

No. 1 June ~~September~~ Term 1938.

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

In Re-Opening New Township Road in Washington and Cresson Townships.

Petition for the appointment of Viewers.

NOW, this 7 day of July 1938, upon consideration of the within Petition the Court do appoint J. Keylor

A. M. Shawman and

A. H. Jucke, three

members of the Permanent Board of Viewers to view and determine as to the necessity of the road prayed for and report their findings to the next Session of the Quarter Sessions Court.

By the Court.

Albert L. O'Connor
Judge.

ALBERT L. O'CONNOR
ATTORNEY AT LAW
EBENSBURG AND LORETTO, PA.

Filed July-7-1938 - 4:00 P.M.

I hereby accept service of a copy of the foregoing Petition for the Commissioners of Cambria County, who waive the issuing of A. Rule as provided by the Rules of Court and agree to the appointment of Viewers.

July 6, 1938.

H. F. Dow.

Chief Clerk to the Commissioners of
Cambria County.

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

PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA:

We the undersigned citizens and tax-payers of the townships of Washington and Cresson respectfully represent, that we labor under inconveniences for want of a public road, beginning in the township of Washington and ending in the township of Cresson, at the termini hereafter stated.

Beginning at a point on the public highway leading from the Cresson-Lilly Road to Luckett Station, at a point approximately seventy-eight (78) feet Westward from the Pennsylvania Railroad Tracks, at the crossing leading from the said Cresson-Lilly Road, westward, above referred to, and extending thence in a northeasterly direction, approximately twenty-seven hundred (2700) feet to a point on line of land of Peter Anjeski, in the township of Cresson.

That they have given due and legal notice of their intention to present an application for appointment of viewers to the Supervisors of the townships of Washington and Cresson, also to the Commissioners of Cambria County.

We therefore pray your Honorable Court to appoint three (3) members of the Permanent Board of Viewers to view and determine as to the necessity for a public road between the termini above stated, and directing them to view the same and report their findings to the next session of said Court, reporting whether or not they deem the same necessary for a public road and if so, specifying the location of the same, in courses and distances, attaching thereto a plot or draft of the same in accordance with the Acts of the General Assembly, in such cases made and provided.

And they will ever pray etc.

SIGNATURES OF PETITIONERS

Clyde Sutton Supervisor Cresson Pounce
Raymond P. Drennon Supervisor Cresson Twp

Peter Sibis Supervisor Cresson Twp
Frank Sibis " Cresson Twp
Bolic Sibis " Cresson Twp
Joseph E Miller Cresson Twp
Wm J. Miller Cresson Township
Geo Shawley Cresson Twp
Charles Barnes Cresson Twp

SIGNATURES OF PETITIONERS

Walter Kadolsky Supervisor Washington, D.C.

Stephen Mitchell Washington, D.C.

John Carney Supervisor Wash. D.C.

Mary Carney Washington D.C.

Daniel Carney Washington D.C.

John Shively Washington D.C. Sup

J. L. Rodgers Washington D.C.

David Benton Washington D.C.

Joe R. Bender Washington D.C.

STATE OF PENNSYLVANIA

COUNTY OF CAMBRIA

SS:

John W. Carney being by me duly sworn, according to law, deposes and says that the matters and things hereinabove set forth are true and correct, to the best of his knowledge and belief.

John W. Carney

Sworn and subscribed to
before me this *18th*
day of *June*, 1938.

Joseph McKeighlin
JUSTICE OF THE PEACE
COMMISSION EXPIRES 1ST JAN 1944

RETURN BY SUPERVISORS

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

On the 23rd day of Sept 1944, before me
a Justice of the Peace, personally came John Garney
Walter Nadolsky & John Blininger
supervisors of the township of Washington, who being duly sworn
[or affirmed] according to law, do depose and say that they effectually opened the road designated by
the order of the Court bearing date the _____ day of _____
19____, in accordance with the directions of the said order.

Sworn [or affirmed] and subscribed before me this

23rd day of Sept 1944
Joseph Mc Donogh
J.P.
MY COMMISSION EXPIRES FIRST
MONDAY OF JANUARY, 1944

John Garney
Walter Nadolsky
John Blininger
Supervisors.

No. 1 June _____ Sessions 1944-38.

Order to open Public Road in Washington
Township, Cambria County, Penna.

Clerk.....

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

To John Clinemyer, Walter Madolsky and John Carney

supervisors of the township of Washington, 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 Sept. 12, 1938, 19....., 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 (40) feet, which said road so reported, approved for public use, confirmed and directed to be opened begins at,

as described in enclosed certified copy of viewres report and draft.

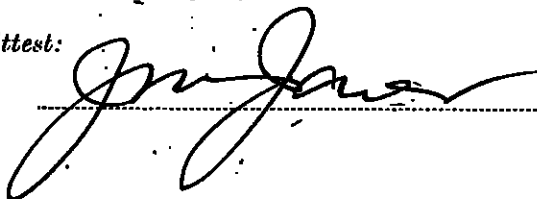
which said road was, on the 12 day of December, 19 38, ordered and directed by the said court to be entered of record, and thenceforth to be taken, deemed and allowed to be a lawful public road or highway:

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 (40) 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 manner 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 (40) feet, and upon the line hereinbefore directed.

Witness, the Honorable John H. McCann, President of our
said court at Ebensburg, this 12th day of December, 19 38.

By the Court:

Attest:


Clerk.

In Re; Proposed Public Road In the Court of Quarter Sessions
in Washington and Cresson of Cambria County, Penna.,
Townships in Cambria County, Pa. No 1, June Sessions, 1938.

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 time and place of meeting by posting notices along said proposed new road, as required by law, and at either termini, as evidenced by one of said notices hereto attached and made a part of this report and by serving notices on the Supervisors of the townships involved and on the Commissioners of Cambria County; That we met in accordance with the notice given on the thirteenth day of August, 1938, at ten o'clock A. M. and proceeded to perform the duties of our appointment and viewed the premises and the route of the proposed new road.

The Cresson Township Supervisors were present at the view and we contacted one of the Washington Township Supervisors thereafter. The petitioners were present and explained that the Pennsylvania Railroad Company closed the outlet they had been using and made a promise to supply them with a new road several years ago but never did so and that they now have no outlet and are seriously in need of a road.

The Viewers carefully inspected the different locations and laid out the only feasible route for the new road, which we deem is a necessity to three property owners, as shown by the directions and distances together with a map hereto attached and made a part of this report as follows:-

Beginning at a point on the public road leading from the Cresson-Lilly Road to Luckett Station on the old Ebensburg-Cresson Pike, otherwise the William Penn Highway on State Highway Route No. 22; where the public road leading from Lilly on the westerly side of the Pennsylvania Railroad Company Tracks adjoins said Luckett road; and extending thence along said Lilly-Luckett Road North fifteen (15) degrees West five hundred four and two tenths (504.2) feet to a point where the lane leading into the farm buildings on the property, now or late of James Rogers, Sr., adjoins said last referred to public road; and extending thence through and over said referred to Rogers farm, the property now or late of John Tinkernoof and ^{land of} ~~the~~ Pennsylvania Bituminous Coal and Coke Company, the following courses and distances, viz:- North sixty-two (62) degrees East one thousand (1000) feet; thence North fifty-three (53) degrees East four hundred sixty-two (462) feet, thence North forty-five (45) degrees East five hundred twenty-eight (528) feet thence North seventeen (17) degrees East three hundred sixty-five and five tenths (365.5) feet and North forty-seven (47) degrees fifteen (15) minutes East three hundred thirty-nine and three tenths (339.3) feet to a point on the southerly line of land of Peter Anjeski, the point of ending-- said termini being the same as those more particularly and definitely described and indicated on the attached order of Court and the plot or draft hereto attached and made a part of this report.

We make an award for damages to the James Rogers farm, as mentioned above, in the sum of two hundred fifty dollars, (\$250.00). No damages or benefits are assessed in the case of the other properties involved.

Louis E. Taylor
A. M. Shoemaker
D. H. Jewers
 VIEWERS.

for
Mr. Taylor

beginning at a point on the north side of the road
approximately 100 feet to the east of the intersection
of the road with the highway. The road is a
dirt road and is about 10 feet wide. The highway
is a paved road and is about 20 feet wide. The
road is located on the north side of the highway
and is approximately 100 feet long. The road is
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side of the highway and is approximately 100 feet
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the highway and is approximately 100 feet long.

[Handwritten signatures and notes]

SEARCHED
SERIALIZED
INDEXED
FILED

In re; Proposed Public Road
in Washington and Cresson Townships,
in Cambria County, Penna.

In the Court of Quarter
Sessions of Cambria County
Pennsylvania,
No. I. June Sessions, 1938

NOTICE OF VIEW


We, the undersigned Viewers, appointed by the above named Court to view the premises and determine as to the necessity for a New Public Road, as prayed for by the petitioners, Beginning at a point on the Public Highway leading from the Cresson-Lilly Road to Luckett Station, at a point approximately seventy-eight, (78) feet westward from the Pennsylvania Railroad Tracks at the crossing leading from the said Cresson-Lilly Road, westward, above referred to and extending thence in a northeasterly direction, approximately twenty-seven hundred (2700) feet to a point on land of Peter Anjeski, in the township of Cresson, will meet for the purpose of performing the duties of our appointment at the place of beginning specified above on SATURDAY, the thirteenth day of August, 1938, at ten o'clock, A. M. Eastern Standard Time and at this time and place all persons who are interested should be present.

Louis J. Kaylor,

S. H. Jenks,

A. M. Shoemaker, VIEWERS.

Service accepted for Supervisors of Cresson Township,


Supervisor of Cresson Twp.

In re; Proposed Public Road
in Washington and Cresson Townships,
in Cambria County, Penna.

In the Court of Quarter
Sessions of Cambria County
Pennsylvania,
No. I. June Sessions, 1938

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court to View the premises and determine as to the necessity for a New Public Road, as prayed for by the petitioners, Beginning at a point on the Public Highway leading from the Cresson-Lilly Road to Lockett Station, at a point approximately seventy-eight, (78) feet westward from the Pennsylvania Railroad Tracks at the crossing leading from the said Cresson-Lilly Road, westward, above referred to and extending thence in a northeasterly direction, approximately twenty-seven hundred (2700) feet to a point on land of Peter Anjeski, in the township of Cresson, will meet for the purpose of performing the duties of our appointment at the place of beginning specified above on SATURDAY, the thirteenth day of August, 1938, at ten o'clock, A. M. Eastern Standard Time and at this time and place all persons who are interested should be present.

Louis E. Kaylor,

S. H. Jenks,

A. M. Shoemaker, - VIEWERS.

Service accepted for Supervisors of ##### Washington Township,

John Carney
Supervisor
Per Mary Carney

In re; Proposed Public Road
in Washington and Cresson Townships,
in Cambria County, Penna.

In the Court of Quarter
Sessions of Cambria County
Pennsylvania,
No. 1. June Session, 1938

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court to view the premises and determine as to the necessity for a New Public Road, as prayed for by the petitioners, Beginning at a point on the Public Highway leading from the Cresson-Lilly Road to Lockett Station, at a point approximately seventy-eight (78) feet westward from the Pennsylvania Railroad Tracks at the crossing leading from the said Cresson-Lilly Road, westward, above referred to and extending thence in a northwesterly direction, approximately twenty-seven hundred (2700) feet to a point on land of Peter Anjoski, in the township of Cresson, will meet for the purpose of performing the duties of our appointment at the place of beginning specified above on SATURDAY, the thirteenth day of August, 1938, at ten o'clock, A. M. Eastern Standard Time and at this time and place all persons who are interested should be present.

Louis J. Kaylor,

S. H. Jenks,

A. H. Shoemaker, VIEWERS.

In re:- Proposed new Road in Washington and Cresson Townships, in Cambria County, Pa.

In the Court of Quarter Sessions, of Cambria County, Pennsylvania, June Term, 1938. No. I.

To Louis E. Kaylor, Dr.

Data, preparing, posting and serving notices,	\$12.00
Making View,	\$12.00
Stenographic work and Stationery	2.50
Mileage, 19 miles at 10 cents a mile,	1.90
Making Report and filing same,	12.00
	<u>\$ 40.40</u>
<i>19 miles posting notices</i>	<i>1.90</i>
	<u>\$42.30</u>

CERTIFIED
Henry Cresson
COUNTY CONTROLLER

To S. H. Jencks, Dr.

Making View,	\$12.00
" Mileage, 19 miles at 10 cents,	1.90
	<u>\$13.90</u>

CERTIFIED
Henry Cresson
COUNTY CONTROLLER

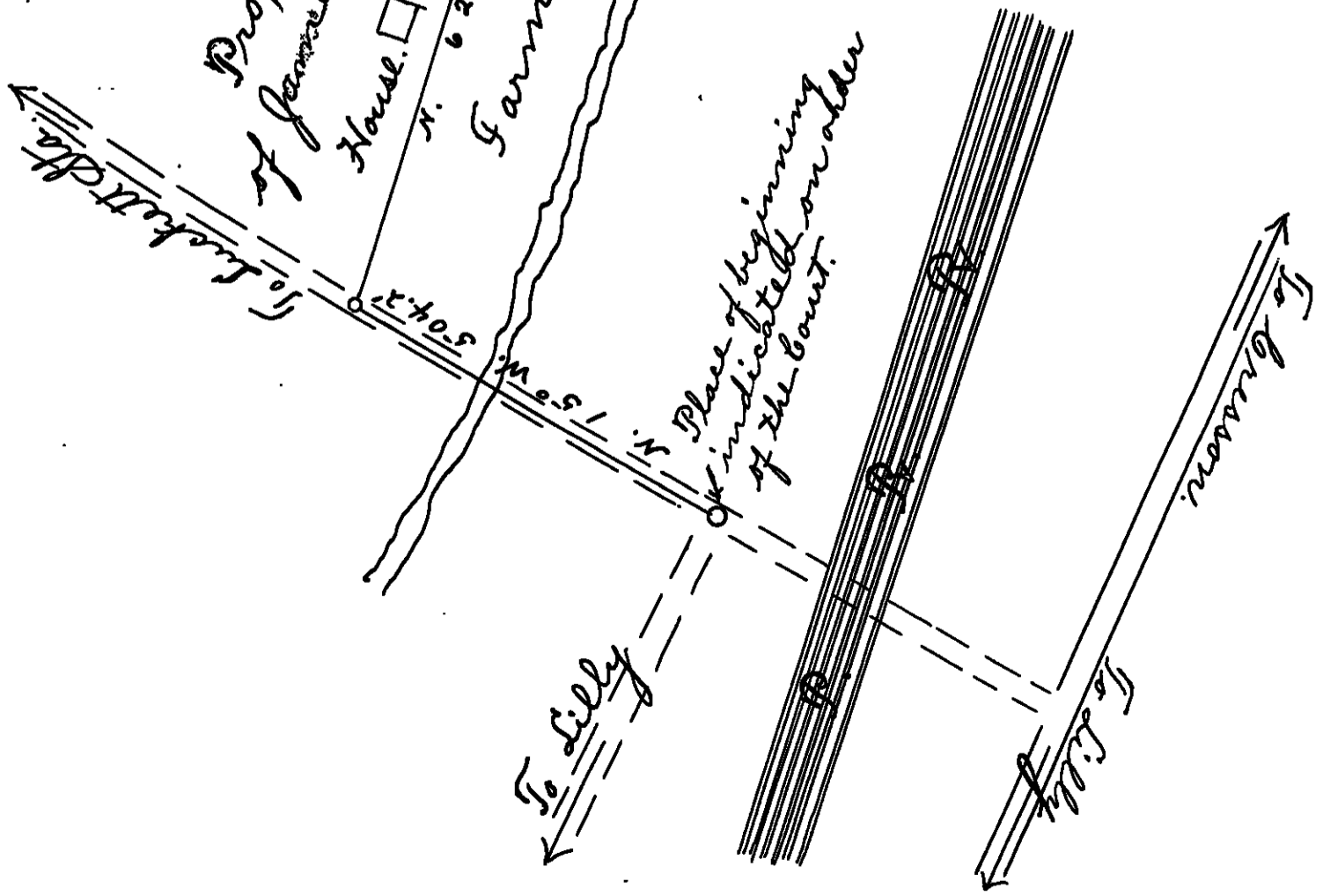
To A. M. Shoemaker.

To Day on View	\$12.00
" 19 miles	1.90
survey & draft	12.00
" 19 miles - making survey -	1.90
Tracing cloth & two prints	1.40
	<u>\$29.20</u>
Sept 15 th 1938 one additional print	.60
	<u>\$29.80</u>

CERTIFIED
Henry Cresson
COUNTY CONTROLLER

APPROVED FOR PAYMENT

OFFICE USE



Cresson Township.
Washington

Property now or late
of James Rodgers, Jr.
House. □
N. 62° E.
Farm
Barn. □
1000'

House. □
Barn □
House □
N. 53° E. 762'

The Pennsylvania Bituminous
Coal & Coke Co.
Cleared land. 528'.
Cleared land. 528'.
N. 45° E.
Cleared land. 3655'.
N. 17° E.
Cleared land. 3655'.
N. 47° 15' E. 339.31'

House. □
Peter Anjeski.

Point of ending
indicated on
the order of the
court hereto at-
tached.

Property

Plot or draft showing the location for a
proposed public road beginning in the town-
ship of Washington and ending in the township
of Cresson, as laid out and recommended by
the viewers, L. E. Kaylor and James McLean,
A. M. Shoemaker, L. E. Kaylor and James McLean,
Viewers appointed by the Court of Quarter
Sessions of Cambria County, Pennsylvania.
Viewed August A. D., 1938.

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."

NO. 1, June 1938 SESSIONS, #92

Order to view New Township Road

in Washington and Cresson Townships.

Report of Viewers

Filed: Aug 29, 1938

Viewers

L. E. Kaylor

A. M. Shoemaker

S. H. Jancks

Clerk 90 cts.

*View Sept 12, 1938 in
appearing that the road is
necessary for public travel
the report of the viewers is
confidential and approved
with a pit by the court
at 40 feet.*

*McKenzie
12 Dec 1938 Affirmed Absolutely
Jungerson
Clerk*

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 7th day of July A. D. 1928, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Washington and Cresson, 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 public highway leading from the Cresson-Lilly Road to Luckett Station, at a point approximately seventy-eight (78) feet Westward from the Pennsylvania Railroad Tracks, at the crossing leading from the said Cresson-Lilly Road, westward, above referred to, and extending thence in a northeasterly direction, approximately twenty-seven hundred (2700) feet to a point on line of land of Peter Anjeski, in the Township of Cresson.

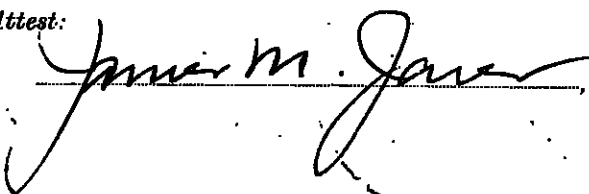
and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint

L. E. Kaylor surveyor, and A. M. Shoemaker and S. H. Jencks

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:

 Clerk.