

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

IN RE PETITION TO VACATE PORTION
OF HILL ROAD IN CONEMAUGH
TOWNSHIP, CAMBRIA COUNTY, PA.

Filed 9.11 April 1930

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

IN RE PETITION TO VACATE PORTION OF HILL ROAD IN CONEMAUGH TOWNSHIP, CAMBRIA COUNTY, PENNA. : In the Court of Quarter Sessions of 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 represent:

That a portion of a public road known as the "Hill Road" is situated 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 Hill 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 northerly direction a distance of 5471 feet measured along the center line of said Hill Road from where it intersects with the Viaduct Road leading from South Fork to Johnstown, and ending where it intersects the line between Conemaugh Township and Richland Township, near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 996 feet measured along the center line of said Hill Road from its intersection with a street situated in the Borough of South Fork near a house opposite the entrance

to Stineman #2 Mine, said place of ending being South 5° 30' West 1245 feet measured along said street from the intersection of the Viaduct 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	Courmough Top	March 20 th
L. P. Shaffer	"	21 30
Lewis Watkins	"	" "
A. D. H. Wad	"	3/21/30
Stephen Kemp	"	3/21/30
Geo. P. Shaffer	"	3/21/30
John E. Shaffer	"	3/21/30
Archangel Schellhammer	"	3/21/30
Wm J. Dunbar	"	March 21/1930
"	"	3/24/30
Francis Clark	"	3/29/1930
Frank Jones	"	3-29-30
Anna, Blum	Courmough top	April 4 th
Elizabeth Tilley	"	4/1/30
Harry Tilley	"	4/1/30

CAMERIA 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 Serpft

Sworn and subscribed to before

me this 19th day of April, 1930.

Nedem Neisze
Notary Public

My commission expires Mar. 7-1931

ORDER

April 21st 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 Hill 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 Baunyan Philip Kaufhold and Simon Zant, 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

Edwin P.

March 10th, 1930.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 5 MARCH SESSIONS, 1930.

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

REPORT OF VIEWERS.

Filed 2 June 1930

CERTIFIED

Mahlon J. Baumgardner

CLERK OF COURT

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

2 June 1930 *Approved*

By H. C. ...
...

8 Sept. 1930 *Completed absolutely*

Frank B. Ruff
...

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

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

NO. 5 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 upon the Commissioners of Cambria County, and upon 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 1:30 o'clock P. M., Eastern Standard Time, for the purpose of performing 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 there were no property owners present when said view was made. The Viewers inspected the entire road proposed to be vacated, 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 northerly direction a distance of 5471 feet measured along the center line of said Hill Road from where it intersects with the Viaduct Road leading from South Fork to Johnstown, and ending where it intersects the line between Conemaugh Township and Richland Township, near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 996 feet, measured along the center line of said Hill Road from its intersection with a street situated in the Borough of South Fork near a house opposite the entrance to Stineman #2 Mine, said place of ending being South 5° 30' West 1245 feet measured along said street from the intersection of the Viaduct Road. All of the viewers traversed the entire road with the Supervisors and when the view was about completed two citizens, residing in Adams Township, protested against the vacation of said road and demanded a hearing. By agreement between the Board of Supervisors, the protestants and the Board of Viewers, the view was continued to such time as would be agreeable to the Solicitor for the Board of Supervisors.

Pursuant to said continuance, notice to take testimony was served upon L. S. Jones, Counsel for the Commissioners of Cambria County, and upon D. P. Weimer, Solicitor for the Supervisors of the Township of Conemaugh, and upon Otto Senft, Secretary of the Board of Supervisors, as well as upon George A. Penrod, who represented a resident of the Township of Adams and the protestants. The date fixed in said notice to take testimony being

Tuesday, May 27, 1930, at 9:00 o'clock A. M., Eastern Standard Time, at the office of Mahlon J. Baumgardner, 303-4 Swank Building, corner of Main and Bedford Streets, Johnstown, Cambria County, Pennsylvania. Pursuant to said notice to take testimony, and a continuance of the view, we met in the offices of Mahlon J. Baumgardner, on Tuesday, May 27, 1930, at 9:00 o'clock A. M., Eastern Standard Time, at which time and place all parties interested were heard. D. P. Weimer, Counsel for the Board of Supervisors of Conemaugh Township, and all the members of the Board of Supervisors, together with George A. Penrod, John L. Cummings, William Yoder and John Meyers were in attendance.

It appeared from the testimony produced at the hearing that one of the persons used the road but once a week and the other protestants used the road less than once a week, and that the later three would use the road later, provided they would furnish ties and mine props for the mines in South Fork. The four persons in attendance were not residents of the Township of Conemaugh, but resided in Adams Township.

We found the road on the Westerly side to be in good state of repairs but that the road coming down the hill into South Fork was extremely steep and narrow and could be used for vehicular traffic only. That the road does not show any use at all. We, therefore, believe that the road has become useless, inconvenient and burdensome to the tax payers of Conemaugh Township. A portion of the road mentioned in the above description as the Viaduct Road has been recommended to be vacated by this Board of Viewers and the report so filed in the Clerk of Courts Office of Cambria County, Pennsylvania.

We find and report that there is no necessity for such public road and recommend that the route on said road, 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 Northerly direction a distance of 5471 feet measured along the center line of said Hill Road from where it intersects with the Viaduct Road leading from South Fork to Johnstown, and ending where it intersects the line between Conemaugh Township and Richland Township, near the Borough of South Fork, said place of ending being situated in a Westerly direction a distance of 996 feet measured along the center line of said Hill Road from its intersection with a street situated in the Borough of South Fork near a house opposite the entrance to Stineman #2 Mine, said place of ending being South 5° 30' West 1245 feet measured along said street from the intersection of the Viaduct Road (now vacated) be and remain a private road upon the approval of this report and the confirmation thereof by your Honorable Court, and the vacation of said public road, and the Court enter a decree that the route of such abandoned public road so recommended for a private road shall be and become a private road of the width of twenty-five (25) feet for the use and benefit of owners of land through and along which it passes, to be maintained and used as a private road and now maintained and used under existing laws.

There were no property owners present at the view or at the hearing, and, therefore, we were unable to secure a release of damages from the abutting property owners along the portion of said road proposed to be vacated.

Therefore, taking into consideration all the damages sustained and the benefits 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 having in mind the testimony adduced at the hearing, we are of the opinion that the road to be vacated has become useless, inconvenient and burdensome to the tax payers of Conemaugh Township, and, therefore, we recommend that the said road remain a private road, as hereinabove specified.

WITNESS our hands and seals this thirty-first day of May, A. D.
1930.

Mahlon J. Bancy (SEAL)
Chas. E. Caulfield (SEAL)
Dixon Tomp (SEAL)
Viewers.

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

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

NO. 5 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	
Obtaining Acceptance of Service on all parties	12.00	
Making View	12.00	
Mileage	3.00	
Data and preparing Notice to Take Testimony	12.00	
Stenographer and Stationery	3.00	
Hearing and taking testimony	12.00	
Conference re hearing and taking testimony	12.00	
Data and preparing Report of Viewers	12.00	
Stenographer and Stationery	3.50	\$ 112.00

Philip Caulfield, Dr.

Making View	\$ 12.00	
Mileage	3.00	
Hearing and taking testimony	12.00	
Conference re hearing and taking testimony	12.00	\$ 39.00

Dixon Tomb, Dr.

Making View	12.00	
Mileage	3.00	
Hearing and taking testimony	12.00	
Conference re hearing and taking testimony	12.00	\$ 39.00



CERTIFIED
COUNTY CONTROLLER

APPROVED FOR PAYMENT

COMMISSIONERS

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

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

NO. 5 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 "Hill Road," situate in the Township of Conemaugh, County of Cambria and State of 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 northerly direction a distance of 5471 feet measured along the center line of said Hill Road from where it intersects with the Viaduct Road leading from South Fork to Johnstown, and ending where it intersects the line between Conemaugh Township and Richland Township, near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 996 feet measured along the center line of said Hill Road from its intersection with a street situated in the Borough of South Fork near a house opposite the entrance to Stineman #2 Mine, said place of ending being South 5° 30' West 1245 feet measured along said street from the intersection of the Viaduct 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, and will meet at the place of beginning on Friday, May 9, 1930, at 1:30 o'clock 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 "HILL ROAD."

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

NO. 5 MARCH SESSIONS, 1930.

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MAHLON J. BAUMGARDNER,
PHILIP CAULFIELD,
DIXON TOMB.

Viewers.

Dated April 28, 1930.

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

D. S. Jones
Counsel for County Commissioners.

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

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 5 MARCH SESSIONS, 1930.

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HAHLON J. BAUMGARDNER,
PHILIP CAULFIELD,
DIXON TOMD.

Viewers.

Dated April 28, 1930.

AND NOW, this 23th day of April, A. D. 1930,
I hereby accept service of the above Notice to View,


Petitioner.

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

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

NO. 5 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 "Hill Road," situate in the Township of Conemaugh, County of Cambria and State of 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 northerly direction a distance of 547½ feet measured along the center line of said Hill Road from where it intersects with the Viaduct Road leading from South Fork to Johnstown, and ending where it intersects the line between Conemaugh Township and Richland Township, near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 996 feet measured along the center line of said Hill Road from its intersection with a street situated in the Borough of South Fork near a house opposite the entrance to Stineman #2 Mine, said place of ending being South 5° 30' West 1245 feet measured along said street from the intersection of the Viaduct 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, and will meet at the place of beginning on Friday, May 9, 1930, at 1:30 o'clock P. M., stern Standard Time, for the purpose of performing the duties of our ointment.

MAHLON J. BAUMGARDNER,
PHILIP CAULFIELD,
DIXON TOMB.

Viewers.

ed April 28, 1930.

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

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

NO. 5 MARCH SESSIONS, 1930.

NOTICE TO TAKE TESTIMONY.

We, the undersigned Viewers, appointed by the above Court to view the above premises and to determine the vacation of a public road, known as the "Hill Road," situate in the Township of Conemaugh, County of Cambria and State of 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 northerly direction a distance of 5471 feet measured along the center line of said Hill Road from where it intersects with the Viaduct Road leading from South Fork to Johnstown, and ending where it intersects the line between Conemaugh Township and Richland Township, near the Borough of South Fork, said place of ending being situated in a westerly direction a distance of 996 feet measured along the center line of said Hill Road from its intersection with a street situated in the Borough of South Fork near a house opposite the entrance to Stineman #2 Mine, said place of ending being South 5° 30' West 1245 feet measured along said street from the intersection of the Viaduct Road, will meet in the offices of Mahlon J. Baumgardner, 303-4 Swank Building, Main Street, Johnstown, Cambria County, Pennsylvania, on Tuesday, May 27, 1930, at nine o'clock A. M., Eastern Standard Time, at which time and place all parties interested may appear and submit testimony.

MAHLON J. BAUMGARDNER,
PHILIP CAULFIELD,
DIXON TOMB.

Viewers.

AND NOW, this 16th day of May, A. D. 1930, I hereby accept service of the above Notice to Take Testimony, as Counsel for the Petitioners.


Counsel for the Petitioners.

Sept

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

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO.5 MARCH SESSIONS, 1930.

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MAHLON J. BAUMGARDNER,
PHILIP CAULFIELD,
DIXON TOMB,
VIEWERS.

*Now May 14 1930 I hereby certify from
the insertion before the Clerk of the Court*

Otto Script
Dec

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

§ IN THE COURT OF QUARTER SESSIONS,
§ CAMBRIA COUNTY, PENNSYLVANIA.
§
§ NO. 5 MARCH SESSIONS, 1930.

NOTICE TO TAKE TESTIMONY.

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

AND NOW, this 16 day of May, A. D. 1930, I hereby accept service of the above Notice to Take Testimony, as Counsel for the Commissioners of Cambria County.

D. S. Jones.
Counsel for County Commissioners.

May 13, 1930.

Mr. George J. Penrod,
R. D. #1,
South Fork,
Penna.

Dear Sir:

I am enclosing herewith copy of
Notice to Take Testimony in re Vacation of a
Certain Road in Conemaugh Township, Cambria
County, Pennsylvania, known as the "Hill Road."

Please arrange to be at the hearing
and bring with you such witnesses as are interested
in the matter to testify.

Yours truly,

NJB:AF
Encs. 2

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 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 such 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."