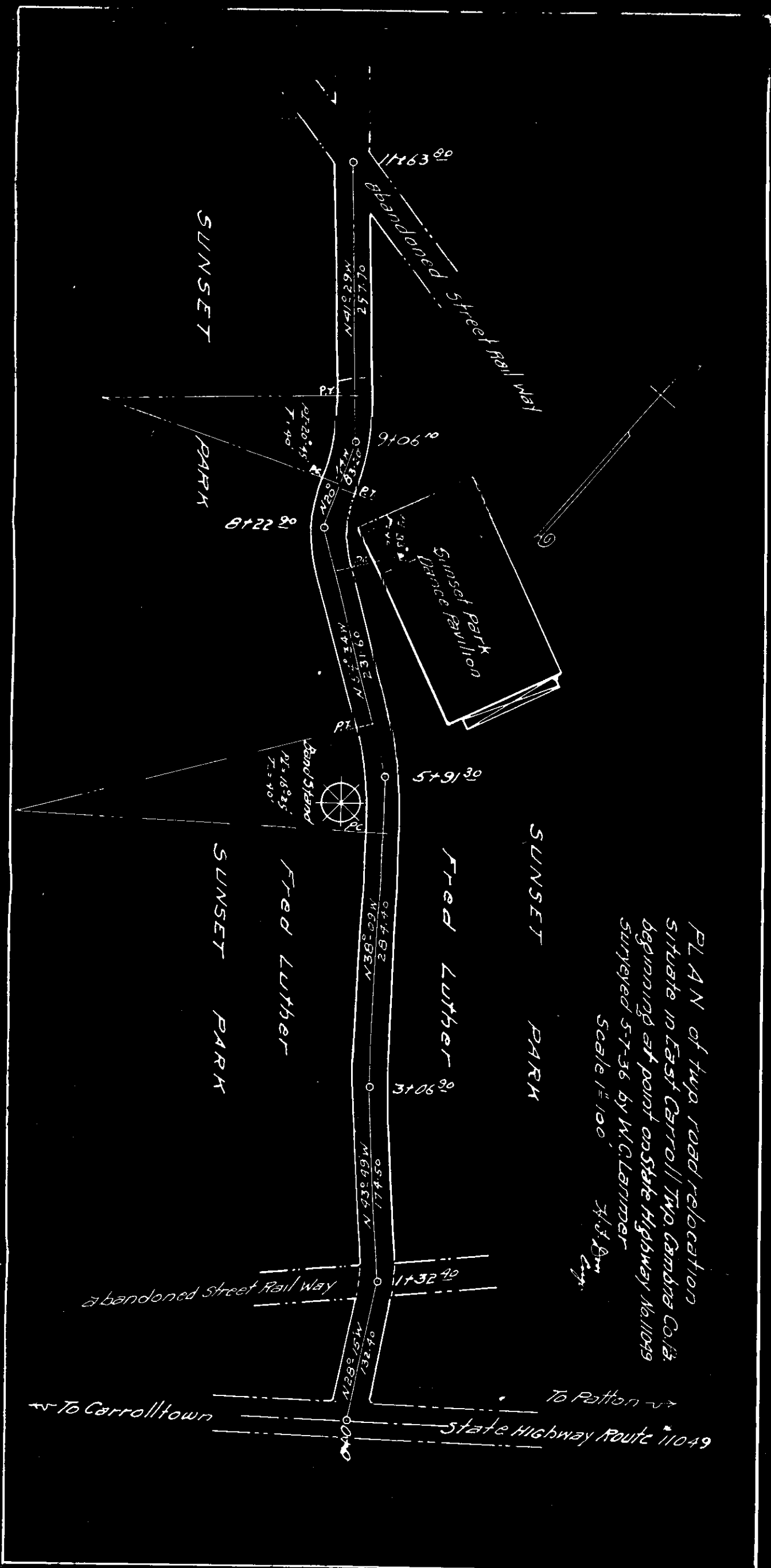


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RD #2 Mar 1936

East Carroll Twp.

Relocation of a
Portion of a Public
High



No. 2 *MARCH.*
~~June~~ Sessions, 1936.

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

In the matter of the relocation
of a portion of the public
highway laid out in East Carroll
Township, Cambria County,
Pennsylvania.

PETITION. */*

Filed: May 18, 1936

SHETTIG & NELSON
ATTORNEYS AT LAW
EBENSBURG, PA.

Wap
In the matter of the re-location
of a portion of the public highway
laid out in East Carroll Township,
Cambria County, Pennsylvania.

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

No. 2 ^{MARCH:}
~~June~~ Sess. 1936.

PETITION TO RE-LOCATE PUBLIC HIGHWAY.

TO THE HONORABLE THE JUDGES OF SAID COURT:

The petition of E. Paul Hoover, John S. Springer
and William Westrick respectfully represent:

1. That they are the duly qualified and acting
supervisors of East Carroll Township, Cambria County, Pennsylvania.

2. That among the township public highways in said
township there is a public road beginning at a point on the public
highway leading from Carrolltown Borough to Baker's Cross Roads,
thence in a northwesterly direction to Hart's Sleeping Place, or
St. Joseph's Church, and as particularly described in Road Docket
Vol. 3 at page 200, as laid out in 1873.

3. Your petitioners deem it advisable to change and
alter the route of the road described in Paragraph 2 hereof.

4. There is only one property owner affected by the
proposed relocation of part of said highway and an agreement can
be made with him on the re-location of the part of the highway to
be changed and altered.

5. The proposed change, alteration or re-location of
the said highway will incur no expense, cost or damages to be paid
by East Carroll Township.

6. The portion of said highway which your petitioners
propose to relocate begins at station 5 plus 91.30 and ends at
station 9 plus 06.10, or a distance of 315.80 feet as shown on the
map or draft attached hereto, made a part hereof and marked
Exhibit "A".

7. Your petitioners propose to vacate that portion of
the present road beginning at station 5 plus 91.30 on said map

or draft, Exhibit "A", having a width of sixteen and one-half feet on each side of the center line of said road, or a total width of thirty-three feet along the course of the said center line of said road which is North forty-five degrees fifty minutes West and a distance of three hundred seven feet to station 9 plus 06.10.

8. Your petitioners propose to relocate said public highway so that the width and course of the road from station 5 plus 91.30 will be sixteen and one-half feet on each side, or a total width of thirty-three feet along a course north fifty-four degrees thirty-four minutes west a distance of two hundred thirty-one feet and six tenth of a foot to station 8 plus 22.90; thence maintaining the same width along a course north twenty degrees forty-four minutes west a distance of eighty-three feet and twenty hundredth of a foot to station 9 plus 06.10, as shown on the map or draft, Exhibit "A".

9. The entire expense of constructing the new road will be paid by Fred Luther, the person from whom the land will be appropriated; and a release of damages will be executed by the said Fred Luther for the appropriation of said land; a copy of the agreement wherein Fred Luther binds himself to construct and build said road at his own expense is attached hereto as Exhibit "B"; and a copy of release of damages executed by the said Fred Luther is attached hereto as Exhibit "C".

WHEREFORE, your petitioners pray your Honorable Court to approve the relocation of the part of the above described public highway to the end that the same may be declared a public road; and further to approve the vacation of the old location as provided by the Act of Assembly of the Commonwealth of Pennsylvania passed the 1st day of May, 1933, P. L. 103.

E. P. W. Paul Hoover
J. S. John S. Springer
William C. Detrick
Petitioners and Supervisors of
East Carroll Township.

State of Pennsylvania

County of Cambria

SS:

E. Paul Hoover, John S. Springer and William Westrick being duly sworn according to law, depose and say that they are the petitioners above named and that the matters set forth in the foregoing petition are true and correct as they verily believe.

Sworn and subscribed before me

this 15th day of May, 1936.

W. Westrick M.P.

E. P. Hoover

J. S. Springer

William Westrick

My Commission expires
March 8th, 1937

O R D E R

Now, this 18 day of May, 1936, upon motion of Shettig & Swope, solicitors for petitioners, and after due consideration thereof, the Court does hereby approve the relocation of the part of the public highway as proposed in the foregoing petition to the end that the said new location become the public road; and the Court does hereby approve the vacation of the old location as set forth in the foregoing petition.

By the Court
McKenrick
D

A R T I C L E O F A G R E E M E N T.

MADE the 15th day of May, 1936, between Fred Luther, of the Borough of Carrolltown, Cambria County, Pennsylvania, party of the first part, AND E. Paul Hoover, John S. Springer and William Westrick, Supervisors of the Township of East Carroll, county and state aforesaid, parties of the second part;

WITNESSETH, whereas, the parties of the second part as Supervisors are about to petition the Court of Quarter Sessions of Cambria County to approve the relocation of a part of a certain highway in said township leading from a point on the Carrolltown-Baker's Cross Roads highway and thence to Hart's Sleeping Place or St. Joseph's Church, as described in Road Docket, Vol 3 at page 200 in the office of the Clerk of Courts in said county, as appears by the said petition.

WHEREAS, the part of said highway to be relocated extends through land of the party of the first part and it is to the advantage of said party of the first part that said highway be relocated as prayed for in said petition,

NOW, THEREFORE THIS AGREEMENT WITNESSETH, That the party of the first part in consideration of the matters above recited and the sum of One (\$1.00) Dollar to him in hand paid by the parties of the second part, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged to have been received by the party of the first part, hereby agrees that he the party of the first part will bear and pay the entire expense of constructing such relocated highways and will at once upon the signing of the order on said petition authorizing the relocation aforesaid to construct and build said relocated road to the satisfaction of the parties of the second part hereto and will save and keep harmless the Township of East Carroll on account of any expense for labor or materials in the construction of said relocated highway.

Should the party of the first part fail or neglect to comply with his agreement hereunder to build and construct said relocated highway, in such event the parties of the second part may proceed to have said work done and may collect the full amount of the costs thereof from the party of the first part.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year above written.

Fred Luther (SEAL)

E. Paul Hoover (SEAL)

John S. Springer (SEAL)

William Westrick (SEAL)

Supervisors of East Carroll
Township.

KNOW ALL MEN BY THESE PRESENTS, that I, Fred Luther, of the Borough of Carrolltown, Cambria County, Pennsylvania, for and in consideration of the Township of East Carroll paying me the sum of One (\$1.00) Dollar, to me in hand paid, the receipt whereof is hereby acknowledged, have remised, released, quitclaimed and forever discharged, and by these presents, for myself, my heirs, executors and administrators, do remise, release, quitclaim and forever discharge the said Township of East Carroll of and from all manner of actions, suits, debts, accounts, reckoning, claims and demands, which I now have, or may have in the future, or which my heirs, executors or administrators can have against the said Township of East Carroll for or by reason of the damages done to my property by the changing, altering, relocating and improving that certain township road laid out as set forth in Road Docket Vol. 3 at page 200 as recorded in the office of the Clerk of Courts of Cambria County, Pennsylvania; said relocation being specifically set forth at No. June Sessions, 1936.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 16 day of May, 1936.

Signed, sealed and delivered in the presence of:

W. Nestorick
W. H. Hults

Fred Luther (SEAL)

State of Pennsylvania |
County of Cambria | SS:

On the 16 day of May, 1936, before me the subscriber a Notary Public, in and for Cambria County, Pennsylvania, came the above named Fred Luther and acknowledged the above Release to be his act and deed and desired that the same might be recorded as such.

WITNESS my hand and notarial seal the day and year aforesaid.

My Commission expires
March 8th, 1937.

W. Nestorick
Fred Luther