

IN RE PETITION TO VACATE
ROAD KNOWN AS THE SHAFFER
ROAD, IN CONEMAUGH TOWN-
SHIP, CAMBRIA COUNTY, Pa.

:
:
:
:

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

No. 4 ^{Dec.} ~~MARCH~~ SESSIONS,
1933

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:

FIRST - That the road known as the SHAFFER ROAD is situate within the limits of Conemaugh Township.

SECOND - That after diligent search your petitioners have been unable to locate in the Road Docket in the office of the Clerk of Court of Quarter Sessions, a reference to the number and term of the original proceedings laying out the hereinafter described road.

THIRD - That it is the opinion and belief of your petitioner that the road hereinafter described never was laid out but that the same originally was a path or cart-way and became a Township Road by user.

FOURTH - That all of the Shaffer Road situate within the limits of Conemaugh Township, Beginning at a point at the intersection of the Shaffer Road and the Clapboard Run Road, which point is thirty-one hundred sixty-eight (3168) feet distant in a Northwesterly direction from the intersection of the Clapboard Run Road and Frankstown Road; thence from said point of beginning along the Shaffer Road in a southerly direction fifty-two hundred seventy-five (5275) feet to a point on the Frankstown Road, being the intersection of the Shaffer Road and Frankstown Road, which point is forty-seven hundred fifty-two (4752) feet distant in a westerly direction from the intersection of the Frankstown Road and the Clapboard Run Road, has become useless, inconvenient and burdensome.

YOUR petitioners therefore pray your Honorable Court that the said road may be vacated, in accordance with the Act of Assembly in such cases made and provided.

<u>Ch. Corcoran</u>	<u>Conemaugh Twp.</u>
John J. Korber	Conemaugh Twp.
Anthony Kohler	Conemaugh Twp.
W. J. Smith	" " "
Thomas Paul	" " "
Geo. F. Shaffer	Conemaugh Twp.
John E. Shaffer	Conemaugh Twp.
Anthony W. Haas	Conemaugh Twp.
Richard G. Schellhammer	Conemaugh Twp.
Mr. Richard Schellhammer	" " "
William Saylor	Conemaugh Twp.
Walter Saylor	Conemaugh Twp.
W. B. Berkebile	Conemaugh Twp.
James Pittman	Conemaugh Twp.
W. F. Reams	Conemaugh Twp.
J. A. Friedrich	Conemaugh Twp.

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.

W. G. Berkshire

Sworn and subscribed to before
me this 25th day of January,

1934.

W. G. Berkshire
Notary Public - My Com. Ex. Mar. 7-1935

O R D E R

MARCH 5th
NOW, ~~January~~ 1934, upon the petition of divers

inhabitants of the Township of Conemaugh, County of Cambria and State of Pennsylvania, stating that the SHAFFER 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 M. J. Baumgardner and Philip E. Coughlin Walter Tomb, 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

McKenrick

No. 4 December 1933 SESSIONS,

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

IN RE: PETITION TO VACATE ROAD
KNOWN AS THE SHAFFER ROAD, IN
CONEMAUGH TOWNSHIP, CAMBRIA
COUNTY, PA.

Filed: March 5, 1934

WEIMER & BENNETT
~~ATTORNEYS AT LAW~~
ATTORNEY AT LAW
JOHNSTOWN, PA.

IN RE PETITION TO VACATE ROAD
KNOWN AS THE SHAFFER ROAD IN
CONEMAUGH TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA.

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

NO. 4 DECEMBER SESSIONS, 1933.

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 notices 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 Weimer and Benett, Esquires, solicitors for the Board of Supervisors of Conemaugh 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 2, 1934, at 9:30 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 the Route of the proposed road to be vacated. All the members of the Board of Viewers were present, and the Supervisors were represented. One citizen was in attendance at the said View, there being no other property owners present and no one filed any objections. The Viewers personally inspected the entire road proposed to be vacated as it leaves the Frankstown Road and continues to the new State Road known as the Clapboard Run Road. We started at the intersection with the Frankstown Road directly opposite a cemetery and a church to the left at said intersection, to where the Shaffer Road intersects with the old Clapboard Run Road now known as the Wissinger 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 of the matters before us and are of the opinion that the portion of the road leading from the Frankstown Road to the Clapboard Run Road, now known as the Wissinger Road, and extending through the farm of Anthony Koehler, has become useless, inconvenient, and burdensome, and we, therefore, vacate the same. We find that portion of the Shaffer Road, extending from the Clapboard Run Road, now known as the Wissinger Road to the Clapboard Run Road, now an improved highway, has likewise become useless, inconvenient, and burdensome, and we, therefore vacate the same as a public highway and relieve the Township of Conemaugh from any liability or responsibility of the same, and recommending that the same be maintained as a private road for the benefit of the three abutting property owners who use the road to travel either to the now known Wissinger Road on the one side, and the Clapboard Run Road, an improved highway, on the other side. We, therefore, recommend that the prayer of the petitioners be granted, and that the said Shaffer Road be vacated, and the Township of Conemaugh be relieved from any further liability and responsibility insofar as the said road is concerned.

The fact that the said Road has not been doctored in the Road Docket in the office of the Clerk of the Court of Quarter Sessions of Cambria County, does not disclose any record of the said road ever having been laid out by a Board of Viewers, does not warrant the Board of Viewers in not recommending a private road for the use of the three persons who would be deprived of the use of said road, extending from what was originally known as the Clapboard Run Road and now known by the name of the Wissinger Road to the Clapboard Run Road, an improved highway as aforesaid; the road having been used for a period of more than twenty-one years. We again state that it is the opinion of the Board of Viewers that the entire road as described in the petition should be vacated as a public highway, because the same has become useless, burdensome, and inconvenient, and that the portion of the road leading from the Clapboard Run Road should be vacated; and that portion of the road continued from the said Clapboard Run Road, now known as the Wissinger Road, to the now improved highway known as the Clapboard Run highway, should be vacated as a public highway, and that the same be a private highway, and that the Township of Conemaugh be relieved of any responsibility and liability with reference to the entire road as described in the petition.

Witness our hands and seals this 10 day of May, 1934.

Dirron Tomb (SEAL)
Chas. E. Canfield (SEAL)
Marion J. Bann (SEAL)

IN RE PETITION TO VACATE ROAD
KNOWN AS THE SHAFFER ROAD IN
CONEMAUGH TOWNSHIP, CAMBERIA
COUNTY, PENNSYLVANIA.

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

NO. 4 DECEMBER SESSIONS, 1933.

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

Mahlon J. Baumgardner, Dr.

Data and preparing notices to view,
showing and securing acceptance of
service
Stenographer and stationery
Mileage
Making View
Mileage
Data and preparing the report of
Viewers
Stenographer and stationery

RECEIVED
\$18.00 ✓
3.00 ✓
1.20 ✓
12.00 ✓
1.20 ✓
12.00 ✓
2.00 ✓

\$49.40

Philip Caulfield, Dr.

Making View
Mileage

\$12.00
1.20

\$13.20

Making View
Mileage

Dixon Tomb, Dr.

\$12.00
1.20

\$13.20

Blanche M. Hite, Notary Public, Johnstown, Pa. \$1.00

AFFIDAVIT

STATE OF PENNSYLVANIA:

:SS:

COUNTY OF CAMBERIA :

Personally appeared before me, the subscriber, a
Notary Public in and for said State and County, MAHLON J. BAUMGARDNER, PHILIP
CAULFIELD, and DIXON TOMB, who having first being duly sworn according to law,
doth depose and say that they were the Viewers in the above entitled proceedings,
and that the costs as far as pertains to them individually, are just and true
and correct.

Sworn to and subscribed
before me this . . . day
of May, A. D. 1934.

Dixon Tomb
Mahlon J. Baumgardner

Blanche M. Hite
NOTARY PUBLIC
NOTARY PUBLIC
My Commission Expires March 5, 1937

APPROVED FOR PAYMENT

L. M. Geller

John J. Conway
Charles P. Hiltner

COMMISSION EXPIRES

RECEIVED
10/6/34

SEP. 1933

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

IN RE PETITION TO VACATE ROAD KNOWN
AS THE SHAFFER ROAD, IN CONEMAUGH
TOWNSHIP, CAMBRIA COUNTY, PA.

NO. 4 DECEMBER SESSIONS, 1933.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view the above road for the purpose of vacating a road, known as the Shaffer Road, situate within the limits of Conemaugh Township, beginning at a point at intersection of Shaffer Road and Clapboard Run Road, which point is 3168 feet distant in a Northwesterly direction from intersection of Clapboard Run Road and Frankstown Road; thence from said point of beginning, along the Shaffer Road in a Southerly direction 5275 feet to a point on the Frankstown Road, being the intersection of Shaffer Road and Frankstown Road, which point is 4752 feet distant in a Westerly direction from the intersection of Frankstown Road and Clapboard Run Road, will meet at the point of beginning on ~~Friday, April 12,~~ Wednesday, May 2, 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 April 2, 1934.

AND NOW, this ...*12*... day of April, A. D. 1934, I hereby accept service of the above Notice to View, as Solicitor for the Supervisors of Conemaugh Township, and acknowledge to have received a copy of same.

D. V. Reimer
Solicitor for Supervisors of
Conemaugh Township.

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

IN RE PETITION TO VACATE ROAD KNOWN
AS THE SHAFFER ROAD, IN CONEMAUGH
TOWNSHIP, CAMBRIA COUNTY, PA.

NO. 4 DECEMBER SESSIONS, 1933.


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

Dated April 2, 1934.

AND NOW, this ¹⁷ day of April, A. D. 1934, I hereby accept service of the above Notice to View, as Chief Clerk to the Commissioners of Cambria County, and acknowledge to have received a copy of same.


Chief Clerk to Commissioners
of Cambria County.

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

IN RE PETITION TO VACATE ROAD KNOWN
AS THE SHAFFER ROAD, IN CONEMAUGH
TOWNSHIP, CAMBRIA COUNTY, PA.

NO. 4 DECEMBER SESSIONS, 1933.

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

Dated April 2, 1934.

IN RE PETITION TO VACATE ; IN THE COURT OF QUARTER SESSIONS
ROAD KNOWN AS THE SHAFFER : OF CAMBRIA COUNTY, PA.
ROAD, IN CONEMAUGH TOWN* :
SHIP, CAMBRIA COUNTY, Pa. : No. 4 December Sessions 1933

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:

FIRST - That the road known as the SHAFFER ROAD is situate within the limits of Conemaugh Township.

Second - That after diligent search your petitioners have been unable to locate in the Road Docket in the office of the Clerk of the Court of Quarter Sessions, a reference to the number and term of the original proceedings laying out the hereinafter described road.

Third - That it is the opinion and belief of your petitioner that the road hereinafter described never was laid out but that the same originally was a path or cart-way and became a Township Road by user.

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Your petitioners therefore pray your Honorable Court that the said road may be vacated, in accordance with the Act of Assembly in such cases made and provided.

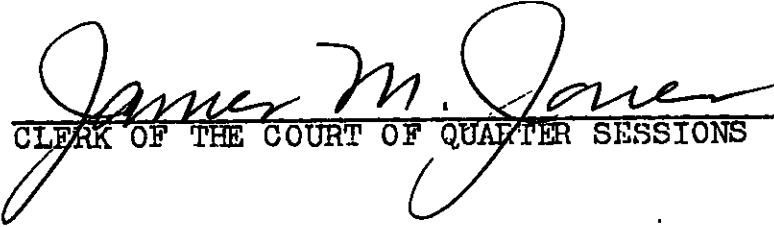
O R D E R

NOW, March 5th, 1934, upon the petition of divers inhabitants of the Township of Conemaugh, County of Cambria and State of Pennsylvania, stating that the SHAFFER 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 M. J. Baumgardner, Esq., and Philip E. Caulfield, Dixon Tomb, 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,
McKenrick, J.

Extract from the Record.

Certified this 5th day
of March 1934.


CLERK OF THE COURT OF QUARTER SESSIONS

No. 4 December Sessions 1933

REPORT OF
VIEWERS TO VIEW ROAD KNOWN AS
AS THE SHAFFER ROAD, IN
CONEMAUGH TOWNSHIP, CAMBRIA
COUNTY, PA.

*No suits necessary
Road never opened*

*Filed - May - 21 - 1934
Jm Jones*

VIEWERS:
M. J. BAUMGARDNER, ESQ.
PHILIP E. CAULFIELD
DIXON TOMB

*W. Jones 1934 Approved
By the Court
M. H. Tomney*

*14 April 1934 Confirmed Absolute
Pro Jones, Clerk*