

IN RE:  
ASSIGNMENT OF DAMAGES TO  
EIGHTH OF STEVEN KEMPA  
and MARY KEMPA, his wife,  
in Geomung Township,  
Cambria County, Pa.

IN THE COURT OF COMMON PLEAS,  
CAMBRIA COUNTY, PENNSYLVANIA.

NO. 1 DECEMBER TERM, 1933.  
CONSTRUCTION.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above  
Court to view the above premises and determine and estimate the  
damages and benefits that may seem likely to result by reason of  
the opening and laying out, condemning, reconstructing, improving  
and relocating of State Highway in the Township of Geomung,  
Cambria County, Pennsylvania, going through and over the land of  
Steven Kempa and Mary Kempa, his wife, owners, will meet on the  
premises on Wednesday, January 10, 1934, at ten o'clock A. M. for  
the purpose of performing the duties of our appointment, and the  
taking of testimony.

MATHEW J. BENTON,  
FRED W. CARLISLE,  
MORRIS W. B.,  
Viewers.

Dated Dec. 29, 1933.

IN RE:  
ASSESSMENT OF DAMAGES TO  
PROPERTY OF STEVEN KEMPA  
and MARY KEMPA, his wife,  
in Conemaugh Township,  
Cambria County, Pa.

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

NO. 1 DECEMBER SESSIONS, 1933.  
CONDEMNATION.

REPORT OF VIEWERS.

We, the undersigned Viewers, appointed by the above Court to view the above premises and to determine and estimate the damages and benefits that have resulted or that may seem likely to result by reason of the opening, laying out, condemning, reconstructing, improving and relocating of State Highway in the Township of Conemaugh, County of Cambria and State of Pennsylvania, going through and over the land of Steven Kempa and Mary Kempa, his wife, abutting property owners, 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 due public notice of the time and place of meeting of said Viewers was given by hand bills posted upon the premises at least ten days prior to the time of the making of said view, and by personal service upon Steven Kempa and Mary Kempa, owners of the premises, and upon H. F. Dorr, Chief Clerk to the County Commissioners of Cambria County, and Frank P. Barnhart, Esq., counsel for the petitioners, 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 Tuesday, January 16, 1934, at ten o'clock A. M., and proceeded with the duties of our appointment.

That there were present at said view, Steven Kempa, one of the owners; Frank P. Barnhart, Esq., counsel for the petitioners; H. F. Dorr, Chief Clerk to the Commissioners of Cambria County, and Mr. Noel and all of the Viewers.

Pursuant to said view, it was mutually agreed by and between the parties in interest, that the meeting of the Viewers be continued until Tuesday, January 23, 1934, at ten o'clock A. M., in the Viewer's Rooms on Levergood Street, in the City of Johnstown, Cambria County, Pennsylvania, for the purpose of taking testimony and hearing all evidence. Pursuant to said adjournment had thereto, the Viewers met in the Viewers' Rooms, as aforesaid, on Tuesday, January 23, 1934, at ten o'clock A. M., for the purpose of taking testimony and hearing all evidence.

That having viewed said premises and hearing all evidence and testimony, and taking into consideration all of the matters before us, we estimated and determined the quality and quantity of damages, as affecting the property aforesaid by reason of the opening, laying out, condemning, reconstructing, improving and relocating of the State Highway in the Township of Conemaugh, Cambria County, Pennsylvania, and having due regard to and making just allowances of the damages which have resulted or which may seem likely to result to the owners of said premises, as affected by the opening, laying out,



IN RE:  
ASSESSMENT OF DAMAGES TO  
PROPERTY OF STEVEN KEMPA  
and MARY KEMPA, his wife,  
in Conemaugh Township,  
Cambria County, Pa.

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 1 DECEMBER SESSIONS, 1933.  
CONDEMNATION.

TO MAHLON J. BAUMGARDNER, PHILIP E. CAULFIELD  
and DIXON TOMB, DRS.

To Mahlon J. Baumgardner, Dr.

Data and preparing Notices to View, and posting same	\$ 18.00	02 ✓
Stenographer and Stationery	4.00	29
Mileage	1.80	19 ✓
Making View	12.00	02 ✓
Mileage	1.80	19 ✓
Taking testimony and determining amount of damages	12.00	02 ✓
Data and preparing Report of Viewers	12.00	02 ✓
Stenographer and Stationery	4.00	29
Advertising Report of Viewers in Tribune	4.00	29
		<u>69.60</u>

To Philip E. Caulfield, Dr.

Making View	12.00	02
Mileage	1.80	19
Taking testimony and determining amount of damages	12.00	02
		<u>25.80</u>

To Dixon Tomb, Dr.

Making View	\$ 12.00	31-02
Mileage	1.80	31-19
Taking testimony and determining amount of damages	12.00	02
		<u>25.80</u>

To Alice A. Paessler, Notary

To taking affidavit of Viewers - - - - - \$ 1.00 31-22

APPROVED FOR PAYMENT

L. M. Keller

John Thomas  
Frank P. Holler  
COMMISSIONERS

IN RE:  
ASSESSMENT OF DAMAGES TO  
PROPERTY OF STEVEN KEMPA  
and MARY KEMPA, his wife

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

NO. 1 December Sessions 1933.

PETITION FOR THE APPOINTMENT OF VIEWERS

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The petition of STEVEN KEMPA and MARY KEMPA, his wife,  
respectfully represent:

That they are and have been since the 2nd day of September,  
1920, the owners of all that certain piece or parcel of land situate,  
lying and being in the Township of Conemaugh, County of Cambria and  
State of Pennsylvania, further bounded and described as follows:

BEGINNING at a Chesnut; thence North 60-1/2° West one  
hundred and forty-three(143) perches to a post;  
thence North 29-1/2° East thirty-five perches to a  
Chesnut; thence North 68-1/2° East eighty-seven(87)  
perches to a Sugar; thence South 33-1/2° East fifty-  
seven and one-fourth(57-1/4) perches to a Linn; thence  
South 3-1/2° West eighty-nine(89) perches, to the place  
of beginning; Containing SIXTY-FIVE (65) ACRES of  
land, more or less.

That the Secretary of Highways of the Commonwealth of  
Pennsylvania undertook and within one year past completed the con-  
struction, reconstruction, improvement and relocation of a state  
highway on the Plan of State Highways across the land of your  
petitioners, wherein a change of width and of existing lines and  
locations was made, and damage resulted to your petitioners' said  
property, more particularly, among other things, as follows:

1. That the said highway traverses the entire width of  
your petitioners' said property, a distance of 2302.5 feet, at a  
width of fifty(50) feet and upwards, occupying of your petitioners'  
said ground 2.7 acres in area.

2. Numerous cuts and fills were made on and across  
your petitioners' said land and large quantities of earth was hauled  
from your petitioners' land to adjoining properties.

3. Your petitioners' said property was so cut up and  
divided as to make it inconvenient and difficult to have access from  
the part on one side of said road to the part on the other side of  
said road, and vice versa.

4. In connection with the construction of said road, the Department of Highways of the Commonwealth of Pennsylvania entered upon your petitioners' said land and did cut, open, maintain and repair drains, ditches, inlets and outlets to the number of five for the purpose of carrying away the waters from said road or highway constructed as aforesaid.

5. The water from said drains, ditches, inlets and outlets wash down and across your petitioners' said land against and into your petitioners' house and barn and other out-buildings; and wash away on your petitioners' land large quantities of earth, to the great injury of your petitioners' said property.

6. The said highway so cuts up and separates your petitioners' said land that it will require the construction of fences so as to properly occupy and use the said property.

Your petitioners therefore pray your Honorable Court to appoint three(3) disinterested persons to view the said premises and ascertain and assess the damages which your petitioners have sustained, as aforesaid, and to be paid by the County of Cambria.

Steven Kempa

Mary Kempa

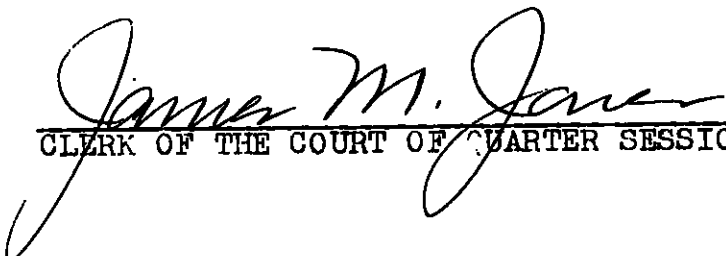
C O R D E R

December 18, 1933, the within petition having been read and considered, Mahlon J. Baumgardner, Esq. and Philip E. Caulfield and Dixon Tomb are hereby appointed viewers for the purpose of viewing the within premises and ascertaining and assessing damages which the within petitioners may have sustained, as within prayed for.

By the Court,  
McKenrick, J.

Extract from the Record.

Certified this 20th day  
of December, 1933.

  
CLERK OF THE COURT OF QUARTER SESSIONS

IN THE COURT OF QUARTER SESSIONS,  
CAMBRIA COUNTY, PENNSYLVANIA.  
NO. 1 DECEMBER SESSIONS, 1933.  
CONDEMNATION.

IN RE:  
ASSESSMENT OF DAMAGES TO  
PROPERTY OF STEVEN KEMPA  
and MARY KEMPA, his wife,  
Cambria County, Pa.

REPORT OF VIEWERS.

*Section 26 22*

*No 76 - 1903 Page 83*

*Last day for Exceptions  
April 3/34*

*Filed - March 5 - 1934  
J.M. Jones  
Clerk*

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

*36 - 171 assessed*

*Appual held in C.P. 4/2/34*

*25 v Penna Dec 1933 & C.C.*

IN RE:  
ASSESSMENT OF DAMAGES TO  
PROPERTY OF STEVEN KEMPA  
and MARY KEMPA, his wife,  
in Conemaugh Township,  
Cambria County, Pa.

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

NO. 1 DECEMBER SESSIONS, 1933.  
CONDEMNATION.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view the above premises and determine and estimate the damages and benefits that may seem likely to result by reason of the opening and laying out, condemning, reconstructing, improving and relocating of State Highway in the Township of Conemaugh, Cambria County, Pennsylvania, going through and over the land of Steven Kempa and Mary Kempa, his wife, owners, will meet on the premises on Wednesday, January 10, 1934, at ten o'clock A. M., for the purpose of performing the duties of our appointment, and the taking of testimony.

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

Dated Dec. 30, 1933.

AND NOW, this 25 day of Dec, A. D. 1933,  
we hereby accept service of the above Notice to View, and acknowledge  
to have received a copy of same.

Steven Kempa  
Mary Kempa  
Owners.

IN RE:  
ASSESSMENT OF DAMAGES TO  
PROPERTY OF STEVEN KEMPA  
and MARY KEMPA, his wife,  
in Conemaugh Township,  
Cambria County, Pa.

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

NO. 1 DECEMBER SESSIONS, 1933.  
CONDEMNATION.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view the above premises and determine and estimate the damages and benefits that may seem likely to result by reason of the opening and laying out, condemning, reconstructing, improving and relocating of State Highway in the Township of Conemaugh, Cambria County, Pennsylvania, going through and over the land of Steven Kempa and Mary Kempa, his wife, owners, will meet on the premises on Wednesday, January 10, 1934, at ten o'clock A. M., for the purpose of performing the duties of our appointment, and the taking of testimony.

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

Dated Dec. 30, 1933.

AND NOW, this 29 day of Dec, A. D. 1933,  
I hereby accept service of the above Notice to View for the  
Commissioners of Cambria County, and acknowledge to have received  
a copy of same.

H. J. Dixon  
Clerk

IN RE:

ASSESSMENT OF DAMAGES TO  
PROPERTY OF STEVEN KEMPA  
and MARY KEMPA, his wife,  
in Conemaugh Township,  
Cambria County, Pa.

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

NO. 1 DECEMBER SESSIONS, 1933.  
CONDEMNATION.

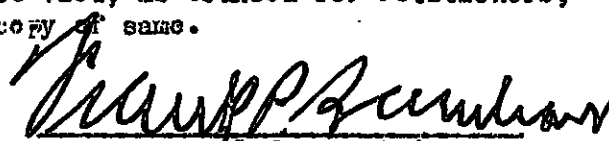
NOTICE TO VIEW.

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

Dated Dec. 30, 1933.

AND NOW, this <sup>30</sup>..... day of December, A. D. 1933, I hereby accept service of the above Notice to View, as Counsel for Petitioners, and acknowledge to have received a copy of same.

  
Counsel for Petitioners.



2. Numerous cuts and fills were made on and across your petitioners' said land and large quantities of earth was hauled from your petitioners' land to adjoining properties.

3. Your petitioners' said property was so cut up and divided as to make it inconvenient and difficult to have access from the part on one side of said road to the part on the other side of said road, and vice versa.

4. In connection with the construction of said road, the Department of Highways of the Commonwealth of Pennsylvania entered upon your petitioners' said land and did cut, open, maintain and repair drains, ditches, inlets and outlets to the number of five for the purpose of carrying away the waters from the said road or highway constructed as aforesaid.

5. The water from said drains, ditches, inlets and outlets wash down and across your petitioners' said land against and into your petitioners' house and barn and other out-buildings; and wash away on your petitioners' land large quantities of earth, to the great injury of your petitioners' said property.

6. The said highway so cuts up and separates your petitioners' said land that it will require the construction of fences so as to properly occupy and use the said property.

Your petitioners therefore pray your Honorable Court to appoint three (3) disinterested persons to view the said premises and ascertain and assess the damages which your petitioners have sustained, as aforesaid, and to be paid by the County of Cambria.

*Steven Kempa*  
*M. Mary Kempa*

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF CAMBRIA :

Personally appeared before me, a Notary Public in and for said State and County, STEVEN KEMPA, who being duly sworn according to law, deposes and says that he is one of the within named petitioners and that the facts set forth in the foregoing Petition are true and correct.

Sworn and subscribed before me  
this 16<sup>th</sup> day of December, 1933.

*Rose Marie Bruckner*

*Step*  
*Steven Kempa*

NOTARY PUBLIC  
MY COMMISSION EXPIRES MARCH 6, 1937

IN RE:

ASSESSMENT OF DAMAGES TO  
PROPERTY OF STEVEN KEMPA  
and MARY KEMPA, his wife

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

ORDER

December 18, 1933, the within Petition having been read and  
considered, *William J. Baumgardner* and *Philip E. Campbell*  
and *Dixon Toub* are hereby appointed viewers for the  
purpose of viewing the within premises and ascertaining and assessing damages  
which the within petitioners may have sustained, as within prayed for.

*By the Court*  
*McKearney*

# 1 Dec. Session 1933

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

IN RE:

ASSESSMENT OF DAMAGES TO  
PROPERTY OF STEVEN KEMPA  
and MARY KEMPA, his wife

PETITION FOR THE APPOINTMENT OF  
VIEWERS and ORDER

*Filed Dec. 18, 1933.*

LAW OFFICES OF  
FRANK P. BARNHART  
JOHNSTOWN, PENNA.