

No. 3 March Term 1938

Petition for
extension of
time for filing
Report of Viewers
in re assess-
ment of damages
to Ralph W. Varner

Filed: Oct. 3, 1938

A. M. Showmaker

Petition for extension of time of filing Report of Viewers
in re Assessment of Damages to Ralph W. Varner, East Taylor Town-
ship, Cambria County, Pennsylvania.

To the Honorable, the Judges of the Court of Common Pleas
of Cambria County, Pennsylvania.

The petition of A. M. Shoemaker respectfully represents:

That on the 25th. day of April, 1938, your honorable Court
appointed A. M. Shoemaker, James McCann and S. H. Jencks, view-
ers to view and determine the damages sustained or which seemed
likely to be sustained by Ralph W. Varner; by reason of the change
or relocation of State Highway Route No. 219 - between Munday's
Corner and Johnstown - through and over land of said Varner, in
East Taylor Township, said county and state.

That the View of said premises was duly advertised for the
21st. of May, 1938, and held in accord with the notices served
and posted, as required; After which said view a time and place
was agreed upon to hear testimony relative to the damages sus-
tained - which said time for the hearing was repeatedly continued
at the request of the Attorneys for both parties interested and
because of the serious illness in the family of one of the view-
ers - for which reason the report of Viewers was not filed at
June Term, according to the direstion of the Court cantained in
the order of appointment of viewers.

Whereupōn your petitioner requested your honorable Court to
extend the time for filing said report to September Term : How-
ever your petitioner inadvertently stipulated, in said petition
for a continuance, the first Monday of September 1938 instead
of September Term, 1938, and whereas one of the viewers was out
of the state for some time previous to and until a day or two
following said first Monday of September; wherefore the report of
viewers was not filed on the fifth but on the ninth day of Sep -

September, 1938; or four days after the time specified in said order of continuance.

Now therefore; said report not being due for final confirmation until the ninth day of October, 1938; your petitioner hereby prays your honorable Court to grant an order, as of the first Monday of September, 1938, extending the time for filing said report so as to include the date of filing same, viz: the 9th day of September, 1938.

A. M. Shoemaker

Attorney for Viewers.

Now, October 3rd. 1938, the above petition having been read and considered and the prayer of the petitioner requesting an extension of time for filing said report of Viewers is hereby granted to include the ninth day of September, 1938.

By the Court
McKenney

And now, *Mar 22* . 1938, I hereby accept service of the within
Petition and Rule on behalf of the County Commissioners of Cambria County.

Walter Port
Ass't Clerk County Commissioners

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

In Re: Petition of RALPH W. VARNER () No. 3 *March* Sessions, 1938.
for the Appointment of Viewers to :
Assess Damages for the relocation of :
Highway Route 219 from the land of :
your Petitioner. () PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF THE ABOVE-NAMED COURT:

The petition of RALPH W. VARNER, a resident of East Taylor Township, Cambria County, Pennsylvania, respectfully represents:

1. That he is the owner of ~~the undivided one-ninth (1/9) of~~ that certain tract of land, situated in the Township of East Taylor, County of Cambria, and State of Pennsylvania, bounded and described as follows:

By the Ebensburg Road, lands of Elizabeth Varner, John Broad Estate, Clem L. Varner, other land of grantee herein. Containing twenty-one (21) and forty-six hundredths (21.46) acres.

Excepting and reserving the mining rights, heretofore conveyed, and being more fully described by meets and bounds, as follows:

BEGINNING at a post on the Easterly side of Ebensburg Road, corner of land formerly of John S. Snyder; thence along said Ebensburg Road by the following courses and distances: South 25 degrees 0 minutes West six hundred twenty-two (622) feet to a post; thence South 12 degrees 44 minutes West five hundred fifty-six and seven-tenths (556.7) feet to a post; thence South 62 degrees 56 minutes East along line of land of Greek Catholic Church; thence ten hundred seventeen and two-tenths (1017.2) feet to a post; corner of land of George C. Varner; thence North 38 degrees 35 minutes East eight hundred one and seven-tenths (801.7) feet to a locust; thence South 82 degrees 56 minutes East six hundred three and six-tenths (603.6) feet to a post, corner of land of John Broad; thence through former whole tract North 61 degrees 14 minutes West nineteen hundred one and eight-tenths (1901.8) feet to a post on the Ebensburg Road, the place of beginning.

CONTAINING Thirty and thirty-two hundredths (30.32) acres.

BEING the same tract of land which STANTFORD T. VARNER and SARA ANN VARNER, his wife, by their deed dated the 18th day of November, A. D. 1927, and recorded in the Recorder's Office in and for Cambria County on the 5th day of December, A. D. 1927, in Deed Book Volume 390 at Page 158, conveyed to RALPH W. VARNER.

2. That the Secretary of Highways has caused to be constructed a highway, known as Route No. 219, and the same crosses over and through the land of your petitioner, and in so doing, the State has taken and appropriated to its own use or to the use of the public a portion of said land belonging to your petitioner.

3. That the County Commissioners of Cambria County have consented and approved of the width, location, and relocation or change of said highway through land of your petitioner, and are therefore liable for any damages sustained by your petitioner for change of said width, location and relocation of said road. Your petitioner is therefore entitled to damage under and in pursuance of the Acts of Assembly in such case made and provided, for the change of the width, location and relocation of said highway No. 219 over the land of your petitioner. A detailed description of the construction, relocation and change of said road is on file in the office of the County Commissioners of Cambria County.

4. Your petitioner therefore prays your Honorable Court to appoint three viewers from among the Board of Viewers of Cambria County, one of whom shall be learned in the law, to assess the damages occasioned to your petitioner, and make report thereof to the next term of said Court.

And thus he will ever pray, etc.


Petitioner.

STATE OF PENNSYLVANIA 0
: SS:
COUNTY OF CAMBERIA 0

Personally appeared before me, the undersigned authority, a Notary Public, in and for said State and County, RALPH W. VARNER, who, being duly sworn according to law, deposes and says that he is the petitioner herein, and that the averments of fact set forth in the foregoing petition are true and correct, as he verily believes.

Ralph W. Varner

Sworn and subscribed before me
this 19th day of March
A. D. 1938.

Ernest Lewis Shagle
Notary Public

My commission expires

NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 11, 1941

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

In Re: Petition of RALPH W. VARNER) No. Sessions, 1938.
for the Appointment of Viewers to :
Assess Damages for the Relocation of :
Highway Route 219 from the Land of :
your Petitioner.) RULE TO SHOW CAUSE

AND NOW, *March 24*, A. D. 1938, a rule is granted
on the County Commissioners to show cause why the above petition should
not be granted.

Rule returnable ten days hence.

BY THE COURT:

[Handwritten Signature]

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

In Re: Petition of RALPH W. VARNER ◊ No. 3 Mar. Sessions, 1938.
for the Appointment of Viewers to :
Assess Damages for the Relocation of :
Highway Route 219 from the Land of :
your Petitioner. ◊ ORDER AND DECREE

AND NOW, *April 25*, A. D. 1938, the fore-
going petition having been read and considered, the Court appoints
A. M. Shoenberger Esq., *James McCann*, and
R. H. Jewett, Viewers, who, in accordance with the
Acts of Assembly in such case made and provided shall view the premises and
make an award as to them shall seem just and proper; report of the Viewers
to be filed on or before the next term of this Court, and notice of the
filing of this report shall be given to the County Commissioners of Cambria
County, and to the attorney for the petitioner.

BY THE COURT:

McKerrick
g

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

IN RE: PETITION OF RALPH W.
VARNER FOR THE APPOINTMENT OF
VIEWERS TO ASSESS DAMAGES FOR THE
RELOCATION OF HIGHWAY ROUTE NO.
219 FROM THE LAND OF YOUR
PETITIONER.

Order to View

and

Report of Viewers.

Filed: Sept. 9, 1938

apparent

*12 Sept. 1938 Approved
By the Court
M. Bennett*

REPORT OF VIEWERS.

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

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:-

We, the undersigned members of the permanent board of viewers of Cambria County, Pennsylvania, appointed by your Honorable Court to view and determine the damages, if any, sustained, or which seem likely to be sustained, by Ralph W. Varner of East Taylor Township, Cambria County, Pennsylvania, by reason of the change and alteration of the line and grade of State Highway Route No. 219 where the same crosses through and over land of said Ralph W. Varner, Petitioner, respectfully report:-

That having given due notice of the view and a time and place of meeting of the viewers to the Commissioners of Cambria County and to the Petitioner, and having posted ten notices upon the premises as required by the rules of the Court, and having them accept service of the notices, hereto attached, and waiving the necessity of advertising said view by publication in the newspapers and Legal Journal, and each having first been duly qualified according to law to perform the duties of our appointment, faithfully, impartially and to the best of our judgment and ability, and true report to make concerning all matters or things submitted to us concerning which we are authorized to inquire; all of us met upon the premises in accord with the notices served and posted as aforesaid, we carefully viewed the same and the highway in the vicinity thereof, noting the conditions which now prevail, and having gone over and carefully noting every detail so far as we were able to observe or was brought to our attention, wherein the same are affected by the change and alteration of the line and grade of said Route No. 219 through and over his premises, and after carefully examining and inspecting the same and having given due notice to

the parties concerned, we sat in the Court House, at Ebensburg and heard the testimony offered by the parties in interest, which said hearing was attended by representatives of the parties concerned and their attorneys, and having carefully reviewed and considered said testimony, having in mind conditions and the situation as noted on the premises, we proceeded to estimate and determine as to the amount of benefits and damages sustained by the petitioner and after giving due notice to the Commissioners of Cambria County and the said Ralph W. Varner, and their attorneys, of the time and place when and where we would sit to exhibit our schedule of benefits and damages and hear any further testimony the parties in interest might have to offer concerning the matter of our inquiry, we met in accord with such notices in the Court House when and where we exhibited our schedule, assessing no benefits and fixing the amount of damages sustained by said Ralph W. Varner, as a result of the changing and altering of the line and grade of said Route No. 219 through and over his premises.

In the course of the changing of the line and grade of said Highway, above referred to, said Ralph W. Varner sustained damages in diverse ways; the said highway along and at the juncture of the land leading to his premises was considerably lowered in elevation, thus removing what was formerly a barrier protecting the lane to a considerable extent from the wind and storms drifting snow upon his land; in the grading and shifting of said Highway Eastward some 2220 square feet of land was taken from the Varner premises; that in the course of their operations said Highway Department caused the surface water flowing toward the entrance to the land of said Varner from a point northward beyond the property of the old Angus School House to be conducted from the westerly to the easterly side of said Highway adding an additional quantity of

surface water to be conducted down and turned into the lane of your petitioner, whereas a goodly portion of said surface water formerly found its way westward onto other properties; that in addition thereto, it is evident, from the testimony, that by reason of the grading of said highway along and opposite the property-- formerly the Angus School property--the source of the water supply of your petitioner's spring has been opened, allowing quantities of surface water and wash to be carried into the spring near his residence; that in the course of constructing said highway, on one occasion, water was deliberately turned from the highway onto the premises of the petitioner at a point just southward from the end of his land in such quantities that it washed through a draw in the orchard and round its way directly into and through the foundation wall under the house of your petitioner, which said walls according to all indications, and the testimony produced at the hearing, had formerly been in good shape and never, up to that time, had they experienced any trouble or inconvenience by reason of surface water washing through the cellar wall at any place; that since the change in the line and grade of said highway the petitioner has had trouble and been put to very considerable expense during and after heavy snow storms keeping the land leading to his place of business passable for the accommodation of himself and his patrons which; according to the testimony; did not formerly occur, as the former elevation of the road at the juncture of his lane diverted the course of the water protecting the lane from excessive wash.

That your petitioner has a well established business as a butcher and operates a slaughter house upon his premises, on account of which, both himself and those whom he serves, in the course of his business, have occasion to use said lane much more frequently than would the average farmer.

That at numerous times since the change of the line and grade of Route No. 219 the petitioner has expended considerable sums of money repairing his lane and endeavoring to keep great quantities of water which now dash down the driveway from the highway, in excess of the water which he formerly had to contend with, from washing out his road bed and cutting up his lane and land but these efforts have been of no avail.

According to the evidence, on one occasion, the Commissioners of Cambria County had some work done along the gutter of the petitioner's lane in an effort to remedy the situation created, but from all indications and the testimony of witnesses these efforts were of very little consequence, as the gutter has since been washed out and the water has cut into the bank next to the orchard, behind the stones placed in the gutter, in various places, and the stones used have been washed out and piled up in places where they collected debris and earth in the gutter, turning the course of the water onto the driveway, causing even more damage than would likely have otherwise occurred.

Accordingly, as set forth in the schedule exhibited, we have levied no benefits against petitioner and have appraised his damages at one thousand forty (\$1040.00) dollars, which amount should be paid him by the County of Cambria.

This report will be filed on the 9th day of Sept., 1938, and unless exceptions are filed to this report or an appeal taken within thirty days from the date of filing same, it shall be confirmed absolutely; notice of filing has been given to the parties in interest.

Witness our hands this 3rd day of Sept., A. D., 1938.

A. M. Shoemaker

James McCann

A. H. Jewers

NOTICE OF VIEW

Notice is hereby given that the undersigned viewers, appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine the damages, if any, sustained, or likely to be sustained by Ralph W. Varner of East Taylor Township, Cambria County, Pennsylvania, by reason of the change or alteration of the Public Highway Route No. 219 along and over his premises, bounded and described as follows:

Beginning at a post on the Easterly side of Ebensburg Road, corner of land formerly of John S. Snyder, thence along said Ebensburg Road by the following courses and distances: South 25 degrees 0 minutes West sixhundred twenty-two (622) feet to a post; thence South 12 degrees 44 minutes West five hundred fifty-six and seven tenths (556.7) feet to a post; thence South 62 degrees 56 minutes East along line of Greek Catholic Church; thence ten hundred seventeen and two tenths (1017.2) feet to a post; corner of land of George C. Varner; thence North 38 degrees 35 minutes East eight hundred one and seven tenths (801.7) feet to a locust; thence South 82 degrees 56 minutes East six hundred three and six tenths (603.6) feet to a post, corner of land of John Broad; thence through former whole tract North 61 degrees 14 minutes West nineteen hundred one and eight tenths (1901.8) feet to a post on the Ebensburg Road, the place of beginning. Containing thirty and thirty-two hundredths (30.32) acres.

Said viewers will meet on the premises along line of Route No. 219 in the Township of East Taylor Township, Cambria County, Pennsylvania, May 21, 1938 at ~~2:00 P.~~ M., for the purpose of performing the duties of their said appointment.

A. M. SHOEMAKER

JAMES MCCANN

S. H. JENCKS,

VIEWERS.

Now, May 14, 1938 service of the above notice is hereby accepted for the Commissioners of Cambria County, Pennsylvania.

H. F. Dorn
clerk

NOTICE OF EXHIBITION OF SCHEDULE

The undersigned viewers, appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine the damages, if any, sustained by Ralph W. Varner of East Taylor Township, Cambria County, Pennsylvania, by reason of the change and improvement of State Highway Route No. 219 along his premises in said Township, will meet at the Court House, Ebensburg, Pennsylvania, May 28, 1938, at 12:00 P. M. for the purpose of exhibiting their schedule of damages and benefits resulting to said Varner.

A. M. SHOEMAKER

JAMES McCANN

S. H. JENCKS,

VIEWERS.

Now, May 14, 1938 service of the above notice is hereby accepted for the Commissioners of Cambria County, Penn'a.

H. J. Dow

Hearing & Exhibition of Schedule were continued from above date to the 20th. day of August/ at the request of one and then the other of the attorneys for the parties concerned.

A. M. Shoemaker

NOTICE OF EXHIBITION OF SCHEDULE

The undersigned viewers, appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine the damages, if any, sustained by Ralph W. Varner, of East Taylor Township, said County and State, by reason of the change or alteration of the line; and ^{grade} ~~the~~ State Highway Route No. 219 along and over his premises in said Township, County and State; having viewed the premises, heard and considered the testimony of the parties interested; will meet at the Court House in Ebensburg, Pennsylvania, August ~~20th~~ 1938, at 2:00 o'clock ^{p.m.} for the purpose of exhibiting their schedule of benefits and damages resulting to said Varner, when and where either party in interest may have the opportunity to offer any other or further testimony pertaining to the matter of our inquiry, which he may desire.

A. M. Shoemaker

S. H. Jencks

James McCann

Viewers.

SCHEDULE

In re: View to determine the damages which have resulted or seem likely to result, if any, to Ralph W. Varner of East Taylor Township, Cambria County, Pennsylvania, by reason of the change or re-location of the line and grade of State Highway Route No. 219 through and over his said premises.

The undersigned Viewers, appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, having viewed the premises, heard and carefully considered the testimony offered and having given notice of the time and place of sitting to exhibit this Schedule, we have prepared and herewith submit our schedule of benefits and damages as follows, to wit:-

assessed
Benefits ~~accruing or resulting~~ to
Ralph W. Varner\$ *None*

Damages ~~accruing or~~ resulting to
Ralph W. Varner,\$ *1040⁰⁰*

A. M. Shoemaker

James McCann

S. H. Jencks

Viewers.

IN RE: REPORT OF VIEWERS.

WHEREAS, on April 25, 1938 the Court of Quarter Sessions did appoint A. M. Shoemaker, James McCann and S. H. Jencks, Viewers, to view and determine as to the damages, if any, which have been sustained, or seem likely to be sustained by Ralph H. Varner by reason of the change or alteration of the line and grade of State Highway Route No. 219 through and over his premises in East Taylor Township, Cambria County, Pennsylvania, and directed said viewers to report on or before the next term of Court:

WHEREAS, for diverse and sufficient causes, made known to the Court, the time for filing the report of viewers is hereby extended and said viewers are hereby directed to file the said report on or before the first Monday of September, 1938; said order to be effective as of May 28, 1938.

BY THE COURT.

Alexander
J

NOTICE OF EXHIBITION OF SCHEDULE

The undersigned viewers, appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine the damages, if any, sustained by Ralph W. Varner, of East Taylor Township, said County and State, by reason of the change or alteration of the line and ^{grade} in State Highway Route No. 219 along and over his premises in said Township, County and State; having viewed the premises, heard and considered the testimony of the parties interested; will meet at the Court House in Ebensburg, Pennsylvania, August 20th 1938, at 2 p.m. O'clock for the purpose of exhibiting their schedule of benefits and damages resulting to said Varner, when and where either party in interest may have the opportunity to offer any other or further testimony pertaining to the matter of our inquiry, which he may desire.

A. M. Shoemaker

S. H. Jencks

James McCann

Viewers.

Above date continued at request of Attorneys on either side until above date.

A. M. Shoemaker

VIEWERS' NOTICE

IN THE MATTER OF THE CHANGE OF THE LINE AND GRADE OF STATE HIGHWAY ROUTE 219 THROUGH AND OVER PREMISES OF RALPH W. VARNER OF EAST TAYLOR TOWNSHIP, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA.

The undersigned Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania to view and determine the damages, if any, which have been sustained, or seem likely to be sustained by the said Ralph W. Varner, by reason of the aforementioned change or alteration of the line and grade of State Highway Route 219 through and over said premises, having viewed the same, heard and considered the testimony, prepared and exhibited a schedule of benefits and damages:

We will file our report ^{September} ~~AUGUST~~ 9th, 1938 in the office of the Clerk of Courts of Cambria County, Pennsylvania showing the amount of benefits levied to be \$ none and the amount of damages assessed \$ 1040.00, and unless an appeal is filed or exceptions taken to the amount of said award within thirty (30) days from the date of filing, said report shall be confirmed absolutely, said damages to be paid in by the County of Cambria.

A. M. Shoemaker

James McCann

S. H. Jencks,

Viewers.

View of Property of Ralph Varner.

County of Cambria - - - Dr.

To S. H. Jencks, Ebensburg, Pa.

Day on View	-	-	-	-	\$12.00.
Twenty six (26) miles @ 10¢ per mile	-	-	-	-	2.60.
Day on Hearing	-	-	-	-	12.00
Day Exhibiting Schedule	-	-	-	-	12.00.
					<u>\$38.60.</u>

To A. M. Shoemaker, Ebensburg, Pa.

Preparing, serving and posting notices of view and securing waver of newspaper publication	-	-	-	-	\$12.00
Twenty six miles	-	-	-	-	2.60
Day on View	-	-	-	-	12.00
Twenty six miles	-	-	-	-	2.60
Stenographer & stationery	-	-	-	-	1.60
Day at Hearing	-	-	-	-	12.00
Preparing Schedules, preparing and serving notices of exhibition of schedules and preparing and serving notices of filing report	-	-	-	-	12.00
Day exhibiting schedules	-	-	-	-	12.00
Preparing Report of Viewers	-	-	-	-	12.00
Stenographer and stationery	-	-	-	-	2.60
					<u>\$81.40.</u>

To James McCann, Johnstown, Pa.

One day on View	--	--	-	-	\$12.00
Twelve miles	-	-	-	-	1.20
Day at Hearing	-	-	-	-	12.00.
Thirty six miles	-	-	-	-	3.60
Day exhibiting Schedule	-	-	-	-	12.00
Thirty six miles	-	-	-	-	3.60
					<u>\$44.40</u>

I hereby certify this is an exact copy of the original bill presented to the County Commissioners for payment.

A. M. Shoemaker.

CERTIFIED
Joseph L. Cannon
COUNTY CONTROLLER

CERTIFIED
Joseph L. Cannon
COUNTY CONTROLLER

CERTIFIED
Joseph L. Cannon
COUNTY CONTROLLER

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

In Re: Petition of Ralph W. Varner " No. 3 March Sessions 1938.
for the appointment of Viewers to "
Assess Damages for the relocation of "
Highway Route 219 from the land of " Petition for Appointment of Viewers.
your Petitioner. "

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

The petitioner of Ralph W. Varner, a resident of East Taylor Township, Cambria County, Pennsylvania, respectfully represents:

1. That he is the owner of that certain tract of land, situated in the Township of East Taylor, County of Cambria, and State of Pennsylvania, bounded and described as follows:

By the Ebensburg Road, lands of Elizabeth Varner, John Broad Estate, Clem L. Varner, other land of grantee herein. Containing twenty-one (21) and forty-six hundredths (21.46) acres.

Excepting and reserving the mining rights, heretofore conveyed, and being fully described by meets and bounds, as follows:

Beginning at a post on the Easterly side of Ebensburg Road, corner of land formerly of John S. Snyder; thence along said Ebensburg Road by the following courses and distances: South 25 degrees 0 minutes West six hundred twenty-two feet (622) to a post; thence South 12 degrees 44 minutes West five hundred fifty-six and seven tenths (556.7) feet to a post; thence South 62 degrees 56 minutes East along line of land of Greek Catholic Church; thence ten hundred seventeen and two-tenths (1017.2) feet to a post; corner of land of George C. Varner; thence North 38 degrees 35 minutes East eight hundred one and seven-tenths (801.7) feet to a locust; thence South 82 degrees 56 minutes East six hundred three and six-tenths (603.6) feet to a post, corner of land of John Broad; thence through former whole tract North 61 degrees 14 minutes West nineteen hundred one and eight-tenths (1901.8) feet to a post on the Ebensburg Road, the place of beginning.

Containing Thirty and thirty-two hundredths (30.32) acres.

Being the same tract of land which Stanford T. Varner and Sara Ann Varner, his wife, by their deed dated the 18th day of November, A. D. 1927, and recorded in the Recorder's Office in and for Cambria County on the 5th day of December, A. D. 1927, in Deed Book Volume 370 at Page 158, conveyed to Ralph W. Varner.

2. That the Secretary of Highways has caused to be constructed a highway known as Route No. 219, and the same crosses over and through the land of your petitioner, and in so doing, the State has taken and appropriated to its own use or to the use of the public a portion of said land belonging to your petitioner.

3. That the County Commissioners of Cambria County have consented and approved the width, location, and relocation or change of said highway through the land of your petitioner, and are therefore liable for any damages sustained by your petitioner for change of said width, location and relocation of said road. Your petitioner is therefore entitled to damage under and in pursuance of the acts of Assembly in such case made and provided, for the change of the width, location and relocation of said highway No. 219 over the land of your petitioner. A detailed description of the construction, relocation and change of said road is on file in the office of the County Commissioners of Cambria County.

4. Your petitioner therefore prays your Honorable Court to appoint three viewers from among the Board of Viewers of Cambria County, one of whom shall be learned in the law, to assess the damages occasioned to your petitioner, and make report thereof to the next term of said Court

ORDER and DECREE

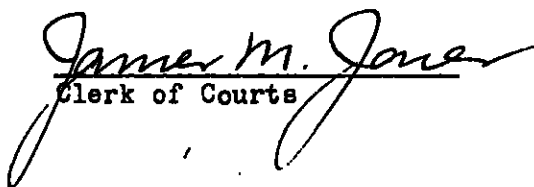
And now, April 25, A. D. 1938, the foregoing petition having been read and considered, the Court appoints A. M. Shoemaker, Esq., James McCann, and S. H. Jencks, Viewers, who, in accordance with the Acts of Assembly in such case made and provided shall view the premises and make an award as to them shall seem just and proper; report of the Viewers to be filed on or before the next term of this Court, and notice of the filing of this report shall be given to the County Commissioners of Cambria County, and to the attorney for the petitioner.

By the Court

McKenrick, J.

Extract from the Record.

Certified this 26th day
of April A. D. 1938,


Clerk of Courts