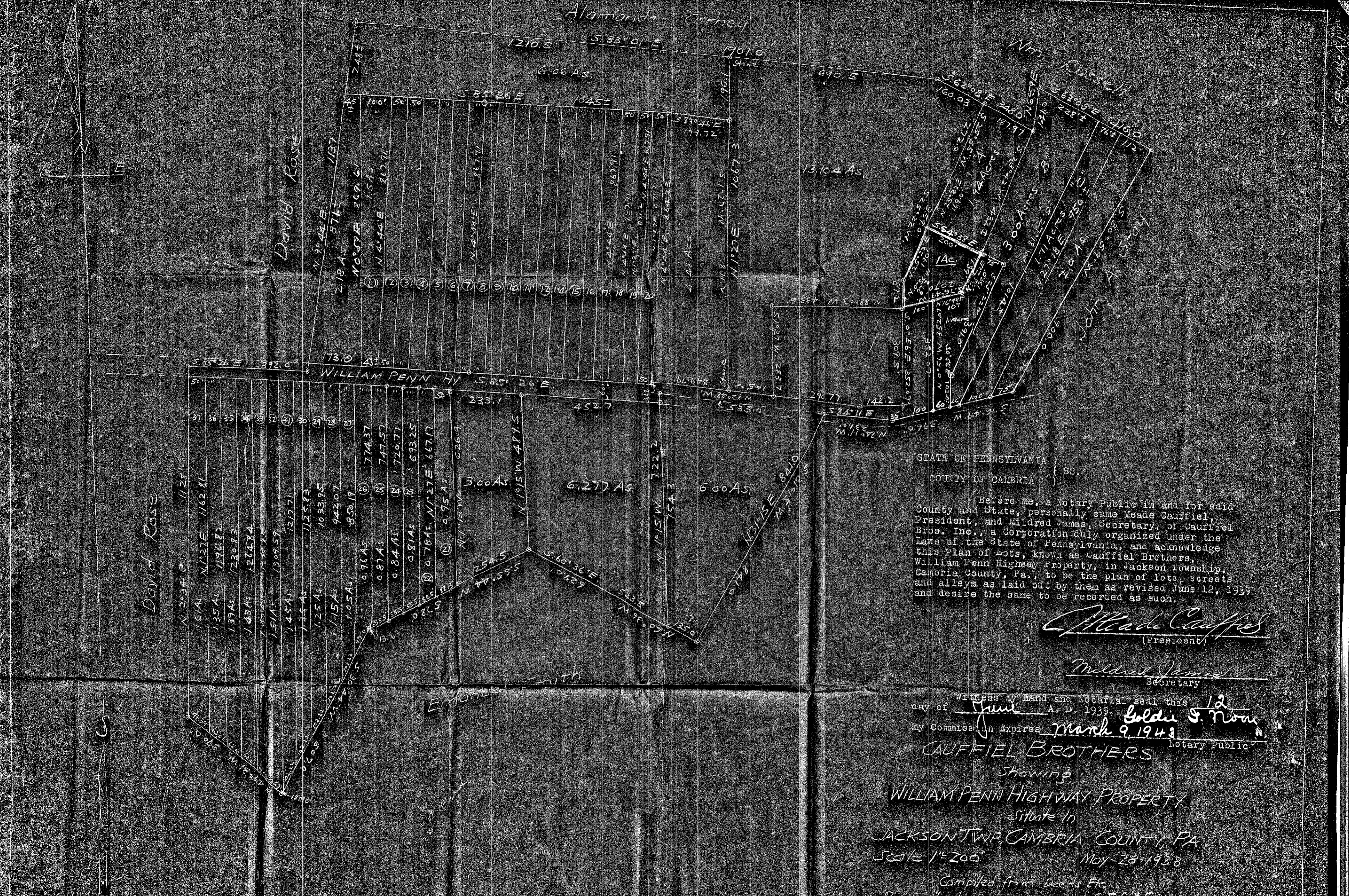


Roll # 3 June 1964

Rat Microfilmed

Exhibit No. 1



STATE OF PENNSYLVANIA)
 COUNTY OF CAMBRIA) SS.

Before me, a Notary Public in and for said County and State, personally came Meade Cauffiel, President, and Mildred James, Secretary, of Cauffiel Bros. Inc., a Corporation duly organized under the Laws of the State of Pennsylvania, and acknowledge this Plan of Lots, known as Cauffiel Brothers, William Penn Highway Property, in Jackson Township, Cambria County, Pa., to be the plan of lots, streets and alleys as laid out by them as revised June 12, 1939 and desire the same to be recorded as such.

Meade Cauffiel
 (President)

Mildred James
 Secretary

Witness my hand and Notarial seal this 12 day of June A. D. 1939, *Goldie S. Nixon*
 My Commission Expires March 9, 1943
 CAUFFIEL BROTHERS Notary Public

Showing
 WILLIAM PENN HIGHWAY PROPERTY
 Situate In
 JACKSON TWP, CAMBRIA COUNTY, PA
 Scale 1" = 200' May 28-1938

Compiled from Deeds Etc
 Revised June 12, 1939 S E D & Co

C-E-146-A1

COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

NO. RD-3 June Session, 1964

CAUFFIEL BROS. INC. a
Pennsylvania Corporation

VS

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Filed: July 14, 1964

VIEWS' REPORT

*Viewers Report
Confirmed, Disc.
July 14, 1964
D. L. Blackwood
Clerk of Courts*

*now August 14, 1964 the
within report confirmed absolutely
by the Court
Masthead, J.*

ROBERT E. SHAHADE
Attorney at Law
JOHNSTOWN, PA.

CAUFFIEL BROS. INC. a	:	COURT OF QUARTER SESSIONS OF
Pennsylvania Corporation	:	
	:	CAMBRIA COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	
vs	:	
	:	
COMMONWEALTH OF PENNSYLVANIA	:	NO. RD-3 June Session, 1964
DEPARTMENT OF HIGHWAYS,	:	
	:	
Defendant	:	

IN THE MATTER OF THE CONDEMNATION OF PETITIONER'S
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON,
CAMBRIA COUNTY, PENNSYLVANIA

VIEWSERS' REPORT

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

ROBERT E. SHAHADE, Esquire, ROBERT MAYER, and THEODORE HUNT,
three members of the permanent Board of Viewers of Cambria County,
Pennsylvania, appointed to view the premises of CAUFFIEL BROS., INC. A
PENNSYLVANIA CORPORATION, situate in Jackson Township, Cambria County
Pennsylvania, to assess damages arising from the taking of its property
by the Department of Highways, Commonwealth of Pennsylvania, and to
award compensation therefore, and return the proceedings according to
law, respectfully report:

Pursuant to their appointment on May 4, 1964, the Board of View
set Friday, May 29, 1964 at 3:00p.m. E. D. S. T. as the time to view and
inspect the premises owned by same Cauffiel Bros, Inc.. Due notice
therefore was given to Attorney Gilbert E. Caroff, Attorney for the Pet-
itioner, as shown by acceptance of service of Notice hereto attached and
made a part hereof. Notice was likewise given to the Department of
Highways, Commonwealth of Pennsylvania by mail to Attorney Robert L.
Blough, with acceptance of service of said Notice hereto attached and
made a part hereof. The Board of View thereafter met on the premises on
May 29, 1964 and viewed said premises in the company of Attorney Robert
L. Blough, representing the Department of Highways, Mr. William Huber,

Right of Way Agent for the Department of Highways, Mr. Paul Washington, Relat Estate Broker and Insurance Agent, serving as an appraiser for the Department of Highways, and Attorney Gilbert E. Caroff, representing the Petitioner herein.

Thereafter the Board of View set Tuesday, June 23, 1964 at 2:00 P.M. E. D. S. T. in the Judges' Chambers, Park Building 423 Main Street, Johnstown, Pennsylvania as the time and place for hearing. Due notice of this Hearing was given to Attorney Gilbert E. Caroff, representing the Petitioner, and to Attorney Robert L. Blough on behalf of the Defendant, as shown by acceptances of service of said notice hereto attached and made a part hereof. This Hearing was then continued to Thursday, June 25, 1964 at 2:00 P.M., E. D. S. T. , at the same location, at the request of both counsel. Notices of the continuance of said Hearing were duly forwarded to both counsel, who noted their acceptance of service of said notice and returned same to the Board for inclusion with this Report. Said Notices are hereto attached and made a part of this Report.

The Hearing was held at the time and place appointed, and was attended by Robert E. Blough, Esq. Attorney for the Defendant, William Huber, Right of Way Agent for District 9, Paul Washington, a Fee Appraiser for the Defendant, Meade Cauffiel, President of Defendant Corporation, and by Attorney Gilbert E. Caroff, Esq. representing the Petitioner, at which time Witnesses were duly sworn and testimony taken.

Due notice was given to Attorney Robert L. Blough and to Attorney Gilbert E. Caroff, representing the parties in this action of the Exhibiting of the Schedule of Award determined by the Board of View, with acceptance of service of said notice from both attorneys being attached and made a part hereof.

Likewise, due notice of the filing of this Report was given to the respective counsel for the parties in this action, as shown by acceptance of service of said notice, 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 Plaintiff filed a petition with the Court of Quarter Sessions of Cambria County, Pennsylvania on May 4, 1964 requesting that Viewers be appointed in the above captioned matter.

II. FINDINGS OF FACT

1. That Cauffiel Bros., Inc., a Pennsylvania Corporation, is the owner of the premises described as follows:

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

BEGINNING at a post corner of land of William Byers; thence by land of William Byers, North 84° east 62 perches to a post; thence by land of Emanuel Smith, north 22° east 80 perches to a post; thence by same south 68° east 58 perches to a post on line of land of John Gray, north 5° east 48 perches to a post; thence by same, north 80° 14 perches; thence by same north 68° east 24 perches; thence by same, north 22° east 53 perches to laurel on line of land of William Russell; thence by land of William Russell north 68° west 76 perches to a post, corner of land of Thomas Davis and Timothy R. Davis; thence by land of Thomas Davis and Timothy R. Davis, south 22° west 18 perches; thence by same south 86° west 120 perches to a stone pile on line of land of the heirs of E. A. Vickroy, deceased; thence by said land of William Byers and the place of beginning; containing 143 acres and 92 perches, more or less. The said J. A. Long by sundry deeds conveyed various tracts of land, parts of the original tract of 143 acres and 92 perches, and there remained unconveyed the 62 acres, more or less, as assessed.

Excepting and reserving, however, out of the above tract a piece of land heretofore conveyed by the Commissioners of Cambria County to Woodrow and Roy Burkhart, fronting 100 feet on the northerly side of State Highway Route No. 22 and extending back of that width on a course north 1° 16' east 352.70 feet.

2. Mr. Mead Cauffiel, President of the plaintiff corporation appeared and testified that their corporation acquired the above property on July 13, 1936, and that as a result of sales of portions of said property, said property comprised 4.9 acres immediately prior to the condemnation by the Defendant. A plan of lots marked as Petitioner's Exhibit #1 was introduced, showing that petitioner owned 4.9 acres after the taking by the Defendant. He testified further that the condemnation by the Department of Highways created a slope from the highway as constructed, to the petitioner's property, so that access to its

property was available only from one side; that the rear of the property was also affected in storms, that there was no longer any access to the roadway leading to the Bell Farm or the Carney Farm. In storms, according to Mr. Cauffiel the ground is now soft and mushy filled with sediment and that by the virtue of the cumulative effect of all of these factors, .3 acres was actually taken by the Defendant, and an additional 3/4 of an acre is unusable due to the detrimental wastes of the water forced to back up as a result of the high slope. He testified further that he has been in the Real Estate Business for 44 years, has bought and sold property in Jackson Township from this property tract and adjacent thereto, and that in his opinion the Fair Market Value of the Petitioner's property was \$600.00 per acre immediately before the taking, and that after the condemnation and construction of Route No. 22, said property was worth \$725.00 less than prior to said taking. On cross examination Mr. Cauffiel was confronted with a copy of a deed given by Cauffiel Bros. Inc., the Petitioner, to Regis George and wife, dated November 19, 1964 (long prior to condemnation) whereby the westerly portion of lot C and the southeasterly portion of lot B on the Cauffiel Bros. plan were conveyed. A photo copy of this deed was offered in evidence as a Commonwealth Exhibit #2 and is hereby attached and made a part of this report. On further cross examination Mr. Cauffiel admitted that the road leading to the Bell and Carney Farms did not lead to any other portion of the property, and that the Bell's and Carney's also had the right of way to use this road in order to cross the Cauffiel property. He admitted further that most of the drainage complained of is on the right side of the property on both sides of Russell Run, and that the bed of Russell Run is in the 3/4 acres allegedly "taken". It was also brought out that Mr. Cauffiel did not have Commonwealth Exhibit measured and computed by an engineer and said that according to his calculation there was more than .078 of an acre, actually .3 acres. As to the 3/4 of an acre now practically unusable, Mr. Cauffiel said he computed this by walking along

the borders of said unusable portion. He testified further, on cross examination that the best use of this property prior to the taking was for timber and for cottage and home sites but that Regis George, afore-said, bought his property for business reasons, which included some frontage on Route No. 22.

William Huber, Right of Way agent for District 9 of the Department of Highways testified that according to engineered computations by District 9 the land actually taken by condemnation amounted to .078 acres. Mr. Huber testified further that a culvert was built after a detailed study of the topography and water run-off which in this case indicates that a 48 inch pipe was ample. The .078 acres taken is marked in Yellow on Commonwealth Exhibit #1 hereto attached and made a part hereof.

On cross examination Mr. Huber admitted that his Department considered the contour and topography of petitioner's land, but not the sediment contained therein. He also said that even before the taking one could not see neighboring farms due to the heavily wooded condition of this land.

Paul Washington, Real Estate Broker, Insurance Agent, and in this instance employed as a Fee Appraiser for the Department of Highways, was qualified by admission of both counsel.

He testified that he appraised the petitioner's property, considering the location, topography, conditions, the fact that there were no buildings or utilities and no highway frontage. He stated that the topography and contour was hilly, sloping down to a valley from both sides, very rough and approximately 1,000 feet from the highway. The best use for this land was for the growth of timber, and he said that Russell Run goes down to a point before going to the highway, and that the bed is about 10 feet wide (not actually measured) with the only access to petitioner's property from the "old" Route No. 22. He felt that there were no special benefits to the property by virtue of the improvement and that the property prior to taking amounted to 4.4 acres and after the

taking amounted to 4.322 acres, resulting in a taking of .078. The Fair Market Value of the entire property before taking was in his opinion \$220.00, and the Fair Market Value immediately after the taking was \$172.00 resulting in a loss of \$48.00.

On cross examination Mr. Washington testified that he made his appraisal on May 22, 1964, and that he had not entered on the property prior to the taking by the Department. On further cross examination he testified that although he does consider comparable sales in taking his appraisal, he was not sure that there were any comparable sales in the vicinity of the petitioner's property. He did admit however that the taking by the Defendant did affect the whold property of the petitioner, and that there are utilities, but no sewage on old Route No. 22 adjacent to the petitioner's property but not an the property itself. He admitted also that he was unable to state whether you could look down, across petitioner's property, to the neighbor's property, but he did state that you cannot do so now because of the built up highway, aforesaid.

3. The Department of Highways, Defendant herein, pursuant to the Power granted to it by law, and as authorized, did on May 5, 1958 adopt a resolution and file plans condemning .078 acres of the Petitioner's property for the purpose of constructing the limited access highway now known as Route No. 22, as is shown on Commonwealth Exhibit , hereto attached and made a part hereof.

III. OPINION

The Board of View has carefully examined the evidence submitted by both parties in this case, has deducted therefrom certain facts, has carefully examined the law applicable, and is of the opinion that the Petitioner has proven a "taking" of a portion of its property, for which the parties have been unable to fix appropriate compensation therefor.

We believe that the P_ettitioner has sustained loss and damage, as a result of the proper exercise of the Power of eminent domain by the

Defendant. See Briegel vs Briegel 216 Atlantic 581, 307 Pa. 93 (1932) Eminent Domain is an inherited attribute of sovereignty, as set forth in P.S. Constitution, Article I Section 10, which limits this Power by providing for the payment of appropriate compensation. Inasmuch as in this case, the power of condemnation was exercised under due authority of law, in order to subject same to public use, for the general well-being of the state, we find that Eminent Domain was properly asserted in this case, and that therefore the only issue confronting us is the assessment of a fair and adequate payment for the loss and damage suffered by the Petitioner.

In this case, we believe that the consideration of the market value of the Petitioner's property as applied to the loss suffered by the Petitioner, compels us to award payment to the Petitioner by the Defendant as follows:

CONCLUSION

We, the Board of View constituted to hear and adjudge this case, find that after a full and impartial consideration of the testimony and evidence submitted to us, and acting according to our best judgement, have estimated and determined the damages sustained by the owner and occupant of the said property by reason of condemning of said property by the Department of Highways, Commonwealth of Pennsylvania, as follows:

CAUFFIEL BROS. INC.\$350.00

In fixing the above award we have taken into consideration any benefits accruing to the premises, as well as loss and damage suffered thereto, and hereby assess said damages against the Commonwealth of Pennsylvania.

Respectfully submitted,

ROBERT E. SHAHADE

ROBERT MAYER

THEODORE HUNT

BY


Chairman, Board of View

CAUFFIEL BROS. INC. a
Pennsylvania Corporation

Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Defendent

: IN THE COURT OF QUARTER SESSIONS OF
:
: CAMBRIA COUNTY, PENNSYLVANIA
:
:
:
: NO. RD-3 June Session, 1964
:
:
:

IN THE MATTER OF THE CONDEMNATION OF PETITIONER'S
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON,
CAMBRIA COUNTY, PENNSYLVANIA

SCHEDULE OF AWARD

From the evidence submitted, and from the view of the premises
affected by the condemnation of the said property of the petitioner
by the Department of Highways of the Commonwealth of Pennsylvania, we,
the Board of View find the damages sustained by the owner of said prop-
erty in this proceeding as follows:

CAUFFIEL BROS. INC. *****\$350.00

The Board of View has taken into consideration any and all
benefits accruing to the property affected as well as the damages suffer-
ed thereby and hereby assess the damages as above awarded against the
Commonwealth of Pennsylvania, Department of Highways.

ROBERT E. SHAHADE

ROBERT MAYER

THEODORE HUNT

BY Robert E. Shaha
Chairman, Board of View

AND NOW, this 13 day of July, 1964, I hereby accept service
of the above schedule of Award.

Thomas Strayer
Attorney for Petitioner
For Gilbert Cauffiel

CAUFFIEL BROS. INC. a	:	IN THE COURT OF QUARTER SESSIONS
Pennsylvania Corporation,	:	OF
	:	CAMBRIA COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	
vs.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA	:	NO. RD-3 June Session, 1964
DEPARTMENT OF HIGHWAYS,	:	
	:	
Defendent	:	

IN THE MATTER OF THE COMDEMNATION OF PETITIONER'S
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON,
CAMBRIA COUNTY, PENNSYLVANIA

VIEWERS' NOTICE

TO: CAUFFIEL BROS. A PENNSYLVANIA CORPORATION, BY THEIR ATTORNEY,
GILBERT E. CAROFF, 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 Cauffiel Bros. Inc. a Pennsylvania
Corporation, to ascertain and award just compensation for the damage sus-
tained by them through the taking of the property of the petitioner, do
hereby give notice that they will meet on the premises on Friday
May 29, 1964, at 3:30 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 tract, piece or par-
cel of land istuate in Jackson Township, Cambria County, Pennsylvania,
bounded and described as follows, to wit:

BEGINNING at a post corner of land of William Byers; thence by
land of William Byers, north 84° east 62 perches to a post; thence
by land of Emanuel Smith, north 22° east 80 perches to a post; thence
by same south 68° east 58 perches to a post on line of land of John
Gray, north 5° east 48 perches to a post; thence by same north 80°
east 14 perches; thence by same north 68° east 24 perches; thence by
same, north 22° east 53 perches to laurel on line of land of William
Russel; thence by land of William Russel north 68° west 76 perches
to a post, corner of land of Thomas Davis and Timothy R. Davis;
thence by land of Thomas Davis and Timothy R. Davis, south 22° west
18 perches; thence by same south 86° west 120 perches to a stone pile
on line of land of the heirs of E. A. Vickroy, deceased; thence by
said land of William Byers and the place of beginning; containing 143
acres and 92 perches, more or less. The said J. A. Long by sundry
deeds conveyed various tracts of land, parts of the original tract
of 143 acres and 92 perches, and there remained unconveyed the 62
acres, more or less, as assessed.

Excepting and reserving, however, out of the above tract a
piece of land heretofore conveyed by the Commissioners of Cambria
County to Woodrow and Roy Burkhart, fronting 100 feet on the north-
erly side of State Highway Route No. 22 and extending back of that
width on a course North 1° 16' east 352.70 feet.

Petitioner acquired title to said property on May 5, 1938 by Deed of Clara A. Long, and by Deed of the County of Cambria on July 13, 1936, said Deeds being recorded in the office of the Recorder of Deeds of Cambria County Pennsylvania in DB Vol. 479 at page 70 and in DB Vol. 469 at page 168.

BOARD OF VIEW

ROBERT E. SHAHADE

THEODORE HUNT

ROBERT S. MAYER

BY Robert E. Shalade
Chairman, Board of View

AND NOW, This ^{14th} day of May, 1964, I hereby accept service of the above notice.

Robert L. Plough
Attorney for Defendent

CAUFFIEL BROS. INC. a	:	IN THE COURT OF QUARTER SESSIONS
Pennsylvania Corporation,	:	OF
	:	CAMBRIA COUNTY, PENNSYLVANIA.
Plaintiff	:	
	:	
vs.	:	
	:	
COMMONWEALTH OF PENNSYLVANIA,	:	NO. RD-3 June Session, 1964
DEPARTMENT OF HIGHWAYS,	:	
D	:	
Defendent	:	

IN THE MATTER OF THE CONDEMNATION OF PETITIONER'S
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON,
CAMBRIA COUNTY, PENNSYLVANIA

VIEWERS' NOTICE

TO: CAUFFIEL BROS. INC. A PENNSYLVANIA CORPORATION, BY THEIR ATTORNEY,
GILBERT E. CAROFF, 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 Cauffiel Bros. inc. a Pennsylvania
Corporation, to ascertain and award just compensation for the damage sus-
tained by them through the taking of the property of the petitioner, do
hereby give notice that they will meet on the premises on Friday ,
May 29 , 1964, at 3:30 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 tract, piece or par-
cel of land situate in Jackson Township, Cambria County, Pennsylvania,
bounded and described as follows, to wit:

BEGINNING at a post corner of land of William Byers; thence by
land of William Beyers, North 84° East 62 perches to a post; thence
by land of Emanuel Smith, north 22° East 80 perches to a post; thence
by same south 68° East 58 perches to a post on line of land of John
Gray, north 5° East 48 perches to a post; thence by same north 80°
east 14 perches ; thence by same north 68° east 24 perches; thence by
same, north 22° east 53 perches to laurel on line of land of William
Russel; thence by land of William Russel north 68° west 76 perches
to a post, corner of land of Thomas Davis and Timothy R. Davis;
thence by land of Thomas Davis and Timothy R. Davis, south 22° west
18 perches; thence by same south 86° west 120 perches to a stone pile
on line of land of the heirs of E. S. Vickroy, deceased; thence by
said land of William Byers and the place of beginning; containing 143
acres and 92 perches, more or less. The said J. A. Long by sundry
deeds conveyed various tracts of land, parts of the original tract
of 143 acres and 92 perches, and there remained unconveyed the 62
acres, more or less, as assessed.

Excepting and reserving, however, out of the above tract a
piece of land heretofore conveyed by the Commissioners of Cambria
County to Woodrow and Roy Burkhart, fronting 100 feet on the north-
erly side of State Highway Route No. 22 and extending back of that
width on a course North 1° 16' east 352.70 feet.

Petitioner acquired title to said property on May 5, 1938 by Deed of Clara A. Long, and by Deed of the County of Cambria on July 13, 1936, said Deeds being recorded in the office of the Recorder of Deeds of Cambria County Pennsylvania in DB Vol. 479 at page 70 and in DB Vol. 469 at page 168.

BOARD OF VIEW

ROBERT E. SHAHADE

THEODORE HUNT

ROBERT S. MAYER

BY



Chairman, Board of View

AND NOW, this *14th* day of May, 1964, I hereby accept service of the above notice.



Attorney for Plaintiff

CAUFFIEL BROS. INC. a
Pennsylvania Corporation,

Plaintiff

vs

COMMONWEALTH OF PENNSYLVANIA:
DEPARTMENT OF HIGHWAYS

Defendent

: IN THE COURT OF QUARTER SESSIONS
: OF
: CAMBRIA COUNTY PENNSYLVANIA

: NO. RD-3 June Session, 1964

:
: IN THE MATTER OF THE CONDEMNATION OF PETITIONER'S
: PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
: ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA,
: DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON,
: CAMBRIA COUNTY, PENNSYLVANIA

TO: CAUFFIEL BROS. INC., A PENNSYLVANIA CORPORATION, BY THEIR ATTORNEY,
GILBERT E. CAROFF, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF
PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned Board of View 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 2:00 P.M. , E. D. S. T., on Tuesday, June
23, 1964, at which time testimony will be taken and heard to determine and
ascertain the damage sustained by the petitioner, Cauffiel Bros. Inc.
and to award just compensation for said damage, if any there be.

Robert E. Shahade

Robert S. Mayer

Theodore Hunt

BY:

Robert E. Shahade (JR)
Chairman, Board of View

AND NOW, this 4th day of June, 1964, I hereby accept service
of the above Notice of Hearing.

Robert L. Blough
Attorney for Defendent

CAUFFIEL BROS. INC. a
Pennsylvania Corporation,

Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS,

Defendent

: IN THE COURT OF QUARTER SESSIONS
: OF
: CAMBRIA COUNTY PENNSYLVANIA
:
:
:
:
: NO. RD-3 June Session, 1964
:
:
:

IN THE MATTER OF THE CONDEMNATION OF PETITIONER'S
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON,
CAMBRIA COUNTY, PENNSYLVANIA

TO: CAUFFIEL BROS. INC. A PENNSYLVANIA CORPORATION, BY THEIR ATTORNEY,
GILBERT E. CAROFF, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF
PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned Board of View 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 2:00 P. M., E. D. S. T., on Tuesday, June 23
1964, at which time testimony will be taken and heard to determine and
ascertain the damage sustained by the petitioner, Cauffiel Bros. Inc.
and to award just compensation for said damage, if any there be.

Robert E. Shahade

Robert S. Mayer

Theodore Hunt

By: Robert E. Shahade (SE)
Chairman, Board of View

AND NOW, this 7th day of June, 1964, I hereby accept service
of the above Notice of Hearing.

Gilbert E. Caroff
Attorney for Petitioner

CAUFFIEL BROS. INC. a
Pennsylvania Corporation

Plaintiff

vs

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Defendent

IN THE COURT OF QUARTER SESSIONS
OF
CAMBRIA COUNTY, PENNSYLVANIA

NO. RD-3 June Session, 1964

IN THE MATTER OF THE CONDEMNATION OF PETITIONER'S
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON,
CAMBRIA COUNTY, PENNSYLVANIA

NOTICE OF CONTINUED HEARING

TO: CAUFFIEL BROS. INC., A PENNSYLVANIA CORPORATION, BY THEIR ATTORNEY,
GILBERT E. CAROFF; AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF
PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned Board of View hereby give notice that the
hearing scheduled for Tuesday, June 23, 1964 at the Judges' Chambers,
Park Building, 423 Main Street, Johnstown, Pennsylvania, at 2:00 P. M. ,
E. D. S. T. , has been continued to Thursday, June 25, 1964, at the Law
Library, Park Building, 423 Main Street, Johnstown, Pennsylvania to be-
gin promptly at 2:00 P.M., E. D. S. T.

Robert E. Shahade

Robert Mayer

Theodore Hunt

BY:

Robert E. Shahade
Chairman, Board of View

AND NOW, this 11th day of June, 1964, I hereby accept service
of the above written Notice of Continued Hearing.

Robert J. Blough
Attorney for Defendent

CAUFFIEL BROS. INC. a
Pennsylvania Corporation

Plaintiff

vs

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Defendent

IN THE COURT OF QUARTER SESSIONS
OF
CAMBRIA COUNTY, PENNSYLVANIA

NO. RD-3 June Session, 1964

IN THE MATTER OF THE CONDEMNATION OF PETITIONERS'
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON,
CAMBRIA COUNTY, PENNSYLVANIA

NOTICE OF CONTINUED HEARING

TO: CAUFFIEL BROS. INC., A PENNSYLVANIA CORPORATION, BY THEIR ATTORNEY,
GILBERT E. CAROFF, AND TO THE DEPARTMENT OF HIGHWAYS, COMMONWEALTH OF
PENNSYLVANIA, HARRISBURG, PENNSYLVANIA.

We, the undersigned Board of View hereby give notice that the
hearing scheduled for Tuesday, June 23, 1964 at the Judges' Chambers,
Park Building, 423 Main Street, Johnstown, Pennsylvania, at 2:00 P. M.,
E. D. S. T., has been continued to Thursday, June 25, 1964, at the Law
Library, Park Building, 423 Main Street, Johnstown, Pennsylvania to be-
gin promptly at 2:00 P.M., E. D. S. T.

Robert E. Shahade

Robert Mayer

Theodore Hunt

BY: Robert E. Shahade
Chairman, Board of View

AND NOW, this 12th day of June, 1964, I hereby accept service
of the above written Notice of Continued Hearing.

Gilbert E. Caroff
Attorney for Petitioner

CAUFFIEL BROS. INC. a
Pennsylvania Corporation

Plaintiff

vs

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Defendent

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

: NO. RD-3 June Session, 1964
:
:
:
:
:
:

IN THE MATTER OF THE CONDEMNATION OF PETITIONER'S
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON
CAMBRIA COUNTY, PENNSYLVANIA

NOTICE OF EXHIBIT

We, the undersigned hereby give notice that having been appointed by the Court as a Board of View in the above captioned matter, we will hold a meeting on Monday, July 13, 1964 at 11:00 a.m., E. D. S. T. in the Court House, Court Room No. 4, Ebensburg, Pennsylvania at which time we will Exhibit the Schedule of Award resulting from our viewing of the Petitioner's premises and the hearing on the above captioned matter.

ROBERT E. SHSHADE

ROBERT MAYER

THEODORE HUNT

BY Robert E. Shshade
Chairman, Board of View

AND NOW, this 3rd day of July, 1964, I hereby accept service of the above Notice of Exhibit.

Robert J. Blough
Attorney for Defendent

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 4th day of May A. D. 1964, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Jackson, in the said County, setting forth that they labor under inconvenience for want of a Legislative Route No. 22 road or highway, to lead from

See attached copy.

1379784

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint

Robert E. Shahade, Theodore Hunt, and ~~xxxxxxx~~ Robert S. Mayer

viewers, to 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, 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 desires 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 a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

Stephen D. Oblachovich, Clerk

NO. RD 3 June SESSIONS, 19 64

Order to view IN THE MATTER OF

THE CONDEMNATION OF PETITIONERS'

PROPERTY FOR THE CONSTRUCTION

OF LEGISLATIVE ROUTE NO. 22

by the COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF HIGHWAYS IN THE

TOWNSHIP OF JACKSON, CAMBRIA

COUNTY, PENNSYLVANIA

ROBERT E. SHAHADE

THEODORE HUNT

ROBERT S. MAYER

Viewers

Clerk

S. A. Oberkovich
Clerk of Court

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."

ALL that certain tract, piece or parcel of land situate in Jackson Township, Cambria County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post corner of land of William Byers; thence by land of William Byers, North 84° East 62 perches to a post; thence by land of Emanuel Smith, North 22° East 80 perches to a post; thence by same South 68° East 58 perches to a post on line of land of John Gray, North 5° East 48 perches to a post; thence of same, North 80° East 14 perches; thence by same North 68° East 24 perches; thence by same, North 22° East 53 perches to laurel on line of land of William Russel; thence by land of William Russel North 68° West 76 perches to a post, corner of land of Thomas Davis and Timothy R. Davis; thence by land of Thomas Davis and Timothy R. Davis, South 22° West 18 perches; thence by same South 86° West 120 perches to a stone pile on line of land of the heirs of E. A. Vickroy, deceased; thence by said land of William Byers and the place of beginning; containing 143 acres and 92 perches, more or less. The said J. A. Long by sundry deeds conveyed various tracts of land, parts of the original tract of 143 acres and 92 perches, and there remained unconveyed the 62 acres, more or less, as assessed.

Excepting and reserving, however, out of the above tract a piece of land heretofore conveyed by the Commissioners of Cambria County to Woodrow and Roy Burkhart, fronting 100 feet on the northerly side of State Highway Route No. 22 and extending back of that width on a course North $1^{\circ} 16'$ East 352.70 feet.

CAUFFIEL BROS. INC. a Pennsylvania corporation,	:	IN THE COURT OF QUARTER SESSIONS
	:	OF
Plaintiff	:	CAMBRIA COUNTY, PENNSYLVANIA
	:	
vs.	:	
	:	No. <i>RD-3</i> June Sessions, 1964
COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF HIGHWAYS,	:	
	:	
Defendant	:	

IN THE MATTER OF THE CONDEMNATION OF PETITIONER'S
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON,
CAMBRIA COUNTY, PENNSYLVANIA

PETITION FOR APPOINTMENT OF BOARD OF VIEW

TO THE HONORABLE JUDGE OF THE ABOVE NAMED COURT:

The petition of Cauffiel Bros. Inc., a Pennsylvania corporation, respectfully represents:

1. Your petitioner, Cauffiel Bros. Inc., is a Pennsylvania corporation having its principal office at 145 Franklin Street, Johnstown, Cambria County, Pennsylvania. Your petitioner is the owner of certain property in the Township of Jackson, Cambria County, Pennsylvania, bondded and described as follows:

ALL that certain tract, piece or parcel of land situate in Jackson Township, Cambria County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post corner of land of William Byers; thence by land of William Byers, North 84° East 62 perches to a post; thence by land of Emanuel Smith, North 22° East 80 perches to a post; thence by same South 68° East 58 perches to a post on line of land of John Gray, North 5° East 48 perches to a post; thence by same, North 80° East 14 perches; thence by same North 68° East 24 perches; thence by same, North 22° East 53 perches to laurel on line of land of William Russel; thence by land of William Russel North 68° West 76 perches to a post, corner of land of Thomas Davis and Timothy R. Davis; thence by land of Thomas Davis and Timothy R. Davis, South 22° West 18 perches; thence by same South 86° West 120 perches to a stone pile on line of land of the heirs of E. A. Vickroy, deceased; thence by said land of William Byers and the place of beginning; containing

143 acres and 92 perches, more or less. The said J. A. Long by sundry deeds conveyed various tracts of land, parts of the original tract of 143 acres and 92 perches, and there remained unconveyed the 62 acres, more or less, as assessed.

Excepting and reserving, however, out of the above tract a piece of land heretofore conveyed by the Commissioners of Cambria County to Woodrow and Roy Burkhardt, fronting 100 feet on the northerly side of State Highway Route No. 22 and extending back of that width on a course North 1° 16' East 352.70 feet.

2. Your petitioner acquired title to said property on May 5, 1938 by deed from Clara A. Long and by deed of the County of Cambria on July 13, 1936, said deeds being recorded in the Office of the Recorder of Deeds in and for Cambria County in Deed Book Vol. 479, page 70 and Deed Book Vol. 469, page 168, respectively.
3. The defendant is a body corporate and politic created under the provisions of the Constitution and the Statutes of Pennsylvania and by virtue of said law, defendant is vested with the power to acquire by eminent domain any real property, including improvements and fixtures for the purpose of maintaining, repairing and building roads in and about the Commonwealth.
4. Pursuant to the power conferred upon it, by law, and as authorized, the defendant has built a limited access highway called Route No. 22, in Jackson Township, as shown in State Highway Right of Way Book Vol. 3, page 10, in the Office of the Recorder of Deeds in and for Cambria County.
5. That defendant, on May 5, 1958, adopted a resolution and filed plans condemning the said property for purposes of using it as part of the road and right of way of the Legislative Route No. 22.

6. There are no liens of record on the property.

7. That your petitioners and the Commonwealth of Pennsylvania, Department of Highways, have been unable to agree upon the compensation to be made for the property condemned and appropriated by the Commonwealth of Pennsylvania, Department of Highways.

WHEREFORE, your petitioners therefore pray your Honorable Court to appoint three viewers in the manner prescribed by law, to ascertain a more just compensation to your petitioners for their property and their business establishment, so condemned in accordance with the Act of Assembly in such case made and provided for and it will ever pray.

(s) Gilbert E. Caro PP
Attorney for Petitioner

COUNTY OF CAMBRIA :
: SS.
STATE OF PENNSYLVANIA :

Before me a Notary Public in and for the above County and State, personally appeared Meade Cauffiel, who being duly sworn according to law, deposes and says that he is the President of Cauffiel Bros. Inc., plaintiff in the foregoing Petition, and that as such President, is authorized to make this affidavit in its behalf. He further deposes and says that the matters, facts and statements contained in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

(s) Meade Cauffiel, Pres

Sworn to and subscribed before me this 1st day of
May A. D., 1964.

(s) Eileen Cantas
(seal)

CAUFFIEL BROS. INC. a
Pennsylvania corporation,
Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,
Defendant

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

: Q

: No. *RD-3* ^{June} Sessions, 1964

: :

: :

: :

: :

ORDER

AND NOW, to wit, this *4th* day of *May* 1964, on
the motion of Gilbert E. Caroff, Attorney for Petitioner, the
Court appoints *Robert S. Scharde*, *Theodore Klunk*
and *Robert S. Meyer* as a Board of Viewers upon
the foregoing 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.

BY THE COURT:

(s) M^e Donald
_____ J.

CERTIFIED *on this,*

the 8th day of May

A.D., 1964

Stephen D. Oblakowski

Clerk of Courts

P.O.T.

This print is made from sheet No. *20*, of Right-of-way
 plan for Route No. *52* Section No. *19* *Carroll*
 County, approved by the Governor on *May 5*, 19 *58* REV. AUG. 1st 1958
 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)

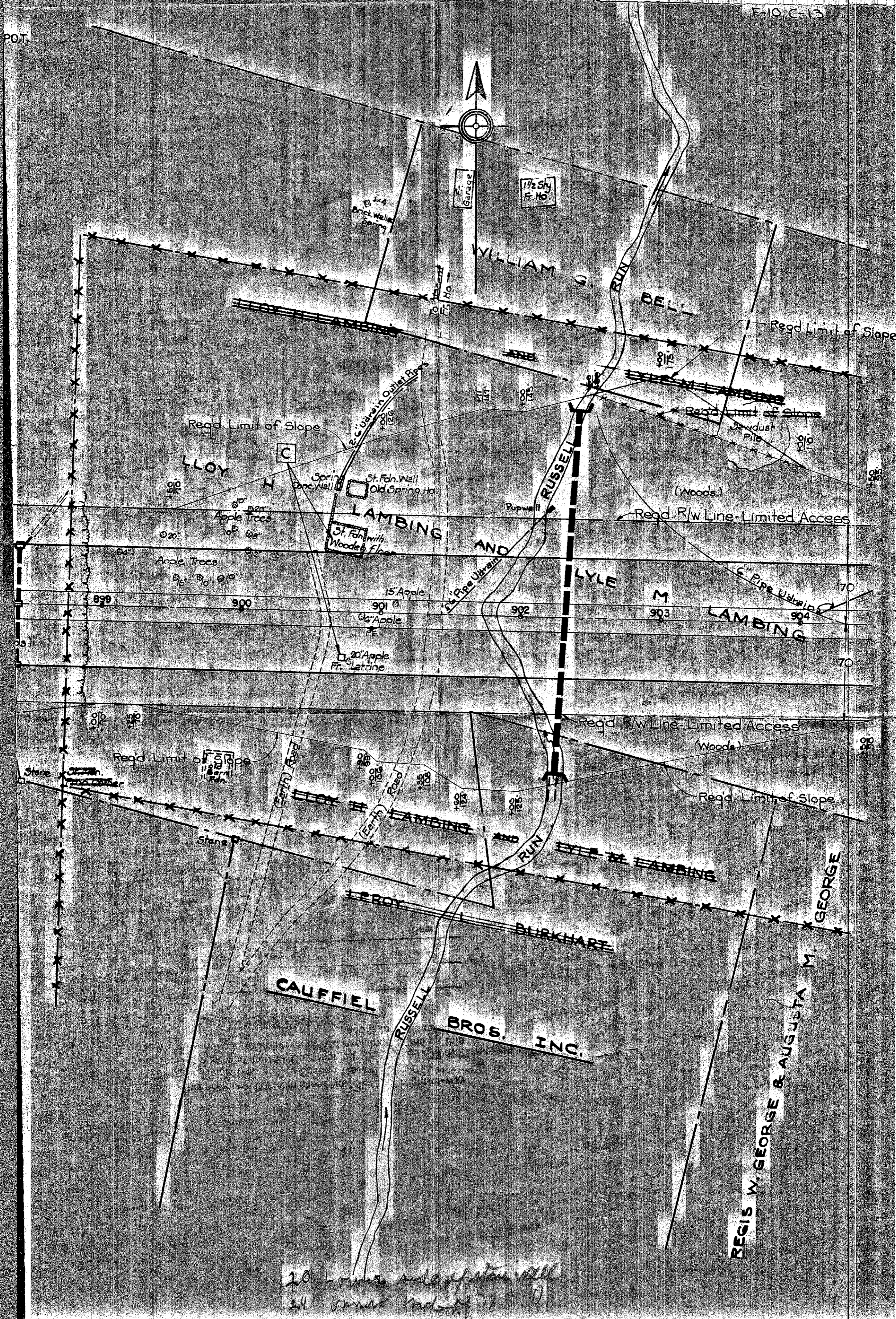
Comm. Exp. No. 1.

Elev. 1920
1919

Final B.M. R.R. Spike in side of 8" W. Cherry
122' Rt. of Sta. 899 +43
Elev +920.86 45
1919.03

F-10, C-13

P.O.T.



20' across side of stone wall
24' across end of it

Comm. Exhibit No 2.

CAUFFIEL BROS., INC. to REGIS W. & AUGUSTA M. GEORGE-RECORDED 11/19/54 CONSIDERATION \$600.00

known as the William Penn Highway, said point of beginning being South 76° 49' West, 125 feet distant from the line of land indicated on the hereinafter mentioned plan as belonging to John A. Gray and being also the southwesterly corner of the easterly half of Lot "C" on a revision of said plan (the easterly half of Lot "C" now belonging to Regis W. George and Augusta M. George); thence along the line of said land of Regis W. George and Augusta M. George, and being the center line of said Lot "C", North 26° 36' 10" East, a distance of 983.03 feet, more or less to the line of land, now or formerly of Wm. Russell; thence along the line of said last mentioned land, North 62° 08' West a distance of 26 feet more or less, to the line of land marked as Lot "B" containing 3.00 acres, now of Cauffiel Bros., Inc.; thence along the line of said Lot "B" South 27° 18' West a distance of 689 feet, more or less to a point; thence through the southerly portion of Lot "B", North 65° 22' 20" West, a distance of 70 feet, more or less, to the line of land, now or formerly of James G. Hutchison; thence along the line of said last mentioned land, South 25° 22' West a distance of 252 feet more or less, to a point; thence still along the line of land of said James G. Hutchison, South 0° 56' East, a distance of 102.0 feet, more or less to a point at or near the center line of said State Highway Route No. 22; thence along the line at or near the center line of State Highway Route No. 22, North 76° 49' East, a distance of 76 feet, more or less, to the place of beginning. Being marked, known and numbered on the plan of lots of Jackson Township, laid out for Cauffiel Bros., Inc., by the S. E. Dickey Engineering Company, as revised as the westerly portion of Lot "C" and the southeasternmost portion of Lot "B".

Being a part of the same tract of ground title to which became vested in Cauffiel Bros. Inc. by the following deeds, to wit:

(1) Deed of the Commissioners of Cambria County, Pennsylvania, dated July 13, 1936, and recorded in Cambria County in Deed Book Vol. 469, at page 168. (2) Deed of Clara A. Long widow of J. Alvin Long, dated May 5, 1938, and recorded as aforesaid in Deed Book Vol. 479 at page 70 and (3) Quit-Claim Deed of Frances Miriam Long, otherwise Frances L. Lawson et vi, dated March 31, 1951 and recorded as aforesaid in Deed Book Vol. 620 at page 412.

Grantor and its assigns reserves a road or right of way thirty (30') feet wide through the above described land to its (Grantor's) land in the rear.

TOGETHER with all and singular ways, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, property, claim and demand whatsoever, of -- in law, equity or otherwise howsoever, of, in and to the same and every part thereof,

TO HAVE AND TO HOLD the said within described premises, the hereditaments and premises hereby granted or mentioned and intended so to be, with the appurtenances, unto the said Regis W. George and Augusta M. George, their heirs and assigns, to and for the only proper use and behoof of the said Regis W. George and Augusta M. George, their heirs and assigns forever.

And the said Cauffiel Bros., Inc., does by these presents covenant, grant and agree to and with the said Regis W. George and August M. George, their heirs and assigns, that it, the said Cauffiel Bros., Inc., all and singular the hereditaments and premises herein above described and granted or mentioned and intended so to be, with the appurtenances, unto the said Regis W. George and Augusta M. George, their heirs and assigns, against it the said Cauffiel Bros. Inc. and against all and every other person or persons whomsoever lawfully claiming or to claim the same or any part thereof, by, from or under it, shall and will warrant and forever defend.

IN WITNESS WHEREOF, the said Cauffiel Bros., Inc., has caused this Indenture to be signed in its corporate name by its President, and has caused to be affixed hereunto the common and corporate seal of the said corporation, attested by its Secretary, the day and year first above written.

ATTEST:	(CORP. SEAL)	(Cauffiel Bros., Inc.)
Mildred Eureka	(U.S.R. \$1.10)	By Meade Cauffiel,
Secretary	(STATE TAX \$6.00)	President

STATE OF PENNSYLVANIA |
COUNTY OF CAMBRIA | SS.

On this 18th day of November, 1954, before me, Geo. S. Dulansey the undersigned officer, personally appeared Meade Cauffiel, who acknowledged himself to be the president of Cauffiel Bros., Inc., a corporation and that he as such President, being authorized to do so, execute the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Geo. S. Dulansey
Notary Public (N.P. SEAL)
My commission expires February 28, 1955.

STATE OF PENNSYLVANIA |
COUNTY OF CAMBRIA | SS.

On this, the 16th day of November, 1954, before me, the undersigned officer, personally appeared Mildred Eureka who acknowledged herself to be the Secretary of Cauffiel Bros., Inc. a corporation and that she as such Secretary being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by herself as Secretary.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Goldie I. Noon (SEAL)
Notary Public (N.P. SEAL)
My commission expires March 9, 1955.

CERTIFICATE OF RESIDENCE

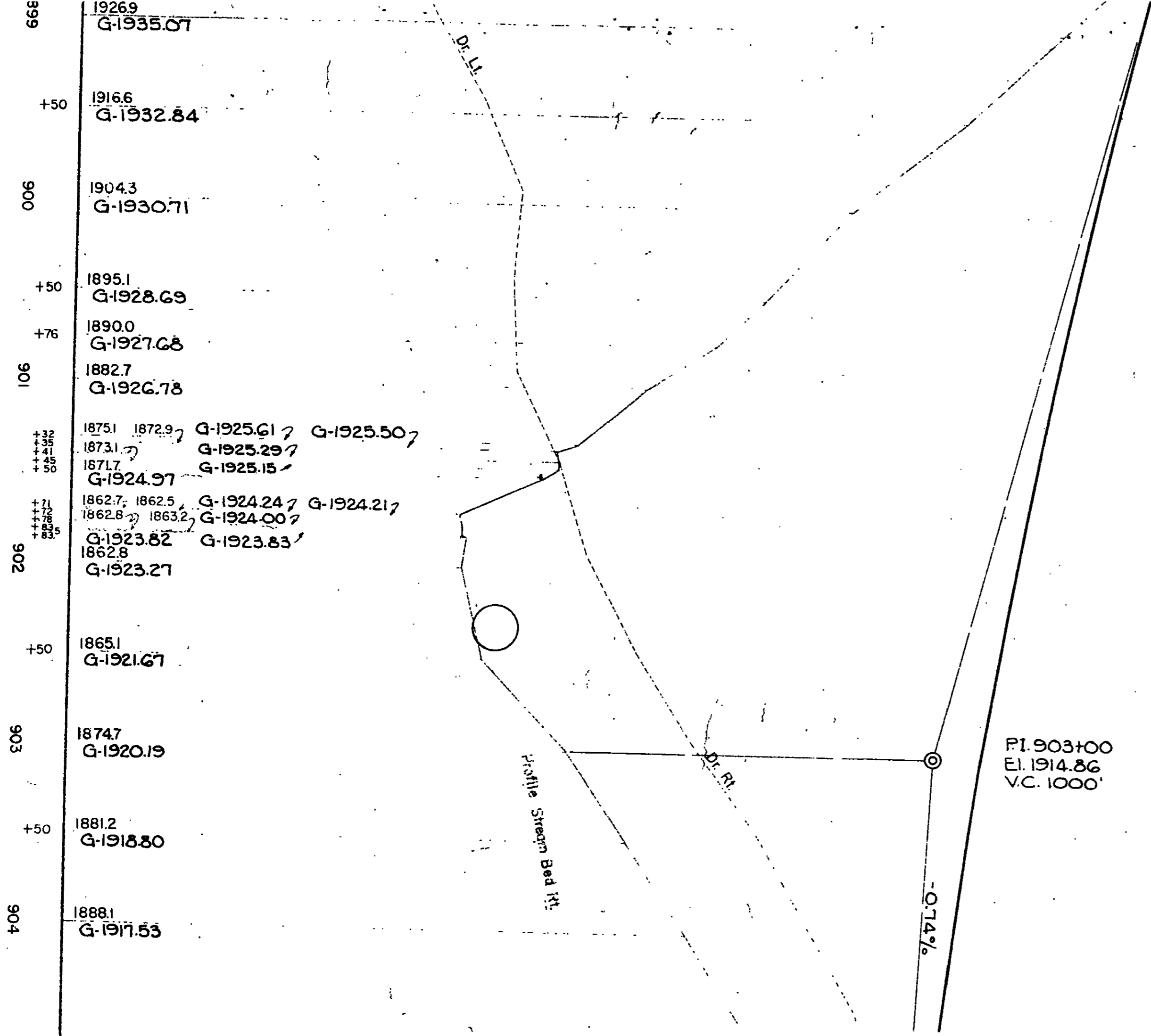
I do hereby certify that the precise residence of the within named grantees is Jackson Township, R. D. #1, Mineral Point, Pa.

This print is made from sheet No. 21, of Right-of-way
plan for Route No. 52 Section No. 19, CAMBRIDGE
County; approved by the Governor on May 5, 1958 REV. AUG. 10, 1958
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)



19269
G-1935.07

+50
1916.6
G-1932.84

900
1904.3
G-1930.71

+50
1895.1
G-1928.69

+76
1890.0
G-1927.68

901
1882.7
G-1926.78

+32
+35
+41
+45
+50
1875.1 1872.9 G-1925.61 G-1925.50
1873.1 G-1925.29
1871.7 G-1925.15
G-1924.97

+71
+76
+83.5
902
1862.7 1862.5 G-1924.24 G-1924.21
1862.8 1863.2 G-1924.00
G-1923.82 G-1923.83
1862.8
G-1923.27

+50
1865.1
G-1921.67

903
1874.7
G-1920.19

+50
1881.2
G-1918.80

904
1888.1
G-1917.53

D. L.

Profile Stream Bed Ht.

D. R.

PI 903+00
El. 1914.86
V.C. 1000'

-0.14%

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

IDENTIFICATION NO.

69—

INVOICE FOR
Acquisition of Right of Way
Direct and Indirect Costs

2—VENDOR

Date,

November 25, 1964

DATE OF VENDOR'S INVOICE

November 4, 1964

REFERENCE NUMBER

56- 071136

VENDORS NAME AND ADDRESS

Stephen D. Oblackovich Clerk of Courts, Dr. Ebensburg, Penna.

District No.— 9-0

PREPARE THIS INVOICE IN QUINTUPPLICATE

ARTICLES

AMOUNT

Claim No. 1199999

For Breakdown of Costs- R.D. No. 3, June 1964 &
Petition for the Appointment of Board of View in connec-
tion with the property of Cauffiel Bros., Inc. (Claim No.
1101937); on Route 52-19, in Cambria County.

\$40.00

I certify that the services were actually rendered and that the charges on this invoice are correct. Therefore, payment approved by or this payment agreed to.

Dist. Right of Way Engineer

I certify that the services were actually rendered and that the charges on this invoice are correct. Therefore, payment approved by or this payment agreed to.

District Engineer

I certify that the services were actually rendered and that the charges on this invoice are correct. Therefore, payment approved by or this payment agreed to.

Central Office Right of Way Engineer

C
O
P
Y

May 7, 1964

Commonwealth of Pennsylvania
Department of Highways
Harrisburgh Pennsylvania

Re: Cauffiel Bros., Inc.,
a Pennsylvania Corporation
vs.
Department of Highways

Gentlemen:

Enclosed please find a copy of the Petition for the Appointment of Board of View in the Above captioned proceeding filed to No. Road Docket 3 June Sessions, 1964.

The Petition was filed by Gilbert E. Caroff, Esq.,
Attorney for Cauffiel Bros.

Very truly yours,

Stephen D. Oblackovich
Clerk of Courts

SDO:evo

Enclosure

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 4th day of May A. D. 19 64, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of **Jackson**, in the said County, setting forth that they labor under inconvenience for want of a **Legislative Route No. 22** road or highway, to lead from

See attached copy.

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint

Robert E. Shahade, Theodore Hunt, and ~~xxxxxxx~~ Robert S. Mayer
surveyor, and

viewers, to 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, 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 desires 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 a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

..... Clerk

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. SESSIONS, 19.....

Order to view

Viewers

Clerk

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COURT OF QUARTER SESSIONS
OF
CAMBRIA COUNTY, PENNSYLVANIA

CAUFFIEL BROS. INC. a
Pennsylvania corporation,

Plaintiff

vs.

COMMONWEALTH OF PENNSYL-
VANIA, DEPARTMENT OF
HIGHWAYS,

Defendant

Filed - 5-4-64

PETITION FOR APPOINTMENT
OF BOARD OF VIEW

IN THE MATTER OF THE CONDEMNATION OF PETITIONER'S PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON, CAMBRIA COUNTY, PENNSYLVANIA

GILBERT E. CAROFF
ATTORNEY AT LAW
FISHER BUILDING
JOHNSTOWN, PA.

CAUFFIEL BROS. INC. a	:	IN THE COURT OF QUARTER SESSIONS
Pennsylvania corporation,	:	OF
	:	CAMBRIA COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	
vs.	:	No. Sessions, 1964
COMMONWEALTH OF PENNSYLVANIA,	:	
DEPARTMENT OF HIGHWAYS,	:	
	:	
Defendant	:	

IN THE MATTER OF THE CONDEMNATION OF PETITIONER'S
PROPERTY FOR THE CONSTRUCTION OF LEGISLATIVE
ROUTE NO. 22 BY THE COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS IN THE TOWNSHIP OF JACKSON,
CAMBRIA COUNTY, PENNSYLVANIA

PETITION FOR APPOINTMENT OF BOARD OF VIEW

TO THE HONORABLE JUDGE OF THE ABOVE NAMED COURT:

The petition of Cauffiel Bros. Inc., a Pennsylvania corporation, respectfully represents:

1. Your petitioner, Cauffiel Bros. Inc., is a Pennsylvania corporation having its principal office at 145 Franklin Street, Johnstown, Cambria County, Pennsylvania. Your petitioner is the owner of certain property in the Township of Jackson, Cambria County, Pennsylvania, bondded and described as follows:

ALL that certain tract, piece or parcel of land situate in Jackson Township, Cambria County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post corner of land of William Byers; thence by land of William Byers, North 84° East 62 perches to a post; thence by land of Emanuel Smith, North 22° East 80 perches to a post; thence by same South 68° East 58 perches to a post on line of land of John Gray, North 5° East 48 perches to a post; thence by same, North 80° East 14 perches; thence by same North 68° East 24 perches; thence by same, North 22° East 53 perches to laurel on line of land of William Russel; thence by land of William Russel North 68° West 76 perches to a post, corner of land of Thomas Davis and Timothy R. Davis; thence by land of Thomas Davis and Timothy R. Davis, South 22° West 18 perches; thence by same South 86° West 120 perches to a stone pile on line of land of the heirs of E. A. Vickroy, deceased; thence by said land of William Byers and the place of beginning; containing

143 acres and 92 perches, more or less. The said J. A. Long by sundry deeds conveyed various tracts of land, parts of the original tract of 143 acres and 92 perches, and there remained unconveyed the 62 acres, more or less, as assessed.

Excepting and reserving, however, out of the above tract a piece of land heretofore conveyed by the Commissioners of Cambria County to Woodrow and Roy Burkhart, fronting 100 feet on the northerly side of State Highway Route No. 22 and extending back of that width on a course North 1° 16' East 352.70 feet.

2. Your petitioner acquired title to said property on May 5, 1938 by deed from Clara A. Long and by deed of the County of Cambria on July 13, 1936, said deeds being recorded in the Office of the Recorder of Deeds in and for Cambria County in Deed Book Vol. 479, page 70 and Deed Book Vol. 469, page 168, respectively.

3. The defendant is a body corporate and politic created under the provisions of the Constitution and the Statutes of Pennsylvania and by virtue of said law, defendant is vested with the power to acquire by eminent domain any real property, including improvements and fixtures for the purpose of maintaining, repairing and building roads in and about the Commonwealth.

4. Pursuant to the power conferred upon it, by law, and as authorized, the defendant has built a limited access highway called Route No. 22, in Jackson Township, as shown in State Highway Right of Way Book Vol. 3, page 10, in the Office of the Recorder of Deeds in and for Cambria County.

5. That defendant, on May 5, 1958, adopted a resolution and filed plans condemning the said property for purposes of using it as part of the road and right of way of the Legislative Route No. 22.

COUNTY OF CAMBRIA :
: ss.
STATE OF PENNSYLVANIA :

Before me a Notary Public in and for the above County and State, personally appeared Meade Cauffiel, who being duly sworn according to law, deposes and says that he is the President of Cauffiel Bros. Inc., plaintiff in the foregoing Petition, and that as such President, is authorized to make this affidavit in its behalf. He further deposes and says that the matters, facts and statements contained in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

Meade Cauffiel Pres

Sworn to and subscribed before me this 1st day of May A. D., 1964.

Eileen Gantos

EILEEN GANTOS, Notary Public
Johnstown, Cambria County, Penna.
My Commission Expires February 23, 1965

Bill
mandate
C. O. P. M.

CAUFFIEL BROS. INC. a
Pennsylvania corporation,
Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS,
Defendant

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

: Q

: No. *L.D.* Sessions, 1964

O R D E R

AND NOW, to wit, this *4* day of *May* 1964, on
the motion of Gilbert E. Caroff, Attorney for Petitioner, the
Court appoints *Robert E. Shabde*, *Theodore Hunt*
and *Robert S. Mayer* as a Board of Viewers upon
the foregoing 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.

BY THE COURT:

W. J. ...

J.