

~~IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA
CIVIL DIVISION-LAW~~

TOWNSHIP OF CAMBRIA,

Petitioner

vs.

BOROUGH OF EBENSBURG,

Respondent

O R D E R O F C O U R T

DENNIS GOVACHINI
ATTORNEY AT LAW
311 MASONIC BUILDING
EBENSBURG, PENNSYLVANIA 15931

STEPHEN J. GOVACHINI
CLERK OF COURTS

JUL 31 2 40 PM '78

FILED
CLERK OF COURTS
CAMBRIA CO. PA.

~~AS C~~
~~TTB~~
R.D. 2-1978

March 14, 1978

FILED
CLERK OF COURTS
CAMBRIA, PA.
MAR 20 12 14 PM '78
STEPHEN D. COVACHINI
CLERK OF COURTS

Larry and Ruth Shingler
Brush Valley
Indiana, Pennsylvania

Re: Boundary Line Dispute
Cambria Township-Borough of Ebensburg; No. 1977 Misc. Docket 41

Dear Mr. & Mrs. Shingler:

As I understand it, you did sometime in the fall of 1977, purchase a piece of property from Cletus Bopp, located in the Crestwood Estates-Lakeview Plan. That piece of property is being assessed as lying in the Borough of Ebensburg, however there has been a dispute between the Borough of Ebensburg and the Township of Cambria as to exactly where the boundary line lie.

The hearing was held on March 13, 1978, at 1:30 p.m. in front of President Judge McWilliams, wherein the enclosed Petition was presented asking that the Court establish the boundary line as set forth in Paragraph 8 of that Petition.

This establishment of the boundary line would affect your property--in that it would place it in the Township of Cambria. You were not given notice of this hearing as the assessment map showed the property as being owned by Cletus Bopp, and same was not changed until recently.

However, the Court did continue the hearing and if you do have any questions or want to in any way state your opinions for the record, I would suggest that you contact my office, and I will notify you as to when the next hearing is to be held-if any.

In any event, if we do not hear from you, we will assume that you have no objections and in all probability the Court will be proceeding.

I have enclosed herein a copy of the Petition for your perusal.

Very truly yours,

Dennis Covachini
Dennis Covachini

DG/rh
enc.
c/c Clerk of Courts.

NOTE: THIS IS TO BE FILED IN THE MATTER OF TOWNSHIP OF CAMBRIA
VS. THE BOROUGH OF EBENSBERG BOUNDARY LINE DISPUTE ROAD DOCKET NO. 2 of 1978
a misc Packet No. 4-1978

R.D.
1-1978

March 14, 1978

FILED
CLERK OF COURTS
CAMBRIA CO. PA.
MAR 20 12 24 PM '78
STEPHEN D. SELBY
CLERK OF COURTS

Larry and Ruth Shingler
Brush Valley
Indiana, Pennsylvania

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Dennis Govachini
Dennis Govachini

COPY

DG/rh
enc.
c/c Clerk of Courts.

NOTE: THIS IS TO BE FILED IN THE MATTER OF TOWNSHIP OF CAMBRIA
VS. THE BOROUGH OF EBENSBURG BOUNDARY LINE DISPUTE ROAD DOCKET NO. 1 of 1978
AND MISCELLANEOUS DOCKET NO. 41, 1978

FILED
CLERK OF COURTS
CAMBRIA CO., PA.

FEB 16 10 36 AM '78

STEPHEN D. VELLA-KOVICH
CLERK OF COURTS

Recd. Oct. 2 - 1978

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA
CIVIL DIVISION

TOWNSHIP OF CAMBRIA,

Petitioner

vs.

BOROUGH OF EBENSBURG,

Respondent

PETITION TO ESTABLISH DISPUTED
PORTION OF BOUNDARY LINE BETWEEN
TOWNSHIP OF CAMBRIA AND BOROUGH
OF EBENSBURG.

DENNIS GOVACHINI
ATTORNEY AT LAW
311 MASONIC BUILDING
EBENSBURG, PENNSYLVANIA 15931

line in question would constitute a part of the Southeasterly boundary line of the Respondent lying in the said Crestwood Estates Lakeview Plan and extending generally from Pa. State Route 22 and/or some point on Cambria Township Road 447, commonly known as Schenkel Mill Road to the Easterly boundary line of property now or late of Agway Incorporated, a Pennsylvania Corporation.

6. The Petitioner avers and believes that said portion of boundary line lie along and extends along the Southern right-of-way line of the Pennsylvania Railroad now owned by Conrail, Inc., said right-of-way being recorded in Deed Book Volume _____ Page _____. Such belief being predicated on certain maps prepared by L.R. Kimball and Associates, for Comprehensive Plan and zoning purposes; in addition to to other maps and materials indicating same.

7. The Respondent has indicated and communicated to the Petitioner that such portion of boundary line lie approximately 400 or 500 feet South of the aforementioned Southern right-of-way line and runs perpendicular in a generally Westerly direction from the said Township Road 447, commonly known as Schenkel Mill Road to the Easterly boundary line of property now or late of Agway, Inc.; such belief being predicated upon Borough Map dated February, 1969.

8. The Petitioner and Respondent agree that the portion of the boundary line in question should lie and extend as follows, to wit:

BEGINNING at a point on the Northerly right-of-way line of Township Road 447 (commonly known as Schenkel Mill Road) thence North $34^{\circ} 51'$ West 383.5 feet along the Easterly boundary lines of properties now or late of Summit Realty Company and Cletus M. Bopp et ux., through street known as Susan Drive to a point on the Southerly right-of-way line, now or late of the Pennsylvania Railroad; thence extending along said Southerly right-of-way the following seven courses and distances:

- (1) South $73^{\circ} 37'$ West 66 feet.
- (2) South $86^{\circ} 07'$ West 99 feet.
- (3) North $89^{\circ} 23'$ West 99 feet.
- (4) North $88^{\circ} 23'$ West 66 feet.
- (5) North $68^{\circ} 11'$ West 297 feet.

(6) North $75^{\circ} 0'$ West 97.3 feet.

(7) North $84^{\circ} 03'$ West 66 feet; to a point on the Easterly boundary line now or late of Agway, Inc. This description being in accordance with a certain map known as the revised map of Crestwood Estates re-drawn 1/10/75 and recorded as aforesaid in Plat Book Volume 6 Page 86. (See copy attached, marked Exhibit A.)

9. The Petitioner further avers that the area affected by such a boundary line determination as set forth in Paragraph 8 is relatively small comprising approximately 5 or 6 acres, with a population of approximately 25 to 50 persons and total assessed evaluation of \$133,690.00, out of which only four properties, i.e. Wojack, Holtz, Bopp and Gromley properties, totaling \$56,240.00 assessed evaluation would be changed in that they are currently assessed in the Borough of Ebensburg and would by such boundary line determination be assessed in the Township of Cambria.

10. The Petitioner and Respondent agree that the aforesaid description should constitute the boundary line because if said line is as indicated by the Respondent's Map--serious difficulties in that such a line would dissect a number of properties so as to create problems as regards municipal services, taxes, servicing and maintaining the streets and roads in the affected area will be encountered.

11. The Petitioner avers that the current owners of the affected properties are as follows:

- (a) Norman Rolls and Susan Rolls, his wife,
R. D. #1
Ebensburg, Pa.
- (b) Edwin J. and Karen A. Westrick, his wife;
R. D.
Patton, Pa.
- (c) Wendell Dean Gromley and Laura Jeanne Gromley
R. D. #1
Homer City, Pa.
- (d) Cletus M. Bopp and Marjorie M. Bopp, his wife,
R. D. #1,
Ebensburg, Pa.
- (e) James Gallagher and Catherine H. Gallagher
R. D. #3, P. O. Box 86M
Ebensburg, Penna.

- (f) Stanley Wojcik and Jenny Wojcik
P. O. Box 86H
Ebensburg, Pa.
- (g) James Holtz and Deborah H. Holtz
R. D. #3, P. O. Box 88B
Ebensburg, Pa.
- (h) William H. Wakefield and S. June Wakefield
R. D. #3
Ebensburg, Pa.
- (i) Margáret Dorsch, Clarence F. Dorsch and Mary Margaret Dorsch
Seymour,
R. D. #3
Ebensburg, Pa.
- (j) Summit Realty Company
600 Arch Street
Cresson, Pa.
- (k) Dennis and Theresa Homady
R. D. #3, P. O. Box 86F
Ebensburg, Pa.
- (l) James R. Beltz and Annamae Beltz
R. D. #3
Ebensburg, Pa.
- (m) Max E. Oravec and Kathleen J. Oravec
R. D. #3
Ebensburg, Penna., or R. D. #1, Vintondale, Pa.

WHEREFORE your Petitioner respectfully asks that a Rule be issued to the Respondent and the affected property owners named herein to show cause at a judicial hearing hearón, why the boundary line should not be established according to Paragraph 8 of this Petition.


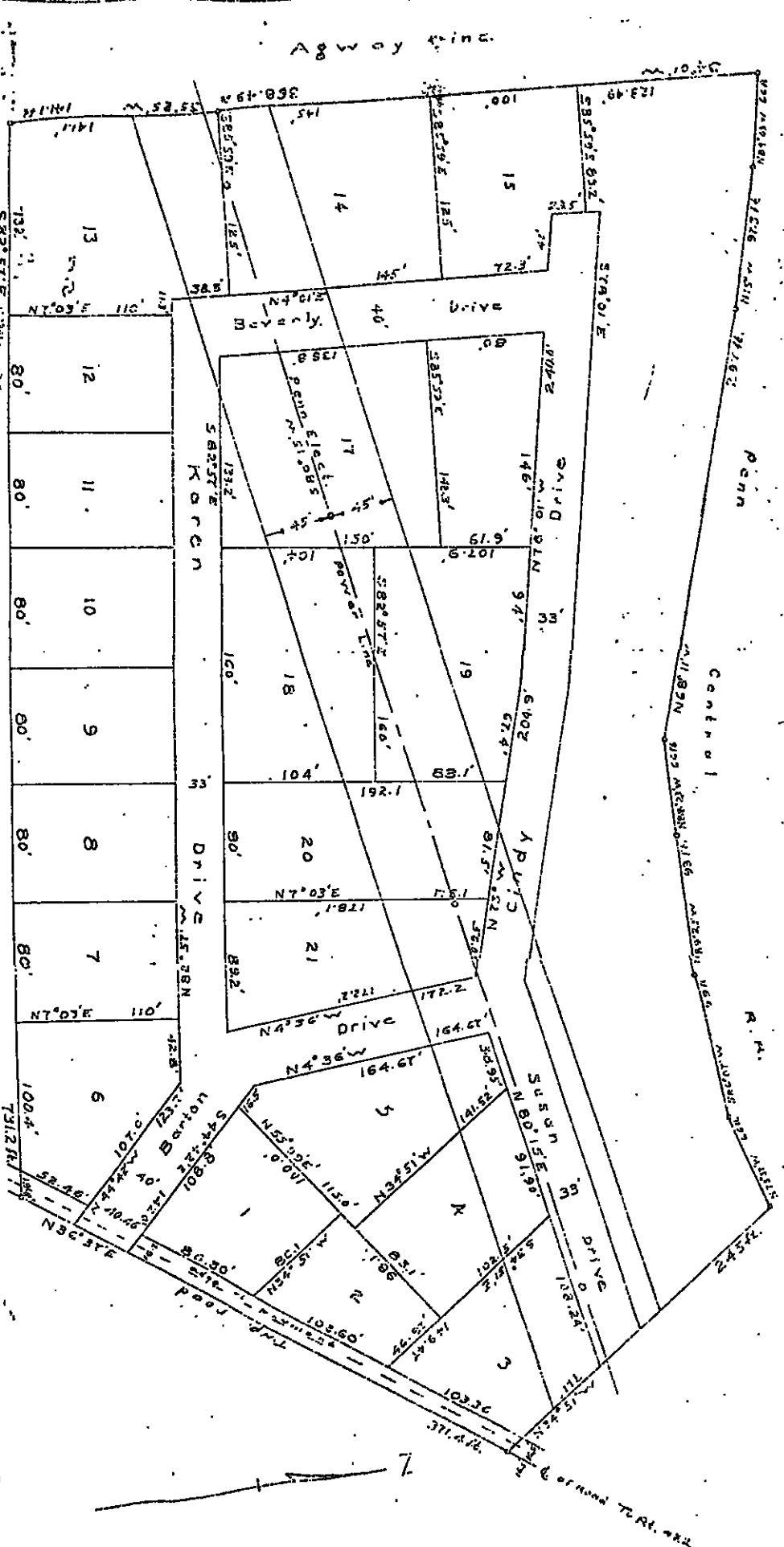
BY: 
 DENNIS GOVACHINI, ESQ.
 Solicitor,
 Township of Cambria
 311 Masonic Bldg.
 Ebensburg, Pa. 15931

Exhibit (A)



Before me, a Notary Public in and for said county and state personally appeared George K. Mulhollen, Registered Professional Surveyor who acknowledged this plan of lots for the plan of lots, streets, alleys and joint survey and lots set forth, and desired the same be recorded in said volume in my hand and seal this 31 of Oct 1969

George K. Mulhollen
Notary Public

Approved by Cambria Township Supervisors:

(Seal) Charles H. Bantz
(Seal) John G. Bantz
(Seal) Arthur C. Bantz

Act 1969

REVISED MAP
MAP SHOWING
PROPERTY & PLAN OF LOTS OF
CRESTWOOD ESTATES
LAKEVIEW PLAN
Cambria Twp.
Cambria Co.
Orange L. Mulhollen
Reg. Surveyor 114568
Date June 1969
Scale 1" = 50'

(My Commission expires) _____

Notary Public

STATE OF PENNSYLVANIA)
) SS:
COUNTY OF CAMBRIA)

Before me, the undersigned authority, personally appeared, Fred Sauger, Willis Davis and John Makosy, who being duly sworn according to law depose and say that they are members of the Board of Supervisors of Cambria Township, Cambria County, Pennsylvania, and that they are authorized to make this Petition, and that the facts contained herein are true and correct to the best of their information, knowledge and belief.

Fred Sauger
Fred Sauger

Willis C. Davis
Willis Davis

John Makosy
John Makosy

SWORN TO AND SUBSCRIBED before me
this 19 day of December, 1977.

Albert Dammack
Notary Public

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW

TOWNSHIP OF CAMBRIA,)
)
Petitioner) NO. 1977-
)
vs.)
)
BOROUGH OF EBENSBURG,)
)
Respondent)

ORDER OF COURT

AND NOW, to wit, this 27 day of January, 1977, it is ORDERED, ADJUDGED AND DECREED that a Rule is issued on the above named Respondent and affected property owners, by which same are ordered to show cause why the disputed boundary line should not be judicially established in accordance with Paragraph 8 of this Petition.

Hearing on the said Rule to show cause why the disputed boundary line should not be so established will be held on 13 day of March 1978, at Courtroom No. 1, Courthouse Building, Ebensburg, Pennsylvania. at 1:30 P.M.

A true and correct copy of this Petition and Order shall be served upon the Respondent and above named affected property owners by certified mail at least 7 days prior to hearing.

Commissioners appointed as per 53 P.S. 65303 are Telford Locker, Robert Shabade, Esq. and Owen Heeny to inquire into the propriety of granting prayer of petitioners. Cash Bond in amount of \$500 to be filed in Clerk of Courts Office by Petitioners as per 53 P.S. 65302.

BY THE COURT:

Jesse Williams, Jr.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA
CIVIL DIVISION-LAW

TOWNSHIP OF CAMBRIA,

Petitioner

vs.

BOROUGH OF EBENSBURG,

Respondent

AFFIDAVIT OF SERVICE

DENNIS GOVACHINI
ATTORNEY AT LAW
311 MASONIC BUILDING
EBENSBURG, PENNSYLVANIA 15931


FILED
CLERK OF COURTS
CAMBRIA CO. PA.
FEB 27 2 33 PM '78
STEPHEN D. GOLOKOVICH
CLERK OF COURTS

No. 954396

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Mr. & Mrs. Wm. H. Wakefield	
STREET AND NO.		R. D. #3	
P.O., STATE AND ZIP CODE		Ebensburg, Pa. 15931	
POSTAGE		\$ 	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	€
		SPECIAL DELIVERY	€
		RESTRICTED DELIVERY	€
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	€
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	€
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	€
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	€
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			
			

PS Form 3800, Apr. 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified-mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in Item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.

No. 954397

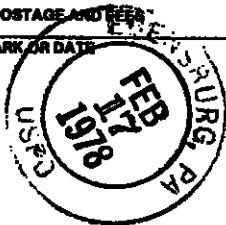
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Mr. & Mrs. Edwin Westrick	
STREET AND NO.		R. D.	
P.O., STATE AND ZIP CODE		Patton, Penna. 16668	
POSTAGE		\$.	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	¢
		SPECIAL DELIVERY	¢
		RESTRICTED DELIVERY	¢
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢	
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

PS Form 3800, Apr. 1976



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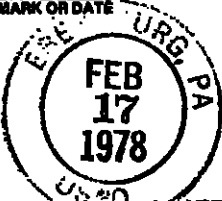
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6. Save this receipt and present it if you make inquiry.

No. 954398

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Mr. & Mrs. Max E. Oravec	
STREET AND NO.		R. D. #3	
P.O., STATE AND ZIP CODE		Ebensburg, Pa. 15931	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	¢
		SPECIAL DELIVERY	¢
		RESTRICTED DELIVERY	¢
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

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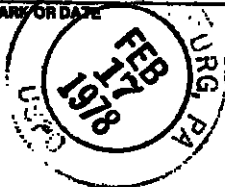
No. 954399

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO				
Wm Bumford, Manager				
STREET AND NO				
Borough Building				
P.O., STATE AND ZIP CODE				
Ebensburg, Pa. 15931				
POSTAGE	\$			
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	¢		
	OPTIONAL SERVICES	SPECIAL DELIVERY	¢	
		RESTRICTED DELIVERY	¢	
		RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢
			SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
			SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
			SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES	\$			
POSTMARK OR DATE				

PS Form 3800, Apr. 1976



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6. Save this receipt and present it if you make inquiry.

No. 954401

RECEIPT FOR CERTIFIED MAIL

**NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL**

(See Reverse)

SENT TO		Dennis & Theresa Homady	
STREET AND NO.		R. D. #3 P. O. Box 86F	
P.O., STATE AND ZIP CODE		Ebensburg, Pa. 15931	
POSTAGE		\$.	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	¢
		SPECIAL DELIVERY	¢
		RESTRICTED DELIVERY	¢
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

PS Form 3800, Apr. 1976

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- 6. Save this receipt and present it if you make inquiry.**

No. 954402

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL
(See Reverse)

SENT TO		Mr. & Mrs. James R. Beltz		
STREET AND NO.		R. D. #3		
P.O., STATE AND ZIP CODE		Ebensburg, Pa. 15931		
POSTAGE		\$		
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	¢		
	SPECIAL DELIVERY	¢		
	RESTRICTED DELIVERY	¢		
	OPTIONAL SERVICES RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢	
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢	
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢	
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢	
TOTAL POSTAGE AND FEES		\$		
POSTMARK OR DATE				

PS Form 3800, Apr. 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
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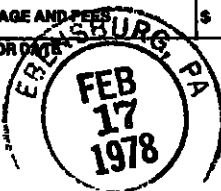
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6. Save this receipt and present it if you make inquiry.

No. 954403

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Mary Margaret Dorsch			
STREET AND NO.		R. D. #3			
P.O., STATE AND ZIP CODE		Ebensburg, Pa. 15931			
POSTAGE		\$			
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE		€		
	OPTIONAL SERVICES	SPECIAL DELIVERY		€	
		RESTRICTED DELIVERY		€	
		RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		€
			SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		€
			SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		€
	SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY			€	
TOTAL POSTAGE AND FEES		\$			
POSTMARK OR DATE					

Form 3800, Apr. 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
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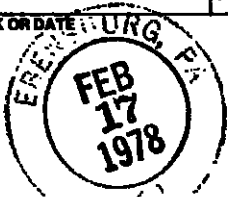
No. 954404

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Mr. & Mrs. James Hottz		
STREET AND NO.		R. D. #2, P. O. Box 88BX		
P.O., STATE AND ZIP CODE		Ebensburg, Pa. 15931		
POSTAGE		\$		
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE		€	
	SPECIAL DELIVERY		€	
	RESTRICTED DELIVERY		€	
	OPTIONAL SERVICES RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		€
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		€
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		€
SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY			€	
TOTAL POSTAGE AND FEES		\$		
POSTMARK OR DATE				



Form 3800, Apr. 1976

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No. 954405

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Mr. & Mrs. Stanley Wojcik	
STREET AND NO.		P. O. Box 86H	
P.O., STATE AND ZIP CODE		Ebensburg, Pa. 15931	
POSTAGE		\$.	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	¢
		SPECIAL DELIVERY	¢
	RESTRICTED DELIVERY	¢	
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			
			

PS Form 3800, Apr. 1976

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No. 954406

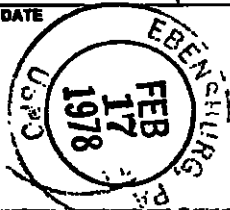
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO			
Mr. & Mrs. Cletus M. Bopp			
STREET AND NO.			
R. D. #1			
P.O., STATE AND ZIP CODE			
Ebensburg, Pa. 15931			
POSTAGE	\$		
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE	€	
	OPTIONAL SERVICES	SPECIAL DELIVERY	€
		RESTRICTED DELIVERY	€
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	€
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	€
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	€
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	€
TOTAL POSTAGE AND FEES	\$		
POSTMARK OR DATE			

PS Form 3800, Apr. 1976



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6. Save this receipt and present it if you make inquiry.

No. 954407

RECEIPT FOR CERTIFIED MAIL

**NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL**

(See Reverse)

SENT TO		James & Catherine Gallagher		
STREET AND NO.		R. D. #3, Box 86M		
P.O., STATE AND ZIP CODE		Ebensburg, Pa. 15931		
POSTAGE		\$		
CONSULT POSTMASTER FOR FEES	CERTIFIED FEE		¢	
	OPTIONAL SERVICES	SPECIAL DELIVERY	¢	
		RESTRICTED DELIVERY	¢	
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		¢
TOTAL POSTAGE AND FEES		\$		
POSTMARK OR DATE				

Form 3800, Apr. 1976



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No. 954408

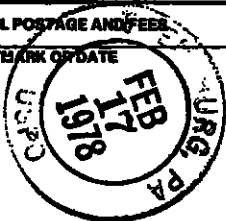
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Mr. & Mrs. Wendell Gromley	
STREET AND NO.		R. D. #1	
P.O., STATE AND ZIP CODE		Homer City, Pa.	
POSTAGE		\$	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	€
		SPECIAL DELIVERY	€
		RESTRICTED DELIVERY	€
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	€
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	€
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	€
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	€
TOTAL POSTAGE AND FEES		\$	

POSTMARK OR DATE



PS Form 3800, Apr. 1976

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6. Save this receipt and present it if you make inquiry.

No. 954409

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Norman and Susan Rolla	
STREET AND NO.		PO Box 217 R.O. 1	
P.O., STATE AND ZIP CODE		Ebensburg, Pa. 15931	
POSTAGE		\$.	
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE	c
		SPECIAL DELIVERY	c
		RESTRICTED DELIVERY	c
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED	c
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	c
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	c
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	c
TOTAL POSTAGE AND FEES		\$	
POSTMARK			

PS Form 3800, Apr. 1976

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (cc) treat**

1. If you want this receipt postmarked, stick the gummed stub on the left portion of the address side of the article, leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
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No. 954410

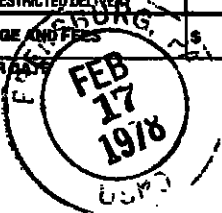
RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
NOT FOR INTERNATIONAL MAIL

(See Reverse)

SENT TO		Summit Realty Co.		
STREET AND NO.		600 Arch St.		
P.O., STATE AND ZIP CODE		Cresson, Pa. 16630		
POSTAGE		\$		
CONSULT POSTMASTER FOR FEES	OPTIONAL SERVICES	CERTIFIED FEE		€
		SPECIAL DELIVERY		€
		RESTRICTED DELIVERY		€
	RETURN RECEIPT SERVICE	SHOW TO WHOM AND DATE DELIVERED		€
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY		€
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY		€
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY		€
TOTAL POSTAGE AND FEES		\$		
POSTMARK OR CANCELLATION				

PS Form 3800, Apr. 1976



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No. Rd. Dkt. 2-1978

IN THE COURT OF COMMON
PLEAS OF CAMBRIA COUNTY,
PENNSYLVANIA

CRIMINAL DIVISION

TOWNSHIP OF CAMBRIA,
Petitioner

vs

BOROUGH OF EBENSBURG,
Respondent

RECORD OF PROCEEDINGS

BEFORE: McWILLIAMS, P.J.

BARBARA J. RAY, COURT REPORTER

FILED
CLERK OF COURTS
CAMBRIA CO. PA.
APR 5 2 02 PM '78
STEPHEN J. ADVICH
CLERK OF COURTS

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

TOWNSHIP OF CAMBRIA,
Petitioner

X

Rd. Dkt. No. 2-1978

vs

X

BOROUGH OF EBENSBURG,
Respondent

X

X

Courtroom No. 1, Courthouse
Ebensburg, Pennsylvania
Monday, March 13, 1978

BEFORE THE HONORABLE H. CLIFTON McWILLIAMS, JR., PRESIDENT
JUDGE OF THE FORTY-SEVENTH JUDICIAL DISTRICT OF PENNSYLVANIA.

APPEARANCES:

Counsel for Petitioner:

DENNIS GOVACHINI
Masonic Building
Ebensburg, Pennsylvania 15931

Counsel for Respondent:

BLAIR V. PAWLOWSKI
Triatt Building
Ebensburg, Pennsylvania 15931

THE COURT:

This is the matter of Township of Cambria versus Borough of Ebensburg, and it's to No. Misc. Docket 41-1978; Road Docket No. 2-1978 and petition to establish disputed portion of boundary line between Township of Cambria and Borough of Ebensburg. At this time we'll hear from Mr. Govachini.

MR. GOVACHINI:

If it please the Court, as the Court indicated, this is a petition to establish disputed boundary line. That boundary line is a common boundary line that lie in the Crestwood Estates Lakeview Plan. And what the Township of Cambria is saying and that pursuant to paragraph 8 that the boundary line should run along the Con Rail railroad tracks. The Borough of Ebensburg is saying that according to their maps, that the boundary line lie 200 to 300 feet south of that point.

However, the Borough of Ebensburg agrees with us that the boundary line should run along the southern right-of-way of the

railroad tracks. And at this time, your Honor, if it please the Court, Mr. Pawlowski may want to make a statement on behalf of the Borough, I don't know.

MR. PAWLOWSKI:

Yes, your Honor.

THE COURT:

Very well.

MR. PAWLOWSKI:

Very briefly, our position is identical to that of Mr. Govachini's. The Borough doesn't really know where the line is. One of our maps show it to be 200 to 300 feet south of the right-of-way, but we've seen maps to the contrary. So we're here to resolve the dispute and our position is the same as Mr. Govachini's.

THE COURT:

Very well.

MR. PAWLOWSKI:

Mr. Bumford, the Borough secretary, was going to appear for us today but he's ill. Our position is well known. If his testimony is needed at a later date, we request a continuance until that date.

THE COURT:

If he were to appear, would he testify that they have no objections with regard to the position that has been taken here by the Township of Cambria?

MR. PAWLOWSKI:

That's correct, your Honor.

THE COURT:

Very well.

MR. GOVACHINI:

If it please the Court, I'd like the Court to also be aware

that pursuant to the Court's preliminary order, I did, in fact, by Certified Mail Return Receipts requested notify all property owners; those being 13 in number who are in the disputed area. At this time, your Honor, I'd like to call to the stand Mr. Fred Sauger.

THE COURT:

Very well. We'll incorporate by reference at this time the petition filed in the instant case as well as the affidavit of service that has been made in the instant matter. They'll be incorporated by reference in the instant matter.

FRED SAUGER, BEING DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. GOVACHINI:

Q Mr. Sauger, where do you reside? Where do you live at?

A 764 Seventh Street, Colver.

Q Is that in the Township of Cambria?

A Yes.

Q What is your occupation?

A I'm chairman of the Board of Supervisors of Cambria Township.

Q Now, the Board of Supervisors of Cambria Township, is that the legislative and governing body of the Township of Cambria?

A Yes.

Q How many members are there on that Board?

A Three members on the Board.

Q And you're the chairman.

A Yes.

Q Now, Mr. Sauger, does the Township of Cambria have common boundary lines with the Borough of Ebensburg in various places?

A Yes. We surround the Borough of Ebensburg.

Q Now, Mr. Sauger, in one of those areas; namely, the Lakeview Plan -- the Crestwood Estates Lakeview Plan, which is recorded

Plat Book Volume 6 Page 86, is there a problem in that area as to the -- as to the whereabouts of the boundary line?

A Yes.

Q Now, Mr. Sauger, am I correct in my statement that the Township of Cambria's position as to where the boundary line is is different than that of the Borough of Ebensburg?

A Yes, it is.

Q Now, Mr. Sauger, I'm going to show you a copy of the revised map of the Crestwood Estates Lakeview Plan and there's a copy of this attached to the petition and ask you on that particular plan, where does, in your opinion, the boundary line run as far as the Township of Cambria is concerned.

A Well, it's on the southern side of the right-of-way which is now Con Rail formerly Penn Central.

Q So what you're telling the Court is that the boundary line, as you know it, runs along the southern right-of-way line of Con Rail.

A Yes.

Q And does it run from some point on Township Route 447 otherwise known as Schenkel Mill Road?

A Yes.

Q Now, Mr. Sauger, on what do you base your opinion?

A On the maps which I have brought along which were in our files.

Q Now, let's just take a look. First of all, I see where you have a copy of the map showing the Crestwood Estates Lakeview Plan which was apparently recorded on June the 9th, 1969. Now, what does that plan show?

A It shows -- goes along the southern right-of-way of Penn Central Railroad now Con Rail.

Q And that this entire plan is, in fact, in the Township of Cambria.

A Yes.

MR. GOVACHINI: There not being any objection, I'd move and ask that this be admitted into evidence.

MR. PAWLOWSKI: We have no objections.

THE COURT: Very well.

BY MR. GOVACHINI:

Q Now, Mr. Sauger, what else do you predicate your position on as far as the boundary line?

A This comprehensive map done by Kimballs, engineer of Ebensburg, PA. for the Township of Cambria showing on here that the entire thing is in Cambria Township.

Q That the entire Crestwood Estates Lakeview Plan lie in Cambria Township.

A Right.

Q Okay.

THE COURT: I think we better refer to and have it marked as--

MR. GOVACHINI: Petitioner's Exhibit No. 1.

THE COURT: --Petitioner's No. 1 was the prior map that had been introduced and that this will be Petitioner's Exhibit No. 2.

(Petitioner's Exhibits Nos. 1 and 2 are marked).

MR. GOVACHINI: I'd ask that Petitioner's Exhibit No. 2 be admitted into evidence. Do you have any objection?

MR. PAWLOWSKI: We have no objection.

THE COURT: Very well. And now this is the--

MR. GOVACHINI: Kimball's plan.

THE COURT: --Kimball plan.

THE WITNESS: It's a zoning map--

MR. GOVACHINI: It's a zoning map done by Kimball showing the boundary lines of Cambria Township in the Crestwood Estates Lakeview Plan area.

THE COURT: Off the record now.

(Off the record discussion held)

BY MR. GOVACHINI:

Q Now, Mr. Sauger, do you have or did you have any other maps that indicated that the line ran along the southern right-of-way of Con Rail?

A Yes. We did have maps out in the office. We couldn't locate them at this time because they were old maps and they were taken off the wall.

Q Did you show those maps to me approximately a month ago?

A Yes, sir.

Q Would you endeavor to find those maps so that we can introduce them--

A --He's going to tear the whole thing apart to make sure. See if we can't find them.

Q Okay. Now, Mr. Sauger, has the position of the Borough as far as this boundary line in the Crestwood Estates Lakeview Plan been communicated to you?

A Yes.

Q And could you tell the Court and I'm going to show you a map which is a Borough map, can you tell the Court where that map shows the boundary line between Ebensburg Borough and Cambria Township running?

A Shows it to lie approximately 200 feet below the right-of-way.

Q And is that the position that was communicated to you by the Borough of Ebensburg?

A Yes.

Q And who called you or who told you that?

A I think they had a study done.

Q Did Mr. Bumford communicate with you?

A Yes.

Q And did he tell you that that's where the line ran?

A Yes.

Q Mr. Bumford's position with the Borough is what to your knowledge?

A He's secretary of the Borough council.

Q Okay.

MR. GOVACHINI: Your Honor, I would like to move into evidence, if there be no objection, as Petitioner's Exhibit No. 3. This is a map of the Borough of Ebensburg dated February, 1969.

THE COURT: Let it be marked as Petitioner's Exhibit No. 3. No objection?

MR. PAWLOWSKI: No objection.

THE COURT: Let it be admitted.

(Petitioner's Exhibit No. 3 is marked).

BY MR. GOVACHINI:

Q Now, Mr. Sauger, if the line ran in the manner that the Borough of Ebensburg has indicated to you, how many properties would there be or are there in that area? If you know?

A Oh, seven, eight, approximately nine maybe, around in there.

Q Now, in our petition in paragraph -- I should say in the petition of Cambria Township, in paragraph no. 11 we indicate that there are, in fact numbered there, 13 property owners in that area.

Now, I'm just talking about the area above their purported line.

A Well, if you're counting the ones their line--

Q Yeah, runs through.

A --runs through, splits the properties.

Q Yes.

A Well then, there would -- that would be about right.

Q Thirteen. Now, to your knowledge -- Well, maybe -- I'll get into that with Mr. Jerome. Do you know the names of the

people who live in this affected area? I'm talking about the area between the southern right-of-way and the line that -- where the Borough claims it is.

A Some of them I do.

Q If I told you -- If I asked you, do you know if a Mr. Norman Rolls and Susan Rolls live in that area?

A Yes.

Q An Edwin J. and a Karen A. Westrick?

A Yes.

Q A Wendell Gromley and a Laura Jeanne Gromley?

A Right.

Q Or at least own property there?

A Yes.

Q Cletus M. Bopp and Marjorie M. Bopp?

A Yes.

Q James Gallagher and Catherine Gallagher?

A Yes.

Q Stanley Wojcik and Jenny Wojcik?

A Yes.

Q A James Holtz and a Deborah Holtz?

A Yes.

Q A William Wakefield and an S. June Wakefield?

A Yes.

Q Margaret Dorsch, et al.?

A Yes.

Q Summit Realty Company?

A Yes.

Q Dennis and Theresa Homady?

A Yes.

Q James R. Beltz and Annamae Beltz?

A Yes.

Q Max E. Oravec and Kathleen J. Oravec?

A Yes.

Q Now, if the line ran the way that the Borough has indicated to you from their maps that it runs, would that line, in fact, dissect or run through a number of properties?

A Yes.

Q And could you tell us by looking at this map upon which we've superimposed that line, how many properties approximately?

A Eight.

Q Well, these three over here are owned by Summit, would be one and the same. So you're talking about one, two, three, four, five six. Would it run through six different properties?

A Yes.

Q Now, Mr. Sauger, why should the line run along the southern right-of-way of the Con Rail? What reasons can you give the Court? Other than you feel that it is the line, number one, most importantly. But number two, why?

A Because of the roads, the service of the roads; getting people in and out; the topography of the land; along the railroads, there's water comes off and it all runs down. If it stays -- this proposed line, the water's all going to end up in the Township anyway which we're going to have to control.

Q So what you're telling the Court then, am I correct, is that there's a problem as far as the plowing of the roads as far as Susan Drive and Karen Drive and Cindy Drive are concerned?

A It's not the plowing. It's the big drainage problem down there, which we started to correct some of it last year; plus the fact there's only one entrance in and out of it, which is in the Township.

THE COURT: You're stating that from a maintenance standpoint the Township actually is the logical--

THE WITNESS: Yes.

MR. GOVACHINI: Yes, your Honor.

THE COURT: --municipal corporation to handle the

problems.

THE WITNESS: Yes.

THE COURT: All right.

BY MR. GOVACHINI:

Q Now, Mr. Sauger, you indicated that there are 13 properties that you know of down there. Can you tell the Court how large of an area are we talking about approximately? As far as, if the Court would go along with the petition and set the line along the Penn Central right-of-way or Con Rail right-of-way?

A You're talking about approximately three acres.

Q Three to four acres, would you say?

A Yes. It's just a small area.

Q And could you tell us approximately how many people, to the best of your knowledge, live in that area we're talking about?

A About 20 to 25 approximately in that area.

Q Now, Mr. Sauger, are you familiar, and in the petition we set forth, with where those properties are currently assessed at?

A I think all but four are assessed in the Township.

Q All but four are assessed in the Township?

A Currently, yes.

Q If I indicated to you that the four that aren't assessed in the Township in the effected area are owned by Stanley Wojcik, Mr. and Mrs. Holtz, Mr. and Mrs. Bopp, and a Mr. and Mrs. Gromley, would that be correct to your knowledge?

A Yes.

Q Those are the four properties?

A According to our tax books, yes.

Q Do you have any idea what the assessed evaluation of those four properties are?

A No. I have no idea whatsoever.

MR. GOVACHINI: I have no further questions. Mr. Pawlowski?

MR. PAWLOWSKI: I have no questions.

THE COURT: Just one question.

BY THE COURT:

Q Now, we speak about the Wojcik property, the Holtz property, and Gromley properties, with the change or where you're stating the line should be with regard to all being in the Township and running along the line of Con Rail presently. With regard to those four properties, are there the buildings or the main buildings; that is, homes that they have or these homes that are on these properties?

A Yes, sir.

Q And presently the homes have been assessed--

A In the Borough.

Q --in Ebensburg Borough. It would be contemplated that the assessment then of these four homes would be transferred to Cambria Township.

A Yes.

MR. GOVACHINI: Yes, your Honor.

BY THE COURT:

Q So that actually these are the only four homes themselves; that is, the structures, the buildings themselves--

A Yes, sir.

Q --that actually are affected in this proposition; is that correct?

A Yes, your Honor.

Q All right.

MR. GOVACHINI: You can step down.

(Witness excused).

MR. GOVACHINI: At this time, your Honor, I'd like to call to the stand Mike Jerome.

MICHAEL JEROME, BEING DULY SWORN, TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. GOVACHINI:

Q Mr. Jerome, will you tell us what your occupation is?

A County assessor.

Q County assessor. Are you the chief county assessor?

A Yes, sir.

Q And are you in charge of the Assessment Office for Cambria County?

A Yes, sir.

Q And do you have available with you today the assessment records and the maps as far as the Crestwood Estates Lakeview Plan is concerned?

A Yes, I do.

Q And can you tell us -- Do you have a copy of that map here, Mike?

A Yes.

Q If we superimposed the line on that plan approximately 200 to 250 feet south of the right-of-way, the Con Rail right-of-way line, the southerly-most right-of-way, how many properties -- am I correct in saying that there would be 13 different property owners in that area?

A Actually there's 15.

Q Now, let me get down to what we have in the petition and maybe you can straighten us out on it. First of all we have Norman Rolls and Susan Rolls located in this area right here.

A Yes.

Q Is that right?

A Un-huh.

Q Which is directly south of the Con Rail right-of-way line. Then we have next to them property owned by Edwin J. and Karen A. Westrick.

A That's right.

Q Is that correct?

A Un-huh.

Q Then we have Wendell Dean Gromley and Laura Jeanne Gromley.

A Well, there's another property between there.

Q Who owns that property?

A Ruth Shingler, S-H-I-N-G-L-E-R.

Q Ruth Shingler. And do you have an address for her?

A Just Ebensburg, PA.

Q Ebensburg, Pennsylvania. Then is the Gromley property next?

A Well, it's not directly adjacent to it because Mr. Bopp has that.

Q We'll get to Mr. Bopp. But Wendell Dean Gromley--

A Is the next improvement, yes.

Q Then Cletus M. Bopp.

A Right.

Q Is that right? Then do you have any other property owners? Now, we're cutting it off at that line, at the Bopp line.

Okay. So there's no other property owners up there.

Down below do you have a Mr. and Mrs. Gallagher, James and Catherine H. Gallagher?

A Yes. James Gallagher.

Q Then do you have a Stanley Wojcik and Jenny Wojcik?

A Yes, I do.

Q Do you have James Holtz and Deborah Holtz?

A Yes.

Q A William Wakefield and S. June Wakefield?

A Yes.

Q Margaret Dorsch, et al.?

A Yes.

Q Summit Realty Company then owns the next three lots over there.

A They do.

Q Then if we go down below, do you have a Dennis and Theresa Homady as owning a piece of property through which--

A That's below the Gallagher property, yes.

Q Right. And then a James R. Beltz and Annamae Beltz?

A Yes.

Q And a Max E. Oravec--

A Yes.

Q --and Kathleen J. Oravec?

A Yes.

Q That's the property that would be affected by the boundary line dispute; correct?

A There is one little piece at the Gallagher--that would be at the northwest corner of the Gallagher property. He also owns that. He bought that by later deed.

Q I'm aware of that.

A You're aware of that.

Q Yes. That that was cut off.

THE COURT: That would be the party as shown in 11(e) on the petition, James Gallagher and Catherine H. Gallagher. Is that correct?

MR. GOVACHINI: Exactly.

THE COURT: Very well.

BY MR. GOVACHINI:

Q Is that correct, Mr. Jerome?

A Yes, sir. Bought at two different times.

Q So the only one that we missed was this Ruth Shingler, Ebensburg, Pennsylvania. Am I correct in that?

A Yes. That was deeded in December the 3rd, 1977.

Q Now, can you tell the Court -- and am I correct in this and I'm trying to speed this up a bit, Mike-- of all the properties that we just enumerated, am I correct when I say that there are only four properties there that are, in fact,

assessed in the Borough of Ebensburg as lying in the Borough of Ebensburg and those are the Wojcik Property--

A Right.

Q --the Holtz property--

A Right.

Q --the Bopp property--

A Right.

Q --and the Gromley property.

A Right, yes.

Q Could you tell the Court what the total assessed valuation is of those four properties?

A \$56,240.

THE COURT: \$56,240?

THE WITNESS: Yes.

BY MR. GOVACHINI:

Q Are all of the other properties, Mr. Jerome, in fact, assessed in the Township as being in the Township of Cambria?

A Yes.

Q Could you tell the Court what the total assessed valuation is for the 14 properties that you enumerated?

A \$163,380.

MR. GOVACHINI: I'd like to point out to the Court that our petition shows \$133,690. but apparently that error was caused by the Ruth Shingler property not being listed.

THE COURT: I believe he said \$163,380.

MR. GOVACHINI: Right.

THE COURT: Very well.

BY MR. GOVACHINI:

Q Now, Mr. Jerome, can you tell us what the total assessed evaluation of all the properties are in the Borough of Ebensburg?

A Yes. There are \$9,150,230.

Q Mr. Jerome, from your records, can you tell us when we're talking about these 14 properties, approximately how large of an area are we talking about acreage-wise?

A Oh, there must be about -- I didn't compute it -- several acres, I imagine, about six, seven acres.

Q You'd say approximately six or seven acres. Do you have any idea how many people live in that area, the 14 properties I'm talking about?

A Several dozen probably.

Q Probably about, would you say 24?

A Twenty-four or 25.

Q If we superimposed the line on the Crestwood Estates Lakeview Plan map, as has been done here, and as the Borough indicates, 200 to 250 feet south of the Con Rail right-of-way, would that line dissect or cut in half a number of the lots in this area?

A Several of them, yes.

Q Okay.

A The one, two, three, four, five--

Q Six.

A --six properties. Six parcels.

Q I was going to ask you this question. I don't know whether Mr. Pawlowski's going to or not. What's the total acreage in the Borough of Ebensburg, if you know?

A Right offhand, I couldn't tell you. I don't know.

Q Okay.

MR. GOVACHINI: I have no further questions.

CROSS EXAMINATION

BY MR. PAWLOWSKI:

Q Mr. Jerome, have you computed the percentage loss valuation which will result to the Borough of Ebensburg is the line is set where it's been requested to be set?

A Yes.

Q What is that percentage?

A Six tenths of 1 percent.

Q That's all.

THE COURT: Have you computed that in actual dollars?

THE WITNESS: Well, in actual dollars, no, I didn't. But it amounts to six tenths, .61 of a percent.

(Witness excused).

MR. GOVACHINI: Please the Court, your Honor, we were going to have Mr. Bumford testify. Mr. Bumford is secretary for the Borough council, and I think is the Borough manager. But he was ill and I think that his testimony would be as Mr. Pawlowski indicated; namely, that the line is 200 to 300 feet south of the boundary of the Con Rail southern right-of-way; namely, that the Borough has no objection to the boundary line being set by this Court as running along that Con Rail right-of-way line in accordance with paragraph eight of our petition.

MR. PAWLOWSKI: That's correct, your Honor. Frankly, as I said before, the Borough doesn't know where the line is. Our one map shows it to be 200 or 250 feet south of the line. In order to resolve the dispute, we're agreeable to the Township's contention.

THE COURT: Very well. Now, are there any of the following property owners here then: Wojciks, Holtz, Bopp, Gromley?

(No response)

THE COURT: Now, the other property owners that are here -- I think for the purpose of the record we can list them. And is there any objection in any of the property owners that are here with regard to this proposal?

(All state none).

THE COURT: Let the record show that unanimously they

state there is none.

Could we have the names of the individuals who have appeared at this hearing?

MR. WAKEFIELD: Bill Wakefield.

THE COURT: All right. Mr. and Mrs. Wakefield.

MRS. BELTZ: James and Annamae Beltz.

THE COURT: All right. Annamae?

MR. GOVACHINI: Beltz.

THE COURT: Beltz, okay. Mr. Beltz, your first name?

MR. BELTZ: James.

THE COURT: Mr. James Beltz. And?

MR. KMETT: I just live in the area down there.

THE COURT: All right. You're not -- You're not one of the parties that are affected.

MR. WESTRICK: I'm Edwin Westrick.

THE COURT: Edwin Westrick. Very well. Now, even though -- Is there anybody here that knows Miss Shingler?

MR. KMETT: Yes. I know her and to my knowledge, she resides in Armaugh, Pennsylvania -- Brush Valley, I should say.

THE COURT: And your name is?

MR. KMETT: Edward Kmett.

THE COURT: And you've never had occasion to discuss this in any way with Miss Shingler or have you had occasion to discuss it?

MR. KMETT: No. We never discussed it, you know, on this property.

THE COURT: Very well. Off the record.

(Off the record discussion held)

THE COURT: If there's nothing further then, we'll conclude this hearing noting that the Court, has pursuant to its order appointed commissioners as provided hereunder

and there being nothing further then today, we'll recess.

(PROCEEDINGS CONCLUDED)

REPORTER'S CERTIFICATE

I HEREBY CERTIFY that the proceedings and evidence taken upon the hearing of the within cause are fully and accurately contained in the notes taken by me and that this copy is a true and correct transcript of the same.

Barbara J. Ray

Court Reporter

CERTIFICATE OF JUDGE

THE FOREGOING RECORD of the proceedings and evidence taken upon the hearing of the above cause is hereby approved and directed to be filed.

.....

P.J.

(Petitioner's Exhibit No. 3. is attached to transcript.
Petitioner's Exhibits Nos. 1 and 2 are filed separately with the
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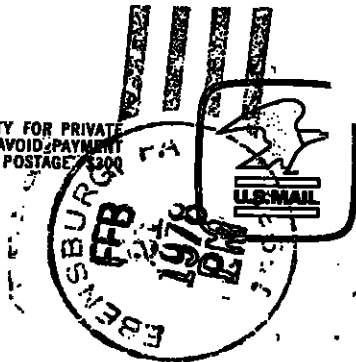
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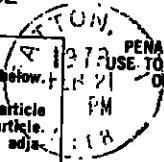
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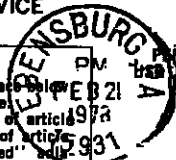
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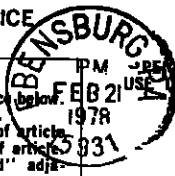
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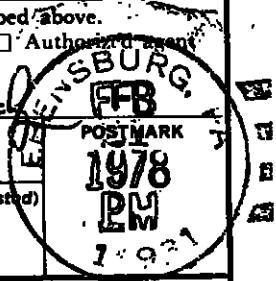
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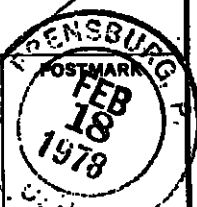
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- Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

★ PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



DENNIS GOVACHINI, ESQ.

(Name of Sender)

P. O. Box 217

(Street or P.O. Box)

Ebensburg, Pa. 15931

(City, State, and ZIP Code)

○ **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):

- Show to whom and date delivered: _____ \$
- Show to whom, date, and address of delivery. _____ \$
- RESTRICTED DELIVERY**
Show to whom and date delivered: _____ \$
- RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Mr. & Mrs. James Holtz
R. D. #3, P. O. Box 88B
Ebensburg, Pa. 15931

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	954404	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

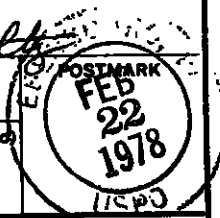
4. *Deborah Holtz*
DATE OF DELIVERY

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S
INITIALS

M/K

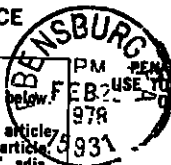


UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article, if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



DENNIS GOVACHINI, ESQ.

(Name of Sender)

P. O. BOX 217

(Street or P.O. Box)

Ebensburg, Pa. 15931

(City, State, and ZIP Code)

○ SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

Show to whom and date delivered!

Show to whom, date, and address of delivery.

RESTRICTED DELIVERY

Show to whom and date delivered.

RESTRICTED DELIVERY.

Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Stanley and Jenny Wojcik

P. O. Box 86H

Ebensburg, Pa. 15931

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

954405

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

4. *Stanley Wojcik*

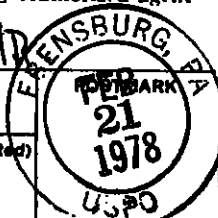
DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

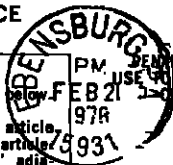
JK



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Moisten gummed ends and attach to front of article, if space permits. Otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.



PM. PENALTY FOR PRIVATE
USE. AVOID PAYMENT
OF POSTAGE, - \$300



**RETURN
TO**



DENNIS GOVACHINI, ESQ.

(Name of Sender)

P. O. BOX 217

(Street or P.O. Box)

Ebensburg, Penna. 15931

(City, State, and ZIP Code)

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

○ SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered. \$
 Show to whom, date, and address of delivery. \$
 RESTRICTED DELIVERY
Show to whom and date delivered. \$
 RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$
(CONSULT POSTMASTER FOR FEES)

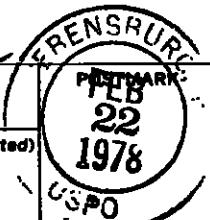
2. ARTICLE ADDRESSED TO:
Mr. & Mrs. Cletus M. Bopp
R. D. #1,
Ebensburg, Pa. 15931

3. ARTICLE DESCRIPTION:
REGISTERED NO. | CERTIFIED NO. | INSURED NO.
| 954406 |

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY
Clet Bopp



5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

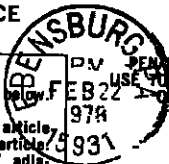
CLERK'S INITIALS
mk

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, and 3 on the reverse.
- Moisten gummed ends and attach to front of article, if space permits. Otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



POSTAGE WILL BE PAID BY ADDRESSEE
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



DENNIS GOVACHINI, ESQ.

(Name of Sender)

P. O. Box 217

(Street or P.O. Box)

Ebensburg, Pa. 15931

(City, State, and ZIP Code)

- **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- Show to whom and date delivered. \$
- Show to whom, date, and address of delivery. \$
- RESTRICTED DELIVERY**
Show to whom and date delivered. \$
- RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery. \$
- (CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

James & Catherine Gallagher
R. D. #3, P. O. Box 86M
Ebensburg, Pa. 15931

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	(954407)	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

James P. Gallagher

4. **DATE OF DELIVERY**

2/18/78

POSTMARK

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S INITIALS

CS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



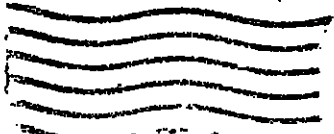
SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



**RETURN
TO**



DENNIS GOVACHINI, ESQ.

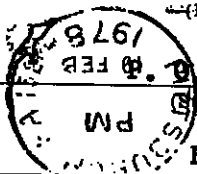
(Name of Sender)

BOX 217

(Street or P.O. Box)

Ebensburg, Pa. 15931

(City, State, and ZIP Code)



PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

○ SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1: The following service is requested (check one).

- Show to whom and date delivered. \$
 - Show to whom, date, and address of delivery. \$
 - RESTRICTED DELIVERY
Show to whom and date delivered. \$
 - RESTRICTED DELIVERY.
Show to whom, date, and address of delivery. \$
- (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. & Mrs. Wendell D. Gromley
R. D. #1,
Homer City, Pa.

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	954408	

(Always obtain signature of addressee or agent)

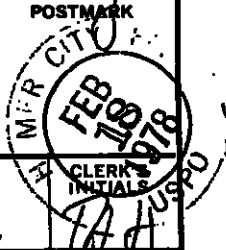
I have received the article described above.

SIGNATURE Addressee Authorized agent

Leanne Gromley

4. DATE OF DELIVERY
FEB 21 1978

POSTMARK



5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

PS Form 3811, Apr. 1977

○ SENDER: Complete items 1, 2, and 3.
Add your address, in the "RETURN TO" space on reverse.

i. The following service is requested (check one).

Show to whom and date delivered. ¢

Show to whom, date, and address of delivery. ¢

RESTRICTED DELIVERY

Show to whom and date delivered. ¢

RESTRICTED DELIVERY.

Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Norman and Susan Rolls

R. D. #1

Ebensburg, Pa. 15931

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

954409

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

4.

DATE OF DELIVERY

2-21-78

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

[Handwritten initials]

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

○ **SENDER:** Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- Show to whom and date delivered. \$
- Show to whom, date, and address of delivery. \$
- RESTRICTED DELIVERY**
Show to whom and date delivered. \$
- RESTRICTED DELIVERY.**
Show to whom, date, and address of delivery. \$
- (CONSULT POSTMASTER FOR FEES)

2. **ARTICLE ADDRESSED TO:**

Summit Realty Co.
600 Arch St.
Cresson, Pa. 16630

3. **ARTICLE DESCRIPTION:**

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	954400	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

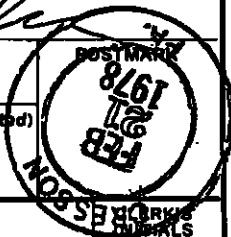
4.

DATE OF DELIVERY

FEB 21 1978

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:**



UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on the reverse.
 - Moisten gummed ends and attach to front of article if space permits. Otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



Dennis Govachini, Esq.

(Name of Sender)

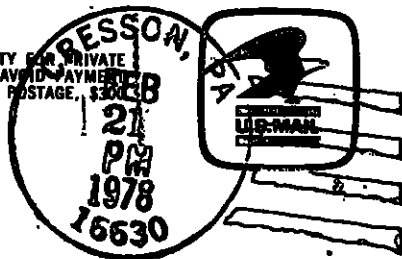
P. O. Box 217

(Street or P.O. Box)

Ebensburg, Pa. 15931

(City, State, and ZIP Code)

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Road Docket No. 2-1978

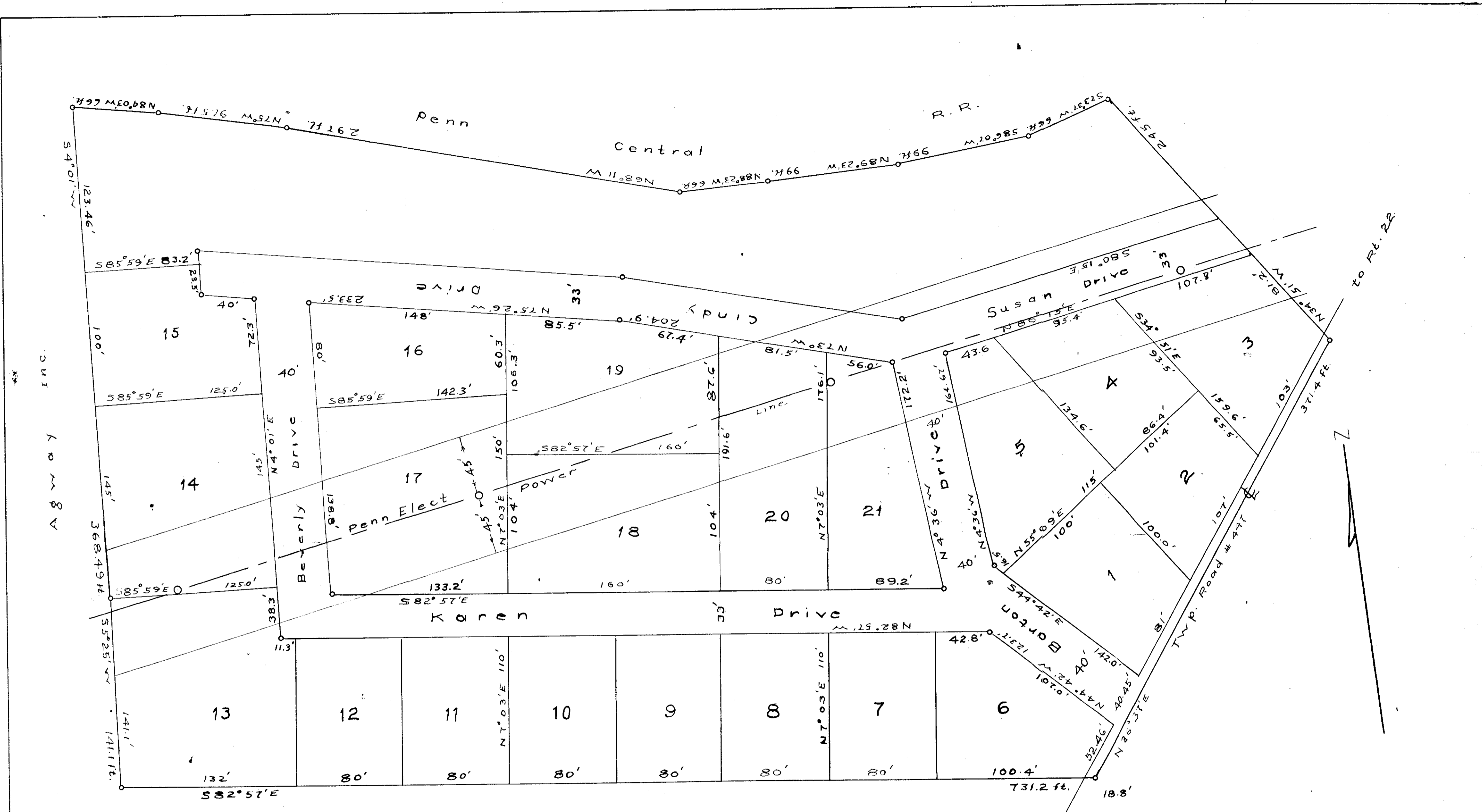
TOWNSHIP OF CAMBRIA,
Petitioner

vs

BOROUGH OF EBENSBURG,
Respondent

Petitioner's Exhibit No. 1

Hearing on Monday, March 13,
1978



Frank Rashlich

STATE OF PENNSYLVANIA ss
 COUNTY OF CAMBRIA

Before me a Notary Public in and for said county and state personally appeared Orange L. Mulhollen, Registered Professional Surveyor, who acknowledged this plan of lots to be the plan of lots, Streets, alleys and places surveyed and laid out by him, and desired the same to be recorded as such.

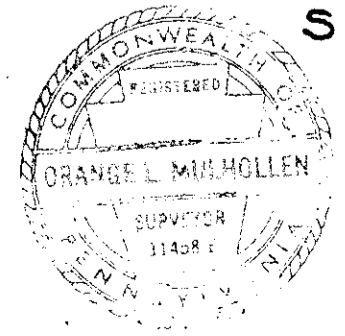
witness my hand and seal this 24th day of June, 1969

Nancy D. Loughran
 Notary Public
 My Commission expires: _____

Approved by Cambria Township Supervisors:

Clatus J. Bopp
Edith Simonich
Mitko Tishak

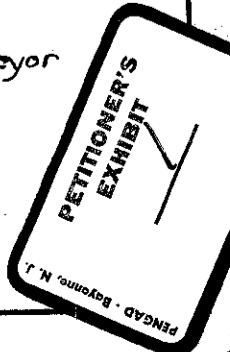
June 9, 1969

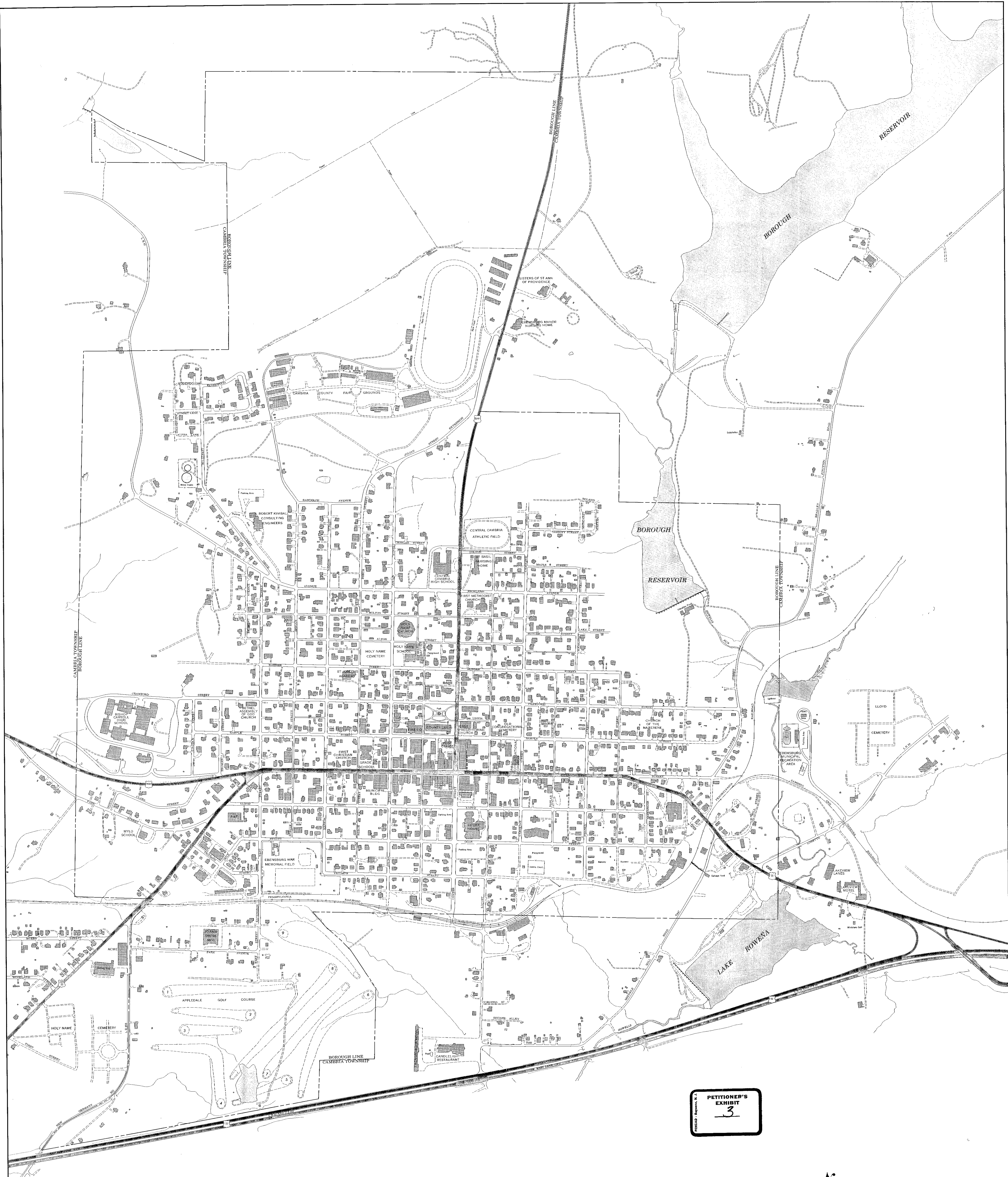


MAP SHOWING
 PROPERTY & PLAN OF LOTS OF
 CRESTWOOD ESTATES
 LAKEVIEW PLAN

Cambria Twp.
 Scale 1" = 50'
Orange L. Mulhollen

Cambria Co.
 Date: June 1969
 Registered Surveyor
 11450 E

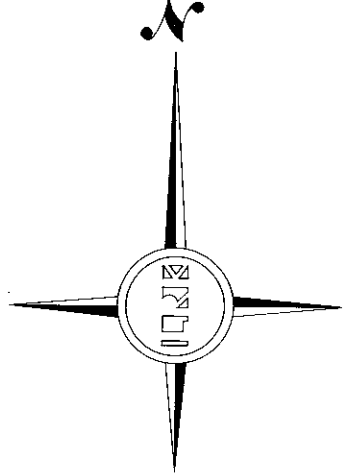
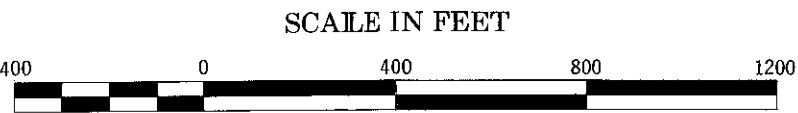




PETITIONER'S EXHIBIT
3

MAP
OF
EBENSBURG BOROUGH
CAMBRIA COUNTY
PENNSYLVANIA

FEBRUARY 1969



This Map Prepared by L. ROBERT KIMBALL
Consulting Engineers, Ebensburg, Pennsylvania

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA

Pl. Act # 2 - 1978
NO. 1978—Miscellaneous-41

PETITION TO ESTABLISH DISPUTED
PORTION OF BOUNDARY LINE
BETWEEN TOWNSHIP OF CAMBRIA
AND BOROUGH OF EBENSBURG

TOWNSHIP OF CAMBRIA,

Petitioner

vs.

BOROUGH OF EBENSBURG,

Respondent

REPORT OF
BOARD OF COMMISSIONERS

ROBERT E. SHAHADE
ATTORNEY AT LAW
U. S. BANK BUILDING
JOHNSTOWN, PENNSYLVANIA 15901
(814) 535-2111

FILED
CLERK OF COURTS
CAMBRIA COUNTY, PA.
JUL 31 4 41 PM '78
STEPHEN W. WUJICH
CLERK OF COURTS

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA
CIVIL DIVISION - LAW

Re. Oct # 2-1978

TOWNSHIP OF CAMBRIA, : NO. ~~1978~~ ~~Miscellaneous~~ ~~41~~
: :
Petitioner : :
: :
vs. : PETITION TO ESTABLISH DISPUTED
: PORTION OF BOUNDARY LINE
BOROUGH OF EBENSBURG, : BETWEEN TOWNSHIP OF CAMBRIA
: AND BOROUGH OF EBENSBURG
Respondent :

REPORT OF BOARD OF COMMISSIONERS

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

ROBERT E. SHAHADE, ESQUIRE, TELFORD LOCHER and OWEN HEENEY, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed in this matter as a Board of Commissioners to view a portion of the boundary line dividing the Township of Cambria and the Borough of Ebensburg, both in Cambria County, Pennsylvania, to hear testimony from affected abutting property owners and residents, and to render a report on the same to your Honorable Court, do hereby report as follows:

Pursuant to our appointment on January 27, 1977, your Board of Commissioners requested a transcript of a hearing held in Courtroom No. 1, Courthouse, Ebensburg, Pennsylvania, before the Honorable H. Clifton McWilliams, Jr. At that time, representatives of the petitioner and respondent, as well as property owners and residents from both jurisdictions abutting the boundary line in question, testified as to their respective opinions as to where the true boundary line lay and as to how, if at all, the fixing by our Board of Commissioners of a true boundary line might affect each of said jurisdictions and each of the individuals who testified.

Considering all of the testimony taken, together with maps and other record-data supplied to your Board by counsel for the respective parties, and with a special request for the fact that none of the parties hereto, and none of the persons who testified objected to the request for the fixing of the true boundary line as set forth in the petition of Cambria Township, as filed to No. ~~1978~~ ^{Road Docket #2, 1978} ~~Miscellaneous-41~~, your Board finds that the boundary line in question between Cambria Township and the Borough of Ebensburg should lie and extend as follows:

BEGINNING at a point on the Northerly right-of-way line of Township Road 447 (commonly known as Schenkel Mill Road) thence North $34^{\circ} 51'$ West 383.5 feet along the Easterly boundary lines of properties now or late of Summit Realty Company and Cletus M. Bopp et ux., through street known as Susan Drive to a point on the Southerly right-of-way line, now or late of the Pennsylvania Railroad; thence extending along said Southerly right-of-way the following seven courses and distances:

- (1) South $73^{\circ} 37'$ West 66 feet.
- (2) South $86^{\circ} 07'$ West 99 feet.
- (3) North $89^{\circ} 23'$ West 99 feet.
- (4) North $88^{\circ} 23'$ West 66 feet.
- (5) North $68^{\circ} 11'$ West 297 feet.
- (6) North $75^{\circ} 0'$ West 97.3 feet.
- (7) North $84^{\circ} 03'$ West 66 feet; to a point on the Easterly boundary line now or late of Agway, Inc.

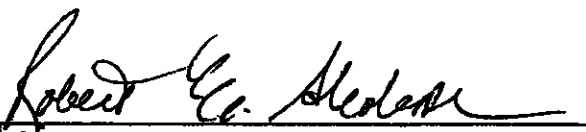
Said description being in accordance with a certain map known as the revised map of Crestwood Estates, redrawn

January 10, 1978, and recorded in Plat Book Volume 6 at Page 86;
marked as Exhibit A and attached to the original petition filed.

Respectfully submitted,

ROBERT E. SHAHADE
TELFORD LOCHER
OWEN HEENEY

Members of the Board of Commissioners

By 
Chairman

Rat Microfilmed

Road Docket No. 2-1978

Township of Cambria,
Petitioner

vs

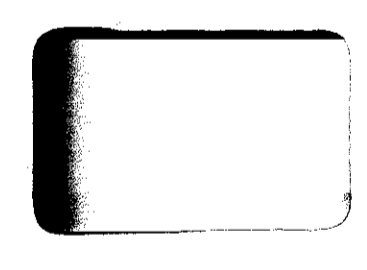
BOROUGH OF EBENSBURG,
Respondent

Petitioner's Exhibit No. 2

Hearing on Monday, March 13
1978.



- LEGEND**
- A AGRICULTURE
 - P CONSERVATION PRESERVATION
 - R-1 SINGLE FAMILY
 - R-2 SINGLE & TWO FAMILY
 - R-3 MULTI-FAMILY
 - R-4 MOBILE HOME PARK
 - C-1 NEIGHBORHOOD COMMERCIAL
 - C-2 GENERAL COMMERCIAL
 - C-3 HIGHWAY COMMERCIAL
 - M-1 LIGHT MANUFACTURE
 - M-2 HEAVY MANUFACTURE



PROPOSED ZONING MAP
 FOR
CAMBRIA TOWNSHIP
 OCT. 1973 SCALE 1"=1000'
 PREPARED BY
 L. ROBERT KIMBALL
Consulting Engineers
 EBENSBURG PITTSBURGH
 PENNSYLVANIA

Map H

Road Docket #2 - 1978

Petitioner's Exhibit No. 2

Part 1

