

Road Hocket  
No. 1 September Term, 1964

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY  
PENNSYLVANIA

IN THE MATTER OF ROUTE NO.  
1022, IN THE TOWNSHIP OF  
CAMBRIA, COUNTY OF CAMBRIA  
AND STATE OF PENNSYLVANIA

Filed - Aug. 21, 1964

PETITION

DINO S. PERSIO  
ATTORNEY-AT-LAW  
213 S. CENTER STREET  
EBENSBURG, PENNSYLVANIA

IN THE MATTER OF ROUTE NO.  
1022, IN THE TOWNSHIP OF  
CAMBRIA, COUNTY OF CAMBRIA  
AND STATE OF PENNSYLVANIA

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY,  
PENNSYLVANIA

No. R. D. 1, September Term, 1964

PETITION OF JOHN CUPCO AND ANNA CUPCO  
FOR THE APPOINTMENT OF BOARD OF VIEWERS

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The Petition of JOHN CUPCO and ANNA CUPCO, by their  
Attorney, Dino S. Persio, Esquire, respectfully represent:

-1-

That your Petitioners, John Cupco and Anna Cupco, husband  
and wife, are individuals who reside at R. D. #1, Ebensburg,  
Cambria County, Pennsylvania.

-2-

That your Petitioners are the owners of a certain parcel of  
land situate in the Township of Cambria, County of Cambria and  
State of Pennsylvania, bounded and described as follows:

BEGINNING at a post and corner of land of Girolmo  
and Frances Lotito on the Northerly line of William  
Penn Highway, U. S. Route No. 22; thence by the  
line of said highway U. S. Route 22, South  $59^{\circ} 32'$   
West a distance of 200 feet to a post corner of  
land of John Buckus; thence by line of land of John  
Buckus, North  $30^{\circ} 28'$  West, a distance of 871.2  
feet to a post on line of other land of Ida Cook;  
thence by the line of other land of Ida Cook North  
 $59^{\circ} 32'$  East a distance of 200 feet to a post in  
corner of land of Girolmo and Frances Lotito; thence  
by land of Girolmo and Frances Lotito South  $30^{\circ} 28'$   
East a distance of 871.2 feet to a post in U. S.  
Highway Route No. 22 and place of beginning. Con-  
taining  $\frac{1}{4}$  Acres, net measure, according to a survey  
of said land made by H. F. Dorr on August 7, 1945.

BEING the same premises title to which became vested  
in John Cupco and Anna Cupco, husband and wife, by  
deed of Ida Cook, widow, dated August 11, 1945, and  
recorded on September 8, 1945, in the Recorder of  
Deeds Office, in and for Cambria County, in Deed  
Book Volume 549, at Page 49.

-3-

That the Department of Highways of the Commonwealth of  
Pennsylvania is making, or is about to make, an improvement known

as Route No. 1022 in the Township of Cambria, County of Cambria and State of Pennsylvania, which affects, or will affect the above described premises owned by the Petitioners, and in furtherance thereof have condemned portions of Petitioners' premises described above.

-4-

That your Petitioners, John Cupco and Anna Cupco, aver that they are the owners of the parcel of land described above and that they are the only persons entitled to recover damages for the taking thereof.

-5-

There are no liens appearing on record against the Petitioners.

-6-

Petitioners are advised, believe and therefore aver that the following portion of land has been condemned and taken for public use:

A strip of land which totals approximately one-half (1/2) Acre, fronting along U. S. Highway Route No. 1022.

-7-

The aforesaid location of U. S. Highway Route No. 1022 which has been or will be made by the Department of Highways of the Commonwealth of Pennsylvania has resulted in the taking of a large portion of Petitioners' premises, as above set forth, and caused or will cause injury and damage to the remainder thereof.

-8-

The Commonwealth of Pennsylvania, under the Provisions of the Act of Assembly in such case made and provided, is required to assume all damages in connection with the aforesaid location of U. S. Highway Route No. 1022.

-9-

The approval by the Governor of the plan locating U. S.

Highway Route No. 1022, as aforesaid, was dated April 1, 1964.

-10-

The Petitioners allege that the fair market value of the land owned by your Petitioners immediately after the condemnation was considerably less than the fair market value of the said land immediately before the condemnation.

-11-

Until this date, Petitioners and the Department of Highways of the Commonwealth of Pennsylvania, are unable to agree upon the amount of compensation to be made for the premises taken.

WHEREFORE, Your Petitioners, John Cupco and Anna Cupco, by their Attorney, Dino S. Persio, Esquire, 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 their property so condemned in accordance with the Acts of Assembly in such cases made and provided.

And they will ever pray, etc.

  
Attorney for Petitioners

STATE OF PENNSYLVANIA  
COUNTY OF CAMBRIA

SS:

JOHN CUPCO, one of the within Petitioners, being duly sworn according to law, deposes and says that the matters and facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

*John Cupco*

John Cupco

Sworn to and subscribed before  
me this 20<sup>th</sup> day of August,  
1964.

*Ann McPherson*

*Justice of the Peace*

*My Com Exp 1st Mon Jan. 1968*

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ORDER

AND NOW, to-wit, this 21 day of August,  
1964, on motion of Dino S. Persio, Esquire, Attorney for  
Petitioners, and upon consideration of the within Petition, the  
Court hereby appoints Leopold J. Wandekier, T. J. Locher  
and Owen Heeney as a Board of  
Viewers upon the within Petition, and further order 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. Daniel

X. J.