

No. 4 Sept. Sessions 1936

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY

PETITION OF J. G. NELLEN OF  
JACKSON TOWNSHIP, CAMBRIA COUNTY,  
PENNSYLVANIA FOR THE APPOINTMENT  
OF VIEWERS TO VIEW AND APPRAISE  
THE DAMAGES SUSTAINED BY REASON  
OF DRAINAGE INTO HIS PRIVATE ROAD  
IN THE RELOCATION AND CONSTRUCTION  
OF STATE HIGHWAY ROUTE NO. 219.

*Order to View*  
*and*

*Report*  
CERTIFIED

*Thos. L. ...*  
COUNTY CONTROLLER

*Filed. Dec. 1 - 1936*

P. J. LITTLE  
ATTORNEY AT LAW  
EBENSBURG, PA.

TO THE HONORABLES THE JUDGES OF THE COURT OF QUARTER SESSION OF CAMBRIA  
COUNTY

The petition of J. G. Nolen, of Jackson Township,  
Cambria County, Pennsylvania, respectfully represents;

That he is the owner of a piece or parcel of land  
situate in Jackson Township, Cambria County, Pennsylvania, Beginning  
at a post in line of land of S. D. Goughnour and corner of Purport No. 2  
of the Martin Monday Tract; thence along line of the said Goughnour  
north sixty-one (61) degrees forty-five (45) minutes west one thousand  
three hundred thirty-three (1333) feet to a post, corner of land of David  
Rose; thence along land of said David Rose north thirteen (13) degrees  
thirty (30) minutes west two hundred eighteen (218) feet to a post; thence  
along land of Alexander Dearmand north fifty-one (51) degrees twenty-two  
(22) minutes east one thousand seven hundred thirty-four (1734) feet to a  
post; thence by same north thirty-nine (39) degrees fifteen (15) minutes  
east one hundred (100) feet to a post, corner of Purport No. 3 of said  
Martin Monday land; thence along said Purport south sixty-one (61) degrees  
forty-five (45) minutes east seven hundred forty-eight (748) feet to a post,  
corner of Purport No. 2 of said Monday tract; thence along said Purport No. 2  
south twenty-seven (27) degrees west one thousand eight hundred sixty-three  
(1863) feet to a post, the place of beginning; containing forty-eight (48)  
Acres and thirty-five and five-tenths (35.5) perches. Subject, however,  
to certain reservations and restrictions as in said deed expressed.

That your petitioner obtained title to the undivided  
one-half interest in said land by deed of T. Stanton Davis, dated January 30,  
1914 and recorded in Cambria County in Deed Book Vol. 378, at Page 82.

That your petitioner became vested in the other undivided  
one-half interest in said tract of land by deed of W. A. Krumenacher and

Mollie Krumenacher, his wife, dated January 31, 1924 and recorded in Cambria County in Deed Book Vol. 377, at Page 323.

That your petitioner built a house and barn thereon and has resided upon said property with his family from about April 1915.

That the only way of reaching said farm is by a private lane which had been opened and used for more than one hundred years across the Monday tract from the Highway Route 219 hereafter described. That said road has been more recently used by David Rose, Monday Hairs, Joel Simmons and others.

That at this time and since the water has been turned in on said private lane, your petitioner is the only person using or compelled to use said road.

That the State Highway Department in the relocation and reconstruction of the Highway Route 219 leading from Mondays Corner to Goods Corner during the year 1934, crowned the said road with concrete and collected all the water which was gathered on the hill south of Mondays Cross Roads and emptied all of said water on the west side of said road and on the private road above described and the water follows the private road for approximately five hundred feet before it leaves said road to flow toward Hinkston Run.

That before said road was so constructed, there were two ditches along the old highway which separated the waters and carried them along the highway to Hinkston Run which it crossed about three hundred feet below the lane of said petitioner.

That by reason of the gathering of all the water of said road and depositing it all through a single culvert above the lane of your petitioner, the lane has been washed to such an extent that it requires constant care and attention to make and keep it passable. That the bed of said lane is made swampy so that in wet weather and in spring and fall it

quickly cuts into ruts by the passage over it of automobiles and tractors; that water lying on the lane during the winter will render it dangerous because of ice forming. Pedestrians travelling said lane are required to trespass upon the adjoining lands to pass the swamps created by the said road drainage.

That your petitioner has attempted to agree with the County Commissioners upon the damage sustained and which he is likely to sustain by reason of the drainage of the Highway Route 219 into the private lane of your petitioner, but has been unable to agree upon same.

Your petitioner, therefore, prays your Honorable Court to appoint from the permanent board, three viewers who after having advertised the time and place for viewing said premises and taking testimony relative to the damage sustained, if any, that they estimate and determine the damage and make report to this Honorable Court; all as provided by law and by the rules of the Permanent Board of Viewers, adopted by your Honorable Court.

And he will ever pray.

J G Nelen

STATE OF PENNSYLVANIA     |  
                                  |     ss:  
COUNTY OF CAMBRIA        |

Before me, the clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, personally appeared J. G. Nelen, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

J G. Nelen.

Sworn and subscribed this 5th  
day of November, 1936.

James M. Jones

Clerk of Court.

(Seal of the Quarter Sessions Court)

D E C R E E

AND NOW, to-wit, November 5, , 1936, the foregoing petition having been read and considered the Court appoints A. M. Shoemaker, Dixon Tomb and James McCann viewers, who after having duly and publicly advertised said view, shall inspect the said premises, after hearing testimony, if any, appraise whatever damages may have been suffered, if any, by the said petitioner and make report to this Court, the first Monday of December, 1936.

By the Court:

McCann. P. J.

Extract from the Record.

Certified this 5th day  
of November A. D. 1936.

  
CLERK OF COURTS

REPORT OF VIEW

TO THE HONORABLE, THE J DGES OF THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA.

Having received the attached order to view and assess damages, if any, resulting to J. G. Nelen, of Jackson Township, Cambria County, Pa., by reason of the change or alteration of the drainage on State Highway Route No. 219, a date and hour was fixed and due notice given the viewers and time and place of meeting served and accepted by P. J. Little, Attorney for J. G. Nelen, and by H. F. Dorr, for the Commissioners of Cambria County, and similar notices posted, as required by law, at and near the place of view.

In accord with the aforesaid notices I met at the time and place appointed, together with Mr. Nelen, the petitioner, P. J. Little, Esq., and one or two witnesses: After going over the ground and carefully noting the situation a continuance of the view was set for December 1, 1936, at nine A. M., upon the property.

The petitioner, through his attorney, agrees to vstay further proceedings.

A. M. Shoemaker  
Viewer

**V I E W E R ' S N O T I C E .**

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained by J. G. Nelen, of Jackson Township, said county and state, by reason of the change or alteration of the drainage along State Highway Route NO. 219, allegedly resulting in injury to said J. G. Nelen.

The premises alleged to have been affected by reason of the change or alteration of drainage, as aforesaid, adjoin lands of S. D. Goughnour, David Rose, Alex. Dearmand and the Martin Monday Tract, and contains some forty eight acres, thirty five and five tenth perches - subject to reservations.

The viewers will meet upon the premises in Jackson Township, Cambria County, Pa., November 28th., 1936, at 9:30 O'clock a. m., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,  
Dixon Tomb and  
James McCann,  
Viewers.

The parties interested in the above referred to matter agree to waive news paper advertising of this notice and hereby accept service of same.

  
\_\_\_\_\_

For Commissioners of Cambria Co.

V I E W E R ' S N O T I C E .

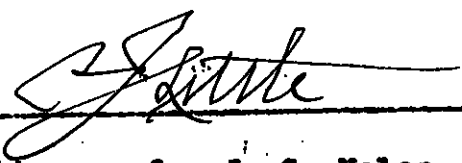
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\_\_\_\_\_  
Attorney for J. G. Nelen.

# County of Cambria



COMMISSIONERS:

JOHN THOMAS, JR.  
LOGAN M. KELLER  
FRANK P. HOLLERN

H. FRANK DORR  
CHIEF CLERK

J. EARL OGLE, JR.  
SOLICITOR

## Office of the County Commissioners

EBENSBURG, PA.

To James McParrin

\$

To 1 day on View (Pekin)	12 <sup>00</sup>
To Mileage 22 miles	22 <sup>00</sup>
	<hr/>
	14,20

COUNTY CONTROLLER

To Dit on Lumb \$

To 1 day on View

22 miles

	2 <sup>00</sup>
	220
	<hr/>
	1420

CERTIFIED  
COUNTY CONTROLLER

APPROVED FOR PAYMENT

John Thomas

Frank P. Hollern  
COMMISSIONERS

Cost of View

A. M. Shoemaker

Preparing, posting & serving  
notices for view & notifying  
viewers \$18.00 ✓

Fifteen miles posting notices 1.00

Day on View 12.00 ✓

Fifteen miles 1.60

Report 3.00

Stenographer & Stationery 1.60

\$37.80

John H. ...  
COUNTY CONTROLLER

APPROVED FOR PAYMENT

John H. ...

COMMISSIONERS

No. 4 Sept. Sess. 1936

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*Filed: Nov. 5, 1936*

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EBENSBURG, PA.

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And he will ever pray.

J. G. Nelen

STATE OF PENNSYLVANIA

ss:

COUNTY OF CAMBRIA

Before me, the clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, personally appeared J. G. Nelen, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

J. G. Nelen

Sworn and subscribed this 5th

day of November, 1936.

James M. Jauer  
Clerk of Court

D E C R E E

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*By the Court*  
*W. G. J.*