

IN THE COURT OF QUARTER
SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

In re: Petition of CORDILLA
WATSON, who survived Homer
Watson and Cordilla Watson,
husband and wife, for the
appointment of viewers

Filed May 16, 1961

VIEWERS' REPORT

May 16, 1961

Confirmed True

By -

*James T. Tegan
Clerk of Courts.*

*June 23, 1961 the within
report confirmed absolutely.*

*By the Court
W. D. J.*

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

In re: Petition of CORDILLA :: IN THE COURT OF QUARTER SESSIONS
WATSON, who survived Homer :: OF
Watson and Cordilla Watson, :: CAMBRIA COUNTY, PENNSYLVANIA
husband and wife, for the :: :
appointment of viewers :: No. 4 December Sessions, 1960,
 :: R. D.

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

On November 23, 1960, the Court, after consideration of a petition presented for that purpose by Cordilla Watson, appointed Leopold J. Wendler, Theodore W. Hunt and John L. Elder as a Board of Viewers to assess the damages and benefits, if any, caused by the condemnation by the Commonwealth of Pennsylvania Department of Highways of a portion of certain real estate owned by the petitioner in Jackson Township, Cambria County, Pennsylvania, for the purpose of relocating and improving a portion of U. S. Route No. 22 (Traffic Route No. 314), said real estate being more particularly described in the notice of view, a copy of which is hereto attached, respectfully makes the following

REPORT

In pursuance of their appointment, the Board caused notice to be served upon all interested parties that the Board would meet upon the premises on Wednesday, December 28, 1960, at 10:00 o'clock, A. M., e. s. t., for the purpose of viewing the premises and 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.

On the day appointed, the Board, having previously been duly sworn, proceeded to view the premises. In attendance were Cordilla Watson, the owner, William D. Shettig, Esq., her counsel, Mr. Howard E. Breneman, District Right of Way Engineer for the Department of Highways, Mr. Jess Fridman, Department employee,

Mr. T. Elmer Mock, also a Department employee, and Edward F. Peduzzi, Esq., counsel for the Department.

A meeting for the purpose of hearing the testimony of witnesses was scheduled for Friday, January 13, 1961, at 10:00 o'clock, A. M., e. s. t., in Courtroom No. 4, Cambria County Courthouse, Ebensburg, Pennsylvania. At the request of counsel for the Highway Department, and for good cause shown, the meeting was continued until Thursday, January 26, 1961, at the same hour and in the same place. Once again, it became necessary to continue the meeting, which was then re-scheduled for Wednesday, March 29, 1961, at 9:30 o'clock, A. M., e. s. t., at the same place. This meeting also was continued for good cause shown until Thursday, April 27, 1961, at 1:30 o'clock, P. M., e. s. t., at the same place.

The meeting was held as scheduled and was attended by the landowner, William D. Shettig, her counsel, Mr. Karl W. Byers, Mr. James I. Mackall, Mr. Howard E. Breneman, Mr. T. Elmer Mock, Mr. Dell Comiskey, and Edward F. Peduzzi, Esq., counsel for the Highway Department.

Those who testified for the benefit of the Board were Mrs. Watson, Mr. Byers, Mr. Mackall, Mr. Comiskey and Mr. Breneman. All the witnesses were either sworn, or affirmed, prior to testifying.

From the evidence submitted to it, and from an examination and view of the premises, as well as of the locality, generally, the Board finds the following

FACTS

1. The premises condemned by the Commonwealth of Pennsylvania Department of Highways consists of the major portion of the land of the property owner. The portion condemned has an area of 19, 475 square feet, or about 75% of the total area of 25,600 square feet, and is entirely situate in Jackson Township, Cambria County, Pennsylvania.

2. A two-story frame and concrete block two car garage and woodworking shop was located upon the condemned premises. In addition thereto, a number of fruit and shade trees were taken, as well as the area used by the landowner as a garden.

3. The balance of the premises remaining to the landowner is a triangular area of approximately 6,125 square feet having erected thereon a two-story frame dwelling.

4. The owner has been financially injured by the condemnation of said portion of her real estate.

CONCLUSIONS OF LAW

The following questions of law were presented to the Board for its determination:

Following his cross-examination of the witness, Karl W. Byers, as to the qualifications of the witness, counsel for the Department objected to the witness' qualifications and requested that the Board disqualify the witness as incompetent to render an opinion as to market value. The Board then permitted the landowner's counsel to examine the witness further so as to establish his qualifications.

During the examination and cross-examination of the witness, it was developed that, while he was not in the real estate business and had appraised only a few properties for resale, this witness had done considerable appraisal work in connection with the writing of fire insurance and bonds. In addition thereto, the witness had been engaged in the insurance business in the vicinity of the Watson property for 8 years or more, and had lived in this general area for almost his entire life.

The Board, therefore, overruled the objection to this witness' qualifications and permitted him to testify relative to the market value of the Watson property. See, P. L. E., Eminent Domain, sec. 92.

In the course of his cross-examination of this witness on the merits, counsel for the Department asked if the witness knew what the assessed valuation of this property was. An objection by counsel for the landowner was sustained on the basis of the language in Berger v. Public Parking Authority of Pittsburgh, 380 Pa. 19, 109 A. 2d 709 (1955).

The expert witness for the Department admitted, during direct examination on the merits, that he had not examined the Watson property subsequent to the relocation of Route No. 22, but that his opinion regarding the market value of the Watson property after the improvements had been made was based upon a study of maps and other data furnished to him.

Counsel for the landowner immediately objected and requested that the testimony of this witness be stricken and that he be forbidden to testify further.

This objection was overruled because, in the Board's opinion, this did not completely disqualify the witness, although it did affect his credibility.

CONCLUSION AND DISCUSSION

The Board of View appointed by the Court for that purpose reports that, after a full and impartial consideration of all the evidence submitted, and after a careful view of the premises, acting at all times according to the viewers' best judgment, it has estimated and determined that the damages sustained by the owner of the property herein involved by the improvement and relocation of a portion of U. S. Route No. 22 (Traffic Route No. 314) are as follows:

Cordilla Watson. \$13,570.00

The award above set forth includes damages for detention from the date of condemnation on May 5, 1958, to the present date.

Mrs. Cordilla Watson, the landowner, testified in her own behalf. She described the property prior to its condemnation

and subsequent thereto. It was during the examination of this witness that counsel for the owner introduced into evidence, without objection, the various exhibits appended hereto.

Exhibits 1 and 2 are photocopies of the face of the deeds for the properties. Exhibits 3 to 11, inclusive, are photographs of the property made in the Spring of 1958, and showing the property prior to the relocation and improvement of Route No. 22. Exhibits 12 to 17, inclusive are photographs taken about August, 1960, showing the effects of the fill used to get the desired grade in the road.

Exhibits 18, 21 and 22 were duplications and were withdrawn by counsel for the landowner. The pictures offered as Exhibits 19, 20, 23, 24, 25 and 26 were taken about January, 1961, and are Winter views of the premises.

This witness identified the photographs offered into evidence and described the scenes shown. She also testified as to living conditions prior to the condemnation and afterward. Mrs. Watson did not, however, give any opinion as to the market value of her property, although, as the owner, she was competent to give such an opinion.

Counsel for the owner called as his next witness, Mr. Karl W. Byers, a general insurance agent in the Mundy's Corner area of Jackson Township, which is the general locality of the condemned property.

After the Board had overruled the Department's objection to Mr. Byers' qualifications as an expert witness, counsel for the landowner examined Mr. Byers upon the merits.

The witness testified that he had thoroughly examined the property and the structures erected thereon and that, in his opinion, the market value of the property prior to the condemnation and unaffected thereby was \$23,652.00. The market value after the condemnation and as affected thereby was, in Mr. Byers' opinion, \$2,260.00

Mr. Byers stated that he had reduced his "after" figure by \$2,000.00 because the septic tank servicing the house was covered, at least partially, by the fill used in constructing the road.

Upon cross-examination, this witness admitted that his figures were based upon replacement cost, alone, without any allowance for depreciation.

At this point, the Board instructed the witnesses to the meaning of "market value" in condemnation proceedings and admonished him to state his figures in the light of the definition of "market value" given to him. Mr. Byers then stated that his "before" figure, taking into account depreciation of the buildings would have to be revised to \$19,062.00, but that his "after" figure would remain the same.

Counsel for the Department then resumed his cross-examination of Mr. Byers who admitted that there was not too great a demand for real estate in this area at the time of condemnation because of an economic recession. He stated further that, although this area, generally, was receding from an economic standpoint, many new houses had been built in certain areas around Mundy's Corner.

James I. Mackall was then called by counsel of the landowner and qualified as an expert witness.

Mr. Mackall testified that he also had made a thorough examination of the property and the buildings erected thereon. It was his opinion that the market value of this property prior to condemnation was \$19,000.00. His "after" figure was \$2,500.00.

Upon cross-examination, Mr. Mackall stated that his reason for placing such a low value on the property after the condemnation, and as affected by it, was that there was hardly enough land left for the Watsons to function as a family. He said that in its present condition it had very little value.

He also testified that the houses built by him in the Vinco area of Jackson Township were sold at prices ranging from \$11,000.00 to \$17,000.00.

There was no re-direct examination and the landowner rested her case.

Counsel for the Department then called Mr. Dell Comiskey, a Johnstown realtor for 41 years and qualified him as an expert witness.

Mr. Comiskey testified that he had made a thorough examination of the property in May of 1958 at the request of the Department. In his opinion, the market value of the Watson property at that time was \$15,200.00. In giving his "after" figure of \$4,700.00, the witness stated that he had not gone back to see the property after the condemnation.

The Board thereupon permitted counsel for the landowner to cross-examine so as to determine how the witness was able to place an "after" value upon the property.

The witness stated that it is customary for appraisers to thoroughly examine the property prior to condemnation, but to rely upon maps, photographs and other data upon which to base their opinion as to market value after condemnation.

The Board overruled an objection by counsel for the landowner as to the competency of such testimony and advised counsel that, while this would undoubtedly affect the credibility of the witness, it did not completely disqualify his testimony.

Mr. Howard E. Breneman, District Right of Way Engineer for the Department of Highways, was then called for the purpose of establishing the date of the condemnation and the size and purpose of the taking.

Mr. Breneman also testified, both on direct and cross-examination, that the right of way line touches the northwest corner of the porch at the rear of the house and is within 16 feet of the front or northeast corner of the house.

He stated that an offer was made to the landowners on September 17, 1958, at which time documents were drawn which would have permitted the Commonwealth to pay the landowner 75% of the amount agreed upon. However, the offer was rejected and no payment has been made as yet.

There being no further testimony or evidence offered, the hearing was concluded.

The power of eminent domain is the power to take property for public use without the owner's consent, City of Philadelphia v. Philadelphia Suburban Water Company, 309 Pa. 130, 163 Atl. 297 (1933); Briegel v. Briegel, 307 Pa. 93, 160 Atl. 581 (1932).

Section 10 of Article 1 of the Constitution of Pennsylvania guarantees that private property should not be taken or applied to public use without authority of law and without just compensation being first made or secured.

The owner of the land at the time of the taking is the person entitled to damages for condemnation, Petition of Lakewood Memorial Gardens, 381 Pa. 46, 112 A. 2d 135 (1955); Petition of Butler County Commissioners, 141 Pa. Super. 597, 15 A. 2d 504 (1940).

When only part of a tract is taken, the measure of compensation is the difference between the market value of the entire tract immediately before the taking, and unaffected by it, and the value of the remaining portion immediately thereafter, Ward v. Commonwealth of Pennsylvania, 390 Pa. 526, 136 A. 2d 309 (1957); Mazur v. Commonwealth of Pennsylvania, 390 Pa. 148, 134 A. 2d 669 (1957); Broughler v. Commonwealth of Pennsylvania, 388 Pa. 573, 131 A. 2d 341 (1957).

However, consequential damages may also be considered, if the condemnor is liable therefor, including change of grade of a road or street, impairment of access, interference with light, and deprivation of view, Stone v. Delaware, L. & W. R. Co., 257 Pa. 456, 101 Atl. 813 (1917); Rafferty v. City of Pittsburgh, 256

Pa. 82, 100 Atl. 533 (1917); Lafean v. York County, 20 Pa. Super. 573 (1902).

Market value should be determined on the basis of what price the property would bring if the owner were under no compulsion to sell and a purchaser under no compulsion to buy, taking into account all considerations that might be brought forward and reasonably be given substantial weight in bargaining for property, United States v. 15.3 Acres of Land in the City of Scranton, Pennsylvania, 154 Fed. Supp. (1957); Ward v. Commonwealth of Pennsylvania, 390 Pa. 526, 136 A. 2d 309 (1957).

The basis for recovery of compensation being its market value, any relevant and material evidence of such value is admissible, Schuck v. West Side Belt Railway Company, 283 Pa. 152, 128 Atl. 832 (1925). However, the burden is upon the landowner to establish the market value in proceedings before a Board of View or the Court, Broughler v. Commonwealth of Pennsylvania, 383 Pa. 573, 131 A. 2d 341 (1957); Hereda v. Lower Burrell Township, 159 Pa. Super. 262, 48 A. 2d 83 (1946).

Market value may be ascertained from the knowledge and judgment of men acquainted with the property, who, by their experience and judgment, may give a fair, honest and impartial opinion as to value, Curtin v. Nittany Valley Railroad Company, 135 Pa. 20, 19 Atl. 740 (1890), and subsequent cases.

In making its award, the Board has applied the foregoing principles of law to the evidence presented and has considered all other relevant factors. The Board has also considered the benefits, if any, accruing to the property and hereby assesses the damages as above awarded against the Commonwealth of Pennsylvania Department of Highways.

Respectfully submitted this 16th day of May, 1961.

BOARD OF VIEW

Leopold J. Wendekier
Leopold J. Wendekier, Chairman

John L. Elder
John L. Elder

Theodore W. Hunt
Theodore W. Hunt

#1



This Indenture,

Made the 27th day of June in the year
of our Lord one thousand nine hundred and fifty-one.

Between Dolores Marie Altimus Parsons and Paul W. Parsons, her
husband, Pine Grove Mills, County of Center and State of Pennsyl-
vania, parties of the first part; AND Homer Watson and Cordelia
Watson, husband and wife, of the Township of Jackson, County of
Cambria and State of Pennsylvania, parties - - - - -

of the second part, ~~Witnesseth~~, that the said parties of the first part, for and
in consideration of the sum of

One - - - - - Dollars,
lawful money of the United States of America unto them well and truly
paid by the said parties of the second part, at and before the sealing and
delivery of these presents, the receipt whereof is hereby acknowledged, have
granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed,
and by these presents do grant, bargain, sell, alien, enfeoff, release,
convey and confirm unto the said party ~~less~~ of the second part, their heirs
and assigns, all that certain piece or parcel of ground situate in
the Township of Jackson, County of Cambria and State of Pennsyl-
vania, bounded and described as follows:

Beginning at a point or post on the State Road leading from
Nanty-Glo to Munday's Corner, said post being the northeastern cor-
ner of land of parties of the second part; thence along line of
land of the parties of the second part in a northwesterly direction
one hundred fifty feet to a point; thence by line of land of part-
ies of the second part in a southwesterly direction fifty feet to
a point on line of land now or late of Joseph and Theresa Suwages;
thence along line of land now or late of Joseph and Theresa Suwages
North forty-five degrees twenty-five minutes West one hundred
seventy-two feet to a post; thence North forty-four degrees thirty-
five minutes East seventy feet to a post; thence by line of land
to be conveyed to Calvin and Mariam Watson South forty-six degrees
twenty-two minutes East two hundred fifty-two feet, more or less,
to a post or point on State Road leading from Nanty-Glo to Munday's
Corner; and thence by said State Road South three degrees East
forty-one feet to point or post and place of beginning.

Excepting and reserving, however, such minerals and mining
rights as were conveyed by prior owners of said described land.

And being a portion of certain premises title to which be-
came vested in Dolores Marie Altimus, subsequently intermarried
with Paul W. Parsons, by deed of Rhoda Altimus Kallaway, et vir,
dated February 2nd, 1938, and of record in Cambria County in deed
book Vol. 481 at page 40.

#2

11-11-11

Q

Q

11-11-11

This Indenture,

Made the 24th day of March in the year of our Lord one thousand nine hundred and thirty-two.

Between Ellen Watson Christian (formerly Ellen Watson) and Bert Christian, her husband, of the Township of _____, County of Center and State of Pennsylvania, parties of the first part, and Homer Watson and Cordelia Watson, his wife, of the Township of Jackson, County of Cambria and State of Pennsylvania, parties

of the second part: *Witnesseth*, that the said parties of the first part, for and in consideration of the sum of One (\$1.00) Dollar

lawful money of the United States of America, unto them well and truly paid by the said parties of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released, conveyed and confirmed, and by these presents, do grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said parties of the second part, their heirs and assigns, All that certain lot of ground, situate, lying and being in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the State Road leading from Nanty Glo to Mundys Corner at the Southeastern corner of the tract of land belonging to Joseph and Theresa Suvages; thence along said last mentioned land North forty-five degrees twenty-five minutes West one hundred and fifty (150) feet to a point; thence through land of which this is a part in an Easterly direction by a line parallel with the State Road hereinbefore mentioned, a distance of fifty (50) feet to a point; thence in a Southerly direction a distance of one hundred and fifty (150) feet to a point on the State Road; thence along said State Road in a Westerly direction a distance of sixty-five (65) feet to the place of beginning.

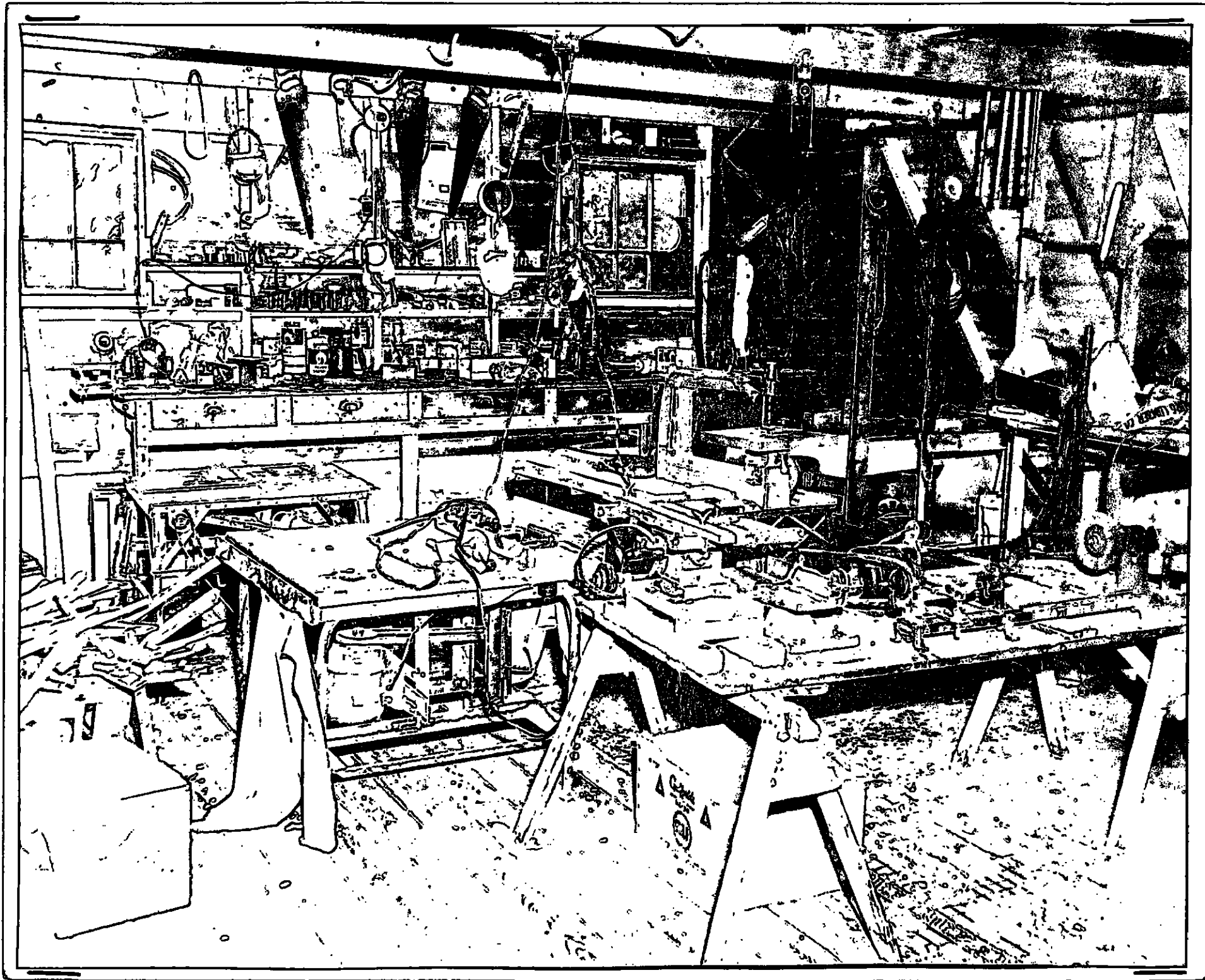
The lot of ground herein conveyed is the Southwestern portion of the same tract of land which Louis Sabo, et ux., by deed bearing

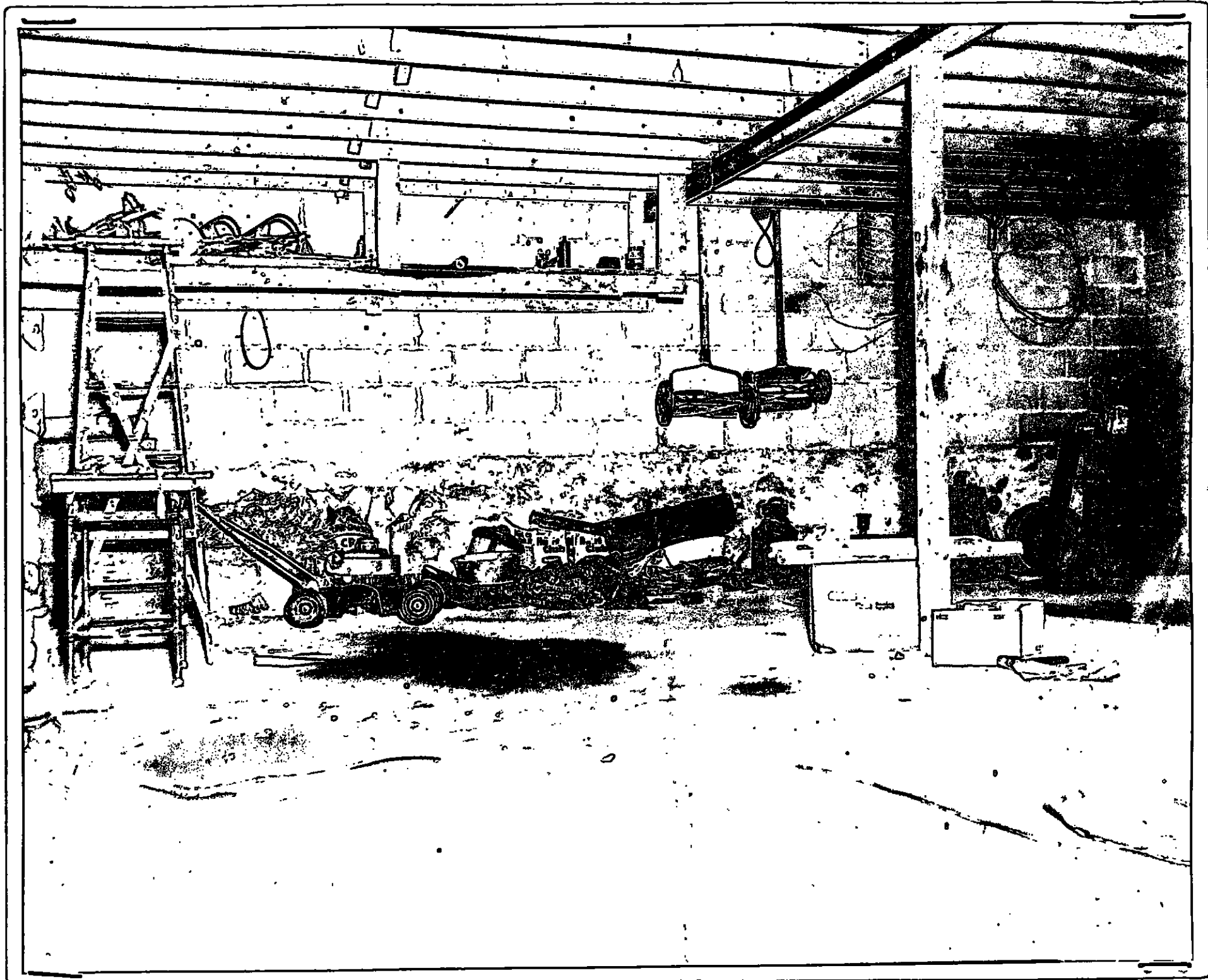
Jackson, Pa.

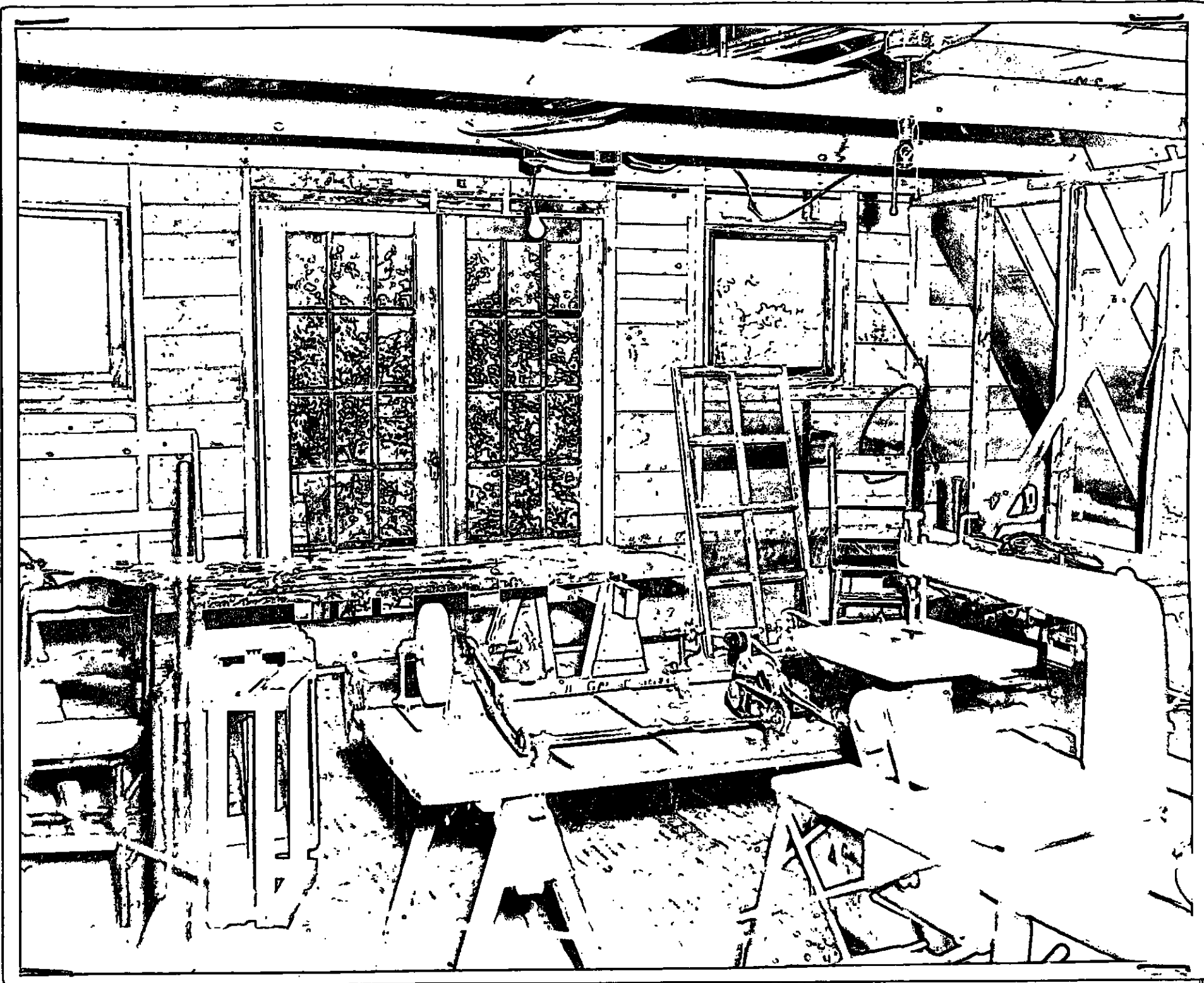
date February 25, 1924 and recorded in Cambria County in Deed Book Vol. 418, at page 108, conveyed to George Watson and Ellen Watson, his wife, as tenants by entireties.

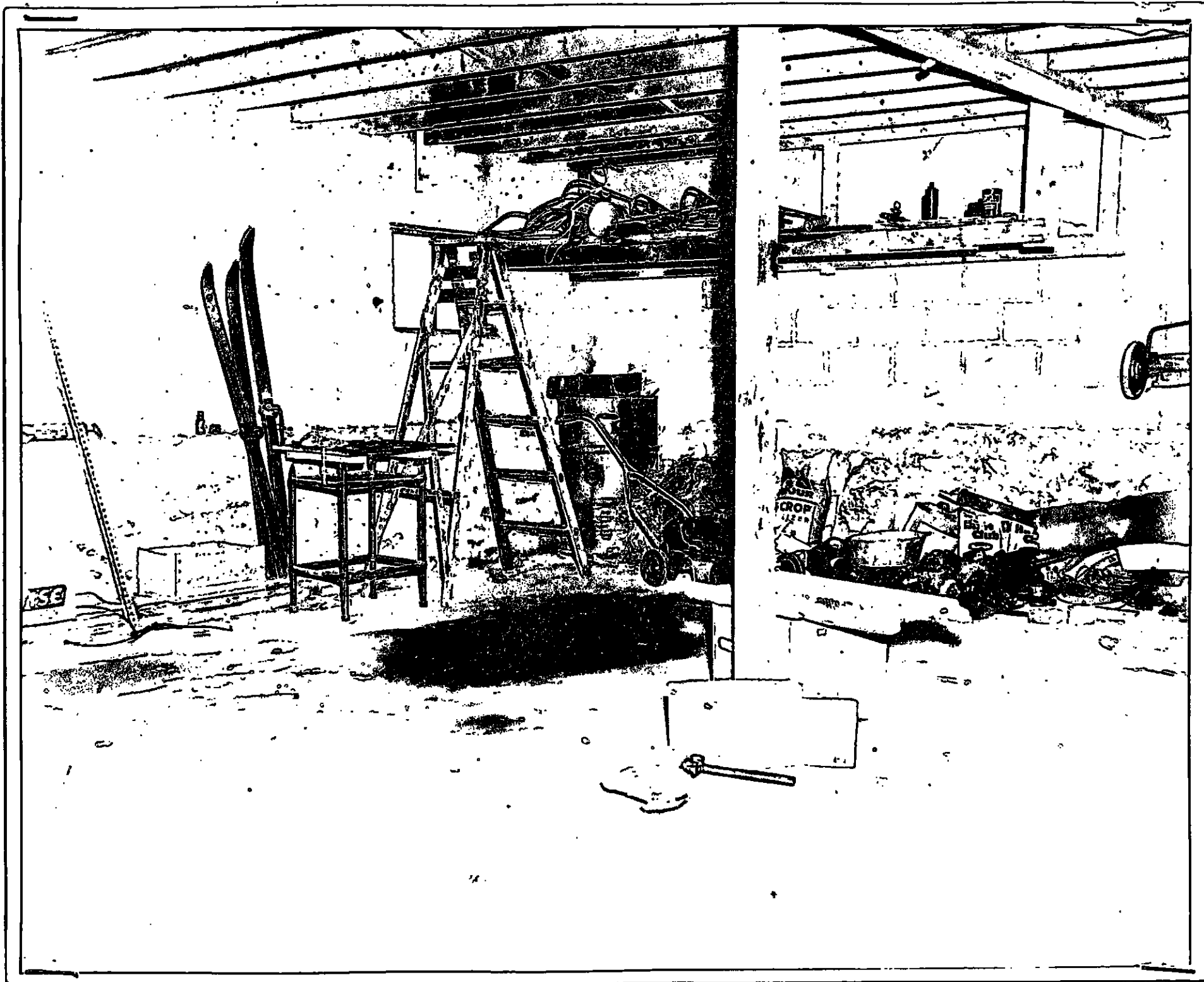
George Watson died October 9, 1928. Upon the death of the said George Watson, title to a tract of land of which the lot hereinabove described is a part became vested in his widow, Ellen Watson, one of the grantors in this deed, who is now intermarried with Bert Christian.

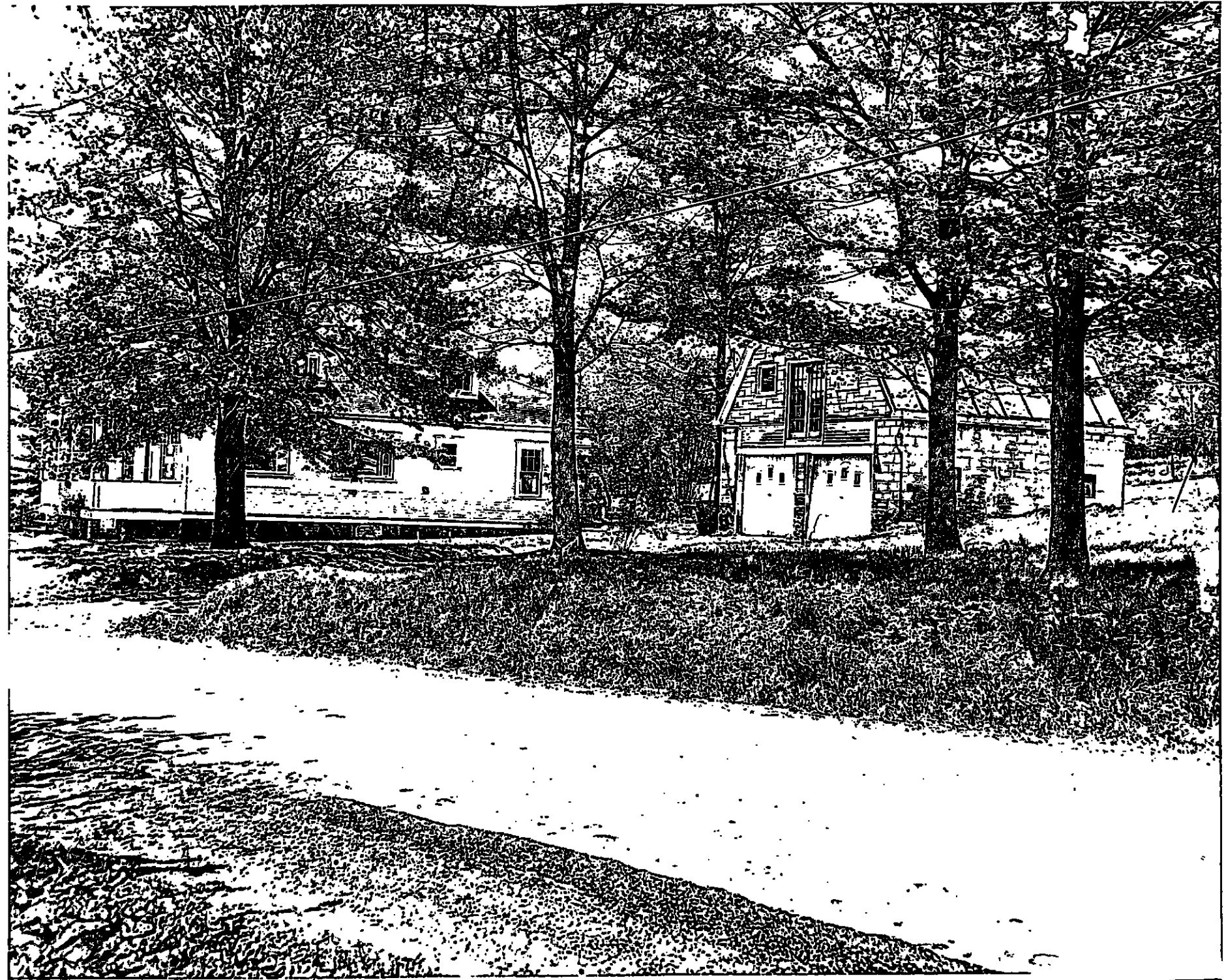
Excepting and reserving such minerals and mining rights as were conveyed by prior owners of said land.

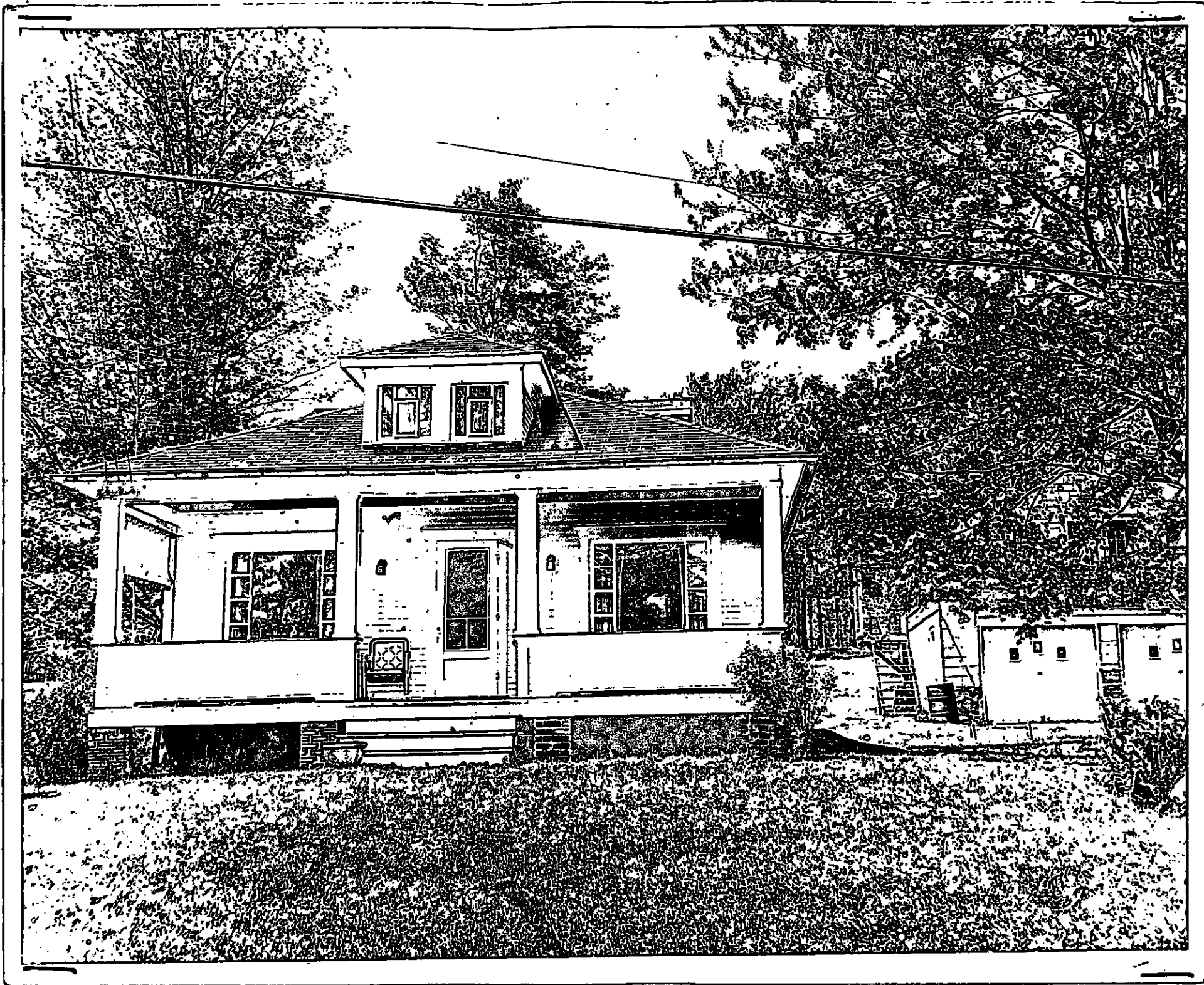






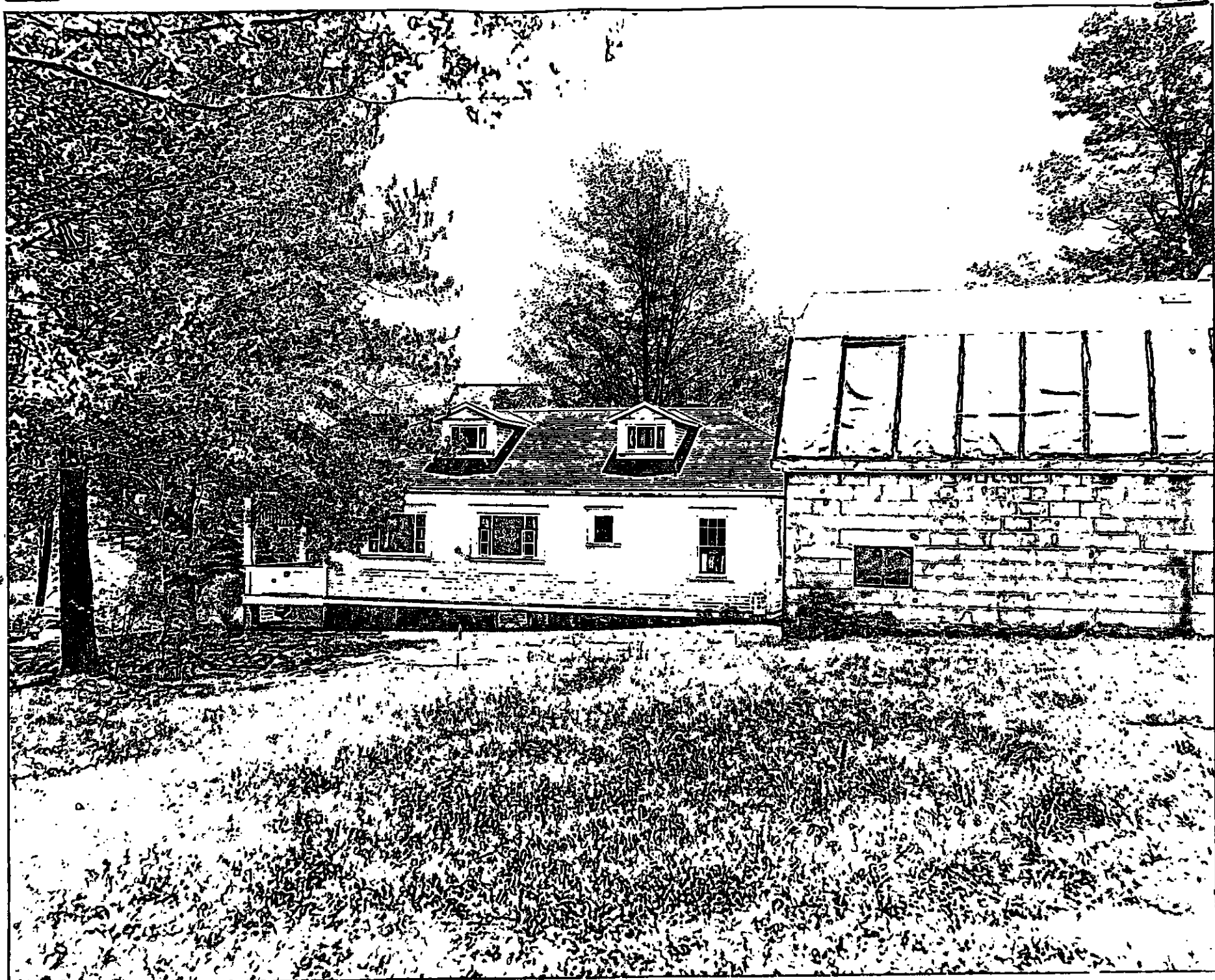


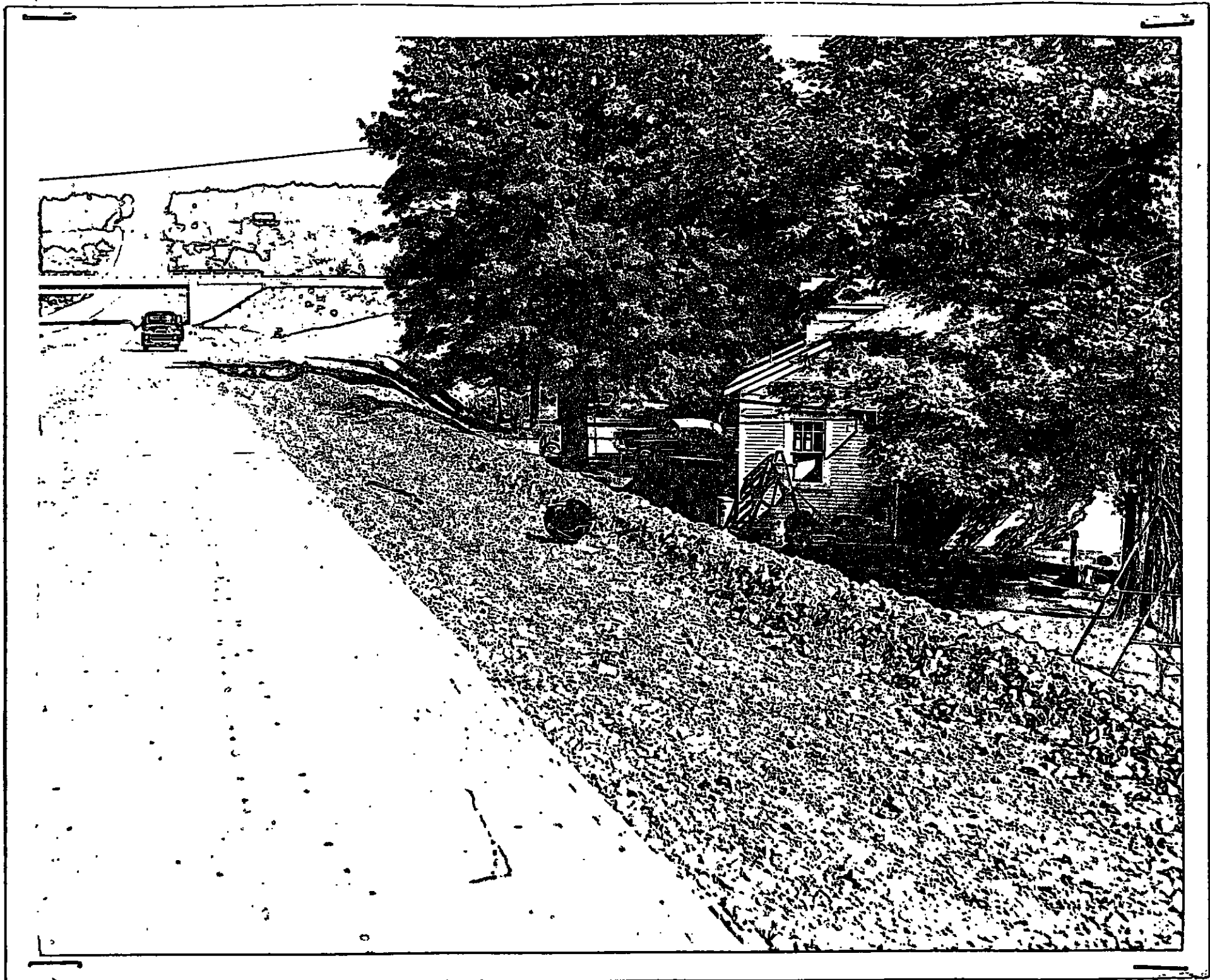


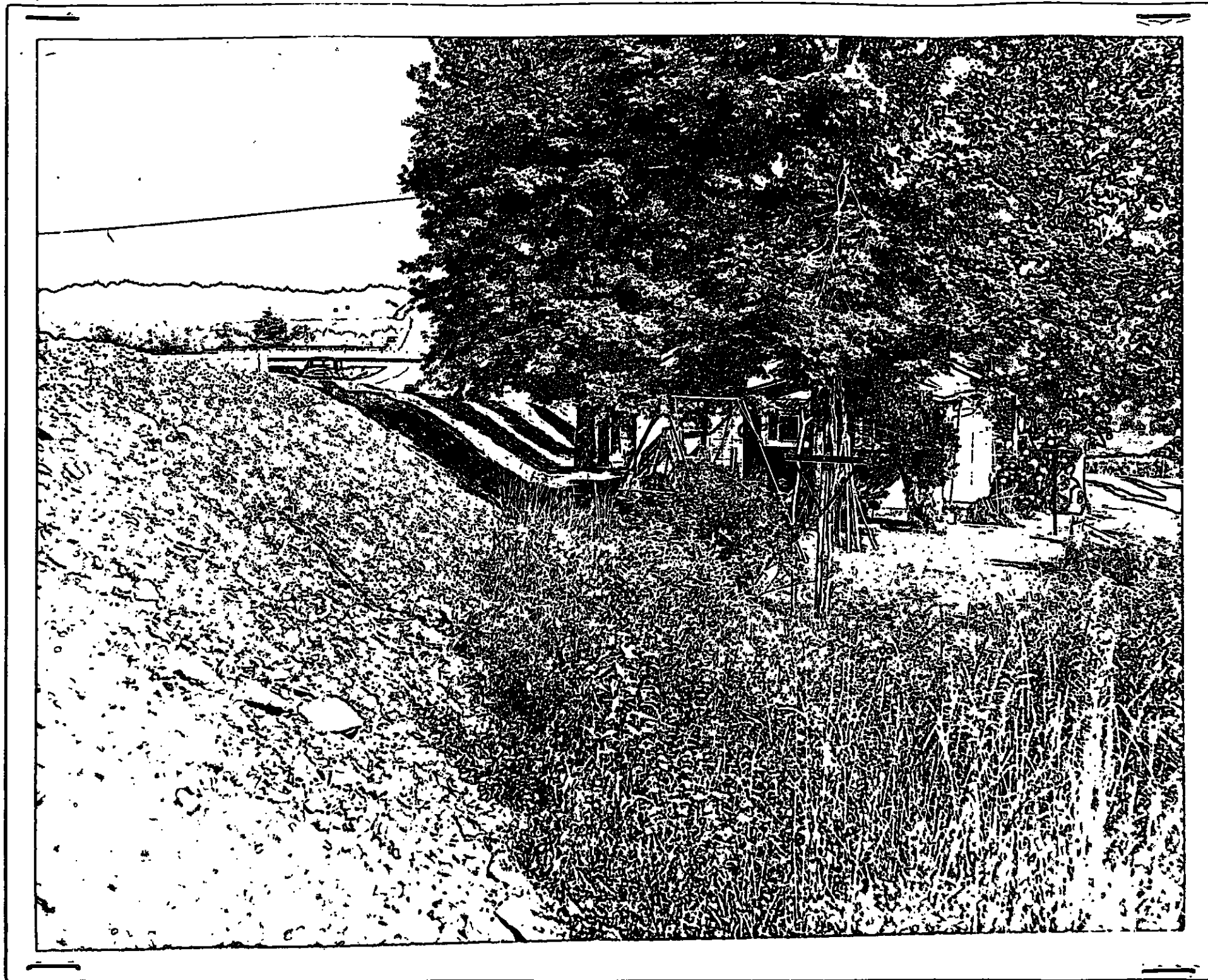


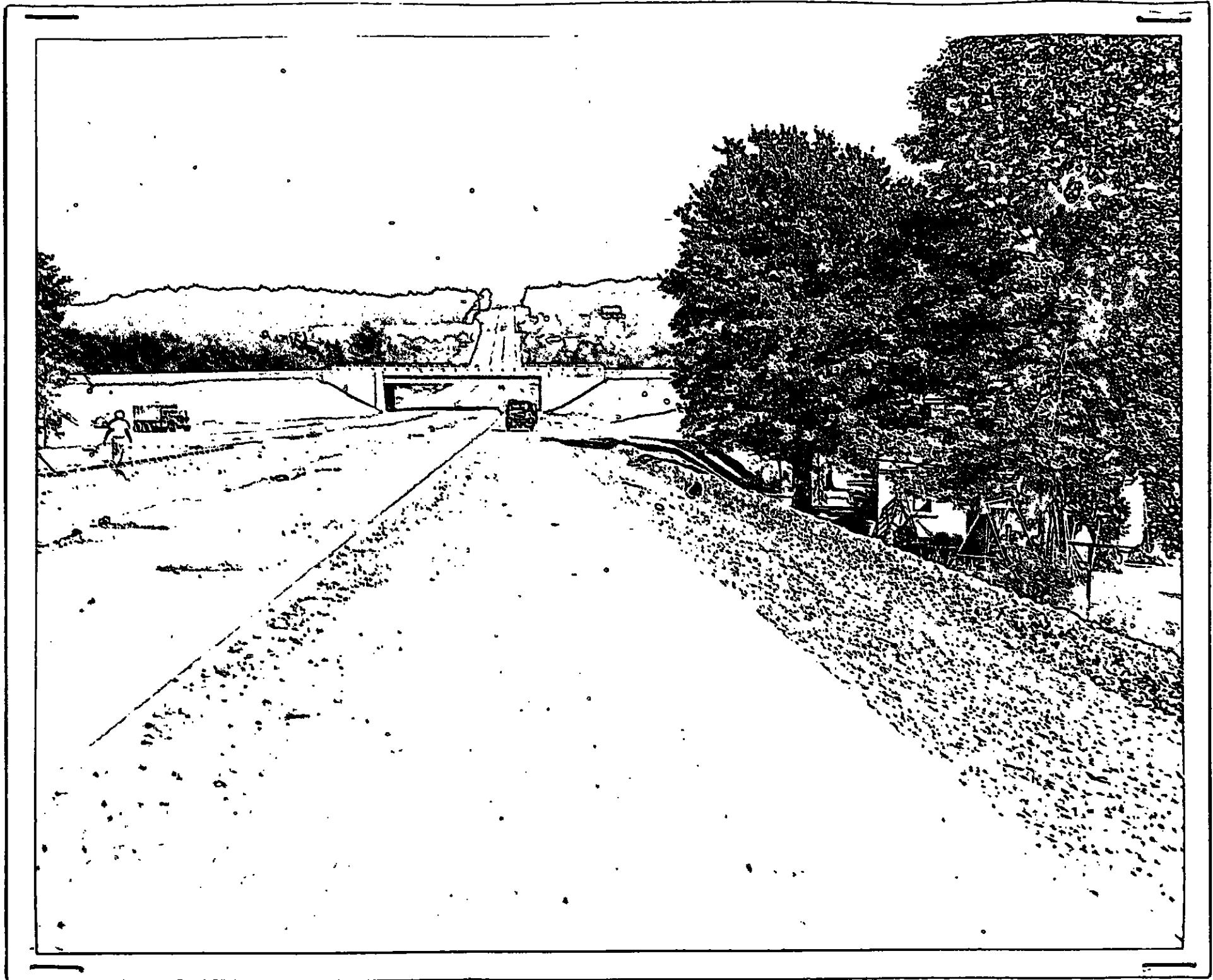


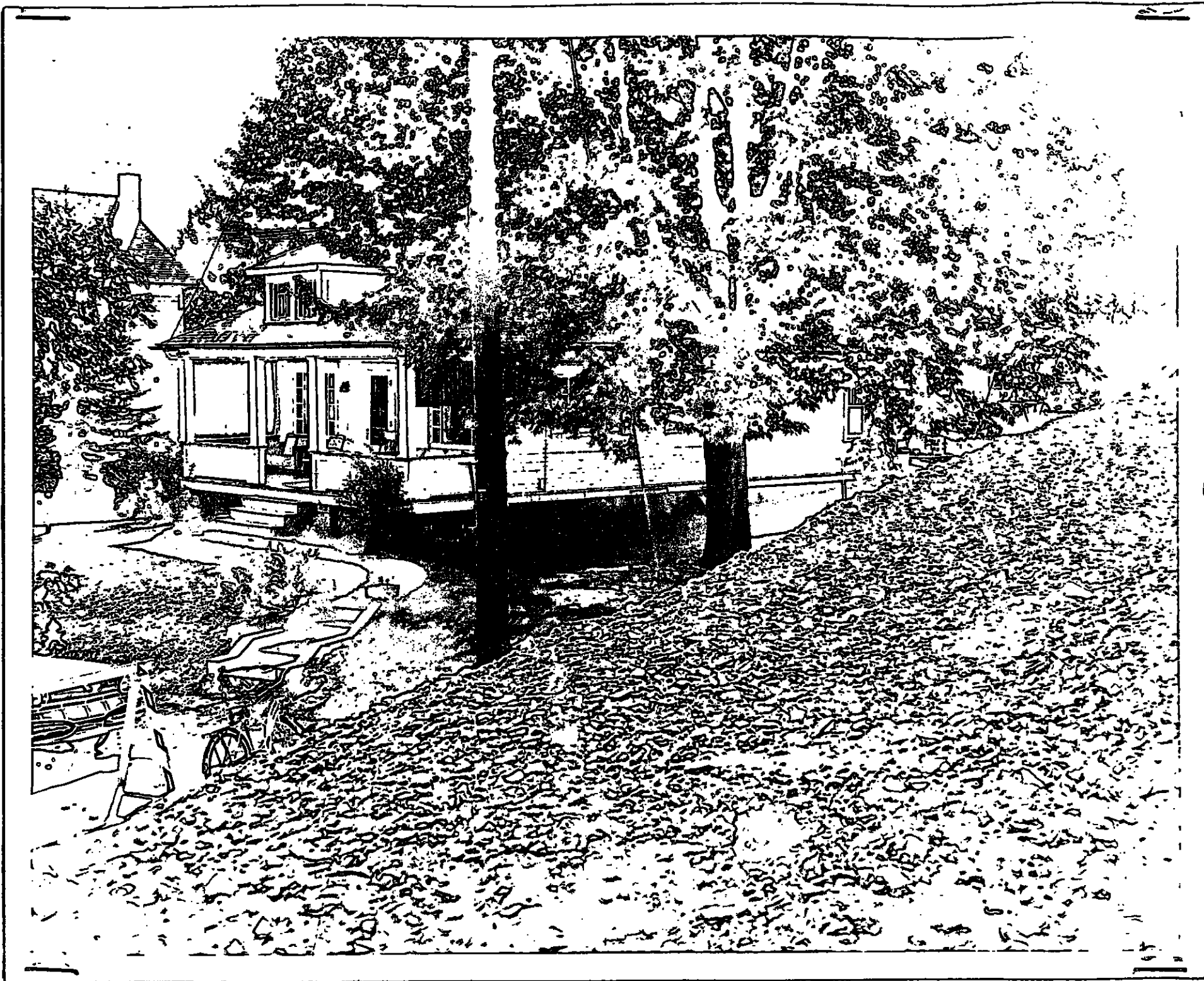


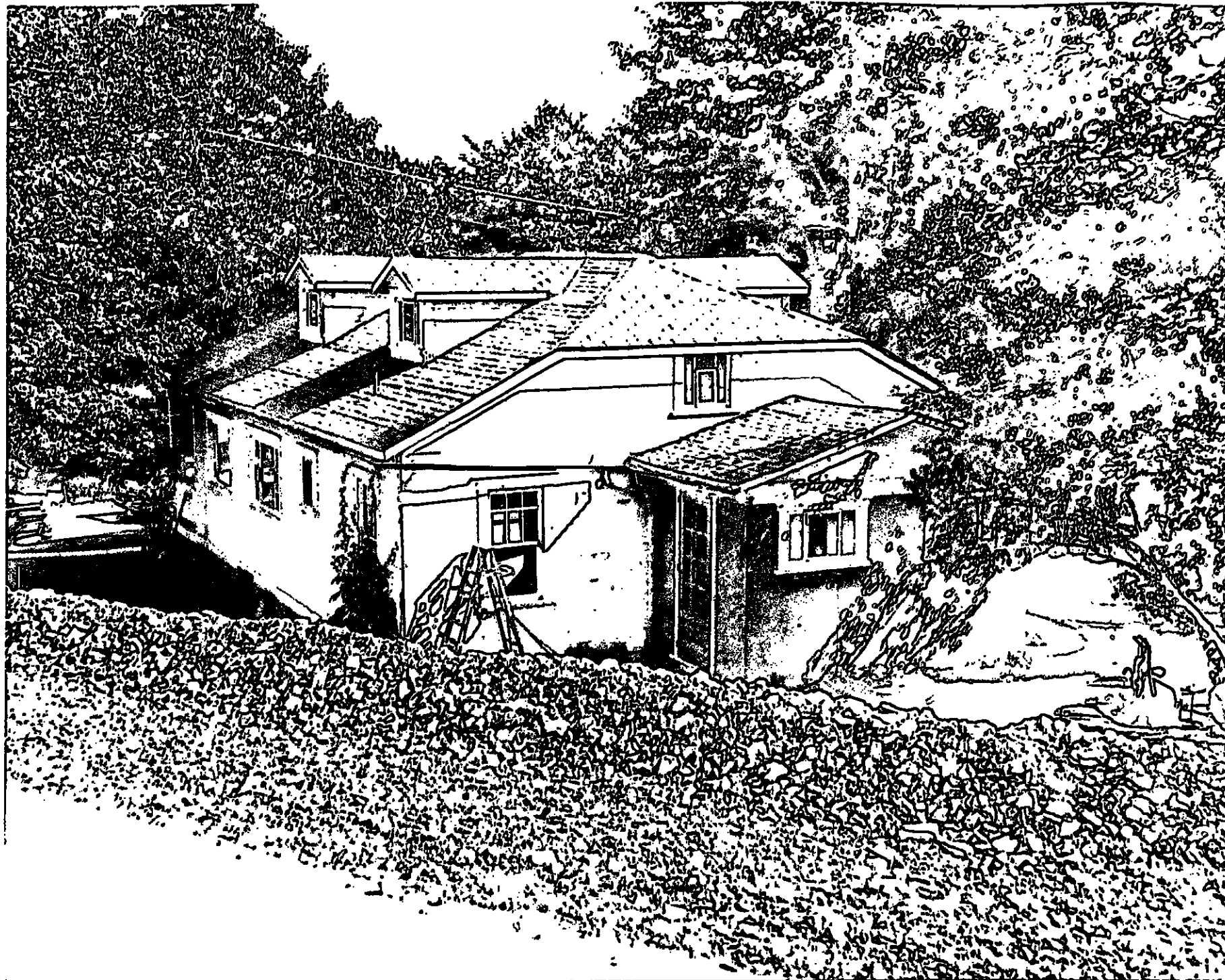


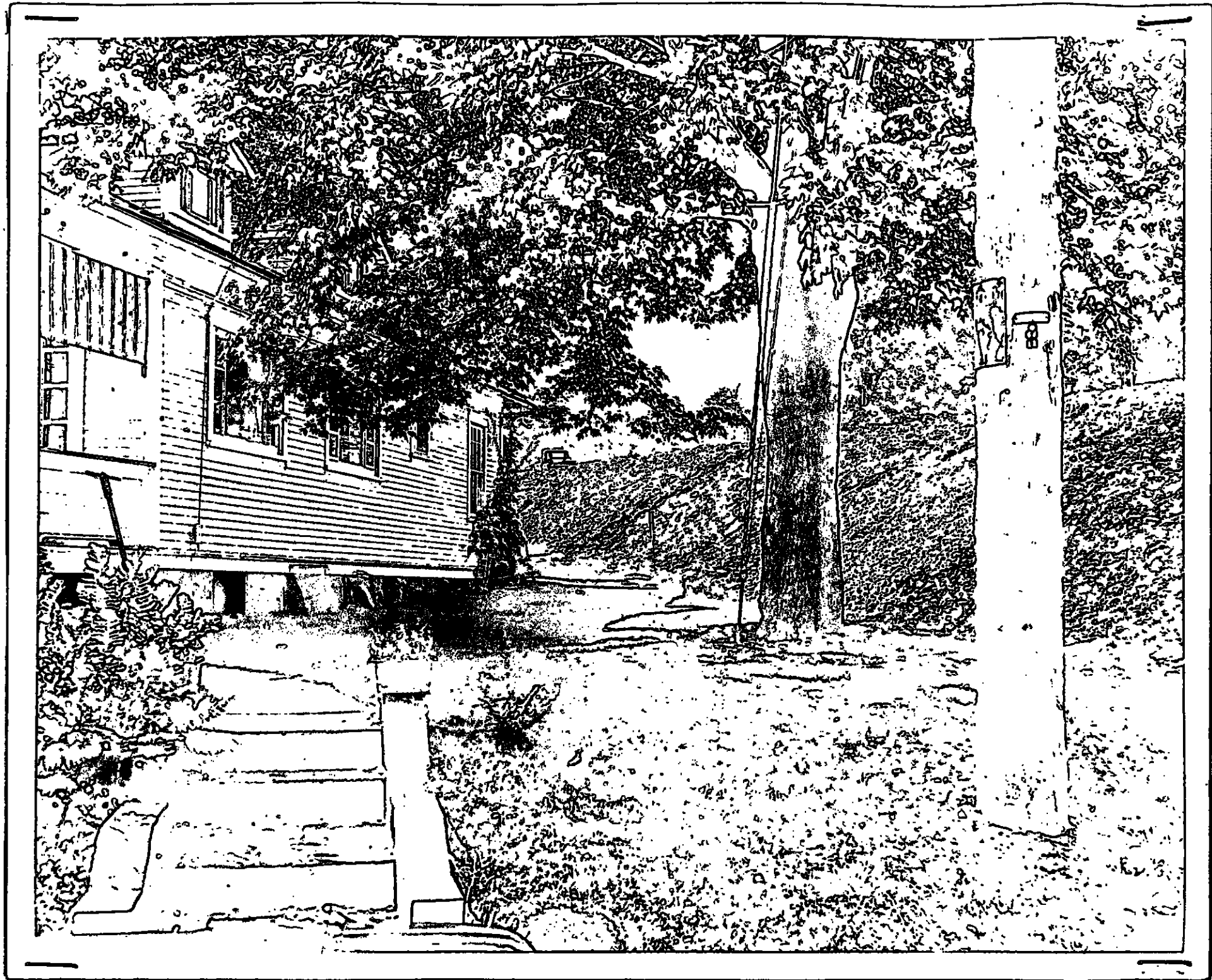




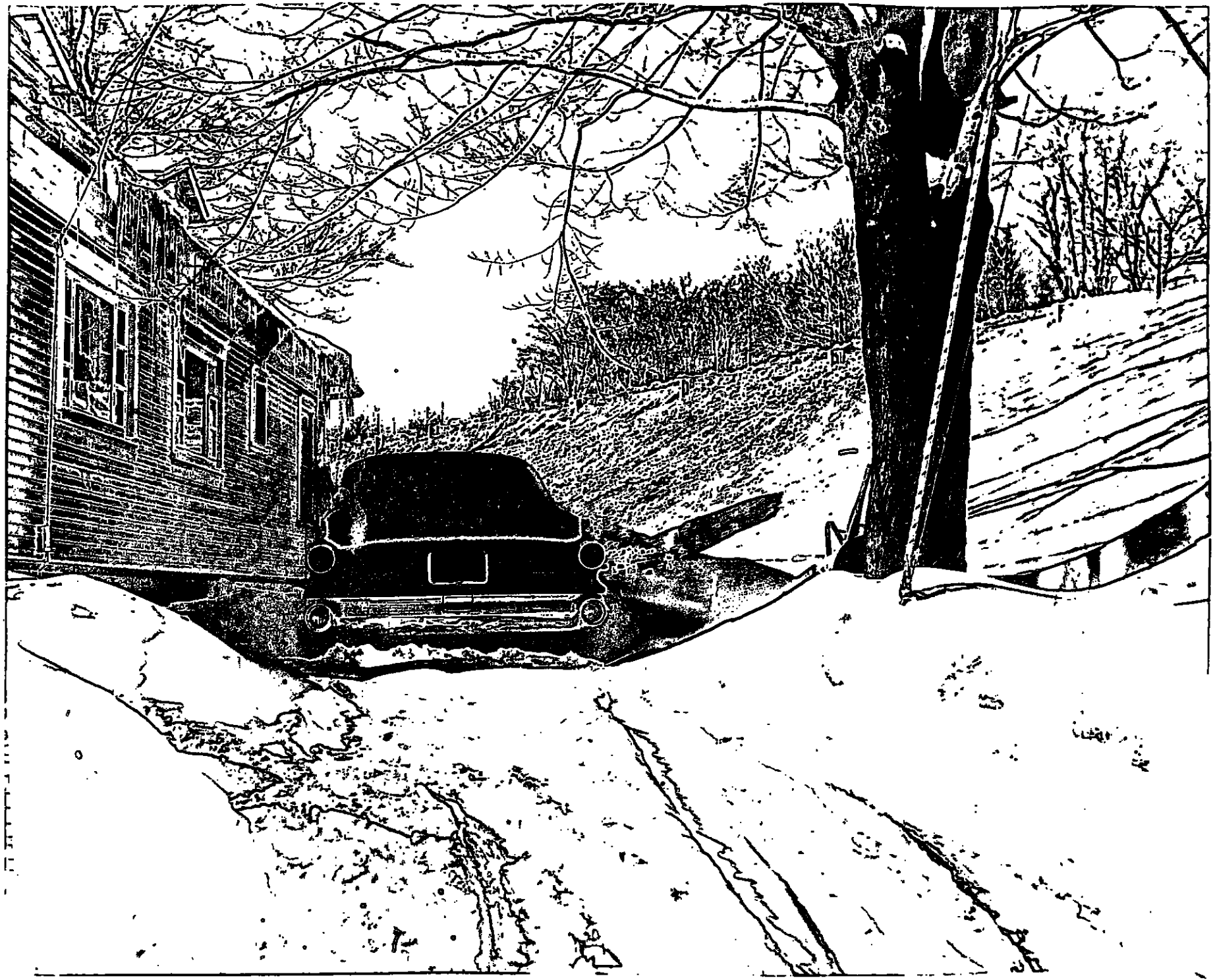














second part in a southwesterly direction fifty feet to a point on line of land, now or late, of Joseph and Theresa Suwages; thence along line of land, now or late, of Joseph and Theresa Suwages North forty-five degrees twenty-five minutes West one hundred seventy-two feet to a post; thence North forty-four degrees thirty-five minutes East seventy feet to a post; thence by line of land to be conveyed to Calvin and Mariam Watson South forty-six degrees twenty-two minutes East two hundred fifty-two feet, more or less, to a post or point on State Road leading from Nanty Glo to Mundys Corner; and thence by said State Road South three degrees East forty-one feet to point or post and place of beginning.

Leopold Wendekier

Leopold J. Wendekier

John L. Elder

John L. Elder

Theodore W. Hunt

Theodore W. Hunt

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husband and wife, for the ::
appointment of viewers :: No. 4 December Sessions, 1960,
R. D.

VIEWERS' NOTICE OF HEARING

The hearing in the above matter previously set for January 26, 1961, at 10:00 o'clock A. M., has been continued upon request of Edward F. Peduzzi, Esq., Counsel for the Commonwealth of Pennsylvania Department of Highways, for good cause shown.

The hearing will be held on Wednesday, March 29, 1961, at 9:30 o'clock A. M., e. s. t., in Courtroom No. 4, in the Cambria County Courthouse, Ebensburg, Pennsylvania.

BOARD OF VIEW

by

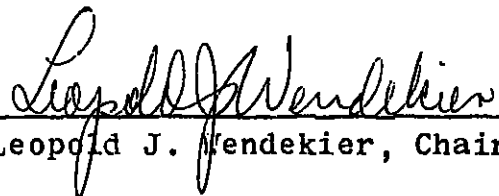
Lepold Wandekier
Chairman

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VIEWERS' NOTICE

The hearing in the above matter, which had been continued at the request of counsel for the condemnor, has been rescheduled for Thursday, April 27, 1961, at 1:30 o'clock P. M., e. s. t., in Courtroom No. 4, Cambria County Courthouse, Ebensburg, Pennsylvania.

BOARD OF VIEW



Leopold J. Wendekier, Chairman

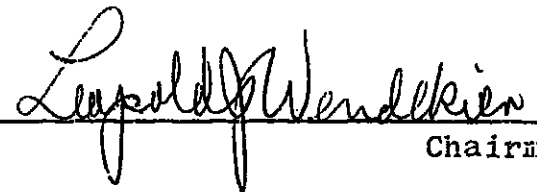
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VIEWSERS' NOTICE

The Board of View appointed by the Court to determine the damages and benefits, if any, caused by the condemnation by the above named defendant of certain real estate of the plaintiff hereby gives notice that the Board, after due deliberation, and considering all the evidence placed before it after a view of the premises, has prepared a Schedule of Award which will be exhibited to all interested parties on Tuesday, May 16, 1961, at 10:00 o'clock, A. M., e. d. s. t., in the Judges' Chambers, Park Building, Johnstown, Pennsylvania.

The Board will hear any and all objections to the award at that time.

BOARD OF VIEW


Chairman

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SCHEDULE OF AWARD

From the evidence submitted and the view of the premises affected by the condemnation by the ~~Commonwealth of Pennsylvania~~ *Commonwealth of Pennsylvania* Department of Highways, the Board of View finds the damages sustained by the owners in this proceeding as follows:

Cordilla Watson. \$13,570.00

The award above set forth includes damages for delay in payment.

The Board of View has taken into consideration any benefits accruing to the property affected and hereby assesses the damages as above awarded against the ~~Commonwealth of Pennsylvania~~ *Commonwealth of Pennsylvania* Department of Highways.

BOARD OF VIEW

Leopold J. Wendekier

Leopold J. Wendekier, Chairman

John L. Elder

John L. Elder

Theodore W. Hunt

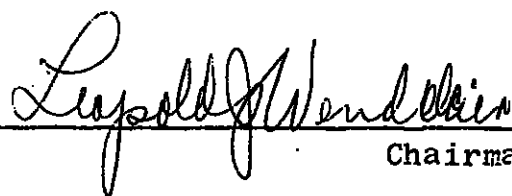
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VIEWERS' NOTICE

The Board of View appointed by the Court to determine the damages and benefits, if any, caused by the condemnation by the above named defendant of certain real estate of the plaintiffs hereby gives notice that the Board will file its Report with the Prothonotary of said Court on Tuesday, May 16, 1961. The report will thereupon become a part of the record in this proceeding.

BOARD OF VIEW


Chairman

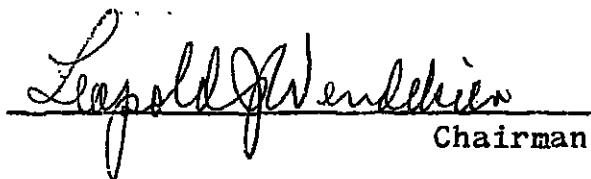
In re: Petition of CORDILLA :: IN THE COURT OF QUARTER SESSIONS
WATSON, who survived Homer :: OF
Watson and Cordilla Watson, :: CAMBRIA COUNTY, PENNSYLVANIA
husband and wife, for the ::
appointment of viewers :: No. 4 December Sessions, 1960,
 :: R. D.

VIEWERS' NOTICE

Through some misunderstanding, the exhibit of the Schedule of Award in the above case was erroneously scheduled for Tuesday, May 16, 1961, at the Judges' Chambers, Park Building, Johnstown, Pennsylvania.

This is to inform you that the Schedule of Award will be exhibited to all interested parties at 1:30 o'clock, P. M., e. d. s. t., in Courtroom No. 4, Cambria County Courthouse, Ebensburg, Pennsylvania, on *May 15, 1961.*

BOARD OF VIEW


Chairman

NO. *R.D. 4* DECEMBER SESSIONS, 1960

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

PETITION OF CORDILLA WATSON WHO SURVIVED
HOMER WATSON AND CORDILLA WATSON, HUSBAND
AND WIFE, FOR THE APPOINTMENT OF VIEWERS

Filed - Nov. 23, 1960
PETITION OF CORDILLA WATSON WHO SURVIVED
HOMER WATSON AND CORDILLA WATSON, HUSBAND
AND WIFE, FOR THE APPOINTMENT OF VIEWERS
TO ASSESS DAMAGES ARISING FROM THE
CONSTRUCTION OF A ROAD KNOWN AS U. S.
ROUTE NO. 22 IN JACKSON TOWNSHIP

AND NOW, the *23rd* day of
November, 1960, the County of Cambria
does hereby accept service of a copy of
the within Petition and waive the
issuance of the rule upon the County
Commissioners to show cause why viewers
should not be appointed in accordance
with Rule 301½ of the rule of the Court
of Common Pleas of Cambria County,
Pennsylvania, and further do hereby
consent to the appointment of a Board
of Viewers as prayed for in the within
Petition.

COUNTY OF CAMBRIA

Michael J. ...
Chief Clerk

SHETTIG, SWOPE & SHETTIG
ATTORNEYS AT LAW
EBENSBURG, PA.

PETITION OF CORDILLA WATSON
WHO SURVIVED HOMER WATSON AND
CORDILLA WATSON, HUSBAND AND
WIFE, FOR THE APPOINTMENT OF
VIEWERS

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

NO. DECEMBER SESSIONS, 1960

- ROAD DOCKET -

PETITION OF CORDILLA WATSON WHO SURVIVED HOMER WATSON AND CORDILLA WATSON,
HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING
FROM THE CONSTRUCTION OF A ROAD KNOWN AS U. S. ROUTE NO. 22
IN JACKSON TOWNSHIP

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

The petition of Cordilla Watson who survived Homer Watson and
Cordilla Watson, husband and wife, respectfully represents:

1. That Cordilla Watson who survived Homer Watson and Cordilla
Watson, husband and wife, is a resident of the Township of Jackson, County
of Cambria and State of Pennsylvania.

2. That the respondent is a Department of Highways of the Common-
wealth of Pennsylvania where the principal office is in the City of Harris-
burg, County of Dauphin, and State of Pennsylvania and with a district office
located in Hollidaysburg, County of Blair and State of Pennsylvania and with
a maintenance office located in Cambria Township, Cambria County, Pennsylvania.

3. That your petitioner is the owner by right of survivorship of
the following described land:

All those two certain pieces or parcels of land situate, lying
and being in the Township of Jackson, County of Cambria and State of Pennsyl-
vania, bounded and described as follows:

No. 1. BEGINNING at a point on the State Road leading from Nanty Glo to
Mundys Corner at the Southeastern corner of the tract of land belonging to
Joseph and Theresa Suvages; thence along said last mentioned land North forty-
five degrees twenty-five minutes West one hundred and fifty (150) feet to
a point; thence through land of which this is a part in an Easterly direction
by a line parallel with the State Road hereinbefore mentioned, a distance of
fifty(50) feet to a point; thence in a Southerly direction a distance of one
hundred and fifty (150) feet to a point on the State Road; thence along said
State Road in a Westerly direction a distance of sixty-five (65) feet to
the place of beginning.

Excepting and reserving such minerals and mining rights as were
conveyed by prior owners of said land.

No. 2. Beginning at a point or post on the State Road leading from Nanty-Glo to Mundays Corner, said post being the northeastern corner of land of parties of the second part; thence along line of land of the parties of the second part in a northwesterly direction one hundred fifty feet to a point; thence by line of land of parties of the second part in a southwesterly direction fifty feet to a point on line of land now or late of Joseph and Theresa Suwages; thence along line of land now or late of Joseph and Theresa Suwages North forty-five degrees twenty-five minutes West one hundred seventy-two feet to a post; thence North forty-four degrees thirty-five minutes East seventy feet to a post; thence by line of land to be conveyed to Calvin and Mariam Watson South forty-six degrees twenty-two minutes East two hundred fifty-two feet, more or less, to a post or point on State Road leading from Nanty-Glo to Mundays Corner; and thence by said State Road South three degrees East forty-one feet to point or post and place of beginning.

Excepting and reserving, however, such minerals and mining rights as were conveyed by prior owners of said described land.

4. That in the construction by the Department of Highways of the Commonwealth of Pennsylvania of a portion of U. S. Route No. 22 lying in Jackson Township through your petitioner's property above described, said property has sustained serious loss and damages arising out of out-right appropriations of a large portion of this property.

5. That the respondent has not agreed with the petitioner as to the amount of damages sustained to said property or made any payment to the petitioner on account of said damages even though said appropriation was made over eighteen (18) months ago.

WHEREFORE, your petitioner prays this honorable court pursuant to the Acts of Assembly to appoint three members of the permanent Board of Viewers of Cambria County to view the premises hereinabove described, take such testimony as necessary, determine the extent of the damages to the premises described, assess the benefits, if any, and report the same to this Court in accordance with law.

Cordilla Watson
Cordilla Watson

PETITION OF CORDILLA WATSON
WHO SURVIVED HOMER WATSON AND
DORDILLA WATSON, HUSBAND AND
WIFE, FOR THE APPOINTMENT OF
VIEWERS

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

NO. DECEMBER SESSIONS, 1960

- ROAD DOCKET -

DECREE

AND NOW, November 23 1960, at 10:00 o'clock A M., the within
Petition having been read and considered and *Leopold J. Wendeliner, Esq.*
Theodore Hunt and *John L. Elder* three members of
the permanent Board of Viewers of Cambria County be and they are hereby
appointed to view the premises described in the within Petition, take such
testimony as necessary, determine the extent of the damages to the premises
described in the within Petition, assess the benefits, if any, and report the
same to this Court in accordance with law.

BY THE COURT

McDonald
J.