

No. 1 ~~December~~ Sessions 1937

*September*

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY,  
PENNSYLVANIA

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

PETITION FOR APPOINTMENT OF  
VIEWERS AND DECREE

*Filed: Sept. 20, 1937.*

GEORGE W. GRIFFITH  
ATTORNEY AT LAW  
EBENSBURG, PENNSYLVANIA

IN RE: LAYING OUT OF A : IN THE COURT OF QUARTER SESSIONS OF  
PUBLIC ROAD IN THE TOWNSHIP : CAMBRIA COUNTY, PENNSYLVANIA  
OF MIDDLE TAYLOR, CAMBRIA :  
COUNTY, PENNSYLVANIA : NO. / <sup>Sept.</sup> ~~DECEMBER~~ SESSIONS 1937.  
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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 a point along the brick road leading to Johnstown, State Highway Route # *015*, said point being *west* a distance of two hundred and fifty feet from the intersection of said State road with the Prosser Hollow road; thence passing the estate of John Brehm, deceased, Cambria Heights, the Plan of Lots laid out by Hoffman and Otto, land of John Poliacek, the Plan of lots known as "Mill Vu" as laid out by Baer, land of Blazy Micik and property of James Mackell, a distance of seventy-five-hundredths of a mile to the place of beginning.

The proposed road follows the route of a present road which has been opened and maintained by the adjoining property owners for a period of approximately fifty years.

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





Grace Rhodes

Guy Barney

Stanley Michik

Nelson Michik

Blaney Michik

John Savello

Walter Michik

James R Mackell

Myrtle Mackell



PRELIMINARY ORDER

And now, September 20, 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., Sept 30, 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. McKenna  
J.

ACCEPTANCE OF SERVICE BY  
THE COUNTY COMMISSIONERS

And now, September 20, 1937, service of the above rule is hereby accepted, together with a copy of the within petition.

Commissioners of  
Cambria County  
By Walter E. Port  
Asst. Clerk

\_\_\_\_\_  
\_\_\_\_\_  
Commissioners of Cambria County.

DECREE

And now, this 4<sup>th</sup> day of October, 1937,  
the within petition having been duly presented, read and considered,  
and the Court appoints James McCann,  
A. B. Dickey and N. M. Stranicek,  
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

W. Kennerly  
J.

NOTICE TO VIEWERS

TO John S. Stutzman, A. B. 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, Pennsylvania, at Ebensburg, in said County, at ten o'clock A.M., on Monday the Twentieth day of September, 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 a point along the v brick road leading to Johnstown, State Highway Route # 015, said point being <sup>west</sup> a distance of two hundred and fifty feet from the intersection of said State road with the Prosser Hollow road; thence passing the estate of John Brehm, deceased, Cambria Heights, the Plan of Lots laid out by Hoffman and Otto, land of John Poliacsek, the Plan of lots known as "Mill Vu" as laid out by Baer, land of Blazy Micik and property of James Mackell, a distance of seventy-five-hundredths of a mile to the place of beginning.

George W. Griffith  
Attorney for Petitioners

17<sup>th</sup> September, 1937, we hereby  
acknowledge having received notice of the above stated proceeding.

John S. Stutzman  
A. B. Varner  
Emery J. Simmons  
Supervisors of Middle Taylor  
Township

"EXHIBIT A"

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

In Re: LAYING OUT OF A  
PUBLIC ROAD IN THE TOWN-  
SHIP OF MIDDLE TAYLOR,  
COUNTY OF CAMBRIA AND  
STATE OF PENNSYLVANIA.

Report of Viewers

James McCann,  
S. E. Dickey,  
A. M. Shoemaker,

Viewers

*Filed: Nov. 5, 1937*

CERTIFIED  
*Thos. P. Cannon*  
COUNTY CONTROLLER

13 Dec. 1937. Approved.

By the Court

W. K. [unclear]

14 March 1938 Affirmed absolutely

J. J. [unclear]

Refused

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

( IN THE COURT OF QUARTER SESSIONS  
) OF CAMBRIA COUNTY, PENNSYLVANIA.  
(  
) NO. 1 SEPTEMBER SESSIONS, 1937.

REPORT OF VIEWERS.

To the Honorable, the Judges of the above named Court:

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

That we have been duly sworn as members of the Permanent Board of Viewers of Cambria County, 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, along the route and at the termini of the proposed new road, copies of which notices are hereto attached, and by service of such notices on the Commissioners of Cambria County and the Supervisors of Middle Taylor Township, acceptance of service of said notices by the Commissioners of Cambria County and the Supervisors of Middle Taylor Township being hereto attached. That we met in accordance with the notices given on the 19th. day of October, 1937, at 10:00 o'clock A.M., at the point of beginning of said proposed new road and proceeded with the duties of our appointment. There were present the three Viewers, two of the Supervisors, the Attorney for the Township, and a considerable number of interested citizens.

We viewed the premises and route of the proposed road, which starts at a point Two Hundred Fifty (250) Feet distant from the intersection of a brick road, known as State Highway Route #.015, leading to Johnstown, with the Prosser Hollow Road; thence passing the Estate of John Brehm, deceased, Cambria Heights, the Plan of Lots laid out by Hoffman and Otto, land of John Poliacek, the Plan of Lots known as "Mill Vu", as laid out by Baer, land of Blazy Micik and property of James Mackell, a distance of approximately Seventy-Five Hundredths (.75) of a mile, and ending at a point on the proposed new road.

After going over the proposed road and hearing all parties who were interested and learning that a considerable number of families, both in Middle Taylor and West Taylor Townships, have no other way of egress or ingress to or from their homes, we are agreed that a road located properly should be granted to them but the proposed road as laid out now would be burdensome and a portion of the said proposed road would be impractical to build. The terminals of the proposed road are imperfectly described. We are, therefore, agreed that the terminals and the route of the proposed road are improperly located and described and recommend that the petition for a road be refused.

Witness our hands and seals this 30th. day of October, 1937.

VIEWERS

{ James McCann  
{ H. E. Dickey  
{ A. M. Shoemaker

No. 1 September ..... SESSIONS, 19237

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Order to view and layout a public  
road in the Township of Middle  
Taylor, Cambria County, Penna.

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James McCann

S. E. Dickey

A. M. Shoemaker

} Viewers

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Clerk ..... 90 cts.

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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 20th day of September A. D. 1937, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Middke 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 along the brick road leading to Johnstown, State Highway Route #.015, said point being west a distance of two hundred and fifty feet from the intersection of said State road with the Prosser Hollow road; thence passing the estate of John Brehm, deceased, Cambria Heights, the Plan of Lots laid out by Hoffman and Otto, land of John Poliacsek, the plan of lots known as "Mill Vu" as laid out by Baer, land of Blazy Micik and property of James Mackell, a distance of seventy five-hundredths of a mile to the place of beginning.

The proposed road follows the route of a present road which has been opened and maintained by the adjoining property owners for a period of approximately fifty years.

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 A. 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:

Attest:

McKenrick, J.

*James M. [Signature]*  
Clerk.

Commissioners of Cambria Co

To James McCarum Dr

To preparing, gathering data, posting and serving notices	18.00
To 1 day on view 14 miles	1.40
To gathering data, preparing and filing report	12.00
To typewriting and stationery	2.50
	<hr/>
	\$46.90

CERTIFIED  
Joseph C. ...  
COUNTY CONTROLLER

To S. E. Dickey Dr

Making View	12.00
Milage 10 miles	1.00
	<hr/>
	\$13.00

APPROVED FOR PAYMENT

~~John Thamer~~  
~~Grand P. ...~~

COMMISSIONERS

CERTIFIED  
Joseph C. ...  
COUNTY CONTROLLER

To A. M. Shoemaker

Day on View	\$12.00
34 miles	3.40
	<hr/>
	\$15.40

In re: Proposed Public ( In the Court of Quarter  
Road in Middle Taylor ) Sessions of Cambria  
Township, Cambria County, ( County, Penna.  
Pennsylvania. ) No. 1, 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 along the Brick Road leading to Johnstown, State Highway Route #.015, said point being West a distance of 250 Feet from the intersection of said State Road with the Prosser Hollow Road; thence passing the Estate of John Brehm, deceased, Cambria Heights, Plan of Lots as laid out by Hoffman & Otto, land of John Poliacek, Plan of Lots known as "Mill Vu" as laid out by Baer, land of Blazy Micik and property of James Mackell. The proposed road follows the route of a road already in use and maintained as a private road.

Will meet at the place of Beginning on the 19th. day of October, 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

Sept 8th 1937

Rec'd of James McCarroll  
a copy of within  
Notice

Abram B Varner
John S Stegman
Emory J. Simmons

St. Vrain's  
Middle way for  
James

James McCarroll  
206 Vine St  
Johnstown Pa

In Re: Proposed Public Road in Middle Taylor Township, Cambria County, Pennsylvania. ( In the Court of Quarter Sessions of Cambria County, Penna. No. 1, September Sessions, 1937 )

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the abovenamed 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 along the Brick Road leading to Johnstown, State Highway Route #.015, said point being West a distance of 250 Feet from the intersection of said State Road with the Prosser Hollow Road; thence passing the Estate of John Brehm, deceased, Cambria Heights, Plan of Lots as laid out by Hoffman & Otto, land of John Poliacek, Plan of Lots known as "Mill Vu", as laid out by Baer, land of Blazy Micik and property of James Mackell. The proposed road follows the route of a road already in use and maintained as a private road.

Will meet at the place of Beginning on the 19th. day of October, 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

*Oct-11-1937*

*H. F. Jones  
Cambria County Commissioner*

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

( In the Court of Quarter Sessions  
of Cambria County, Penna.  
) No. 1, 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 along the Erick Road leading to Johnstown, State Highway No. 1015, said point being a distance of 250 Feet from the intersection of said Street with the Prosser Hollow Road; thence passing the place of John Brehm, deceased, Cambria Heights, Plan of Lots as laid out by Hoffman & Otto, land of John Poliacsek, Plan of Lots known as "Mill Va", as laid out by Baer, land of Elazy Hieck and property of James Mackell. The proposed road follows the route of a road already in use and maintained as a private road.

Will meet at the place of Beginning on the 19th. day of October, 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

Case: Proposed Public  
Road in Middle Taylor  
Township, Cambria County,  
Pennsylvania

( In the Court of Quarter Sess  
of Cambria County, Penna.  
) No. 1, 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 along the Brick Road leading to Johnstown, State Highway Route #.015, said point being West a distance of 250 Feet from the intersection of said State Road with the Prosser Hollow Road; thence passing the Estate of John Brehm, deceased, Cambria Heights, Plan of as laid out by Hoffman & Otto, land of John Peliacek, Plan of Lots known as "Mill Vu", as laid out by Baer of Blazy Licik and property of James Mackell. The road follows the route of a road already in use and maintained as a private road.

Will meet at the place of Beginning on the 19th. day of October, 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

C  
O  
P  
Y

October 21, 1964

Joseph F. O'Kicki, Esquire  
205 Fisher Building  
Johnstown, Pennsylvania

Re: Middle Taylor Township  
R.D.#1, September Term, 1937

Dear Mr. O'Kicki:

On May 24, 1962, you signed out for the above papers along with papers in regard to Road Docket No. 4, June Term, 1947, also relating to Middle Taylor Township. Yesterday Mr. Margolis returned the latter records, advising that the other papers had not been given to him by you.

We would appreciate your checking your files and returning these papers to us if you have finished with them.

Very truly yours,

Stephen D. Oblackovich  
Clerk of Courts

nh

Telephone  
Area Code 814  
535-2847

**JOSEPH F. O'KICKI**

ATTORNEY AT LAW  
205 Fisher Building  
Johnstown, Pa., 15901

August 12, 1964

Gustave Margolis  
Attorney at Law  
5th Floor  
Carnegie Building  
Johnstown, Pennsylvania

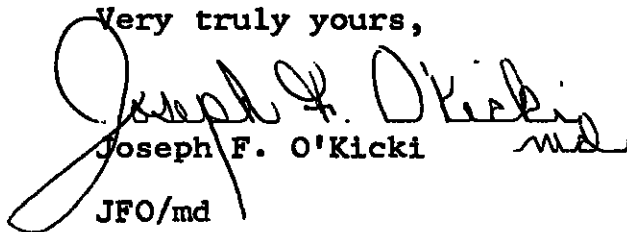
In Re: Middle Taylor Township

Dear Mr. Margolis:

Enclosed are the following papers in regard to #4 June Sessions, 1947:

1. Petition for appointment of viewers and decree thereon.
2. Report of viewers.
3. Order to open road in Middle Taylor Township, Cambria County, Pennsylvania.
4. Letter dated September 22, 1947, from Fred W. Claflin.
5. Acknowledgment dated August 29, 1947, and signed by Fred W. Claflin.
6. Notice of View.

Very truly yours,

  
Joseph F. O'Kicki

JFO/md

Enclosures 6

~~R.D. 1 June 1955~~  
~~R.D. 4 June 1947~~  
~~R.D. 1 Sept 1937~~  
No. ~~R.D. 4 Sept~~ Term, 1937

Received May 24 1962

from Clerk of Courts of Cambria  
County

Middle Taylor Twp.

All

Papers

Notified O'Keefe  
on June 30, 1964,  
to return papers  
immediately.

Atty. for O'Keefe  
S. 21 - Oct Margolis