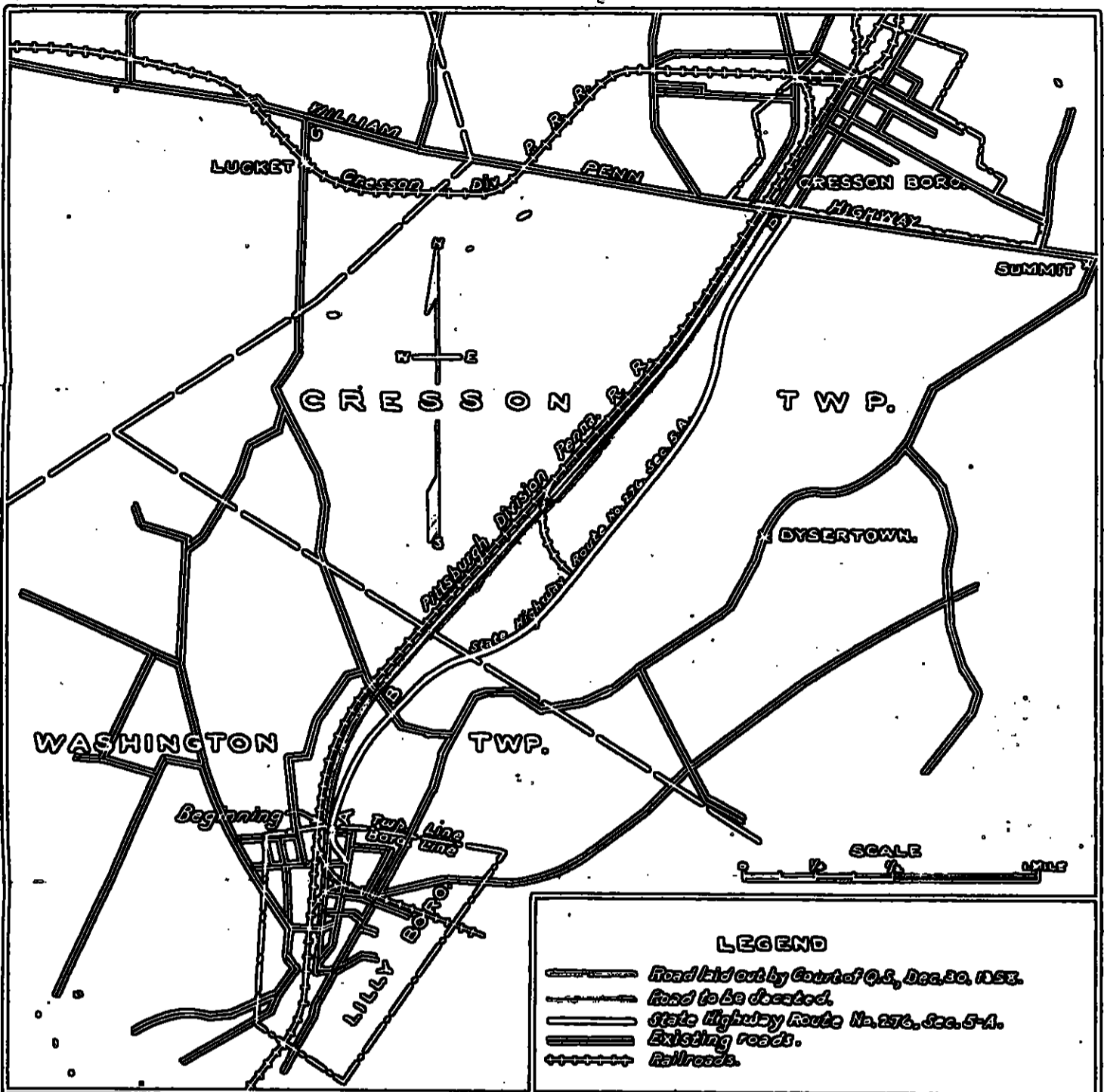


Rd #4 June 1927

Rat microfilmed



SKETCH SHOWING THE LOCATION OF TOWNSHIP ROADS TO BE VACATED BETWEEN THE BOROUGH OF LILLY AND THE WILLIAM PENN HIGHWAY AT CRESSON, IN CRESSON AND WASHINGTON TOWNSHIPS, CAMBRIA COUNTY, PENNSYLVANIA.

Description of that part of the township road, laid out at a Court of quarter Session of the Peace, December 30, 1888, between Lilly Borough and William Penn Highway, at Cresson, Pa.:

Beginning at a point in the northerly line of the Borough of Lilly distant 35 feet eastwardly from the center line of the Pennsylvania Railroad; thence N 40° E 67 per.; N 13° E 20 per.; N 20° E 25 per.; N 26½° E 21 per.; N 35° E 18 per.; N 41½° E 201 per.; N 39° E 64 per., and N 36½° E 115 per. to Summit, new William Penn Highway, at Cresson, Pa., distant 170 feet eastwardly from the center line of the Pennsylvania Railroad.

Description of Township road as used between Lilly Borough and the William Penn Highway at Cresson, Pa.

Beginning at a point in the northerly line of the Borough of Lilly distant 115 feet eastwardly from the center line of the Pennsylvania Railroad, thence N 0° E 640 ft.; N 9° 30' W 330 ft.; N 12° E 300 ft.; N 18° 15' E 300 ft.; N 23° 30' E 300 ft.; N 29° 22' E 300 ft.; N 35° 10' E 300 ft.; N 41° 15' E 280 ft.; N 44° 35' E 2700 ft.; N 66° E 120 ft.; N 45° 45' E 370 ft.; N 41° 30' E 570 ft.; N 44° 55' E 300 ft.; N 49° 10' E 330 ft.; N 25° 5' E 150 ft.; E 50° 10' E 500 ft.; E 45° E 950 feet; N 36° 20' E 430 ft.; N 45° 22' 1000 ft.; N 42° 45' E 1000 ft.; E 38° 50' E 1000 ft.; E 35° E 320 ft.; and N 40° E 1200 ft., to the William Penn Highway at Cresson, Pa., and distant 170 feet eastwardly from the center line of the Pennsylvania Railroad.

No. 4 June Session 1927.
In the Court of Quarter Ses-
sions of Cambria County.

Petition of inhabitants of
Cresson and Washington
Townships for vacation of
a public road in said
Townships.

Filed 1 August 1927

F. J. HARTMANN,
ATTORNEY,
EDENSBURG,
CAMBRIA COUNTY, PA.

12 Sept. 1927 Approved
By the Court
Dawson

12 Dec. 1927 confirmed absolutely
Frank to Robt. Clerk

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

TO THE HONORABLE, THE JUDGES OF THE COURT OF QUARTER SESSIONS
OF THE PEACE IN AND FOR THE COUNTY AFORESAID:

The petition of the undersigned, inhabitants of the Township of Washington and the Township of Cresson in said county, respectfully represent:

1. That part of a public road was laid out in 1858 leading from Lilly to Cresson in said County, to-wit:

Beginning at a point on the Northerly line of the Borough of Lilly distant 35 feet Eastwardly from the center line of the Pennsylvania Railroad and ending on the turnpike leading from Ebensburg to Hollidaysburg, now William Penn Highway, at the Southern line of the Borough of Cresson, distant 170 feet Eastwardly from the center line of said Pennsylvania Railroad.

2. That the said described piece or road between the points of beginning and ending has now become useless, inconvenient and burdensome inasmuch as an improved concrete road has been constructed between the points of beginning and ending, or practically so, parallelling said old road, which said new improved road is known as State Highway Route No. 276, Section 5 A.

3. That the said road now useless, inconvenient and burdensome and the said new state highway practically begin at the same points of beginning and ending and the entire roads practically parallel each other. A plan is hereto attached showing the road which has become useless, inconvenient and burdensome in red and the said new improved highway in white, which said plan is made part of this petition and marked Exhibit "A". The road to be vacated is located in the Townships of Cresson and Washington in said County.

4. That notice of the presentation of this petition has been served upon the supervisors of Washington Township and upon the supervisors of Cresson Township, and also on the Commissioners of Cambria County, as is shown by their several acceptances and of service hereto attached and marked Exhibit "B".

Your petitioners therefore pray the Court that the said public road beginning at a point on the Northerly line of the Borough of Lilly distant 35 feet Eastwardly from the center line of the Pennsylvania Railroad and ending on the Southerly Borough line of Cresson Borough on the William Penn Highway distant 170 feet Eastwardly from the center line of said Pennsylvania Railroad be vacated agreeably to the Acts of the General Assembly in such case made and provided. And they will ever pray, etd.

1.
Robert D. Dickel
 Supervisor.
Jacob L. Bender
 Supervisor
 (Only 2)
 Supervisor

Washington Township

2
 Supervisor.
 Supervisor
 Supervisor

Cresson Township

Tony Matee
Joseph Berkert
Richard Bender
J. D. Bender
Gabriel Mraz
Ed. C. St. John
Frank W. H.
Mike P.
Peter Hamilton
Jesse Dickson
J. J. Baumgardner
Loren Lowneck
Mike Navak

John P. Gwin
W. H. McConnell
William F. Berman
James Oshell
J. C. M. Byrne
Richard Byrne
Emma Reilly
G. J. P. in
E. M. Quins
J. J. P. in
H. J. Quarts
H. P. Asker
Paul Pally

A. W. Nugent
Frank Decker
John Markon
Steve Dusirack
Andy Janko
L. H. Behe
Frank Lybed
Mike Vince
Herman Behe
Joseph Phillips
John Williams
Elmer Neff
J. C. Myers
Charles Phisick
Martin Belie
Joseph Behe

L. D. DeLozier
B. A. Gagnon
A. A. Luthers
James M. Bennett

Nick Czajkovich
 Inhabitants of Washington
 Township.

Inhabitants of Cresson
 Township.

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

J. A. Bender being duly sworn according
 to law, deposes and says that he is one of the petitioners afore-
 said, and that the facts set forth in the foregoing petition are
 true and correct to the best of his knowledge and belief.

Sworn and subscribed before me)
 this 20th day of July, 1929)
Howard W. Bender)
Notary Public)

My Com. expires Feb. 18 1929

- : O R D E R : -

And now, August 1st., 1927, the foregoing petition of the Inhabitants of the Townships of Washington and Cresson in said County, for the vacation of a public road between the points in said petition specified having been presented and read, the Court, after due consideration, do order and appoint Alm Shuman and J. S. Ritter and Adam Shuman who are to view the road in said petition prayed to be vacated, and to consider and judge whether it has become useless, inconvenient and burdensome, and if they agree that the same is become useless, inconvenient and burdensome they shall make report accordingly to the next Court of Quarter Sessions to be held for said County.

By the Court
Evan Pj

Exhibit "B"

We, the Commissioners of Cambria County, do hereby accept service of notice of the presentation to the Court of Quarter Sessions of Cambria County of the petition of the inhabitants of Washington and Cresson Townships, praying for the vacation of a public road located between the Boroughs of Lilly and Cresson in said County, with the same force and effect as if the notice required by law to be served upon us had actually been served.

J. S. Kintner

Chief Clerk of the Commissioners
of Cambria County.

Exhibit "B"

To the Supervisors of Cresson and
and Washington Townships, in the
County of Cambria:

You and each of you are hereby notified that a petition of certain citizens of the Townships of Cresson and Washington, in the County of Cambria, will be presented to the Court of Quarter Sessions of Cambria County, on Monday August 1st., 1927 at ten (10) o'clock in the forenoon, or as soon thereafter as the attention of said Court can be had, praying for the appointment of viewers to vacate a certain public road in said Townships, beginning at a point on the Northerly line of the Borough of Lilly, distant 35 feet Eastwardly from the centre line of the Pennsylvania Railroad, and ending on the Turnpike leading from Ebensburg to Hollidaysburg, now the William Penn Highway, at the Southern line of the Borough of Cresson, distant 170 feet Eastwardly from the centre line of said Pennsylvania Railroad.

F. J. Hartmann,
Attorney for Petitioners.

State of Pennsylvania : SS:
County of Cambria :

G. H. Ketenheim, being
duly sworn according to law deposes and says, that he did on the 28th day of July, 1927, serve notice of the presentation of the petition mentioned above upon all of the supervisors of ~~Cresson~~ ^{Washington} Township, to wit: ~~Stevenson~~ ^{Stevenson} ~~Biehl~~ ^{Biehl} and Jacob Bender., the other supervisor of said township being now dead and the vacancy caused thereby not having been filled, by handing each one of them a true and correct copy of the above notice personally; and upon all of the supervisors of ~~Washington~~ ^{Cresson} Township, to wit:

John P. Bradley, Conrad Friedhoff and Archibald Parrish,
by handing each one of them a true and correct copy of the above notice personally on the same day, July 28th, 1927.

Sworn and subscribed before me :
this 29th day of July, 1927. :

James
Notary Public

G. H. Ketenheim

My Commission Expires April 1, 1931 :

REPORT OF VIEWERS.

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

We, the undersigned viewers appointed by your honorable Court and, in the order of Court hereto attached, directed to view and determine as to the propriety of vacating a certain piece of public road between the termini therein described, respectfully report:-

That having given due notice of the view and of the time and place of meeting of the viewers to the Commissioners of Cambria County, the Supervisors of Cresson Township, the Supervisors of the Township of Washington, the Attorney for the petitioners ~~and~~ by serving them with notices, a copy of which is hereto attached, and to the traveling public by printed hand bills posted in public and conspicuous places at and near the termini and along the route of the road desired to be vacated; and having each been duly sworn 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 at the time and place appointed, in accord with the notices so given and posted and having gone over and carefully inquired into the premises, we adjourned to meet at a later day; of which all parties in interest had notice; and appeared at the Court House where they were heard and where the viewers enquired more particularly as to the exact situation of certain property owners who would be materially concerned in the event of the piece of road being vacated and after carefully considering the whole situation the viewers determined that the road in question and as lays between the termini designated in the petition should not be vacated.

The road in question begins at the William Penn Highway, at the Southerly side of the Borough of Cresson, one hundred seventy feet Eastward from the center line of the Pennsylvania Railroad and extends thence the following courses and distances, viz; South 40°10' West 740.5 ft., South 42° West 620.4 ft., South 40° 45' West 470ft., South 44° West 427 ft., South 47° West 808 ft., South 49° West 1399 ft., South 49° 50' W. 371.5 ft., South 29° West 164 ft., South 49° West 617 ft., South 52° West 133.5 ft., South 42° 30' West 308 ft.,

Report refusing
to recommend
the vacation of
the public road
from Crisson-
to Silby.

Aug 1927.

J D Ritter

A Sherman

A M Shoemaker

South 43° 20' West 296 ft., South 48° West 185.8 ft., South 42° 30' West 126.2 ft., South 57° West 139 ft., South 46° West 948.7 ft., South 36° West 98 ft., South ~~46~~ 46° West 243.3 ft., South 48° West 227 ft., South 25° 10' West 71.4 ft., South 79° 30' West 117.6 ft., South 48° West 2467 ft., South 51° West 405.4 ft., South 45° West 311.5 ft., South 36° 30' West 437.6 ft., South 28° 30' West 402 ft., South 13° 30' West 396.5 ft., South 4° East 338 ft. and thence South 15° 10' West; along the improved public highway; to the Northerly line of the Borough of Lilly.

A plot or draft showing the location of said road together with the location of a portion of the main line of the Pennsylvania Railroad; which almost parallels said piece of public road on the Westerly side; the general location of the new improved public highway; which almost parallels said road in question on the Easterly side; together with the general location of the properties and residences of certain citizens who are materially interested in the road in question: which said plot or draft is hereto attached and made a part of this report.

The Viewers appreciate that the portion of the above road which lays between the points on the map indicated by the letter "A" and "B" is inconvenient and burdensome to the tax payers of the township of Cresson and that that portion lying between the points on the plot between "C" and "D" is inconvenient, unnecessary, impassable and dangerous and likewise burdensome to the township of Washington; but that portion of the road in question/is exceedingly necessary and practically indispensable for the tax payers of the township of Cresson who own their properties along the line of the road sought to be vacated and have no other practical outlet to any other public road and if this road were vacated from one terminus to the other the damage resulting to several individuals would be very great - so much so that we do not feel we would be justified in recommending that the road as a whole should be vacated.

Witness our hands this 31st.
day of August, A. D., 1927.

A. M. Shoemaker
J. P. Pitts
Adam Shuman

Viewers.

Notice of View!

Notice is hereby given that the viewers appointed by the Court of Quarter
Sessions of Cambria County, Pa., to view and determine as to the
propriety of vacating a certain piece of public road in the
townships of Cresson and Washington, said county and state:

Beginning on the turnpike leading from Ebensburg to Hollidays-
burg, now the William Penn Highway, at the Southerly line of the
Borough of Cresson, 170 ft. Eastwardly from the center line of
the Pennsylvania Railroad, and ending at a point on the Northerly
line of the Borough of Lilly, 35 ft. Eastwardly from the center
line of said Pennsylvania Railroad:

will meet at the place of beginning, above noted, in the
Township of Cresson aforesaid
on the 18th. day of August 19 27., at 9:00 o'clock A.
M., for the purpose of performing the duties of their appointment.

.....
A. M. Shoemaker,

.....
J. D. Ritter and

.....
Adam Shuman, Viewers.

Ebensburg, Pa. Aug., 8th., 1927.

Now, August 4, 1927, service of the within notice is
hereby accepted for the Commissioners of Cambria County,
Pennsylvania.

D. S. Kirkendall

Accepted

Notice of View!

Notice is hereby given that the viewers appointed by the Court of _____ Quarter _____ Sessions _____ of Cambria County, Pa., to view and determine as to the propriety of vacating a certain piece of public road in the townships of Cresson and Washington, said county and state:

Beginning on the turnpike leading from Ebensburg to Hollidaysburg, not the William Penn Highway, at the Southerly line of the Borough of Cresson, 170 feet Eastwardly from the center line of the Pennsylvania Railroad, and ending at a point on the Northerly line of the Borough of Lilly, 35 feet Eastwardly from the center line of said Pennsylvania Railroad:

will meet at the point of beginning, above noted, _____ in the _____ Township of _____ Cresson _____ aforesaid on the 18th. day of August 1927, at 9:00 o'clock A. M., for the purpose of performing the duties of their appointment.

_____ A. M. Shoemaker,

_____ J. D. Ritter and

_____ Adam Shuman,

Viewers.

Ebensburg, Pa. Aug., 8th., 1927.

Now, August 15th 1927, service of the within notice is hereby accepted by the undersigned Supervisors of the Township of Washington, Cambria County, Pa.

Jacob Bender
Gerald Bradley

Supervisors.

August 16 1927

Mr A.M.Sheemaker, Esq.

Ebensburg, Pa.

Dear Sir:

We are in receipt of your notice of view to determine as to the propriety of vacating a certain piece of public road in the Township of Cresson-the roadrunning parallel with the Pennsylvania Railroad tracks from Cresson to Lilly.

Because of the sentiment of the majority of citizens along this road we as supervisors feel that, our approval of any proceedings to do away with this road would be an injustice to these people.

Very truly yours,

Cresson Township Road Supervisors,

A. L. Glass Secretary

*Glass is ~~secretary~~
Secy of the Board of
Supvs. of Cresson Twp.
A. M. Shoemaker.*

Order to view and vacate road

in the Townships of Cresson

and Washington

Order to View

Report of Viewers

CERTIFIED

Shuy L. Luman
COUNTY CONTROLLER

Filed 21 Sept. 1927

A. M. Shoemaker

J. D. Ritter

Adam Shuman

Viewers

Clerk 90 cts.

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."

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 1st day of August A. D. 1927, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Townships of Cresson & Washington, in the said County, setting forth that the

~~vacation for want of a road on the lands of~~
part of a public road was laid out in 1858 leading from Lilly to Cresson in said County, to-wit: Beginning at a point on the northerly line of the Borough of Lilly distant 35 feet Eastwardly from the center line of the Pennsylvania Railroad and ending on the turnpike leading from Ebensburg to Hollidaysburg, now William Penn Highway, at the Southern line of the Borough of Cresson, distant 170 feet Eastwardly from the center line of said Pennsylvania Railroad.

That the said described piece or road between the points of beginning and ending has now become useless, inconvenient and burdensome, inasmuch as an improved concrete road has been constructed between the points of beginning and ending, or practically som parallelling said old road, which said new improved road is known as State Highway Route No. 276, Section 5 A.

and therefore praying the Court to appoint proper persons to ^{vacate} view and ~~locate~~ 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 for said ^{vacation} road, and if they view the same, and shall agree that there is occasion for such ^{vacation} road, they shall proceed to ^{vacate} locate 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 L. Roth, Clerk.