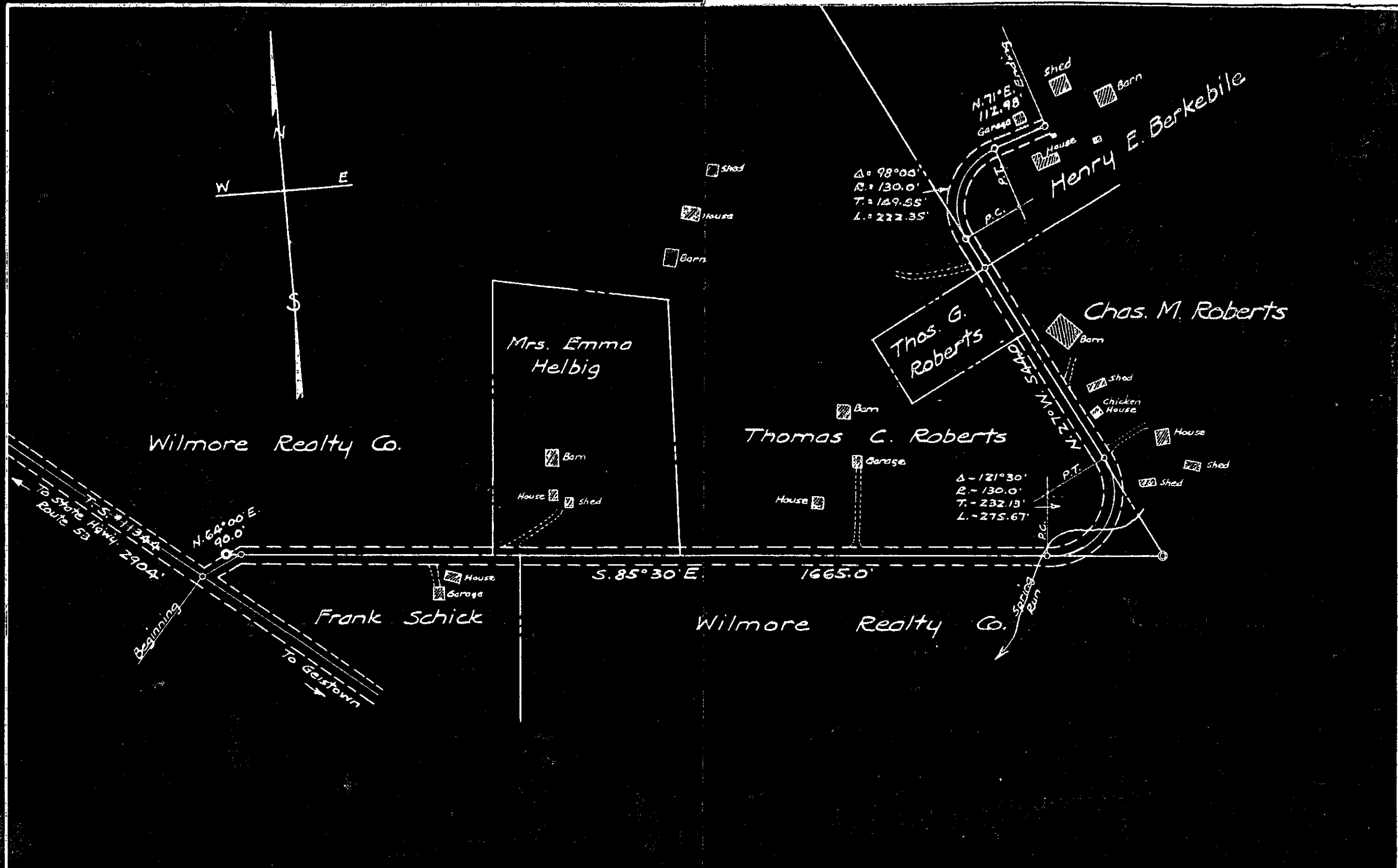


Rat Microfilm

RD #5 Sept. 1937

Conemaugh Twp.
Proposed Public Road



NO. 5 - SEPTEMBER SESSIONS - 1937.
 JAMES McCANN
 M. J. BAUMGARDNER
 S. E. DICKEY
 VIEWERS

PROPOSED NEW ROAD COLORED THUS

CONEMAUGH TOWNSHIP
 CAMBRIA COUNTY, PA.

SHOWING

PROPOSED NEW TOWNSHIP ROAD
 SCALE 1" = 200' - S. E. DICKEY AND CO. - DEC. 20, 1937.
 CIVIL AND MINING ENGRS.
 JOHNSTOWN, PA.

TO Frank Slachta, R. D. No. 2, Johnstown, Pa.

William Berkebile, Mineral Point, Pa.

William Ream, R. D. No. 2, Johnstown, Pa.
Township Commissioners of Conemaugh
Township, Cambria County, Pennsylvania.

Please take notice that Henry E. Berkebile and others, residents of Conemaugh Township, Cambria County, Pennsylvania, will present their petition to the Court of Quarter Sessions of the County of Cambria, Pennsylvania, at Ebensburg, on the 29th day of November, 1937, at 10 o'clock, A. M., or as soon thereafter as the attention of the Court can be had, praying the court to appoint viewers to view a road in Conemaugh Township, Cambria County, Pennsylvania, situated and located as follows: Beginning at a point on the township road known as # T. S. 11344, leading from State Highway Route No. 53 to Geistown, Pennsylvania, such point being distant 2904 feet, more or less, from the intersection with State Highway Route No. 53, and being the point where a private lane or road leads from the township road # T. S. 11344; thence by the private lane or road by its several courses and distances to the end of the same at the residence of Henry E. Berkebile.

Braham G. G. & Meyers
Attorneys for petitioners.

No. _____ Dec. Sessions,
1937.

In the matter of a request for
Public Road in Conemaugh
Township, Cambria County,
Pennsylvania.

Notice and proof of
service of notice

Graham, Yost & Meyers.

State of Pennsylvania,
County of Cambria, SS.

Henry E. Berkebile being duly sworn according to law deposes and says that he served the attached notice on each of the following personally on November 22, 1937, by handing a true and correct thereof to them and making the contents known to them, on Frank Slachta of R. D. No. 2, Johnstown, Pennsylvania, on William Berkebile, Mineral Point, Pennsylvania, and on William Ream, R. D. No. 2, Johnstown, Pa., Township Commissioners of Conemaugh Township, Cambria County, Pennsylvania.

Henry E. Berkebile

Sworn to and subscribed
before me this 27th day of
November, 1937.

Edith M. Butte
Notary Public.

My commission expires March 6, 1941.

No. 5 ^{September}~~December~~ Sessions,
1937.

IN THE MATTER OF A REQUEST FOR
PUBLIC ROAD IN CONEMAUGH
TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA.

PETITION FOR DECREE APPOINTING
VIEWERS

Filed: Nov. 29, 1937

GRAHAM, YOST & MEYERS
ATTORNEYS AT LAW
JOHNSTOWN, PA.

IN THE MATTER OF
A REQUEST FOR PUBLIC ROAD
IN CONEMAUGH TOWNSHIP,
Cambria County, Pennsylvania.

In the Court of Quarter
Sessions, Cambria County,
Pennsylvania.

No. 5 ^{Sept.} Dec. Sessions,
1937.

TO THE HONORABLE THE JUDGES OF SAID COURT:

The undersigned, residents of Conemaugh Township, Cambria County, Pennsylvania, being in dire need of a public road do respectfully petition your Honorable Court to appoint viewers to view and lay out a public road in Conemaugh Township, Cambria County, Pennsylvania, situated and located as follows: -
Beginning at a point on the township road known as # T. S. 11344, leading from State Highway Route No. 53 to Geistown, Pennsylvania, such point being distant 2904 feet, more or less, from the intersection with State Highway Route No. 53, and being the point where a private lane or road leads from the township road # T. S. 11344; thence by the private lane or road by its several courses and distances to the end of the same at the residence of Henry E. Berkebile.

<u>E. M. Roberts</u>	<u>Emma Vellig</u>
<u>Mrs. Caroline Roberts</u>	<u>Charles L. Roberts</u>
<u>Esther Roberts</u>	<u>Mrs. Ruth Roberts</u>
<u>Ethel Roberts</u>	<u>Henry E. Berkebile</u>
<u>Walter Roberts</u>	<u>Mrs. Daisy Berkebile</u>
<u>John Roberts</u>	<u>Kenneth R. Berkebile</u>
<u>Frank J. Schick</u>	<u>Thomas G. Roberts</u>
<u>Mrs. Catherine Roberts</u>	<u>Elda M. Berkebile</u>
<u>Thomas J. Roberts</u>	

State of Pennsylvania,
County of Cambria, SS.

Henry E. Berkebile being first duly sworn according to law deposes and says that he is one of the petitioners within named and that the facts set forth in the foregoing petition are true and correct.

Henry E. Berkebile

Sworn to and subscribed
before me this 23rd day of
October, 1937.

Edith M. Beutta
Notary Public.

My commission expires March 6, 1941.

D e c r e e

Now to wit, the 29th day of November, 1937, the within petition presented in open court and upon consideration thereof the prayer of the petition is granted and the court appoints

James McLean M. J. Baumgardner and
L. E. Dickrey as viewers to view the proposed road and make report to this court on the First Monday of March, 1938.

By the Court
McLean

In the Court of Quarter
Sessions of Cambria County,
Pennsylvania.
No. 5, Sept. Sessions, 1937.

IN RE

PROPOSED PUBLIC ROAD IN
CONEMAUGH TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA.

REPORT OF VIEWERS

James McCann

S. E. Dickey

Mahlon J. Baumgardner

Viewers.

Filed - Dec - 28 - 1937

CERTIFIED
Harvey Brown
COUNTY CONTROLLER

14 March 1938 Approved and breadth fixed at forty feet

By the Court.

McKernick

13 June 1938 Confirmed Absolutely

J. J. Jordan, Clerk

C. R. Cover, a. d. v. J. J. Jordan

IN RE: PROPOSED PUBLIC ROAD (IN THE COURT OF QUARTER SESSIONS
IN CONEMAUGH TOWNSHIP,) OF CAMBRIA COUNTY, PENNSYLVANIA.
CAMBRIA COUNTY, PENNSYLVANIA. (NO. 5, 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 Conemaugh 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 15th. day of December, 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.

After viewing the premises and considering all matters before us, we are of the opinion that the proposed road is necessary, and laid out same as follows:

BEGINNING at a point in the public road leading from the Frankstown Road, Route No. 52, to Geistown via Solomon Run, known as T. S. #11344 at a distance of 2904 feet measured along the center of said Route #11344 from the Frankstown Road, Route No. 53; thence by the center of the proposed road, North 64 degrees 00 minutes East, Ninety (90.0) Feet; thence South 85 degrees 30 minutes East, Sixteen Hundred and Sixty-five (1665) Feet to the point of a curve to the left having a radius of One Hundred and

Thirty (130.0) Feet; thence by said curve in a North-easterly direction an arc distance of Two Hundred Seventy-five and Sixty-seven Hundredths (275.67) Feet to a point of tangent; thence by same, North 27 degrees 00 minutes West, Five Hundred and Forty-four (544.0) Feet to a point of a curve to the right, having a radius of One Hundred and Thirty (130.0) Feet; thence by said curve in a North-easterly direction an arc distance of Two Hundred Twenty-two and Thirty-five Hundredths (222.35) Feet to a point of tangent; thence by same, North 71 degrees 00 minutes East, One Hundred Twelve and Ninety-eight Hundredths (112.98) Feet to the place of ending, said place of ending being at a distance of Twenty-nine Hundred and Ten (2910) Feet measured along the center of the proposed road from its intersection with Route #11344 aforesaid and the place of Beginning, said proposed road being colored green on the plan hereto attached and made a part hereof.

While there is only one terminal intersecting with a public highway, there are six families living along the route of the proposed road who have been maintaining their own road for years. There are other property owners who do not live on the road and who have to cross the land of others to reach their property. We, therefore, respectfully recommend to your Honorable Court that the road be ordered opened. We have also decided there shall be no damages or benefits awarded.

WITNESS our hands and Seals this 27th. day of December, 1937.

VIEWERS

James M. Cannon
W. E. Dickey

1937

NO. 5, September SESSIONS, 1827

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

James McCann

M. J. Baumgardner

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."

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 29th day of November A. D. 1927, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Conemaugh, in the said County, setting forth that they labor under inconvenience for want of a road or highway, to lead from a point on the township road known as # T. S. 11344, leading from State Highway Route No. 53 to Geistown, Pennsylvania; such point being distant 2904 feet, more or less, from the intersection with State Highway Route No. 53, and being the point where a private lane or road leads from the township road # T. S. 11344; thence by the private lane or road by its several courses and distances to the end of the same at the residence of Henry E. Berkebile.

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

M. J. Baumgardner and S. E. Dickey

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.
McCann, P. J.

Attest:

James M. Jones, Clerk.

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

(In the Court of Quarter Sessions
of Cambria County, Penna.
) No. 5, September Sessions, 1937

To S. E. DICKEY Dr.

Making View	\$ 12.00	
Mileage	1.00	
Making survey	22.00	
Mileage	1.00	
Plotting survey & making draft	12.00	
Tracing Cloth	.25	
Blue prints	1.00	
	<hr/>	
Total	\$ 49.25	\$ 49.25

To M. J. BAUMGARDNER Dr.

Making View	\$ 12.00	
Mileage	1.00	
	<hr/>	
Total	\$ 13.00	\$ 13.00

\$ 62.25

CERTIFIED
COUNTY CLERK

To James M. Cameron Dr.

To preparing and posting notices
Serving notices and interviewing
property owners 18.00
16 miles 1.60
Making view 12.00
10 miles 1.00
Gathering data preparing &
filing reports 12.00
Stenographers \$ 3.00

47.60

CERTIFIED
COUNTY CLERK

APPROVED FOR PAYMENT

John [Signature]
Frank P. Holler

COMMISSIONERS

IN RE: Proposed Public (In the Court of Quarter Sessions
Road in Conemaugh) of Cambria County, Pennsylvania.
Township, Cambria County, (Pennsylvania.
) No. 5, 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:

To lead from a point on the Township Road known as # T.S. 11344, leading from State Highway Route No. 53 to Gei'stown, Pennsylvania, such point being distant 2904 feet, more or less, from the intersection with State Highway Route No. 53, and being the point where a private lane or road leads from the Township Road # T.S. 11344; thence by a private lane or road by its several courses and distances to the end of the same at the residence of Henry E. Berkebile.

Will meet at the place of Beginning on the 15th. day of December, 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 and be heard if they think proper.

VIEWERS

(James McCam
)
(M. J. Baumgardner
)
(S. E. Dickey

Notice Recorded Dec. 6th - 1937
A. F. Don

Dec 4th 1937

2
 ac of James M^o Carr
 Copy of within enclosure
 Frank Gantner

... ..

... ..

... ..

... ..

James M^o Carr
 706 Vine St.

IN RE: Proposed Public Road in Conemaugh Township, Cambria County, Pennsylvania. (In the Court of Quarter Sessions of Cambria County, Pennsylvania.) No. 5, 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:

To lead from a point on the Township Road known as # T.S. 11344, leading from State Highway Route No. 53 to Geistown, Pennsylvania, such point being distant 2904 feet, more or less, from the intersection with State Highway Route No. 53, and being the point where a private lane or road leads from the ~~road~~ ~~road # T.S. 11344~~ thence by the private lane or road by its several ~~parts~~ and distances to the end of the same at the residence of Henry E. Berkebile.

Will meet at the place of Beginning on the 15th. day of December, 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 and be heard if they think proper.

VIEWERS

(James McCann
(M. J. Baumgardner
(S. E. Dickey

IN RE: Proposed Public (In the Court of Quarter Sessions
Road in Conemaugh (of Cambria County, Pennsylvania.
Township, Cambria County,)
Pennsylvania. (No. 5, 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:

To lead from a point on the Township Road known as # T.S. 11344, leading from State Highway Route No. 53 Geister, Pennsylvania, such point being distant 2904 feet, more or less, from the intersection with State Highway Route No. 53, and being the point where a private lane or road leads from the Township Road # T.S. 11344; thence by the private lane or road by its several courses and distances to the end of the same at the residence of Henry E. Berkebile.

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VIEWERS (James McCann
)
(M. J. Baumgardner
)
(S. E. Dickey

IN RE: Proposed Public Road in Conemaugh Township, Cambria County, Pennsylvania. (In the Court of Quarter Sessions of Cambria County, Pennsylvania. (No. 5, September Sessions, 1937.

NOTICE OF VIEW

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Will meet at the place of Beginning on the 15th. day of December, 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 and be heard if they think proper.

VIEWERS (James McCann
(M. J. Baumgardner
(S. E. Dickey 12-4-37

*Received of James McCann
a copy of
the above notice
@ Crow*