

To the Honorable, the Judges of the Court of Quarter Sessions of  
Cambria County, Pennsylvania.

We, the undersigned members of the board of viewers of Cambria county, appointed by your honorable Court upon the attached order and therein directed to view and determine as to the propriety of vacating a certain piece of public road in Portage Twp., said county and state, respectfully report:

That having given due notice of the view and of the time and place of meeting of the viewers, and having been first duly qualified according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability: All of us met in accord with the notices so given and after having viewed the piece of road in question; a plot or draft of which is hereto attached and made a part of this report; and having carefully considered the situation, we were all of the opinion that the piece of road lying between the termini described in said attached order should not be vacated.

Said piece of road beginning at the South Easterly termini, takes the following courses and distances, viz: North 87° West 782 feet, South 64° West 2611 feet and South 61° West 900 feet to the Westerly termini of said piece of road on the Josiah Ribblett estate.

The piece of road in question was laid out within the past three years - some four families are living along same and some eight different parties own property abutting thereon - that traveling over said piece of road is the only practically way a number of children living along and handy said road have of reaching their school - that the Supervisors have already ( according to their statements ) expended approximately thirty three hundred dollars in opening and improving said piece or road - that an additional three hundred dollars or thereabouts would put said road in reasonably good condition and thereafter the upkeep will be but *little*.

Witness our hands this fourth  
day of March A. D., 1922.

*Adam Shuman*

*A. M. Shoemaker*

Viewers.



Postage T.F.

A. M. Shoemaker  
Lifting Order \$ .90  
3 1/2 Days 26.25  
41 miles 2.05  
Livery from Postage to place of view .83  
Engineering Work 25.00  
\$55.03

MAR 28 1922 CERTIFIED

J. D. Ritter  
1 Day \$7.50  
67 miles 3.35  
Livery - Postage to place of view .83  
\$11.68

MAR 28 1922 CERTIFIED

Adam Shuman  
1 Day 7.50  
54 miles 2.70  
Livery to place of view from Postage .84  
\$11.04

MAR 28 1922 CERTIFIED

APPROVED FOR PAYMENT  
*[Signature]*  
H. B. [Signature]  
OF EBENSBURG, PA.

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 13th. day of February A. D. 1922, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Portage, in the said County, setting forth that they have petitioned in accordance for want of a road or highway to lead from

First: That they are all resident citizens and taxpayers of said Township.

Second: That there exists a Township Road in said Township, described as follows:-

Beginning at a point about one and one-fourth miles distant from the Borough of Portage on one of the roads leading from said Borough of Portage to the Frankstown Road, said point being opposite the property of Mike Platec, and extending approximately parallel with the said Frankstown Road, to a point two and one-half miles distant from the said Borough of Portage, on the other road leading from said Borough of Portage to the Frankstown Road, which said latter point is opposite the property owned by the estate of Joshua Ribblett.

Third: That the cost of repairing the said Township Road is excessive and prohibitive.

Fourth: That the grade existing on the said Township Road is excessive and prohibitive of the use of the same by practically any

traffic. Fifth: That the use of the said Township Road by the public is negligible. Sixth: That the public using said Township Road can be accommodated practically as well without the use of said Road.

Seventh: That the said Township Road is useless, inconvenient and burdensome. Wherefore your petitioners pray that the viewers determine the advisability of its vacation.

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

A. M. Shoemaker surveyor, and

J. D. Ritter and Adam Shuman

viewers, to view the ground proposed to be vacated 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, with as much attention as shall do the least injury to private property, and also be as convenient as possible, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

Frank E. Poff, Clerk.

No. 3, December SESSIONS, 1921.

Order to view and vacate a

Township Road in the Township

of Portage, Cambria County.

**MAR 28 1922 CERTIFIED**

A. M. Shoemaker

J. D. Ritter

Adam Shuman

Viewers

Clerk Robb 90 cts.

*Filed March 11, 1922*

5. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and survey any public or private road or bridge, if they shall decide in favor of locating said road or bridge to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

No. 3

*Dec*  
Mar. Sess., 1923.

1921

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

PETITION to vacate a Township Road in the Township of Portage, Cambria County.

*Filed 13 July 1922*

**LEECH & LEECH**  
ATTORNEYS-AT-LAW  
EBENSBURG, PA.

IN THE COURT OF QUARTERSESSIONS OF CAMBRIA COUNTY, PENNA.

TO THE HONORABLE THE JUDGES OF SAID COURT:

The petition of the undersigned, resident-citizens and taxpayers of the Township of Portage, County of Cambria, and State of Pennsylvania, respectfully represents:

First. That they are all resident citizens and taxpayers of said Township.

Second. That there exists a Township Road in said Township, described as follows:-

Beginning at a point about one and one-fourth miles distant from the Borough of Portage on one of the roads leading from said Borough of Portage to the Frankstown Road, said point being opposite the property of Mike Platec, and extending approximately parallel with the said Frankstown Road, to a point two and one-half miles distant from the said Borough of Portage, on the other road leading from said Borough of Portage to the Frankstown Road, which said latter point is opposite the property owned by the estate of Joshua Ribblett.

Third. That the cost of repairing the said Township Road is excessive and prohibitive.

Fourth. That the grade existing on the said Township Road is excessive and prohibitive of the use of the same by practically any traffic.

Fifth. That the use of the said Township Road by the public is negligible.

Sixth. That the public using said Township Road can be accommodated practically as well without the use of said Road.

Seventh. That the said Township Road is useless, inconvenient and burdensome.

WHEREFORE, your petitioners pray that Your Honorable

Court appoint a Board of Viewers who shall view said Township Road and determine the advisability of its vacation, reporting their conclusions regarding the same to your Honorable Court in accordance with the several Acts of Assembly in such case made and provided.

And they will ever pray, &c.

<u>Andrew J. Boland</u>	<u>Supr.</u>
<u>Geo. H. Dick</u>	<u>Supr.</u>
<u>Andy Davis</u>	<u>Supr.</u>
<u>Frank Coomer</u>	<u>farmer</u>
<u>Lindsay Davis</u>	<u>Miner</u>
<u>Norman Geringer</u>	<u>Teamster</u>
<u>J. A. Richardson</u>	<u>Miner</u>
<u>Roy Richardson</u>	<u>Miner</u>
<u>William Davis</u>	<u>Miner</u>
<u>Geo Cowan</u>	<u>Chick Man</u>
<u>Fred Pauli</u>	<u>Miner</u>
<u>Geo Cowan</u>	<u>Miner</u>
<u>Terry Shaepe</u>	<u>Blacksmith</u>
<u>E. J. Coomer</u>	<u>Miner</u>
<u>Fred. Klemm</u>	<u>Miner</u>
<u>Nicholas Klemm</u>	<u>Labour</u>
<u>Bert. Sattogren</u>	<u>Driver</u>

<u>Albert Wyndrop</u>	<u>Laborer</u>
<u>Gary A. Burkett</u>	<u>Miner</u>
<u>Joseph Lukosinski</u>	<u>Merchant</u>
<u>Alfred Seward</u>	<u>Merchant</u>
<u>R. S. Swape</u>	<u>Farmer</u>
<u>Paul ...</u>	<u>...</u>

STATE OF PENNSYLVANIA |  
COUNTY OF CAMBRIA | SS:  
C

George M. Dreibel, being duly sworn according to law, deposes and says that the matters and facts set forth in the foregoing petition are true and correct.

Geo M Dreibel

Sworn and subscribed to before me, this 8 day of February, A. D. 1922.

John S. Green  
Justice of the Peace  
My Commission Expires  
First Monday in June 1925

DECREE.

February  
AND NOW, March 13<sup>th</sup>, 1922, the foregoing petition  
having been read and considered, J. D. Ritter

Adam Shesma and Alm Shesma  
are hereby appointed viewers to view that certain Township Road  
now existing in Portage Township, Cambria County, Pennsylvania,  
described as follows:

Beginning at a point about one and one-fourth  
miles distant from the Borough of Portage on one  
of the roads leading from said Borough of Portage  
to the Frankstown Road, said point being opposite  
the property of Mike Piatec, and extending ap-  
proximately parallel with the said Frankstown Road,  
to a point two and one-half miles distant from the  
said Borough of Portage, on the other road leading  
from said Borough of Portage to the Frankstown Road,  
which said latter point is opposite the property  
owned by the estate of Joshua Ribblett,

and to determine whether or not the same shall be vacated, and  
to report their findings and conclusions thereon to this Court,  
in conformity with the several Acts of Assembly in such case made  
and provided.

By the Court  
Evans