

IN THE COURT OF QUARTER SESS.
OF CAMBRIA COUNTY, PENNA.
NO. 5 DECEMBER SESS. 1922.

In re Road in West and
Middle Taylor Townships,
Cambria County, Penna.

REPORT OF VIEWERS.

Filed 5 March 1923
CH

FILED 1922 CERTIFIED

MAHLON J. BAUMGARDNER
ATTORNEY AT LAW
JOHNSTOWN, PENNA.
SWANK BLDG.

57 March 1923 approved and
breadth fixed at forty feet.

By the Court

E,
4 June 1923 confirmed

Frank C. Rott

8 Clerk

NO. 5 December _____ SESSIONS, 1922.

Order to view public road in
West and Middle Taylor Twps.

Dixon Tomb

Philip Caulfield

M. J. Baumgardner

Viewers

Clerk Robb 90 cts.

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."

Ar
In re Public Road in West Taylor and Middle Taylor Townships, leading from brick road from Johnstown to Laurel Run Dam, 637 feet South from intersection of Cramer Pike, extending Northeasterly, through above named Townships and ending at point on brick road in Middle Taylor Township now open leading from Johnstown to William Penn Highway 1437 feet from intersection of road leading from Rosedale Borough, Cambria County, Penna.

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

No. 5 December Sess. 1922.

REPORT OF VIEWERS.

To the Honorable, the Judges of said Court:-

We, the undersigned Viewers appointed by the annexed order of the above Court, to view the premises for the purpose of supplying a road leading from a point on the brick road from Johnstown to Laurel Run Dam, now open 637 feet South from the intersection of the Cramer Pike and the said brick road, and extending thence in a Northeasterly direction through the Townships of West Taylor and Middle Taylor, and ending at a point on the brick road in Middle Taylor Township, now open, leading from Johnstown to the William Penn Highway, Northwesterly 1437 feet from the intersection of a road leading to Rosedale, Borough Cambria County, Pennsylvania, respectfully report:-

That we were duly sworn or affirmed as members of the permanent Board of Viewers of Cambria County, as shown by the records of said Court, gave due public Notice of the time and place of meeting of said Viewers, by handbills posted on the premises and by Notice served on the Commissioners of Cambria County, and upon Harry Doerr, Counsel for petitioners, all of whom accepted service, at least ten days prior to the time of the making of the said view, evidence of which is shown by copies of said Notices hereto attached; that we met upon the premises

according to notice given at the place of beginning on the 21st. day of February A. D. 1923 at 9:30 o'clock A. M. and proceeded with the duties of our appointment.

We viewed the site and locality of the road proposed to be laid out, making a personal inspection of the ground between the points designated in the petition and order.

We are of the opinion and agree that a public road between the points mentioned is necessary, and that we authorize the laying out of a road according to the accompanying draft. We therefore lay out and return for public use a road as follows:- Beginning at a point center of public road leading to Johnstown a distance of six hundred and seventy-three (673) feet from the intersection of the Cramer Pike leading towards Cramer and a brick road leading toward the Laurel Run Dam; thence starting from a point in the center of the aforesaid road North eighty-nine (89°) degrees East seven hundred eighty-seven and $\frac{3}{10}$ (787.3) feet to a point; thence from said point North fifty-two (52°) degrees forty-nine (49') minutes East two hundred thirty six and $\frac{3}{10}$ (236.3) feet to a point; thence North seventy-two (72°) degrees fifty-seven (57') minutes East one hundred seventy six and $\frac{6}{10}$ (176.6) feet to a point; thence from said point North fifty-eight (58°) degrees twenty-six (26') minutes East two hundred nineteen and $\frac{6}{10}$ (219.6) feet to a point; thence North thirty-seven (37°) degrees ten minutes (10') East one hundred fifty-three and $\frac{6}{10}$ (153.6) feet to a point; thence North twenty five (25°) degrees twenty-one (21') minutes East two hundred and three and $\frac{2}{10}$ (203.2) feet to a point; thence from said point North forty-nine (49°) degrees forty-six (46') minutes East five hundred eighty-eight and $\frac{1}{10}$ (588.1) feet to a point; thence from last mentioned point North fifty-one (51°) degrees fifty-five (55') minutes East five hundred twenty eight (528) feet to a point; thence North fifty-four (54°) degrees twenty seven (27') minutes East one hundred fifty-three and $\frac{6}{10}$

(153.6) feet to a

(153.6) feet to a point; thence North seventy-nine (79°) degrees forty-nine ($49'$) minutes East one hundred seventy eight (178) feet to a point; thence following a curve as shown on the blue print a distance of one hundred twenty-four and $79/100$ (124.79) feet to a point; thence North thirty-eight (38°) degrees thirty-six ($36'$) minutes West two hundred and eight (208) feet to a point; thence following a curve as shown on blue print a distance of one hundred sixty-six and $68/100$ (166.68) feet to a point; thence South seventy nine (79°) degrees forty-three ($43'$) minutes East a distance of one hundred twelve (112) feet to a point; thence North eighty-four (84°) degrees forty-three ($43'$) minutes East a distance of three hundred eighty six (386) feet to a point; thence North seventy four (74°) degrees twenty-four ($24'$) minutes East three hundred ten and $3/10$ (310.3) feet to a point; thence from said point South forty-eight (48°) degrees thirty ($30'$) minutes East three hundred eighty-eight and $3/10$ (388.3) feet to a point; thence from last mentioned point North eighty-two (82°) degrees twenty ($20'$) minutes East a distance of one hundred eighty-one and $6/10$ (181.6) feet to a point in the center of a public road leading to Minersville a distance of one thousand four hundred and thirty seven (1437) feet to the intersection of the Rosedale road said road being a brick road leading from Minersville to the William Penn Highway, said last mentioned point in center of the aforesaid road being the end of the proposed road. The total length of the proposed road from the place of beginning to ending of said proposed road being five thousand six hundred and one and $67/100$ (5601.67) feet.

That no release was secured from the Haws Refractory Company, a corporation through whose lands the said road is located and that we therefore respectfully assess no benefits and assess no damages to the above named Haws Refractory Company.

Witness our hands this 3rd. day of March A. D. 1923.

Philip E. Campbell
Dixon Smith
Nicholas B. Bannister
Viewers.

In re Public road in West
and Middle Taylor Townships,
Cambria County, Penna.

In the Court of Quarter
Sessions of Cambria County,
No. 5 December Sss. 1922.

TO MAHLON J. BAUMGARDNER, DIXON TOMB,

and PHILIP CAULFIELD, DR.

To MAHLON J. BAUMGARDNER, Dr.

Data and Preparing Notices to View.	\$7.50
Stenographer and Stationery	2.50
Posting and Serving Notices to View	7.50
Order to View	.90
Making View	7.50
Mileage	.90
Preparing Releases of Damages	7.50
Data and Preparing Report	7.50
Stenographer and Stationery	4.25
3 Blue prints	4.50
	<hr/>
	\$49.65

To DIXON TOMB, DR.

Making View
Mileage
Securing releases
Mileage

7.50
.90
15.00
1.80
<hr/>
\$25.20

APPROVED FOR PAYMENT
[Signature]
COMMISSIONERS

To PHILIP CAULFIELD, Dr.

Making View,
Mileage

7.50
.90
<hr/>
\$8.40

MAR 7 1923 CERTIFIED

DAMAGES AND RELEASES.

WHEREAS; By an order of the Court of Quarter Sessions of Cambria County, dated January 8th. 1923 and filed in the aforesaid proceedings; Dixon Tomb, Philip Caulfield, and Mahlon J. Baumgardner, Esq.; were appointed Viewers to supply a Public road or highway, to lead from a point on the Brick road from Johnstown to the Laurel Run Dam, now opened 637 feet South from the intersection of the Cramer Pike and the said brick road, and extending thence in a Northeasterly direction through the Townships of West Taylor and Middle Taylor, and ending at a point on the brick road in Middle Taylor Township, now opened, leading from Johnstown to the William Penn Highway, Northwesterly 1437 feet from the intersection of the road leading to Rosedale Borough,

WHEREAS, said road to be supplied as now laid out and located runs through and over lands of the undersigned in the Townships aforesaid, in said County; and

WHEREAS, the undersigned will be benefited by the supplying of said road.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, through whose land the said road is supplied, in consideration of the supplying of the same, and of the advantages the respective owners will derive from the same, if said road is ordered and supplied, and such order is confirmed absolutely by the aforesaid Court, as well as for the further consideration of the sum of One (\$1.00) Dollar, to each of us, the respective owners, in hand paid by the Commissioners of Cambria County, at the time of execution and delivery hereof, do hereby release the Townships of West Taylor and Middle Taylor, County of Cambria and State of Pennsylvania, from all damages that have or may accrue to us and it, for on account or by reason of the locating, supplying or using of said road or that might accrue to us and it for said road by reason of the supplying of the same.

IN WITNESS WHEREOF, The individual owners of Real Estate through which said road runs, hereby affix their hands the day and year set opposite their respective names and the Corporations, parties hereto, have caused the same to be signed by _____, its _____, and its Corporate seal attached in attestation thereof.

DATE

<u>Feb-26-1923</u>	<u>John Thomas</u> (SEAL)
<u>Feb-26-1923</u>	<u>Anton Lunkin</u> (SEAL)
<u>Feb-26-1923</u>	<u>John Murash</u> (SEAL)
<u>Feb. 26-1923.</u>	<u>Frank Boehm</u> (SEAL)
<u>Feb-26 1923</u>	<u>Edward Wilhelm</u> (SEAL)
<u>Feb-26-1923</u>	<u>Mrs M. Giesner</u> (SEAL)
<u>Feb 26 1923</u>	<u>Frank Nipoliet</u> (SEAL)
<u>Feb 26-1923</u>	<u>John Klucker</u> (SEAL)
<u>Feb 26 1923</u>	<u>W. E. Rhodes</u> (SEAL)
<u>Feb 26-1923</u>	<u>J. M. Byrnes</u> (SEAL)
<u>Feb 27-1923</u>	<u>Mary L. Taylor</u> (SEAL)
<u>Feb 27-1923</u>	<u>C. W. Rager</u> (SEAL)
_____	_____ (SEAL)

Attest: _____
 (Seal) Secretary.

By _____

Attest: _____
 (Seal) Secretary

By _____

In re Public Road in West Taylor and Middle Taylor Townships, leading from from brick road from Johnstown to Laurel Run Dam, 637 feet south from intersection of Cramer Pike, extending Northeasterly through above named Townships and ending at point on brick road in Middle Taylor Township, now open, leading from Johnstown to William Penn Highway 1437 feet from intersection of road leading to Rosedale Borough, Cambria County, Pennsylvania.

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

No. 5 December Sessions 1922.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of supplying a public road to lead from a point of Brick road from Johnstown to Laurel Run Dam, now open 637 feet South from intersection of Cramer Pike and the said brick road, extending thence in a Northeasterly direction through West Taylor and Middle Taylor Townships and ending at point on brick road in West Taylor Township, now open, leading from Johnstown to the William Penn Highway, northwesterly 1437 feet from the intersection of a road leading to Rosedale Borough, will meet on the premises on Wednesday, February 21st., 1923 at 9:30 o'clock A. M. for the purpose of performing the duties of our appointment.

DIXON TOMB,

PHILIP CAULFIELD,

MAHLON J. BUNTINGARDNER,
Viewers.

February 7, 1923.

And now ⁸ February 1923, I accept service of the above Notice to View for the Commissioners of Cambria County, Penna.

James W. Blume
Chief Clerk.

In re Public Road in West Taylor and Middle Taylor Townships, leading from brick road from Johnstown to Laurel Run Dam 637 feet south from intersect on of Cramer Pike, extending North easterly through above named Townships and ending at point on brick road in Middle Taylor Township, now open, leading from Johnstown to William Penn Highway 1437 feet from intersection of road leading to Rosedlae Borough, Cambria County Pennsylvania.

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

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DIXON TOMB,

PHILIP CAULFIELD,

MAHLON J. BAUMGARDNER,
Viewers

February 7, 1923.

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

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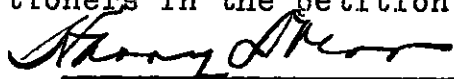
DIXON TOUB,

PHILIP CAULFIELD,

MORLON J. BAUGARTNER,
Viewers.

February 7, 1923.

And now February 1923, I hereby accept service of the above notice to view for the petitioners in the petition.


Counsel for Petitioners.

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 8th. day of January A. D. 1923, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of West and Middle Taylor, in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from a point on the brick road from Johnstown to the Laurel Run Dam, now open 637 feet South from the intersection of the Cramer Pike and the said brick road, and extending thence in a Northeasterly direction through the townships of West Taylor and Middle Taylor, and ending at a point on the brick road in Middle Taylor Township, now open, leading from Johnstown to the William Penn Highway, Northwesterly, 1437 feet from the intersection of a road leading to Rosedale Borough.

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

Dixon Tomb

surveyor, and

Philip Caulffield, Mahlon J. Baumgardner

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

Frank C. P. B. Clerk.

In the Court of Quarter
Sessions of Cumberland
County.

Dec.
No 5- North Sessions 1922

Petition of inhabitants of
West Taylor and Middle
Taylor for Public Road

Filed 27 Jan'y. 1923

Done
for petitioners

IN RE
Petition of Inhabitants of West
Taylor and Middle Taylor Townships
for Public Road

; In the Court of Quarter Sessions
of Cambria County, Pa.
: # _____ Sessions, 19__.

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

The petition of the undersigned inhabitants of the Townships
of West and Middle Taylor, in the said county of Cambria, respect-
fully showeth:

That your petitioners labor under great inconvenience for want
of a public road, or highway, in the Townships of West Taylor and
Middle Taylor, to begin at a point on the brick road from Johnstown to
the Laurel Run Dam, ^{now open} 637 feet South from the intersection of the Cramer
Pike and the said brick road, and extending thence in a Northeasterly
direction through the townships of West Taylor and Middle Taylor, and
ending at a point on the brick road in Middle Taylor Township ^{now open} leading
from Johnstown to the William Penn Highway, Northwesterly, 1437 feet
from the intersection of a road leading to Rosedale Borough.

Your petitioners therefore pray the court to appoint proper
persons to view and lay out the same, according to law, and they will
ever pray, etc.

West Taylor Township
Edward Wilhelm
Mike Sapetovic
Mrs. M. Gleisner
Mr. John Hayland

Middle Taylor Township
Frank Brehm
Ch. Stutzman
Chas. M. Rager
S. B. Carney

Mrs Taylor Township Middle Taylor Township

Frank Mikolaj
 Minerva Ashcom
 John Francis
 Walter Stuk
 Kostantj Peregichki
 Peter Podbensek
 Martin Banic
 John Nailer
 Jan Skinsik
 Steve Maxim
 Steve Loncar
 John Siskman
 Joseph Kool
 Paul Minkas
 George Cynic
 Wm Adams

August Spitzbart
 Harry Barrett
 Mrs H Brehm
 Charles H Davis
 W J Harris
 Leo Benschhoff
 John Thomas
 M G Metzger
 John S Strzyman
 John F. Brehm
 Gary Sobush
 W. R. Clawson
 H. Kelley
 Tomij & Lunpa
 H. Berkebile
 John Gerashin

State of Pennsylvania, :
: SS:
County of Cambria, :

Before me, the subscriber, a notary public in and for said state and county, personally appeared John Thomas, who being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief; that the persons who signed the foregoing petition are inhabitants and property owners of West Taylor Township and Middle Taylor Township, as shown by said petition, and that their signatures were made in the affiant's presence and are in their own respective handwritings; that he served a notice of this application upon all of the Supervisors of both West Taylor Township and Middle Taylor Township, and upon the Commissioners of Cambria County, by handing them copies, as provided by law.

John Thomas

Sworn and subscribed to before me
this 5th day of January, A.D. 1923.

Goldie J. Warr

Notary Public.

My commission expires,
April 30th, 1925.

D E C R E E.

Now, January 5th, 1923, Dixon T. Hunt, Philip Campbell
and Walter J. Cunningham, are appointed viewers
for the above purpose.

By The Court
E.

In Re
Petition of Inhabitants of West
Taylor and Middle Taylor Town-
ships for public road.

: In the Court of Quarter Sessions
: of Cambria County, Pa.
: No. Mich Sessions, 1923

To the Commissioners
of Cambria County.

You are hereby notified that on the 8 day of
January, 1923, at 10 o'clock A.M., application will be
made to the Court of Quarter Sessions of Cambria County, by
certain inhabitants of West Taylor Township and Middle Taylor
Township, for the appointment of viewers to lay out a public
road in said townships, to begin at a point on the brick road
from Johnstown to the Laurel Run Dam, ^{now open} 637 feet South from the
intersection of the Cramer Pike and the said brick road, and
extending thence in a Northeasterly direction through the
townships of West Taylor and Middle Taylor, and ending at a
point on the brick road in Middle Taylor Township, ^{now open} leading
from Johnstown to the William Penn Highway, Northwesterly,
1437 feet from the intersection of a road leading to Rosedale
Borough.

Harry Jones
Attorney for Petitioners.

Now Rec 1923 service accepted

James W. Turner
Clerk.

No. 5 Dec. Sess 1922
In the Court of Quarter Sessions

In re Petition of Inhabitants
of West Taylor Township and
Middle Taylor Township for
Public Road.

Bond

Jan. 7, 1923, were
Bond approved,
By the Court
E

Filed & Given 1923

Done

KNOW ALL MEN BY THESE PRESENTS, that we, John Thomas, of Middle Taylor Township, and Frank Mikoloc, of West Taylor Township, Cambria County, Pennsylvania, are held and firmly bound unto the Commonwealth of Pennsylvania, in the sum of One Hundred Dollars, lawful money of the United States, to be paid to the said Commonwealth, its certain attorneys, to which payment well and truly to be made, we do bind ourselves, our heirs, executors and administrators and every of them firmly by these presents.

Sealed with our seals and dated the fifth
day of January, A.D. 1923.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, that whereas certain inhabitants of Middle Taylor and West Taylor Townships have presented their petition for a public road in the Townships of Middle Taylor and West Taylor, Cambria County, Pennsylvania, to begin at a point on the brick road from Johnstown to the Laurel Run Dam, now open, 637 feet South from the intersection of the Cramer Pike and the said brick road, and extending thence in a Northeasterly direction through the townships of West Taylor and Middle Taylor, and ending at a point on the brick road in Middle Taylor Township, now open, leading from Johnstown to the William Penn Highway, Northwesterly, 1437 feet from the intersection of a road leading to Rosedale Borough.

And in the event that the said road be not laid out or granted in conformity with said petition, and that they, the above obligors, pay all costs that have and may accrue from or by reason of said application, then this obligation to be void and of no effect, or else to be and remain in full force and virtue.

John Thomas (Seal)
Frank Mikoloc (Seal)

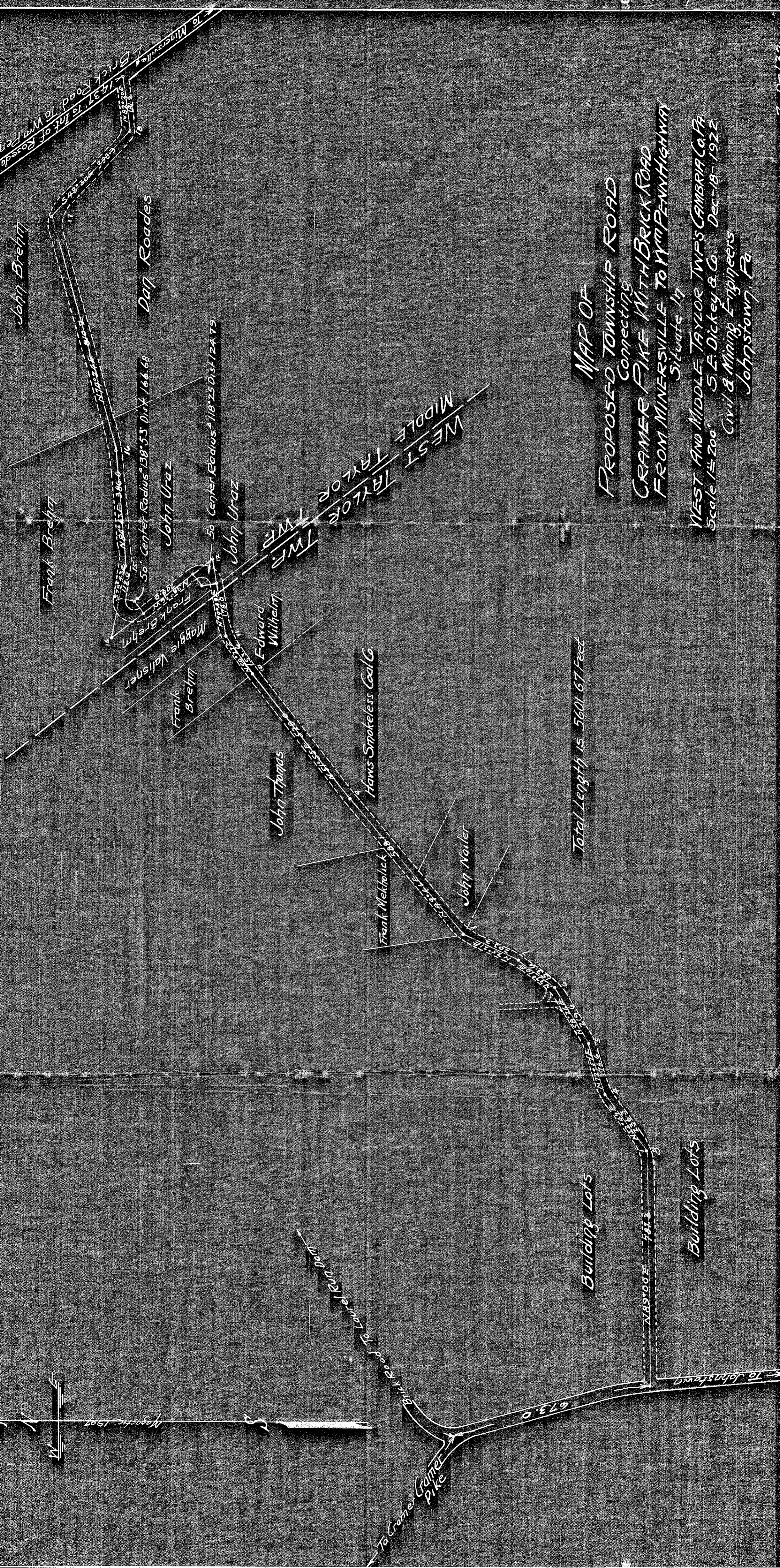
Signed, sealed and
delivered in the presence of

Edward Wilhelm
Frank Brehan

Not Microfilmed

RD#5

Dec. 1922



MAP OF
PROPOSED TOWNSHIP ROAD
 Connecting
CRAMER PIKE WITH BRICK ROAD
 FROM MINERSVILLE TO MIDDLE TAYLOR TWP
 Situate in
 WEST AND MIDDLE TAYLOR TOWNSHIPS CAMBRIA CO PA.
 Scale 1" = 200' S E Dickey & Co. Dec-18-1922
 Civil & Mining Engineers
 Johnstown, Pa.

Total Length is 5601.67 Feet