

R. D. 3, Sept, 1963

Petition of
Charles and Anne
George


Filed: May 27, 1964

IN RE: PETITION OF CHARLES : IN THE COURT OF QUARTER SESSIONS
GEORGE AND ANNA GEORGE, OF THE : OF CAMBRIA COUNTY, PENNSYLVANIA.
CITY OF JOHNSTOWN, CAMBRIA :
COUNTY, PENNSYLVANIA, FOR THE : No. 3 R.D. September Term, 1963
APPOINTMENT OF VIEWERS TO DE- :
TERMINE THE AMOUNT OF DAMAGES :
SUSTAINED BY THEM AS A RESULT :
OF ENTRY AND EXCAVATION BY THE :
DEPARTMENT OF HIGHWAYS, COMMON- :
WEALTH OF PENNSYLVANIA, AND TO :
AWARD COMPENSATION TO THEM. :

SATISFACTION

TO THE CLERK OF COURTS:

Please mark the Board of View Award in the amount of \$1.00 in favor of Charles George and Anna George, the owners of premises located in the Township of Lower Yoder, County of Cambria and Commonwealth of Pennsylvania, and more particularly described in the papers filed to this number and term, satisfied of record upon payment of your costs only.



Robert Davis Gleason
Attorney for Owners and Petitioners

NO. *2 Sub P. D.* TERM 1963

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA

IN THE MATTER OF ROUTE
NO. 525, IN THE TOWNSHIP
OF LOWER YODER, CAMBRIA
COUNTY, PENNSYLVANIA

PETITION FOR
APPOINTMENT OF
A BOARD OF VIEWERS

LAW OFFICES

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

IN THE MATTER OF ROUTE
NO. 525⁵⁶ IN THE TOWNSHIP
OF LOWER YODER, CAMBRIA
COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY
PENNSYLVANIA

NO. 3 *Sept. R. D.* TERM 1963

PETITION OF CHARLES GEORGE AND ANNA GEORGE, HUSBAND
AND WIFE, FOR THE APPOINTMENT OF A BOARD OF VIEWERS

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

The Petition of Charles George and Anna George, Husband and Wife, by their Attorneys, Gleason & Krumenacker, Esq., respectfully represents:

1. Your Petitioners are Charles George and Anna George, Husband and Wife, individuals who reside at 366 Harold Avenue, Johnstown, Cambria County, Pennsylvania.

2. That your Petitioners are the owners of certain property situate in the Township of Lower Yoder, Cambria County, Pennsylvania, bounded and described as follows:

ALL that certain piece or parcel of land situate in the Township of Lower Yoder, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING on the eastern side of Harold Street, or Haws Pike, at the northwestern corner of Lot No. 19 on the plan of Oakhurst Terrace; thence along the eastern side of Harold Street, or Haws Pike, South eight degrees forty minutes East four hundred seventeen and five one-hundredths feet to a post on the northern side of Hoffman Avenue; thence by the northern side of Hoffman Avenue North forty-eight degrees twenty-three minutes East two hundred thirty-three feet, more or less, to the western line of West Howard Street; thence along the western line of West Howard Street by a curve to the left with a radius of fifty feet, forty-three and thirty-four one-hundredths feet; thence still along the western line of West Howard Street North one degree seventeen minutes West two hundred nineteen and seventy-five one-hundredths feet to the southeastern corner of Lot No. 8 on the Plan of Oakhurst Terrace; thence by the southern line of said Lot No. 8 in a westerly direction one hundred thirty-four and twenty-one one-hundredths feet to the southwestern corner of said Lot No. 8; thence across the Morrellville Coal Company Tramway in a westerly direction forty-five feet, more or less, to the southwestern corner of Lot No. 20 on the plan of Oakhurst Terrace; thence by the southern line of said Lot No. 20 in a westerly direction seventy feet to the eastern side of Harold Street and place of beginning.

AND BEING (1) Lots Nos. 9, 10, 11, 12, 13, 14, 15, 16,

18 and 19 on the Plan of Oakhurst Terrace as laid out for the Elizabeth Felix Estate in Lower Yoder Township and recorded in the office of the Recorder of Deeds in Cambria County in Plat Book 3 at page 2, (2) Lot No. 17 on the Plan of Oakhurst Terrace, and (3) a portion of the Morrellville Coal Company Tramway lying between Lots Nos. 9, 10, 11, 12, 13, 14, and 15 on the east and Lots Nos. 16, 17, 18 and 19 on the west.

3. That on or during the month of May, 1962, the Department of Highways of the Commonwealth of Pennsylvania entered onto the above described property owned by your Petitioners, with men and machinery, and without the permission, and against the objections of your Petitioners.

4. That on the day aforesaid, the Department of Highways of the Commonwealth of Pennsylvania made said entry onto said property owned by your Petitioners for the purposes of excavating a ditch to facilitate drainage from Route 525, which is adjacent to said property, to maintain allegedly existing drainage facilities on said property.

5. That on the day aforesaid, the Department of Highways of the Commonwealth of Pennsylvania commenced excavation of said property and caused a large ditch to be excavated, running through said property, and which prior to the entry and excavation effected by the Department of Highways of the Commonwealth of Pennsylvania, was not present on said property. The ditch that was effected by said acts is approximately 130 feet in length, 6 feet in width, and 6 feet in depth.

6. That the aforesaid acts effected by the Department of Highways of the Commonwealth of Pennsylvania has resulted and will result in the taking of large portions of Petitioners' property, as aforesaid, and has caused and will cause injury and damage to the remainder thereof.

7. That the aforesaid acts effected by the Department of Highways of the Commonwealth of Pennsylvania have been effected

pursuant to the Act of June 1, 1945, PL 1242, Act 4 Sec. 417, 36 PS 670-417.

8. That said Act provides that any damages sustained by the owners of property entered upon by said Department shall be paid by the Commonwealth of Pennsylvania in conformity with said Act.

9. That your Petitioners, Charles George and Anna George, Husband and Wife, aver that they are the owners of the parcel of land as hereinbefore described and that the Petitioners are the only persons entitled to recover damages for the taking thereof.

10. That your Petitioners allege that the fair market value of the aforementioned land owned by your Petitioners immediately after the said entry and excavation by the Department of Highways of the Commonwealth of Pennsylvania was less than the fair market value of the said land immediately before the said entry and excavation by the Department of Highways of the Commonwealth of Pennsylvania.

11. Until this date, the Petitioners and the Department of Highways of the Commonwealth of Pennsylvania are unable to agree upon the amount of compensation to be awarded to the Petitioners for the damage sustained by your Petitioners and the taking of the property of the Petitioners as hereinbefore specifically averred.

WHEREFORE, your Petitioners, Charles George and Anna George, Husband and Wife, by their Attorneys, Gleason & Krumenacker, Esq., pray your Honorable Court to appoint a Board of Viewers in the manner prescribed by law to ascertain and award just compensation to Petitioners for the damage sustained by your Petitioners and the taking of the property of the Petitioners as

hereinbefore specifically averred in accordance with the Acts of
Assembly in such cases made and provided.

And they will ever pray, etc.

GLEASON & KRUMENACKER

BY: Robert Davis Gleason
Attorney for Petitioners

STATE OF PENNSYLVANIA:

SS.

COUNTY OF CAMBRIA:

Before me, a Notary Public in and for said County and State, personally appeared CHARLES GEORGE AND ANNA GEORGE, Petitioners, herein named, who, being duly sworn according to law, depose and say that the statements therein set forth in the foregoing Petition are true and correct to the best of their knowledge, information and belief.

X Charles George

X Anna George

Sworn to and subscribed before me
this 29th day of July, 1963.

Mrs. Rosemarie A. Sigg
MRS. ROSEMARIE A. SIGG, Notary Public
Johnstown, Cambria County.
My Commission Expires Dec. 12, 1966

IN THE MATTER OF ROUTE
NO. 5256 IN THE TOWNSHIP
OF LOWER YODER, CAMBRIA
COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY
PENNSYLVANIA
NO. _____ TERM 1963

ORDER

AND NOW, this 24th day of July, 1963, on motion
of Gleason & Krumenacker, Esq., Attorney for Petitioners, and
upon consideration of the within Petition, the Court hereby ap-
points Robert E. Skelade, Robert Meyer, and P. L. Lockes
_____ as a Board of Viewers upon the within Petition, and
further orders that the Board of Viewers perform its duty in
accordance with the law and Acts of Assembly in such case made
and provided. Said Board to file their Report on or
before Sept 30, 1963,

BY THE COURT:

Sheltig J.


In the Court of Quarter Sessions
of Cambria County, Pennsylvania

No. 3 R.D. September Term, 1963

In Re: Petition of Charles and
Anna George, for Appointment of
Viewers,

vs.

Pennsylvania Department of
Highways

Filed - Mar. 30, 1964

VIEWERS' REPORT

*Viewer's Report Confirmed
Nisi - March 30, 1964
J. D. Obligovich
Clerk of Courts.*

*Now Apr May 1, 1964
the within report Confirmed
absolutely by the Court
W. D. Hall, J.*

ROBERT E. SHAHADE

Attorney at Law

JOHNSTOWN, PA.

IN RE: PETITION OF CHARLES GEORGE 0 IN THE COURT OF QUARTER SESSIONS
AND ANNAAGEORGE, OF THE CITY OF : OF CAMBRIA COUNTY PENNSYLVANIA.
JOHNSTOWN, CAMBRIA COUNTY PENN- :
SYLVANIA, FOR THE APPOINTMENT OF : NO. 3 R. D. SEPTEMBER TERM, 1963
VIEWERS TO DETERMINE THE AMOUNT OF :
DAMAGES SUSTAINED BY THEM AS A RE- :
SULT OF ENTRY AND EXCAVATION BY THE :
DEPARTMENT OF HIGHWAYS, COMMONWEALTH :
OF PENNSYLVANIA, AND TO AWARD COM- :
PENSATION TO THEM. 0

VIEWERS' REPORT

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

ROBERT E. SHAHADE, Esquire, T. L. LOCHER, AND ROBERT MAYER,
Three members of the permanent Board of Viewers of Cambria County,
Pennsylvania, appointed to view the premises of Charles and Anna George
to assess damages to said property arising from the taking of their
property by the Department of Highways, Commonwealth of Pennsylvania,
and to award compensation therefore, and return the proceedings accord-
ing to law, respectfully report;

Pursuant to their appointment on July 29, 1963, the Board
of View set Friday, August 30, 1963, at 1:30 P.M. E. D. S. T. as the
time to view and inspect the premises owned by said Charles and Anna
George. Due notice thereof was given to Attorney Robert D. Gleason,
Attorney for the Petitioners, as shown by acceptance of service of
notice hereto attached and made a part hereof. Notice was likewise
given to Attorney Robert L. Blough, Counsel for the Department of
Highways, Commonwealth of Pennsylvania, as shown by acceptance of ser-
vice of notice hereto attached and made a part hereof. The Board of
View thereafter met on the premises on August 30, 1963, and viewed the
premises in the company of Attorney Robert D. Gleason, representing the
Petitioners, Charles and Anna George, Petitioners, Attorney Robert L.
Blough, representing the Department of Highways, and with other offic-
ials of the Department of Highways.

Thereafter the Board of View set September 27, 1963, at
10:00 A.M. E. D. S. T., In the Judges Chambers, Park Building, 423 Main
Street, Johnstown, Pennsylvania, as the time and place for hearing on
the above mentioned Petition.

Due Notice of this hearing was given to Attorney Robert D. Gleason on behalf of the Petitioners, and to Attorney Robert L. Blough, on behalf of the Defendant, as shown by acceptance of service of notice on behalf of both Attorneys, which are hereto attached and made a part hereof. Thereafter this hearing was continued, at the request of the Petitioners. The hearing was then rescheduled for Wednesday, February 26, 1964, at 10:00 A.M. E. S. T., in the Judges Chambers aforesaid, as shown by the acceptance of service of said notice, by the Attorney for the Petitioners and the Attorney for the Defendant, which is hereto attached and made a part hereof.

The hearing was held on February 26, 1964 at the time stipulated and was attended by Robert D. Gleason, Esquire, Attorney for Petitioners, Charles George, one of the Petitioners, and John George, on behalf of the Petitioners; by Robert L. Blough, Esquire, Attorney for the Defendant, William L. Huber, Right of Way Agent for District 9, Department of Highways, and David Swindel, Registered Surveyor for the Department of Highways, on behalf of the Defendant.

Due Notice was given to Attorney Robert D. Gleason and to Attorney Robert L. Blough of the Exhibiting of the Schedule of Award as determined by your Board of View, with acceptance of service of said notice from both attorneys being attached hereto and made a part hereof.

Likewise, due notice of the filing of this report was given to Attorney Robert D. Gleason, representing the Petitioners, and to Attorney Robert L. Blough, representing the Defendant. Acceptance of said notices as executed by both attorneys are 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 the Plaintiffs filed a petition with the Court of Quarter Sessions of Cambria County, Pennsylvania, on July 29, 1963 requesting that Viewers be appointed in the above matter.

II. FINDINGS OF FACT

(1) That Charles George and Anna George, husband and wife, are the owners of premises described as follows:

All that certain piece of parcel of land situate in the Township of Lower Yoder, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING on the eastern side of Harold Street, or Haws Pike, at the northwestern corner of Lot No. 19 on the plan of Oakhurst Terrace; thence along the eastern side of Harold Street, or Haws Pike, South eight degrees forty minutes East four hundred seventeen and five one-hundredths feet to a post on the northern side of Hoffman Avenue; thence by the northern side of Hoffman Avenue North forty-eight degrees twenty-three minutes East two hundred thirty-three feet, more or less, to the western line of West Howard Street; thence along the western line of West Howard Street by a curve to the left with a radius of fifty feet, forty-three and thirty-four one-hundredths feet; thence still along the western line of West Howard Street North one degree seventeen minutes West two hundred nineteen and seventy-five one-hundredths feet to the southeastern corner of Lot No. 8 on the Plan of Oakhurst Terrace; thence by the southern line of said Lot No. 8 in a westerly direction one hundred thirty-four and twenty-one one-hundredths feet to the southwestern corner of said Lot No. 8; thence across the Morrellville Coal Company tramway in a westerly direction forty-five feet, more or less, to the southwestern corner of Lot No. 20 on the plan of Oakhurst Terrace; thence by the southern line of said Lot. No. 20 in a westerly direction seventy feet to the eastern side of Harold Street and place of beginning.

AND BEING (1) Lots Nos. 9, 10, 11, 12, 13, 14, 15, 16, 18, and 19 on the Plan of Oakhurst Terrace as laid out for the Elizabeth Felix Estate in Lower Yoder Township and recorded in the office of the Recorder of Deeds in Cambria County in Plat Book 3 at page 2, (2) Lot No. 17 on the Plan of Oakhurst Terrace, and (3) a portion of the Morrellville Coal Company Tramway lying between Lots Nos. 9, 10, 11, 12, 13, 14, and 15 on the east and Lots Nos. 16, 17, 18, and 19 on the west.

(2) That some time in May, 1962, employees of the Department of Highways, Commonwealth of Pennsylvania, accompanied by State Police entered onto the above premises with heavy equipment and did some excavation from the front to the rear of said property in order to expedite the run-off of surface water from Legislative Route 525.

(3) The highway adjacent to the Petitioner's property was built as a result of a Commonwealth Condemnation which took place on November 24, 1926.

(4) That the blueprints drawn in connection with the aforesaid condemnation of November 24, 1926 clearly show a natural water flow from the area to be covered by the projected highway and thence running from the front to the rear of the Petitioners' property. However, the blueprint does not show the exact path of the water course, nor its extent of depth.

(5) That Petitioners' property has been taken, to an undetermined extent, by a maintenance of a ditch to facilitate the run-off of water.

(6) That Petitioners' property has been impaired in value and living desirability in that stagnate waters accumulating there have created an odor and otherwise, by attracting pests and rodents, detrimental to the health and welfare of the occupants and adjacent owners.

(7) That Petitioners failed to submit any evidence whatever dealing with the extent of damage suffered by them as a result of the water course across their property, other than the facts set forth above as being injurious to their general health and welfare.

(8) That the Petitioners' property is very level, with an elevation of only one (1) foot, so that drainage is very poor, without aid, such as excavation of a trough.

(9) That evidence concerning the existence or non-existence of a drainage pipe underneath the Petitioners' property running from the highway aforesaid to the rear of said property is inconclusive.

III. OPINION

The Board of View has carefully examined the evidence offered in this case, has deducted therefore the facts set forth above, has carefully examined the law applicable, and is of the opinion that the Petitioners have set forth a grievance, but have not clearly shown, by their evidence, any real or monetary damage.

The Petition alleges that the Department of Highways of the Commonwealth of Pennsylvania has at various times excavated a ditch to facilitate drainage from Legislative Route 525, adjacent to Petitioners' property, and has maintained existing drainage facilities on their property, so that taking, with injury and damage to the remainder of the Petitioners' property has resulted. The Petition recites that Petitioners and the Department of Highways have been unable to agree upon an amount of compensation,

In view of the fact that evidence concerning the existence or non-existence of a drainage ditch underneath the surface of the petitioners'

property, leading from Legislative Route 525 to the rear of their property is conflicting and inconclusive, the Board of View cannot, in conscience, agree that there has been an initial taking by the Power of Eminent Domain. For this reason it is unnecessary to quote the matter of the Commonwealth of Pennsylvania relating to the legal exercises of the Powereof Eminent Domain.

Further, as our Findings show, there has been absolutely no evidence offered by the Petitioners as to the amount of monetary damage, if any, as a result of the alleged taking by the Department Of Highways. However, because the Petitioners do show that they have suffered a detriment to their property as a result of stagnate waters with a result of pests and rodents, injurious to their general health and welfare, thereby detracting from the value of their property, albeit to an undetermined extent, the Board of View does herewith fix damage to their property at One (\$1.00) Dollar, in favor of the Petitioners and against the Defendant. This amount has been fixed in order to prevent the uninterrupted and peaceful continuence of the Department of Highways in maintaining and facilitating the run-off of water from Legislative Route 525 and thereby maintaining safe driving conditions for the motoring public and adjacent property owners. The Board of View, although without authority to so order, does suggest to the Petitioners that relief be sought from the Department of Public Health and Welfare, of the Commonwealth of Pennsylvania, as we do believe that a situation has been shown here which should be of vital concern to this Department as they are concerned with the health and welfare of the inhabitants in the area of the above district.

CONCLUSION

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

the Commonwealth of Pennsylvania.

CHARLES GEORGE AND ANNA GEORGE.....\$1.00


The Board of View have taken into consideration all of the evidence submitted pertaining to the accrual of benefits to the premises and assess damages against the COMMONWEALTH OF PENNSYLVANIA.

Respectfully submitted,

Robert E. Shahade, Esquire

T. L. Locher

Robert Mayer

By 
Chairman, Board of View

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

NO. R.D. 3 September Sessions, 1963

Order to view

ROBERT E. SHAHADE,

ROBERT MAYER

T. L. LOCKER

Viewers

THOMAS W. NELSON

Clerk

IN RE: PETITION OF CHARLES GEORGE
AND ANNA GEORGE, OF THE CITY OF
JOHNSTOWN, CAMBRIA COUNTY PENN-
SYLVANIA, FOR THE APPOINTMENT OF
VIEWERS TO DETERMINE THE AMOUNT OF
DAMAGES SUSTAINED BY THEM AS A RE-
SULT OF ENTRY AND EXCAVATION BY
THE DEPARTMENT OF HIGHWAYS, COMM-
ONWEALTH OF PENNSYLVANIA, AND TO
AWARD COMPENSATION TO THEM.

() IN THE COURT OF QUARTER SESSIONS
() OF CAMBRIA COUNTY PENNSYLVANIA.
() NO. 3 R.D. SEPTEMBER TERM, 1963
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VIEWERS' NOTICE

TO: CHARLES AND ANNA GEORGE, JOHNSTOWN, PENNSYLVANIA, BY THEIR ATTORNEY,
ROBERT DAVIS GLEASON, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH
OF PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

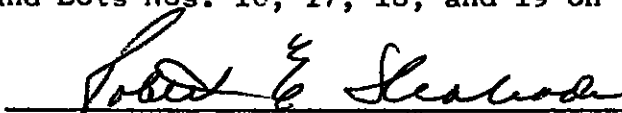
We, the undersigned Viewers appointed by the Court to view and inspect the land and premises owned by Charles George and Anna George, to ascertain and award just compensation for the damage sustained by the petitioners through the taking of the property of the petitioners, do hereby give notice that they will meet on the premises on Friday, August 30th., 1963, at 1:30 P.M. Eastern Daylight Savings Time, when and where all persons interested may appear if they so desire.

The premises to be viewed are:

All that certain piece or parcel of land situate in the Township of Lower Yoder, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING on the eastern side of Harold Street, or Haws Pike, at the northwestern corner of Lot No. 19 on the plan of Oakhurst Terrace; thence along the eastern side of Harold Street, or Haws Pike, South eight degrees forty minutes East four hundred seventeen and five one-hundredths feet to a post on the northern side of Hoffman Avenue; thence by the northern side of Hoffman Avenue North forty-eight degrees twenty-three minutes East two hundred thirty-three feet more or less, to the western line of West Howard Street; thence along the western line of West Howard Street by a curve to the left with a radius of fifty feet, forty-three and thirty-four one-hundredths feet; thence still along the western line of West Howard Street North one degree seventeen minutes West two hundred nineteen and seventy-five one-hundredths feet to the southeastern corner of Lot No. 8 on the Plan of Oakhurst Terrace; thence by the southern line of said Lot Nos. 8 in a westerly direction one hundred thirty-four and twenty-one hundredths feet to the southwestern corner of said Lot No. 8; thence across the Morrellville Coal Company Tramway in a westerly direction forty-five feet, more or less, to the southwestern corner of Lot No. 20 on the plan of Oakhurst Terrace; thence by the southern line of said Lot No. 20 in a westerly direction seventy feet to the eastern side of Harold Street and place of beginning.

AND BEING (1) Lots Nos. 9, 10, 11, 12, 13, 14, 15, 16, 18 and 19 on the Plan of Oakhurst Terrace as laid out for the Elizabeth Felix Estate in Lower Yoder Township and recorded in the office of the Recorder of Deeds in Cambria County in Plat Book 3 at page 2, (2) Lot No. 17 on the Plan of Oakhurst Terrace, and (3) a portion of the Morrellville Coal Company Tramway lying between Lots Nos. 9, 10, 11, 12, 13, 14, and 15 on the east and Lots Nos. 16, 17, 18, and 19 on the west.


Robert E. Shahade, Chairman.


T. L. Locher

Robert Mayer
Robert Mayer

AND NOW, this 15 day of August, 1963, I hereby accept service of the above notice.

Robert Davis Gleason

IN RE: PETITION OF CHARLES GEORGE AND ANNA GEORGE, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA, FOR THE APPOINTMENT OF VIEWERS TO DETERMINE THE AMOUNT OF DAMAGES SUSTAINED BY THEM AS A RESULT OF ENTRY AND EXCAVATION BY THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF PENNSYLVANIA, AND TO AWARD COMPENSATION TO THEM. 0

0 IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY PENNSYLVANIA. :
: NO. 3 R.D. SEPTEMBER TERM, 1963

VIEWERS' NOTICE

TO: CHARLES AND ANNA GEORGE, JOHNSTOWN, PENNSYLVANIA, BY THEIR ATTORNEY ROBERT DAVIS GLEASON, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned Viewers appointed by the Court to view and inspect the land and premises owned by Charles George and Anna George, to ascertain and award just compensation for the damage sustained by the petitioners through the taking of the property of the petitioners, do hereby give notice that they will meet on the premises on Friday, August 30th, 1963, at 1:30 P.M. Eastern Daylight Savings Time, when and where all persons interested may appear if they so desire.

The premises to be viewed are:

All that certain piece or parcel of land situate in the Township of Lower Yoder, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING on the eastern side of Harold street, or Haws Pike, at the northwestern corner of Lot No. 19 on the plan of Oakhurst Terrace; thence along the eastern side of Harold Street, or Haws Pike, South eight degrees forty minutes East four hundred seventeen and five one-hundredths feet to a post on the northern side of Hoffman Avenue; thence by the northern side of Hoffman Avenue North forty-eight degrees twenty-three minutes East two hundred thirty-three feet more or less, to the western line of West Howard Street; thence along the western line of West Howard Street by a curve to the left with a radius of fifty feet, forty-three and thirty-four one-hundredths feet; thence still along the western line of West Howard Street North one degree seventeen minutes West two hundred nineteen and seventy-five one-hundredths feet to the southeastern corner of Lot No. 8 on the Plan of Oakhurst Terrace; thence by the southern line of said Lot No. 8 in a westerly direction one hundred thirty-four and twenty-one/hundredths feet to the southwestern corner of said Lot No. 8; thence across the Morrellville Coal Company Tramway in a westerly direction forty-five feet, more or less, to the southwestern corner of Lot No. 20 on the plan of Oakhurst Terrace; thence by the southern line of said Lot No. 20 in a westerly direction seventy feet to the eastern side of Harold Street and place of beginning.

AND BEING (1) Lots Nos. 9, 10, 11, 12, 13, 14, 15, 16, 18 and 19 on the Plan of Oakhurst Terrace as laid out for the Elizabeth Felix Estate in Lower Yoder Township and recorded in the office of the Recorder of Deeds in Cambria County in Plat Book 3 at page 2, (2) Lot No. 17 on the plan of Oakhurst Terrace, and (3) a portion of the Morrellville Coal Company Tramway lying between Lots Nos. 9, 10, 11, 12, 13, 14, and 15 on the east and Lots Nos. 16, 17, 18, and 19 on the west.


Robert E. Shahade, Chairman


T. L. Locher

Robert Mayer

Robert Mayer

AND NOW, This 15 day of August, 1963, I hereby accept
service of the above notice.

Robert L. Blough

Attorney for Defendant

IN RE: PETITION OF CHARLES GEORGE () IN THE COURT OF QUARTER SESSIONS
AND ANNA GEORGE, OF THE CITY OF : OF CAMBRIA COUNTY PENNSYLVANIA.
JOHNSTOWN, CAMBRIA COUNTY PENN- :
SYLVANIA, FOR THE APPOINTMENT OF : NO. 3 R.D. SEPTEMBER TERM, 1963
VIEWERS TO DETERMINE THE AMOUNT OF :
DAMAGES SUSTAINED BY THEM AS A RE- :
SULT OF ENTRY AND EXCAVATION BY :
THE DEPARTMENT OF HIGHWAYS, COMM- :
ONWEALTH OF PENNSYLVANIA, AND TO :
AWARD COMPENSATION TO THEM. ()

NOTICE OF HEARING

TO: CHARLES AND ANNA GEORGE, JOHNSTOWN, PENNSYLVANIA, BY THEIR ATTORNEY,
ROBERT DAVIS GLEASON, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH
OF PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned Board of Viewers' hereby give notice that we have been appointed by the court as a Board of View in the above captioned matter, and that for the purpose of carrying out our duties, we will sit in hearing in the Judges's Chambers, Park Building, 423 Main Street, Johnstown, Pennsylvania, at 10:00 A. M., Eastern Daylight Daylight Savings Time, On Friday, September 27, 1963, at which time testimony will be given and heard to determine and ascertain the damage sustained by the petitioners, Charles and Anna George, and to award just compensation for said damage, if any there be.

Robert E. Shahade

T. L. Locher

Robert Mayer

By: Robert E. Shahade
Chairman, Board of View

AND NOW, this 10th day of September, 1963, I hereby accept service of the above Notice of Hearing.

Robert Davis Gleason
Attorney for Plaintiffs

IN RE: PETITION OF CHARLES GEORGE () IN THE COURT OF QUARTER SESSIONS
AND ANNA GEORGE, OF THE CITY OF () OF CAMBRIA COUNTY PENNSYLVANIA.
JOHNSTOWN, CAMBRIA COUNTY PENN- ()
SYLVANIA, FOR THE APPOINTMENT OF () NO. 3 R.D. SEPTEMBER TERM, 1963.
VIEWERS TO DETERMINE THE AMOUNT OF ()
DAMAGES SUSTAINED BY THEM AS A RE- ()
SULT OF ENTRY AND EXCAVATION BY ()
THE DEPARTMENT OF HIGHWAYS, COMM- ()
ONWEALTH OF PENNSYLVANIA, AND TO ()
AWARD COMPENSATION TO THEM. ()

NOTICE OF HEARING

TO: CHARLES AND ANNA GEORGE, JOHNSTOWN, PENNSYLVANIA, BY THEIR ATTORNEY,
ROBERT DAVIS GLEASON, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF
PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned Board of Viewers' hereby give notice that we have been appointed by the court as a Board of View in the above captioned matter, and that for the purpose of carrying out our duties, we will sit in hearing in the Judges' Chambers, Park Building, 423 Main Street, Johnstown, Pennsylvania, at 10:00 A. M., Eastern Daylight Savings Time, on Friday, September 27, 1963, at which time testimony will be taken and heard to determine and ascertain the damage sustained by the petitioners, Charles and Anna George, and to award just compensation for said damage, if any there be.

Robert E. Shahade

T. L. Locher

Robert Mayer

By: Robert E. Shahade
Chairman,

Board of View

AND NOW, this 27th day of September, 1963, I hereby accept service of the above Notice of Hearing.

Robert D. Gleason
Attorney for Defendant

IN RE: PETITION OF CHARLES GEORGE () IN THE COURT OF QUARTER SESSIONS
AND ANNA GEORGE, OF THE CITY OF () OF CAMBRIA COUNTY PENNSYLVANIA.
JOHNSTOWN, CAMBRIA COUNTY PENN- ()
SYLVANIA, FOR THE APPOINTMENT OF () NO. 3 R.D. SEPTEMBER TERM, 1963.
VIEWERS TO DETERMINE THE AMOUNT OF ()
DAMAGES SUSTAINED BY THEM AS A RE- ()
SULT OF ENTRY AND EXCAVATION BY ()
THE DEPARTMENT OF HIGHWAYS, COMM- ()
ONWEALTH OF PENNSYLVANIA, AND TO ()
AWARD COMPENSATION TO THEM. ()

NOTICE OF CONTINUED HEARING

TO: CHARLES AND ANNA GEORGE, JOHNSTOWN, PENNSYLVANIA, BY THEIR ATTORNEY,
ROBERT DAVIS GLEASON, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH
OF PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned hereby give notice that the hearing scheduled
in the above entitled matter for Friday, September 27, 1963, at the
Judges' Chamber, Park Building, 423 Main Street, Johnstown, Pennsylvania
has been continued until further notice, due to inability of Plaintiff's
counsel to attend on the above date.

Robert E. Shahade

T. L. Locher

Robert Mayer

By: Robert E. Shahade
Chairman

Board of View

AND NOW, this 26th day of September, 1963, I hereby accept
service of the above Notice of Continued Hearing.

Robert L. Blough
Attorney for Defendant

IN RE: PETITION OF CHARLES GEORGE AND ANNA GEORGE, OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA, FOR THE APPOINTMENT OF VIEWERS TO DETERMINE THE AMOUNT OF DAMAGES SUSTAINED BY THEM AS A RESULT OF ENTRY AND EXCAVATION BY THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF PENNSYLVANIA, AND TO AWARD COMPENSATION TO THEM. () IN THE COURT OF QUARTER SESSIONS () OF CAMBRIA COUNTY PENNSYLVANIA. () NO. 3 R.D. SEPTEMBER TERM, 1963. () () () () () () () () () ()

NOTICE OF CONTINUED HEARING

TO: CHARLES AND ANNA GEORGE, JOHNSTOWN, PENNSYLVANIA, BY THEIR ATTORNEY, ROBERT DAVIS GLEASON, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned hereby give notice that the hearing scheduled in the Above entitled matter for Friday, September 27, 1963, at the Judges' Chambers, Park Building, 423 Main Street, Johnstown, Pennsylvania has been continued until further notice, due to inability of Plaintiff's counsel to attend on the above date.

Robert E. Shahade

T. L. Locher

Robert Mayer

By: Robert E. Shahade
Chairman

Board of View

AND NOW, this 26 day of September, 1963, I hereby accept service of the above Notice of Continued Hearing.

Robert Davis Gleason
Attorney for Plaintiff

IN RE: PETITION OF CHARLES GEORGE 0 IN THE COURT OF QUARTER SESSIONS
AND ANNA GEORGE, OF THE CITY OF : OF CAMBRIA COUNTY PENNSYLVANIA
JOHNSTOWN, CAMBRIA COUNTY PENN- :
SYLVANIA, FOR THE APPOINTMENT OF : NO. 3 R. D. SEPTEMBER TERM, 1963
VIEWERS TO DETERMINE THE AMOUNT OF :
DAMAGES SUSTAINED BY THEM AS A RE- :
SULT OF ENTRY AND EXCAVATION BY :
THE DEPARTMENT OF HIGHWAYS, COMM- :
ONWEALTH OF PENNSYLVANIA, AND TO :
AWARD COMPENSATION TO THEM. 0

NOTICE OF HEARING

TO: CHARLES AND ANNA GEORGE, JOHNSTOWN, PENNSYLVANIA, BY THEIR ATTORNEY,
ROBERT DAVIS GLEASON, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH
OF PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned Board of Viewers' hereby give notice that we have been appointed by the court as a Board of View in the above captioned matter, and that for the purpose of carrying out our duties, we will sit in hearing in the Judges's Chambers, Park Building, 423 Main Street, Johnstown, Pennsylvania, at 10:00 A. M. Eastern Standard Time, on Wednesday, February 26, 1964, at which time testimony will be taken and heard to determine and ascertain the damage sustained by the petitioners, Charles and Anna George, and to award just compensation for said damage, if any there be.

Robert E. Shahade

T. L. Locher

Robert Mayer

By: Robert E. Shahade
Chairman, Board of View

AND NOW, this 21st day of February, 1964, I hereby accept service of the above Notice of Hearing.

Robert Davis Gleason
Attorney for Plaintiffs

IN RE: PETITION OF CHARLES GEORGE | IN THE COURT OF QUARTER SESSIONS
AND ANNA GEORGE, OF THE CITY OF : OF CAMBRIA COUNTY PENNSYLVANIA.
JOHNSTOWN, CAMBRIA COUNTY PENN- :
SYLVANIA, FOR THE APPOINTMENT OF : NO. 3 R. D. SEPTEMBER TERM, 1963
VIEWERS TO DETERMINE THE AMOUNT OF :
DAMAGES SUSTAINED BY THEM AS A RE- :
SULT OF ENTRY AND EXCAVATION BY :
THE DEPARTMENT OF HIGHWAYS, COMM- :
ONWEALTH OF PENNSYLVANIA, AND TO :
AWARD COMPENSATION TO THEM. |

NOTICE OF HEARING

TO: CHARLES AND ANNA GEORGE, JOHNSTOWN, PENNSYLVANIA, BY THEIR ATTORNEY,
ROBERT DAVIS GLEASON, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH
OF PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned Board of Viewers' hereby give notice that we have been appointed by the court as a Board of View in the above captioned matter, and that for the purpose of carrying out our duties, we will sit in hearing in the Judge's Chambers, Park Building, 423 Main Street, Johnstown, Pennsylvania, at 10:00 A. M. Eastern Standard Time, on Wednesday, February 26, 1964, at which time testimony will be taken and heard to determine and ascertain the damage sustained by the petitioners, Charles and Anna George, and to award just compensation for said damage, if any there be.

Robert E. Shahade

T. L. Locher

Robert Mayer

By: Robert E. Shahade
Chairman, Board of View

AND NOW, this 21st day of February, 1964, I hereby accept service of the above Notice of Hearing.

Robert D. Gleason
Attorney for Defendant

IN RE: PETITION OF CHARLES GEORGE
AND ANNA GEORGE, OF THE CITY OF
JOHNSTOWN, CAMBRIA COUNTY PENN-
SYLVANIA, FOR THE APPOINTMENT OF
VIEWERS TO DETERMINE THE AMOUNT OF
DAMAGES SUSTAINED BY THEM AS A RE-
SULT OF ENTRY AND EXCAVATION BY THE
DEPARTMENT OF HIGHWAYS, COMMONWEALTH
OF PENNSYLVANIA, AND TO AWARD COM-
PENSATION TO THEM.

§ IN THE COURT OF QUARTER SESSIONS
: OF CAMBRIA COUNTY PENNSYLVANIA.
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: NO. 3 R. D. SEPTEMBER TERM, 1963
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NOTICE OF EXHIBIT

We, the undersigned hereby give notice that having been ap-
pointed by the Court as a Board of View in the above captioned matter,
we will hold a meeting on Monday, March 16, 1964, at 11:00 A. M., Eastern
Standard Time, in Court Room #4, Court House, Ebensburg, Pennsylvania
at which time we will exhibit the Schedule of Award resulting from the
Petition of Charles and Anna George, claiming damages from the Pennsyl-
vania Department of Highways for the unauthorized taking of petitioners'
land.

ROBERT E. SHAHADE

T. L. LOCHER

ROBERT MAYER

BY Robert E. Shaha
Chairman, Board of View

AND NOW, this 5th day of March, 1964, I hereby accept
service of the above Notice of Exhibit.

Robert H. Blough
Attorney for Defendant

March 4, 1964

IN RE: PETITION OF CHARLES GEORGE
AND ANNA GEORGE, OF THE CITY OF
JOHNSTOWN, CAMBRIA COUNTY PENN-
SYLVANIA, FOR THE APPOINTMENT OF
VIEWERS TO DETERMINE THE AMOUNT OF
DAMAGES SUSTAINED BY THEM AS A RE-
SULT OF ENTRY AND EXCAVATION BY THE
DEPARTMENT OF HIGHWAYS, COMMONWEALTH
OF PENNSYLVANIA, AND TO AWARD COM-
PENSATION TO THEM.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY PENNSYLVANIA.

NO. 3 R. D. SEPTEMBER TERM, 1963

NOTICE OF EXHIBIT

We, the undersigned hereby give notice that having been ap-
pointed by the Court as a Board of View in the above captioned matter,
we will hold a meeting on Monday, March 16, 1964, at 11:00 A.M., Eastern
Standard Time, in Court Room #4, Court House, Ebensburg, Pennsylvania
at which time we will exhibit the Schedule of Award resulting from the
Petition of Charles and Anna George, claiming damages from the Pennsyl-
vania Department of Highways for the unauthorized taking of petitioners'
land.

ROBERT E. SHAHADE

T. L. LOCHER

ROBERT MAYER

BY

Robert E. Shahade
Chairman, Board of View

AN NOW, this 5th day of March, 1964, I hereby accept
service of the above Notice of Exhibit.

Robert Davis Gleason
Attorney for Plaintiff

March 4, 1964

IN RE: PETITION OF CHARLES GEORGE 0 IN THE COURT OF QUARTER SESSIONS
AND ANNA GEORGE, OF THE CITY OF : OF CAMBRIA COUNTY PENNSYLVANIA.
JOHNSTOWN, CAMBRIA COUNTY, PENN- :
SYLVANIA, FOR THE APPOINTMENT OF : NO. 3 R. D. September Term, 1963
VIEWERS TO DETERMINE THE AMOUNT OF :
DAMAGES SUSTAINED BY THEM AS A RE- :
SULT OF ENTRY AND EXCAVATION BY THE :
DEPARTMENT OF HIGHWAYS, COMMONWEALTH :
OF PENNSYLVANIA, AND TO AWARD COM- :
PENSATION TO THEM. 0

SCHEDULE OF AWARD

From the evidence submitted and the view of the premises claimed to be affected, and a hearing of said Petition, at which all parties were represented, we, the Board of View find the damages sustained by the owners of said property in this proceeding as follows:

CHARLES GEORGE AND ANNA GEORGE.....\$1.00

The Board of View has taken into consideration any and all benefits accruing to the property affected, as well as the damages suffered thereby, and all proof submitted with regard to the circumstances of the alleged taking of property, and hereby assess the damages as above awarded against the Commonwealth of Pennsylvania, Department of Highways.

ROBERT E. SHAHADE

T. L. LOCHER

ROBERT MAYER

BY Robert E. Shalender
Chairman, Board of View

AND NOW, this 16th day of March, 1964, I hereby accept service of the above Schedule of Award.

Robert A. Blough
Attorney for Defendant

March 4, 1964

IN RE: PETITION OF CHARLES GEORGE, 0 IN THE COURT OF QUARTER SESSIONS
AND ANNA GEORGE, OF THE CITY OF : OF CAMBRIA COUNTY PENNSYLVANIA.
JOHNSTOWN, CAMBRIA COUNTY, PENN. :
SYLVANIA, FOR THE APPOINTMENT OF : NO. 3 R. D. SEPTEMBER TERM, 1963
VIEWERS TO DETERMINE THE AMOUNT OF :
DAMAGES SUSTAINED BY THEM AS A RE- :
SULT OF ENTRY AND EXCAVATION BY THE :
DEPARTMENT OF HIGHWAYS, COMMONWEALTH :
OF PENNSYLVANIA, AND TO AWARD COMA :
PENSATION TO THEM. 0

SCHEDULE OF AWARD

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CHARLES GEORGE AND ANNA GEORGE.....\$1.00

The Board of View has taken into consideration any and all benefits accruing to the property affected, as well as the damages suffered thereby, and all proof submitted with regard to the circumstances of the alleged taking of property, and hereby assess the damages as above awarded against the Commonwealth of Pennsylvania, Department of Highways.

ROBERT E. SHAHADE

T. L. LOCHER

ROBERT MAYER

BY Robert E. Shahrade
Chairman, Board of View

AND NOW, this 16th day of March, 1964, I hereby accept service of the above Schedule of Award.

Robert Davi Gleason
Attorney for Plaintiff

March 4, 1964