

No.

L.D. 1

Sept.

Sessions, 1962

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA

2 copies

IN THE MATTER OF THE CHANGE
OF LOCATION AND LINES OF THE
STATE HIGHWAY KNOWN AS THE
NEW SOLOMON RUN ROAD IN THE
TOWNSHIP OF RICHLAND, CAMBRIA
COUNTY, PENNSYLVANIA, ROUTE
NO. L.R.11012, SEC. 5,
SERVICE ROAD NO. 3

Filed - Aug. 15, 1962

PETITION OF JOSEPH JAMES
CAUFFIEL FOR THE APPOINT-
MENT OF VIEWERS

EDWARD J. HARKINS

1101-1105 FIRST NATIONAL BANK BUILDING

JOHNSTOWN, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF THE CHANGE OF)
LOCATION AND LINES OF THE STATE)
HIGHWAY KNOWN AS THE NEW SOLOMON) No. _____
RUN ROAD IN THE TOWNSHIP OF)
RICHLAND, CAMBRIA COUNTY, PENN-) _____ Sessions, 1962
SYLVANIA, ROUTE NO. L.R.11012,)
SEC. 5, SERVICE ROAD NO. 3)

PETITION OF JOSEPH JAMES CAUFFIEL
FOR THE APPOINTMENT OF VIEWERS

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

The petition of Joseph James Cauffiel respectfully represents:

1. Your petitioner is a resident of the Township of Upper Yoder, Cambria County, Pennsylvania, his residence address being Upper Yoder Township, R. D. No. 5, Johnstown, Cambria County, Pennsylvania.

2. Your petitioner is the owner of certain property in the Township of Richland, County of Cambria, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a chestnut oak and original corner; thence by an original line along land now or late of George Heidingsfelder and Samuel Hoffman, south 34 degrees east 41 perches to a stone; thence by land now or late of David Stull north 25 degrees east 46 1/2 perches to stones; thence by same north 62 degrees west 32.6 perches to stone at edge of Solomon Run on the original line; thence along said original line of land now or late of George Heidingsfelder south 24 degrees west 32.7 perches to beginning.

The land was conveyed to petitioner by Clyde M. Cauffiel, Trustee, by deed dated 15 June, 1959, and recorded in Deed Book Vol. 731, page 172, records of Cambria County, Pennsylvania.

3. The Department of Highways of the Commonwealth of Pennsylvania in changing the location and grade of the public highway leading from the City of Johnstown, Cambria County, Penn-

sylvania, to Ragers Corner in Adams Township, Cambria County, Pennsylvania, commonly known as the Solomon Run Road, has made certain changes as designated for Route L.R.11012, Sec. 5, and Service Road No. 3 which affected the land owned by your petitioner in that the new highway is extended over and above part of the land owned by your petitioner and above described, whereby the Commonwealth of Pennsylvania condemned a portion of the land of your petitioner.

4. By said condemnation an area of 1.49 acres, including a channel right of way, has been taken and condemned and a legal right of way of 1.29 acres, leaving a residue according to the records of the Department of Highways of the Commonwealth of Pennsylvania of 4.71 acres.

5. Your petitioner avers that he was the owner of the land hereinabove mentioned at the time of said condemnation, and, therefore, he is the only party entitled to recover damages for the taking thereof. **There are no liens except current taxes.**

6. The Secretary of Highways of the Commonwealth of Pennsylvania, under authority of law, has caused changes in existing lines and location of the highway hereinabove referred to as the Solomon Run Road to be made at a point on said highway and has changed the grade and location of the highway lines and has condemned property of the petitioner for the same and for the Service Road No. 3 hereinabove mentioned where the same passes along and above the real estate owned by your petitioner and hereinabove described. As a result of said changes, the land owned by your petitioner has been condemned and taken for public use in connection with the changes in lines and location above referred to.

7. The changes in said highway so made by the Secretary

of Highways have not only taken a large portion of the real estate of your petitioner as above set forth, but did cause injury and damage to the remainder thereof. In addition to the area taken as above mentioned, was taken and demolished a six (6) room frame dwelling; all the coal of the "C" seam and the "A" seam beneath said land; the land fronted on and was level with the highway at the front of the property of your petitioner, but access to the highway will be changed and a change of grade will be made so that the access from a public road to the remaining land of petitioner will be affected by the change of lines and change of grade; and the timber on the land condemned and taken will be lost to the petitioner.

8. The approval of the plan making the changes hereinabove mentioned was dated the 15th day of May, 1961.

9. Petitioner alleges that the fair market value of the land owned by your petitioner at the time of the condemnation was decreased by reason of the condemnation and by reason of the fact that a certain portion of his land was actually taken for public use, and in addition thereto, he claims that the fair market value immediately after the condemnation and as affected thereby was \$7,000.00 less than the amount of the fair market value immediately before the condemnation.

10. Until this date petitioner and the Secretary of Highways of the Commonwealth of Pennsylvania have been unable to agree upon the amount of compensation to be made for the property taken by the condemnation as aforesaid.

WHEREFORE, your petitioner prays your honorable Court to appoint a Board of Viewers in the manner prescribed by law to ascertain and award just compensation to your petitioner for his property so condemned, in accordance with the Acts of Assembly in such cases made and provided.

And he will ever pray, etc.


Joseph James Cauffley

ORDER

AND NOW, TO-WIT, this 15 day of August, 1962, on motion of Edward J. Harkins, Attorney for petitioner, the Court appoints Donald V. Letizia, T. L. Locher and ~~James~~ Theodore Hunt as a Board of Viewers upon the foregoing petition and further orders that the Board of Viewers perform its duty in accordance with law and the Acts of Assembly in such case made and provided. The Viewers' Report shall be filed with the Court on the 15 day of October, 1962.

BY THE COURT

Shetty
H.