes West a distance of 146.07 feet to a point at intersection of Lots Nos. 20 and 21 on the aforesaid plan; thence from said point and along the line of Lot No. 21 South 80 degrees 15 minutes West a distance of 50 feet to a point at intersection of Lots Nos. 24 and 25; thence from said point and along Lots Nos. 25 and 26 and 27 on the said plan South 9 degrees 45 minutes East a distance of 146.07 feet to a point, the place of beginning; being marked, known and designated as LOT NO. 28 on the George M. Ofish Plan of Lots situate in Richland Township, Cambria County, Pa.; surveyed by S. E. Dickey & company, on June 26, 1928, which said plan is of record.

NO. 3: BEGINNING at the intersection of Gap Avenue and Lot No. 18 on the hereinafter mentioned Plan of Lots; thence along the line of Lot No. 18 South nine (9°) degrees forty-five (45°) minutes East a distance of one hundred forty-six and six-hundredths (146.06) feet to a point at intersection of Lots No. 18, No. 31 and No. 30 on the hereinafter mentioned Plan of Lots; thence along the line of Lot No. 30 South eighty (80°) degrees fifteen (15') minutes West fifty (50) feet to a point at intersection of Lots No. 30, No. 29 and No. 20 on the aforesaid Plan of Lots; thence along the line of Lot No. 20 North nine (9°) degrees forty-five (45') minutes West a distance of one hundred forty-six and six-hundredths (146.06) feet to a point at Gap Avenue; thence along Gap Avenue North eighth (80°) degrees fifteen (15') minutes East a distance of fifty (50) feet to a point, the place of beginning; being marked, known and numbered as LOT NO. 19 on the hereinafter mentioned Plan of Lots;

NO. 4: ALL those three (3) certain lots of ground, BEGINNING at a point at intersection of Lehman Avenue and Lot No. 28 on the aforesaid Plan of Lots; thence along the line of Lot No. 28 North nine (9°) degrees forty-five (45') minutes West a distance of one hundred forty-six and seven-hundredths (146.07) feet to a point at intersection of Lots No. 28, No. 21 and No. 20; thence from said point north eighty (80°)

degrees fifteen (15') minutes East a distance of one hundred fifty (150) feet to a point at intersection of lots No. 17 and No. 32 on the aforesaid plan of lots; thence along the line of Lot no. 32 South nine (9°) degrees forty-five (45') minutes East a distance of one hundred forty-six and seven-hundredths (146.07) feet to a point on Lehman Avenue; thence along Lehman Avenue South eighty (80°) degrees fifteen (15') minutes West a distance of one hundred fifty (150) feet to a point, the place of beginning; said lots being marked, known and numbered on the plan of George M. Ofish, situate in Cambria County, Pennsylvania, by S. E. Dickey & Co. on June 26, 1928, as LOTS NO. 29, No. 30 and No. 31; said plan being recorded in the Recorder's Office aforesaid in Plat Book, Vol. 3 at Page 157.

NO. 5: FRONTING twenty-four and thirty-five-hundredths (24.35) feet on the easterly side of State Highway Route No. 56, running between Geistown Borough and Scalp Level Borough and identified on the hereinafter mentioned plan of lots as Bedford Street, and extending back the same width between parallel lines a distance of one hundred sixty (160) feet, more or less, to the line of Lot No. 21 on said plan; bounded on the southerly side by Lot No. 25, now of John and Angeline Jacoby, and on the northerly side by the northerly one-half of lot No. 24; and being marked, known and numbered on the George M. Ofish plan of lots as laid out by S. E. Dickey & Co., on June 26th 1928, and recorded in Cambria County in Plat Book, Vol. 3 at Page 57, as THE SOUTHERLY ONE-HALF OF LOT NO. 24.

NO. 6: BEGINNING at a stake on the southerly boundary line of Gap Avenue on the hereinafter mentioned plan of lots; thence South nine degrees forty-five minutes (9° 45') East along the line of lot No. 19 on the said Plan of Lots, a distance of one hundred forty-six and six one hundredths (146.06) feet to a stake, corner of Lot No. 29 on the hereinafter mentioned Plan of Lots; thence South eighty degrees fifteen minutes (80° 15') West along the boundary line of Lots 29 and 28 on the said Plan of Lots a distance of one hundred (100) feet to a stake, corner of Lot No. 24 on the hereinafter mentioned Plan of Lots; thence North nine degrees forty-five minutes (9° 45') West along the line of Lots Nos. 24, 23 and 22 on the hereinafter mentioned Plan of Lots, a distance of one hundred forty-six and six one hundredths (146.06) feet to a stake on the southerly boundary line of Gap Avenue; thence along the southerly boundary line of Gap Avenue

North eighty degrees fifteen minutes (80° 15') East a distance of one hundred (100) feet to a stake the place of beginning; being marked, known and designated on the Plan of Lots prepared by S. E. Dickey and Company on June 26, 1928, for George M. O'Fish as LOTS NOS. 20 and 21; said Plan being recorded in the Recorder's Office in Cambria County, Pennsylvania, in Plat Book, Vol. 3, Page 157; having erected thereon a two-story four-apartment building;

UNDER AND SUBJECT, NEVERTHELESS, to the conditions, exceptions, restrictions and reservations, in prior deeds contained.

(3) The Commonwealth of Pennsylvania, acting through the Department of Highways, decided to improve, widen and change the grade of said Bedford Street, or State Highway No. 222, opposite said property of plaintiffs as above described, and entered into an agreement with the Commissioners of Cambria County wherein it was recited that the County by resolution duly adopted, refused to assume responsibility for any resulting damage to property owners but agreed to make a contribution to the Commonwealth for part of the cost of construction, and the Commonwealth agreed to pay all damages to property owners entitled to receive the same.

A copy of said agreement is hereto annexed, marked EXHIBIT A, and made a part hereof.

(4) On plaintiffs' land above described there was constructed a two story building known and conducted as a tavern and restaurant, and a two-story four-apartment building, as stated above. A part of the land in front of said tavern to the extent of approximately 6532 square feet, was taken by the widening of the highway and access to the said buildings from Bedford Street was cut off, making it necessary for patrons to follow a roundabout way to enter from another side, and interfering with the ingress and egress to the said apartment, with the result that the profits of the business have been seriously reduced and the

market value of the premises depreciated. Plaintiffs have also suffered damage to their property by the change in grade which leaves their tavern standing on an elevation which requires the construction of a retaining wall to protect the remaining premises from erosion and for the safety of guests at plaintiffs' tavern, and has sustained other expenses and losses incident to the changes in the highway.

(5) The Commonwealth and your petitioners have been unable to agree on the amount of damage sustained by petitioner.

WHEREFORE plaintiffs pray your Honorable Court to appoint Viewers to view the premises and estimate and fix damages sustained by them and make return thereof to your Honorable Court, as in such case provided by the Statutes of Pennsylvania.

J. J. John Jacoby

A. J. Angelina Jacoby

\* \* \* \* \*

COMMONWEALTH OF PENNSYLVANIA

∴  
∴  
∴

SS

COUNTY OF CAMBRIA

JOHN JACOBY being duly sworn according to law, deposes and says that he is one of the plaintiffs in the foregoing petition and is authorized and does make this affidavit for both petitioners; that the facts set forth in this petition are true.

Sworn to and subscribed  
before me this third day  
of November, A. D. 1951.

J. J. John Jacoby

Jennie Boyer Willson

NOTARY PUBLIC  
MY COMMISSION EXPIRES  
APRIL 11, 1953

THIS AGREEMENT made and entered into this 3rd day of April, A. D. 1950, by and between THE COMMONWEALTH OF PENNSYLVANIA, acting through the Department of Highways, hereinafter called the COMMONWEALTH, and the COUNTY OF CAMBRIA, by its County Commissioners, hereinafter called the COUNTY:

WITNESSETH

WHEREAS, the COMMONWEALTH is making, or is about to make an improvement on Legislative Route 222, Section 6, between station 153 + 75 and 271 + 15.82, Route 11009, Ext. between stations 0 + 00 and 10 + 25, in Stonycreek and Richland Townships and Geistown Borough, Cambria County, which will require the taking of additional property for right of way purposes, and the payment of damages to the owners thereof; and

WHEREAS, the COUNTY, by resolution duly adopted, has refused to assume responsibility for any of the property damages involved in the improvement, but desires to make a contribution to said damages in order to assist in the construction of the highway;

NOW, THEREFORE, IT IS AGREED by and between the parties hereto:

SECTION I: the COMMONWEALTH will proceed to make the improvements and will assume responsibility for all property damages incurred by reason thereof, and will pay to the property owners, or others legally entitled to receive the same, when and as ascertained, either by legal proceedings or by agreement with the owners, the full amount of property damages to which they are legally entitled.

"EXHIBIT A"

SECTION 2: The COUNTY OF CAMBRIA shall pay to the COMMONWEALTH the sum of SIXTY THOUSAND (\$60,000.00) DOLLARS, said sum to be due and payable on December 31, 1951.

SECTION 3: The estimated amount of property damages in connection with the proposed improvement is \$271,220.00.

IN WITNESS WHEREOF the parties hereto have affixed their hands and seals the day and year first above written.

ATTEST:

S. S. MAY

(SEAL OF COMMONWEALTH)

ATTEST:

MAURICE A. SPRINGER  
Commissioners' Clerk

(SEAL OF CAMBRIA CO.)

COMMONWEALTH OF PENNSYLVANIA

BY O. H. BARBOUR  
DEPUTY SECY. OF HIGHWAYS

COUNTY OF CAMBRIA

BY PAT FARRELL  
BY THOMAS A. OWENS  
BY CYRUS W. DAVIS  
COMMISSIONERS

APPROVED THIS — DAY OF APRIL 11, 1950, A. D. 1950

B. F. STEWART  
ASST. DEPUTY ATTORNEY GENERAL

"EXHIBIT A"

ORDER OF COURT

AND NOW, NOVEMBER 5 1951,

and *Mark J. Bancroft* and *J.W. Clylin, Robert Mayer*  
members of the County Board of Viewers, are appointed to view  
the premises referred to in the within petition, to conduct  
hearings to ascertain the damages and benefits resulting from  
said appropriation, after giving at least ten days notice in  
writing to the Secretary of Highways and the petitioners, and  
file their report to the Court of Quarter Sessions on or before  
the *first Mon.* day of *Dec* 1951.

BY THE COURT:

*Messner*  

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*Judge*

*March 12-1952 Re part of road  
near  
By the Court  
M. Stuchlik  
J. W. P.*

*No. 2 Dec Session 1951*

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY  
PENNSYLVANIA

IN RE: CHANGE OF LOCATION  
AND GRADE OF STATE HIGHWAY  
ROUTE NO. 222

*Filed Nov. 5, 1951*

PETITION OF JOHN JACOBY AND  
ANGELINE JACOBY FOR AP-  
POINTMENT OF VIEWERS  
ORDER OF COURT

LAW OFFICES OF  
FRANK P. BARNHART  
JOHNSTOWN, PENNA.