

No.

4 March

JUNE SESSIONS, 1930

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

IN RE PETITION TO VACATE POR-
TION OF VIADUCT ROAD IN CONE-
MAUGH TOWNSHIP, CAMBRIA COUNTY,
PENNA.

Filed 21 April 1930

D. P. WEIMER.
ATTORNEY AT LAW,
JOHNSTOWN, PA.

2257

IN RE PETITION TO VACATE PORTION : In the Court of Quarter Sessions
OF VIADUCT ROAD IN CONEMAUGH : of
TOWNSHIP, CAMBERIA COUNTY, PENNA. : Cambria County, Penna.
: :
: No. _____ June Sessions, 1930.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT: -

The petition of the undersigned, inhabitants of the Township of Conemaugh, in said county, respectfully represents:

That a portion of a public road known as the "Viaduct Road" is situate within the limits of Conemaugh Township.

That after diligent search your petitioners have been unable to locate, in the Road Dockets, in the office of the Clerk of Courts of Quarter Session, a reference to the number and term of the original case laying out the above described road.

It is the opinion and belief of your petitioners that the road above referred to never was laid out but that the same originally was a logging road and became a township road by user.

That all of that portion of the Viaduct Road situate within the limits of Conemaugh Township, beginning at a point in said Road where it intersects the Township line between Conemaugh Township and Richland Township, said place of beginning being situated in a northwesterly direction a distance of 4350 feet measured along the center line of said Viaduct Road from where it intersects another road leading from Mt. Hope Evangelical Church Cemetery to South Fork by the way of Stineman #2 Mine, and ending where it intersects the line between Conemaugh Township and Adams Township near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 1389 feet measured along the center line of said Viaduct Road from its intersection with a street situated in the Borough of South Fork

near the easterly end of a row of company houses, said place of ending being North 54° 30' East 1245 feet measured along said street from the intersection of the Hill Road, has become useless, inconvenient and burdensome.

Your petitioners therefore pray the Court that the said road may be vacated, agreeably to the Act of General Assembly in such case made and provided and they will ever pray.

LIST OF PETITIONERS

Anthony Kohler	Conemaugh Twp. March 20 th
J. J. Shaffer	" " " 21 30
Lewis Harris	" " " " "
W. G. Haas	" " " 3/21/30
Stepora Karp	" " " 3/21/30
Geo. F. Shaffer	" " " 3/21/30
John C. Shaffer	" " " 3/21/30
Richard Schellhammer	" " " 3/21/30
Wm. J. Spuntner	" " " March 24/1930
Wm. Harris	" " " March 28/1930
Frank G. Frank	" " " 3/24/30
Edward Jones	" " " 3-29-30
Anna Blain	Conemaugh Twp April 1 st
Elizabeth Tilley	" " " 4/1/30
Harry Tilley	" " " 4/1/30

CAMBRIA COUNTY, SS:

The undersigned being duly sworn according to law, deposes and says that the matters set forth in the above and foregoing petition are true and correct to the best of his knowledge and belief.

Otto Sempf

Sworn and subscribed to before
me this 19th day of April,
1930.

Neleu Neising
Notary Public
My commission expires Mar. 7-1931

ORDER .

April 21, 1930,

Upon the petition of divers inhabitants of the Township of Conemaugh, county of Cambria and state of Pennsylvania, stating that a portion of the Viaduct Road, situate within the Township of Conemaugh, the courses and distances of which are more specifically set forth in the within petition, has become useless, inconvenient and burdensome; the Court on due consideration, orders and appoints Mahlon Baugher Dickson Lamb and Philip W. Cauffman, who are to view the road in the 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 has become useless, inconvenient and burdensome as aforesaid, they shall make report accordingly to the within Court of Quarter Sessions to be held for the said County.

BY THE COURT

Charles J. ...

March 10th, 1930.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 4 MARCH SESSIONS, 1930.

IN RE VACATION OF A CERTAIN
ROAD IN CONEMAUGH TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA,
KNOWN AS THE VIADUCT ROAD.

REPORT OF VIEWERS.

Filed 26 May 1930

CERTIFIED
James L. Brown
COUNTY CONTROLLER

MAHLON J. BAUNGARDNER
ATTORNEY AT LAW
JOHNSTOWN, PENNA.
SWANE BLDG.

*25 June 1930 Approved
By the Court
Clerk of Court*

8 Sept. 1930 performed absolutely,

*Thomas L. Hill
Clerk*

IN RE VACATION OF A CERTAIN
ROAD IN CONEMAUGH TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA,
KNOWN AS THE VIADUCT ROAD.

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

NO. 4 MARCH SESSIONS, 1930.

REPORT OF VIEWERS.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

We, the undersigned Viewers, appointed by the attached order of the above Court to view the road within mentioned, 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; that we gave due public notice of the time and place of said view by posting notices, as required by law, along the Route and at the termini of said road to be vacated, and by service of such notice on the Commissioners of Cambria County and on Otto Senft, Secretary of the Board of Supervisors of Conemaugh Township, as well as upon D. P. Weimer, Counsel for said Board of Supervisors, all of which acceptances of service are hereto attached and made a part of this report; that we met upon the premises, according to the notice given, on Friday, May 9, 1930, at 2:30 o'clock P. M., Eastern Standard Time, and proceeded with the duties of our appointment.

That we viewed the site and locality of the premises and Route of the proposed road to be vacated. The Supervisors of Conemaugh Township were all in attendance at the said view, but no property owners were present and no one filed any objections. The Viewers personally inspected the entire road proposed to be vacated, as it leaves the Borough of South Fork to the other terminus; that the road as it follows the Stonycreek River from South Fork for a distance of approximately two (2) miles is impassable, and is not used by the public; that the continuation of the road up along the hillside has been washed out so that it is impossible for motor or vehicular traffic to travel along said road, and that the grade along said hillside is excessive and, therefore, the road has become useless, inconvenient and burdensome to the tax payers of Conemaugh Township. The road ending at the Conemaugh and Richland Township dividing line where it intersects a road leading from the Mount Hope Evangelical Church and another road intersecting with the road leading from Rager's corner to the Borough of Franklin is a terminus to this road, and the Borough of South Fork is a terminus of the other portion of the road.

That we were unable to secure a release of damages from the abutting property owners along the portion of said road proposed to be vacated, and, therefore, taking into consideration the damages sustained and the benefits to be derived by the vacating of said road, we assess no benefits and no damages to any of the abutting property owners.

We took into consideration all the matters before us and are of the opinion that the portion of road to be vacated has become useless, inconvenient and burdensome. Therefore, we recommend that the prayer of the petitioners be granted.

Witness our hands and seals this twenty-first day of May, A. D. 1930.

Walter [Signature] (SEAL)
Chas. E. Canfield (SEAL)
Dixon [Signature] (SEAL)
Viewers.

IN RE VACATION OF A CERTAIN
ROAD IN CONEMAUGH TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA,
KNOWN AS THE VIADUCT ROAD.

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

NO. 4 MARCH SESSIONS, 1930.

TO MAHLON J. BAUMGARDNER, PHILIP CAULFIELD
AND DIXON TOMB, DRS.

Mahlon J. Baumgardner, Dr.

Data and preparing Notices to View	\$ 12.00		
Stenographer and Stationery	3.50		
Posting Notices to View	12.00		
Mileage	3.00		
Acceptance of Service on all parties	12.00		
Making View	12.00		
Mileage	3.00		
Data and preparing Report of Viewers	12.00		
Stenographer and Stationery	<u>3.00</u>	\$ 72.50	✓

Philip Caulfield, Dr.

Making View	\$ 12.00		
Mileage	<u>3.00</u>	\$ 15.00	✓

Dixon Tomb, Dr.

Making View	\$ 12.00		
Mileage	3.00	\$ 15.00	✓

CERTIFIED
Shaw
COUNTY COMMISSIONER

J. H. Warner
Shaw

IN RE VACATION OF A CERTAIN
ROAD IN CONEMAUGH TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA,
KNOWN AS THE "VIADUCT ROAD."

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

NO. 4 MARCH SESSIONS, 1930.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view the above road and vacate a portion of a public road known as the "Viaduct Road," situate within the limits of Conemaugh Township, Cambria County, Pennsylvania, beginning at a point in said Road where it intersects the Township line between Conemaugh Township and Richland Township, said place of beginning being situated in a northwesterly direction a distance of 4350 feet measured along the center line of said Viaduct Road from where it intersects another road leading from Mt. Hope Evangelical Church Cemetery to South Fork by the way of Stineman #2 Mine, and ending where it intersects the line between Conemaugh Township and Adams Township near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 1389 feet measured along the center line of said Viaduct Road from its intersection with a street situated in the Borough of South Fork near the easterly end of a row of company houses, said place of ending being North 54° 30' East 1245 feet measured along said street from the intersection of the Hill Road, will view said road and determine whether or not the said road has become useless, inconvenient and burdensome to the inhabitants of the Township of Conemaugh aforesaid, and will meet at the place of beginning on Friday, May 9, 1930, at 2:30 P.M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,
PHILIP CAULFIELD,
DIXON TOMB.

Viewers.

Dated April 28, 1930.

AND NOW, this 28th day of April, A. D. 1930,
I hereby accept service of the above Notice to View, as counsel
for the Petitioners.

D. V. Meiner
Counsel for Petitioners.

IN RE VACATION OF A CERTAIN
ROAD IN CONEMAUGH TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA,
KNOWN AS THE "VIADUCT ROAD."

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 4 MARCH SESSIONS, 1930.

NOTICE TO VIEW.


When the undersigned Viewers, appointed by the above Court to view the above road and vacate a portion of a public road known as the "Viaduct Road," situate within the limits of Conemaugh Township, Cambria County, Pennsylvania, beginning at a point in said Road where it intersects the Township line between Conemaugh Township and Richland Township, said place of beginning being situated in a northwesterly direction a distance of 4350 feet measured along the center line of said Viaduct Road from where it intersects another road leading from Mt. Hope Evangelical Church Cemetery to South Fork by the way of Stineman #2 Mine, and ending where it intersects the line between Conemaugh Township and Adams Township near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 1389 feet measured along the center line of said Viaduct Road from its intersection with a street situated in the Borough of South Fork near the easterly end of a row of company houses, said place of ending being North 54° 30' East 1245 feet measured along said street from the intersection of the Hill Road, will view said road and determine whether or not the said road has become useless, inconvenient and burdensome to the inhabitants of the Township of Conemaugh aforesaid, and will meet at the place of beginning on Friday, May 9, 1930, at 2:30 P. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,
PHILIP CAULFIELD,
DIXON TOMB.

Viewers.

Dated April 28, 1930.

AND NOW, this ^{12th} ~~28th~~ day of ^{May} ~~April~~, 1930, I hereby
accept service of the above Notice to View, as Counsel for the
Commissioners of Cambria County, Pennsylvania.


Counsel for County Commissioners.

IN RE VACATION OF A CERTAIN
ROAD IN CONEMAUGH TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA,
KNOWN AS THE "VIADUCT ROAD."

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 4 MARCH SESSIONS, 1930.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view the above road and vacate a portion of a public road known as the "Viaduct Road," situate within the limits of Conemaugh Township, Cambria County, Pennsylvania, beginning at a point in said Road where it intersects the Township line between Conemaugh Township and Richland Township, said place of beginning being situated in a northwesterly direction a distance of 4350 feet measured along the center line of said Viaduct Road from where it intersects another road leading from Mt. Hope Evangelical Church Cemetery to South Fork by the way of Stineman #2 Mine, and ending where it intersects the line between Conemaugh Township and Adams Township near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 1389 feet measured along the center line of said Viaduct Road from its intersection with a street situated in the Borough of South Fork near the easterly end of a row of company houses, said place of ending being North 54° 30' East 1245 feet measured along said street from the intersection of the Hill Road, will view said road and determine whether or not the said road has become useless, inconvenient and burdensome to the inhabitants of the Township of Conemaugh aforesaid, and will meet at the place of beginning on Friday, May 9, 1930, at 2:30 P. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,
PHILIP CAULFIELD,
DIXON TOMB.

Viewers.

Dated April 28, 1930.

AND NOW, this 28th day of April, A. D. 1930,
I hereby accept service of the above Notice to View.

Otto Siefert
Petitioner.

IN RE VACATION OF A CERTAIN
ROAD IN CONEMAUGH TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA,
KNOWN AS THE "VIADUCT ROAD."

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 4 MARCH SESSIONS, 1930.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view the above road and vacate a portion of a public road known as the "Viaduct Road," situate within the limits of Conemaugh Township, Cambria County, Pennsylvania, beginning at a point in said Road where it intersects with the Township line between Conemaugh Township and Richland Township, said place of beginning being situated in a northwesterly direction a distance of 4350 feet measured along the center line of said Viaduct Road from where it intersects another road leading from Mt. Hope Evangelical Church Cemetery to South Fork by the way of Stineman #2 Mine, and ending where it intersects the line between Conemaugh Township and Adams Township near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 1389 feet measured along the center line of said Viaduct Road from its intersection with a street situated in the Borough of South Fork near the easterly end of a row of company houses, said place of ending being North 54° 30' East 1245 feet measured along said street from the intersection of the Hill Road, will view said road and determine whether or not the said road has become useless, inconvenient and burdensome to the inhabitants of the Township of Conemaugh aforesaid, and will meet at the place of beginning on Friday, May 9, 1930, at 2:30 P. M., Eastern Standard Time, for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,
PHILIP CAULFIELD,
DIXON TOME,
Viewers.

Dated April 28, 1930.

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 21st day of April A. D. 1920, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Conemaugh, in the said County, setting forth that ~~they have been unable to locate~~

~~the road above referred to~~ ~~is situated within the limits of Conemaugh Township~~ ~~beginning at a point in said road where it intersects the Township line between Conemaugh Township and Richland Township, said place of beginning being situated in a northwesterly direction a distance of 4350 feet measured along the center line of said Viaduct Road from where it intersects another road leading from Mt. Hope Evangelical Church Cemetery to South Fork by the way of Stineman #2 Mine, and ending where it intersects the line between Conemaugh Township and Adams Township near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 1389 feet measured along the center line of said Viaduct Road from its intersection with a street situated in the Borough of South Fork near the easterly end of a row of company houses, said place of ending being North 54° 30' East 1245 feet measured along said street from the intersection of the Hill Road, has become useless, inconvenient and burdensome.~~

and therefore praying the Court to appoint proper persons to ~~view and locate~~ ^{vacate} the same according to law. The Court, upon due consideration had of the premises, do order and appoint

Mahlon J. Baumgardner surveyor, and

Dixon Tom and Philip N. Caulfield

~~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 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 B. Ralfe Clerk.

Order to view and vacate road
in Conemaugh Township

Mahlon J. Baumgardner
Dixon Tomb
Philip N. Caulfield.

Viewers

Clerk _____ 90 cts.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge in favor to procure from the person or persons over whose land such location may be made releases from all or 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."