

IN RE: Petition of Joseph L. McCorry Jr., : In the Court of Quarter  
and Dorothy E. McCorry, his wife, for the : Sessions of Cambria County  
appointment of Viewers to Assess damages to : Pennsylvania.  
their land situate in Richland Township, :  
Cambria County, Penna., by reason of the : No. 5 December Sessions 1951  
construction, relocation and change of grade :  
of Section No. 6A of State Highway No.222 : PETITION TO APPOINT VIEWERS

REPORT OF VIEWERS

We, the undersigned Viewers appointed by the above named Court to View and Inspect the real estate and premises of Joseph L. McCorry Jr., and Dorothy E. McCorry, 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 of grade and location of Section 6A 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:

BEGINNING at a point of intersection of the east line of Pennsylvania State Highway Route No 56 with the south line of a certain private road (each of which thoroughfares is thirty-three (33) feet in width) said point of beginning being located also sixteen and one-half ( $16\frac{1}{2}$ ) feet from the center line of said State Highway and thirty-three (33) feet from the southwest corner of Willard N. and Bessie Ripple; thence along the South line of said private road, North 69 degrees 24 minutes East one hundred fifty (150) feet to a stake; thence by a new line through land now or formerly of The Wilmore Coal Company, of which the parcel hereby conveyed is a part, the following two courses and distances; South 20 degrees 36 minutes East one hundred fifty (150) feet to a stake, and South 69 degrees 24 minutes West one hundred fifty (150) feet to a stake on the east line of aforesaid State Highway Route No 56; thence along the east line of said highway North 20 degrees 36 minutes West one hundred fifty (15) feet to a stake; the place of beginning. Containing 0.517 of an acre.

Having erected thereon a brick and concrete building known as Wilmore Farms Dairy.

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 Joseph L. McCorry Jr. and Dorothy E. McCorry, his wife, who accepted service of the Notice of the same. Notice was served upon Harold Kaminsky, Attorney for the Petitioners and upon Maurice A. Springer, Chief Clerk of Cambria County Commissioners, all of whom were handed a copy of the Notice to View and acceptances thereof are hereto attached and made a part of this report.

Pursuant to said Notice to View, we met on the premises on December 8th 1951 at 10 o'clock A. M. and proceeded with the duties of our appointment. All of the Viewers were present together with Joseph L. McCorry Jr., and Dorothy E. McCorry, his wife; George W. Spence, Esq., Counsel for the State Highway Department of the Commonwealth of Pennsylvania together with a representative of said State Highway Department. A very careful inspection was made of the land and the premises affected by the improvement of said Highway. This inspection was exhaustive as it affected the premises of Petitioners. An examination of the change of the grade and of the change of the location as affected thereby and all other elements pertinent to the matter in issue was made. We were shown through the building and its relation to the improved highway.

After numerous continuances as to the time of the taking of testimony which continuances were requested either by Counsel for the Petitioners or by Counsel for the State Highway Department aforesaid. By mutual agreement between the parties in interest we met in the Judges' Chambers, United States National Bank Building, Johnstown, Pennsylvania, on February 9th., 1952 at 10 o'clock A. M. There were present at said hearing Joseph L. McCorry, Jr. and Dorothy E. McCorry, his wife together with Attorneys Kaminsky and Rich, Esqs. Attorneys for the Petitioners; and George M. Spence, Esq., Counsel for the State Highway Department and H. E. Breneman, Representative of the State Highway Department; together with the three Viewers in the proceedings.

Many witnesses appeared for both sides subjected to direct and cross examination. All witnesses were given an opportunity to testify. The entire day was used in bringing out all the facts pertinent to the matter in issue.

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

At the conclusion of the taking of Testimony it was mutually agreed by the parties in interest, that the time of the Exhibit of Schedule would be fixed at a later date.

The Board of Viewers met in conference and examined all of the Testimony offered at the hearing. It was quite a difficult task to make any kind of reconciliation because of the wide range of damages alleged to have been sustained by the petitioners and the State Highway Department. We discussed the full and entire testimony and have taken into consideration all the elements and matters pertinent thereto and taking into consideration same 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 said change of grade and relocation of Section No. 6A 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.

March 6th., 1952 at 7:30 o'clock P. M. at the offices of Gray and Claflin, Engineers, Room 606 Swank Building, Johnstown, Pa. was agreed to as the time and place for the Exhibit of Schedule.

Pursuant to said agreement, we met in Room 606 Swank Bldg., as aforesaid on March 6th., 1952 at 7:30 o'clock P. M. Parties in interest were asked if any further testimony was to be presented. There being no further testimony we proceeded to present Exhibit of Schedule. After having taken into consideration all the evidence offered we having agreed, estimated and determined the amount of damages and the schedule of damages was offered.

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 Joseph L. McCorry, Jr., and Dorothy E. McCorry, his wife affected by the change of grade and change of location, in making said improvement in Section 6A of State Highway Route #222 and affected thereby having been damaged therefor, we assess no benefits and damages in the sum of ELEVEN THOUSAND (\$11,000.00) DOLLARS.

That we are of the opinion that the damages above awarded should be paid to Joseph L. McCorry Jr., and Dorothy E. McCorry, 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.

The sum of ELEVEN THOUSAND (\$11,000.00) DOLLARS as aforesaid to be paid to Joseph L. McCorry, Jr., and Dorothy E. McCorry, his wife, as their interest MAY APPEAR.

IN WITNESS WHEREOF we have set our hands and affixed our signatures on ~~tenth~~ day of March, A. D, 1952.

*Mahlon Baumgardner*  
Mahlon Baumgardner  
*Fred W. Claflin*  
Fred W. Claflin

Robert Mayer  
*Robert Mayer*

IN RE: Petition of Joseph L. McCorry Jr.  
and Dorothy E. McCorry, his wife, for the  
appointment of Viewers to Assess Damages  
to their land situate on Richland Township  
Cambria County, Penna., by reason of the  
construction, relocation and change of  
grade of Section No. 6A of State Highway  
No. 222

: In the Court of Quarter  
:  
: Sessions of Cambria County,  
:  
: Pennsylvania  
: No. 5 December Sessions 1951  
:  
: CONDEMNATION PROCEEDINGS

EXHIBIT OF SCHEDULE

We, the undersigned Viewers, appointed by the above named Court,  
having fixed March 6th., 1952 at 7:30 o'clock P. M. in the Offices of  
Gray & Claflin, Room 606 Swank Bldg., Johnstown, Cambria County, Pa as the  
time and place for the Exhibit of Schedule in the above proceedings; having  
viewed the premises and giving all matters before us due consideration, we  
are of the opinion the land of Joseph L. McCorry Jr., and Dorothy E. Mc  
Corry, his wife as affected by the change of grade and the change of loca-  
tion of Section 6A of State Highway Route No 222 and affected thereby  
have received no benefits and damages in the sum of \$ 11,000  
should be paid to the said Joseph L. McCorry Jr. and Dorothy E. McCorry,  
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 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 Joseph L. McCorry Jr. and Dorothy  
E. McCorry, 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 6th day of March A. D. 1952.

Mahlon Baumgardner

Fred W. Clafflin

Robert Mayer,  
VIEWERS

IN RE: Petition of Joseph L. McCorry Jr.,  
and Dorothy E. McCorry, his wife for  
the Appointment of Viewers to estimate  
and determine damages or benefits to  
their real estate in Richland Township,  
Cambria County, Penna.

In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 5 December Sessions 1951

CONDEMNATION PROCEEDINGS

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

To Mahlon Baumgardner:

1951				
Nov. 22	Preparing Notices to View		\$12.00	
" 23	Posting Notices to View		12.00	
	Mileage -24 miles and return		4.80	
Dec. 8	Making View		12.00	
	Mileage -24 miles and return		4.80	
1952				
Feb. 9	Hearing		12.00	
	Mileage -18 miles and return		3.60	
Feb. 20	Conference and determining amount of Damages		12.00	
	Mileage - 18 miles and return		3.60	
Feb. 26	Preparing Exhibit of Schedule		12.00	
Mar. 6	Exhibit of Schedule		12.00	
	Mileage - 18 miles and return		3.60	
Mar. 9	Data and Preparing Report		12.00	
Mar. 10	Filing Report and Procuring Signatures of Viewers		12.00	\$128.40

To Fred W. Claflin:

1951				
Dec. 8	Making View		12.00	
	Mileage -10 miles and return		2.00	
1952				
Feb. 9	Hearing		12.00	
	Mileage -3 miles and return		.60	
Feb 20	Conference and determining Damages		12.00	
	Mileage - 3 miles and return		.60	
Mar. 6	Exhibit of Schedule		12.00	
	Mileage - 3 miles and return		.60	\$ 51.80

To Robert Mayer:

1951				
Dec. 8	Making View		12.00	
	Mileage - 9 miles and return		1.80	
1952				
Feb. 9	Hearing		12.00	
	Mileage - 2 miles and return		.40	
Feb. 20	Conference and determining Damages		12.00	
	Mileage - 2 miles and return		.40	
Mar. 6	Exhibit of Schedule		12.00	
	Mileage - 2 miles and return		.40	\$ 51.00

IN RE; Petition of Joseph L. McCorry Jr., and Dorothy E. McCorry, his wife, for the appointment of Viewers to Assess damages to their land situate in Richland Township, Cambria County, Penna., by reason of the con- struction, relocation and change of grade of Section No. 6A of State Highway No. 222;	: In the Court of Quarter Sessions : : of Cambria County, Pennsylvania : : No. 5 December Sessions 1951 : : <u>PETITION TO APPOINT VIEWERS.</u>
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NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view and inspect the premises of Joseph L. McCorry Jr. and Dorothy E. McCorry, his wife of Richland Township, Cambria County, Penna., and to determine and estimate the benefits or damages that have resulted or that may seem likely to result by reason of the appropriation of land, making large cuts and fills, depriving buildings on land of access and by turning part of the land into a dump and making change in 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:

BEGINNING at a point of intersection of the east line of Pennsylvania State Highway Route No 56 with the south line of a certain private road (each of which thoroughfares is thirty-three (33) feet in width) said point of beginning being located also sixteen and one-half (16½) feet from the center line of said State Highway and thirty-three (33) feet from the southwest corner of Willard W. and Bessie Ripple; thence along the South line of said private road, North 60 degrees 24 minutes East one hundred fifty (150) feet to a stake; thence by a new line through land now or formerly of The Wilmore Coal Company, of which the parcel hereby conveyed is a part, the following two courses and distances; South 20 degrees 38 minutes East one hundred fifty (150) feet to a stake, and South 60 degrees 24 minutes West one hundred fifty (150) feet to a stake on the east line of aforesaid State Highway Route No. 56; thence along the east line of said highway North 20 degrees 38 minutes West one hundred fifty (150) feet to a stake, the place of beginning. Containing 0.517 of an acre.

Having erected thereon a brick and concrete building known as Wilmore Farms Dairy.

will meet upon the premises on Saturday December 8th., 1951 at 10 o'clock in the morning for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner  
Fred W. Clafin  
Robert Mayer,

Viewers.

AND NOW 25 November 1951 we hereby accept service of the above Notice to view as the owners of the real estate above mentioned and as the Petitioners in the Petitioners and acknowledge receipt of a copy of said notice.

*Joseph L. McCorry Jr.*  
*Dorothy E. McCorry*

IN RE: Petition of Joseph L. McCorry Jr., : In the Court of Quarter Sessions  
 and Dorothy E. McCorry, his wife, for the :  
 appointment of Viewers to Assess damages to : of Cambria County, Pennsylvania  
 the land situate in Richland Township, :  
 Cambria County, Penna., by reason of the con- : No. 5 December Sessions 1951  
 struction, relocation and change of grade :  
 of Section No. GA of State Highway No. 222: : PETITION TO APPOINT VIEWERS.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view and inspect the premises of Joseph L. McCorry Jr. and Dorothy E. McCorry, his wife, of Richland Township, Cambria County, Penna., and to determine and estimate the benefits or damages that have resulted or that may seem likely to result by reason of the appropriation of land, making large cuts and fills, depriving buildings on land of access and by turning part of the land into a dump and making change in 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:

BEGINNING at a point of intersection of the east line of Pennsylvania State Highway Route No 56 with the south line of a certain private road (each of which thoroughfares is thirty-three (33) feet in width) said point of beginning being located also sixteen and one-half (16½) feet from the center line of said State Highway and thirty-three (33) feet from the southwest corner of Willard W. and Bessie Ripple; thence along the South line of said private road, North 69 degrees 24 minutes East one hundred fifty (150) feet to a stake; thence by a new line through land now or formerly of The Wilmore Coal Company, of which the parcel hereby conveyed is a part, the following two courses and distances; South 20 degrees 36 minutes East one hundred fifty (150) feet to a stake, and South 69 degrees 24 minutes West one hundred fifty (150) feet to a stake on the east line of aforesaid State Highway Route No. 56 ; thence along the east line of said highway North 20 degrees 36 minutes West one hundred fifty (150) feet to a stake; the place of beginning. Containing 0.517 of an acre.

Having erected thereon a brick and concrete building known as Wilmore Farms Dairy.

will meet upon the premises on Saturday December 8th., 1951 at 10 o'clock in the morning for the purpose of performing the duties of our appointment,

Mahlon J. Baumgardner  
 Fred W. Claflin  
 Robert Mayer,  
 Viewers.

AND NOW November 26 we hereby accept service of the within Notice to View and Counsel for the Owners and Petitioners and acknowledge to have received a Copy of Said Notice to View.

*Harold K...  
 ally for P...s*

IN RE: Petition of Joseph L. McGorry Jr., : In the Court of Quarter Sessions  
 and Dorothy E. McGorry, his wife, for the :  
 appointment of Viewers to Assess damages to :  
 their land situate in Richland Township, : of Cambria County, Pennsylvania  
 Cambria County, Penna. by reason of the con- :  
 struction, relocation and change of grade : No. 5 December Sessions 1951  
 of Section No 5A of State Highway No 222, : PETITION TO APPOINT VIEWERS.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view and inspect the premises of Joseph L. McGorry Jr., and Dorothy E. McGorry, his wife of Richland Township Cambria County, Penna., and to determine and estimate the benefits or damages that have resulted or that may seem likely to result by reason of the appropriation of land, making large cuts and fills, depriving buildings on land of access and by turning part of the land into a dump and making change in 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:

BEGINNING at a point of intersection of the east line of Pennsylvania State Highway Route No 56 with the south line of a certain private road (each of which thoroughfares is thirty-three (33) feet in width,) said point of beginning being located also sixteen and one-half (16½) feet from the center line of said State Highway and thirty-three (33) feet from the southwest corner of Willard N. and Bessie Ripple; thence along the South line of said private road, North 69 degrees 24 minutes East one hundred fifty (150) feet to a stake; thence by a new line through land now or formerly of The Wilmore Coal Company, of which the parcel hereby conveyed is a part, the following two courses and distances; South 20 degrees 36 minutes East one hundred fifty (150) feet to a stake, and South 69 degrees 24 minutes West one hundred fifty (150) feet to a stake on the east line of aforesaid State Highway Route No. 56; thence along the east line of said highway North 20 degrees 36 minutes West one hundred fifty (150) feet to a stake, the place of beginning. Containing 0.517 of an acre.

Having erected thereon a brick and concrete building known as Wilmore Farms Dairy.

will meet upon the premises on Saturday December 8th, 1951 at 10 o'clock in the morning for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner  
 Fred W. Claflin  
 Robert Mayer  
 Viewers

NOW, November 26 1951 I hereby accept service of the above Notice to View as Chief Clerk to the Commissioners of Cambria County and acknowledge receipt of a copy of same.

  
 Chief Clerk

IN RE: Petition of Joseph L. McCorry, Jr., and Dorothy E. McCorry, his wife, for the appointment of Viewers to Assess damages to their land situate in Richland Township, Cambria County, Penna. by reason of the construction, relocation and change of grade of Section No. 6A of State Highway No. 222: : In the Court of Quarter S  
: of Cambria County, Pennsy  
: No 5 December Sessions 1941  
: PETITION TO APPOINT VIEWERS

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view and inspect the premises of Joseph L. McCorry, Jr. and Dorothy E. McCorry, his wife, Richland Township, Cambria County, Penna., and to determine and estimate the loss or damages that have resulted or that may occur likely to result by reason of the appropriation of land, making large cuts and fills, depriving buildings on land access and by turning part of the land into a dump and making change in 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:

**BEGINNING** at a point of intersection of the east line of Pennsylvania State Highway route No. 56 with the south line of a certain private road (each of which thoroughfares is thirty-three (33) feet in width,) said point of beginning located also sixteen and one-half (16½) feet from the center line of said State Highway and thirty-three (33) feet from the southwest corner of Miller W. and Bessie Nippic; thence along the south line of said private road, North 89 degrees 24 minutes East one hundred fifty (150) feet to a stake; thence by a sw line through land now or formerly of The Winore Coal Company, of which the parcel hereby conveyed is a part, the following two courses and distances: South 20 degrees 36 minutes East one hundred fifty (150) feet to a stake, and North 69 degrees 24 minutes West one hundred fifty (150) feet to a stake on the east line of aforesaid State Highway Route No. 56; thence along the east line of said highway North 20 degrees 36 minutes West one hundred fifty (150) feet to a stake, the place of beginning. Containing 0.517 of an acre.

Having erected thereon a brick and concrete building known as Winore Farms Dairy,

will meet upon the premises on Saturday December 24th, 1941 at 10 o'clock in the morning for the purpose of performing the duties of our appointment.

Malton J. Baumgardner

Fred W. Claffin

Robert Mayer,  
Viewers.

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 19th 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 ~~to be removed from~~ ~~petition the Court for the appointment of Viewers to ascertain the damages due~~ your petitioners by reason of the taking, injuring and destroying of their property in the construction and relocation of State Highway No. 222, Section No. 6A.

( Joseph L. McCorry, Jr., and Dorothy E. McCorry, wis wife )

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 J. Baumgardner surveyor, and Fred 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, Judge.

Attest:

Joseph C. Weiss, Clerk

ROAD DOCKET

NO. 5 ..... December ..... SESSSIONS, 1951

Order to view ..... AND NOW, to-wit:-.....

..... this 19th day of November, 1951, on

..... motion of Margiotti & Casey, and

..... Harold Kaminsky, Esq.'s., Attorneys

..... for petitioners; the Court appoints

..... the below members of the Board of

..... Viewers and further orders its perform

..... its duties in accordance with the law

..... and Acts of Assembly in such case

..... made and provided.

..... Mahlon J. Baumgardner

..... Fred W. Cláflin

..... 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 nothing 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."

23 June 1952 Approved via  
By the Court  
Suffern  
J.

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY, PENNA.  
NO. 5 DECEMBER SESSIONS 1951

IN RE: Petition of Joseph L.  
McCorry Jr. and Dorothy E. McCorry  
his wife, for the Appointment of  
Viewers to Assess damages to their  
land situate in Richland Township  
Cambria County, Penna. by reason  
of the construction, relocation  
and change of grade of Section  
6A of State Highway No. 222

REPORT OF VIEWERS

*Filed March 10  
1952*

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXX

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Petition of Joseph L. McCorry, Jr., and Dorothy E. McCorry, his wife, for the appointment of viewers to assess damages to their land situate in Richland Township, Cambria County, Pennsylvania, by reason of the construction, relocation and change of grade of State Highway No. 222 - Section No. 6A.

No. 5 Dec. Term 57

PETITION FOR THE APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of JOSEPH L. McCORRY, JR., and DOROTHY E. McCORRY, his wife, respectfully represents:

FIRST: That they are the owners in fee of:

ALL THAT CERTAIN piece, parcel or tract of land situate in Richland Township, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at the point of intersection of the east line of Pennsylvania State Highway Route No. 56, with the south line of a certain private road (each of which thoroughfares is thirty-three (33) feet in width), said point of beginning being located also sixteen and one-half ( $16\frac{1}{2}$ ) feet from the center line of said State Highway and thirty-three (33) feet from the southwest corner of land of Willard N. and Bessie Ripple; thence along the south line of said private road, North  $69^{\circ} 24'$  East one hundred fifty (150) feet to a stake; thence by a new line through land now or formerly of The Wilmore Coal Company, of which the parcel hereby conveyed is a part, the following two courses and distances: South  $20^{\circ} 36'$  East one hundred fifty (150) feet to a stake, and South  $69^{\circ} 24'$  West one hundred fifty (150) feet to a stake on the east line of aforesaid State Highway Route No. 56; thence along the east line of said highway North  $20^{\circ} 36'$  West one hundred fifty (150) feet to a stake, the place of beginning. Containing 0.517 of an acre.

Having erected thereon a brick and concrete building known as Wilmore Farms Dairy; said parcel being part of a larger tract of land which was conveyed inter-alia by Windber Trust Company, Trustee to the Wilmore Coal Company by deed dated April 20, 1931, and recorded in the office for the recording of deeds in and for Cambria County in Deed Book, Vol. 423, Page 591, and the said The Wilmore Coal Company by its deed dated June 9, 1947, and recorded in the office aforesaid January 17, 1949, conveyed the said parcel of land to Johnstown Sanitary Dairy Company, present grantor.

Together with the right unto the parties of the second part, their heirs and assigns, to use in common with The Wilmore Coal Company, its successors, lessees and assigns, and abutting property owners, the private road thirty-three (33) feet in width, which is the northerly boundary of the premises conveyed for access to and from said premises.

SECOND: That on the 20th day of March, 1950, the Governor of the Commonwealth of Pennsylvania duly approved a plan of the Department of Highways for the location, construction and change of grade of State Highway Route No. 222, Section No. 6A.

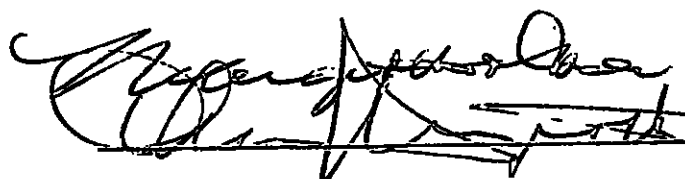
THIRD: In the construction of said highway, the Commonwealth of Pennsylvania has taken, injured and destroyed land and buildings of your petitioners,

- A. By appropriating land for the right of way and slope purposes.
- B. By making large cuts and fills throughout.
- C. By depriving said buildings on the land of access.
- D. By turning part of your petitioners' land into a dump.
- E. By lowering the grade of the present road below the grade of the old road.

FOURTH: Your petitioners have made diligent effort to obtain a settlement with the Commonwealth of Pennsylvania for the damages sustained in the construction of said highway, but no compensation has been paid to them by the Commonwealth.

WHEREFORE, your petitioners pray your Honorable Court to refer their claim to the Board of Viewers to ascertain the damages due your petitioners by reason of the taking, injuring and destroying of their property in the construction and relocation of State Highway Route No. 222, Section No. 6A.

AND THEY WILL EVER PRAY.



Harold Krumholz  
Attorneys for Petitioners



IN THE COURT (QUARTER SESSIONS) CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Petition of Joseph L. )  
McCorry, Jr. and Dorothy E. )  
McCorry, his wife, for the )  
appointment of viewers to ) No. 5 Dec. Term, 1951  
assess damages to their land )  
situate in Richland Township, )  
Cambria County, Pennsylvania, )  
by reason of the construction, )  
relocation, and change of grade )  
of State Highway No. 222 - )  
Section No. 6A. )

O R D E R

AND NOW, to wit: this 19th day of November, 1951, on motion of Margiotti & Casey, and Harold Kaminsky, Esqs., Attorneys for petitioners, the Court appoints ~~Milton J. Baumgardner~~ Fred W. Chylin, and ~~Robert Wagoner~~, as a board of view upon the foregoing petition, and further orders that the board of view perform its duties in accordance with the law and Acts of Assembly in such case made and provided.

BY THE COURT:

W. Kenrick  
Judge

ROAD  
NO. 5 Dec Term 51

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

IN RE: Petition of Joseph L.  
McCorry, Jr., and Dorothy E.  
McCorry, his wife, for the  
appointment of viewers to  
assess damages to their land  
situate in Richland Township,  
Cambria County, Pennsylvania,  
by reason of the construction,  
relocation and change of  
grade of State Highway No.  
222 - Section No. 6A.

PETITION FOR THE  
APPOINTMENT OF VIEWERS

*Filed*  
*11/21/51*

Harold Kaminsky, Esq.  
702 First Nat'l Bank Bldg.  
Johnstown, Pa.

a n d

Charles J. Margiotti, Esq.  
Margiotti & Casey  
720 Grant Bldg.  
Pittsburgh, Pa.

IN RE: Petition of Joseph L. McCorry, Jr., and Dorothy E. McCorry, his wife, for the appointment of Viewers to Assess damages to the land situate in Richland Township, Cambria County, Penna., by reason of the construction, relocation and change of grade of Section No. 6A of State Highway No. 222. : In the Court of Quarter Sessions of Cambria County, Pa. : No. 5 December Sessions 1951 : Motion

AND NOW, this 3rd day of March, 1952, upon petition of Harold Kaminsky, Attorney for Plaintiffs, it is hereby moved that the return day in the above entitled matter be extended to the first Monday in April, 1952.

*Harold Kaminsky*  
 Harold Kaminsky  
 atty for Plaintiffs

AND NOW, THIS 3 day of March, 1952, the motion to continue the return day of the above entitled matter is hereby granted.

*W. E. ...*  
 J.

*Joseph E. McCorry, Hand*  
IN RE: PETITION of DOROTHY E. McCORRY, *Hand* : In the Court of Quarter Sessions  
for the appointment of Viewers to : of Cambria County, Pennsylvania.  
Assess Damages to her land situate in :  
Richland Township, Cambria County, :  
Pennsylvania, by reason of the con- : No. 5 December Sessions, 1951  
struction, relocation and change of :  
grade of State Highway No. 222- : PETITION TO APPOINT VIEWERS  
Section No. 6A. :

Enter my Appearance in the above captioned matter for the  
Department of Highways of the Commonwealth of Pennsylvania.

*George M. Spence*  
\_\_\_\_\_  
Of Spence, Custer, Saylor & Wolfe

To Joseph C. Wess,  
Clerk of Courts.

December 14, 1951

No. <sup>Road</sup> 5 December Sessions, 1951

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

In re: Petition of DOROTHY E.  
McCORRY for the appointment of  
Viewers to Assess Damages to her  
land situate in Richland Township,  
Cambria County, Pennsylvania, by  
reason of the construction, relo-  
cation and change of grade of State  
Highway No. 222-Section No. 6A.

PRAECIPE FOR APPEARANCE FOR  
DEPARTMENT OF HIGHWAYS OF THE  
COMMONWEALTH OF PENNSYLVANIA

*Filed*  
*12-17-51*

LAW OFFICES  
SPENCE, CUSTER, SAYLOR & WOLFE  
JOHNSTOWN BANK AND TRUST BUILDING  
JOHNSTOWN, PA.