

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA.
No. 4, Sept. Sessions, 1937.

IN RE

PROPOSED PUBLIC ROAD IN
MIDDLE TAYLOR TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA

REPORT OF VIEWERS

James McCann

A. M. Shoemaker

S. E. Dickey.

VIEWERS.

Filed - Dec - 6 - 1937

CERTIFIED

James McCann
CLERK OF COURT

13 Dec. 1937. Approved and breadth fixed at forty feet.

By the Court.

McKernan
J

14 March 1938 Confirmed Absolutely

John James
Chick

Order to view and Laying out
of a Public Road in the Township
of Middle Taylor, Cambria County
Pennsylvania.

James McCann

A.M. Shoemaker

S.E. Dickey

} Viewers

Clerk 90 cts.

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."

100-1

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 15th day of November A. D. 1907, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Middle Taylor, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to ~~begin at the~~

~~begin at the point of intersection of the proposed road with the Prosser Hollow road, a Township road in Middle Taylor Township, said point of intersection being at a distance of 367.0 feet measured along the center line of the said Prosser Hollow road in a Westerly direction from its intersection with the Benshoff Hill road, another public road in said Township, and to end at the intersection of Hofiman Avenue and Cover Streets, dedicated highways shown on the Plan of Lots known as " CAMBRIA HEIGHTS " situated in Middle Taylor Township, Cambria County, which plan is recorded in the office for Recording of Deeds, etc, in and for Cambria County~~

That the proposed road is necessary for Public Travel.

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 James McCann surveyor, and S.E. Dickey and Ar. M. Shoemaker

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. JUDGE

Attest:
James M. Jones, Clerk.

IN RE: PROPOSED PUBLIC ROAD (IN THE COURT OF QUARTER SESSIONS
IN MIDDLE TAYLOR TOWNSHIP,) OF CAMBRIA COUNTY, PENNSYLVANIA.
CAMBRIA COUNTY, PENNSYLVANIA. (No. 4, September Sessions, 1937.

REPORT OF VIEWERS

To the Honorable, the Judges of the abovenamed Court:

We, the undersigned Viewers, appointed by the attached order of the Court to view the proposed road and to determine as to the necessity for said road being opened, respectfully report:

That we have been duly sworn as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the Court; that due public notice has been given of the time and place of meeting, by posting notices, as required by law, at the termini and along the route of the proposed road, copies of which are hereto attached, and by serving of notices on the County Commissioners of Cambria County, and the Supervisors of Middle Taylor Township, copies of which notices are hereto attached. That in accordance with said notices we met at the time and place indicated thereon on the 29th. day of November, 1937, at 10 o'clock A.M. and proceeded with the duties of our appointment and viewed the proposed road along its entire length; that all three Viewers were present and a number of interested citizens were present and were heard; that after viewing the premises and taking into consideration all matters and questions related thereto we are unanimously agreed that a necessity exists for the opening of the proposed road and proceeded forthwith to lay it out as follows:

BEGINNING at the intersection of the proposed road with the Prosser Hollow Road, a Township Road in Middle Taylor Township, at a distance of 367.0 feet measured along the center line of said Prosser Hollow Road in a Westerly direction from its intersection with the Benshoff Hill Road, another public road in said Township; thence by an existing private road, South 40 degrees 04 minutes 203.0 feet to a point; thence South 19 degrees 15 minutes West, 135.5 feet to a point; thence South 45 degrees 27 minutes

West 186.0 feet to a point; thence North 60 degrees 10 minutes West 225.0 feet to a point in the center line of Brehm Avenue, a dedicated highway in the Cambria Heights Plan of Lots; thence by same, South 9 degrees 12 minutes West 235.0 feet; thence South 37 degrees 07 minutes West 194.0 feet to the intersection of the center line of Owen Street, a dedicated highway in the aforesaid Plan of Lots; thence by same North 87 degrees 00 minutes West 188.78 feet to the center line of Hoffman Avenue, a dedicated highway in the aforesaid Plan of Lots; thence by same South 3 degrees 00 minutes West 400.0 feet to the intersection of Cover Street, a dedicated highway in the aforesaid Cambria Heights Plan of Lots, the place of ending, said ending being at a distance of 1767.28 feet from the intersection of the Prosser Hollow Road, a public highway, with the proposed road measured in a Southwesterly direction along the center line of the proposed new road. The ending of the proposed road is not in a Township Highway but in the intersection of Hoffman Avenue and Cover Street, dedicated highways, as shown in the Cambria Heights Plan of Lots situate in West Taylor and Middle Taylor Townships and recorded in the office for recording of Deeds in Cambria County. Said proposed road being colored green on the blue print attached hereto and made a part hereof.

While there is only one terminal of said proposed road intersecting with a public highway, the other terminal intersects with a dedicated street 40 feet wide, as above indicated. There are a number of families, both in Middle Taylor and West Taylor Townships whose only way to or from their homes to another public highway is by means of the proposed new road. We, therefore, respectfully suggest to your Honorable Court that the proposed road be opened. After careful consideration we have also decided that there shall be no damages or benefits awarded.

WITNESS our hands and Seals this 6th. day of December, 1937.

VIEWSERS

James M. Carr
A. M. Shumaker
D. E. Dickey

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

In the Court of Quarter Session
of Cambria County, Penna.
No. 4, September Session, 1937

TO S. E. DICKEY DR.

Making View	\$ 12.00
Mileage	1.00
Making survey, Engineering Corps	22.00
Transportation	1.00
Plotting survey & preparing map	12.00.
Drawing material & 3 blue prints	<u>2.30</u>
	\$ 50.30

CERTIFIED
John P. ...

To A.M. Shoemaker
1 Day on View — 12 00
34 miles — 3 40
\$ 15.40

CERTIFIED
John P. ...

To James McCann Dr
Go gathering data preparing
and serving Notices 18 00
Go 14 Miles 1 40
Go Day on View 12 50
Mileage 10 1 00
Go gathering data
preparing & filing Report 12 50
Stenographer 2 50
\$ 46.90

APPROVED FOR PAYMENT

John P. ...
Paul P. ...

COMMISSIONER

In Re: Proposed Public (In the Court of Quarter Sessions
Road in Middle Taylor) of Cambria County, Pennsylvania.
Township, Cambria County, (Pennsylvania.
) No. 4, September Sessions, 1937.

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above-named Court to view the premises and to determine as to the necessity for a public road as prayed for by the petitioners.

Beginning at the point of intersection of the proposed road with the Prosser Hollow road, a Township road in Middle Taylor Township, said point of intersection being at a distance of 367.0 feet measured along the center line of said Prosser Hollow road in a Westerly direction from its intersection with the Benshoff Hill road, another public road in said Township, and to end at the intersection of Hoffman Avenue and Cover Streets, dedicated highways shown on the Plan of Lots known as "CAMBRIA HEIGHTS" situated in Middle Taylor Township, Cambria County, which plan is recorded in the office for Recording of Deeds, etc., in and for Cambria County.

Will meet at the place of Beginning on the 29th. day of November, 1937, at 10 o'clock A.M., for the purpose of performing the duties of our appointment at which time and place all interested parties may appear, if they think proper.

VIEWERS (James McCann
)
(S. E. Dickey
)
(A. M. Shoemaker

In Re: Proposed Public Road in Middle Taylor Township, Cambria County, Pennsylvania. (In the Court of Quarter Sessions) of Cambria County, Pennsylvania.) No. 4, September Sessions, 1937.

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VIEWERS

(James McCann
)
(S. E. Dickey
)
(A. M. Shoemaker

Rec'd of James W. Cassin
a copy of within notice
Nov 17-1937

Abram B Varner

In Re: Proposed Public Road in Middle Taylor Township, Cambria County, Pennsylvania. (In the Court of Quarter Session) of Cambria County, Pennsylvania.) No. 4, September Sessions, 1937

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VIEWERS (James McCann
)
(S. E. Dickey
)
(A. M. Shoemaker

Rec^d of James M^cCarin
a copy of within notice
Nov 17th 1937

John S. Sturgeon
Emery J. Simmons

Superintendents

James M^cCarin
206 Vine St. Johnston
N.H.

In Re: Proposed Public Road in Middle Taylor Township, Cambria County, Pennsylvania. (In the Court of Quarter Sessions) of Cambria County, Pennsylvania. () No. 4, September Sessions, 1937.

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VIEWERS

(James McCann)
(S. E. Dickey)
(A. M. Shoemaker)

A. F. Hogan
clerk for County Comm. Cambria
Nov-19-37

sent to me by mistake
S. E. Dickey

Please Receipt

In Re: Proposed Public
Road in Middle Taylor
Township, Cambria County,
Pennsylvania.

(In the Court of Quar
Sessions of Cambria
y,
Pennsylvania.
) No. 4, September Sessions, 1937

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VIEWERS

(James McCann

(S. E. Dickey

(A. M. Shoemaker

In Re: Proposed Public
Road in Middle Taylor
Township, Cambria County,
Pennsylvania.

In the Court of Quarter Sessions,
of Cambria County, Pennsylvania.
No. 4, September Sessions, 1937.

NOTICE OF VIEW

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Beginning at the point of intersection of the proposed road with the Prosser Hollow road, a Township road in Middle Taylor Township, said point of intersection being at a distance of 367.0 feet measured along the center line of said Prosser Hollow road in a westerly direction from its intersection with the Benshoff Hill road, another public road in said Township, and to end at the intersection of Heffman Avenue and Cover Streets, dedicated highways shown on the Plan of Lots known as "CAMBRIA HEIGHTS" situated in Middle Taylor Township, Cambria County, which plan is recorded in the office for Recording of Deeds, etc., in and for Cambria County.

Will meet at the place of Beginning on the 29th. day of November, 1937, at 10 o'clock A.M., for the purpose of performing the duties of our appointment at which time and place all interested parties may appear, if they think proper.

VIEWERS { James McCann
{ S. E. Dickey
{ A. H. Shoemaker

Rat Microfilmed

RO# 4 Sept, 1937

Middle Taylor
Twp., Proposed
Public Road

Map # 1



No 4-September Sessions 1937
 James M. Carr
 S.E. Dickey
 A.M. Shoemaker
 Viewers

Proposed New Road Colored Thus



MIDDLE TAYLOR TOWNSHIP
 CAMBRIA COUNTY PA.
 Showing
 PROPOSED NEW TWP. ROAD TO
 CAMBRIA HEIGHTS PLAN OF LOTS
 Scale 1"=100 ft. Nov-30-1937

No. 4 September Sessions 19 37

Order to open Public Road in

Middle Taylor Township.

Filed: Jan. 9, 1939

Clerk

RETURN BY SUPERVISORS

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

On the Fifth day of January 1938, before me
A Justice of the Peace, personally came Emery J. Simmons
Alban B Varner & Laurence D. Cameron
supervisors of the township of Missile Taylor, who being duly ~~sworn~~
~~for~~ affirmed according to law, do depose and say that they effectually opened the road designated by
the order of the Court bearing date the 13 day of December
1937, in accordance with the directions of the said order.

Sworn (or affirmed) and subscribed before me this
Fifth day of January 1938
Edward P. Saint (Justice of the Peace)
Missile Taylor Township
P.O. #
Johnstown Pa

Emery J. Simmons
Alban B Varner
Laurence D. Cameron
Supervisors.

MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY, 1938
1942

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

To Lawrence Cameron, Abraham E. Varner and Emery Simmons

supervisors of the township of Middle Tavior, in the county of Cambria,
greeting:

Whereas, at a Court of Quarter Sessions of the Peace held at Ebensburg, in and for the county
of Cambria, aforesaid, on the day of December 13, 1937, said court did approve and
~~confirm for public use a certain road theretofore reported, and directed the same to be opened of the~~
breadth of forty feet, which said road so reported, approved for public use, confirmed and
directed to be opened begins at,

as described in certified copy of viewers report enclosed

which said road was, on the 13 day of December, 1937, ordered and di-
rected by the said court to be entered of record, and thenceforth to be taken, deemed and allowed to be
a lawful public road or highway:

Now, this is to authorize, empower, command and require you the said supervisors aforesaid, in
which district the said road lies, as soon as may be practicable, effectually to open the said road, by
the courses and distances aforesaid, and the breadth of forty feet, as ordered and directed
by the said court; and you are hereby further required to make return of this order to the next stated
Court of Quarter Sessions, after the opening of the road in accordance with this order, and the man-
ner of its execution by you, verified by the affidavit of one or both of you, setting forth that you have
effectually opened the said road of the breadth of forty feet, and upon the line hereinbefore
directed.

Witness, the Honorable John H. McCann, President of our
said court at Ebensburg, this 14 day of March, 1938.

By the Court:

Attest:

James M. Jones, Clerk.

NO. 4 SEPTEMBER TERM 1937

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA

IN RE: LAYING OUT OF A
PUBLIC ROAD IN THE TOENSHIP
OF MIDDLE TAYLOR, CAMBRIA
COUNTY, PENNSYLVANIA

PETITION FOR THE APPOINTMENT
OF VIEWERS

Filed 15 Nov. 1937.

GEORGE W. GRIFFITH
ATTORNEY AT LAW
EBENSBURG, PENNSYLVANIA

11

IN RE: LAYING OUT OF A
PUBLIC ROAD IN THE TOWNSHIP
OF MIDDLE TAYLOR, CAMBRIA COUNTY,
PENNSYLVANIA

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

: NO. SEPTEMBER TERM 1937

:

PETITION FOR THE APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of the undersigned inhabitants of the Township of Middle Taylor, Cambria County, Pennsylvania, respectfully represents:

I.

That your Petitioners labor under a great inconvenience for want of a public road or highway in the said Township of Middle Taylor to begin at the point of intersection of the proposed road with the Prosser Hollow road, a Township road in Middle Taylor Township, said point of intersection being at a distance of 367.0 feet measured along the center line of the said Prosser Hollow road in a Westerly direction from its intersection with the Benshoff Hill road, another public road in said Township, and to end at the intersection of Hoffman Avenue and Cover Streets, dedicated highways shown on the Plan of Lots known as "Cambria Heights" situated in Middle Taylor Township, Cambria County, which plan is recorded in the Office for Recording of Deeds, etc. in and for Cambria County.

2.

That the proposed road is necessary for public travel.

3.

A copy of a written notice given to the Supervisors of Middle Taylor Township of the intended presentation of this application, with their acceptance of service thereon, is hereto annexed, made a part hereof and marked "EXHIBIT A".

WHEREFORE, your Petitioners pray your Honorable Court to appoint three members of the Permanent Board of Viewers of Cambria County to view the route proposed for such road and if they see the necessity therefor, lay out the same and make a report of this proceeding to the next session of this Court.

Anna Reindl Leisch
Henry Reindl Leisch
Veronica Poliacsek
John Poliacsek
Francis Kirtley
Mary Vajdich
Joseph Vajdich
Margaret Deebell
George Deebell
Albert Tancik
John Simmons
William Cernak
Mary Cernak
Martin Hodos
Max Hodos
George Krnach
Julia Krnach
Steve Krnach
John Cerkel
Zuzana Cerkel
John Opeth
Andy Adamsy
Julia Adamsy
John Adamsy
Mary Grexa

Gal Grexa Sr.
Gal Grexa Jr.
Mrs John Kabo
Mrs John Kabo
Mrs John C. Davis
Martin Opeth
Anna Gagran
John Gagran
Frank Zahoran
John Zahoran
Nancy Zahoran
Roy Tomak
Catherine Tomak
Marko Slanac
Anna Slanac
Mary Majer
Andrew Majer
Catherine Schaffer
George Tancik
Mary Muchesko
Julia Muchesko
Verna Muchesko
Anna Muchesko
Martin Hodos Jr.
Elizabeth Hodos

Alex. Reynold Jr.
Pauline Reynold

J. N. Maystorsovich
Mrs. Anding Maystorsovich

Paul Russell

James Mackelf

PRELIMINARY ORDER

And now, November _____, 1937, the within petition having been duly presented, read and considered, a rule is hereby granted upon the Commissioners of Cambria County to show cause, if any they have, why viewers should not be appointed as within prayed for; the said rule to be returnable at ten o'clock A.M., November _____, 1937.

Service of the rule, together with a copy of this Petition to be made upon the Commissioners of Cambria County not less than ten days before the Return Day.

BY THE COURT

J.

ACCEPTANCE OF SERVICE BY
THE COUNTY COMMISSIONERS

And now, November 15th, 1937 service of the above Rule is hereby accepted together with a copy of the within Petition *and rule waived.*

COMMISSIONERS OF CAMBRIA COUNTY

BY - H. F. [Signature]
Chief Clerk

DECREE

And now this 15th day of November, 1937, the within Petition having been duly presented, read and considered, and the Court appoints Jam M. Cannon, W. H. Hamaker and J. E. Deery members of the Permanent Board of Viewers to view the road prayed for in the within Petition and make report of their proceedings at the next term of the Court of Quarter Sessions of this County.

BY THE COURT

J. E. Deery
J.

NOTICE TO SUPERVISORS

TO John S. Stutzman,
Abram Varner, and
E. J. Simmons
Supervisors of Middle Taylor Township,
Cambria County, Pennsylvania

You will please take notice that there will be a petition presented to the Court of Quarter Sessions of Cambria County at Ebensburg in said County, at ten o'clock A.M., on Monday, the Fifteenth day of November, 1937, asking the Court for the appointment of Viewers to view and lay out a proposed road in the Township of Middle Taylor, to begin at the point of intersection of the proposed road with the Prosser Hollow road, a Township road in Middle Taylor Township, said point of intersection being at a distance of 367.0 feet measured along the center line of the said Prosser Hollow road in a Westerly direction from its intersection with the Benshoff Hill road, another public road in said Township, and to end at the intersection of Hoffman Avenue and Cover Streets, dedicated highways shown on the Plan of Lots known as "Cambria Heights" situated in Middle Taylor Township, Cambria County, which plan is recorded in the Office for Recording of Deeds, etc., in and for Cambria County.

George W. Griffith
Attorney for Petitioners

November ninth, 1937, we hereby acknowledge having received notice of the above stated proceedings.

John S. Stutzman
Abram B. Varner
E. J. Simmons
Supervisors of Middle Taylor
Township

"EXHIBIT A".