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NO. 17 JUNE SESSIONS, 1960

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA

IN RE: PETITION OF JOHN
BUCKUS AND ELIZABETH MARY
BUCKUS, HIS WIFE, FOR THE
APPOINTMENT OF VIEWERS TO
ASSESS DAMAGES ARISING FROM
IMPROVEMENTS TO STATE
HIGHWAY U. S. ROUTE NO. 22
IN THE TOWNSHIP OF CAMBRIA,
COUNTY OF CAMBRIA,
PENNSYLVANIA

ROAD DOCKET

PETITION

DECREE

Filed - May 2, 1960

GERARD HARRY ISAACSON
ATTORNEY AT LAW
ROOMS 306-307-308 MASONIC BUILDING
EBENSBURG, PA.

*Received the 2nd day of May 1960, I hereby
accept for view of the Court the
in behalf of the Cambria County Commissioners
Gerard Harry Isaacson
Chief Clerk*

IN RE: PETITION OF
JOHN BUCKUS and
ELIZABETH MARY BUCKUS,
HIS WIFE, FOR THE
APPOINTMENT OF VIEWERS

| IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA
| NO. JUNE SESSIONS, 1960
| ROAD DOCKET

IN RE: PETITION OF JOHN BUCKUS AND
ELIZABETH MARY BUCKUS, HIS WIFE,
FOR THE APPOINTMENT OF VIEWERS TO
ASSESS DAMAGES ARISING FROM IMPROVE-
MENTS TO STATE HIGHWAY U. S. ROUTE NO. 22
IN THE TOWNSHIP OF CAMBRIA, COUNTY OF
CAMBRIA, PENNSYLVANIA.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of John Buckus and Elizabeth Mary Buckus, his wife,
respectfully represents:

1. That they are husband and wife and reside in the Township of Cambria, County of Cambria and State of Pennsylvania.
2. That the respondent is the Department of Highways, Commonwealth of Pennsylvania.
3. That the petitioners are the owners of all that certain piece or parcel of land situate, lying and being in the Township of Cambria, County of Cambria and State of Pennsylvania, bounded and described as follows:

The place of beginning is found by starting at a post being the southwest corner of land now or formerly of Mike and Ida Cook fronting on the right of way of the William Penn State Highway, Route 22, leading from Ebensburg to Mundy's Corner, where the same corners with the Jane Jones tract of land at a point marked "A" on the blue print hereinafter referred to; thence by the line of said right of way of the William Penn Highway, Route 22 north $59^{\circ} 32'$ east a distance of five hundred (500) feet to a post and corner marked "B" on the blue print heretofore mentioned, being the place of beginning; thence by line running north $30^{\circ} 28'$ west along lands now or formerly of Mike and Ida Cook eight hundred seventy-one and two-tenths (871.2) feet to a post, corner of land now or formerly of Mike and Ida Cook; thence by a line running parallel with

the right of way of the William Penn State Highway, Route 22, north 59° 32' east a distance of one hundred (100) feet to a post; thence by a line running south 30° 28' east a distance of eight hundred seventy-one and two-tenths (871.2) feet to a post in line of the right of way of William Penn Highway, Route 22; thence continuing by the line of the right of way of the William Penn Highway, Route 22, south 59° 32' west a distance of one hundred (100) feet to the place of beginning; containing 2 acres strict measure according to survey of said land made by H. F. Dorr, Engineer, May 23, 1941, a draft of which is attached to deed of Mike Cook, et. ux. to Joseph M. Vargo dated June 14, 1941, and recorded in the office for the recording of deeds, etc., in Cambria County, Pennsylvania, in Deed Book Vol. 504 at Page 339 .

4. That in the construction by the Department of Highways of the Commonwealth of Pennsylvania, of a limited access State Highway known as U. S. Route No. 22, through petitioners' property above described, said property has sustained serious loss and damage arising out of the outright appropriation of a large portion of petitioners' property and for other reasons.

5. That respondent has not agreed with the petitioners as to the amount of damages sustained or made any payment to them on account thereof, although respondent took petitioners land more than twenty-three (23) months ago, that is, on the 5th day of May, 1958.

WHEREFORE, your petitioners pray your Honorable Court, pursuant to the Acts of Assembly in such cases made and provided, to appoint three viewers from the members of the Board of Permanent Viewers of Cambria County to view the above described premises, take such testimony as may be necessary, determine the extent of the damages, assess the benefits, if any, and report the same to your Honorable Court according to law.

John Buckus
Elizabeth Mary Buckus

STATE OF PENNSYLVANIA:

SS.

COUNTY OF CAMBRIA :

Before me, the subscriber, a Notary Public in and for said County and State, personally appeared JOHN BUCKUS and ELIZABETH MARY BUCKUS, his wife, who, being duly sworn according to law, depose and say that they are the Petitioners named in the foregoing Petition and that the statements therein set forth are true and correct to the best of their knowledge, information and belief.

John Buckus
Elizabeth Mary Buckus

Sworn to and subscribed before me

this 28th day of April, 1960

Elizabeth S. Allison

Notary Public

Ebensburg Borough, Cambria County

My commission expires: April 25, 1961

IN RE: PETITION OF
JOHN BUCKUS and
ELIZABETH MARY BUCKUS,
HIS WIFE, FOR THE
APPOINTMENT OF VIEWERS

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA

No. JUNE SESSIONS, 1960

ROAD DOCKET

IN RE: PETITION OF JOHN BUCKUS AND
ELIZABETH MARY BUCKUS, HIS WIFE,
FOR THE APPOINTMENT OF VIEWERS TO
ASSESS DAMAGES ARISING FROM IMPROVE-
MENTS TO STATE HIGHWAY U. S. ROUTE
NO. 22 IN THE TOWNSHIP OF CAMBRIA,
COUNTY OF CAMBRIA, PENNSYLVANIA.

D E C R E E

And now, May 29, 1960, the within petition read and consid-
ered and Louise W. Wenzelberg, Raymond Niebauer
and John L. Elder, three members of the Permanent Board
of Viewers of Cambria County, be and they hereby are appointed to view the
premises described in the within petition, take such testimony as necessary,
determine the extent of the damage to the premises described in the within
petition, assess the benefits, if any, and report the same to the court accord-
ing to law.

BY THE COURT

Dr. P. J.
P. J.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

JOHN BUCKUS

and

ELIZABETH MARY BUCKUS,
his wife,

VS.

COMMONWEALTH OF PENN-
SYLVANIA

DEPARTMENT OF HIGHWAYS

S T I P U L A T I O N

Filed June 9, 1960

GERARD HARRY ISAACSON

ATTORNEY AT LAW

ROOMS 306-307-308 MASONIC BUILDING

EBENSBURG, PA.

JOHN BUCKUS
and
ELIZABETH MARY BUCKUS,
his wife,

Vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

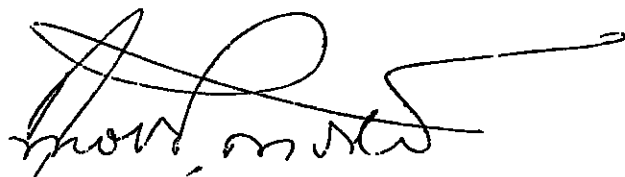
IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

No. 4 June Sessions, 1960


Road Docket

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

AND NOW, TO WIT, this eighth day of June, 1960, it is stipulated by and between Arnold D. Smorto, Esq., Counsel for the Commonwealth of Pennsylvania, Department of Highways, and G. Harry Isaacson, Esq., Counsel for John Buckus and Elizabeth Mary Buckus, his wife, owners of the premises, that they do hereby for their clients waive the right to file exceptions, or to file any appeal to the Court of Common Pleas of the County of Cambria and demand trial by jury or to file any appeal to the Superior Court or the Supreme Court from the Report of the Board of Viewers dated June 6, 1960, and filed on the same day in the Office of the Clerk of Court of the Court of Quarter Sessions of Cambria County, Pennsylvania, in accordance with any right granted to them by the common or statutory law of the Commonwealth of Pennsylvania, and the Court of Quarter Sessions of Cambria County, Pennsylvania is hereby directed to enter a Decree confirming absolutely the said Viewer's Report. It is the intention of the parties hereto, that the Board of Viewers' Report be considered as a final Judgment from which all exceptions and appeals are waived.



Attorney for the Commonwealth of
Pennsylvania
Department of Highways


Attorney for John Buckus and
Elizabeth Mary Buckus, his wife

GERARD HARRY ISAACSON
ATTORNEY AT LAW
EBENSBURG, PA.

No. 4 June Sessions, 1960

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA

JOHN BUCKUS and ELIZABETH
MARY BUCKUS, his wife

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Filed - 6-6-68

REPORT

*Now June 9, 1960 the parties
having consented to waive the
right to file exceptions or an
appeal to the within report, the
30 day period being waived, the
within Report of Viewers is
confirmed absolutely by the Court
W. Wendekier
J.*

LEOPOLD J. WENDEKIER
Attorney-At-Law
PATTON, PENNSYLVANIA

JOHN BUCKUS and ELIZABETH MARY	::	IN THE COURT OF QUARTER
BUCKUS, his wife	::	SESSIONS OF CAMBRIA COUNTY,
	::	PENNSYLVANIA
vs.	::	
	::	No. 4 June Sessions, 1960
COMMONWEALTH OF PENNSYLVANIA	::	
DEPARTMENT OF HIGHWAYS	::	Road Docket

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The undersigned Board of View, appointed by your Honorable Court to assess damages and benefits, if any, caused by the appropriation of a right-of-way in Cambria Township for the purpose of constructing and maintaining a limited-access highway, respectfully

REPORT

That in pursuance of their appointment the Board of View caused notice to be served upon the owners and occupants of land affected in the above proceeding, as well as counsel of record for said owners and occupants, and upon counsel for the Commonwealth of Pennsylvania, Department of Highways that they would meet upon the premises on Friday, June 3, 1960, at 9:30 o'clock A. M., e. d. s. t., for the purpose of viewing the premises and of hearing such parties as desired to be heard. Such notices were duly served by personal service and by posting upon the premises more than ten (10) days prior to the date of said meeting.

The Board of View proceeded with the view at the appointed time and place. In attendance were John Buckus and Elizabeth Mary Buckus, his wife, who are the owners of the premises, G. Harry Isaacson, Esq., counsel for the owners, Arnold D. Smorto, Esq., counsel for the Commonwealth of Pennsylvania, Department of Highways, and Mr. Elmer T. Mock, of the Commonwealth of Pennsylvania, Department of Highways.

At the view, a Stipulation prepared by Arnold D. Smorto, Esq., counsel for the Commonwealth of Pennsylvania, Department of Highways, and G. Harry Isaacson, Esq., counsel for the owners, was presented to the Board of View. It was stipulated by the parties that the owners be awarded the sum of Eleven Thousand Five Hundred

(\$11,500.00) Dollars for all damages by reason of the taking, and, in addition thereto, the Department of Highways would complete the fill of the driveway and completely cover the surface of the driveway, as well as construct a ditch through its right-of-way to provide proper drainage of the owner's lot. A copy of said Stipulation is attached hereto.

In accordance with the directions given by the owners in a Release to the Commonwealth of Pennsylvania, Department of Highways, said damages are to be made payable to G. Harry Isaacson, Esq., and John and Elizabeth Mary Buckus, and mailed to G. Harry Isaacson, Esq., Masonic Building, Ebensburg, Pennsylvania. An executed copy of said Release is attached hereto.

Because of the settlement reached by virtue of the Stipulation entered into by counsel for the parties, it was not necessary for the Board of View to hold another meeting to take testimony of witnesses. The Board of View reports that because of the aforesaid Stipulation, it finds the total damages, including interest for detention, to be Eleven Thousand Five Hundred (\$11,500.00) Dollars.

John Elder
Raymond Niebauer
Leopold Wondolick
Board of View

June 6, 1960

JOHN BUCKUS and ELIZABETH MARY	::	IN THE COURT OF QUARTER
BUCKUS, his wife	::	SESSIONS OF CAMBRIA COUNTY,
	::	PENNSYLVANIA
vs.	::	
	::	No. 4 June Sessions, 1960
COMMONWEALTH OF PENNSYLVANIA	::	
DEPARTMENT OF HIGHWAYS	::	Road Docket

VIEWERS' NOTICE

We, the undersigned Viewers appointed by the above Court to view and inspect the land and premises owned by John Buckus and Elizabeth Mary Buckus, his wife, of Cambria Township, Cambria County, Pennsylvania, and to determine and estimate the damages or benefits that have resulted or that may seem likely to result to the land and property of the petitioners and owners by reason of the appropriation by above named respondent of a certain right of way through and across the land of John Buckus and Eliabeth Mary Buckus, his wife, do hereby give notice that we will meet upon the premises on Friday, June 3, 1960, at 9:30 A.M., E.D.S.T., when and where all persons interested may appear if they so desire.

The premises to be viewed are:

ALL that certain piece or parcel of land situate, lying and being in Cambria Township, Cambria County, Pennsylvania, bounded and described as follows:

The place of beginning is found by starting at a post being the southwest corner of land, now or formerly, of Mike and Ida Cook fronting on the right of way of the William Penn State Highway, Route 22, leading from Ebensburg to Mundy's Corner, where the same corners with the Jane Jones tract of land at a point marked "A" on the blue pring hereinafter referred to; thence by the line of said right of way of the William Penn Highway, Route 22, North 59° 32' east a distance of five hundred (500) feet to a post and corner marked "B" on the blue pring heretofore mentioned, being the place of beginning; thence by line running north 30° 28' west along lands, now or formerly, of Mike and Ida Cook eight hundred seventy-one and two-tenths (871.2) feet to a post, corner of land, now or formerly, of Mike and Ida Cook; thence by a line running parallel with the right of way of the William Penn State Highway, Route 22, north 59° 32' east a distance of one hundred (100) feet to a post; thence by a line running south 30° 28' east a distance of eight hundred seventy-one and two-tenths (871.2) feet to a post in line of the right of way of William Penn Highway, Route 22; thence continuing by the line of the right of way of the William Penn Highway, Route 22, south 59° 32' west a distance of one hundred (100) feet to the place of beginning; containing 2 acres strict measure according to survey of said land made by H. F. Dorr, Engineer, May 23, 1941, a draft of which is attached to deed of Mike Cook, et ux., to Joseph M. Vargo, dated June 14, 1941, and recorded in the office for the recording of deeds, etc., in Cambria County, Pennsylvania, in Deed Book Vol. 504 at Page 339.

John Elder

Raymond Niebauer

Leopold W. Wendt

STIPULATION

In re: John Buckus and Elizabeth Mary Buckus

vs.

Commonwealth of Pennsylvania
Department of Highways
In the Court of Quarter Sessions
of Cambria County, Pennsylvania
No. 4 June Term, 1960
Road Docket

It is hereby stipulated by G. Harry Isaacson, Counsel for the said owners, and Arnold D. Smorto, Counsel for the Commonwealth of Pennsylvania, Department of Highways, that the Viewers make the following findings and awards:

1. The Owners be awarded the sum of Eleven Thousand Five Hundred and No/100 (\$11,500.00) Dollars for all damages by reason of the taking.


2. In addition thereto, the Department of Highways will do the following:

(a) Complete the fill of the driveway and black top that portion of the driveway which had been previously black topped by the Owners and will cover the remainder of the driveway with selected materials as per contract with Frank Mashuda and Associates.

(b) The Department of Highways will construct through its right-of-way a ditch leading from the driveway of adjoining John Cupco property along the entire front of Owners' property with sufficient sloping thereon as to provide proper drainage.


Counsel for the Commonwealth of
Pennsylvania, Department of Highways

GERARD HARRY ISAACSON
ATTORNEY AT LAW
EBENSBURG, PA.


Counsel for John Buckus and
Elizabeth Mary Buckus

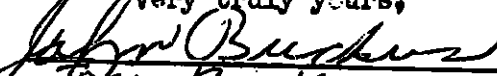
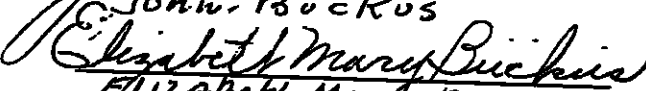
Date June 1-1960

Mr. Fred J. Hogan, District Engineer
Pennsylvania Department of Highways
Hollidaysburg, Pennsylvania

Dear Sir:

In reference to my claim No. _____
amounting to \$11,500⁰⁰ against the Commonwealth of
Pennsylvania for damages caused by the construction of
Route 52, Section 19, CAMBRIA County, will
you please make the check payable
to HARRY-G-ISAACSON
and JOHN AND ELIZABETH MARY BUCKUS
and mail to HARRY G ISAACSON ESQ.
MASONIC BLD. EBANSBURG.

Very truly yours,


John Buckus

Elizabeth Mary Buckus