

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

IN RE PETITION TO VACATE PORTION
OF ROAD FROM BERNARD BIGLIN'S
BRIDGE TO PORTAGE TOWNSHIP LINE,
IN WASHINGTON TOWNSHIP, CAMBRIA
COUNTY, PENNA. ✓

Filed 13 May 1930

JOHN M. BENNETT
ATTORNEY AT LAW
OTTO BLDG.
JOHNSTOWN, PENNA.

IN RE PETITION TO VACATE
PORTION OF ROAD FROM BERNARD
BIGLIN'S BRIDGE TO PORTAGE
TOWNSHIP LINE, IN WASHINGTON
TOWNSHIP, CAMBRIA COUNTY, PA.

: In the Court of Quarter Sessions
: of
: Cambria County, Pa.
: No. _____ June Sessions, 1930.

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

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

That a portion of the public road known as the road from Bernard Biglin's bridge to Portage Township line, is situate within the limits of Washington Township, said road having been originally laid out and a reference thereto had, will more fully appear in the Road Docket at #5 March Term, 1884.

That all of that portion of the above described road situate within the limits of Washington Township, beginning at a point in said road at Bernard Biglin's bridge to line intersecting Washington and Portage township 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

John Wm Storey	Cassandra Pa.
Nicholas Furtyza	Cassandra Pa
Joseph Lengyel	Cassandra Pa
Mrs Annie Bender	Lilly P. 173 R.D.
J. H. Krummacker	Lilly R.D. 176
Edwin Monahan	Cassandra
Mrs Annie Eckenrode	Cassandra Pa
Stanley Galna X	Cassandra Pa
Mrs Margaret Statters X	R.F.W. Lilly Pa
Anne Mary P Bobine	R.F.D Lilly Pa
Joseph Eckenrode	Cassandra Pa
Joseph J Evans.	Lilly Pa R.D. 1
Thomas Hooder	Lilly Pa R.D. 1
Agatha Brown	Lilly Pa R.D. 1
Joseph W Earnest	Lilly R.D.
Mrs Martin Myers	Cassandra
Mrs Thomas Deup	Cassandra Pa
Johan Promukh	Lilly Pa R.F.D.
Michael Promukh	Lilly Pa
Emil Morshyut	Lilly Pa

CAMBERIA 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.

V. Monahan

Sworn and subscribed to before
me this 5th day of May,

A. D. 1930.

Helen Steing
Notary Public

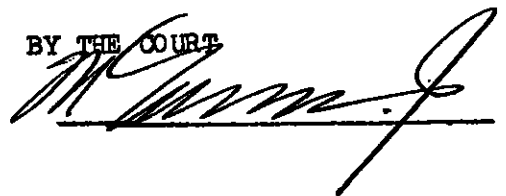
My commission expires

7/1/31

ORDER

Upon the petition of divers inhabitants of the Township of Washington, county of Cambria and state of Pennsylvania, stating that a portion of the road from Bernard Biglin's bridge to Portage Township line, situate within the Township of Washington, 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 Am. Shaemaker, Philip Caulfield and Marlon Baumgardner 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



May - 13 1930.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 8 MARCH SESSIONS, 1930.

IN RE VACATING A PIECE OF
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

REPORT OF VIEWERS:

Filed 4 June 1930

CERTIFIED
James L. Conrad
COUNTY CONTROLLER

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

8 June 1930
Approved
By the Court
James P. [unclear]
8 March 1930
performed absolutely
James L. Ruff
John

IN RE VACATING A PIECE OF
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 8 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 is 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 upon the Commissioners of Cambria County, and John M. Bennett, Counsel for the Petitioners, and V. J. Monahan, a member of the Board of Supervisors of Washington Township, 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 Wednesday, May 28, 1930, at 9:00 o'clock A. 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. All of the Supervisors of the Township of Washington, together with one interested party, were in attendance at said view, together with all of the Viewers. The Viewers inspected the entire road proposed to be vacated, beginning at a point known as the Bernard Biglin's Bridge and extending to the Portage Township line, all situate within the limits of the Township of Washington.

That one person opposed the vacation of said road, he being Benjamin Carns, who is the owner of a farm near the one terminus, but there being no house erected on the said farm, and the said Mr. Carns residing in the Village of Jamestown, in the Township of Portage.

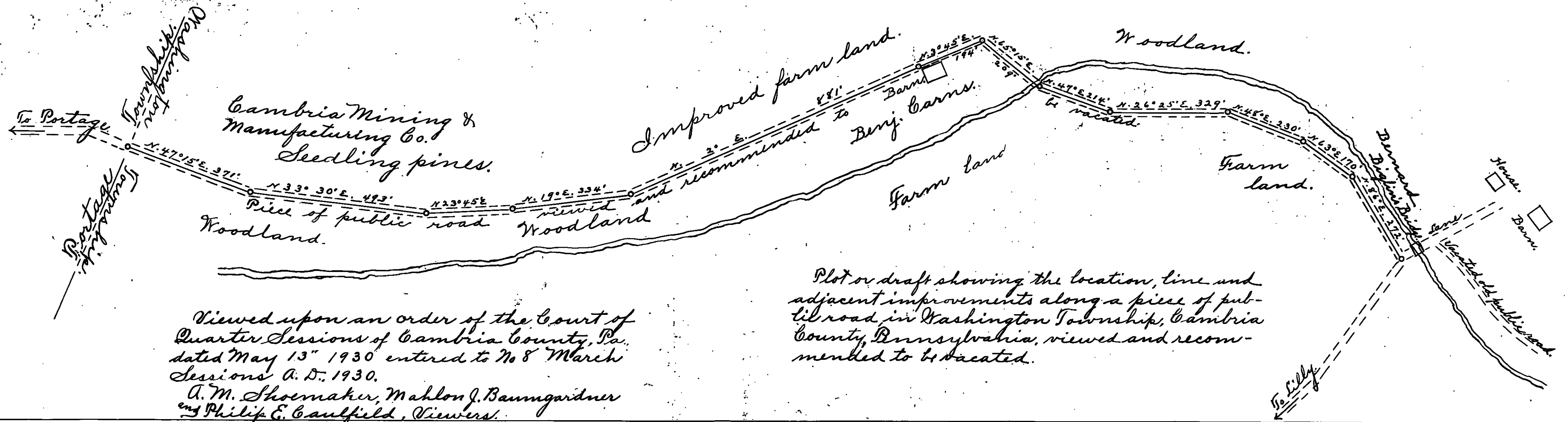
We find and report that there is no necessity for said public road, and believe the same has become useless, inconvenient and burdensome to the tax payers of the Township of Washington.

We were unable to secure a release of damages from the abutting property owners along the portion of the road proposed to be vacated, but 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 the abutting property owners.

We took into consideration all the matters before us and are of the opinion that the portion of the road hereinabove referred to be vacated for it has become useless, inconvenient and burdensome. Therefore, we recommend the vacation of same.

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

A. M. Shoemaker (SEAL)
Maxton B. Bennett (SEAL)
Philip E. Caulfield (SEAL)
Viewers.



Viewed upon an order of the Court of Quarter Sessions of Cambria County, Pa. dated May 13th 1930 entered to No 8 March Sessions A. D. 1930.
 A. M. Shoemaker, Mahlon J. Baumgardner and Philip E. Caulfield, Viewers.

Plot or draft showing the location, line and adjacent improvements along a piece of public road, in Washington Township, Cambria County, Pennsylvania, viewed and recommended to be vacated.

IN RE VACATING A PIECE OF
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 8 MARCH SESSIONS, 1930.

TO MAHLON J. BAUMGARDNER, PHILIP
CAULFIELD AND A. M. SHOEMAKER, 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	5.00	
Obtaining Acceptance of Service on all parties	12.00	
Making View	12.00	
Data and preparing Report of Viewers	12.00	
Stenographer and Stationery	<u>3.00</u>	\$ 71.50 ✓

Philip Caulfield, Dr.

Making View	\$ 12.00	
Mileage	<u>5.00</u>	\$ 17.00 ✓

A. M. Shoemaker, Dr.

Day on View	\$12.00.	
Milage	4.60.	
Survey, plotting, drafting, help and transportation (4914 feet of road)	- - <u>57.65</u>	\$74.25 ✓

CERTIFIED
TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE

W. L. Weaver
J. M. Bowler
Shoemaker

IN RE VACATING A PIECE OF
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

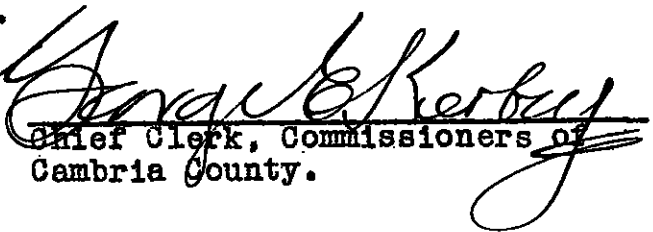
IN THE COURT OF QUARTER SESSION
OF CAMBRIA COUNTY, PENNSYLVANIA
NO 8. MARCH SESSIONS 1930..

NOTICE TO VIEW

Notice is hereby given that the Viewers appointed by the above Court to view and determine as to the propriety of vacating a piece of road in Washington Township, Cambria County, Pennsylvania, being a portion of the public road known as the road from Bernard Biglin's bridge to Portage Township line, will met at the place of beginning first above mentioned on Wednesday May 28th., 1930 at 9:00 o'clock A. M. Eastern Standard Time for the purpose of performing the duties of our appointment.

A. M. SHOEMAKER,
MAHLON BAUMGARDNER,
PHILIP CAULFIELD.
Viewers.

AND NOW, this ¹⁴ day of May A. D. 1930 I hereby accept service of the above Notice to View as Chief Clerk for the Commissioners of Cambria County, Pennsylvania.


Chief Clerk, Commissioners of
Cambria County.

IN RE VACATING A PIECE OF
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

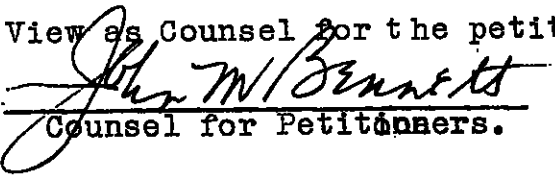
IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY PENNSYLVANIA.
NO. 8 MARCH SESSIONS 1930.

NOTICE TO VIEW.

Notice is hereby given that the Viewers appointed by the above Court to view and determine as to the propriety of vacating a piece of road in Washington Township, Cambria County, Pennsylvania being a portion of the public road known as the road from Bernard Biglin's bridge to the Portage Township line, will met at the place of beginning first above mentioned on Wednesday May 28th. 1930 at 9:00 o'clock A. M. Eastern Standard Time for the purpose of performing the duties of our appointment.

A. M. SHOEMAKER,
MAHLON BAUMGARDNER,
PHILIP CAULFIELD,
Viewers.

And now this 15TH day of May A. D. 1930 I hereby accept service of the above Notice to View as Counsel for the petitioners.


John W. Bennett
Counsel for Petitioners.

IN RE VACATING A PIECE OF
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSION
OF CAMBRIA COUNTY, PENNSYLVANIA.
NO 8 MARCH SESSIONS 1930.

NOTICE TO VIEW

Notice is hereby given that the Viewers appointed by the above Court to view and determine as to the propriety of vacating a piece of road in Washington Township, Cambria County, Pennsylvania, being a portion of the public road known as the road from Bernard Biglin's bridge to Portage Township line, will meet at the place of beginning first above mentioned on Wednesday May 28th., 1930 at 9:00 o'clock A.M. Eastern Standard Time for the purpose of performing the duties of our appointment.

A. M. SHOEMAKER,

MAHLON BAUMGARDNER,

PHILIP CAULFIELD .

Viewers.

*Now May 11 1930 I hereby accept service
of the within notice & view for the
Superior of Washington Township, Cambria
County, Pa.*

A. M. Shoemaker

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 May A. D. 1920, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Washington, in the said County, setting forth that ~~the road from Bernard Biglin's bridge to Portage Township line, is situate within the limits of Washington Township, said road having been originally laid out and a reference thereto had, will more fully appear in the Road Docket at #5 March Term, 1884.~~

~~vacate for the purpose of xxx~~ ~~vacate for the purpose of xxx~~
a portion of the public road known as the road from Bernard Biglin's bridge to Portage Township line, is situate within the limits of Washington Township, said road having been originally laid out and a reference thereto had, will more fully appear in the Road Docket at #5 March Term, 1884.

That all of that portion of the above described road situate within the limits of Washington Township, beginning at a point in said road at Bernard Biglin's bridge to line intersecting Washington and Portage Township 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

A. M. Shoemaker

surveyor, and

Philip Caulfield and Mahlon Baumgardner

viewers, to view the ground proposed for said road, and if they agree that there is occasion for such ~~road~~ ^{vacation}, they shall proceed to ~~locate~~ ^{vacate} 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 G. Roth, Clerk.

Order to view and vacate road
in Washington Township

A. M. Shoemaker
Mahlon Baumgardner
Philip 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, for to procure from the person or persons over whose land such location may be made releases from all 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, 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 declivity of the road may be preserved within that limit."