

No. 2 Sept. Term, 1936.

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

In Re: Supplying a public
highway in West Taylor Town-
ship, Cambria County, Pennsy-
lvania.

Petition for Appointment of Viewers

Filed: Oct. 19, 1936

LAW OFFICE
REGINALD PARSONS
JOHNSTOWN, PA.

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

In Re: Supplying a public highway in
West Taylor Township, Cambria
County, Penna.

No. 2 ^{Sept,} December Term 1936

Petition for Appointment of
Viewers.

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned inhabitants and tax payers of
West Taylor Township, Cambria County, Pennsylvania, respectfully represents:

FIRST: That your petitioners labor under a great inconvenience
for the want of a public road or highway:

BEGINNING at a point on the State Highway Route No. 223 in
West Taylor Township, Cambria County, Pennsylvania, 480 feet north of the
Bridge crossing Laurel Run; and ending at a now existing Township road, which
is one tenth of a mile from the intersection of the said existing Township
road and Route No. 223, hereinbefore mentioned.

SECOND: That your petitioners further aver that all of the pro-
perty owners have agreed and will agree to release and quit-claim to West
Taylor Township, the County of Cambria or any other proper municipal au-
thority, all claims for damages they may have by reason or in consequence of
the opening of said road.

THIRD: That Bessie Stiegelman, who is one of the owners
of the real estate adjoining said proposed road, has agreed and will
agree to supply stone from her land for the purpose of making the above
mentioned proposed road.

~~said proposed road, has agreed and will agree to supply stone from her land for the purpose of making the new proposed road.~~

FOURTH: That your petitioners have served written notice upon the Supervisors of West Taylor Township of their intention to present this petition to your Honorable Court on Monday, October ¹⁷ 5, 1936, at ten o'clock A. M., or as soon thereafter as the attention of the Court may be secured. A return of the service of said notices is attached to this petition.

WHEREFORE your petitioners pray your Honorable Court to appoint three persons as Viewers to view the ground proposed for such road and to make report of their proceedings to the next term of Court.

- | | | | |
|----|----------------------------|---|--------------------------------|
| 1 | <u>Edna Rayle</u> | ✓ | West Taylor Twp. |
| 2 | <u>Harland J. Browning</u> | | P.O.#1. Box 172, Johnstown Pa |
| 3 | <u>Louis A. Pegg Jr</u> | | West Taylor Twp. |
| 4 | <u>Charles E. Raen</u> | | P.O.#1. Box 1398, Johnstown Pa |
| 5 | <u>Jessie Mc Knight</u> | | 526 Duwell St. |
| 6 | <u>Chas. Mc Knight</u> | | West Taylor Twp |
| 7 | <u>Georgia C. Browning</u> | | West Taylor Twp |
| 8 | <u>Paula M. Pegg</u> | | Joseph L. Holbay |
| 9 | <u>E. J. Reynolds</u> | | Lawrence Holbay |
| 10 | <u>W. A. Rummel</u> | | " " " |
| 11 | <u>P. F. ...</u> | | " " " |

NAME

ADDRESS

12	Clair Ross	West Trailer Row
13	Betha Ross	" " "
14	Marie Mack	" " "
15	Edward Hill	" " "
16	Anna Hill	" " "
17	Alice Selders	" " "
18	Wm Selders sr	" " "
19	Harmona Selders	" " "
20	Kenneth C. Selders	" " "
21	Charlotta Kumpelot	" " "
22	Catherine Kumpelot	" " "
23	James L. Weiner	" " "
24	Stella C. Weiner	" " "
25	Michael Buetner	" " "
26	Mrs Mary M. Buetner	" " "
27	Mrs Elda Rager	" " "
28	Mrs Florence Zimmerman	" " "
29	Bessie Stiegelmeier	" " "
30	Louis A Pegg Jr	526 Duwell St.
31		
32		
33		
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35		

STATE OF PENNSYLVANIA :
COUNTY OF CAMBRIA : SS:

Before me, the undersigned authority, personally appeared _____
Elmer Rager, Harland J. Browning and Louis A. Pegg, Jr,
who being duly sworn according to law, depose and say that on behalf of themselves
and on behalf of all the other above named petitioners, that the facts contained in
the within petition are true and correct.

Elmer Rager
Harland J. Browning
Louis A. Pegg, Jr.

Sworn and subscribed before me
this 3 day of Oct., 1936

Robert H. Henselman
Notary Public Justice of the Peace
My commission expires Jan. 1940

TO: A. M. Adams, Henry Dishong and George B. Bush
Member of the Board of Supervisors of West Taylor Township,
Cambria County, Pennsylvania.

Please take notice that on Monday, October 19, 1936, at ten o'clock A. M. in Court Room No. 1 at the Court House in Ebensburg, there will be presented in the Court of Quarter Sessions of Cambria County a petition of residents and tax payers of West Taylor Township requesting the appointment of Viewers for the purpose of supplying a public road beginning at a point on State Highway Route No. 223 in West Taylor Township, Cambria County, Pennsylvania, 480 feet north of the Bridge crossing Laurel Run; thence in a northwesterly direction through said Township a distance of 550 feet through the land of the Cambria Iron Company, thence through lands of Bessie Steigleman, Lewis Pegg, and Joseph Holbay a distance of 820 feet to a corner; thence northeasterly to the residence of Nelson Berkebile at which point it is to run into a now existing Township Road a distance of ~~four~~ tenth of a mile from Route No. 223 hereinbefore mentioned and 500 feet south of the Bowserdale School.

Reginald Paxon
Attorney for Petitioners

This is to certify that I served a true and attested copy of the within notice on the three Supervisors of West Taylor Township, Cambria County, Pa., as follows: I made personal service on A. M. Adams and George B. Bush and served a true and attested copy on an adult member of the family of Henry Dishong.

Adam Hutz
Constable.

Sworn to and subscribed before me this 15th day of Oct. 1936.

Robert Steigleman
Justice of the Peace
My commission expires Jan. 1940.

D-E-C-R-E-E

And now, October ^{19th} 5, 1936, the foregoing petition having been read and considered, the Court hereby appoints ~~John H. [unclear]~~ ^{Benjamin} ~~John H. [unclear]~~, and ~~James O. [unclear]~~ ^{James O. [unclear]}, Viewers, to view the premises described in the within petition and to make report thereof to the next term of Court.

By the Court
Grew J.

In Re: Proposed Public Road
in West Taylor Township,
Cambria County, Pa.,

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 2, September Session, 1936

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court,
we the undersigned Viewers, appointed by the annexed order of the
Court to view the proposed road within mentioned, respectfully
report:

That we have been duly sworn or affirmed as members of
the Permanent Board of Viewers of Cambria County, as shown by the
records of the Court; that having given due public notice of the
said view and of the time and place of meeting, by posting
notices as required by the law along the route and at the termini
of the said proposed new road, as evidenced by copy of said
notice hereto attached, and by service of such notice on the
County Commissioners of Cambria County and the Supervisors of
West Taylor Township through their Solicitor, acceptance of
service of said notice by the County Commissioners and the
Supervisors of West Taylor Township by their Solicitor being
hereto attached; that we met in accordance with the notice given
on the 18th day of November A. D. 1936 at 10:00 o'clock A. M. and
proceeded with the duties of our appointment and viewed the
premises and route of the proposed new road; that the route of
the proposed new road passes through or adjacent to the property
of six (6) individual property owners, all of which are adequately
supplied with private roads; that the proposed road would require
excessive and dangerous grades; that during the view a number of
the petitioners and the supervisors were present, also the
Solicitors for the petitioners and supervisors accompanied us
during the view.

That after viewing the premises and taking into consideration all of the matters before us, we are of the opinion that the road as prayed for by the petitioners is not necessary, and that the construction of same would impose an unnecessary burden upon the taxpayers of West Taylor Township, therefore, we recommend that the prayer of the petitioners be not granted.

Witness our hands this 27th day of November A. D. 1936.

S. E. Dickey
D. J. Tomb
James McCann

Viewers

In Re: proposed public road
in West Taylor Township,
Cambria County, Pa.,

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 2, September Session, 1936

To S. E. DICKEY, DIXON TOMB & JAMES McCANN Dr.

To S. E. DICKEY Dr.

Preparing, serving and posting notices of view	\$18.00	
Mileage, 12 miles @ 10 cts.	1.20	
Stenographer & Stationery	2.35	
Making View	12.00	
Mileage, 12 miles @ 10 cts.	1.20	
Assembling data, preparing & filing report	12.00	
Stenographer & stationery	2.10	\$ 48.85

To DIXON TOMB Dr.

Making view	\$12.00	
Mileage, 12 miles @ 10 cts.	1.20	\$ 13.20

To JAMES McCANN Dr.

Making view	\$12.00	
Mileage, 12 miles @ 10 cts.	1.20	\$ 13.20

Total cost of view \$ 75.25

CERTIFIED
Accepted & Approved
COUNTY CONTROLLER

APPROVED FOR PAYMENT

John J. [Signature]
Grant P. [Signature]
COMMISSIONERS

In re: proposed public road
in West Taylor Township,
Cambria County, Pa.,

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 2, September Session, 1936

NOTICE OF VIEW

We, the undersigned viewers, appointed by the above named Court, to view the premises to determine as to the necessity for a public road as prayed for by the petitioners, beginning at a point on State Highway Route No. 223 in West Taylor Township, Cambria County, Pennsylvania, 480 feet north of the Bridge crossing Laurel Run, and ending at a now existing Township Road, which is one-tenth of a mile from the intersection of the said existing Township Road and Route No. 223, hereinbefore mentioned, will meet at the place of beginning of said proposed road on the 18th day of November A. D. 1936 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

S. F. DICKEY
DIXON TOMB
JAMES McCANN

Nov. 6, 1936

Viewers

Now this 7 day of November A. D. 1936, service of the above notice is hereby accepted by the Supervisors of West Taylor Township, Cambria County, Pa.,

By

Mathew B. Bunch
Solicitor

*Palmer
St. George*

In re: proposed public road
in West Taylor Township,
Cambria County, Pa.,

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 2, September Session, 1936

NOTICE OF VIEW

We, the undersigned viewers, appointed by the above named Court, to view the premises to determine as to the necessity for a public road as prayed for by the petitioners, beginning at a point on State Highway Route No. 223 in West Taylor Township, Cambria County, Pennsylvania, 480 feet north of the Bridge crossing Laurel Run, and ending at a now existing Township Road, which is one-tenth of a mile from the intersection of the said existing Township Road and Route No. 223, hereinbefore mentioned, will meet at the place of beginning of said proposed road on the 18th day of November A. D. 1936 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear:

S. E. DICKEY
DIXON TOMB
JAMES McCANN

Nov. 6, 1936

Viewers

Now this 9 day of November A. D. 1936, service of the above notice is hereby accepted by the Commissioners of Cambria County, Pennsylvania.

By

H. F. Low

Chief Clerk

In re: proposed public road
in West Taylor Township,
Cambria County, Pa..

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 2, September Session, 1936

NOTICE OF VIEW

We, the undersigned viewers, appointed by the above named Court, to view the premises to determine as to the necessity for a public road as prayed for by the petitioners, beginning at a point on State Highway Route No. 223 in West Taylor Township, Cambria County, Pennsylvania, 480 feet north of the Bridge crossing Laurel Run, and ending at a now existing Township Road, which is one-tenth of a mile from the intersection of the said existing Township Road and Route No. 223, hereinafter mentioned, will meet at the place of beginning of said proposed road on the 18th day of November A. D. 1936 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

S. E. DICKET
DIXON TUBB
JAMES MCCANN

Nov. 6, 1936

Viewers

No. 2, Sept. SESSIONS, 19236.

Order to view Public Road in
West Taylor Township, Cambria
County, Penna.

+
Report of Viewers

CERTIFIED
Harvey C. ...
COUNTY CONTROLLER

S. E. Dickey

Dixon Tomb

James McCann

Viewers

Clerk 90 cts.

Filed: Dec. 7, 1936

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for 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."

14 Dec. 1936 Approved

By the Court
McKenzie

8 March 1937 Confirmed absolutely

J. J. Jones
Clerk.

(Defunct)



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 19th day of October A. D. 1956, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of West Taylor, in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from

a point on the State Highway Route No. 223 in West Taylor Township, Cambria County, Pennsylvania, 480 feet north of the Bridge crossing Laurel Run; and ending at a now existing Township road, which is one tenth of a mile from the intersection of the said existing Township road and Route No. 223, hereinbefore mentioned.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint

S. E. Dickey surveyor, and Dixon Tomb,
James McCann

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such 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 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.

Greer, J.

Attest:

James M. Jones, Clerk.