This print is made from sheet No. 38, of Right-of-way plan for Route No. 52 Section No. 19, Carlisle County, approved by the Governor on May 5, 19 58 which I/we have examined and had explained to me us this day of , 19 , and is to be attached to the release herewith executed.

Witness _____ _____ (Seal)

Witness _____ _____ (Seal)

Witness _____ _____ (Seal)

FORM 4228

P.I. 1+62.95 Service
Angle 185°10'42"

Copper Pins 123.90
124.07 76.40
Hub
P.C. Hub

P.C. 3+96.07
Hub 66.63 63.23 Hub

Service Road
P.I. 1+62.95
Δ - 185°10'42" Rt.
T - 87.60
L - 172.00
R - 67.15
P.C. 0+75.35
P.T. 1+98.34
Superelevate Curve 1/4 per ft. as directed

Hub P.I.
141.06 81.91' 90°
Copper Pins 112.56'

FOR PROFILE & GRADE LINE ON SERVICE ROAD SEE SHEET NO. 67

P-40-M, P-35-X
P-37-A, P-29-L

Service Road
P.I. 4+55.63
Δ - 10°40'42" Lt
D - 9°00'
T - 55.56'
L - 118.65'
R - 637.27'
Super. Curve 1/4" per ft. as directed

P.C. 3+96.07
P.R.C. 5+14.72

PETER DE BALLI & GLADYS DE BALLI

TONY STEFANON & ARMENIA STEFANON

ARTHUR BURKEY & ADELIA BURKEY

GEORGE B. GLENN HEIRS

THE GENERAL STATE AUTHORITY

COMMONWEALTH OF PENNSYLVANIA

Penna. Dept. of Highways Building (Brick)

2-Sty. Fr. Ho.
Fr. Cottage
Fr. Gar.
Fr. Gar.
1½-Sty. Fr. Ho.
Tavern "Penn Gables"
Conc. Blk. Gar.
1½-Sty. Fr. Ho.
1½-Sty. Shingle Ho.
Conc. Blk. Office Bldg.
Tavern The "Cottage"
Conc. Patio
Dug Well
Conc. Walk
Stone Steps
Stone Parking Area
Gravel Parking Area
Stone Drive
Stab. Dr.
Stone Wall
Brick Wall
Flood Light
Gas Pump Island
Gas Pole
Hydrant
Sign
Bulletin Board
Comfort Station
Conc. Slab
Well
Cesspool
Cistern
Septic Tank
Leaching Field
Trailer Park
Tennis Court
Swimming Pool
Shuffleboard
Golf Driving Ranges

Reqd. R/W Line
Reqd. R/W Line - Service Road
Reqd. R/W Line - Limited Access
Reqd. Limit of Slope
Reqd. R/W Line - Service Road
Reqd. R/W Line - Service Road - Limited Access
Reqd. R/W Line - Limited Access
Reqd. R/W Line
Reqd. R/W Line
Reqd. R/W Line - Service Road

Sta. 1118+19.00 M = Sta. 0+00 Service Road
Sta. 1118+81.01 M = Sta. 0+00 Service Road
Sta. 1118+81.16 = P.C. 0+00 Ramp A
Sta. 1119+05.24 = BEGIN LIMITED ACCESS

SERVICE ROAD
RAMP A
SERVICE ROAD

N 69°47'42" E
N 59°07' E
N 54°37' E
N 69°37'39" E
N 60°58'22" E
N 85°57'39" E

Conc. Curb
6" Water Line - County of Cambria
Fire Hedge
Lamp Post
Guide Rail
Guide Rail (Steel)
White Board Fence
Pipe Fence
Hedge
Shrubs
Trees
Woods
Open Land
Stone Parking Area
Concrete Sign
Hydrangeas
Maples
Elms
Spruce Trees
Pine Trees
Hemlock
Willow
Cedar
Custard Stand
Entrance
Exit
Gate
Comfort Station
Shuffleboard
Bulletin Board
Gas Pump Island
Gas Pole
Flood Light
Brick Wall
Stone Wall
Dug Well
Conc. Walk
Conc. Patio
Stone Steps
Stone Drive
Stab. Dr.
Gravel Parking Area
Stone Parking Area
Trailer Park
Tennis Court
Swimming Pool
Golf Driving Ranges
Inlet
Manhole
Cesspool
Septic Tank
Leaching Field
Well
Cistern
Conc. Slab
Comfort Station
Shuffleboard
Bulletin Board
Gas Pump Island
Gas Pole
Flood Light
Brick Wall
Stone Wall
Dug Well
Conc. Walk
Conc. Patio
Stone Steps
Stone Drive
Stab. Dr.
Gravel Parking Area
Stone Parking Area
Trailer Park
Tennis Court
Swimming Pool
Golf Driving Ranges

(Mac.) Drive
(Mac.) Drive
(Lawn)
(Woods)
(Stone) Parking Area
Open Land

RAMP A DATA
P.I. 3+04.44
Δ - 35°20'59" Rt.
D - 6°00'
T - 304.44
L - 588.16'
R - 955.37'
Superelevate Curve 3/4" per Ft. as directed

SERVICE ROAD DATA
P.I. 0+79.00
Δ - 83°37'38" Lt.
T - 49.85'
L - 81.34' (Arc)
R - 55.73'
P.C. 0+29.15
P.R.C. 1+10.49
Superelevate Curve 1/2" per Ft. as directed

FOR PROFILE & GRADE LINE ON RAMP "A" SEE SHEET NO. 66

FOR PROFILE & GRADE LINE ON SERVICE ROAD SEE SHEET NO. 70

SERVICE ROAD DATA
P.I. 3+41.86
Δ - 28°58'37" Rt.
D - 6°24'08"
T - 231.37'
L - 452.61'
R - 895.37'
Superelevate Curve 1/2" per Ft. as directed

FERDINANDO CANGIOLI & CLEMENTA CANGIOLI

P.I. 1110+75
El. 2161.14
V.C. 500'
Vert. Sight 493 Ft. - Over 60 MPH N.P.

+1.7228% Dr. Lt.
Dr. Lt.
Mac. Dr. Rt. -1.28%
Dr. Lt.

STA 1110+00 TO STA 1120+00
EXC. 318 C.Y.
EMB. 2951 C.Y.

DATUM 2110

2145.4 G-2149.51 2145.7 G-2149.60	2147.2 2146.6 G-2150.17 G-2150.37	2146.5 G-2151.23	2147.8 G-2152.10	2148.9 G-2152.96	2150.2 / 2149.6 / 2149.5 / 2149.8 / 2150.4 G-2153.82	2151.9 2152.2 G-2154.46 G-2154.68	2154.1 G-2155.54	2154.7 G-2156.40	G-2156.83	2155.7 G-2157.24	2156.2 2156.6 G-2157.96 G-2158.08	2156.8 G-2158.36	2157.1 G-2158.52	2157.8 G-2158.93	2158.2 G-2159.19	G-2159.26	2158.2 G-2159.30	2157.9 G-2159.26	2157.9 G-2159.11	2157.6 G-2159.07	2157.6 G-2158.99 G-2158.92	2157.5 G-2158.73	2157.4 G-2158.24	G-2157.94	2153.6 G-2157.62	2154.3 G-2156.98	2154.0 2153.6 G-2156.54 G-2156.34	2152.9 G-2155.70	2151.8 2151.2 G-2155.25 G-2155.06	2150.1 G-2154.42
1110 +05	+385 +50	1111	+50	1112	+39 +45 +49 +50	+87	1113	+50	1114	+25	+50	1115	+10	+345	+50	1116	+50	+75	1117	+50	+93	1118 +14	+25	+50	1119	+25	+50	1120	+34	+50	1121	+35	+50	1122

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

NO. R.D. 2, DECEMBER SESSIONS, 1959

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUT NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA

Filed: May 7, 1960

VIEWERS' REPORT

DONALD J. LETIZIA
ATTORNEY AT LAW
JOHNSTOWN, PENNSYLVANIA
802 First National Bank Bldg.

DECREE

AND NOW, October 15, 1959, the foregoing Petition having been read and considered, it is ordered that Donald J. Letizia, Esq., John L. Elder and Theodore Hunt, three members of the permanent Board of Viewers of Cambria County, be and hereby are appointed to view the said premises and make a return of their proceedings according to law.

By the Court:

/s/ Griffith, Judge.

Certified this 19th day
of October, A. D., 1959

Joseph C. Wess

Joseph C. Wess,
Clerk of Courts.

PARCEL NO. 1 BEGINNING at a point in the center of the William Penn Highway at a corner of land of Anna Bowman and extending thence by the line of said land of Anna Bowman, North 25° 15' West 185 feet; thence thru the land of which this land herein conveyed was a part North 77° 00' East (approximate direction) 311.8 feet to line of land now or formerly of Minnie Lloyd; thence along line of Minnie Lloyd South 25° 15' East 100 feet to a point in the center of William Penn Highway; thence by the center of said Highway South 61° West 300 feet to place of beginning.

PARCEL NO. 2 BEGINNING at a point in the center of the Highway known as William Penn Highway, (formerly known as the Pittsburgh Pike) and extending thence by the center of said Highway South 61° West a distance of 515 feet to a point at a corner of land of F. E. Black; thence by the line of said land of F. E. Black, North 25° 15' West a distance of 928.19 feet to a post on line of land of Festus Lloyd; thence by the line of said land of Festus Lloyd, South 82° 41' East a distance of 644.1 feet to a corner of land of W. S. Mack; thence by line of said land of W. S. Mack South 22° 15' East a distance of 553.6 feet to the place of beginning containing 9.06 of an acre.

PARCEL NO. 3 BEGINNING AT a point in the center of the William Penn Highway at a corner of land of Anna Bowman, and extending thence by line of said land of Anna Bowman North 25° 15' West a distance of 243.5 feet; thence through land of Minnie Lloyd, of which the land hereby conveyed is a part, by the same course, (North 25° 15' West), a distance of 1137.66 feet to a point on line of Festus Lloyd; thence by line of the land of Festus Lloyd South 83° 20' East a distance of 346.29 feet to a point; thence through land of said Minnie Lloyd, of which the land hereby conveyed is a part, South 25° 15' East a distance of 933.19 feet to a point in the center of William Penn Highway; thence by the center of said Highway South 61° West a distance of 300 feet to the place of beginning; containing 7.01 acres.

PARCEL NO. 4 BEGINNING at a point on line of other land of grantees herein, said point of beginning being North 30° 15' East 243.5 feet from the center line of State Highway Route No. 22 leading from Ebensburg to Mundys Corner; thence through land of Grantor herein, of which the land hereby conveyed forms a part, the following two courses and distances, North 75° 15' West 106.1 feet to a point, North 30° 15' West 875.01 feet to a point on the land of Festus Lloyd Estate; thence along said land of said Festus Lloyd Estate South 83° 30' East 93.6 feet to a point on land formerly of F. E. Black, now of Tony Stefanon at ux, grantees herein, South 30 degrees 15' East 894.01 feet, more or less, to a point of land of grantees herein, the point and place of beginning. Containing 1.52 acre, more or less.

PARCEL NO. 5 BEGINNING at a post at the Southeasterly corner of lands of Steve Stefanon, et ux, and the Northeasterly corner of lands of Tony Stefanon, et ux; thence along the line of other lands of said Tony Stefanon North 25° 15' West 226.5 feet to a post; thence thru land of the said Steve Stefanon, et ux, of which this is a part, south 77° 05' West 100 feet to a post; thence still continuing thru the land of the said Steve Stefanon, et ux, South 25° 15' East 226.5 feet to a post on line of Tony Stefanon, et ux; thence along the line of said last mentioned land North 77° 05' East 100 feet to a post, place of beginning. Containing ½ acres, more or less.

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 19th *day of* October *A. D. 19* 59 *before the Honorable Judge of the said Court: Upon the petition of* Anthony and Armenia Stefanon *of the Township of* Cambria *, in the said County, setting forth that they labor under inconvenience for want of a* n assaasament of damages

See attached description and order of Court.

and therefore praying the Court to appoint proper persons to assess *the same according to law. The Court, upon due consideration had of the premises, do order and appoint* Donald J. Letizia, Esq., John L. Elder *surveyor, and* Theodore Hunt

viewers, to to assess damages *and if they* ~~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 as near as may be on the shortest distance and the best ground for a road and in such manner as shall be the least injurious to private property, and also be as far as practicable agreeable to the desire 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 public or private use, together with a plot or draft thereof, and the courses and distances and extents of the improvements through which it may pass.~~

By the Court. Griffith, J.

Attest:

Joseph C. Fess, *Clerk*

NO. R. D. 2 December SESSSIONS, 19 59

Order to view

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA

Donald J. Letizia, Esq.
John L. Elder
Theodore Hunt
} Viewers

Clerk Joseph C Wess

Joseph C. Wess, Clerk of Courts

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."

IN RE: PETITION OF ANTHONY (TONY) STEFANON and ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS.	:	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY PENNSYLVANIA
	:	DECEMBER SESSIONS, 1959

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of Anthony (Tony) Stefanon and Armenia Stefanon, husband and wife, respectfully represents:

1. That they are the owners of all those certain lots or pieces of ground situate, lying and being in the Township of Cambria, County of Cambria and State of Pennsylvania, bounded and described as follows:

PARCEL NO. 1 BEGINNING at a point in the center of the William Penn Highway at a corner of land of Anna Bowman and extending thence by the line of said land of Anna Bowman, North 25° 15' West 185 feet; thence thru the land of which this land herein conveyed was a part North 77° 00' East (approximate direction) 311.8 feet to line of land now or formerly of Minnie Eloyd; thence along line of Minnie Lloyd South 25° 15' East 100 feet to a point in the center of William Penn Highway; thence by the center of said Highway South 61° West 300 feet to place of beginning.

PARCEL NO. 2 BEGINNING at a point in the center of the Highway known as William Penn Highway, (formerly known as the Pittsburgh Pike) and extending thence by the center of said Highway South 61° West a distance of 515 feet to a point at a corner of land of F.E. Black; thence by the line of said land of F.E. Black, North 25° 15' West a distance of 933.19 feet to a post on line of land of Festus Lloyd; thence by the line of said land of Festus Lloyd, South 82° 41' East a distance of 644.1 feet to a corner of land of W.S. Mack; thence by line of said land of W.S. Mack South 22° 15' East a distance of 553.6 feet to the place of beginning, containing 9.06 of an acre.

PARCEL NO. 3 BEGINNING at a point in the center of the William Penn Highway at a corner of land of Anna Bowman, and extending thence by line of said land of Anna Bowman North 25° 15' West a distance of 243.5 feet; thence through land of Minnie Lloyd, of which the land hereby conveyed is a part, by the same course, (North 25° 15' West), a distance of 1137.66 feet to a point on line of Festus Lloyd; thence by line of the land of Festus Lloyd South 83° 20' East a distance of 346.29 feet to a point; thence through land of said Minnie Lloyd, of which the land hereby conveyed is a part, South 25° 15' East a distance of 933.19 feet to a point in the center of William Penn Highway; thence by the center of said Highway South 61° West a distance of 300 feet to the place of beginning; containing 7.01 acres.

PARCEL NO. 4 BEGINNING at a point on line of other land of grantees herein, said point of beginning being North 30° 15' East 243.5 feet from the center line of State Highway Route No. 22 leading from Ebensburg to Mundys Corner; thence through land of Grantor herein, of which the land hereby conveyed forms a part, the following two courses and distances, North 75° 15' West 106.1 feet to a point, North 30° 15' West 875.01 feet to a point on the land of Festus Lloyd Estate; thence along said land of said Festus Lloyd Estate South 83° 30' East 93.6 feet to a point on land formerly of F.E. Black, now of Tony Stefanon, et ux, grantees herein, South 30 degrees 15' East 894.01 feet, more or less, to a point of land of grantees herein, the point and place of beginning. Containing 1.52 acre, more or less.

PARCEL NO. 5 BEGINNING at a post at the Southeasterly corner of lands of Steve Stefanon, et ux, and the Northeasterly corner of lands of Tony Stefanon, et ux; thence along the line of other lands of said Tony Stefanon North 25° 15' West 226.5 feet to a post; thence thru land of the said Steve Stefanon, et ux, of which this is a part, South 77° 05' West 100 feet to a post; thence still continuing thru the land of the said Steve Stefanon, et ux, South 25° 15' East 226.5 feet to a post on line of Tony Stefanon, et ux; thence along the line of said last mentioned land North 77° 05' East 100 feet to a post, place of beginning. Containing 1/2 acres, more or less.

2. That in construction, re-construction and improvements of State Highway Route No. 22, in the Township of Cambria, Cambria County, Pennsylvania, said property has sustained serious loss and damage, and that compensation for such damage has not

been fixed or agreed between the Commonwealth of Pennsylvania and your Petitioners.

3. Your Petitioners, therefore, pray your Honorable Court to appoint three viewers from the Board of Viewers of the County of Cambria to view the premises and assess the damages, if any, by reason of the construction, reconstruction and improvement of said highway, and to assess the benefits, if any, and report the same to your Honorable Court.

And your Petitioners will every pray.

/s/ Tony Stefanon (SEAL)

/s/ Armenia Stefanon (SEAL)

STATE OF PENNSYLVANIA:
SS:
COUNTY OF CAMBRIA:

Before me, a Notary Public in and for said County and State, personally appeared ANTHONY (TONY) STEFANON and ARMENIA STEFANON, husband and wife, who, being duly sworn according to law, deposes and says that they are the Petitioners named in the foregoing Petition and that the statements therein set forth are tue and correct to the best of their knowledge, information and belief.

/s/ Tony Stefanon

/s/ Armenia Stefanon

Sworn to and subscribed before me
this 12th day of August, 1959.

(Seal) Rosemarie A. Licastro

ROSEMARIE A. LICASTRO, Notary Public
Ebensburg, Cambria County, Penna.
My Commission Expires Dec. 12, 1962

IN RE: PETITION OF ANTHONY (TONY) STEFANON and ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS.	:	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY PENNSYLVANIA
	:	_____ JUNE SESSIONS, 1959

D E C R E E

AND NOW, ~~July~~ Oct 15, 1959, the foregoing Petition having been read and considered, it is ordered that Donald J. Letzelter Esq John L. Elder and Theodore Hunt, three members of the permanent Board of Viewer of Cambria Couty, be and hereby are appointed to view the said premises and make a return of their proceedings according to law.

BY THE COURT:

/s/ Griffith J.

Jan 13

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

NO. R.D. 2 December Sessions 1959

VIEWERS' NOTICE

We, the undersigned Viewers appointed by the above court to view and inspect the land and premises owned by Anthony (Tony) Stefanon and Armenia Stefanon, his wife, in Cambria Township, Cambria County, Pennsylvania, 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 construction, reconstruction and improvements to State Highway Route No. 22 in Cambria Township Cambria County, Pennsylvania, do hereby give notice that we will meet upon the premises on Thursday, November 19, 1959, at 10:00 A. M., when and where all persons interested may appear if they so desire.

DONALD J. LETIZIA, ESQ.

JOHN L. ELDER

THEODORE HUNT

By Donald J. Letizia Chairman

ACCEPTANCE OF SERVICE this 8th day of November, 1959.

Attorney for Petitioners.

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

NO. R.D. 2 December Sessions 1959

VIEWERS' NOTICE

We, the undersigned Viewers appointed by the above court to view and inspect the land and premises owned by Anthony (Tony) Stefanon and Armenia Stefanon, his wife, in Cambria Township, Cambria County, Pennsylvania, 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 construction, reconstruction and improvements to State Highway Route No. 22 in Cambria Township Cambria County, Pennsylvania, do hereby give notice that we will meet upon the premises on Thursday, November 19, 1959, at 10:00 A. M., when and where all persons interested may appear if they so desire.

DONALD J. LETIZIA, ESQ.

JOHN L. ELDER

THEODORE HUNT

By Donald J. Letizia Chairman

ACCEPTANCE OF SERVICE this 9th day of November, 1959.

Robert W. Cunliffe
Asst Atty General

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA	( ) ( ) ( ) ( )	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA NO. R.D. 2 DECEMBER SESSIONS, 1959

NOTICE OF HEARING

We, the undersigned Viewers appointed by the above Court to view and inspect the land and premises owned by Anthony (Tony) Stefanon and Armenia Stefanon, his wife, in Cambria Township, Cambria County, Pennsylvania, 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 construction, reconstruction and improvements to State Highway Route No. 22, in Cambria Township, Cambria County, Pennsylvania, do hereby give notice that we will hold a hearing for said purpose in Court Room No. 4, Cambria County Court House, Ebensburg, Pennsylvania, on Friday, January 15, 1960, at 10:00 A.M., when and where all persons interested may appear if they so desire.

DONALD J. LETIZIA, ESQUIRE

JOHN L. ELDER

THEODORE HUNT

BY Donald J. Letizia
Chairman

ACCEPTANCE OF SERVICE this 7th day of January, 1960.

Arnold D. Smorto
Attorney for Commonwealth of Pennsylvania

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA NO. R.D. 2 DECEMBER SESSIONS 1959

NOTICE OF HEARING

We, the undersigned Viewers appointed by the above Court to view and inspect the land and premises owned by Anthony (Tony) Stefanon and Armenia Stefanon, his wife, in Cambria Township, Cambria County, Pennsylvania, 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 construction, reconstruction and improvements to State Highway Route No. 22, in Cambria Township, Cambria County, Pennsylvania, do hereby give notice that we will hold a hearing for said purpose in Court Room No. 4, Cambria County Court House, Ebensburg, Pennsylvania, on Friday, January 15, 1960, at 10:00 A.M., when and where all presons interested may appear if they so desire.

DONALD J. LETIZIA, ESQUIRE

JOHN L. ELDER

THEODORE HUNT

BY Donald J. Letizia
Chairman

ACCEPTANCE OF SERVICE this 7th dayof January, 1960.

Gleason & Krumenacker
Attorneys for Petitioners

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA	)	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA
	)	NO. R.D. DECEMBER SESSIONS, 1959

NOTICE

WE, the undersigned Viewers appointed by the above Court to view and inspect the land and premises owned by Anthony (Tony) Stefanon and Armenia Stefanon, his wife, in Cambria Township, Cambria County, Pennsylvania, 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 construction, reconstruction and improvements to State Highway Route No. 22, in Cambria Township, Cambria County, Pennsylvania, do hereby give notice that we will hold a meeting in Court Room No. 4, Cambria County Court House, Ebensburg, Pennsylvania, on Tuesday, March 1, 1960, at 10:00 A.M., at which time they will exhibit the Schedule of Damages resulting to the land and property of the petitioners by reason of the construction, reconstruction and improvements to State Highway Route No. 22 in Cambria Township, Cambria County, Pennsylvania.

DONALD J. LETIZIA

JOHN L. ELDER

THEODORE HUNT

BY Donald J. Letizia
Chairman

ACCEPTANCE OF SERVICE this 19th day of February, 1960.

Ted Morrow

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA	) ( ) ( ) ( )	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA NO. R.D. 2 DECEMBER SESSIONS, 1959

SCHEDULE OF AWARD

From the evidence submitted and the view of the premises affected by the construction, reconstruction and improvements to State Highway Route No. 22 in Cambria Township, Cambria County, Pennsylvania, the Board of View find the damages sustained by the owners and occupants in this proceeding as follows:

ANTHONY (TONY) STEFANON and ARMENIA STEFANON, his wife	$99,800.00
ANTHONY (TONY) STEFANON and ARMENIA STEFANON, his wife, DETENTION DAMAGES	3,648.00

The above award set forth includes damages for delay in payment from the date of the injury in this proceeding to the date of filing of the report.

The Board of View have taken into consideration any benefits accruing to the property affected and hereby assess the damages as above awarded.

Donald J. Latizia

Donald J. Latizia, Chairman

Theodore Hunt

Theodore Hunt

John L. Elder

John L. Elder

* *

ACCEPTANCE OF SERVICE

AND NOW, this 1st day of March, 1960, I hereby accept service of the above notice.

Fred. Maur

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA	( ) ( ) ( ) ( ) ( )	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA NO. R.D. 2, DECEMBER SESSIONS, 1959

NOTICE

Notice is hereby given that the undersigned Viewers will file their report in the above matter in the Court of Quarter Sessions of Cambria County, Ebensburg, Pennsylvania, on Monday, March 7, 1960.

You will have thirty (30) days from said date within which to file exceptions to our report, if you so desire. If no exceptions are filed thereto within said thirty (30) days, our report will be confirmed absolutely by the Court.

DONALD J. LETIZIA

THEODORE HUNT

JOHN L. ELDER

BY Donald Letizia
Chairman
(Board of View)

ACCEPTANCE OF SERVICE

AND NOW, this 27th day of February, 1960, I hereby accept service of the above Notice.

Andrew J. Gleason

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA	( ) ( ) ( ) ( ) ( ) ( )	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA NO. R.D. DECEMBER SESSIONS, 1959

NOTICE

WE, the undersigned Viewers appointed by the above Court to view and inspect the land and premises owned by Anthony (Tony) Stefanon and Armenia Stefanon, his wife, in Cambria Township, Cambria County, Pennsylvania, 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 construction, reconstruction and improvements to State Highway Route No. 22, in Cambria Township, Cambria County, Pennsylvania, do hereby give notice that we will hold a meeting in Court Room No. 4, Cambria County Court House, Ebensburg, Pennsylvania, on Tuesday, March 1, 1960, at 10:00 A.M., at which time they will exhibit the Schedule of Damages resulting to the land and property of the petitioners by reason of the construction, reconstruction and improvements to State Highway Route No. 22 in Cambria Township, Cambria County, Pennsylvania.

DONALD J. LETIZIA

JOHN L. ELDER

THEODORE HUNT

BY Donald Letizia
Chairman

ACCEPTANCE OF SERVICE this 19th day of February, 1960.

Norman Krumenacker
Gleason & Krumenacker
Attorneys for Petitioners

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA	) ( ) ( ) ( )	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA NO. R.D. 2 DECEMBER SESSIONS, 1959

SCHEDULE OF AWARD

From the evidence submitted and the view of the premises affected by the construction, reconstruction and improvements to State Highway Route No. 22 in Cambria Township, Cambria County, Pennsylvania, the Board of View find the damages sustained by the owners and occupants in this proceeding as follows:

ANTHONY (TONY) STEFANON and ARMENIA STEFANON, his wife	$99,800.00
ANTHONY (TONY) STEFANON and ARMENIA STEFANON, his wife, DETENTION DAMAGES	3,648.00

The above award set forth includes damages for delay in payment from the date of the injury in this proceeding to the date of filing of the report.

The Board of View have taken into consideration any benefits accruing to the property affected and hereby assess the damages as above awarded.

Donald J. Letizia, Chairman

Theodore Hunt

John L. Elder

* *

ACCEPTANCE OF SERVICE

AND NOW, this 1st day of March, 1960, I hereby accept service of the above notice.

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

NO. R.D. 2, DECEMBER SESSIONS, 1959

NOTICE

Notice is hereby given that the undersigned Viewers will file their report in the above matter in the Court of Quarter Sessions of Cambria County, Ebensburg, Pennsylvania, on Monday, March 7, 1960.

You will have thirty (30) days from said date within which to file exceptions to our report, if you so desire. If no exceptions are filed thereto within said thirty (30) days, our report will be confirmed absolutely by the Court.

DONALD J. LETIZIA

THEODORE HUNT

JOHN L. ELDER

BY Donald Letizia
Chairman

(Board of View)

ACCEPTANCE OF SERVICE

AND NOW, this 25th day of February, 1960, I hereby accept service of the above Notice.

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA	‖	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA
	‖	NO. R.D. 2 DECEMBER SESSIONS, 1959

VIEWERS' REPORT

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

DONALD J. LETIZIA, ESQUIRE, JOHN L. ELDER, and THEODORE HUNT, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises of Anthony (Tony) Stefanon and Armenia Stefanon, to assess damages to their property arising from the improvements to State Highway Route No. 22, in the Township of Cambria, Cambria County, Pennsylvania, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on October 15, 1959, the Board of View set Thursday, November 19, 1959, at 10:00 A.M., E.S.T., as the time to view and inspect the premises owned by Anthony (Tony) Stefanon and Armenia Stefanon, his wife. Due notice thereof was given to Gleason & Krumenacker, Attorneys for the Petitioners, as shown by acceptance of Service of Notice hereto attached and made a part hereof. Notice was likewise given to the Commonwealth of Pennsylvania, through its assistant Attorney General, Robert W. Gunliffe, as shown by Acceptance of Service hereto attached and made a part hereof. The Board of View thereafter set Friday, January 15, 1960, at 10:00 A.M., in Court Room No. 4, Cambria County Court House, Ebensburg, Pennsylvania, as the time and place for hearing. Due notice thereof was given to Gleason & Krumenacker, Attorneys for the Petitioners, as shown by Acceptance of Service hereto attached and made a part hereof. Notice was likewise given to the Commonwealth of Pennsylvania through its Attorney, Arnold D. Smorto, as shown by Acceptance of Service hereto attached and made

a part hereof. At the request of Counsel for the Commonwealth of Pennsylvania, the hearing was continued to Wednesday, February 3, 1960. The hearing was held at the time and place appointed and was attended by the Board of View and by Andrew J. Gleason, Esquire, Attorney for the Petitioners, and the Petitioner, Anthony (Tony) Stefanon and Frank M. Genovese and Charles N. Glass, Real estate appraisers. The Commonwealth of Pennsylvania was represented by Arnold D. Smorto, Esquire, Howard E. Breneman, District Right-of-Way engineer of the Department of Highways, and Gerald P. Sheedy and Paul Washington, Real estate appraisers. The Petitioner was thereupon examined upon the merits of the case and a full hearing was held thereon.

Due notice of filing this Report was given to the Petitioners through their Attorneys, Gleason & Krumenacker, as shown by Acceptance of Service hereto attached and made a part hereof. Due notice was likewise given to the Commonwealth of Pennsylvania through its attorney, Arnold D. Smorto, as shown by acceptance of Service hereto attached and made a part hereof.

The original papers are attached hereto and made a part of this Report.

The Board of View further reports as follows:

I. SERVICE OF PROCESS

The original papers and docket entries show that Anthony (Tony) Stefanon and Armenia Stefanon filed a Petition with the Court of Quarter Sessions on October 19, 1959, setting forth that they labored under inconvenince for want of an assessment of damages.

II. FINDINGS OF FACT

(1) That Anthony (Tony) Stefanon and Armenia Stefanon, are the owners of a parcel of ground situate in Cambria Township, Cambria County, Pennsylvania. (N. T. 3, the Record)

(2) That on May 5, 1958, the Commonwealth of Pennsylvania condemned a portion of land situate in the Township of Cambria, Cambria County, Pennsyl-

vania, a portion of which fronted seventy (70) feet along the entire frontage of the Stefanon property. (N. T. 4, 38 and the Record)

(3) That Frank M. Genovese and Charles N. Glass and Gerald P. Sheedy are all expert real estate appraisers. (N. T. 23)

(4) That Howard E. Breneman is District Rightof Way engineer for the Department of Highways, Commonwealth of Pennsylvania. (N.T. 33)

(5) That the Petitioners operated a tavern known as "Penn Gables" in a building, the front part of which, was entirely on the right-of-way condemned by the Commonwealth of Pennsylvania. (NT. 3, 4, 5, 9, 10, Petitioners Exhibits Nos. 1 and 2)

(6) That the Petitioners had an apartment located on the second floor of the building which was located entirely on the right-of-way condemned by the Commonwealth of Pennsylvania. (N.T. 6, 7, 8, 9, 10, and Petitioners Exhibit No. 5)

(7) That the back portion of the building owned by the Petitioners was used as a dance hall and for parties. (N.T. 6, 7, 8)

(8) That the Petitioners had a tool house and a garage that had to be torn down because the said tool house and garage was located on the right-of-way condemned by the Commonwealth of Pennsylvania. (N.T. 8, 9)

(9) That the Petitioners owned a dwelling 75 feet to the rear of the premises on which the tavern was operated and that it was necessary, after the taking by the Commonwealth, to move the tavern back to a point where there was only several feet separating the tavern from the dwelling referred to above. (N.T. 9)

(10) That the Petitioners own a white frame house adjacent to the Tavern property which house, prior to the taking was 110 feet from the old highway. (N.T. 10, Exhibit 12)

(11) That the Petitioners were forced to move the white frame dwelling house back a distance of 70 feet so that now the said house is only 41 feet from the highway, where prior to the taking it was 110 feet from the highway. (N.T. 46)

(12) That the Petitioners owned and operated a golf driving range located along Route 22, consisting of a club house and a driving range. (N.T. 12, Exhibits Nos. 12, 13, 14, 15 and 16)

(13) That the club house referred to above was located entirely within the right of way condemned by the Commonwealth of Pennsylvania. (N.T. 12, 13, 14)

(14) That after the taking by the Commonwealth of Pennsylvania, there was no longer any parking area available to be used by the Petitioners. (N.T. 15)

(15) That Frank M. Genovese testified that the loss suffered by the Petitioners because of the taking of a portion of their property by the Commonwealth of Pennsylvania was $120,000. (N.T. 23, 24, 25)

(16) That Charles N. Glass, testified that the loss suffered by the Petitioners because of the taking of a portion of their property by the Commonwealth of Pennsylvania was $116,500. (N.T. 28, 29, 30)

(17) That Frank M. Genovese and Charles N. Glass took into consideration the location, size, topography, shape and the highest and best use to which this land could be put in arriving at their market value before and after the taking. (N.T. 27, 28)

(18) That the portion of land of the Petitioners which was condemned and taken by the Commonwealth of Pennsylvania was a strip of land 70 feet in width along the full frontage, shaded in blue on the map entered as evidence. (N.T. 34)

(19) That because of the taking of a portion of the Petitioners land by the Commonwealth of Pennsylvania, there has been a slight change in grade. (N.T. 38)

(20) That Gerald P. Sheedy testified that the loss suffered by the Petitioners because of the taking of their property by the Commonwealth of Pennsylvania was $52,000. (N.T. 40 and 41)

(21) That Gerald P. Sheedy did not take into account any income figures on arriving at the market value of the golf driving range, both before and after the taking by the Commonwealth of Pennsylvania. (N.T. 41, 42).

(22) That the Commonwealth of Pennsylvania advanced the sum of $39,000.00 to the Petitioners, Anthony (Tony) Stefanon and Armenia Stefanon, his wife, which amount was used to help the Petitioners relocate their Property.

(23) That Attilio Stefanon and Rose Stefanon, his wife, were the owners of the white frame house referred to in this report, on May 5, 1958; that Attilio Stefanon and Rose Stefanon, his wife, conveyed the premises to the Petitioners herein prior to the date of the hearing, and that Attilio Stefanon and Rose Stefanon, his wife, have renounced all property damage claims in this matter in favor of the Petitioners. (Petitioners Exhibit No. 19)

III. OPINION

The Board of View has carefully examined the evidence offered in this case, has deducted therefrom certain facts, has carefully examined the law applicable, and is of the opinion that the Petitioners have presented a meritorious case.

The Petitioners allege that they are the owners of the property referred to above and that in the construction, reconstruction and improvements to State Highway Route No. 22, in the Township of Cambria, Cambria County, Pennsylvania, said property has sustained serious loss and damage and that the compensation for such damages has not been fixed or agreed upon between the Commonwealth of Pennsylvania and the Petitioners.

The Power of eminent domain is the power to take property for public use without the owner's consent. Briegel vs. Briegel, 160 A. 581, 307, Pa. 93 (1932). Eminent domain is an inherited attribute of sovereignty and the provision for compensation is not part of the power, but a limitation on its use by the Constitution. P. S. Const. Art. 1, Section 10.

The Constitution contains three sections relating to eminent domain, Article 1, Section 10, provides that private property shall not be taken or applied to public use, without authority of law and without just compensation

being first made or secured. Article 16, Section 3, provides that "The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State." Article 16 also provides that municipal and other corporations and individuals invested with the power of eminent domain must make compensation for property taken, and prohibits the General Assembly from depriving any person of the right to appeal from any preliminary assessment of damages against any corporation or individuals made by viewers or otherwise.

Generally, just compensation must be made for the taking of all kinds of property, and of any kind of right or interest in property which has a market value. In the case of highways, only that which has been condemned for highway improvements may be determined to have been " taken " by the Commonwealth within the statutes provided for the recovery of damages. The character of the structure to be put upon the surface of land taken under the power of eminent domain and the use to which such structure is to be devoted are circumstances to be taken into account in determining the compensation to which the owner is entitled.

When a tract of land is taken, the owner is entitled to compensation equal to its market value. 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 given sustantial weight in bargaining for the property, such as location, improvements, productive quality and the uses to which it may reasonably be put, taking in the light of sales of other property in the vicinity. United States vs. 15.3 Acres of Land in the City of Scranton, Com. of Pa., 154 F. Supp. 770 (1957). While the value of land should not be based upon speculation, every-

thing which gives the land intrinsic value should be considered and it is not to be limited to a particular use, and any use to which the property is adapted or any prospective use may be considered.

This is probably the most valuable land along the entire section taken for highway purposes on this project. It had the advantage of being just outside the Borough limits of Ebensburg. There was a two way accessible highway, and while the general rule is that the flow of traffic is not an element of damages, particularly so if there is little damages to land or no damage, there are no cases on point regarding a non-accessible road where the damages to the land itself is considered as is the case here. No matter what Mr. Breneman may have said, to my way of thinking this is a non-accessible highway. A person driving from Mundys Corner to Ebensburg can only cross the new highway at the places set out for such turns. Here we had a business, the greater part of which had to be transient. There is nothing to indicate that the building of this improved road will bring more traffic and we have a situation where the new construction will cut off most of the transient traffic.

The tavern business was conducted in two structures which had been joined together prior to the taking. Mr. Stefanon testified that the value of the property before the taking was $155,000 and the value of the property immediately after the taking was $35,000, therefore, the loss which resulted was $120,000.

Mr. Genovese testified that the value of the property, before the taking was $145,000 and the value immediately after the taking was $25,000, which resulted in his opinion, in the loss amounting to $120,000.
Mr. Genovese further testified that the value of the Attilio Stefanon house was $10,000 after the taking. That the golf driving range was valued at $5,000 after the taking and that the remainder of the property was worth $10,000 immediately after the taking. On direct and cross examination, Mr. Genovese testified under oath, that in arriving at the figure referred to above, he took into consideration location of the property, size of the property,

topography of the property, shape of the property, and the highest and best use to which the property could be put.

Mr. Glass testified that the value of the property prior to the taking was $141,000 and that the value of the property immediately after the taking was $24,500. Mr. Glass arrived at his $24,500 figure as follows: He testified that the golf range was worth $5,000 after the taking; the Attilio Stefanon house was worth $7,000 after the taking; that the back portion of the building in which the tavern was operated was worth $3,500 after the taking and the rest of the land involved was worth $8,000. Mr. Glass testified that in arriving at his figures he took into consideration the size,, location, topography, share, and the highest and best use to which the property could be put. On cross examination neither Mr. Genovese nor Mr. Glass changed their opinions in any way. Both Mr. Glass and Mr. Genovese made excellent witnesses and their testimony is credible.

When only part of a tract of land is taken, the measure of compensation is the difference between the market value of the entire tract immediately before the taking and the value of the remaining portion immediately thereafter; Ward vs. Com., 136 A. 2d 309, 390 Pa. 526 (1957); Mazur vs. Com., 134 A. 2d 669, 300 Pa. 148 (1957); Braughler vs. Com., 131 A 2d 341, 388 Pa. 573 (1957). The Commonwealth made much of the fact that the remaining land could be used for building lots. However, there was no testimony tending to show that it would be feasible to have the remaining tract laid out in building lots of that there was a market for building lots in this area.

The costs of removing or rebuilding improvements affected by the taking should not be allowed as a distinct item of damages, but may be considered in fixing the value of the property before and after the taking. Petition of Butler Water Company, 13 A 2d 72, 338, Pa. 282 (1940).

The Commonwealth called Mr. Sheedy as a witness and their entire case must rest or fall on the testimony given by Mr. Sheedy. Mr. Sheedy testified that the value of the property before the taking was $112,400 and that the

value of the property immediately after the taking was $60,400 or a loss of $52,000. On cross examination, Mr. Sheedy testified that at no time had he entered the white frame house, and that he had placed a value on the property at $12,500, as being the value before the taking and the value immediately after the taking. Here we have a property supposedly worth $12,500 before the taking, which house was 110 feet from the edge of a two lane highway and after the taking the house had to be moved back, involving of necessity some cost, with the end result being that the house is now only 41 feet from the edge of a four lane highway and Mr. Sheedy testified that no loss resulted. Mr. Sheedy testified that in his opinion, the golf driving range completely furnished had a value of $18,900 before the taking and that Mr. Stefanon realized as salvage $2,700, therefore, his loss on the golf driving range amounted to $16,200. Mr. Sheedy, in answer to the question as to what the highest and best use the golf driving range could be put to, did not give a definite answer; however, he said that the land could be put to one of several commercial uses.

Mr. Sheedy testified that the tavern before the taking had a value of $40,000 and immediately after the taking the tavern property had a value of $10,000, suffering a loss, therefore, of $30,000. Mr. Sheedy testified that after the taking the building that remained could not be used as a tavern, there was no parking facilities in the front of the building, there was no water, no light, no heat, and the onlything in the building that remained was a dance hall on the first floor, some apartments on the second floor, and an attic on the third floor. Mr. Sheedy testified that he did not get any data on the cost of moving the building and the fact that the remaining portion of the building had to be moved to the rear of the property line so that it was almost flush with the house in the rear had no bearing as far as Mr. Sheedy was concerned.

The jury is not required to take arbitrarily the Plaintiff or the Defendant's figures in arriving at a just sum in condemnation cases, but may exercise deliberation in awarding a sum between the Plaintiff's and Defendant's figures. Harmony Realty Co. vs. Com., 145 A. 2d 541, 395, Pa. 65 (1958).

It is the opinion of the Board of View that there was a Tavern business located in a building consisting of two parts and that after the taking by the Commonwealth of Pennsylvania, that portion of the building in which the bar, the kitchen, the dining room, the mens' room, and a four room apartment upstairs was entirely eliminated. This was the heart of the entire operation of the business. Immediately after the taking the heart of the business is cut away, there is no parking facilities available in front of the building which remained. The apartment in which the proprietor, the Stefanons, lived was entirely valueless. It was necessary to move the remaining portion of the building, add a section to it for sufficient space, reconstruct space above the old dance hall into an apartment. It was also necessary to build a parking area. The value of the house remaining on the property was also lowered. So then, we had remaining a building that was totally inadequate for any purpose, a house whose value was diminished by making it too close to the road. It was necessary to keep in mind not only the highest and best use was the business as a tavern, but this was practically the only use.

A land owner has a prima facie right to damages for delay in payment, Fidelity-Philadelphia Trust Co. vs. Com., 42 A 2d 585, 352, Pa. 143, (1945). This compensation like all other charges for unlawfully witholding money is measured by an interest rate recoverable as damages. This rate will be the normal commercial rate during the period of detention. If no evidence is given as to that rate, the presumption is that the legal rate was in effect. Whitcomb vs. City of Philadelphia, 107 A Atl. 765, 264, Pa. 277 (1919).

The Board of View in determining detention damages in this case, took into consideration the fact that the Commonwealth of Pennsylvania had advanced to the Petitioners the sum of $39,000 immediately after the taking.

CONCLUSION

The Board of View reports that after a full and impartial consideration of all the testimony and evidence submitted to them and acting according to their best judgment, they have estimated and determined the damages sustained by the owners and occupants of said property by reason of the construction,

reconstruction and improvements to State Highway Route No. 22, in Cambria Township, Cambria County, Pennsylvania, as follows:

ANTHONY (TONY) STEFANON and ARMENIA STEFANON, his wife	$99,800.00
ANTHONY(TONY STEFANON and ARMENIA STEFANON, his wife, (Detention Damages)	3,648.00
	103,448.00

The Award ofDamages set forth includes damages for delay in payment of damages from the date of the injury sustained in this proceeding to the date of filing this report. The Board of View have taken into consideration any benefits accruing to the premises and assess damages against the Commonwealth of Pennsylvania.

Respectfully submitted,

Donald J. Letizia, Esquire, Chairman

Theodore Hunt

John L. Elder

(BOARD OF VIEW)

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

NO. R.D. 2 DECEMBER SESSIONS, 1959

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22 IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA

Filed - May 7, 1960

TESTIMONY

CLAIR W. LUTHER,
Official Court Stenographer,
Ebensburg, Pennsylvania.

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

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22 IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PA.	:	NO. R.D. 2 DECEMBER SESSIONS, 1959.

Court Room No. 4
Court House
Ebensburg, Pennsylvania
February 3, 1960.

HEARD BEFORE:

DONALD J. LETIZIA, ESQ., Chairman
JOHN L. ELDER
THEODORE HUNT
Board of Viewers

APPEARANCES:

ANDREW J. GLEASON, ESQ. appeared for the Petitioners.

ARNOLD D. SMORTO, ESQ. appeared for the Commonwealth of Pennsylvania.

BY MR. LETIZIA:

This is the time and place scheduled by the Board of Viewers appointed by the Court of Quarter Sessions of Cambria County in the matter of the Petition of Anthony Stefanon and Armenia Stefanon, husband and wife, for the Appointment of Viewers for the assessment of damages arising from the improvement to State Highway No. 22 in the Township of Cambria, County of Cambria, Pennsylvania. Let the record show that Andrew Gleason, Esq. appeared for the Petitioners

and Arnold D. Smorto, Esq. appeared for the Commonwealth.

BY MR. GLEASON:

If the Board please, originally, as you will see on this plan, this home here was owned by Mr. Stefanon's brother and sister-in-law. Since that time Mr. Stefanon has purchased this property and I have here an assignment of the damages to Mr. Stefanon, so including the damages today I would like to take the whole property here. I have a renouncement from the Stefanons, from the original Stefanons.

BY MR. SMORTO:

For the sake of the record I understand that this particular property is situated at a point between the Penn Gables Tavern property and what used to be the golf course?

BY MR. GLEASON:

That's right.

BY MR. SMORTO:

And what you're doing now, the owners of that property have assigned their claim to damages to Anthony and Armenia Stefanon?

BY MR. GLEASON:

That's right.

BY MR. SMORTO:

We have no objection.

BY MR. GLEASON:

I ask this be made a part of the record, being renouncement, so that when the Board of Viewers make an award they may make it on the same.

ANTHONY (TONY) STEFANON, Called, Sworn.

DIRECT EXAMINATION

BY MR. GLEASON:

Q. Will you give us your name, please?

A Tony Stefanon.

Q. Are you the owner of the property located in Cambria Township upon which a new highway was constructed upon plan shown here running from Station 1112 plus 36 to 1120 plus 60?

A. That's right.

Q. This highway is known as Route 22?

A. That's right.

Q. Now, did you -- are you the sole owner of the property so indicated upon the plan here?

A. My wife and I.

Q. Was certain of the land which was formerly yours taken by the State Highway, condemned by the State Highway Department for the construction of a new highway?

A. That's right.

Q. Now, I show you here a plan which was furnished by the State Department of Highways. Does this plan, which is indicated by different colors, being a white plan upon which are indicated shades in pink and shades in blue, the blue part being turn-outs, but the whole part that is indicated in colors was taken from land which was originally in your name?

A. That's right.

Q. Now, Mr. Stefanon, I'm scaling this. What was the approximate distance from the new right-of-way to the old right-of-way which was taken by the Department of Highways?

A. Seventy two (72) feet, I believe.

Q. Approximately seventy two (72) feet?

A. Approximately seventy two (72) feet.

Q. Now, that ran from Station 1112 plus 36 to Station 1117 plus 68, where there was seventy two (72) feet taken?

A. That's right.

Q. Now then, at 1117 plus 68, there was a change. Was additional land taken over the seventy two (72) feet?

A. Over the 72, yes.

Q. Do you know what the distance was?

A. No, I don't.

Q. Would that be approximately 175 feet at that point?

A. Yes, I think that is about right.

Q. Now, Mr. Stephanon, in the taking of this land was it necessary for you to destroy a part of your property in which you conducted the business of a tavern?

A. That's right.

Q. I show you photograph marked Petitioners' Exhibit No. 1. Is this a picture of the part in which the business of the tavern was conducted? Is this a true picture of that?

A. That's right. That's a true picture.

Q. Now, in this picture, Mr. Stefanon, it shows two separate buildings, two different buildings connected?

A. That's right.

Q. In the first part of the building, which I will designate as a bungalow type, in that first part which I have indicated shall be known as the bungalow type, was that part entirely within the right-of-way?

A. Yes it was, yes.

Q. Now, in this part which is indicated as a bungalow type, what part of your business was carried on?

A. You mean after the front part was town down?

Q. No, before. What part of the business was in there?

A. In there I had a bar, a dining room, kitchen, men's room, a little office, and of course I had a four-room apartment and bath upstairs. See, this is the original building here.

Q. Now, you say that in there was a kitchen, a kitchen in the part which was entirely eliminated?

A. That's right.

Q. Now, I show you a photograph which we shall mark, ask the Chairman to mark, which is now marked Exhibit No. 2. Is that a picture of the kitchen as it existed before the taking?

A. That's right, that's part of the kitchen.

Q. Was that entirely eliminated when this property was condemned and taken by the Highway Department?

A. That's right, all this kitchen from here over was taken, all this in here.

Q. Now, I show you photograph marked Exhibit No. 3, was that also part of the kitchen which was taken, of which was destroyed by the condemnation?

A. That was taken too, yes.

Q. Now, I show you another photograph, marked Exhibit No. 4; was this the bar?

A. That's the bar.

Q. Was that entirely destroyed by the condemnation?

A. Oh, yes, this was all taken. This was all torn down. That one is the dining room part.

Q. I show you another photograph, marked Exhibit No. "A"

was this the dining room of the original building?

A Yes.

Q. Was that entirely destroyed?

A. Well, yes, this is all destroyed, the main building there.

Q. Now, Mr. Stefanon, I believe that you said that there was also an apartment located on the second floor of the building that was destroyed?

A. That's right.

Q. How many rooms did the apartment consist of?

A. I had a bathroom, a living room and three bedrooms upstairs. I lived there until the year before this started, and I moved over to the other apartment.

Q. I show you here a photograph marked Exhibit No. 6, was this the bath, scene in the bathroom in the part which was entirely destroyed by the taking in this matter?

A. That's right.

Q. I show you a photograph marked Exhibit No. 7, was that one of the bedrooms?

A. Yes, one of the bedrooms.

Q. I show you Exhibit No. 8 . . . . .

A. That's another one of the bedrooms.

Q I show you Exhibit No. 9.

A. That's another bedroom.

Q. Now, I show you a photograph marked Exhibit No. 10, is this a photograph of part of the other room?

A. This is part of the other room upstairs, that's right.

Q. Now, I show you photograph marked Exhibit No. 11. Will you please tell us what this photograph consists of?

A. This is the hallway that goes back from the front entrance,

back to the dance hall, and this part right in here, this is this hallway. You could go to the back room without going through the bar.

Q. In other words, the part which is seen with the chairs and tables and booths immediately back in the background of the picture is the part that was not destroyed by the taking of this land?

A. Right. From this wall over to this area, it's all taken. From there out it's the other building (indicating the passageway leading from the hallway into the back part).

BY MR. SMORTO:

Q. As I understand, the hallway wasn't destroyed?

A. The hallway was destroyed.

BY MR. GLEASON: The hallway leading to the back part was destroyed. This part was destroyed here; this is the part in back where the dance hall and space for parties was.

Q. Now, taking again the photograph marked Petitioner's Exhibit No. 1, which shows the original buildings as set before the condemnation, the whole working part of the tavern was located in the first building which was totally destroyed by the taking, is that correct or not?

A. That's right.

Q. Now, in the back part, which upon the photograph is shown as the part having three stories . . . .

A. That's right.

Q. What was located in there?

A. Well, I had a dance hall in there and I had a bar in back, and of course I had an apartment upstairs, five rooms and

a bath, and an attic.

Q. Now, in this part, the second section, again referring to the three story building, that bar -- was that bar the one in which you served the general public, or was it used when you had a dance or when there was a party or dinner or something?

A. We just used that on occasions, just week-ends or parties or something like that. The bar I did all the other serving from was the front bar.

Q. And that was the bar shown in Petitioner's Exhibit -- that was the working bar?

A. That's right.

Q. The other bar was used only for the purpose of dances or parties or if you wanted to shut it off and have a party back there?

A. That's right.

Q. Now, in the taking of this land, in the condemnation proceeding, was your entire parking lot destroyed?

A. Yes, they took it all. It was all taken.

Q. Now, Mr. Stefanon, what part of the property was moved?

A. This part over here.

Q. In other words, the part only which consisted of the three story building was the one moved?

A. That's right.

Q. And the other, it was necessary to destroy?

A. That's right.

Q. Now, was that occasioned by the fact -- were there any other properties located immediately adjacent to the tavern?

A. Yes, I had a tool house down below here and a garage

right next to it. That was all torn down, and that was right below the tavern there.

Q. Now, were there any other houses located on this property, any other homes?

A. Yes, there was a home right in the back of it.

Q. Was it necessary to destroy that home?

A. Well, I had to move the tavern right up against it, the other building right up to it, and of course that cut down a lot of parking back there.

Q. In other words, you were restricted in the moving of the tavern due to the fact that there was another home located on your property?

A. That's right.

Q. That was approximately seventy five feet from the . . . .

A From the tavern.

Q. From the tavern?

A. Yes.

Q. So you moved the tavern right back against it?

A. Right smack against it, or as close as I could get it.

Q. Were there any wells or water supplies that were destroyed in the moving of this?

A. Yes, I had a drilled well -- no, it was a dug well, which I had underneath the tavern, which I used for emergency. Of course the other well I had to drill.

Q. In other words, it was necessary to drill another well?

A. Yes, I had to drill another well.

Q. Now, just in order to consolidate this thing, the original building as shown in Exhibit No. 1, the original bungalow building was torn down in its entirety?

A. That's right.

Q. That building contained the whole working part of the tavern?

A. That's right. That's the original building.

Q. The second part of the building indicated as the three story building had to be moved?

A. That's right.

Q. Now, when that building was moved, or before that building was moved, I'm sorry, before that building was moved was it suitable for the conduct of your business?

A. No.

Q. There was no -- well, was there a kitchen in there?

A. No, no, there was no kitchen.

Q. The only thing that it consisted of was a space which was reserved for dancing or parties?

A. That's right.

Q. In other words, immediately after the taking you had nothing as far as the conduct of this business was concerned?

A. That's right.

Q. That is immediately after the taking?

A. Yes.

Q. Before there was any moving of buildings?

A That's right.

Q. Or before there was any additions added to it?

A. That's right.

Q. Now, I show you photograph marked Exhibit No. 12. On that it indicates a club house and it also indicates a white frame house?

A Yes.

Q. To whom did that white frame house belong at the time of the

taking of this land for the highway?

A. It belonged to me. I bought it.

Q. Did you buy this before the taking or after the taking?

A. I believe it was bought before the taking of that.

BY MR. LETIZIA: We want to know, in handing down a decision, who the property owner of record was as of the date of the condemnation. I am sure at recess time you can check the deed downstairs and let us know who the owners were at the time.

A. That property, at the time of the condemnation I didn't have it. It belonged to my brother yet, that's right.

BY MR. GLEASON:

Q. That's what I thought.

A. Yes, you are right on that, because we talked about it.

Q. In whose name was this property which is shown as the white frame house?

A. Attilio and Rose Stefanon.

Q. Subsequent to that time you purchased this property?

A. That's right.

Q. From your brother?

A. That's right.

Q. Was it necessary to do anything to this house due to the taking here?

A. Yes, we had to move it back too.

Q. And you moved this house, indicating the white frame house?

A. That's right.

Q. You moved it back?

A. That's right.

Q. How far did you move it?

A. I would say about sixty to sixty five feet, along there somewhere.

Q. Now then, you have an assignment of any damages which may be coming to your brother and his wife which has been made a part of the record, is that right?

A. That's right.

Q. And it was stipulated by counsel for the Commonwealth that it would be accepted?

A That's right.

Q. Now, Mr. Stefanon, we have here the tavern and the frame house. What was occupied by the remainder of the property which was in your name and which was taken by the State Highway Department in the construction of this new highway, and to what use was it put?

A. I had a driving range, golf driving range there.

Q. Now, Mr. Stefanon, I show you Exhibit No. 13. Will you indicate what that shows?

A. That's the club house there and the driving range.

Q. That's the club house and driving range?

A. And the frame house behind it there.

Q. Now, the club house was used for what purpose?

A. For storing clubs and balls and doing work for the driving range and so on, and I had a soft drink concession, ice cream and so on, and I and I had a service counter.

Q. Was that entirely within the area/which was condemned and taken by the Department of Highways in the construction of this road?

A. That's right.

Q. And it was necessary to destroy it?

A. That's right.

Q. I show you Exhibit No. 14. Will you tell the Board of Viewers what that consists of?

A. Well, this is a view of the front of the driving range from the road going from -- taken from the east, looking west, on the driving range.

Q. Now, upon that picture is shown a fence?

A. That's right.

Q. What type of fence was that?

A. It's a metal cyclone fence.

Q. Was it necessary to take down that whole fence? Was that all within the right-of-way?

A. Yes, that all had to come down.

Q. Now, I indicate to you various trees of considerable size.

A. Yes.

Q. There's one, or there's probably a half dozen trees or so; were all those trees destroyed when the right-of-way was taken by the Department of Highways?

A. That's right.

Q. I show you Exhibit No. 15; will you indicate what that shows?

A. That's the club house again looking from the other angle, from the west side looking east, looking up toward the east. That's the driveway in front of the driving range and club house, and of course you see the flood lights and tees in there.

Q. What does the line from the edge of the road indicate? Does that indicate the parking area for the driving range?

A. This is the parking area for the driving range, and this is the highway here.

Q. You are indicating the section immediately adjacent to the club house?

A. That's right. That's the parking lot and driveway.

Q. I show you photograph marked Exhibit No. 16. What does that picture show?

A. This is a view of the tees. It's a line of tees out from the club house. You walk out here; you walk straight out to these tees. There are eighteen of them there.

Q. Then this photograph shows eighteen tees. Of what were those tees constructed?

A. Well, they were brick; they had a brick case and they were filled with amiesite, and of course they had rubber mats on top, filled in inside.

Q. Were they destroyed by the taking for the highway?

A. Yes.

Q. Were all of the tees in the taking of the highway rendered useless?

A. Oh, yes.

Q. Now, when the highway department condemned this land and took the land for the construction of the new highway, did it render useless as far as the driving range was concerned that portion which you have indicated on the photograph, and also the part which is indicated upon the plan furnished by the Department of Highways, from -- when this land was taken by the Highway Department of Highways for the construction of Route 22, did it destroy for use as a driving range, that part of your property from Station 1115 plus 47, to Station approximately 1120 plus 60?

A. Yes, you can't use it as a driving range any more, that's

for sure.

Q. I show you photograph marked Exhibit No. 17. Does that show the parking area which was destroyed by the construction of this new highway?

A. That's right.

Q. Now, was the tavern part of your property in front of a straight line projected east, upon which the frame house which is, which we referred to as the white frame house?

A. Yes.

Q. Was the tavern projected in front of that house before the taking?

A. No, as a matter of fact it was back farther.

Q. The house was back farther?

A. The house was back farther than the tavern was.

Q. Now, after you moved building No. 2, which we have designated as the three story building, what was the position of the white frame house which you bought from your brother and sister-in-law?

A. Well, it sit right out in the middle of the driveway.

Q. And it was necessary to move it in order to . . . . .

A. In order to see the tavern, that's right. That had to be moved. You couldn't even see the tavern from up the road.

Q. Now, I show you Exhibit No. 18. Does that indicate the length of the parking which you had before the taking?

A. Yes, in here.

Q. Now, there is constructed upon the property here a fence. Was that fence eliminated by the taking of the property?

A. Yes.

BY MR. SMORTO: Mr. Gleason, are you referring

to Exhibit No. 17?

BY MR. GLEASON: Exhibit No. 18.

BY MR. SMORTO: And what was that?

BY THE WITNESS: The metal fence.

BY MR. GLEASON:

Q. Now, on Exhibit No. 18 is also indicated another building.

A. That's the tool house.

Q. Was that building destroyed?

A. Yes, we tore that down. And this is the house that we moved to.

Q. That -- on the extreme eastern view of the picture there's another house. Is that house still standing?

A. That house is still there, yes.

Q. Is that the house that you referred to when you said that you moved the second part of the building, indicated as the three story building, back?

A. That's right.

Q. That building was moved back within a few feet of this house?

A. That's right.

Q. Now, Mr. Stefanon, what did you place as the value of your property, of your entire property, including the tavern, the frame house and the driving range, before the condemnation and taking of that property?

BY MR. SMORTO: Mr. Gleason, you have reference, I imagine, to market value?

BY MR. GLEASON: That's right.

Q. What is your opinion of the value of that?

A. About $155,000.00.

Q. $155,000.00?

A. That's right.

Q. That includes the tavern as a going business?

A. That's right.

Q The driving range as a going business?

A. That's right.

Q. And the other property?

A. That's right.

Q Now, Mr. Stefanon, immediately after this taking . . . .

BY MR. SMORTO: Again, Mr. Gleason, I imagine Mr. Stefanon is including not only the bar property, the driving range, but also the property owned by Attilio Stefanon?

A. Yes, that's right. That's the whole property.

BY MR. GLEASON:

Q. Now, Mr. Stefanon, immediately after the taking, after the destroying of the driving range, before you moved anything, the taking into account the destruction of the part of the tavern which was destroyed, and the fact that you were left with just a building, which in itself was of no value according to your testimony to conduct this business of a tavern, what was your opinion of the market value of that property?

A. I would say between thirty and thirty five thousand dollars. You mean the whole property?

Q. That's right, everything; that includes everything.

A. That's right.

CROSS EXAMINATION

BY MR. SMORTO:

Q. Mr. Stefanon, what would be the market value of Attilio's property prior to the taking -- that in itself?

A. I paid $12,000.00 for it. You mean before the taking?

Q. Yes, before the taking, his own property.

A. Yes.

Q. That would be $12,000.00?

A. I'll say twelve to fifteen thousand, yes.

Q. That was used purely for residential purposes?

A. That's right.

Q. And that was adjacent to your property, that is, the tavern property?

A. Yes.

Q. As well as the golf range?

A. That's right.

Q. Now, after the taking, as I understand it, the property was moved to the rear?

A. That's right.

Q So that as far as that property was concerned what was taken was the frontage on Route 22?

A. Yes.

Q. What would you say the value of that property is now after the taking? You had estimated it at twelve thousand dollars before, twelve to fifteen thousand dollars. What would it be now?

A. I would say eight to ten.

Q. So that if we were to deduct the value, taking the lowest figure, eight thousand dollars, from your estimate of all the property after it was taken, it would leave a value of twenty seven thousand dollars as far as the tavern property is concerned, and the golf range?

A. Yes, that's right.

Q. As I understand it, the golf range in your opinion, the use of that property as a golf range has been destroyed by this taking?

A. That's right.

Q. And that is due to the fact that you do not have the depth that is sufficient to extend a golf range?

A. That's right.

Q. Could that property be used for any other purpose?

A. I don't know what for. There wouldn't be much commercial use.

Q. What was the value of the golf range prior to the taking?

A. You mean what I thought?

Q. Yes.

A. Fifty thousand.

Q. And what would be the value of that property after the taking, the market value?

A. About five thousand.

Q. Do you have an idea, just generally, of the area remaining in the golf range?

A. You mean the area remaining?

Q. Yes.

A. I have a map of it here some place.

Q. Just approximately.

A. I don't know. I don't have the figures on it, Arnold.

Q. Well, how much of that golf range . . . . .

A. You mean how much acreage is left?

Q. Yes.

A. Well, I would say probably about seven acres on there.

Q. And how many acres were taken, if any?

A. Oh, there was more than seven, yes.

Q. In other words, you had more than seven acres?

A. Oh, yes.

Q. Do you know how much property was taken from the golf range?

A. Oh, I would say 175 feet out, from the road out, front.

Q. 175 feet of frontage, you mean?

A. That's right.

Q. And what was the depth now? As I understand approximately seventy feet?

A. Seventy feet from where -- along the road?

Q. Yes.

A. There was 72 feet, seventy some feet taken from the road up to the tees, straight up. Then there was 175 feet taken where the service road is.

Q. So that conservatively there would be less than an acre taken by this condemnation proceeding?

A. You mean up in this piece here?

Q. That's right, as far as the golf range itself was concerned?

A. I don't know whether that would be more than an acre or not. I wouldn't have any idea whether that would be more than an acre or not.

Q So that, despite the fact that only an acre of land, or approximately an acre of land was taken and you still have the remainder of the property in your control . . . .

A. Yes.

Q. You would say that the value of that property had diminished from fifty thousand to five thousand dollars, or a loss of forty five thousand dollars?

A. Well, what would I use it for?

Q. Would there be any other use, Mr. Stefanon?

A. I don't know. I don't know what I'd use it for.

Q. I notice, for example, that the Attilio Stefanon property had a value, now, after taking, from eight to ten thousand dollars for residential purposes. Would the remainder of that property have any value for lot and residential purposes?

A. You mean the Attilio property?

Q. No, the golf range.

A. The golf range?

Q. Yes.

A. Well, I don't know. There's a bad place up there for sewage. Sewage is a big problem there.

Q. Is not that same problem confronted by the Attilio Stefanon property?

A. No. That's hooked down here in my lower end. He had a whole lot of trouble with his house here. That's the reason we had to hook that away down in the lower end, down in the back end of the property.

Q. As I understand it, then, the Attilio Stefanon property, which you have since acquired, has sewage privileges which pass through your property?

A. That's right.

Q. So that the remainder of the land, you feel, may have some difficulty as far as sewage is concerned?

A. I know we had the trouble there. I don't know. That ground seems to be always saturated. It was always backing up or something.

Q. If the sewage problem can be surmounted, then the remainder of the golf range property could be used for lot purposes, dwelling purposes, could it not?

A. Some of it could be used, I guess.

Q. Could it be used for automobile, for a used car lot, a demonstration lot?

A. I don't know.

Q. That's all.

RE-DIRECT EXAMINATION

BY MR. GLEASON:

Q. Just one question, Tony. Since that land was taken by the Department of Highways, and since the parking, or since the golf range is eliminated, has there been any demand, any inquiries been made of you as to the availability for house lots?

A. No, I haven't had any inquires on that. No.

RE-CROSS EXAMINATION

BY MR. SMORTO:

Q. As I understand it, Mr. Stefanon, your property is adjacent to what is known as the Mylo Park plan of lots, is it not, or near the Mylo Park plan of lots between the Borough of Ebensburg and your property?

A. Well, that's down toward Mylo Park.

Q That's right. Isn't that at least within a half mile from your place?

A. Oh, it's more than that. Well, I would say about a half mile.

BY MR. LETIZIA:

Q. Mr. Stefanon, you had to tear all these tees out?

A. They were all torn out, yes.

Q. Now, I'm not familiar; I never went up there and drove any golf balls but did you have one of those things where you

put a bunch of golf balls in and all you had to do was step on something and the balls kicked out?

A. Yes, semi-automatic.

FRANK GENOVESE, Called, Sworn.

STIPULATION

BY MR. SMORTO: In order to simplify the proceedings here, Mr. Gleason and I have stipulated that there will be no questions concerning the qualifications of his expert witnesses as well as the Commonwealth's expert witnesses.

DIRECT EXAMINATION

BY MR. GLEASON:

Q. What is your name?

A. Frank M. Genovese.

Q. Mr. Genovese, your qualifications have been stipulated to by counsel for both the Commonwealth and the Petitioners. Are you familiar with the property in question here, said property being the property of Tony Stefanon and Armenia Stefanon?

A. I am.

Q. Have you made a personal inspection of this property?

A. I did.

Q. Are you familiar with the property prior to the date of the taking?

A. I had stopped in on occasions, before the taking, but I have checked the maps and photographs and all the data available

before the taking.

Q. Now, Mr. Genovese, after making this study of the property are you prepared to give your opinion as to the value of the property before the taking?

A. I am.

Q. What was that value?

BY MR. SMORTO: I presume again that is market value?

BY MR. GLEASON:

Q. The market value before the taking?

A. $145,000.00.

Q. Are you prepared to give an opinion as to the value of the property immediately after the taking, before any buildings were moved, or any additional work was done on this property?

A. I am.

Q. What in your opinion was the market value of it at that time?

A. $25,000.00.

CROSS EXAMINATION

BY MR. SMORTO:

Q. Mr. Genovese, you say that before the taking the value of all the properties, which would include the tavern building, the Attilio Stefanon building, and the golf range property would be $145,000.00?

A. That's right.

Q. And after the taking the value would be $25,000.00?

A. That is correct.

Q. Now, when you fixed the value of $25,000.00 on the property after the taking, you had in mind that the Attilio Stefanon property had been completely destroyed because of the taking of the land on which it was located, did you not?

A. Did you say destroyed?

Q. Yes.

A. I considered the Stefanon property in that figure.

Q. That's the Attilio Stefanon property?

A. Yes.

Q. In other words, that it had no value whatsoever?

A. The Attilio property you mean?

Q. That's right.

A. Yes, it had value.

Q. All right; how much value did you fix on that property?

A. $10,000.00.

Q. And how much value did you give to the golf range after the taking?

A. $5,000.00.

Q. Now how much value did you give to the remainder of the property, which would be the bar property?

A. $10,000.00.

Q. So that you fix the value of the remainder of the property only at $10,000.00? That is after the taking?

A. In this bar?

Q. I'm talking about the entire remainder of the property, which would include the bar, three story building, the house, and any other property located on this property?

A. Well, are you referring -- I gave you $10,000.00 on the Attilio Stefanon property.

Q. That's right.

A. Well, then the remaining part would be $15,000.00.

Q. Well, $5,000.00 would be the golf range?

A. That's right.

Q. Now, forgetting about the golf range and confining ourselves to the bar property, which consists, as I recall, of what looked like two buildings connected together . . . .

A. Yes.

Q. In addition to that there was a garage, a tool shed, and there was also some other dwelling property located at the rear of the building?

A. That's right.

Q. In addition to that we had this land that extended from Route 22 back along the DiBalli property and also the Attilio Stephanon property and the golf range property. Now, what was the value of that property? Was that only $10,000.00 after the taking?

A. That's right.

Q. What would you have fixed the value of the dwelling which was at the rear of the bar property at?

A. Well, actually the dwelling that was in the rear wasn't worth too much. I think I have it figured here. Well, I considered that dwelling in the rear when I arrived at that figure of $10,000.00.

Q. Well, would you have an idea what that would be worth, the market value?

A. I don't happen to have it on this paper.

Q. If you were to look at the exhibit . . . . .

A. I have that. Yes, I have got that here. Oh, that would be around $2,000.00.

Q. All right. So then, if you eliminate that, that leaves a balance of $8,000.00?

A. That's right.

Q. And what would you fix the value of that three story building, three story part of the building in which was located the dance hall and occasional bar?

A. Before?

Q. After the taking?

A. Well, after the taking, no value at all.

Q. No value at all?

A. No.

Q. Not any whatsoever?

A. No.

Q. Even though the property, having been moved back to the rear of the property, is now still being used?

A. At the time of the taking it actually lost its highest and best use.

Q. That's true, but didn't it have any value at all?

A. No, not for its highest and best use.

Q. All right, so that then you eliminate completely any value as far as the three story part of the building is concerned?

A. As far as its highest and best use.

Q. So that you would give a value to the remainder of the land of only $8,000.00?

A. That's right.

Q. That's all.

BY MR. LETIZIA:

Q. Mr. Genovese, in arriving at your overall figure of $145,000.00 as the market value of this property prior to the taking, are you taking into consideration what the highest and best use of that land was for?

A. I considered five things: I considered the location, the

size, the topography, the shape and its highest and best use.

Q. Did you also take those things into consideration after the taking?

A. Yes, I did.

CHARLES N. GLASS, Called, Sworn.

DIRECT EXAMINATION

BY MR. GLEASON:

Q. What is your name?

A. Charles N. Glass.

Q. Mr. Glass, what is your address?

A. Office, 310 Market Street, Johnstown.

Q. Mr. Glass, your qualifications have been stipulated and I would like to ask you whether or not you have made a study and a survey of the property now held and titled by Tony Stefanon and Armenia Stefanon?

A. Yes, I have.

Q. You have studied plans and the photographs which were made available to you?

A. Yes.

Q. And you have made a personal inspection and a survey and estimates on the ground?

A. Yes.

Q. You are familiar with the property before the taking, are you not?

A. Yes, I was out there several times.

Q. Now, Mr. Glass, after making this survey, are you prepared to give a figure as to the overall market value of this

property immediately before the taking?

A. Well, I arrived at $141,000.00.

Q. Now, Mr. Glass, immediately after the taking, before the moving of any properties or anything, are you prepared to give an opinion as to the value of this property?

A. In my opinion, $24,500.00.

CROSS EXAMINATION

BY MR. SMORTO:

Q. Mr. Glass, as I understand it, you saw the property before the taking for the purposes of estimates, or did you just note it?

A. No, I just knew the property.

Q. Now, you of course were present when I asked Mr. Genovese, the prior witness, some questions concerning valuations?

A. That is true.

Q. What would you fix the value of the golf range, the property remaining after the taking?

A. In my opinion, for the use it could be used now, roughly $5,000.00.

Q. And what would you estimate the value of the Attilio Stephanon property, the white bungalow property, after the taking?

A. $7,000.00.

Q. So that would leave a balance of $13,000.00 ascribed as the value of the bar, or tavern property, as well as the dwelling in the rear?

A. Would leave $12,500.00.

Q. $12,500.00?

A. Yes.

Q. And what would you fix the value of the dwelling property at which was at the rear of the tavern, that property, after the taking?

A. I would say $3500.00.

Q. So that then the value of the remainder of the property, which would be as I see it the three story part of the building as well as the land, would be only $9,000.00?

A. That is true.

Q. Now, you and Mr. Genovese have taken into consideration, have you not, the location of this property?

A. That is true.

Q. Have you taken into consideration the location of this property with respect to the use of the property as building sites?

A. Yes.

Q. And have you taken into consideration the relation of the property with respect to its proximity to the junction of Route 22 with a road known as the Beulah Road leading to Nanty Glo? Have you taken that into consideration?

A. Yes.

Q. Have you taken into consideration the fact that the state hospital is located near this property?

A No, I didn't take that into consideration.

BY MR. GLEASON: If the Viewers please, that came after the taking.

BY MR. SMORTO: Well, I don't know that. If it were so, I don't know that.

BY MR. GLEASON: We ask that be stricken.

BY MR. SMORTO:

Q. Well, it was the Childrens Home prior to that?

A. Yes.

Q. And have you taken into consideration the fact that within a half mile, or perhaps a little more, there has been a development between Ebensburg and this particular property known as Mylo Park wherein there have been a number of homes, buildings, constructed for dwelling purposes?

A. Yes. I built some of those homes there and I know the trouble I had selling them.

Q. Well, when did you sell those homes?

A. In 1949 and 1950.

Q. You say you did have trouble?

A. Yes, very much so.

Q. And what did those homes sell for?

A. Anywhere from eight to ten thousand dollars.

Q. Have you sold any recently?

A. No, I haven't.

Q. That's all.

BY MR. LETIZIA:

Q. Mr. Glass, in arriving at your figures both before the taking, as to the value before the taking and the value after the taking, did you take into consideration the fact that this was going to be a non-access highway?

A. Yes, I did.

Q. Did any one point out to you how any one driving from Mundy's Corner to Ebensburg, where that person would have to make the turn to get into the tavern? Was that pointed out to you?

A. Yes.

Q. That's all.

BY MR. GLEASON: Mr. Smorto and Chairman of the Board, unless it is necessary I would like permission for Mr. Genovese and Mr. Glass to leave. I don't intend to call them in rebuttal or anything. They are busy and I would like, unless the Board thinks in their opinion they would like to have them remain, that they be excused.

BY MR. SMORTO: I can't see any purpose in keeping them.

BY MR. LETIZIA: I would like to ask Mr. Genovese the same question I asked Mr. Glass, if in arriving at your figures as to the value of the property prior to the taking and immediately after the taking one of the things you took into consideration was the fact that this was going to be a non-access highway?

BY MR. GENOVESE: That's right.

BY MR. LETIZIA: And there may be a problem as to turning over, getting in from one lane into the tavern property?

BY MR. GENOVESE: That's right.

BY MR. SMORTO: Mr. Letizia, what do you mean by a non-access highway? Mr. Breneman points out that it is a limited access at this point.

BY MR. LETIZIA: Excuse me. Well, then, I am using the wrong term.

BY MR. BRENEMAN: No, it isn't limited at this point.

BY MR. LETIZIA: Well, then, I will strike the

word "non-access". The only thing I wanted to get in my mind was whether or not Mr. Glass and Mr. Genovese took into consideration, forgetting for the moment what you want to call it, that there is something in the middle that you can't go from one lane into the other -- if I am driving from Mundy's Corner to Ebensburg I can't just drive across the highway at any point to make the turn. I mean I just wanted to make sure that they took that into consideration in arriving at their figures. I don't want to mislead any one as to terminology.

BY MR. GLEASON: That is the petitioners' case.

H.E. BRENEMAN, Called, Sworn.

DIRECT EXAMINATION

BY MR. SMORTO:

Q. What is your full name?

A. Howard E. Breneman.

Q. What is your occupation?

A. I am district right-of-way engineer, of the Department of Highways.

Q. And how long have you been engaged in that capacity?

A. In this title or in service?

Q. With the Highway Department?

A. Oh, over thirty three years in service with the department.

BY MR. GLEASON: I will admit all his qualifications.

BY MR. SMORTO:

Q. And you have been district right-of-way highway engineer

for how long?

A. That is, right-of-way engineer, over ten years.

Q. Now, you have before you, have you not, a map which would show the taking involved in this case, a copy of which each of the members of the Board of Viewers as well as Mr. Gleason has?

A. That's right.

Q. Now, would you describe for the record the dimensions of the taking as far as length is concerned?

A. The question came up, I think, in our field view there as to the colored portion of the median strip, which is twenty foot divisor normally. The consultant in this case had colored a portion of that strip to show standby lane. All the area on the frontage of this property so shaded in blue here is within the condemned area; in other words, the condemnation, the full frontage of this property is sixty feet in width, plus one-half of the median strip, or ten feet extra, or seventy feet in width. That varies from the seventy two which was expressed here earlier.

Q. So that the width of the condemned area is seventy feet?

A That is seventy feet the entire length of the frontage, with the addition of a condemnation for a service road at the eastern end of the property.

Q. Now, on this condemned area there are certain portions marked in blue. Can you tell me what those are?

A. There are two openings whereby a person can cross from the left to the right side of the highway, or vice versa, as well as a portion covered that are colored in blue on the north side, provided for standby lanes for people driving

in a westerly direction to pull out of the two lines of traffic and make a left turn when the opportunity presents to the various openings.

Q. So that as far as the property in question is concerned, then we do have access to the properties from either lane of the highway?

A. That is right. This highway is not limited. In other words, access to all properties on either side can be reached, with the exception of a portion from Station 1119 eastward, which is definitely indicated on the plan as limited access. Now, that does not affect this property because on the left side of the highway going east, the portion which is limited lies inside of the area between the main highway and the service road.

Q. You are pointing to a property which is somewhat triangular in size located between the service road . . . . .

A. The service road and the main highway.

Q. And the main highway?

A That's right.

Q. And you say there is limited access as far as that particular property is concerned?

A. Yes. Along the main line only.

Q. So that with respect, however, to the remainder of the property that is not limited access because of these blue portions which have been provided for approach?

A. Yes, you can drive off at any point there or you would have access off the service road to the north.

BY MR. SMORTO: Mr. Gleason, is there some other question you want to ask so far as this map is

concerned?

BY MR. GLEASON: Yes.

Q. Now, Mr. Breneman, do you have a projection of this road both east and west?

A. Oh, yes.

Q. Now, while there is immediate access immediately in front of the Stefanon property, this access is limited due to the fact that it is standby; in other words, some one would have to cross and then stand by in one area to get onto this line of traffic?

A In which direction are you referring?

Q. Supposing somebody was driving east . . . . .

A. Yes.

Q. And wanted to stop there. They would have to come up to this point, turn in here, indicating a turn north and then west, in order to get to the tavern?

A. Well, they would not have to go clear back in your standby lanes. Coming in here you can get in here crosswise because you have a twenty foot space here.

Q. In other words, they would have to wait for traffic?

A. You would have to wait for your traffic.

Q. Now, let me ask you, while you have a standby immediately, a standby lane and crossings immediately in front of the Stefanon property, is it so that you have standbys and crossovers the whole way down, let's say to Mundy's Corner?

A. No, not in all cases.

Q. Wouldn't it be a fact that if somebody lived down this road and wanted to go to Stefanons and they lived a quarter of a mile down the road they would have to go west in order to

get a crossover in order to come back again?

A. It might be possible that they would have that.

Q. Now, not whether it would be possible . . . . .

A. In some cases there they would be able to cross directly. I don't mean in all cases.

Q. Not in all cases, but isn't it a fact that in the majority of the places you do not have a crossover?

A. That's right.

Q. So therefore unless you live in the proximity of here you would have to go west, -- I mean if you live west of here you would have to follow that lane of traffic west until you hit a standby in order to turn?

A. Yes. These openings are placed,I think they are placed at periods close to a half mile in many cases.

Q In other words, then, some one . . . . .

A. There are numerous crossovers west of here.

Q. But those crossovers, how about the crossovers east of there?

A. Crossovers east of there, it depends on where you're going. Your main line is limited access there and your ramps, going into and out of Ebensburg are on ramps there which will provide ready needs of traffic without any delay.

Q. But we can't get away from the fact, can we, Howard, that this is no longer accessible in the way that it was before because if you live any place below Station 1110 then you are going to have to look for a crossover?

A. No, here you could cross over at the roadway leading into the Beulah Road.

Q. That's Bulah Road. Now where is your next one, Howard?

A. Well, you see about every half mile we have an opening,

a cross-over and it is not of any great inconvenience to any person.

Q. That is a matter of opinion, but I mean as far as transient traffic is concerned, it would be impossible, or traffic living in there, they must first go some distance to hit a crossover to turn back?

A. That's in all cases, yes.

BY MR. LETIZIA: Mr. Smorto, I have forgotten to ask you. There are no objections to Mr. Gleason entering these exhibits?

BY MR. SMORTO: No, no. In other words, we had waived the regular proof before this hearing.

BY MR. LETIZIA:

Q. Could you give me the date that this was condemned?

A. Date of condemnation? Yes. That should have been brought out. Date of condemnation was May 5th, 1958, which a plan of this is recorded in the court house.

BY MR. GLEASON:

Q. Mr. Breneman, was there a change in grade before -- after the taking of this property? I mean in the construction of this new highway?

A. The change of grade is very slight.

Q. There is a change of grade. Is that an elevation or is it a cut or fill?

A. It varies at various points. Directly in front of the tavern, at the ditch line, which is represented by this heavy line going through the edge of the building, there is a cut of six inches at that point.

Q. Now, Mr. Breneman, again referring to your plan, in whom is

title to the property immediately south of the Tony Stefanon and Armenia Stefanon property?

A. Well, there are two properties. One belongs to the Commonwealth of Pennsylvania; the other is the General State Authority.

Q. Will you tell the board how much land was taken from the General State Authority and the Commonwealth of Pennsylvania?

A There was no land taken from either of those. All construction was performed within the legal right-of-way as it existed.

Q. In other words, there was no taking of property there?

A. That's right.

GERALD P. SHEEDY, Called, Sworn.

DIRECT EXAMINATION

BY MR. SMORTO:

Q. What is your name and address?

A. Gerald P. Sheedy, Altoona, Pa., Central Trust Building.

Q. Mr. Sheedy, your qualifications as a real estate appraiser have been admitted. Just one question, you are a member of what board of appraisers?

A. American Institute of Real Estate Appraisers. That's an international professional group, commonly called M.A.I. And I'm also a senior member of the Society of Residential Appraisers.

Q. Now, Mr. Sheedy, did you have occasion to inspect this property prior to condemnation?

A. I did.

Q. When I say this property I mean not only the tavern property

but also the Attilio Stefanon property, which was the white bungalow property adjacent to the golf range, as well as the golf range.

A. That's right. We, with Mr. Stefanon were on the outside of the white bungalow and he described the inside. They were away at the time, the day we were making the inspection, so I have a description of that but we weren't inside, as I recall.

Q. Did you inspect with Mr. Stefanon the tavern property?

A. Oh, yes.

Q. Did you inspect the dwelling property at the rear of the tavern property?

A. Yes.

Q. In other words, you have inspected all parts of the property owned by Mr. Stefanon as well as that owned by his brother, which has been conveyed to him now?

A. With the one exception I stated, the brother's property. I wasn't inside that property, but I inspected the others inside and out.

Q. Now, Mr. Sheedy, what was -- in your opinion what was the market value of the Stefanon property immediately prior to the taking, or the condemnation?

A. You want it with the Attilio property also?

Q. Yes, please.

A. The value of the entire property, including the Attilio Stefanon property, before the taking, and unaffected by it, is $112,400.00.

Q. All right, what was the value after the taking, including the Attilio Stefanon property? What was the market value

after the taking?

A. $60,400.00. I might have made a mistake here in my addition. I will double-check to make sure to see that I added that right. Yes, that's right, $60,400.00.

Q. So that the diminution in value from the value before and the value after would be . . . .

A. $52,000.00.

Q. $52,000.00?

A. Yes.

CROSS EXAMINATION

BY MR. GLEASON:

Q. Mr. Sheedy, in figuring this value did you take into consideration the golf range?

A. I did.

Q. And on what did you base your valuation of the golf range?

A. Well, I have, of course, an itemized list of everything that went into the golf range, if that's what you mean. I suppose. I have the eighteen brick golf tees, three night club lights, type lighting, cyclone fence, cyclone gates, the equipment for the driving range, and special mowing equipment.

Q. Now, when you figured the value of this golf range, Mr. Sheedy, in arriving at your figure did you figure the cost of the golf range, the cost of the land, or did you figure the income that was derived from the golf range?

A. I have no income figures.

Q. Did you ask for the income figures, Mr. Sheedy?

A. No.

Q. All right, Mr. Sheedy, did you, in figuring the cost of the

golf range, did you take into account the cost of the golf range?

A. Building and equipment?

Q. That's right.

A. That's right.

Q. Did you get those figures from Mr. Stefanon and the bills, etc., or did you just figure it out yourself?

A. Just by my figuring, and experience.

Q. How much would you think it would cost to equip a range of that kind?

A. $12,900.00.

Q. And that includes the cost of -- that includes the cost of the building?

A. No, that's without the building.

Q. You figured it cost about $16,000.00 then to construct the golf range, is that correct?

A. Including the building and everything, $18,900.00.

Q. $18,900.00 to construct it?

A. Yes.

Q. Now, as a golf range -- that's $18,900.00; now that's without any any valuation given to the land, is that correct?

A That's correct.

Q. What would you figure the valuation would be for the land?

A. Well, the land, I have a valuation for all that frontage land, which would include the land used for the golf range, $3,000.00 an acre.

Q. $3,000.00 an acre. Well, then you would say that the land -- what would you say the value of the land was when it was being used as a golf range?

A. $3,000.00 an acre.

Q. In other words, the value of the land, then, using it as a golf range, would . . . . .

A. That's only on the portion of the frontage. That's not the rear. I have two valuations. I have a valuation for the land fronting, frontage of the land, and also another valuation for the rear.

Q. Let's take a few items in here. When you are figuring that, how much fence was there in there, Mr. Sheedy?

A. 597 feet.

Q. What is the value that you placed upon the fence?

A. $5400.00.

Q. The fence itself was worth $5400.00?

A. Yes.

Q. What did you place as the value of the building that was destroyed, the club house?

A. $6,000.00.

Q. What did you place as the value of construction of the tees? Also the clearing of the land and getting of it prepared?

A. I have no item in here. I don't know whether there was any clearing required oranything else. When I inspected the property, the golf course, I appraised it as is. I mean it was there in front of me.

Q. All right, let's just take the ground upon which the golf course is constructed. What did you give as the value of that land before the taking?

A. Well, the frontage . . . . .

Q. I'm not asking the frontage, Mr. Sheedy; I'm asking you the value of the land immediately before the taking, when it

was being used for its highest and best use?

A. I didn't separate any one part of my appraisal. I mean I come up with the value of the golf course separate. I don't have that.

Q. Well, now, you had to take the golf course into consideration?

A. Oh, yes.

Q. And you say that in your estimation the construction of the golf course cost $18,900.00?

A. That included the club house equipment and the building.

Q Well, then, was it usable as a golf course afterwards?

A. No.

Q. So then there was $18,900.00 damage less the salvage they could get just in that?

A. That is correct.

Q. Now, would you say that the salvage value -- what did you allow for the salvage value of what was there?

A. $2700.00.

Q. In other words, you showed in there an overall loss of $16,200.00 on the golf course?

A. That's correct.

Q. Now, Mr. Sheedy, what would you say was the highest and best use for which this property can be put -- before the condemnation?

A. Well, most any commercial activity. It had frontage on Route 22.

Q. Would you say that the use of it as a golfing range would be the highest and best use?

A. Oh, that would be one of them.

Q. Wouldn't you say that that would be the highest and best use, considering the fact that there was a tavern already on the property, considering the fact that within a few miles of there was Ebensburg and your shopping centers, such as Acme Market, within a few miles of there -- wouldn't you say that that was not one of them, but wouldn't you say that property, or a golf range was the highest and best use?

A. Oh, no.

Q. Would you tell me, what other use would you suggest?

A. A good service station could be located in there. There isn't any -- it hasn't any night service.

Q. Would that be a better use than use as a golf range?

A. Well, it would be for me because I don't use a golf range.

Q. I'm not asking you that, you're testifying as an expert, Mr. Sheedy, and I'm asking you what is the highest and best use to which that property could be put?

A. Any one of several commercial uses.

Q. But you will say that the highest and best use that it could be put would be commercially?

A. That's right, that frontage.

Q. Now, what would you say was the value of the property which was originally in the name of Attilio Stefanon?

A. $12,500.00.

Q. Before the taking?

A. That's right.

Q. What is the value after the taking?

A. The same thing, because the frontage which was taken is in on my overall damages.

Q. In your opinion was it necessary to move that house?

A. No.

Q. How close was it to the right-of-way after the taking?

A. Well, I don't have my plan here now. I would have to see the plan. (A plan is submitted to the witness) Forty one feet.

Q. How far was it before?

A. That's before.

Q. How far was it after?

A. No, forty one feet remained after the taking.

Q. How much was it to where it had been before to the line, the former right-of-way line? How far was it situated from the road before the taking?

A. Seventy feet.

Q. In other words, then ----

A. In other words, it was about 110 before, but that strip in there that was taken, I have that in on my land taken, of the overall taking, and I didn't apply that particular strip in front of that dwelling right to that dwelling; in other words , I have that land taken. I know it was taken.

Q. Well, Mr. Sheedy, isn't it a fact that land taken in one place might be more valuable than land taken in another place?

A. Well, the reason this property wasn't considered is at the time I made my appraisal I was considering Tony Stephanon. At that time the Attilio property wasn't in his name.

Q. Well, now, it is in Tony's name, but you are saying there was no damage done to that house after the road was taken?

A. That's right. There's ample frontage here for a single family residence.

Q. Let me ask you this: Was the house more valuable at a

distance of 110 feet or if it was only 40 feet?

A. It would be more valuable with the traffic being further away.

Q. And in your testimony you said it had the same value now that it had before?

A. That's right.

Q. Now, let's get down to the fact, as to the tavern. Now, another question here, or another point here, on this plan you said the highest and best use -- pardon me, getting to the question now again of whether there was any loss of value, you said that the highest and best use for this tract of land was commercial?

A. That is correct.

Q. Now, they took 70 feet of commercial ground then immediately in front of this house?

A. That piece of ground I have considered.

Q. But its highest value would be commercial, is that correct?

A. Yes. But this ground here I have already figured in on Tony's.

Q. Commercial value?

A. That's right. I was informed afterwards that this property was put over in his name, he was forced to in order to move it back.

Q. Now, in here, and we are taking this tavern, the whole front part of the tavern is eliminated, is that correct?

A. That is correct.

Q. Were you in there before?

A. Yes.

Q. Now, what did you give . . . . .

BY MR. SMORTO: What is before?

BY MR. GLEASON: Before the condemnation.

Q. Did you take that -- what value did you have as the value of the tavern immediately after the taking?

A. Immediately before or immediately after?

Q. Immediately after the taking of it?

A. $10,000.00.

Q. What did you have for the value immediately before the taking?

A $40,000.00.

Q. How did you arrive at the figure that this building was worth $10,000.00?

A. You mean afterwards?

Q. That's right?

A. Well, that's in my opinion, that's what it was worth.

Q. Now then, in other words, the whole value of this property before, counting the front part and back part, was what?

A. Which? The tavern property?

Q. The tavern property.

A. $40,000.00.

Q. And you say that there was $30,000.00 then diminution as far as the property itself was concerned?

A. And the building.

Q. And the building itself?

A. That's right.

Q. Was the building that remained suitable for use as a tavern?

A. Possibly not. I mean he had the large dining room or party room on the first floor. I mean he could put a bar in there.

Q. Now we're destroying a business here, Mr. Sheedy, as you well know.

A. That's right.

Q. Now, let's get into this a little further. You say the value

of the whole thing was $40,000.00, and afterwards it was $10,000.00?

A. That's right.

Q. Now, I'm asking you, could he have immediately moved into that building and resumed business?

A. Well, I mean I didn't value it according to that, or I certainly wouldn't have a $10,000.00 value on it.

Q. You wouldn't have a $10,000.00 value?

A. No.

Q. All right, what was the highest possible use to which this building could have been placed immediately after the taking?

A. Well, as a tenant property. It had the apartment upstairs.

Q. It had an apartment upstairs in it. What shape was that apartment in?

A. It had four rooms, modern bath.

Q. Where was it heated from?

A. Well, it was heated from the main part.

Q. In other words, there was no heat in there?

A. Well, then it would have to be -- anything that would be added would certainly increase the value of it.

Q. Do you mean to tell me that a building just sitting there was worth $10,000.00, that building which stood there with no heat in it, with one part a four room apartment upstairs and the other part of it virtually useless?

A. Well, that was a pretty good sized building.

Q. What could it be used for?

A. Dwelling.

Q. Now, wait . . . . . .

A. If you had no heat you could put heat in it.

Q. You could put heat in it, but then you have destroyed the whole business as a tavern, have you not, if you are using it as a dwelling?

A. That's right.

Q. And wouldn't it be necessary, if you wanted to use that for a business, the highest and best use to which it was put before, and if you want to see income tax returns we'll show you it was the best use?

A. That's right. I know about it.

Q. And the highest and best use was a tavern?

A. That's right.

Q. What would you say that that was worth as a tavern before, only $40,000.00?

A. Yes.

Q. And you said it was still worth $10,000.00 afterwards, with no heat, with no use whatever to which you could put that building?

A. That would represent possibly salvage value.

Q. What would the salvage value be? Remember, there's no bar there, there's no kitchen in there, there's no dining room in there?

A. If you weren't going to operate it as a tavern you wouldn't need a bar.

Q. Do you mean to say, then, that you could have taken that building, as a real estate man, and you are willing to give your opinion as such that you could have sold that building for $10,000.00?

A. That much salvage value.

Q. You haven't told me yet how, except that you think you could

sell it for a building?

A. Salvage of $10,000.00, that's right.

Q. Without any heat in it?

A. That's right.

Q. Without any improvements in it?

A. That's right -- bath.

Q. Just a bathroom and you're going to sell it for $10,000.00?

A. Well, it was a pretty good sized building.

Q. What's the square footage in the building, Mr. Sheedy?

A. Well, I couldn't tell you the square feet.

Q. Is the third floor finished, Mr. Sheedy?

A. I think that there was a storage room upstairs there.

Q. Wasn't it necessary to dig another well in order to get water there? There wasn't even any water in the place and you're going to get $10,000.00 for it?

A. That's right.

Q. Boy, you're good. Now, let me ask you something else about this: If you wanted to use it for any purpose at all, was there any parking space left?

A. To the rear.

Q. To the rear?

A. Yes.

Q. What did that parking space consist of?

A. Only there was area back there which could be used.

Q. Were there trees, Mr. Sheedy?

A Trees and lawn.

Q. Trees and lawn and everything else and you're going to make a parking lot, parking area out of it?

A. That's right.

Q. But you wouldn't need the parking area because you're going to sell it for a house for $10,000, is that right?

A. Well, what the person I would sell it to would use it for wouldn't be material.

Q. But if he wanted to use it for any purpose except dwelling, remember you are destroying a business when you take this because you are taking the best out of it?

A. That's right.

Q. Now, did you go into the figures at all what it cost for additions to this property in order to qualify it for a business for which it was being used before?

A. Well, I have a lot of that data in my office.

Q. Did you get any data as to what this cost to move?

A. No.

Q. Now, did you get any data as to what was required to put additions on it in order to, in order to make this usable?

A. No.

Q. For the highest and best use?

A. No.

Q. You didn't get any of those figures?

A. Not from him. I used my own.

Q. What do you figure that the additions cost that were put on there in order to get it, including the cost of the building the bar, including the cost of putting in a kitchen, including the cost of fixing it up and moving the building back and constructing a new parking lot?

A. Well, what he did afterwards, I'm not concerned with.

Q. Would you say that he had to do that to again put it to the highest and best use?

A. If he wanted to continue it as a business.

Q. What is the highest and best use, Mr. Sheedy?

A. Commercial use.

Q. Would you say that the tavern would qualify under that criteria right here?

A. Oh, yes.

Q. So that therefore that was the highest and best use?

A. Yes.

Q. But you didn't go into the cost of anything about moving it, constructing it so that you would have the proper floor space, that you would have a kitchen, that you would have a bar room, and that you would have a dining room?

A. What he did afterwards, I mean I wasn't concerned with.

Q. Yet you still maintain that you took this into account as a going business and the property being used for the highest and best use?

A. And my problem was to estimate the amount of damage done to him.

Q. To the highest and best use, not to the building itself?

A. That's right.

Q. Did you figure the cost of digging new wells?

A. I'm familiar with that.

Q. Did you figure the cost ? I know you're familiar. I asked you, did you figure the cost of this in here?

A I show that he lost a well. I mean that's in on my damage.

Q. What did you figure the cost of the well?

A. Well, I mean that would vary.

Q. Did you make any survey, I mean when you were figuring these damages did you figure to find out how far he had

to drill?

A. No.

Q. Well, then the variance was within your power to find out, wasn't it?

A. That's right.

Q. Was there a building eliminated?

A. Well, this small storage building there in the back.

BY MR. SMORTO: Mr. Gleason, if I recall, that was not within the condemned area.

BY THE WITNESS: I understood when it was moved it was torn down.

BY MR. GLEASON: To restore this to the highest and best use it had to be moved back. You couldn't have a tavern, as you know, sitting exactly on the right-of-way, with no parking lot and no space in front of it or anything, so in moving it, it was necessary to destroy it.

Q. Was the valuation of the property on this tract of land affected -- I'm talking now about the property which still remains on there, the house; was that affected by the moving?

A. No, the tenant house, no.

Q. In other words, the fact that one time there were fifty or sixty feet between them and today it's right smack up against the other has no effect on its value?

A. There again that's something he did afterwards.

Q. All right, but if you moved it back in order to get the highest and best use, it was bound to affect that . . . . .

A. Yes, but I didn't know he was going to move it back.

Q. Did you think, Mr. Sheedy, that he was just going to leave

this sit right on the William Penn?

A. No, at the time of our inspection we explored the possibility of moving that back.

Q. And you had that, but then you're not allowing anything so far as damages are allowed?

A. No, it was pointed out that he would probably move it right alongside of the open side porch that was on that tenant house.

Q. Now, Mr. Sheedy, you figured all of the land in front, including . . . . .

A. Including Attilio's and in Tony's name.

Q. Including the land in front of Attilio's?

A. That's right.

Q. Now, wouldn't it be necessary then that you move the house of Attilio back in order to have the same commercial frontage there? Let me explain it to you here. When you were figuring the commercial value, you took the whole thing, right?

A. Yes.

Q. Now, in order -- now we're back into here, so we have taken from in front of the house which formerly belonged to Attilio . . . . .

A. This right directly in front of the house too, the house in here; this at that time had no commercial use.

Q. But you just got through telling me you figured that all on a commercial value?

A. That's right.

Q. So that it had commercial use if her house was 110 feet from the former right-ofway and now it has only 40 feet?

A. This particular strip in here, due to this house being that

close to it, didn't have sufficient depth to have commercial use.

Q. Well, now, all right, you brought out the fact that we could put a service station in here.

A. Not with this house here.

Q. Now wait; why couldn't you?

A. Well, the minimum depth that any service station can be now is 200 feet.

Q. The minimum depth is 200 feet; you have 200 feet -- you had. Wasn't it necessary in order to get any commercial value to move this house?

A. Well, that would be another problem. I mean I didn't even consider it.

Q. You didn't even consider the cost of moving that house in order to create commercial value in front of it?

A. No.

Q. That's all.

BY MR. LETIZIA:

Q. You testified that there was actually a loss of $62,000.00 because of the taking?

A. $52,000.00.

Q. You further testified that there was a loss of $30,000.00 on the tavern itself?

A That's right.

Q. And $16,200.00 you allocated to the golf driving range?

A. Yes, complete.

Q Now . . . . .

A. I have several other items which were not brought out. I

have $500.00 for denying access to garage, which I understand was since torn down, and $200.00 for cesspool, and there was 1.7 acres of land frontage taken, at $3,000.00 an axre, or $5100.00. If you add those figures you get $52,000.00.

Q. But these 1.71 acres that . . . . . .

A. That's the entire strip, including the strip in front of the Attilio house that we were just talking about.

Q. That's all I have.

BY MR. GLEASON:

Q. Mr. Sheedy, this is your original and only appraisement on this?

A. I only made the one; I made several inspections on this.

Q. But I mean the appraisement, this is the only figures . . .

A. That's correct. My appraisement was dated June 24th, 1958, and it wasn't changed. I only submitted the one, that's right.

Q. That's all I have.

BY MR. SMORTO:

STIPULATION

It is stipulated between counsel for Petitioners and counsel for the Commonwealth, that as to the testimony of Paul Washington, the value of the property before the taking, the market value of the property after the taking would be $52,000.00, or the damages would be $52,184.00, including the Attilio Stephanon property. In other words, it is stipulated between counsel for Petitioner and Counsel for the Commonwealth that the estimate of loss after the taking as given by the witness, Paul Washington, would be $52,184.00.

BY MR. GLEASON:

And Mr. Washington took into consideration the same

factors that Mr. Sheedy did in arriving at these figures?

BY MR. SMORTO:

That is right.

BY MR. GLEASON:

Now, there's just one other question, which I would like to ask Mr. Washington. I want to ask Mr. Washington the same question that I asked Mr. Sheedy. In arriving at your figures as to the damages, was this your only and original appraisal figure that was submitted to the state?

BY MR. PAUL WASHINGTON:

Yes.

BY MR. LETIZIA:

Mr. Smorto, so that the board is in accord with what you agreed upon, Mr. Washington took into consideration the same factors that Mr. Sheedy did?

BY MR. SMORTO:

That's right.

BY MR. LETIZIA:

In other words, the answers to the questions that Mr. Gleason asked Mr. Sheedy would be the same?

BY MR. SMORTO:

Substantially the same.

BY MR. LETIZIA:

I am primarily interested in knowing whether or not Mr. Washington would have testified that the highest and best use that this property could be put to before the taking was a tavern?

BY MR. WASHINGTON:

Yes, sir.

BY MR. LETIZIA:

You took into consideration in arriving at your value after the taking the fact that if he wanted to use it as a tavern he would have to do certain things?

BY MR. WASHINGTON:

Yes, sir.

BY MR. LETIZIA:

If there are no further questions, then the hearing is closed.

TESTIMONY CLOSED

STENOGRAPHER'S CERTIFICATE

I hereby certify that the proceedings and evidence had before the Board of Viewers upon the hearing in the above matter are fully and accurately contained in the notes taken by me and that this copy is a true and correct transcript of the same.

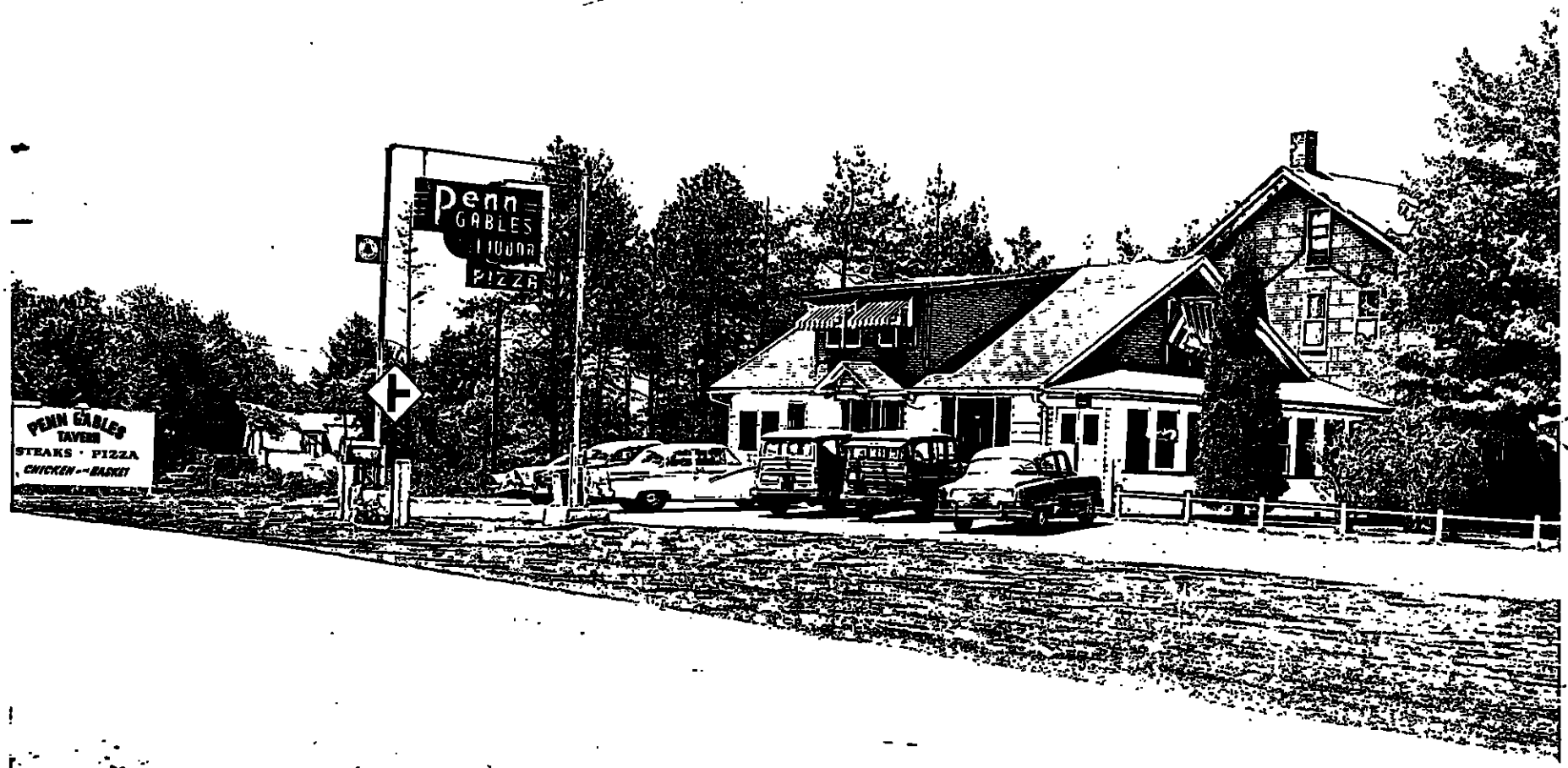
Official Stenographer

Petitioner's Exhibit #1

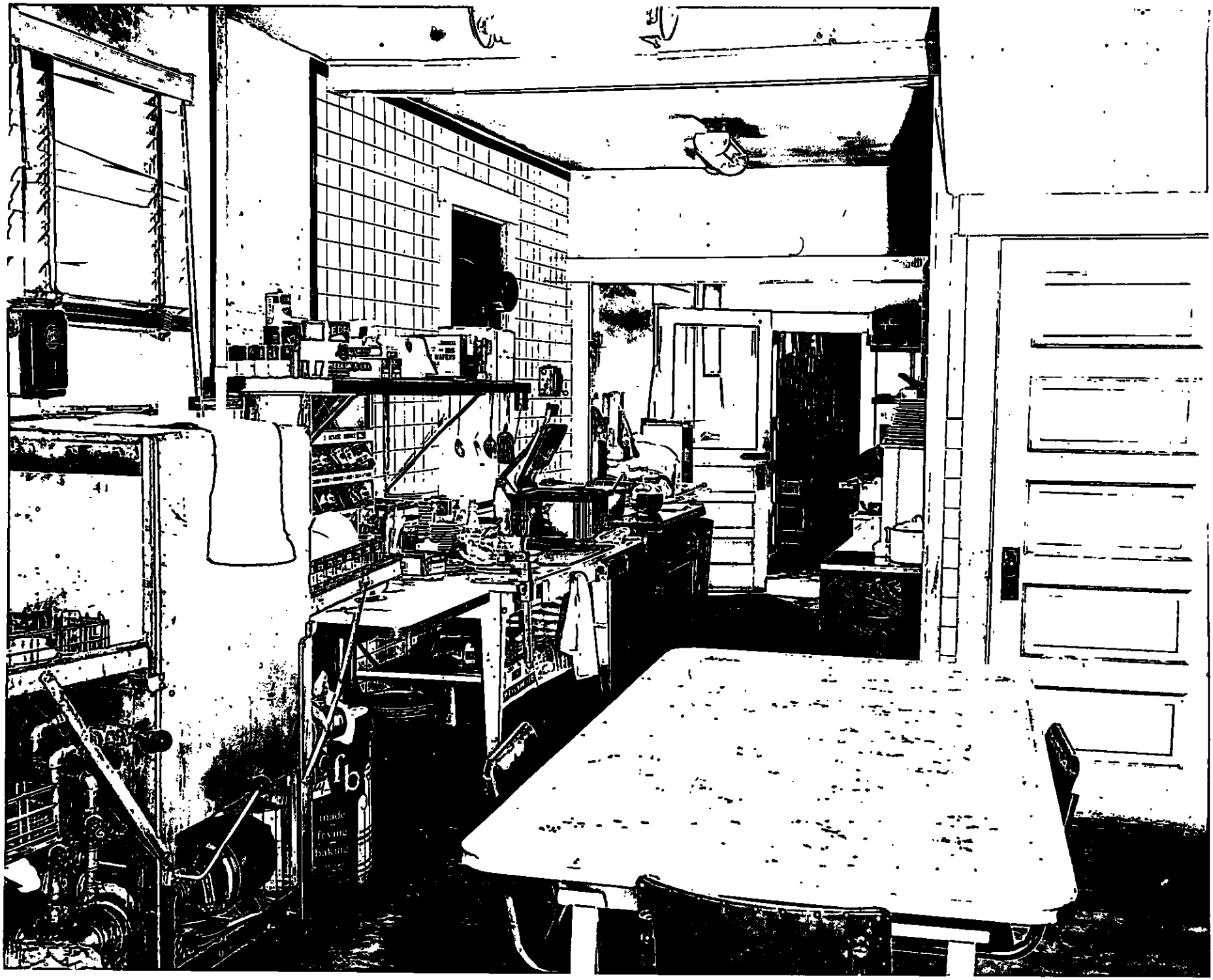
DJL

Jan 15/1960

Examined from bldg.


Penn
GABLES
LIQUOR
PIZZA
PENN GABLES
TAVERN
STEAKS · PIZZA
CHICKEN-n-BASKET

Petaluma Oilfield #2
DJR
Jan 16, 1980



Lost

Exhibit #3
Off
Jan 15, 1960

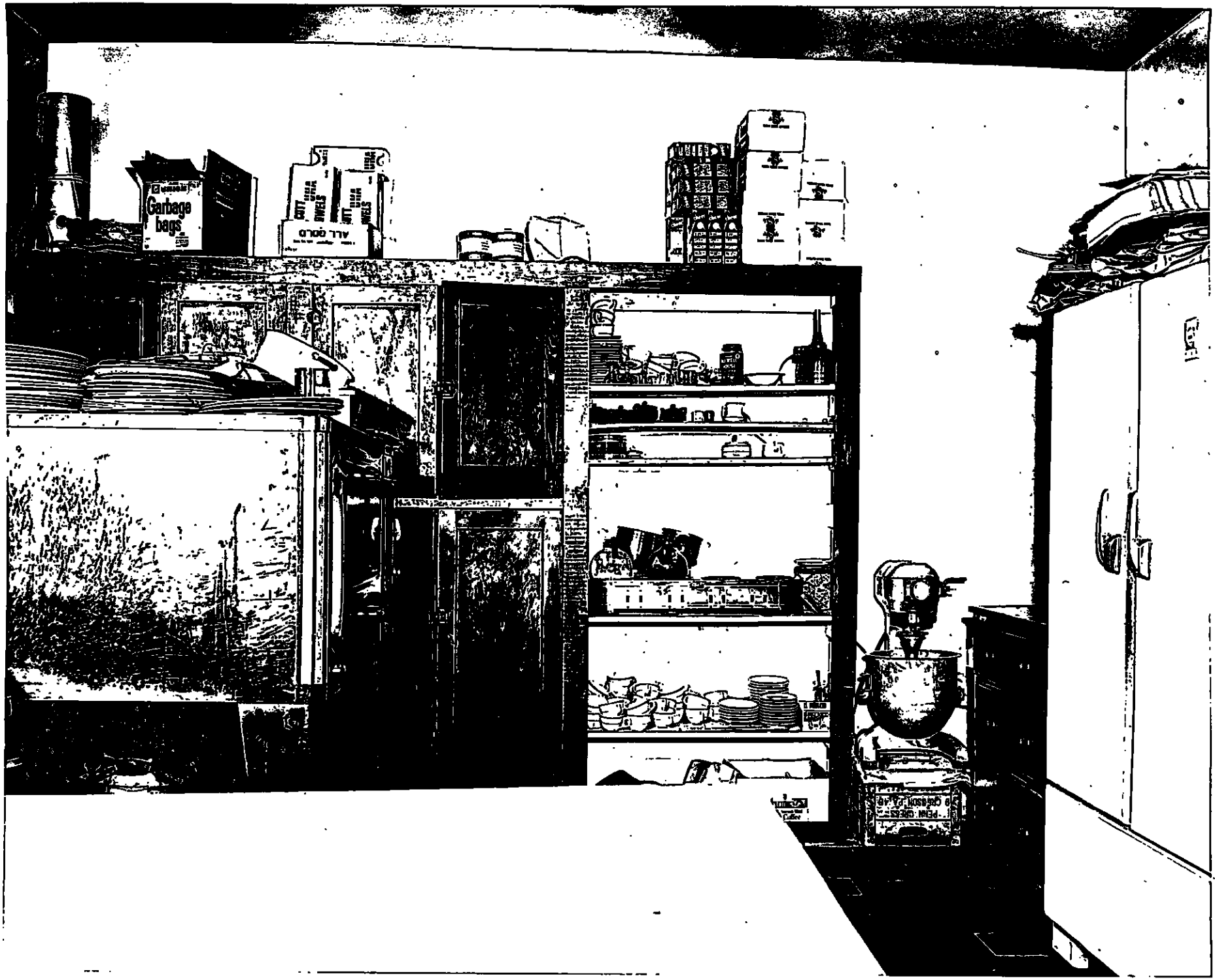

Garbage bags

Exhibit #4

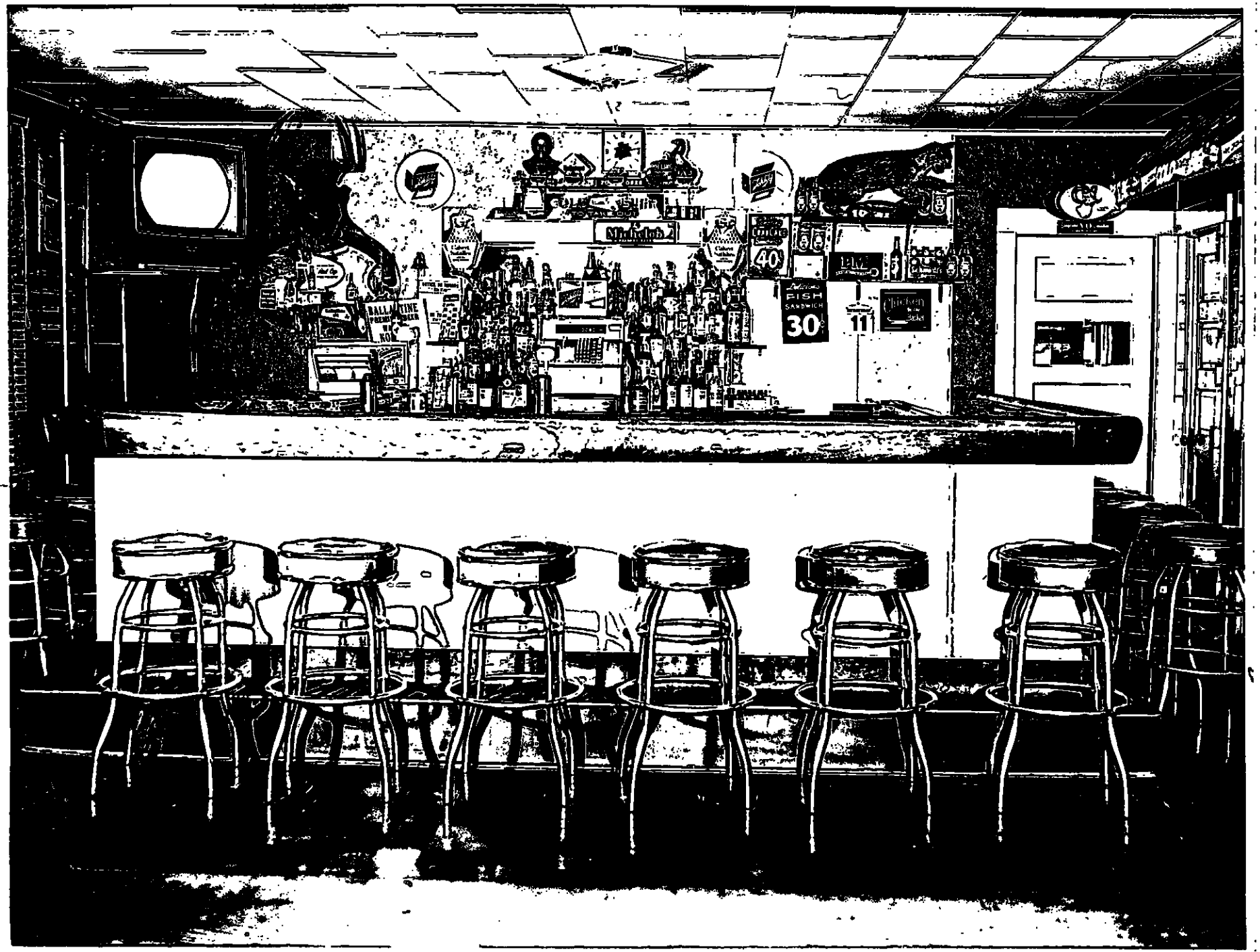

BALLANTINE
40
FISH
SANDWICH
30
11

Exhibit #5
DJR
Jan 13, 1960

Exhibit #6
DJR
Jan 13, 1970

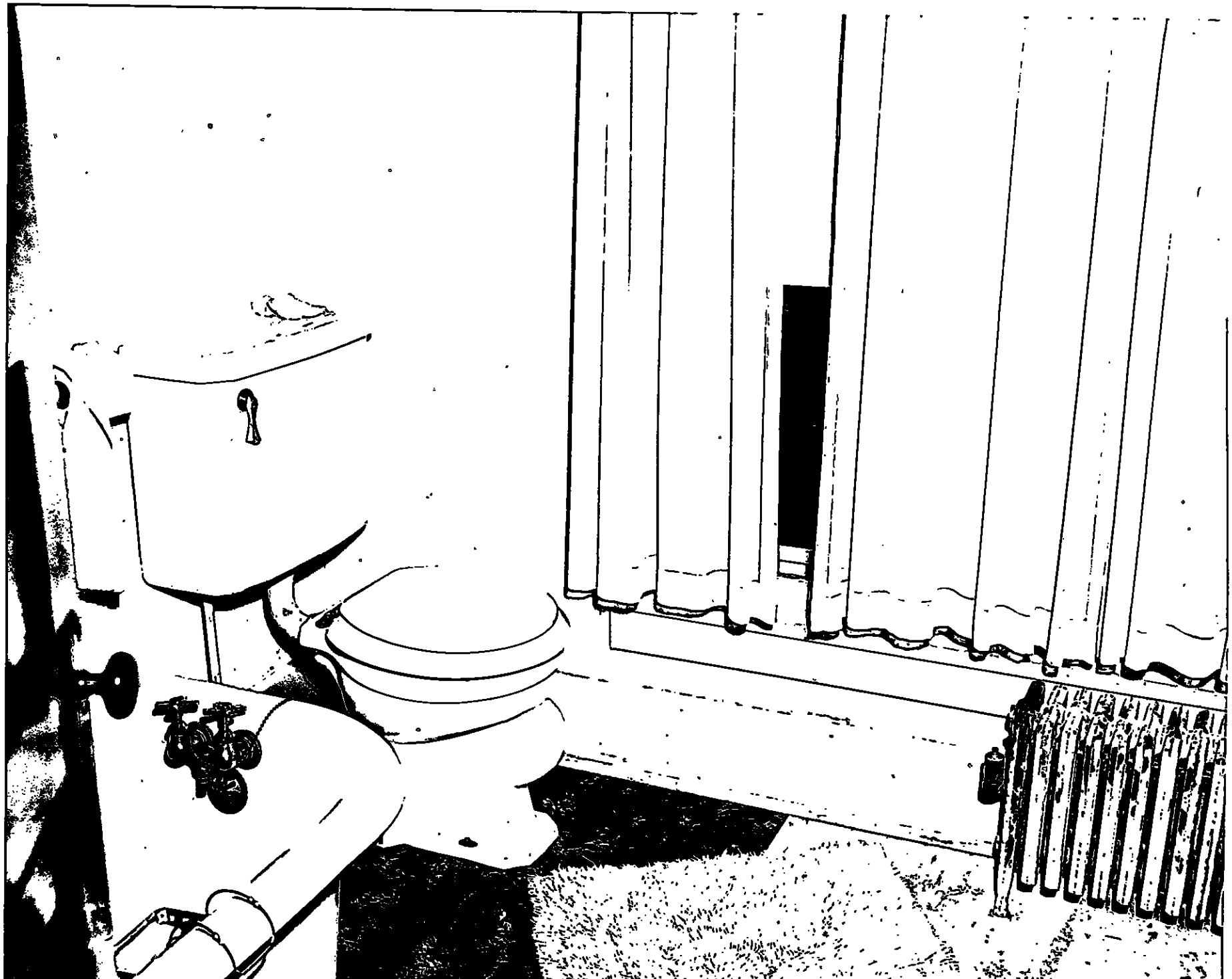
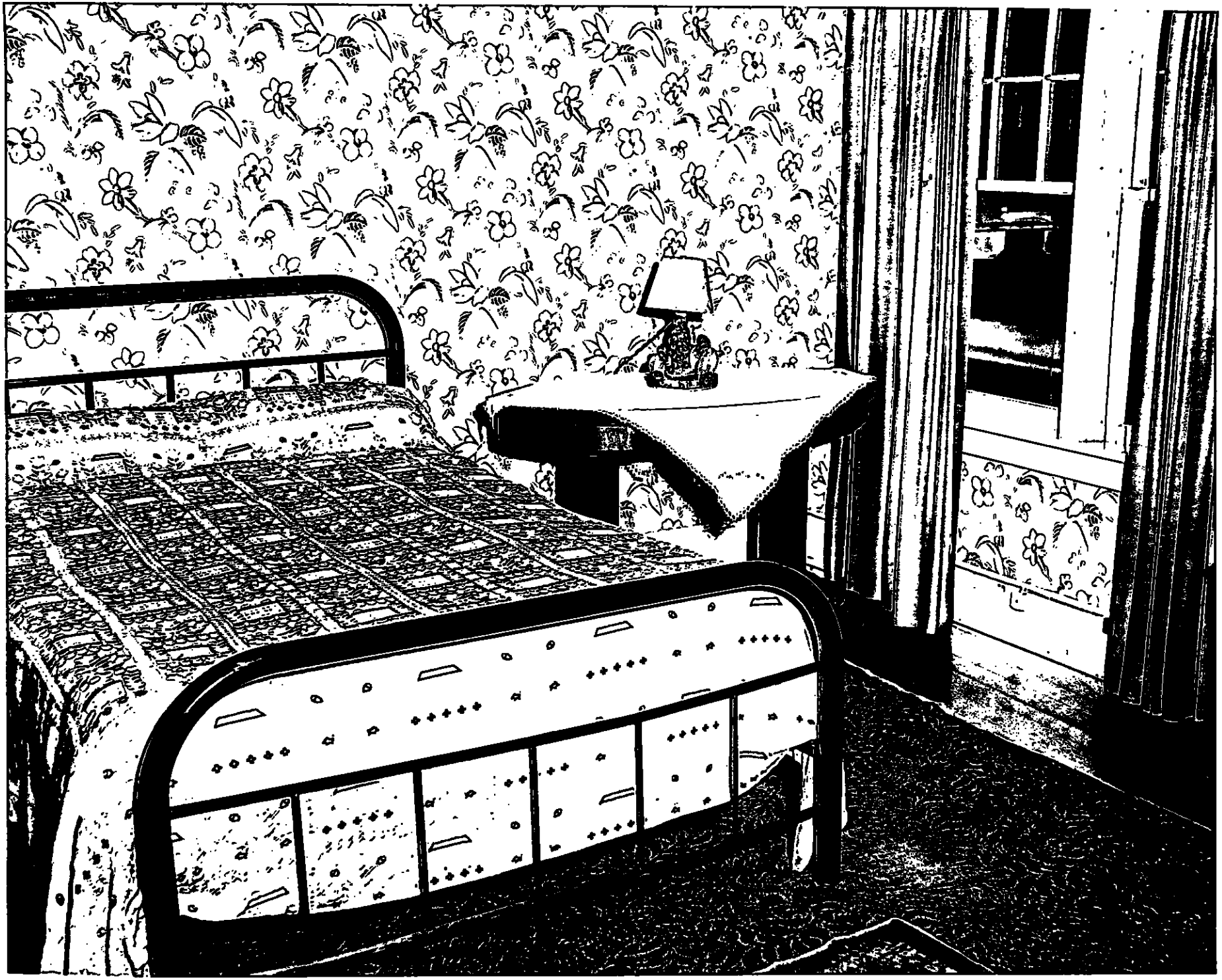


Exhibit #7
of
Jan 15, 1960



Cylinder #8
Jan 15 1960
OJR

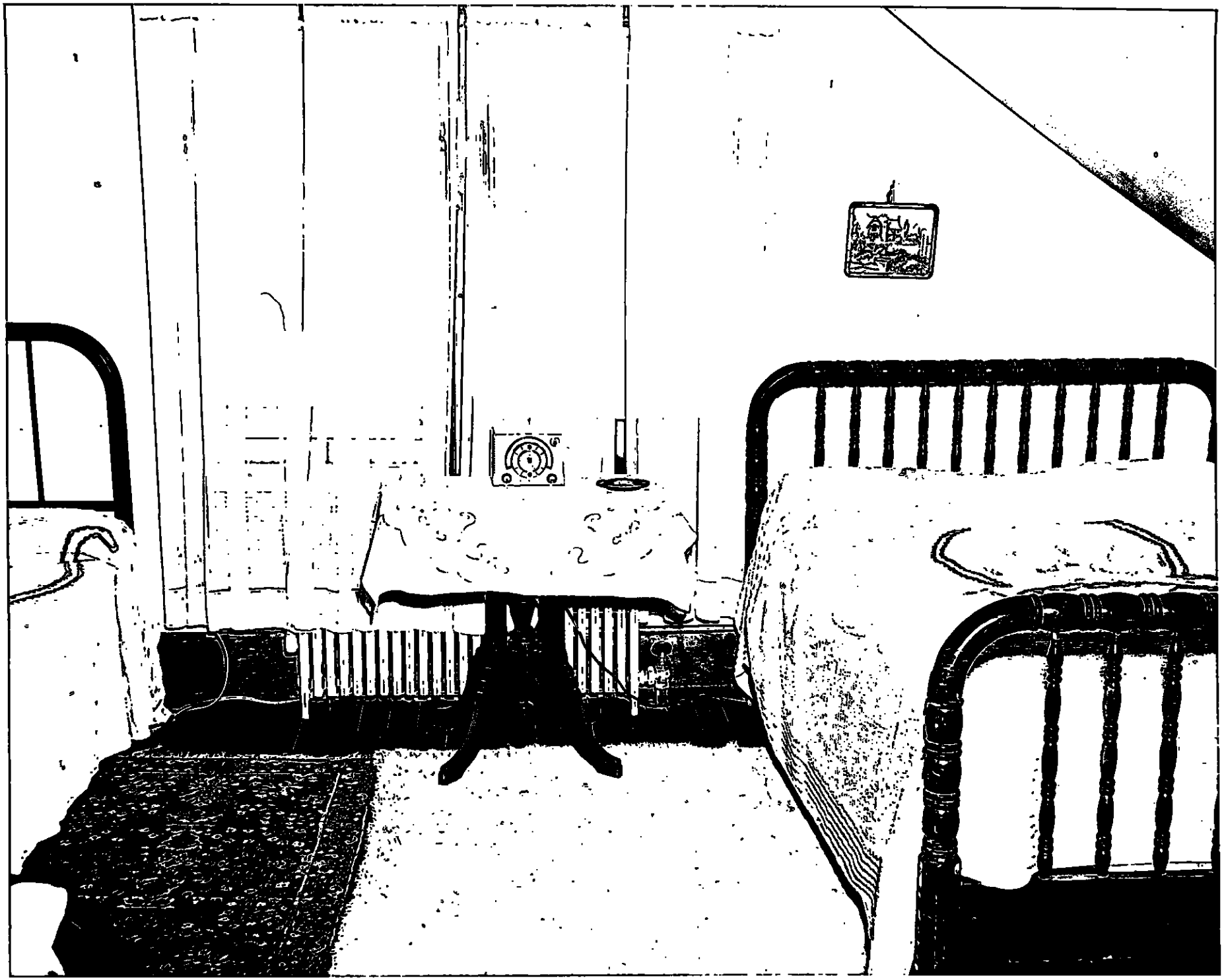


Exhibit # 9
DJP
Jan 5, 1960

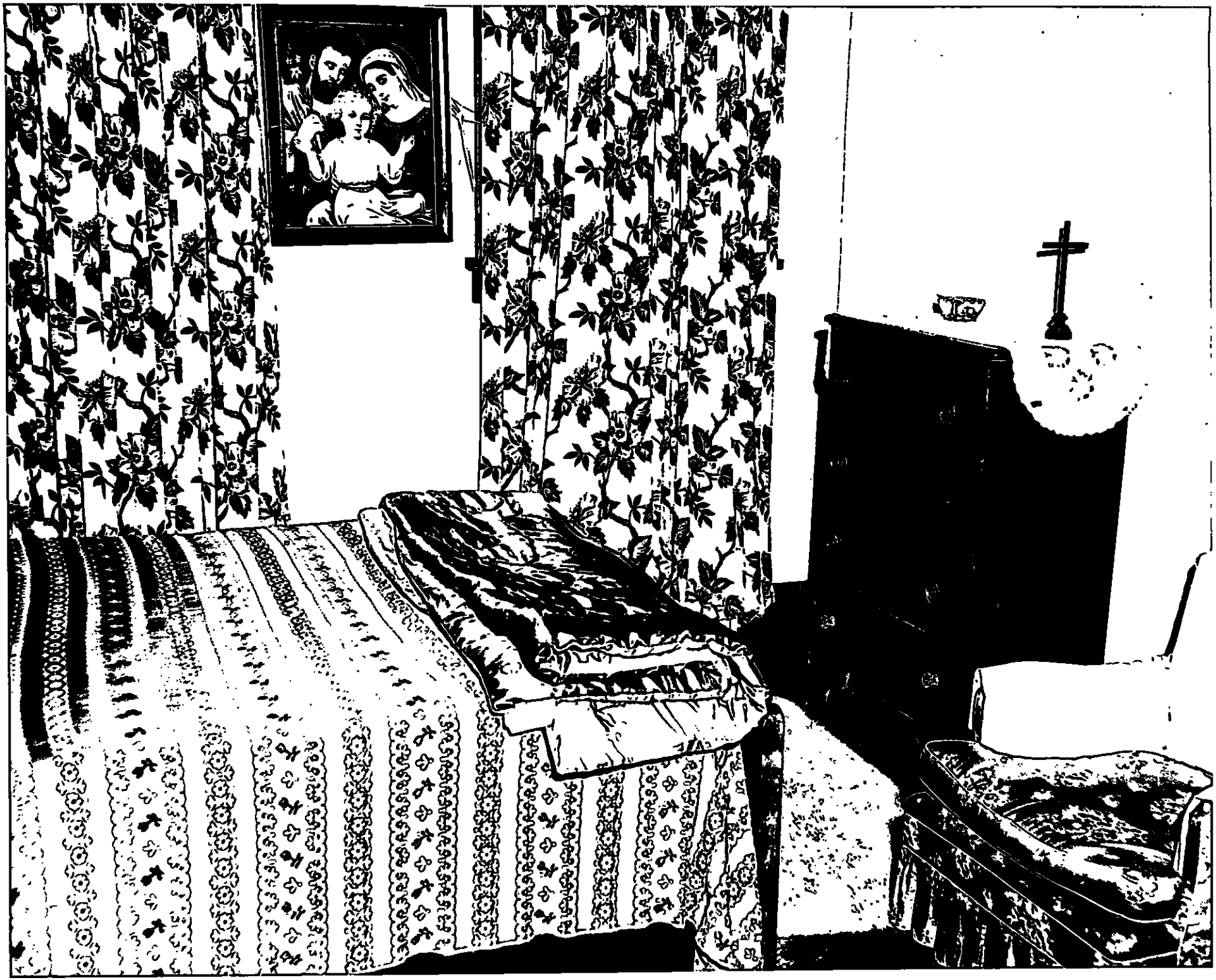


Exhibit #10
DJB
Jan 15, 1968

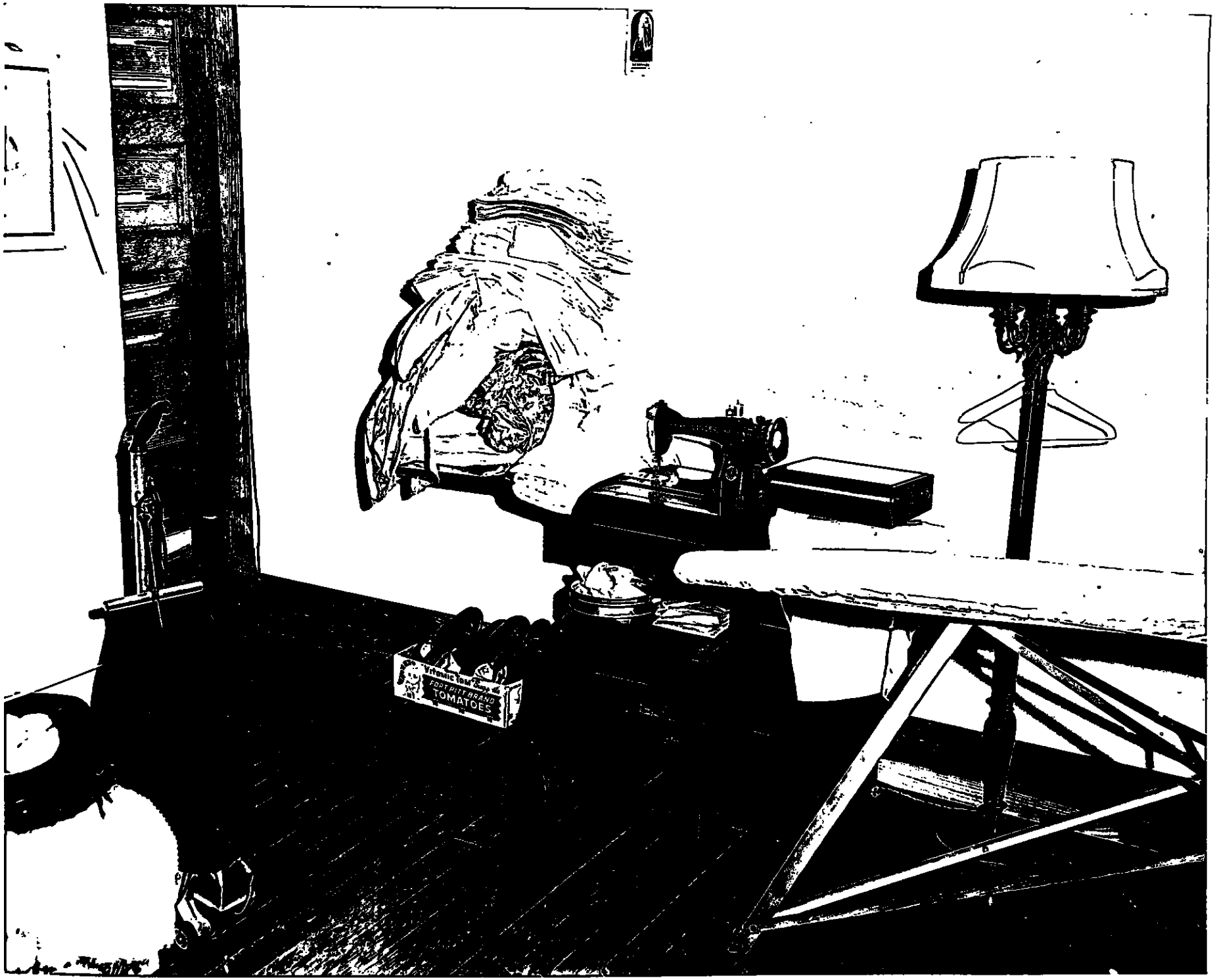

FOOTHILL BRAND
TOMATOES

Exhibit # 11
Jan 15 1960

Exhibit # 12
Of
Johns - 1960

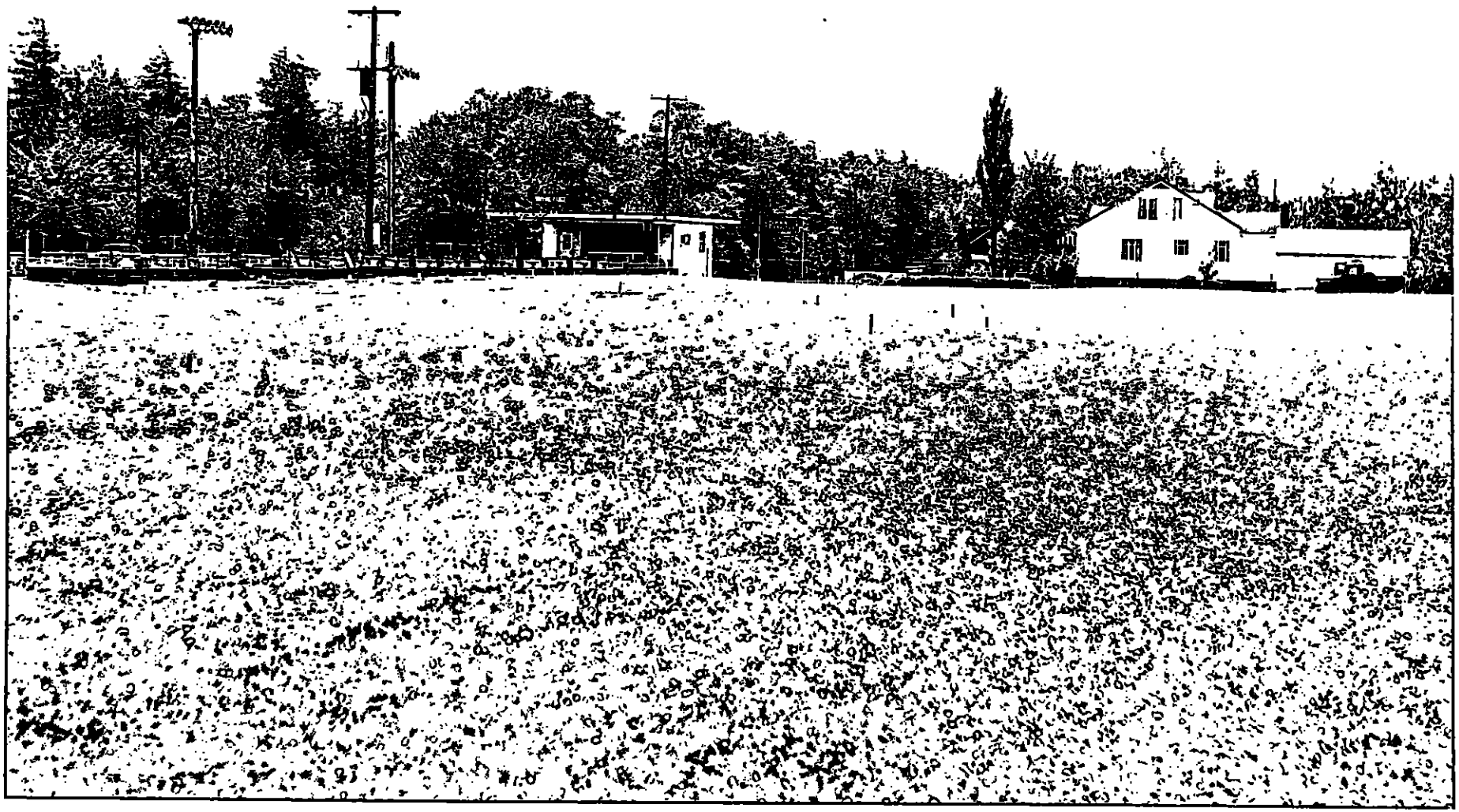


Exhibit #13
of
James, 1960

GOLF
DRIVING RANGE

Exhibit #14
of
January, 1960

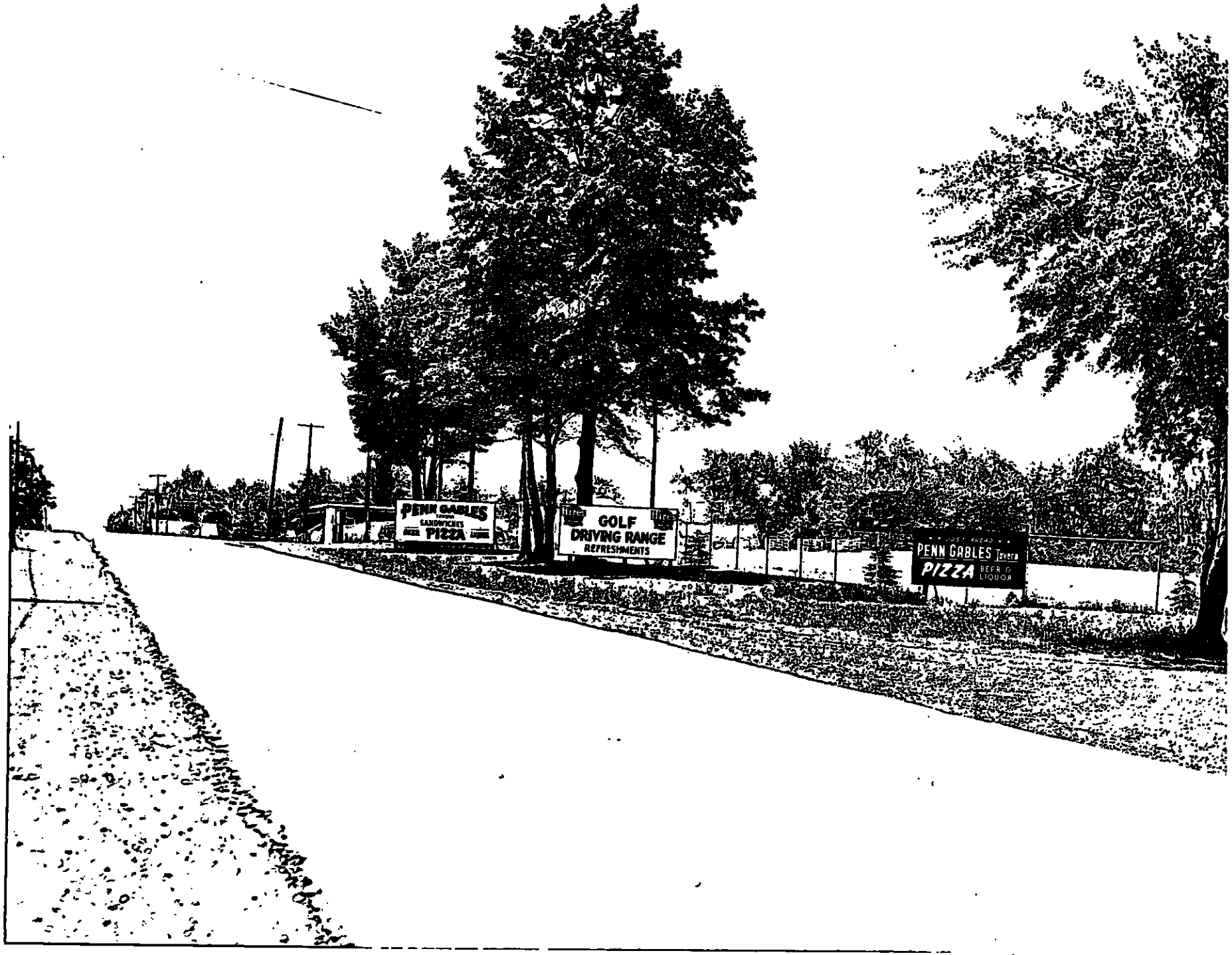
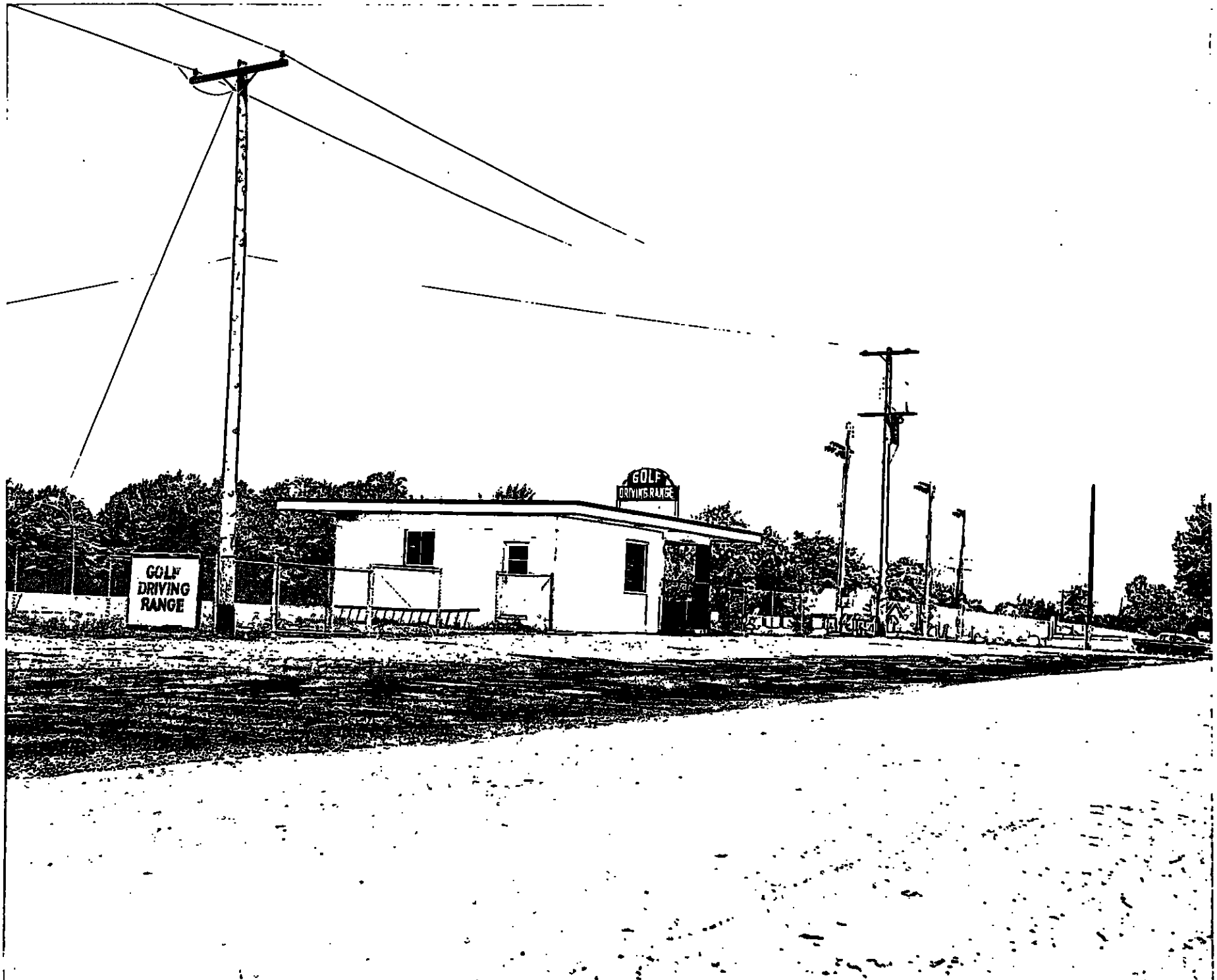

PENN GABLES
SANDWICHES
PIZZA
GOLF
DRIVING RANGE
REFRESHMENTS
PENN GABLES
PIZZA
BEER & LIQUOR

Exhibit #15
O'L
Jan 15, 1960


GOLF
DRIVING RANGE
GOLF
DRIVING RANGE

Cylinder #16
DJL
Jan 15, 1960

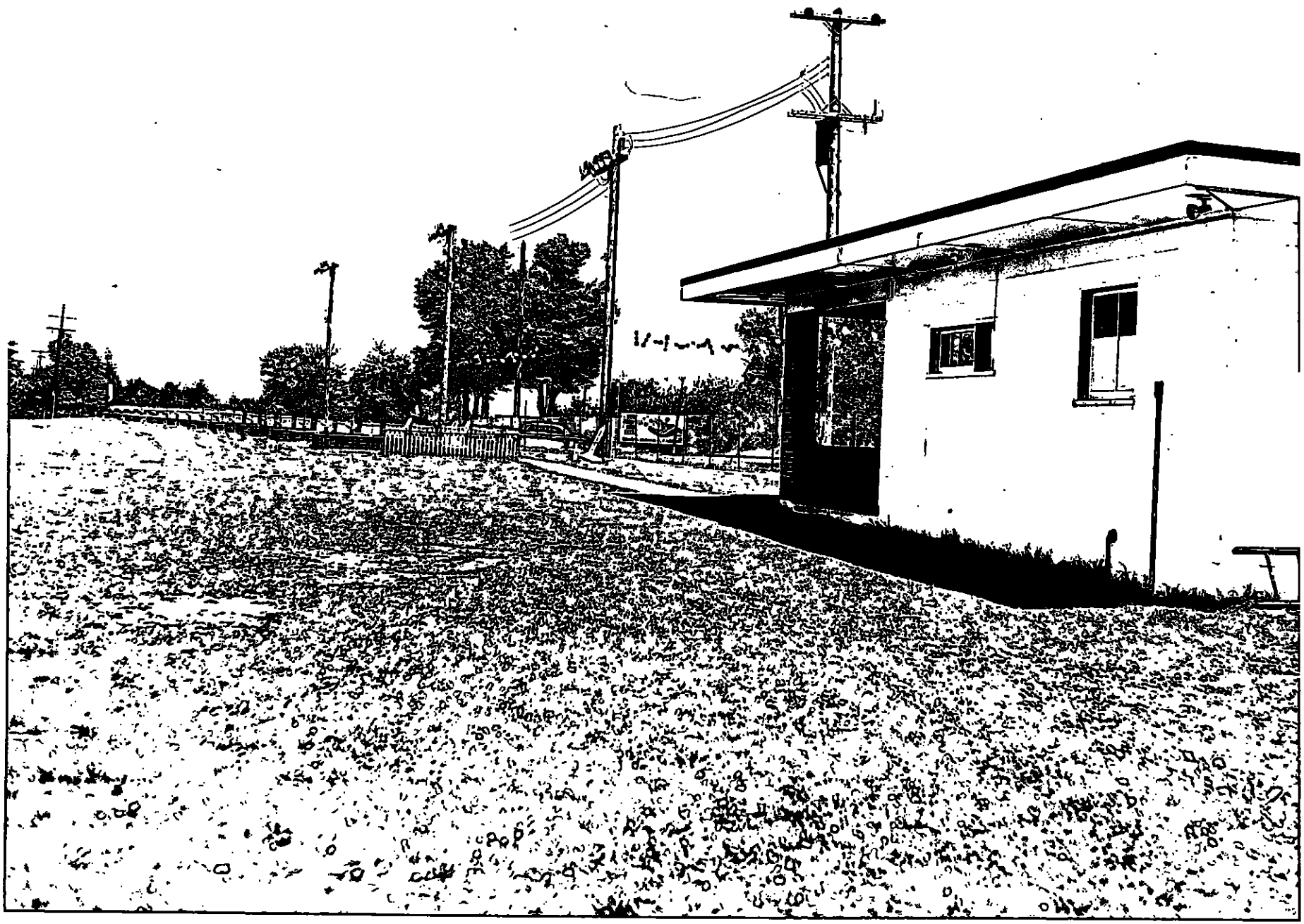


Exhibit #17
DJR
Jan 15, 1960

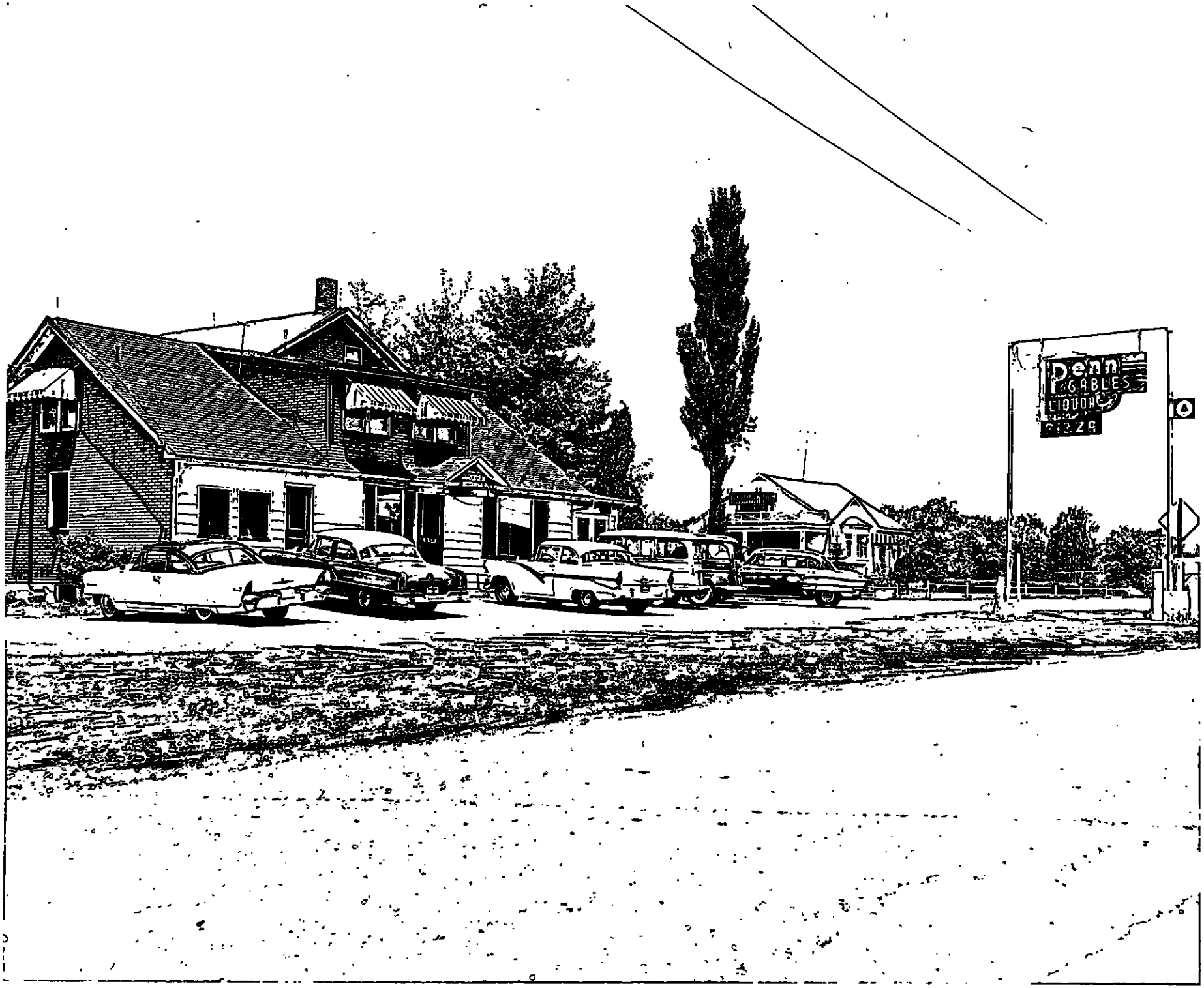

Penn
GABLES
LIQUOR
PIZZA

Exhibit #18
DJR
Jan 15, 1960

Penn
GABLES
PIZZA
PENN GABLES
STEAKS PIZZA

ANTHONY (TONY) STEFANON and ARMENIA STEFANON, husband and wife,	:	IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY PENNSYLVANIA
Plaintiffs,	:	
VS.	:	NO. _____ TERM, 1960.
COMMONWEALTH OF PENNSYLVANIA and/or DEPARTMENT OF HIGHWAYS,	:	
Defendant.	:	APPEAL FROM AWARD OF VIEWERS

APPEAL AND AFFIDAVIT

The Commonwealth of Pennsylvania by Arnold D. Smorto, Esq., acting through and in behalf of the Attorney General of Pennsylvania, and the Secretary of Highways, having condemned for State Highway purposes a certain parcel or parcels of land situate in the Township of Cambria, County of Cambria and State of Pennsylvania, as more particularly described in the Petition of the said Anthony (Tony) Stefanon and Armenia Stefanon, husband and wife, for the appointment of viewers entered in the Court of Quarter Sessions of Cambria County, Pennsylvania, to No. 2 December Sessions, 1959 (Road Docket), and being dissatisfied with the award made to the said Anthony (Tony) Stefanon and Armenia Stefanon, husband and wife, for damages to said land by the Board of Viewers having been filed on the _____ day of February, 1959, does hereby appeal from said report and does demand a trial by jury to determine the lawful damages caused by the taking of the said property, according to the provisions of the Constitution of the Commonwealth of Pennsylvania, and the Acts of Assembly in such cases made and provided, and does hereby assign as the reason for the taking of the said appeal that the award of the said Board of Viewers is grossly excessive, unreasonable and against the weight of evidence presented to the said Board.

_____

Attorney for Appellant

STATE OF PENNSYLVANIA :
: ss.
COUNTY OF CAMBRIA :

ARNOLD D. SMORTO, being duly sworn according to law, deposes and says that he is special counsel for the appellant, Commonwealth of Pennsylvania, Department of Highways, under the authority of the Secretary of Highways of the Commonwealth of Pennsylvania, and by appointment of the Attorney General of the Commonwealth of Pennsylvania; that he is acting for the appellant aforementioned and that said appeal is not taken for the purpose of delay but because the appellant firmly believes an injustice has been done, and that the facts set forth in the foregoing statement under Rule 239 of the Joint Rules of the Court of Common Pleas of Cambria County, Pennsylvania, are true and correct to the best of his knowledge, information and belief.

_____
Arnold D. Smorto

Sworn to and subscribed before me
this _____ day of March, 1960.

_____

My commission expires: _____

In the Court of ~~Common Pleas~~ Quarter Sessions of Cambria County

Road Docket

In Re: Petition of Geo. Tony et al vs. Armenia Stefanow	No. 2 December Sessions ~~Term~~, 19 57
	Enter my appearance
	for Commonwealth in above stated case

Clerk of Courts

To ~~Prothonotary~~ of said County.

Arnold O. Smarto

Attorney for Commonwealth

2 DECEMBER SESSIONS, 1959

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY
PENNSYLVANIA

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS.

Filed - Oct. 19, 1959

PETITION

LAW OFFICES
GLEASON & KRUMENACKER
NINTH FLOOR FIRST NATIONAL BANK BUILDING
JOHNSTOWN, PENNSYLVANIA

IN RE: PETITION OF ANTHONY (TONY) STEFANON and ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS.	:	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY PENNSYLVANIA
	:	No. C.D.
	:	2 DECEMBER SESSIONS, 1959

IN RE: PETITION OF ANTHONY (TONY) STEFANON AND ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS TO ASSESS DAMAGES ARISING FROM IMPROVEMENTS TO STATE HIGHWAY ROUTE NO. 22, IN THE TOWNSHIP OF CAMBRIA, CAMBRIA COUNTY, PENNSYLVANIA.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of Anthony (Tony) Stefanon and Armenia Stefanon, husband and wife, respectfully represents:

1. That they are the owners of all those certain lots or pieces of ground situate, lying and being in the Township of Cambria, County of Cambria and State of Pennsylvania, bounded and described as follows:

PARCEL NO. 1 BEGINNING at a point in the center of the William Penn Highway at a corner of land of Anna Bowman and extending thence by the line of said land of Anna Bowman, North 25° 15' West 185 feet; thence thru the land of which this land herein conveyed was a part North 77° 00' East (approximate direction) 311.8 feet to line of land now or formerly of Minnie Lloyd; thence along line of Minnie Lloyd South 25° 15' East 100 feet to a point in the center of William Penn Highway; thence by the center of said Highway South 61° West 300 feet to place of beginning.

PARCEL NO. 2 BEGINNING at a point in the center of the Highway known as William Penn Highway, (formerly known as the Pittsburgh Pike) and extending thence by the center of said Highway South 61° West a distance of 515 feet to a point at a corner of land of F.E. Black; thence by the line of said land of F.E. Black, North 25° 15' West a distance of 933.19 feet to a post on line of land of Festus Lloyd; thence by the line of said land of Festus Lloyd, South 82° 41' East a distance of 644.1 feet to a corner of land of W.S. Mack; thence by line of said land of W.S. Mack South 22° 15' East a distance of 553.6 feet to the place of beginning, containing 9.06 of an acre.

PARCEL NO. 3 BEGINNING at a point in the center of the William Penn Highway at a corner of land of Anna Bowman, and extending thence by line of said land of Anna Bowman North 25° 15' West a distance of 243.5 feet; thence through land of Minnie Lloyd, of which the land hereby conveyed is a part, by the same course, (North 25° 15' West), a distance of 1137.66 feet to a point on line of Festus Lloyd; thence by line of the land of Festus Lloyd South 83° 20' East a distance of 346.29 feet to a point; thence through land of said Minnie Lloyd, of which the land hereby conveyed is a part, South 25° 15' East a distance of 933.19 feet to a point in the center of William Penn Highway; thence by the center of said Highway South 61° West a distance of 300 feet to the place of beginning; containing 7.01 acres.

PARCEL NO. 4 BEGINNING at a point on line of other land of grantees herein, said point of beginning being North 30° 15' East 243.5 feet from the center line of State Highway Route No. 22 leading from Ebensburg to Mundys Corner; thence through land of Grantor herein, of which the land hereby conveyed forms a part, the following two courses and distances, North 75° 15' West 106.1 feet to a point, North 30° 15' West 875.01 feet to a point on the land of Festus Lloyd Estate; thence along said land of said Festus Lloyd Estate South 83° 30' East 93.6 feet to a point on land formerly of F.E. Black, now of Tony Stefanon, et ux, grantees herein, South 30 degrees 15' East 894.01 feet, more or less, to a point of land of grantees herein, the point and place of beginning. Containing 1.52 acre, more or less.

PARCEL NO. 5 BEGINNING at a post at the Southeasterly corner of lands of Steve Stefanon, et ux, and the Northeasterly corner of lands of Tony Stefanon, et ux; thence along the line of other lands of said Tony Stefanon North 25° 15' West 226.5 feet to a post; thence thru land of the said Steve Stefanon, et ux, of which this is a part, South 77° 05' West 100 feet to a post; thence still continuing thru the land of the said Steve Stefanon, et ux, South 25° 15' East 226.5 feet to a post on line of Tony Stefanon, et ux; thence along the line of said last mentioned land North 77° 05' East 100 feet to a post, place of beginning. Containing 1/2 acres, more or less.

2. That in construction, re-construction and improvements of State Highway Route No. 22, in the Township of Cambria, Cambria County, Pennsylvania, said property has sustained serious loss and damage, and that compensation for such damage has not

been fixed or agreed between the Commonwealth of Pennsylvania and your Petitioners.

3. Your Petitioners, therefore, pray your Honorable Court to appoint three viewers from the Board of Viewers of the County of Cambria to view the premises and assess the damages, if any, by reason of the construction, reconstruction and improvement of said highway, and to assess the benefits, if any, and report the same to your Honorable Court.

And your Petitioners will every pray.

/s/ Tony Stefans (SEAL)

/s/ Amelia Stefanow (SEAL)

STATE OF PENNSYLVANIA:
SS:
COUNTY OF CAMBRIA:

Before me, a Notary Public in and for said County and State, personally appeared ANTHONY (TONY) STEFANON and ARMENIA STEFANON, husband and wife, who, being duly sworn according to law, deposes and says 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.

/ Tony Stefanon

/ Armenia Stefanon

Sworn to and subscribed before me
this 12th day of August, 1959.

Rosemarie A. Licastro

ROSEMARIE A. LICASTRO, Notary Public
Johnstown, Cambria County, Penna.
My Commission Expires Dec. 12, 1962

IN RE: PETITION OF ANTHONY (TONY) STEFANON and ARMENIA STEFANON, HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS.	:	IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY PENNSYLVANIA December ~~JUNE~~ SESSIONS, 1959

D E C R E E

AND NOW, ~~July~~ October 15, 1959, the foregoing Petition having been read and considered, it is ordered that ~~Harold J. Petrosa Esq.~~, John L. Elder and Theodore Hunt, three members of the permanent Board of Viewer of Cambria County, be and hereby are appointed to view the said premises and make a return of their proceedings according to law.

BY THE COURT:

J. J. Smith J.