

SESSIONS, 19

No. 1

IN RE: LAYING OUT, OPENING AND
ACCEPTING A PUBLIC ROAD IN THE
BOROUGH OF LILLY AND THE TOWN-
SHIP OF WASHINGTON, COUNTY OF
CAMBRIA AND STATE OF PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

AUDITED JAN 25 1967
CLERK OF COURTS: \$ 13.00 *R* - 13.00 - 5-30-62

FILED: SEPTEMBER 27, 1961 by Robert
Cassidy, Esq.

40
REPORT OF THE BOROUGH COUNCIL OF LILLY BOROUGH
AND THE SUPERVISORS OF WASHINGTON TOWNSHIP

TO THE HONORABLE, THE JUDGE OF THE ABOVE NAMED COURT, AND TO ALL OTHER PERSONS CONCERNED:

The undersigned Officers of the Borough of Lilly and the Township of Washington, respectfully reports:

1. They are the Borough Council men of Lilly Borough and the Road Supervisors of the Township of Washington, County of Cambria, and State of Pennsylvania.
2. That they propose to lay out, open and accept a public road lying partially in the Borough of Lilly and partially in the Township of Washington, County of Cambria, and State of Pennsylvania, more particularly described as follows:

No. 1. Beginning at a point on the center line of Piper Street. Said point of beginning being S 65° 18' E. 346.85 feet from the intersection of the center line of Piper Street with the western Right of Way line of Harris Street. Thence from said point of beginning by a line at right angles to the center line of Piper Street, N. 24° 42' E. 16.50 feet to a point, said point being on the northwesterly Right of Way line of Piper Street as extended, thence along said Right of Way line S 65° 18' E. 42.72 feet to a point, said point being the point of curvature of a curve to the left. Said curve having a delta angle of 90° 10' and a radius of 129.69 feet, an arc length of 204.09 feet, a chord bearing of N 69° 37' E and a chord distance of 183.68 feet to a point, said point being the P.T. of said curve. Thence along said Right of Way line N 24° 32' E 22.20 feet to a point on the southwesterly Right of Way line of the Lilly Branch of the Pennsylvania Railroad. Thence along and upon the Right of Way line of the Lilly Branch of the Pennsylvania Railroad S 65° 28' E 33.00 feet to a point, said point being on the southeasterly Right of Way line of Piper Street as extended. Thence along and upon the southeasterly Right of Way line of Piper Street as extended, S 24° 32' W 22.20 feet to a point, said point being the point of curvature of a curve to the right. Said curve having delta angle of 90° 10' and a radius of 162.69 feet, an arc length of 256.03 feet a chord bearing of S 69° 37' W and a chord distance of 230.41 feet to a point. Thence along said Right of Way line N 65° 18' E 42.72 feet to a point. Thence N: 24° 42' E 16.50 feet to the point and place of beginning.

Said parcel of ground containing 0.223 acres.

The above described parcel of land is shown on the plan attached hereto and made a part hereof.

No. 2. Beginning at the intersection of the center line of Piper Street extended and the northeasterly Right of Way line of the Lilly Branch of the Pennsylvania Railroad. Said point of beginning being

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No. 1 CONTINUED

located by the following two courses and distances from the intersection of Piper Street with the western Right of Way line of Harris Street S $65^{\circ} 18'$ E 536.19 feet and N $24^{\circ} 32'$ E 228.82 feet.

Thence from said point of beginning by a line at right angles to the center line of Piper Street and along the Right of Way line of the Lilly Branch of the Pennsylvania Railroad, N $65^{\circ} 28'$ W 16.50 feet to a point, said point being on the northeasterly Right of Way line of the Lilly Branch of the Pennsylvania Railroad, also on the northwest Right of Way line of Piper Street extended, and the point of curvature of a curve. Thence by the arc of a curve to the right and by the lands now or formerly of Leslie Piper, said curve having a delta angle of $120^{\circ} 00'$ a radius of 88.09 feet, an arc length of 184.50 feet, a chord bearing of N $84^{\circ} 32'$ E and a chord distance of 152.58 feet to a point, said point being the point of tangency of said curve. Thence continuing along lands now or formerly of Leslie Piper and the north Right of Way line of Piper Street extended S $38^{\circ} 28'$ E 1.74 feet to a point, said point being the point of curvature of a curve. Thence by the arc of said curve to the left along land now or formerly of Leslie Piper, said curve having a delta angle of $30^{\circ} 00'$ and a radius of 316.62 feet, an arc length of 165.78 feet, a chord bearing of S $50^{\circ} 28'$ E, and chord distance of 163.89 feet to a point said point being the point of tangency of said curve.

Thence from said point S $24^{\circ} 38'$ W 33.00 feet to a point on the southeasterly Right of Way line of Piper Street extended and the northeasterly Right of Way line of the Lilly Branch of the Pennsylvania Railroad. Said point being the point of curvature of a curve, to the right. Said curve is the southeasterly Right of Way line of Piper Street extended. Thence by the arc of said curve and along land now or formerly of Leslie Piper, said curve having a delta angle of $30^{\circ} 00'$ and a radius of 349.62 feet, an arc length of 183.06 feet, a chord bearing of N $50^{\circ} 28'$ W, and a chord distance of 180.98 feet to a point, said point being the point of tangency of said curve. Thence from said point along and upon the southeasterly Right of Way line of Piper Street extended, and along land now or formerly of Leslie Piper N $35^{\circ} 28'$ W 1.74 feet to a point, said point being the point of curvature of a curve. Thence by the arc of a curve to the left and long lands now or formerly of Leslie Piper, said curve having a delta angle of $120^{\circ} 00'$ a radius of 55.09 feet, and an arc length of 115.38 feet, a chord bearing of S $84^{\circ} 32'$ W, and a chord distance of 95.42 feet to a point, said point the point of tangency of said curve and on the northeasterly Right of Way line of the Lilly Branch of the Pennsylvania Railroad.

Thence from said point along and upon the northeasterly Right of Way line of the Lilly Branch of the Pennsylvania Railroad N $65^{\circ} 28'$ W 16.50 feet to the point and place of beginning.

Said parcel of ground containing 0.247 acres.

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No. 1 CONTINUED

The above described parcel of land is shown on the plan attached hereto and made a part hereof and marked Exhibit "A".

3. The Borough Council of Lilly Borough at a regular meeting held the 26th day of August, 1961 and the Supervisors of Washington Township at a special meeting on the 26th day of August, 1961, upon hearing, decided in favor of ordaining the laying out, opening and accepting of the above described road as a public road in the Borough of Lilly and the Township of Washington, the respective ordinance of the Borough of Lilly and the Township of Washington are hereto attached and made a part hereof, and marked Exhibit "B" and Exhibit "C".

4. That the aforesaid petitioners have waived all right to damages and the right of any notice of the time and place of hearing in the matter of laying out, opening and accepting said road.

5. That the Borough Council of Lilly Borough and the Supervisors of Washington Township believe that the laying out, opening and accepting of said road is necessary for the public convenience.

6. That this report and survey attached hereto is made and filed in the Office of the Clerk of Quarter Sessions pursuant to the Act of Assembly of May 4, 1927, P. L. 519, as amended, and Act of Assembly of May 1, 1931, P. L. 101, as amended.

Respectfully submitted,
/s/ Clair A. McGonigle
President of Council, Lilly Borough
/s/ Michael A. Devett, Jr.
/s/ Carl Fees
/s/ Lenora A. Bradley
/s/ Joseph Hritz
/s/ J. Patrick Leap
Councilmen, Lilly Borough

/s/ George Moschgat
/s/ Jerome Behe
/s/ Charles Wheeler
Road Supervisors, Washington Township

State of Pennsylvania X
 X SS
County of Cambria X

Personally appeared before me, a Notary Public in and for said County and State, Clair A. McGonigle, President of Council of Lilly Borough, Cambria County, Pennsylvania, who being duly sworn according to law, deposes and says that the facts set forth in the foregoing report are true and correct to the best of their knowledge, information and belief.

/s/ Clair A. McGonigle
President of Council of Lilly Borough

Sworn to and subscribed before me
this 26 day of August, 1961 (SEAL)
/s/ John Robine, Justice of the Peace

State of Pennsylvania X
 X SS
County of Cambria X

Personally appeared before me, a Notary Public in and for said County and State,

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No. 1 CONTINUED

-----, Road Supervisors of the Township of Washington, Cambria County, Pennsylvania, who being duly sworn according to law, depose and say that the facts set forth in the foregoing report are true and correct to the best of their knowledge, information and belief.

/s/ George Moschgat

/s/ Jerome Behe

/s/ Charles Wheeler

Sworn to and subscribed before me

this 26 day of August, 1961

/s/ John Robine, J. P.

(SEAL)

Exhibit "A" filed. *100/100*Exhibit "B" filed. *100/100*Exhibit "C" filed. *100/100**300*
3 *+ cert copy*
ORDER

AND NOW, 9 November, 1961, No exceptions having been filed, the within report is approved.

By the Court:

/s/ Griffith, P. J.

NO. 2

IN RE: AN ORDINANCE LAYING OUT ROADS
WHOLLY WITHIN CRESSON TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA

CLERK OF COURTS: \$ 6.50

JUL 29 1966 AUDITED
6-20-66 FILED: OCTOBER 2, 1961

AN ORDINANCE LAYING OUT ROADS WHOLLY WITHIN CRESSON TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA

WHEREAS, the Supervisors have decided in the interest of public convenience, to lay out, by Ordinance, sections of roads, same being parts of private roads.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Supervisors of Cresson Township, and it is hereby ordained and enacted by authority of same as follows:

SECTION 1. That the following described roads with widths as hereinafter stated be and the same are hereby laid out.

Midland Avenue beginning at Township Road leading from Summit to Gallitzing, known as Country Club Road, and extending in a Southeasterly direction a distance of 394.52 feet to a point on the Southeasterly side of Boland Drive, Said Avenue being fifty feet wide.

Highland Avenue beginning at a point on the Township Road leading from Summit to Gallitzin, known as Country Club Road, and extending Southeasterly a distance of 455.73 feet to the southeasterly side of Boland Drive. Said Avenue being fifty feet wide.

Short Avenue beginning at a point on the Southeasterly side of Township Road leading from Summit to Gallitzin and extending in a Southeasterly direction a distance of 303.95 feet to a point corners of Lots No. 5 and 11. Said Avenue being 50 feet wide.

Powell Avenue beginning at a point on Township Road leading from Summit to Gallitzin and extending in a Southeasterly direction a distance of 425.79 feet to the Westerly edge of Boland Drive, and said Avenue being fifty feet wide.

Ninth Street beginning at Township Line, property of Saint John- Saint Mary Orphanage land and extending in a Southerly direction a distance of 515.11 feet to the Northerly side of Short Avenue. Said street being fifty feet wide.

Ninth Street extending from Powell Avenue in a Southerly direction a distance of 283.62 feet to Keystone Avenue. Said Street being fifty feet wide.

Linden Avenue beginning at Ninth Street and extending in a Westerly direction 276 feet to Eighth Street. Said Avenue being forty feet wide.

Eighth Street beginning at the intersection of Eighth Street and Linden Avenue and extending in a Southerly direction a distance of 270 feet. Said street being forty feet wide.

Fourth Street beginning at William Penn Highway and extending in a Southwesterly direction a distance of 421.77 feet to Gwinn Avenue. Said Street being fifty feet wide.

Mountain Avenue beginning at the Westerly side of Fourth Street and extending in a Westerly direction a distance of 760 feet to an Alley. Said Avenue being fifty feet wide.

Center Avenue beginning on the Easterly side of Third Street and extending in an Easterly direction a distance of 390 feet, corners of Lots Nos. 177 and 167. Said Avenue being fifty feet wide.

Third Street beginning at the Northern edge of Girard Avenue and extending Northerly a distance of 150 feet to an alley. Said Street being fifty feet wide.

Ap rint of survey of the roads hereby laid out is attached hereto and made a part hereof.

SECTION II. That the Township Solicitor be and he is hereby authorized and directed to file a certified copy of this Ordinance in the office of the Clerk of Quarter Sessions of Cambria County, Pennsylvania.

SECTION III. All Ordinances or part of Ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED into an Ordinance this 12th day of July, 1961.

/s/ Louis Eberhart

Pres. Board of Supervisors

(TOWNSHIP SEAL)

ATTEST:

/s/ Charles Templon

Secretary

I hereby certify the above to be a true correct copy of the Ordinance passed by the Cresson Township Supervisors July 12, 1961.

/s/ Charles Templon, Sec'y. Board of Supervisors

No. 3

IN RE: MOST REVEREND J. CARROLL
McCORMICK, BISHOP OF THE DIOCESE OF
ALTOONA-JOHNSTOWN, IN TRUST FOR THE
CONGREGATION OF ST. ANDREWS CHURCH
OF UPPER YODER TOWNSHIP,

Plaintiff

vs.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

FILED: NOVEMBER 3, 1961

CLERK OF COURTS = \$ 31.00962

ORDER

AND NOW, this 2nd day of November, 1961, upon consideration of the foregoing petition to Certify Award into Court of Quarter Sessions, it is ordered and directed that all proceedings in this matter shall be certified to the Court of Quarter Sessions by the Prothonotary of Cambria County.

BY THE COURT: Griffith, Pres. Judge.

PETITION FOR THE APPOINTMENT OF
BOARD OF VIEW

Petitioner, Most Reverend J. Carroll McCormick, Bishop of the Diocese of Altoona-Johnstown, in trust for the congregation of St. Andrew's Church of Upper Yoder Township, Cambria County, Pennsylvania, the successor Bishop to the Most Reverend Richard T. Guilfoyle, deceased, and the Most Reverend Howard J. Carroll, deceased, respectfully represents:

-1-

The petitioner, Most Reverend J. Carroll McCormick, Bishop of the Diocese of Altoona-Johnstown, in trust for the congregation of St. Andrew's Church of Upper Yoder Township, Cambria County, Pennsylvania, is a resident of the City of Altoona, County of Blair, and State of Pennsylvania, and as successor Bishop, is entrusted with and holds for the congregation of St. Andrew's Church of Upper Yoder Township, Cambria County, Pennsylvania, all the hereinafter described real estate.

-2-

The petitioner is the owner in trust as above stated of all that certain tract of land lying and being partly in the Township of Conemaugh, Somerset County, and partly in the Township of Upper Yoder, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the southerly side of State Highway Route No. 53, which point is distant from the northwesterly corner of a tract of land conveyed to General Telephone Company by deed of Christ Contakos, et ux., dated March 1, 1956, and recorded in Deed Book Volume 680 at page 100, records of Cambria County, by the following two courses and distances: south 66 degrees 4 minutes West 14.57 feet and south 57 degrees 38 minutes West 710.96 feet; and from said point of beginning, south 28 degrees 15 minutes east through land of which the within described tract is a part 609.59 feet to a point on the northerly line of Bens Creek; thence south 56 degrees 39 minutes west 397.14 feet to a point; thence south 72 degrees 51 minutes west 214.96 feet to a point; thence north 1007 minutes west along line of Route 53,

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No. 3 CONTINUED

575.84 feet to a point; thence north 54 degrees 6 minutes east along line of Route 53, 412.87 feet to a point; thence north 57 degrees 38 minutes east 18.13 feet to a point, the place of beginning. Containing 7.909 acres.

-3-

That during the year 1960, the Department of Highways of the Commonwealth of Pennsylvania appropriated a portion of petitioner's property, all of the appropriated portion being located in Cambria County, for the construction, reconstruction and improvements to State Highway Route 52, section 22, being a section of highway at or near what is commonly known as the Bens Creek area in the above stated Township.

-4-

That by reason of the appropriation of the land and the improvements to the said highway, petitioner's property has been seriously affected and damaged, in that it has made his property inaccessible and certain portions of it useless.

-5-

That during the construction of said road, the petitioner will be deprived of the entrance of the property and inconvenienced by reason of the debris incident to said construction being placed on said land.

-6-

That the respondent has destroyed and will affect the entrance to the petitioner's property, making it difficult of access; thereby causing him and the parishioners great inconvenience and greatly depreciating the value of the land and the improvements thereon. The appropriation herein referred to has resulted in the destruction of a building which had been previously rented which was income bearing property, destroying of a fence used for the protection of the congregation and children using the school and church, destroying of lawn and trees and shrubbery, thereby affecting the natural beauty of the property involved, and the change of the roadway grade, a higher grade affecting the entrance to the rectory, church, convent and school, making it hard for parishioners' automobiles, school busses, etc., to gain entrance to the property.

-7-

Your petitioner, therefore, prays your Honorable Court to appoint a Board of View to assess the damages sustained by your petitioner's property by reason of the construction and relocation of the highway as aforesaid, and to report the same to your Honorable Court in this proceeding in accordance with the Acts of Assembly and Rules of Court in such case made and provided, and

Your petitioner will ever pray.

/s/ J. Carroll McCormick
Most Reverend J. Carroll McCormick,
Bishop of the Diocese of Altoona-
Johnstown, In Trust for congregation
of St. Andrew's Church of Upper Yoder
Township.

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF BLAIR :

MOST REVEREND J. CARROLL MCCORMICK, Bishop of the Diocese of Altoona-Johnstown, on trust for congregation of St. Andrew's Church of Upper Yoder Township, being duly sworn according to law, deposes and says that he is the petitioner above named and that the statements set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

/s/ J. Carroll McCormick
Most Reverend J. Carroll McCormick

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No. 3 CONTINUED.

Sworn to and subscribed before me
this 26th day of May, 1961.

/s/ Noel F. Smorto

My Commission expires: 1/27/63

DECREE

AND NOW, this 17 day of July, 1961, upon consideration of the foregoing petition, and on motion of Eugene A. Creany, Esq., of the law firm of Smorto & Creany, Attorneys for the Petitioner, the Court appoints Robert S. Mayer, T. L. Locher and Donald J. Letizia, as a Board of View to assess the damages caused by the construction and relocation of State Highway Route 52, section 22, in front of the petitioner's property, and do direct that the said Board of View shall hold its first meeting as required by the Acts of Assembly and Rules of Court in such case made and provided, and after evidence is given and report filed, give due notice of the filing of the report, as required by law, the cost thereof to be taxes as part of the cost of said proceeding, and do further direct that said Board of View shall report to this Court in accordance with existing laws and rules of Court.

BY THE COURT:

/s/ Wolfe, Judge.

Notice of Filing of Viewers Report filed.

Schedule of Award Filed.

Notice of Exhibit filed.

Notice of Hearing filed.

Viewers' Notice filed.

VIEWERS' REPORT

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

DONALD J. LETIZIA, Esquire, T. L. LOCHER and ROBERT G. MAYER, Three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises of the MOST REVEREND J. CARROLL McCORMICK, Bishop of the Diocese of Altoona-Johnstown, in Trust for the Congregation of St. Andrew's Church of Upper Yoder Township, to assess damages to said property arising from the condemning of the said property by the Commonwealth of Pennsylvania, Department of Highways, and return the proceedings according to law, respectfully report.

Pursuant to the ir appointment on July 17, 1961, the Board of View set Tuesday, August 8, 1961, at 9:30 a.m., e.d.s.t., as the time to view and inspect the premises owned by the MOST REVEREND J. CARROLL McCORMICK, Bishop of the Diocese of Altoona-Johnstown, in Trust for the Congregation of St. Andrew's Church of Upper Yoder Township. Both parties thereafter requested that the View scheduled for August 8, 1961, be continued. The Board thereafter set Tuesday, August 29, 1961, at 9:30 a.m., e.d.s.t. as the time to view and inspect the premises. Due notice thereof was given to Eugene A. Creany, Esquire, Attorney for Plaintiff, as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to Edward F. Peduzzi, Esquire, Attorney for the Defendant, as shown by acceptance of service of notice hereto attached and made a part hereof. The Board of View thereafter set September 22, 1961, at 10:00 a.m., e.d.s.t., at the Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania, as the time and place for hearing. Due notice thereof was given to Eugene A. Creany, Attorney for Plaintiff, as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to Edward F. Peduzzi, Attorney for Defendant, as shown by acceptance of service of notice hereto attached and made a part hereof. The hearing was held at the time and place appointed and was attended by Eugene A. Creany, Esquire, Attorney for the Plaintiff, Charles N. Glass, Real Estate Appraiser and Rev. Fr. Joseph Fleming. The Commonwealth of Pennsylvania, was represented by Edward F. Peduzzi, Esquire, Paul D. Washington and John J. Mock, Real Estate

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No. 3 CONTINUED.

Appraisers, and Howard Breneman, Right-Of-Way Engineer. The Plaintiff was thereupon examined upon the merits of the case and a full hearing was held thereon.

Due Notice of the filing of this Report was given to the Plaintiff, through his attorney, Eugene A. Creany, as shown by acceptance of service of notice hereto attached and made a part hereof. Due notice was likewise given to the Defendant, through its attorney, Edward F. Peduzzi, as shown by acceptance of service 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 Common Pleas of Cambria County, Pennsylvania, on July 17, 1961, requesting that Viewers be appointed in the above captioned matter.

II. FINDINGS OF FACT

(1) That MOST REVEREND J. CARROLL McCORMICK, Bishop of the Diocese of Altoona-Johnstown, in Trust for the Congregation of St. Andrew's Church of Upper Yoder Township, is the owner of the premises described as follows:

ALL that certain tract of land lying and being partly in the Township of Conemaugh, Somerset County and partly in the Township of Upper Yoder, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the southerly side of State Highway Route No. 53, which point is distant from the northwesterly corner of a tract of land conveyed to General Telephone Company by deed of Christ Contakos, et ux., dated March 1, 1956, and recorded in Deed Book Volume 680 at Page 100, records of Cambria County, by the following two courses and distances: South 66° 4' West 14.57 feet and South 57° 38' West 710.96 feet; and from said point of beginning, South 28° 15' East through land of which the within described tract is a part 609.59 feet to a point on the northerly line of Bens Creek; thence south 56° 39' West 397.14 feet to a point; thence South 75° 51' West 214.96 feet to a point; thence North 1007 minutes West along line of Route No. 53, 575.84 feet to a point; thence North 54° 6' East along line of Route 53, 412.87 feet to a point; thence North 57° 38' East 18.13 feet to a point; the place of beginning. Containing 7.090 acres.

(2) That on September 16, 1960, the Commonwealth of Pennsylvania, adopted a Resolution condemning a portion of said property for the purposes of construction, reconstruction and improvements to State Highway Route #52, Section 22, in Cambria County, Pennsylvania.

(3) That Charles N. Glass, real estate appraiser, testified that after the condemnation by the Commonwealth of Pennsylvania, Department of Highways, the property owned by the Plaintiff, suffered a loss amounting to \$19,250.

(4) That Rev. Fr. Joseph Fleming, Pastor of St. Andrew's Church, testified that after the condemnation by the Commonwealth of Pennsylvania, the property owned by the Most Reverend J. Carroll McCormick, Bishop of the Diocese of Altoona-Johnstown, in Trust for the Congregation of St. Andrew's Church of Upper Yoder Township, suffered a loss amounting to \$30,000.

(5) That Howard Breneman, Right of Way Engineer for the Commonwealth of Pennsylvania, testified that the property was condemned on September 16, 1961, and that 29,640 sq. ft. or .688 acre was taken.

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NO. 3 CONTINUED.

(6) That Paul D. Washington, real estate broker, testified that after the condemnation by the Commonwealth of Pennsylvania, the property owned by Most Reverend J. Carroll McCormick, Bishop of the Diocese of Altoona-Johnstown, In Trust for the Congregation of St. Andrew's Church of Upper Yoder Township, suffered a loss amounting to \$10,730.

(7) That John J. Mock, real estate appraiser, testified that after the condemnation by the Commonwealth of Pennsylvania, the property owned by Most Reverend J. Carroll McCormick, Bishop of the Diocese of Altoona-Johnstown, In Trust for the Congregation of St. Andrew's Church of Upper Yoder Township, suffered a loss amounting to \$11,876.

III. OPINION

The Board of View has carefully examined the evidence offered in this case, has deducted therefrom certain facts, has carefully examined the law applicable, and is of the opinion that the Petitioner has presented a meritorious case.

The Petition alleges that the Most Reverend J. Carroll McCormick, Bishop of the Diocese of Altoona-Johnstown, in Trust for the Congregation of St. Andrew's Church of Upper Yoder Township, is the owner of the property referred to above and that in the condemning by the Commonwealth of Pennsylvania, said property has sustained serious loss and damages and that the compensation for such damages has not been fixed or agreed upon between the Plaintiff and Defendant.

The power of eminent domain is the power to take property for public use without the owner's consent. Briegel v. Briegel 2160 A. 581, 307 Pa. 93 (1932). Eminent Domain is an inherited attribute of sovereignty and the provisions for compensation is not part of the power, but a limitation on its use by the constitution, P. S. Const. Art. 1, Section 10.

The Constitution contains three sections relating to eminent domain, Article 1, Section 10, provides that private property shall not be taken or applied to public use, without authority of law and without just compensation being first made or secured. Article 16, Section 3, provides that "The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the State." Article 16 also provides that municipal and other corporations and individuals invested with the power of eminent domain must make compensation for property taken, and prohibits the General Assembly from depriving any person of the right of appeal from any preliminary assessment of damages against any corporation or individuals made by viewers or otherwise.

When a tract of land is taken, the owner is entitled to compensation equal to its market value. Market value should be determined on the basis of what price the property would bring if the owner were under no compulsion to sell and a purchaser under no compulsion to buy, taking into account all considerations that might be brought forward and reasonably given substantial weight in bargaining for the property, such as location, improvement, production quality and the uses to which it may reasonably be put, taking in the light of sales of other property in the vicinity. United States v. 15.3 Acres of Land in the City of Scranton, Com. of Pa., 154 F. Supp. 770 (1957). While the value of the land should not be based upon speculation, everything which gives the land intrinsic value should be considered and it is not to be limited to a particular use, and any use to which the property is adapted or any prospective use may be considered.

CONCLUSION

The Board of View reports that after a full and impartial consideration of the testimony and evidence submitted to them and acting according to their best judgment, they have estimated and determined the damages sustained by the owner and occupants of the said property by reason of the condemning of the property by the Commonwealth of Pennsylvania.

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No. 3 CONTINUED.

MOST REVEREND J. CARROLL McCORMICK,
BISHOP OF THE DIOCESE OF ALTOONA-
JOHNSTOWN, IN TRUST FOR THE CONGREGATION
OF ST. ANDREW'S CHURCH OF UPPER YODER
TOWNSHIP \$15,000.00

The Board of View have taken into consideration any benefits accruing to the premises and assess damages against the COMMONWEALTH OF PENNSYLVANIA.

Respectfully submitted,

/s/ Donald J. Letizia, Esq. Chairman
/s/ T. L. Locher
/s/ Robert G. Mayer

NOW, 31 OCTOBER, 1961, the within report confirmed NISI in accordance with requirement of Rule of Court #235.

/s/ Joseph C. Dolan, Prothonotary

AND NOW, 4 December, 1961, NO EXCEPTIONS HAVING BEEN FILED
THE WITHIN REPORT IS CONFIRMED ABSOLUTELY.

BY THE COURT:

/s/ Griffith, P. J.

December 5, 1961: Certified copy of above order mailed to-Smorto & Creany, Esqs. &
Edw. F. Peduzzi, Esq.

And Now, December 14, 1961, Received from the Department of Highways of the Commonwealth of Pennsylvania the sum of \$15,000.00 in full satisfaction of the above Viewers Award.

Smorto & Creany
by Eugene A. Creany
Attorney for Plaintiff

WITNESS:

Barbara C. Jackson

No. 4

#48

IN RE: AN ORDINANCE FOR THE
ACCEPTING, OPENING, AND LAYING
OUT OF OAKLYNN DRIVE, UPPER
YODER TOWNSHIP

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.

AUDITED JAN 25 1962
CLERK OF COURTS: \$ 6.50

FILED: NOVEMBER 16, 1961

L. G. 50
12-11-61

BE IT ORDAINED, and it is hereby ordained, that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby accepts, opens and lays out as a public road in said Township Oaklynn Drive, being 40 feet in width, more particularly described as follows:

BEGINNING at a point on Meadow Drive approximately 0.39 miles in a Southerly direction from the intersection of Meadow Drive and Pennsylvania Route 271 (Menohar Highway) and extending South $51^{\circ} 52'$ West a distance of 564.63 feet; thence South $45^{\circ} 15'$ West a distance of 470.47 feet; thence South $36^{\circ} 45'$ West a distance of 163.59 feet; thence South $51^{\circ} 30'$ West a distance of 409.41 feet; thence South $74^{\circ} 11'$ West a distance of 55.11 feet to a point at intersection of Oaklynn Drive and Woodland Lane (an unaccepted but dedicated street); thence North $69^{\circ} 47'$ West a distance of 105.94 feet; thence North $52^{\circ} 32'$ West a distance of 78.79 feet; thence North $43^{\circ} 47'$ West a distance of 51.49 feet; thence North $32^{\circ} 32'$ West a distance of 599.02 feet (passing El-Va-Lon Lane a 50 foot dedicated street and Wild Cat Rocks Road a 40 foot dedicated street, the centers of which are 345 feet apart with El-Va-Lon Lane centerline located 100 feet from Station 8+64.33); thence North $2^{\circ} 35'$ West a distance of 114.35 feet; thence North $0^{\circ} 12'$ West a distance of 132.27 feet; thence North $7^{\circ} 00'$ East a distance of 124.0 feet; thence North $19^{\circ} 28'$ East a distance of 86.03 feet; making a total of 1920 feet from the centerline intersections of Meadow Drive and Oaklynn Drive

a map, draft and survey showing said Oaklynn Drive and also the centerline grade established thereon, as prepared by Hinks and Locher on August 1, 1960 and August 30, 1960, is attached hereto and made a part of this Ordinance.

Ordained and enacted this 2nd day of November, 1961.

SUPERVISORS OF UPPER YODER TOWNSHIP

By /s/ Edward F. DeFrehn, President

ATTEST: /s/ Thomas H. Nesbitt, Secretary

I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Supervisors of Upper Yoder Township on November 2, 1961.

/s/ Thomas H. Nesbitt, Secretary

Map filed.

No. 5

IN RE: PETITION OF RICHLAND
TOWNSHIP SUPERVISORS TO TAKE
OVER, ADOPT AND OPEN UP CERTAIN
PRIVATE ROADS AS TOWNSHIP
HIGHWAYS

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ Petition=\$4.00
Order=\$3.00
Recording\$7.00
Copy=\$3.00

FILED: November 29, 1961

AUDITED JAN 25 1962
Total=\$17.00

TO THE HONORABLE JUDGES OF SAID COURT:

The petition of the Supervisors of Richland Township, Cambria County, Pennsylvania,
respectfully represents:

FIRST

That the residents and citizens of Richland Township, Cambria County, Pennsylvania,
owning property and living along various private roads as hereinafter set forth have requested
and petitioned the Supervisors of Richland Township to adopt, take over and open up the said
private roads as Township Highways.

SECOND

That the said proposed Township Highways have been laid out and dedicated to
public use for many years by the original Grantors and adjoining property owners, but the Rich-
land Township Supervisors have never adopted the same as Township Highways.

THIRD

That the said private roads proposed to be adopted as Richland Township Highways
are as follows:

NAME	LOCATION	WIDTH	DISTANCE
Following roads as shown on J. M. Hoffman Plan of Lots - E. A. Hardy and B. E. Kline Track, recorded July 20, 1959 in Plat Book Volume 6, page 5.			

Carwyn Drive	From northerly side of Mitchel Drive to southerly side of Route 56	50'	1,129.43'
--------------	--	-----	-----------

Work Drive	From northerly side of Mitchel Drive to southerly side of Carwyn Drive	50'	959.16'
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Following road as shown on Boyer Plan of Richland Terrace recorded September 6, 1960, in Plat
Book Volume 6, page 23.

Terlyn Drive	From northeasterly property line of Harold Wissinger and Civilla Hostetler to Banyan Drive	40'	1,061.8'
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Following roads as shown on Map showing plan for right of way of Eisenhower Boulevard and ad-
joining streets recorded November 2, 1960, in Plat Book Volume 6, page 29

Eisenhower Boulevard	From State Highway Route 56 to northeasterly line of Nitch Tire Service	33'	150'
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Eisenhower Boulevard	From northeasterly line of Nitch Tire Service to northeasterly side of Gary Street	70'	720.01'
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CONTINUED ON NEXT PAGE.

No. 5 CONTINUED.

NAME	LOCATION	WIDTH	DISTANCE
Gary Street	From Gladstone St. to Eisenhower Blvd.	50'	500'

Following roads as shown on Plan of Lots at No. 37, Richland Township, Cambria County, Pa., recorded July 16, 1956, in Plat Book Volume 5, page 83.

Third street	From Public Road on North end to alley on South End	33'	630.77'
Fourth Street	From Public Road on North end to alley on South end	40'	1,071.81

Following roads as shown on Plan of Richland Village as laid out for Corle Corp. Builders recorded October 26, 1959, in Plat Book Volume 6, page 8.

Fair Road	From Krings Road to easterly side of Lots 7 and 19	40'	474.54'
Westridge Road	From Bella Vista Drive to Line of Ida B. Vickroy	40'	278.5'
Pawnee Road	From Bella Vista Drive to line of Emma Kosmatine	40'	565.44'
Bella Vista Drive	From Fair Road to Township Highway	40'	1,173.62'
Greenwich Road	From Catalina Drive to Bella Vista Drive	40'	355.19'
Catalina Drive	From Krings Road to Township Road	40'	439.75'

Following road shown on map of property of Fremont W. and L. James Thomas recorded October 23, 1961, in Plat Book Vol. 6, page 41

Lauretta Lane	From northerly side of Luther Road to northerly side of lots 20 and 13	50'	632.13'
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Following roads shown on Jacob M. Hoffman, Bell Vue Plan, Addition 2-A recorded April 6, 1960, in Plat Book Volume 6, page 14

Kerr Drive	From Newbaker Drive to Christy Drive	50'	1,592.87
Annette Street	From Freeman Drive to Kerr Drive	50'	700.36

No. 5 CONTINUED

NAME	LOCATION	WIDTH	DISTANCE
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Following roads shown on Jacob M. Hoffman, Bell Vue Plan, Addition No. 1 recorded April 9, 1959, in Plat Book Volume 5, page 109.

Metzler Street	From Maken Drive to Christy Drive	50'	1,540.36'
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Christy Drive	From Freeman Drive to Kerr Drive	50'	700.88'
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Following road shown on Conrad Nees Estate Plan of Lots recorded on December 11, 1941, in Plat Book Volume 3, page 162.

Phillip Street	From southerly side of Walters Street to Greenfield Street	40'	760.1
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FOURTH

That the Supervisors of Richland Township are desiorus of adopting the said streets as Township Highways so as to better serve and meet the needs of the citizens, taxpayers and prop-erty owners of Richland Township, Cambria County, Pennsylvania.

FIFTH

That the said Supervisors of Richland Township have passed a resolution adopting said streets as Township Highways and authorized this petition to your Honorable Court asking its approval, a certified copy of said resolution is hereto attached and made a part hereof.

Therefore, your Petitioners pray your Honorable Court to approve the said adoption of the aforesaid streets as Richland Township Highways.

And they will forever pray.

RICHLAND TOWNSHIP SUPERVISORS

/s/ Herman O. Weaver

/s/ Robert G. Harris

/s/ Harold P. Trent

STATE OF PENNSYLVANIA)

COUNTY OF CAMBRIA) SS:

Personally appeared before me, a Notary Public in and for said County and State, Herman O. Weaver, Harold P. Trent and Robert Harris, Supervisors of Richland Township, who being duly sworn according to law depose and say that the facts set forth in the foregoing Petition are true and correct to the best of their knowledge, information and belief.

/s/ Herman O. Weaver

/s/ Robert G. Harris

/s/ Harold P. Trent

Sworn and subscribed to
before me this 28th
day of November, 1961
/s/ Marian E. Gojmerac,
Notary Public
Johnstown, Cambria County, Pa.
My Commission Expires Jan. 29, 1964.

CONTINUED ON NEXT PAGE.

No. 5 CONTINUED.

R E S O L U T I O N

At the regular meeting of the Richland Township Supervisors held on the 16th day of November, 1961, it was regularly moved and seconded and unanimously passed that the following named streets in Richland Township, are hereby adopted as Richland Township Highways and further that the Township Solicitor, Marlin B. Stephens, is hereby authorized and directed to petition the Court of Quarter Sessions of Cambria County, Pennsylvania, for approval of the adoption of the aforementioned streets as Richland Township Highways; and the Supervisors of Richland Township are hereby authorized, instructed and directed to execute the said Petition together with any and all papers necessary for the adopting of the said streets as Richland Township Highways. Said streets are described as follows:

Carwyn Drive, from northerly side of Mitchel Drive to southerly side of Route 56

Work Drive, From northerly side of Mitchel Drive to southerly side of Carwyn Drive

Terlyn Drive, form northeasterly property line of Harold Wissinger and Civilla Hostetler to Banyan Drive

Eisenhower Boulevard, from State Highway Route 56 to northeasterly line of Nitch Tire Service

Eisenhower Boulevard, from northeasterly line of Nitch Tire Service to northeasterly side of Gary Street

Gary Street, from Gladstone Street to Eisenhower Boulevard

Third Street, from Public Road on North end to alley on South end.

Fourth Street, from Public Road on North end to alley on South end.

Fair Road, from Krings Road to easterly side of Lots 7 and 19

Westridge Road, from Bella Vista Drive to line of Ida B. Vickroy

Pawnee Road, from Bella Vista Drive to line of Emma Koshatine

Bella Vista Drive, from Fair Road to Township Highway

Greenwich Road, from Catalina Drive to Della Vista Drive

Catalina Drive, from Krings Road to Township Road

Lauretta Lane, from northerly side of Luther Road to northerly side of lots 20 and 13

Kerr Drive, from Newbaker Drive to Christy Drive

CONTINUED NEXT PAGE.

No. 5 CONTINUED

Annette Street, from Freeman Drive to Kerr Drive

Metzler Street, from Maken Drive to Christy Drive

Christy Drive, from Freeman Drive to Kerr Drive

Phillip Street, from southerly side of Walters Street
to Greenfield Street.

I hereby certify that the aforesaid Resolution was adopted and is a part of the minutes of the Richland Township Supervisors at their regularly held meeting held on the 16th day of November, 1961.

/s/ Marcella Wilkinson

Secretary, Richland Township Supervisors

D E C R E E

NOW, this 29 day of November, 1961, the foregoing petition having been read and duly considered and it appearing to the Court that the Supervisors of Richland Township are desirous of adopting the said proposed streets as Township Highways, and it appearing to be for the best interests of the residents of Richland Township as well as the general driving public to have the said streets adopted as Township Highways.

THEREFORE, it is ordered and decreed that the streets above set forth in the foregoing petition are approved for adoption as Township Highways and the said streets are hereby Township Highways and a part of the Richland Township Highway System and under the care, supervision and responsibility of the Supervisors of Richland Township, Cambria County, Pennsylvania.

By the Court: /s/ Griffith, P. J.



No. 1

IN RE: LAYING OUT, OPENING AND
ACCEPTING A PUBLIC ROAD IN THE
TOWNSHIP OF EAST CARROLL, COUNTY
OF CAMBRIA AND STATE OF PENNSYL-
VANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNA.

APR 5 1962 AUDITED
CLERK OF COURTS: \$ 13.00

Rec'd. MAR 8 1962 AUDITED
13-2-19-62

FILED: DECEMBER 15, 1961, by Robert Cassidy, Esq.

30 new
page

30

REPORT OF THE SUPERVISORS OF EAST CARROLL TOWNSHIP

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT, AND TO ALL OTHER PERSONS CONCERNED:

W. A. WESTRICK, OTTO P. CUNNINGHAM and RAYMOND WEBER respectfully report:

1. That they are the road Supervisors of the Township of East Carroll, County of Cambria and State of Pennsylvania,
2. That they propose to lay out, open and accept a public road lying wholly within the Township of East Carroll, County of Cambria and State of Pennsylvania more particularly described as follows:

BEGINNING at a point on the center line of the proposed public highway which point of beginning is North thirty-seven degrees thirty five minutes West, sixteen and five tenths feet (N 37° 35' W, 16.5') from the southwest corner of the property of Edward Cihan; thence in parallel lines sixteen and five tenths feet (16.5') on each side of said center line or a total width of thirty three feet (33') said center line running from the point of beginning North fifty two degrees twenty five minutes East, three hundred forty feet (N 52° 25' E, 340') to a point ending on the right of way line of Route 221, said proposed highway fronting on its southeastern side on the properties of Edward Cihan, William Wilkinson, William Griffith, Xavier Strittmatter, Gerald Crowell and Omer Wharton and on its northwestern side by an abandoned Northern Cambria Street Railway, the present owner of which is unknown, as shown on the survey of Martin C. Kirsch, Reg. Eng., which is attached hereto and made a part hereof.

3. That pursuant to a petition of all the abutting property owners on the proposed road as hereinbefore described, which petition is hereto attached, made a part hereof and marked "Exhibit B", the Supervisors of East Carroll Township, at a regular meeting held the 4th day of December, 1961, upon hearing, decided in favor of ordaining the laying out, opening and accepting of the above described road as a public road in the Township of East Carroll, which resolution is hereto attached, made a part hereof and marked "Exhibit C".

4. That the aforesaid petitioners have waived all rights to damages and the right of any notice of the time and place of hearing in the matter of laying out, opening and accepting said road.

5. That the Supervisors of East Carroll Township believe that the laying out, opening and accepting of said road is necessary for the public convenience.

6. That this report and survey attached hereto is made and files in the Office of the Clerk of Quarter Sessions pursuant to the Act of Assembly approved the 1st day of May, 1933, P. L. 103, as amended.

Respectfully submitted,

/s/ W. A. Westrick

/s/ Otto P. Cunningham

/s/ Raymond Weber

Road Supervisors of East Carroll Township

CONTINUED ON NEXT PAGE.

Transferred from Page 221

No. 1 CONTINUED

State of Pennsylvania

I
I B

ss.

County of Cambria

I

Personally appeared before me, a Notary Public in and for said County and State, W. A. WESTRICK, OTTO P. CUNNINGHAM, and RAYMOND WEBER, Road Supervisors of the Township of East Carroll, Cambria County, Pennsylvania, who being duly sworn according to law, depose and say that the facts set forth in the foregoing report are true and correct to the best of their knowledge, information and belief.

/s/ W. A. Westrick

/s/ Otto P. Cunningham

/s/ Raymond Weber

Sworn to and subscribed before me
this 5 day of December, 1961.

/s/ M. A. Westrick, Notary Public

My Com. Expires Mar. 9, 1965.

Exhibit "B" filed.

Exhibit "C" filed.

300

ORDER

NOW, 19 JANUARY, 1962, THIRTY DAYS HAVING PASSED
AND NO EXCEPTIONS TO THE WITHIN REPORT HAVING
BEEN FILED, THE WITHIN REPORT IS APPROVED.

By the Court:

/s/ Wolfe, Judge.

MARCH

SESSIONS, 19 62

No. 2

IN RE: COPY OF ORDINANCE,
CONEMAUGH TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

APR 5 1962 AUDITED
CLERK OF COURTS: \$ 3.50

FILED: DEC. 18, 1961, by Robert Glass, Esq.

R-350-1-27-62 FEB 8 1962 AUDITED

In accordance with the Act of Assembly known as the Second Class Township Code, effective July 1, 1933, and as amended July 1, 1947, and pursuant to Section 1102 thereof, the Supervisors of Conemaugh Township, Cambria County, Pennsylvania, hereby submit to the Clerk of Quarter Sessions of Cambria County, Pennsylvania, a true and correct copy of the Ordinance passed by said Supervisors, the 2nd day of December, 1961, whereby certain streets named in the Ordinance were established as public roads or highways of said Township. There is also submitted herewith a draft or survey of said roads and streets showing the location and width thereof. The text of the Ordinance is as follows:

Ordinance -- The Supervisors of the Township of Conemaugh, Cambria County, Pennsylvania, hereby adopt and enact this ordinance establishing the following as public roads or highways of this Township with the boundaries, courses and distances, width and termini as shown on map, drawing and profile as prepared for this Township by Hinks and Locher Engineers, Johnstown, Pennsylvania, which said map, drawing or profile is incorporated herein by reference and made a part hereof, and as by reference thereto, the same will more fully and at large appear.

Passed finally this 2nd day of December, 1961, after due advertisement and notice to the property owners affected thereby.

Motion by Gauntner to accept Gauntner St.,--seconded by Burkhart
Motion by Gauntner to accept Space St., -- second by Burkhart
Motion by Gauntner to accept Murton St.,--Second by Burkhart
Motion by Gauntner to accept Antinazzo Lane--Second by Burkhart -- objection by Whatmore
Motion by Gauntner to accept Janie St.,--Second by Burkhart
Motion by Gauntner to accept Hawkins Ave.,--Second by Burkhart
Motion by Gauntner to accept Tripoli St.--Second by Burkhart
Motion by Gauntner to accept Vogel St., --Second by Burkhart
Motion by Gauntner to accept Donald St.--Second by Burkhart
Motion by Gauntner to accept Killiwhat St.,--Second by Burkhart
Motion by Gauntner to accept Leonard St.,--Second by Burkhart
Motion by Gauntner to accept Telford St.,--Second by Burkhart
Motion by Gauntner to accept Essex St.,--Second by Burkhart
Motion by Gauntner to accept Odax St.,--Second by Burkhart
Motion by Gauntner to accept Saratoga St.,--Second by Burkhart
Motion by Gauntner to accept Seibert St., (Hipp Ave.,)--Second by Burkhart
Motion by Gauntner to accept Horrocks St.,--Second by Burkhart
Motion by Gauntner to accept Davis Drive--Second by Burkhart
Motion by Gauntner to accept Luzon Ave.--Second by Burkhart
Motion by Gauntner to accept Boltz St.--Second by Burkhart
Motion by Gauntner to accept Edgehill Blvd--Second by Burkhart

Certified to be a true and correct copy of the Ordinance as taken from the Minute Books of the Township of Conemaugh, Cambria County, Pennsylvania at the regular meeting of the Township Supervisors, December 2, 1961.

ATTEST: /s/ Leroy Burkhart, Acting Secretary

(SEAL)

Maps and drafts of above streets filed.

No. 3

IN RE: IN THE MATTER OF THE CHANGE OF
LOCATION AND LINES OF THE HIGHWAY KNOWN
AS STATE HIGHWAY ROUTE NO. 222, IN THE
TOWNSHIP OF RICHLAND, CAMBRIA COUNTY, PA.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.

CLERK OF COURTS: \$ 33.50
R-33.50 - 2-3-62 JUL 12 1962 AUDITED

FILED: December 21, 1961

PETITION OF SILVER DRIVE-IN THEATRE, INC.,
FOR THE APPOINTMENT OF VIEWERS

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

The Petition of Silver Drive-In Theatre, Inc., respectfully represents:

1. Your Petitioner is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and with its principal place of business at 1704 Scalp Avenue, Johnstown, Cambria County, Pennsylvania.

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

BEGINNING at a point on the westerly line of State Highway known as Route No. 56 leading from Windber to Johnstown, said point being at the place or point of intersection of the division line between property of John and Catherine McKool and other property of the parties of the first part herein and said western line of said State Highway Route No. 56; thence South $65^{\circ} 35'$ West 350.74 feet to an iron pipe; thence South $20^{\circ} 22'$ East 395.59 feet to an iron pipe; thence along the land of Emma Fry South $65^{\circ} 35'$ West 253.58 feet to an iron rail; thence along the eastern property line of Wilmore Coal Company North $27^{\circ} 40'$ West 900 feet; thence along other land of Louis Hostetler North $70^{\circ} 16'$ East 497.25 feet to a stake; thence North $62^{\circ} 30'$ East 112.22 feet to Pennsylvania State Highway Route No. 56; thence along the westerly line of Pennsylvania State Highway Route No. 56 South $33^{\circ} 35'$ East 475 feet to the place of beginning. Containing 9.465 acres.

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, Pennsylvania, to the Borough of Windber, Somerset County, Pennsylvania, made certain changes which affected the land owned by your Petitioner in that the new highway known as Highway Route No. 222 was 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, said portion being a strip of land approximately 20 feet in width and extending from the westerly line of said above mentioned land to the easterly line of said land.

4. Your Petitioner avers that it was the owner of the land hereinabove mentioned at

CONTINUED ON NEXT PAGE.

MARCH

SESSIONS, 19 62

No. 3 CONTINUED.

the time of said condemnation, and therefore, it is the only party entitled to recover damages for the taking thereof.

5/ The Secretary of Highways of the Commonwealth of Pennsylvania, under authority of law, has caused changes in existing lines and location of the highway above referred to as State Highway Route No. 222 to be made at a point on said Highway where the same now passes along and above the real estate owned by your Petitioner and hereinabove described. Such change, in-so far as that portion of said Highway Route No. 222 is concerned, makes a change therein whereby said Highway has been converted into a four lane highway upon a new location which extends over and above part of Petitioner's land. As the result of said changes, the land as owned by your petitioner has been condemned and taken for public use in connection with the changes in lines and location above referred to.

6. Petitioner is advised, believes and therefore avers that a strip of land approximately 20 feet in width and 475 feet in length, comprising approximately 9,500 square feet of land was taken for highway purposes.

7. The changes in said Highway so made by the Secretary of Highways have not only taken a large part of the real estate of your Petitioner as above set forth, but did cause injury and damage to the remainder thereof.

8. Petitioner avers that prior to the change in the Highway above mentioned, the property was landscaped and planted with hedges, shrubbery and trees and the change of the Highway resulted in the destruction of said shrubbery and trees.

9. Petitioner avers that prior to the change in the Highway above mentioned, Petitioner operated a Drive-In Theater with a two lane exit driveway. The change of the Highway as aforesaid resulted in the exit driveway being reduced to a one lane exit.

10. 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 changes of the existing lines and location of said highway known as State Highway Route No. 222.

11. The approval of the plan making the changes in State Highway Route No. 222 as aforesaid was dated February 18, 1958.

12. The 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 its land was actually taken for public use, but in addition thereto, they claim that the fair market value immediately after the condemnation, and as affected by the condemnation, was less than the amount of the fair market value immediately before the condemnation.

13. Until this date, Petitioner and the Secretary of Highways of the Commonwealth of Pennsylvania, are unable to agree upon the amount of compensation to be made for the property taken by the condemnation as aforesaid.

WHEREFORE, Your Petitioner prays the Court to appoint a Board of Viewers in the manner prescribed by law, to ascertain and award just compensation to the Silver Drive-In Theatre, Inc., for its property so condemned in accordance with the Acts of Assembly in such cases made and provided.

And they will ever pray, etc.

SILVER DRIVE-IN THEATRE, INC.
By : /s/ John McKool, President

Attest:
/s/ William J. Smith
Secretary

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CAMBRIA) SS:

On this 20th day of December, 1961, before me, the undersigned officer, personally appeared John McKool, who acknowledged himself to be the president of Silver Drive-In Theatre, Inc., a corporation, and that he as such president, being authorized to do so, executed the
CONTINUED ON NEXT PAGE.

No. 3 CONTINUED.

foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as president.

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

/s/ Richard J. Green, Jr., Notary Public.

(SEAL)

Johnstown, Cambria County, Penna.

My Commission Expires April 16, 1962.

ORDER

AND NOW, to wit, this 21st day of December, 1961, on motion of Samuel G. Shahade, Esq. Attorney for Petitioner, the court appoints Theodore Hunt, Robert S. Mayer, and Donald J. Letizia as a Board of Viewers upon the foregoing 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: /s/ Wolfe, J.

December 28th, 1961: Order to View mailed to Theodore Hunt this date.

May 7, 1962: Viewers' Report filed by Donald J. Letizia, Esq.

VIEWERS' REPORT

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

DONALD J. LETIZIA, Esquire, THEODORE HUNT and ROBERT G. MAYER, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises of SILVER DRIVE IN THEATRE, INC., to assess damages to its property arising from the improvement and changes to State Highway Route No. 222 in the Township of Richland, County of Cambria, and State of Pennsylvania, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on December 21, 1961, the Board of View set January 12, 1962, at 10:00 a. m. e.s.t., as the time to view and inspect the premises owned by SILVER DRIVE IN THEATRE, INC. Due notice thereof was given to William G. Shahade, Esquire, of the law firm of Shahade, Harty & Shahade, Attorneys for Petitioner, as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to the Commonwealth of Pennsylvania as shown by acceptance of service of notice attached hereto and made a part hereof. The Board of View thereafter set January 26, 1962, at 10:00 a.m., e.s.t., at the Judges Chambers, Park Building, Johnstown, Pennsylvania, as the time and place for hearing. A continuance was requested by the Commonwealth of Pennsylvania and the hearing was thereafter set for March 30, 1962, at 10:00 a.m. e.s.t. at the Judges Chambers, Park Building, Johnstown, Pennsylvania. Due notice thereof was given to William G. Shahade, Attorney for Petitioner, as shown by Acceptance of Service of notice attached hereto and made a part hereof. Notice was likewise given to Arnold D. Smorto, Attorney for Commonwealth of Pennsylvania, as shown by Acceptance of service of notice hereto attached and made a part hereof. The hearing was held at the time and place appointed and was attended thereat by William G. Shahade, Attorney for Petitioner, John McKool, President of Silver Drive In Theatre, Inc., and Charles N. Glass, real estate appraiser. The Commonwealth of Pennsylvania was represented by Arnold D. Smorto, Esquire, Howard E. Breneman, District Right of Way Engineer, and Dell Comiskey and John J. Mock, real estate appraisers. The Petitioner was thereupon examined upon the merits of the case and a full hearing was held thereon.

Due notice of the filing of this Report was given to the Petitioner through its attorney, William G. Shahade, as shown by acceptance of service of notice hereto attached and made a part hereof. Due notice was likewise given to the Commonwealth of Pennsylvania through its attorney, Arnold D. Smorto, as shown by acceptance of service of notice hereto attached and made a part hereof.

The original papers are attached hereto and made a part of this Report.

CONTINUED ON PAGE 227

NO. 3 CONTINUED

The Board of View further reports as follows:

I. SERVICE OF PROCESS

The original papers and docket entries show that the Silver Drive In Theatre, Inc. filed a Petition with the Court of Quarter Sessions of Cambria County, Pennsylvania, on December 21, 1962, setting forth that it labored under inconvenience for want of an assessment of damages.

II. FINDINGS OF FACT

(1) Silver Drive In Theatre, Inc. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and is the owner of a parcel of ground situate in the Township of Richland County of Cambria, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the westerly line of State Highway known as Route No. 56 leading from Windber to Johnstown, said point being at the place or point of intersection of the division line between property of John and Catherine McKool and other property of the parties of the first part herein and said western line of said State Highway Route No. 56; thence South $65^{\circ} 35'$ West 350.74 feet to an iron pipe; thence South $20^{\circ} 22'$ East 395.59 feet to an iron pipe; thence along the land of Emma Fry South $65^{\circ} 35'$ West 253.58 feet to an iron rail; thence along the eastern property line of Wilmore Coal Company North $27^{\circ} 40'$ West 900 feet; thence along other land of Louis Hostetler North $70^{\circ} 16'$ East 497.25 feet to a stake; thence North $62^{\circ} 30'$ East 112.22 feet to Pennsylvania State Highway Route No. 56; thence along the westerly line of Pennsylvania State Highway Route No. 56 South $33^{\circ} 35'$ East 475 feet to the place of beginning. Containing 9.465 acres

(2) On February 18, 1958, the Commonwealth of Pennsylvania condemned approximately 3,000 square feet of the property referred to above, which portion is approximately 20 feet in width and 475 feet in length, as shown on the Map attached hereto, Marked "Exhibit A", and colored in yellow.

(3) That John McKool is President, Catherine A. McKool is Treasurer and William J. Smith is Secretary of the Silver Drive In Theatre, Inc.

(4) That John McKool is President and Catherine A. McKool is Secretary-Treasurer of Kaymack Realty Company.

(5) That Kaymack Realty Company and John McKool and Catherine A. McKool leased to the Silver Drive In Theatre, Inc., a parcel of land approximately 100 feet square adjoining the Silver Drive In Theatre property for the purposes of erecting a steel tower to support a moonlight system and electrical wiring cables for the use of the Silver Drive In Theatre, Inc. as shown in "Exhibit B" attached hereto and made a part hereof.

(6) That said lease was dated July 1, 1956, and was to end June 30, 1981, for a total rental of \$44,100.

(7) That prior to the taking of the property referred to above the top exit road leading from the drive in theatre was 55 feet in width and the lower exit road was 20 feet in width.

(8) That prior to the taking the theatre could be cleared in approximately 10 minutes; after the taking and because only one land of traffic could now be used for the purpose of exiting it takes approximately 45 minutes to clear the theatre.

(9) That a 60 foot galvanized tower with windmill had been used by the petitioner for advertising and as a show piece.

(10) That the taking by the Commonwealth of Pennsylvania included that parcel of ground upon which was located the tower and the tower was also taken.

(11) That John McKool, President of Silver Drive In Theatre, Inc., testified that the loss suffered because of the taking by the Commonwealth of Pennsylvania was \$80,000.

(12) That Charles N. Glass, real estate appraiser, testified that the loss suffered by the Petitioner because of the taking by the Commonwealth of Pennsylvania was \$45,000.

(13) That Howard E. Breneman, is District Right of Ways Engineer, for the Department of Highways.

(14) That Howard E. Breneman testified that, that portion of the land of the petitioner which was condemned and taken by the Commonwealth of Pennsylvania was an easement 240 feet in length in front of the theatre premises consisting of approximately 3,000 square feet.

(15) That Howard E. Breneman testified that a change in grade made it necessary to condemn the petitioner's property and resulted in the highway being raised from its formerly level.

(16) That Dell Comiskey, a real estate appraiser, testified that the loss suffered by the Petitioner because of the taking by the Commonwealth of Pennsylvania was \$5,500.

(17) That John J. Mock, a real estate appraiser, testified that the loss suffered by the Petitioner because of the taking by the Commonwealth of Pennsylvania was \$1,516.40.

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No. 4

IN THE MATTER OF THE CHANGE OF LOCATION AND LINES OF THE HIGHWAY KNOWN AS STATE HIGHWAY ROUTE NO. 222, IN THE TOWNSHIP OF RICHLAND, CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNA.

CLERK OF COURTS: \$ 30.50

FILED: DECEMBER 21, 1961 by William Shahade, Esq.

R. 30-^{JUL 12 1962 AUDITED} 6-7-62

PETITION OF JOHN MCKOOL and CATHERINE A. MCKOOL
HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS.

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

The Petition of John McKool and Catherine A. McKool, husband and wife, respectfully represents:

1. Your Petitioners are residents of the Township of Richland, Cambria County, Pennsylvania; their residence address being 1700 Scalp Avenue, Johnstown, Pennsylvania.
2. Your Petitioners are the owners of certain property in the Township of Richland, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the edge of the concrete on the West side of state road, Route 56 leading from Johnstown to Scalp Level and line of land now or formerly of Calvin W. Fry and Emma Fry; thence along the Western edge of the concrete on the said road 398 feet to a point; thence South 69° 36' West by a line running through the abutment of a culvert at a marked point 18 inches from the southerly end of the said abutment, 358½ feet to a point in land of Louis Hostetler; thence by same South 16° 14' East a distance of 396 feet to a point on line of land now or formerly of Calvin W. Fry and Emma Fry aforesaid; thence by same North 69° 37' East 439½ feet to a point on the Western edge of a concrete road, the place of beginning.

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, Pennsylvania, to the Borough of Windber, Somerset County, Pennsylvania, made certain changes which affected the land owned by your Petitioners in that the new highway known as Highway Route No. 222 was extended over and above part of the land owned by your petitioners, and above described, whereby the Commonwealth of Pennsylvania condemned a portion of the land of your Petitioners, said portion being a strip of land approximately 20 feet in width and extending from the westerly line of said above mentioned land to the easterly line of said land.

4. The Secretary of Highways of the Commonwealth of Pennsylvania, under authority of law, has caused changes in existing lines and location of the highway above referred to as State Highway Route No. 222 to be made at a point on said Highway where the same now passes along and above the real estate owned by your Petitioners and hereinabove described. Such change, insofar as that portion of said Highway Route No. 222 is concerned, makes a change therein whereby said Highway has been converted into a four lane highway upon a new location which extends over and above part of Petitioners' land. As the result of said changes, the land as owned by your petitioners has been condemned and taken for public use in connection with the changes in lines and location above referred to.

5. Your Petitioners aver that they were the owners of the land hereinabove mentioned at the time of said condemnation, and therefore, they are the only persons entitled to recover damages for the taking thereof.

6. Petitioners are advised, believe and therefore aver that a strip of land approximately 20 feet in width and 398 feet in length, comprising approximately 7,960 square feet of land was taken for highway purposes.

7. The changes in said Highway so made by the Secretary of Highways have not only taken a large part of the real estate of your Petitioners as above set forth, but did cause injury and damage to the remainder thereof.

8. Petitioners aver that prior to the change in the Highway above mentioned, the property was landscaped and planted with hedges, shrubbery and trees and there was located on the condemned portion, an iron windmill pump used as a revolving light tower, which tower was owned by Silver Drive-In Theatre, Inc., A Pennsylvania corporation, with offices at 1704 Scalp Avenue, Johnstown, Pennsylvania. Said corporation paid to Petitioners a monthly rental for the use of Petitioners' ground as a location for the aforesaid light tower. The change of the Highway resulted in the total destruction of said shrubbery and trees and reduced the capacity of the parking area in front of one of the buildings situate on the subject property, which building was and is a business establishment. And furthermore, the change of the Highway resulted in the removal of the aforesaid light tower thereby depriving the Petitioners of the aforesaid monthly rental from Silver Drive-In Theatre, Inc., for the location of the light tower on Petitioners' property.

9. 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 changes of the existing lines and location of said highway known as State Highway Route No. 222.

10. The approval of the plan making the changes in State Highway Route No. 222 as aforesaid was dated February 18, 1958.

CONTINUED ON NEXT PAGE

Continued from page 56

11. The Petitioners allege that the fair market value of the land owned by your Petitioners at the time of the condemnation was decreased by reason of the condemnation, and by reason of the fact that a certain portion of their land was actually taken for public use, but in addition thereto, they claim that the fair market value immediately after the condemnation, and as affected by the condemnation, was less than the amount of the fair market value immediately before the condemnation.

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

WHEREFORE, your Petitioners pray the Court to appoint a Board of Viewers in the manner prescribed by law, to ascertain and award just compensation to John McKool and Catherine A. McKool for their property so condemned in accordance with the Acts of Assembly in such cases made and provided.

And they will ever pray, etc.

/s/ John McKool

/s/ Catherine A. McKool

STATE OF PENNSYLVANIA }
COUNTY OF CAMBRIA } SS:

Personally appeared before me, the undersigned authority, a Notary Public in and for the said County and State, JOHN MCKOOL and CATHERINE A. MCKOOL, husband and wife, who being by me first duly sworn, depose and say that the matters set forth in the foregoing petition are true and correct to the best of their information, knowledge, and belief.

/s/ John McKool

/s/ Catherine A. McKool

Sworn and subscribed to before me
this 20th day of December, 1961.

/s/
Richard J. Green, Jr.
Notary Public

ORDER

AND NOW, To wit, this day of December, 1961, on motion of Samuel G. Shahade, Esq., Attorney for Petitioners, the court appoints Theodore Hunt, Robert Shayer and Donald J. Letizia as a Board of Viewers upon the foregoing 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:

Wolfe
J.

December 28, 1961: Order to view mailed to Theodore Hunt this date.
May 7, 1962: Viewers' Report filed by Donald Letizia, Esq.

VIEWERS REPORT

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

DONALD J. LETIZIA, ESQUIRE, THEODORE HUNT and ROBERT G. MAYER, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises of JOHN MCKOOL and CATHERINE A. MCKOOL, husband and wife, and to assess damages to their property arising from the improvement and changes to State Highway Route No. 222 in the Township of Richland, County of Cambria, and State of Pennsylvania, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on December 21, 1961, they set January 12, 1962, at 10:30 a. m. e. s. t., as the time to view and inspect the premises owned by John McKool and Catherine A. McKool, husband and wife. Due notice thereof was given to William G. Shahade, Esquire, of the law firm of Shahade, Harty & Shahade, Attorneys for Petitioners, as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to the Commonwealth of Pennsylvania as shown by acceptance of service of notice attached hereto and made a part hereof. The Board of View thereafter set January 26, 1962, at 1:00 p. m. e. s. t., at the Judges Chambers, Park Building, Johnstown, Pennsylvania, as the time and place for hearing. A continuance was requested by the Commonwealth of Pennsylvania and the hearing was thereafter set for March 30, 1962 at 1:00 p. m. e. s. t., at the Judges Chambers, Park Building

CONTINUED ON NEXT PAGE.

NO. 4 CONTINUED.

Johnstown, Pennsylvania. Due notice thereof was given to William G. Shahade, Attorney for Petitioners, as shown by acceptance of service of notice attached hereto and made a part hereof. Notice was likewise given to Arnold D. Smorto, Attorney for Commonwealth of Pennsylvania, as shown by acceptance of service of notice hereto attached and made a part hereof. The hearing was held at the time and place appointed and was attended thereat by William G. Shahade, Attorney for Petitioners, John McKool, owner, and Charles N. Glass, real estate appraiser. The Commonwealth of Pennsylvania was represented by Arnold D. Smorto, Esquire, Howard E. Breneman, District Right of Way Engineer, and Dell Comiskey and John J. Mock, Real Estate Appraisers. The Petitioner was thereupon examined upon the merits of the case and a full hearing was held thereon.

Due notice of the filing of this Report was given to the Petitioners through their attorney, William G. Shahade, as shown by acceptance of service of notice hereto attached and made a part hereof. Due notice was likewise given to the Commonwealth of Pennsylvania through its attorney, Arnold D. Smorto, as shown by acceptance of service of 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 owners, John McKool and Catherine A. McKool, husband and wife, filed a Petition with the Court of Quarter Sessions of Cambria County, Pennsylvania, on December 21, 1962, setting forth that they labored under inconvenience for want of an assessment of damages.

II. FINDINGS OF FACT

(1) That John McKool and Catherine A. McKool are the owners of a parcel of ground situate in the Township of Richland, County of Cambria, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the edge of the concrete on the West side of State Road, Route 56 leading from Johnstown to Scalp Level and line of land now or formerly of Calvin W. Fry and Emma Fry; thence along the Western edge of the concrete on said road 398 feet to a point; thence South 69° 36' West by a line running through the abutment of a culvert at a marked point 18 feet from the southerly end of the said abutment, 358½ feet to a point in land of Louis Hostetler; thence by same South 16° 14' East a distance of 396 feet to a point on line of land now or formerly of Calvin W. Fry and Emma Fry aforesaid; thence by same North 69° 37' East 439½ feet to a point on the Western edge of a concrete road, the place of beginning.

(2) That the Department of Highways, Commonwealth of Pennsylvania, condemned a portion of the property owned by the Petitioners on February 18, 1958, as shown on the map attached hereto, colored in red and yellow and marked "Exhibit A."

(3) That the Petitioners operated the "Silver Bar" located on the property referred to above and that prior to the taking there was an area in front of the Silver Bar of approximately 100 feet.

(4) That Howard E. Breneman is District Right of Way Engineer for the Department of Highways, Commonwealth of Pennsylvania.

(5) That Howard E. Breneman testified that approximately 4,735 square feet of the petitioners land, marked in yellow and red on the map referred to above, was taken by the Commonwealth of Pennsylvania.

(6) That Kaymack Realty Company and John McKool and Catherine A. McKool by a lease dated the 1st day of July, 1956, leased to the Silver Drive In Theatre, Inc., a parcel of land approximately 100 feet square adjoining the Silver Drive In Theatre, Inc. property for the purpose of erecting a steel tower to support a moonlight system and electric wiring cables for the use of the Silver Drive In Theatre, Inc. This lease was to end on the 30th day of June, 1981, for a total rental of \$44,100.

(7) That John McKool testified that the loss suffered by the Petitioners because of the taking by the Commonwealth of Pennsylvania amounted to \$50,000.

(8) That Charles N. Glass, is a real estate expert, and testified that the loss suffered by the Petitioners because of the taking by the Commonwealth of Pennsylvania amounted to \$35,000.

(9) That Charles N. Glass took into consideration the leasehold interest and considered the present worth of the lease in arriving at the figure referred to above.

(10) That Dell Comiskey, real estate appraiser, testified that the loss suffered by the Petitioners because of the taking by the Commonwealth of Pennsylvania totaled \$2,800.

(11) That Dell Comiskey did not take into consideration the leasehold interest.

(12) That John J. Mock, real estate appraiser, testified that the loss suffered by the Petitioners because of the taking by the Commonwealth of Pennsylvania totaled \$2,290.

(13) That John J. Mock did not take into consideration the lease hold interest referred to above.

CONTINUED ON PAGE 486

No. 5

IN THE MATTER OF THE CHANGE
OF LOCATION AND LINES OF THE
HIGHWAY KNOWN AS STATE HIGHWAY
ROUTE NO. 222, IN THE TOWNSHIP
OF RICHLAND, CAMBRIA COUNTY,
PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.

CLERK OF COURTS: \$ 22.50

FILED: DECEMBER 21, 1961

FF-2252-6-5-62
JUL 12 1962

PETITION OF SILVER DRIVE-IN THEATRE, INC.,
FOR THE APPOINTMENT OF VIEWERS

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

The Petition of Silver Drive-In Theatre, Inc., respectfully represents:

1. Your Petitioner is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and with its principal place of business at 1704 Scalp Avenue, Johnstown, Cambria County, Pennsylvania.
2. Your Petitioner was the owner of certain property situated in Richland Township, Cambria County, Pennsylvania, said in Richland Township, Cambria County, Pennsylvania, said property being an iron windmill pump constructed on a cement base and used as a revolving light tower in connection with the operation of a certain Drive-In Theatre known as the Silver Drive-In Theatre, Inc., located at 1704 Scalp Avenue, Johnstown, Cambria County, Pennsylvania.
3. Your Petitioner erected the aforesaid tower on property adjoining the aforesaid Drive-In Theatre, said property being owned by John McKool and Catherine A. McKool, and your Petitioner paid a monthly rental for the use of the aforesaid McKool property.
4. 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 Pennsylvania to the Borough of Windber, Somerset County, Pennsylvania, removed and destroyed the aforesaid tower.
5. Your Petitioner avers that it was the owner of the tower hereinabove mentioned at the time of its removal and destruction and therefore, it is the only party entitled to recover damages for the taking thereof.
6. As a result of the changing and of the location and grade of the aforesaid highway, the property described hereinabove owned by your Petitioner has been condemned and taken in connection with the changes in lines and location of the aforesaid highway.
7. 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 changes of the existing lines and location of said highway known as State Highway Route No. 222.
8. The approval of the plan making the changes in State Highway Route No. 222 as aforesaid was dated February 18, 1958.
9. Until this date, Petitioner and the Secretary of Highways of the Commonwealth of Pennsylvania, are unable to agree upon the amount of compensation to be made for the property taken by the condemnation as aforesaid.

WHEREFORE, your Petitioner prays the Court to appoint a Board of Viewers in the manner prescribed by law, to ascertain and award just compensation to the Silver Drive-In Theatre, Inc., for their property so condemned in accordance with the Acts of Assembly in such cases made and provided.

And they will ever pray, etc.,

SILVER DRIVE-IN THEATRE, INC.

By: /s/ John McKool
President

Attest:

/s/ William J. Smith
Secretary

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CAMBRIA

} SS:

On this 20th day of December, 1961, before me, the undersigned officer, personally appeared John McKool, who acknowledged himself to be the president of Silver Drive-In Theatre, Inc., a corporation, and that he as such president, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as president.

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

/s/ Richard J. Green, Jr.,
Notary Public
Johnstown, Cambria County, Penna.
My Commission Expires April 16, 1962.

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No. 5 CONTINUED.

ORDER

AND NOW, to wit, this 21 day of December, 1961, on motion of Samuel G. Shahade, Esq., Attorney for Petitioner, the court appoints Theodore Hunt, Robert S. Mayer and Donald J. Letizia as a Board of Viewers upon the foregoing 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:

/s/ Wolfe, J.

December 28, 1961: Order to View mailed to Theodore Hunt this date.

May 7, 1962: Viewers' Report filed by Donald Letizia, Esq.

VIEWERS' REPORT

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

DONALD J. LETIZIA, Esquire, THEODORE HUNT and ROBERT G. MAYER, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises of SILVER DRIVE IN THEATRE, INC., to assess damages to its property arising from the improvement and changes to State Highway Route No. 222 in the Township of Richland, County of Cambria, and State of Pennsylvania, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on December 21, 1961, the Board of View set January 12, 1962, at 10:00 a. m., e.s.t., as the time to view and inspect the premises owned by SILVER DRIVE IN THEATRE, INC. Due notice thereof was given to William G. Shahade, Esquire, of the law firm of Shahade, Harty & Shahade, Attorneys for Petitioner, as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to the Commonwealth of Pennsylvania as shown by acceptance of service of notice attached hereto and made a part hereof. The Board of View thereafter set January 26, 1962, at 3:00 p. m. e.s.t., at the Judges Chambers, Park Building, Johnstown, Pennsylvania, as the time and place for hearing. A continuance was requested by the Commonwealth of Pennsylvania and the hearing was thereafter set for March 30, 1962, at 3:00 p. m. e.s.t., at the Judges Chambers, Park Building, Johnstown, Pennsylvania. Due notice thereof was given to William G. Shahade, Attorney for Petitioner, as shown by acceptance of service of notice attached hereto and made a part hereof. Notice was likewise given to Arnold D. Smorto, Esquire, Attorney for Commonwealth of Pennsylvania, as shown by acceptance of service of notice hereto attached and made a part hereof. The hearing was held at the time and place appointed and was attended thereat by William G. Shahade, Attorney for Petitioner, John McKool, President of Silver Drive In Theatre, Inc., and Charles N. Glass, real estate appraiser. The Commonwealth of Pennsylvania was represented by Arnold D. Smorto, Esquire, Howard E. Breneman, District Right of Way Engineer, and Dell Comiskey and John J. Mock, real estate appraisers. At the hearing it was stipulated by and between the parties hereto that this case should be consolidated with Case # 3 R. D., March Sessions, 1962.

Due notice of the filing of this Report was given to the Petitioner through its attorney, William G. Shahade, as shown by acceptance of service of notice hereto attached and made a part hereof. Due notice was likewise given to the Commonwealth of Pennsylvania, through its attorney, Arnold D. Smorto, as shown by acceptance of service of notice hereto attached and made a part hereof.

The original papers are attached hereto and made a part of this Report.

Respectfully submitted,

/s/ Donald J. Letizia, Chairman
/s/ Theodore Hunt
/s/ Robert G. Mayer

NOTICE FILED.
SCHEDULE OF AWARD FILED.
NOTICE OF EXHIBIT FILED.
NOTICE OF HEARING FILED.
NOTICE OF CONTINUED HEARING FILED.
NOTICE OF HEARING FILED.
VIEWERS' NOTICE FILED?

ORDER

AND NOW, this 31st day of May, 1962, it appearing to the Court that the foregoing Appeal is in proper form and within the time limit, the proceedings are hereby directed to be certified from the Court of Quarter Sessions to the Court of Common Pleas for trial of the issues therein, in accordance with the provisions of the Act of June 1, 1945, P. L. 1242, Article III, Sections 303, 304.

By the Court: /s/ Griffith, P. J.

No. 6

IN RE: COPY OF ORDINANCE ADOPTED BY
THE SUPERVISORS OF CAMBRIA TOWNSHIP
VACATING A PORTION OF CAMBRIA TOWNSHIP
ROAD NO. 416, TOGETHER WITH DRAFT
SHOWING THE LOCATION AND WIDTH OF SAID
ROAD.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PA.

APR 5 1962 AUDITED
CLERK OF COURTS: \$ 3.50

FILED: January 11, 1962

Rec'd. 3⁵⁰ MAR 30 1962 AUDITED
2-1-62

ORDINANCE

BE IT ENACTED AND ORDAINED BY AUTHORITY OF THE SUPERVISORS OF THE TOWNSHIP OF
CAMBRIA, AND IT IS HEREBY ENACTED AND ORDAINED:

That a portion of Cambria Township Road No. 416 (which now extends from Pennsyl-
vania State Highway No. 22 to the Wilmore Dam) beginning at a point in the center line at the inter-
section of said Township Road No. 416 with Cambria Township Road No. 447 and extending South 31°
43' East 475 feet to a point, South 21° 07' East 200 feet to a point, South 16° 11' East 260 feet
to a point, South 8° 52' East 630 feet to a point, South 13° 00' East 240 feet to a point, South
13° 30' East 150 feet to a point, South 17° 00' East 1835 feet to a point, South 26° 00' East 155
feet to a point, South 30° 55' East 1250 feet to a point, South 36° 25' East 675 feet to a point,
South 32° 30' East 495 feet to a point, South 37° 44' East 160 feet to a point and South 15° 33'
East 90 feet to the line of Munster Township, Cambria County, Pennsylvania, be vacated. A map
showing the portion of the road to be vacated (marked in red) is on file and may be examined at the
Office of the Supervisors of Cambria Township, 112 South West Street, Ebensburg, Pennsylvania.

ENACTED AND ORDAINED this 30th day of December, 1961.

SUPERVISORS OF CAMBRIA TOWNSHIP
/s/ Ralph Fulton

Chairman of the Board of Supervisors

ATTEST:

/s/ Charles R. Sharbaugh,
Secretary.

Map filed.

No. 7

IN RE: PETITION FOR APPOINTMENT OF
VIEWERS IN RE: RALPH D. SHAFFER
ESTATE, c/o EUGENE A. SHAFFER,
EXECUTOR

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.

CLERK OF COURTS: \$ 35.50

FILED: January 29, 1962

R-35-58-6-28-62 JUL 12 1962 AUDITED

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT: 450

1. Petitioner Eugene A. Shaffer, is the Executor of the Estate of Ralph D. Shaffer, and resides at 626 Frances Street, Richland Township, Cambria County, Pennsylvania (Post Office Johnstown).

2. The Respondent is the Commonwealth of Pennsylvania, acting through the Secretary of Highways and the Department of Highways.

3. Petitioner is owner of land in Richland Township, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the westerly side of Pennsylvania State Highway Route #56 leading from Johnstown to Windber, which is the corner of a Township Road leading to Eureka Mine #37; thence along said Township Road South 35° 50' West 72.02 feet to a point; thence still along said road South 32° 34' West 100.93 feet to a point on land of Fred R. Pennel; thence along said Pennel land North 44° 58' West 108.60 feet to a point; thence South 64° 13' West 56 feet to a point on Frances Street; thence north 16° 35' West 133.32 feet to a point; thence North 73° 25' East 130 feet to a point; thence North 16° 35' West 50 feet to a point; thence North 73° 25' East 109.65 feet to a point on Pennsylvania State Highway Route #56; thence along the line of the said Highway South 16° 35' East 161.09 feet to a point the place of beginning.

SEE DEED BOOK Volume 705, Page 592

Volume 702, Page 314

Volume 710, Page 703

Volume 587, Page 70

Volume 560, Page 188

Volume 567, Page 117

Volume 551, Page 207

4. In connection with the improvement of Legislative Route #1022, Section 1 in Cambria County, Pennsylvania, the above described property owned by Petitioner as Executor of the Estate of Ralph D. Shaffer, was condemned by the Commonwealth for Highway purposes by a plan signed by the Governor of Commonwealth on May 18, 1961.

5. The Commonwealth has not agreed with the petitioner as to the amount of damages or made any payment to him therefor, and in fact the parties have been unable to agree as to the amount of damages which should be paid to the petitioner for the taking of said land.

CONTINUED ON NEXT PAGE.

MARCH

SESSIONS, 19 62

Continued from Page 234

No. 7 CONTINUED.

6. Petitioner requests the Honorable Court pursuant to the Acts of Assembly in such cases made and provided and including the Act of 1945, June 1, P. L. 1242, Article III, Section 308 to appoint three (3) disinterested and discreet freeholders as viewers and fix a time when the viewers shall meet on the line of the improvement and view the improvement and the property affected thereby to determine the extent of the damage thereto, and report thereon to the Court.

/s/ Eugene A. Shaffer

Executor of the last Will and Testament
of Ralph D. Shaffer.

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :

SS:

COUNTY OF CAMBRIA :

EUGENE A. SHAFFER, EXECUTOR OF THE ESTATE OF RALPH D. SHAFFER, being duly sworn according to law deposes and says that the facts set forth in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

/s/ Eugene A. Shaffer

Sworn to and subscribed before
me this 26th day of January, 1962

/s/ Barbara Mauk

Notary Public

My Comm. exp. Oct. 25, 1965.

D E C R E E

NOW, this 29 day of January, 1962,

LEOPOLD WENDEKIER
TELFORD LOCHER
THEODORE HUNT

are hereby appointed to view the premises at the intersection of Route #56, known as Scalp Avenue and Legislative Route #11001, owned by the Ralph D. Shaffer Estate, as more fully described in the attached Petition to determine the damages sustained by said property owner as a result of the condemnation and taking of said property by the Commonwealth, Department of Highways, in connection with the improvement of Legislative Route #1022, Section 1, and report to the Court thereon.

2. Said Viewers shall meet upon the line of improvement at 1320 Scalp Avenue on ----- to view the improvement and the property affected thereby.

3. The Viewers shall give notice of such view in the manner provided by law.

By the Court: /s/ Wolfe, Judge.

February 1, 1962: Copy of Petition and Order to View mailed to Leopold Wendekier, Esq.

February 1, 1962: Certified copy of Petition mailed to Frank E. Roda, Assistant Attorney General,
Department of Highways, Harrisburg, Pennsylvania.

VIEWERS' REPORT FILED BY LEOPOLD J. WENDEKIER, ESQ. - APRIL 16, 1962.

VIEWERS' REPORT

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

On January 29, 1962, the Court, after consideration of a petition presented for that purpose by Eugene A. Shaffer, executor of the Estate of Ralph D. Shaffer, appointed Leopold J. Wendekier, Theodore W. Hunt and Telford L. Locher, as a Board of Viewers to assess the damages and benefits, if any, caused by the condemnation by the Commonwealth of Pennsylvania Department of Highways of a portion of certain real estate owned by the Estate of Ralph D. Shaffer in Richland Township, Cambria

CONTINUED ON PAGE 493.

No. 8

IN RE: PETITION FOR APPOINTMENT OF
VIEWERS -Re-EUGENE A. SHAFFER AND
JEAN E. SHAFFER, husband and wife

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA

CLERK OF COURTS: \$ 32.50

FILED: January 29, 1962

JUL 12 1962 AUDITED
R-3250-2-33-62

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

1. Petitioners Eugene A. Shaffer and Jean E. Shaffer are husband and wife, and reside at 626 Frances Street, Richland Township, Cambria County, Pennsylvania, (Post Office Johnstown).

2. The Respondent is the Commonwealth of Pennsylvania, acting through the Secretary of Highways of the Department of Highways.

3. Petitioners are the owners of land in Richland Township, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake on the northerly boundary line of Township Road leading to Walsall, said point being South 33° 43' West, a distance of 400 feet, more or less, from the intersection of said Township Road with Pennsylvania State Highway Route #56; thence along the land of Wilmore Coal Company, North 44° 05' West, a distance of 291 feet to a stake; thence through other lands of which this is a part, North 74° 58' East, a distance of 141.25 feet to a stake on the westerly boundary line of Frances Street; thence along the westerly boundary line of Frances Street South 15° 02' East, a distance of 254.40 feet to a stake the place of beginning.

BEGINNING for a tie line at an iron pin located in the west right of way line of Pennsylvania State Route #11001 and North 25° 48' East 630 feet from the northeast corner of land formerly of the Wilmore Coal Company, now of Henry F. and Dorothy Ghezzi; thence by the north line of a proposed fifty (50) foot street the following two courses and distance; by a curve to the right with a radius of 30 feet for a distance of 47.12 feet to an iron pin, and North 64° 12' West 180.74 feet to an iron pin; thence through land of the Wilmore Coal Company, North 39° 48' East 148.01 feet to an iron pin in line of other land of the said Eugene E. Shaffer and Jean E. Shaffer; thence by line of other land of the said Shaffers, South 52° 12' East 180.28 feet to an iron pin in the west right of way line of aforementioned highway; thence by said west right of way line of said highway South 25° 48' West 70 feet to an iron pin, the place of beginning. Containing 0.54 of an acre.

UNDER AND SUBJECT to the exceptions, reservations, conditions and restrictions of record relating to said land.

4. In connection with the improvement of Legislative Route #1022, Section 1 in Cambria County, Pennsylvania, the above described property owned by petitioners and occupied by petitioners was condemned by the Commonwealth for Highway purposes by a plan signed by the Governor of the Commonwealth on May 15, 1961.

CONTINUED ON NEXT PAGE.

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No. 8 CONTINUED.

5. The Commonwealth has not agreed with the petitioners as to the amount of damages or made any payment to him therefore, and in fact the parties have been unable to agree as to the amount of damages, which should be payable to the petitioners for the taking of their land.

6. Petitioners request the Honorable Court pursuant to the Acts of Assembly in such cases made and provided, and including the Act of 1945, June 1, P. L. 1242, Article III to appoint three (3) disinterested and discreet freeholders as Viewers and fix a time when the Viewers shall meet on the line of the improvement and view the improvement, and the property affected thereby, to determine the extent of the damage thereto, and report thereon to the Court.

/s/ Eugene A. Shaffer

/s/ Jean E. Shaffer

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :

: SS;

COUNTY OF CAMBRIA :

EUGENE A. SHAFFER being duly sworn according to law deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

/s/ Eugene A. Shaffer

Sworn to and subscribed before
me this 26th day of January,
1962.

/s/ Barbara Mauk, Notary Public
My Comm. exp. Oct. 25, 1965

D E C R E E

NOW, this 29th day of January, 1962,

LEOPOLD WENDEKIER.

TELFORD LOCHER

THEODORE HUNT

are hereby appointed to view the premises at the intersection of Frances Street and Legislative Route #11001 owned by Eugene A. Shaffer and Jean E. Shaffer, husband and wife, as more fully described in the attached Petition to determine the damages sustained by said property owners as a result of the condemnation and taking of said property by the Commonwealth, Department of Highways, in connection with the improvement of Legislative Route #1022, Section 1 and report to the Court thereon.

2. Said Viewers shall meet upon the line of improvement at 626 Frances Street on -----to view the improvement and the property affected thereby.

3. The Viewers shall give notice of such view in the manner provided by law.

BY THE COURT: By /s/ Wolfe, J.

February 1, 1962: Copy of Petition and Order to View mailed to Leopold Wendekier, Esq.

February 1, 1962: Certified copy of Petition mailed to Frank E. Roda, Assistant Attorney General,
Department of Highways, Harrisburg, Pennsylvania.

April 16, 1962: Viewers' Report filed by Leopold Wendekier, Esq.

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

On January 29, 1962, the Court, after consideration of a petition presented for that purpose of Eugene A. Shaffer and Jean E. Shaffer, appointed Leopold J. Wendekier, Telford L. Locher and Theodore W. Hunt as a Board of Viewers to assess the damages and benefits, if any, caused by the condemnation by the Commonwealth of Pennsylvania, Department of Highways of a portion of certain real estate owned by the petitioners in Richland Township, Cambria County, Pennsylvania, for the purpose of improving a portion of Legislative Route No. 1022, said real estate being more particularly des-

CONTINUED ON PAGE 489.

No. 9

IN RE: PETITION OF JOHN V. NAGLE AND
GRACE V. NAGLE, HIS WIFE, FOR THE
APPOINTMENT OF VIEWERS TO ASSESS DAMAGES
ARISING FROM THE CONSTRUCTION OF U. S.
ROUTE 22, WEST OF EBENSBURG IN CAMBRIA
TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 32.00
Rec'd 32-6-4-62 JUL 12 1962 AUDITED

FILED: FEBRUARY 3, 1962

The petition of John V. Nagle and Grace V. Nagle, his wife, respectfully represents:

1. The petitioners are residents of the Village of Alverda, Pine Township, Indiana County, Pennsylvania.
2. The respondent is the Department of Highways, Commonwealth of Pennsylvania.
3. The petitioners are the owners of a certain tract of land in Cambria Township, Cambria County, Pennsylvania, bounded and described as follows:

Beginning at a post near the Turnpike South $2\frac{1}{2}$ degrees
West 40 perches to a birch; thence South $87\frac{1}{2}$ degrees East
41 perches to a stone; thence North $2\frac{1}{2}$ degrees East 40
perches to stones; North $87\frac{1}{2}$ degrees West 41 perches to a
post, the place of beginning. Containing 10 acres and 40
perches.

Being the same tract of land title to which became vested
in John V. Nagle by Decree of Court in an Action to Quiet
Title brought against John Baustert et ux, et al., former
owners, dated March 14, 1956 and recorded in Cambria County
on March 20, 1956 in Deed Book Volume 674 at Page 218.

4. The real estate described in paragraph three may likewise be described as follows:

Beginning at a point on the Southerly side of U. S. Route
22 at a boat spike; thence South 87 degrees 30 minutes East
485.45 feet to a post and stones; thence South 5 degrees 13
minutes 37 seconds West 655.67 feet to stones; thence North
87 degrees 55 minutes 15 seconds West 679.15 to a point on the
site of a former beech tree; thence North 3 degrees 31 minutes
30 seconds by a line crossing U. S. Route 22 a distance of 660.02
feet to a boat spike; thence South 87 degrees 30 minutes East by
a line again crossing U. S. Route 22 213.05 feet to a boat spike
on the Southerly side of U. S. Route 22 and the place of beginning.
Being a tract of land consisting of 10.394 acres according to a
survey made on August 30, 1956, by J. C. Davidson, Professional
Engineer, Heilwood, Pennsylvania.

5. That in the construction by the Department of Highways of the Commonwealth of Pennsylvania of a new portion of U. S. Route 22, through petitioners' property, above described, said property has sustained loss and damage arising out of the appropriation of a portion of petitioners' property.

6. That respondent has not agreed with the petitioners as to the amount of damages sustained or made any payment to them on account thereof, although respondent took petitioners' land on May 5, 1958.

WHEREFORE, your petitioners pray your Honorable Court, pursuant to the Acts of Assembly in such cases made and provided, to appoint three viewers from the members of the Board of Viewers of Cambria County to view the above described premises, take such testimony as may be necessary, determine the extent of the damage, assess the benefits, if any, and report the

CONTINUED ON NEXT PAGE.

MARCH

SESSIONS, 19 62

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No. 9 CONTINUED.

same to your Honorable Court according to law.

/s/ John V. Nagle

/s/ Grace V. Nagle

/s/ Charles G. Hasson, Attorney for Petitioners

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA I

SS:

COUNTY OF CAMBRIA I

Before me, a Notary Public, personally appeared John V. Nagle and Grace V. Nagle who being duly sworn according to law depose and say that they are the petitioners in the within entitled action and that the facts set forth in the foregoing petition are true and correct to the best of their knowledge, information and belief.

/s/ John V. Nagle

/s/ Grace V. Nagle

Sworn and subscribed to before me this 2nd day of February, 1962.

/s/ Margaret M. Kachik, Notary Public

Ebensburg, Cambria County, Pa.

My Commission Expires Jan. 27, 1963

ORDER

And now, February 3, 1962, at 10:00 A. M. o'clock Eastern Standard Time, the within petition having been read and considered and Leopold J. Wendekier, Esq., John L. Elder, and Raymond Niebauer, three members of the Permanent Board of Viewers of Cambria County be and they hereby are appointed to view the premises described in the within petition, take such testimony as necessary, determine the extent of the damage to the premises described in the within petition, assess the benefits, if any, and report the same to the court according to law.

BY THE COURT:

/s/ McDonald, Judge.

February 6, 1962: Copy of Petition and Order to View mailed to Leopold Wendekier, Esq.

February 6, 1962: Certified copy of Petition mailed to Frank E. Roda, Assistant Attorney General, Department of Highways, Harrisburg, Pennsylvania.

April 3, 1962: Viewers' Report filed by Leopold J. Wendekier, Esq.

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

On February 3, 1962, the Court, after consideration of a petition presented for that purpose of John V. Nagle and Grace V. Nagle, appointed Leopold J. Wendekier, Raymond M. Niebauer and John L. Elder as a Board of Viewers to assess the damages and benefits, if any, caused by the condemnation by the Commonwealth of Pennsylvania, Department of Highways of a portion of certain real estate owned by the petitioners in Cambria Township, Cambria County, Pennsylvania, for the purpose of improving a portion of U. S. Route No. 22 (Traffic Route No. 314), said real estate being more particularly described in the notice of view, a copy of which is hereto attached, respectfully makes the following

REPORT

In pursuance of their appointment, the Board caused notice to be served upon all interested parties that the Board would meet upon the premises on Friday, March 2, 1962, at 10:00 o'clock A. M., e.s.t., for the purpose of viewing the premises and hearing such parties as desired to be heard. Such notices were duly served by personal service and by posting upon the premises more than ten (10) days prior to the date of said meeting.

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No. 10

IN RE: LAYING OUT OF A PORTION OF
ROAD IN THE VILLAGE OF WATKINS, WEST
CARROLL TOWNSHIP, CAMBRIA COUNTY, PA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

APR 5 1962 AUDITED
CLERK OF COURTS: \$ 19.00

FILED: FEBRUARY 6, 1962

Rec'd 19⁰⁰ JUN 13 1962
REPORT OF SUPERVISORS OF WEST CARROLL TOWNSHIP

In accordance with provisions of Article XI of the Act of May 1, 1933, P.-L. 103, as amended, 53 P. S. 19093-1101 et seq. Ernest Powell, John Nalisnick, John Glinsky hereby make the following report:

-1-

That they are the duly elected and qualified Supervisors of West Carroll Township, Cambria County, Pennsylvania.

-2-

That pursuant to a petition of interested citizens, they propose to lay out in the Village of Watkins, West Carroll Township, Cambria County, Pennsylvania, a road, which portion of road is described as follows:

NO. 1 All of that area lying between the West line of Lot No. 47 and the West Carroll - Barr Township line; together with a strip of land 33 feet wide beginning at the Southwest corner of Lot No. 47; thence along a line South $68^{\circ} 55'$ minutes East a distance of 108 feet to a point; thence along a line South $76^{\circ} 30'$ minutes East a distance of 163 feet to a point; thence along a line South $70^{\circ} 55'$ minutes East a distance of 83.5 feet to a point; thence along a line South $69^{\circ} 20'$ minutes East a distance of 256 feet to a point; thence along a line South $64^{\circ} 30'$ minutes East a distance of 258 feet; thence along a line South $56^{\circ} 00'$ minutes East to the point of intersection with a line running South $34^{\circ} 00'$ minutes West, said line connecting points shown as "Cherry" and "Elm"; a print of the survey of the road proposed to be laid out is hereto attached, marked Exhibit "A" and made a part hereof.

NO. 2 All of the area within a 40 feet wide strip beginning at the Northeast corner of Lot No. 44; thence along a line North $43^{\circ} 00'$ minutes West a distance of 132 feet; thence along a line North $31^{\circ} 22'$ minutes West to the point of intersection with the West Carroll-Barr Township line; a print of the survey of the road proposed to be laid out is hereto attached, marked Exhibit "A" and made a part hereof.

-3-

That the property owners affected by the proposed laying out of said portion of road were given ten (10) days' written notice of a meeting of said Supervisors held on February 3, 1962, at 8:00 A. M. at the Bakerton School located in Bakerton, West Carroll Township, Cambria County, Pennsylvania, for the purpose of taking action regarding the laying out of said portion of road. Copies of said notices with acceptance of service by each of the affected property owners are hereto attached and made a part hereof.

-4-

That after a hearing at the aforesaid meeting, said Supervisors deemed the laying out of the aforesaid portion of road necessary and adopted an ordinance laying out the same as a part of the highway system of said Township. A Certified copy of said Ordinance is hereto attached marked Exhibit "B" and made a part hereof.

CONTINUED ON NEXT PAGE.

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No. 10 CONTINUED.

-5-

That the aforesaid petition of interested citizens and release of damages executed by the owners of the property abutting on said portion of road is hereto attached, marked Exhibit "C" and made a part hereof.

-6-

That the aforesaid Ordinance was published prior to its passage in the Johnstown Democrat, a newspaper of general circulation in West Carroll Township, Cambria County, Pennsylvania, in accordance with the Act of Assembly. Proof of Publication of the same is hereto attached, marked Exhibit "D" and made a part hereof.

WHEREFORE, the aforesaid Supervisors pray that this Report and exhibits attached hereto be filed in the office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, Pennsylvania.

/s/ Ernest Powell

/s/ John Nalisnick

/s/ John Glinsky

SUPERVISORS OF WEST CARROLL TOWNSHIP

ATTEST: /s/ Michael Michrina, Secretary

STATE OF PENNSYLVANIA :

: ss.

COUNTY OF CAMBRIA :

Personally appeared before me, a Notary Public in and for said County and State, Ernest Powell, John Nalisnick and John Glinsky, Supervisors of West Carroll Township, Cambria County, Pennsylvania, who being duly sworn according to law, depose and say that the facts set forth in the foregoing Report are true and correct to the best of their knowledge, information and belief.

/s/ Ernest Powell

ATTEST: /s/ Michael Michrina
Secretary

/s/ John Nalisnick

/s/ John Glinsky

Sworn and subscribed to before me
this 3rd day of February, 1962.

/s/ Mrs. Rose Ann Youra

Notary Public

My Commission expires: 11/1/65.

PRELIMINARY DECREE

AND NOW, this 6 day of February, 1962, upon consideration of the foregoing Petition, James T. Fagan, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within Report and exhibits attached hereto.

BY THE COURT:

/s/ Wolfe, Judge.

ORDINANCE NO. 1-1962 FILED.

MAP FILED.

NOTICE & RELEASE SIGNED BY ZOE BUTERBAUGH FILED.

NOTICE & RELEASE SIGNED BY MIKE KOLLAR FILED.

NOTICE & RELEASE SIGNED BY MR. & MRS. VINCENT BARRETT FILED.

NOTICE & RELEASE SIGNED BY WILLIAM H. FRYER FILED.

NOTICE & RELEASE SIGNED BY OLIVER ROY & VERA SENIOR FILED.

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No. 10 CONTINUED.

NOTICE & RELEASE SIGNED BY BERNADINE AND MIKE ZALIZNOCK, JR. FILED.

NOTICE & RELEASE SIGNED BY FRANCES FLETCHER FILED.

NOTICE & RELEASE SIGNED BY RALPH & MRS. RALPH ASHCROFT FILED.

NOTICE & RELEASE SIGNED BY HAROLD K. & OLIVE EAGLER FILED.

NOTICE & RELEASE SIGNED BY R. T. TODHUNTER, PRES. BARNES & TUCKER COMPANY FILED.

NOTICE & RELEASE SIGNED BY MICHAEL & LEA KONITSKY FILED.

300
FINAL DECREE

AND NOW, this 8 day of March, 1962, it appearing that the said Report having been filed on the 6 day of February, 1962, and no citizen or freeholder of the Township did within thirty (30) days from the filing of said Report by the Supervisors file exceptions to the Report or petition for a review, IT IS HEREBY ORDERED AND DECREED that the portion of a proposed road in the Village of Watkins, West Carroll Township, Cambria County, Pennsylvania, described as follows:

No. 1. All of that area lying between the West line of Lot No. 47 and the West Carroll-Barr Township line; together with a strip of land 33 feet wide beginning at the Southwest corner of Lot No. 47; thence along a line South 68° 55 minutes East a distance of 108 feet to a point; thence along a line South 76° 30 minutes East a distance of 163 feet to a point; thence along a line South 70° 55 minutes East a distance of 83.5 feet to a point; thence along a line South 69° 20 minutes East a distance of 256 feet to a point; thence along a line South 64° 30 minutes East a distance of 258 feet; thence along a line South 56° 00 minutes East to the point of intersection with a line running South 34° 00 minutes West, said line connecting points shown as "Cherry" and "Elm"; a print of the survey of the road proposed to be laid out is hereto attached, marked Exhibit "A" and made a part hereof.

No. 2. All of the area within a 40 feet wide strip beginning at the Northeast corner of Lot No. 44; thence along a line North 43° 00 minutes West a distance of 132 feet; thence along a line North 31° 22 minutes West to the point of intersection with the West Carroll-Barr Township line; a print of the survey of the road proposed to be laid out is hereto attached, marked Exhibit "A" and made a part hereof.

be and the same is hereby confirmed as a Township road and declared to be a part of the public road and highway system of the said Township of West Carroll.

By the Court: /s/ McDonald, Judge.

6/2
2 certified copies of Final Decree to Eugene Creany, Esq. 3/8/62

MARCH

SESSIONS, 19 62

No. 11

IN RE: LAYING OUT OF A PORTION OF
ROAD IN THE VILLAGE OF BAKERTON,
WEST CARROLL TOWNSHIP, CAMBRIA COUNTY
PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

APR 5 1962 AUDITED
CLERK OF COURTS: \$ 21.00

FILED: FEBRUARY 6, 1962

Rec'd 21st JUN 13 1962 AUDITED
REPORT OF SUPERVISORS OF WEST CARROLL TOWNSHIP

In accordance with provisions of Article XI of the Act of May 1, 1933, P. L. 103, as amended 53 P. S. 19093-1101 et seq. Ernest Powell, John Glinsky, John Nalisnick hereby make the following report:

-1-

That they are the duly elected and qualified Supervisors of West Carroll Township, Cambria County, Pennsylvania.

-2-

That pursuant to a petition of interested citizens, they propose to lay out in the village of Bakerton, West Carroll Township, Cambria County, Pennsylvania, a road which portion of road is described as follows:

(1) Beginning on the South side of legislative route 11097, a public highway leading from Bakerton to Spangler and at a point on the said South side, located on Northwest corner of land of Sterling Coal Company; thence along line of land of Sterling Coal Company South 69° 15 minutes West a distance of 226 feet to a stake; thence continuing along line of land of Sterling Coal Company South 57° 40 minutes West 230 feet to a point on the North side of the right of way line of the Pennsylvania Railroad Company; thence along said right of way line of Pennsylvania Railroad Company North 65° 00 minutes West 320° to a stake; thence continuing North 25° 00 East, a distance of 33 feet to a stake; thence through lands of Sterling Coal Company of which the road proposed to be laid out forms a part South 65° 00 East 302 feet to a stake; thence North 57° 40 minutes East a distance of 215.40 feet to a stake; thence North 69° 15 minutes East 211.40 feet to a stake; on the South side of legislative route 11097, a highway leading from Bakerton to Spangler; thence along South side of said legislative route South 49° 00 East 37.46 feet to the point and place of beginning. The above described form is identified as section "A" on the plan marked Exhibit "A" and made a plan hereof.

(2) Beginning at a point on the South side of the right of way line of the Pennsylvania Railroad at a point where the road proposed to be laid out forms a jointure with the Northeast corner of the land with Joseph Puskar. The following courses and distances: South 57° 00 minutes West 790 feet to a point on the East boundary line of land of Mike Romanosky; thence continuing South 36° 30 minutes West a distance of 550 feet to a point on the Eastern boundary line of land of Frank

CONTINUED ON NEXT PAGE.

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No. 11 CONTINUED.

Zanoni; thence continuing South 270.45 minutes West a distance of 400 feet to a point on the Eastern side of land of Mike Coval; thence South 45° 40 minutes West a distance of 150 feet to a point and corner of land of Edward Brawley; thence North 44° 20 minutes West a distance of 33 feet to a point on land of Arthur Matteotti; thence along said land North 45° 40 minutes East 144.5 feet to a stake; thence continuing North 27° 45 minutes East 398.5 feet to a point on land of Ernest Powell; thence North 36° 30 minutes East a distance of 556.60 feet to a point on line of land of Sterling Coal Company; thence North 57° 00 minutes East 776.38 feet to a point on the Southern line of said line of the Pennsylvania Railroad; thence along the said right of way line of Pennsylvania Railroad South 65° 00 minutes East a distance of 38.91 feet to the point and place of beginning. The above described is set out as section "B" in the map hereto attached marked Exhibit "A" and forming a part hereof.

(3) Beginning at a point on the South side of the right of way line of Pennsylvania Railroad, said point being North of the warehouse shop and substation of the Sterling Coal Co.; thence the following courses and distances: South 84° 10 minutes West a distance of 126.0 feet; thence South 29° 45 minutes West a distance of 165.0 feet to a stake; thence North 75° 40 minutes West a distance of 177 feet to a stake; thence North 37° 30 minutes West a distance of 186 feet to a stake; thence North 9° West a distance of 440 feet to a stake on the Northwest corner of line of land of Francis Zeanchok; thence continuing North 81° 0 minutes East 33 feet to a point on line of land of John Kuzma; thence South 9° 00 East 432 feet to a stake; thence South 37° 30 minutes East 167 feet to a stake; thence South 75 feet 40 minutes East a distance of 137.60 feet to a stake; thence North 29° 45 minutes East a distance of 156.40 feet to a stake; thence North 84° 10 minutes East 94.5 feet to a stake on the Southerly side of the right of way line of the Pennsylvania Railroad; thence along right of way line of said Pennsylvania Railroad South 62° 30 minutes East a distance of 600.24 feet to the point and place of beginning. The above described is set out as section "C" on the map herein attached marked Exhibit "A" and made a part hereof.

-3-

That the property owners affected by the proposed laying out of said portion of road were given ten (10) days' written notice of a meeting of said Supervisors held on February 3, 1962, at 8:00 A. M. E.D.S.T. at their office located in West Carroll Township, Cambria County, Pa., for the purpose of taking action regarding the laying out of said portion of road. Copies of said notices with acceptance of service by each of the affected property owners are hereto attached and made a part hereof.

-4-

That after a hearing at the aforesaid meeting, said Supervisors deemed the laying out

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No. 11 CONTINUED.

of the aforesaid portion of road necessary and adopted an ordinance laying out the same as a part of the highway system of said Township. A certified copy of said Ordinance is hereto attached, marked Exhibit "B" and made a part hereof.

-5-

That the aforesaid petition of interested citizens and release of damages executed by the owners of the property abutting on said portion of road is hereto attached, marked Exhibit "C" and made a part hereof.

-6-

That the aforesaid Ordinance was published prior to its passage in the Johnstown Democrat, a newspaper of general circulation in West Carroll Township, Cambria County, Pennsylvania, in accordance with the Act of Assembly. Proof of Publication of the same is hereto attached, marked Exhibit "D" and made a part hereof.

WHEREFORE, the aforesaid Supervisors pray that this Report and Exhibits attached hereto be filed in the office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, Pennsylvania.

/s/ Ernest Powell
/s/ John Glinsky
/s/ John Nalisnick

SUPERVISORS OF WEST CARROLL TOWNSHIP

ATTEST:

/s/ Michael Michrina, Secretary.

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CAMBRIA :

Personally appeared before me, a Notary Public in and for said County and State Ernest Powell John Glinsky and John Nalisnick, Supervisors of West Carroll Township, Cambria County, Pennsylvania who being duly sworn according to law, depose and say that the facts set forth in the foregoing Report are true and correct to the best of their knowledge, information and belief.

/s/ Ernest Powell
/s/ John Glinsky
/s/ John Nalisnick

Sworn to and subscribed before me

this 3rd day of February, 1962

/s/ Mrs. Rose Ann Youra

Notary Public

My Commission expires: 11/1/65

PRELIMINARY DECREE

AND NOW, this 6th day of February, 1962, upon consideration of the foregoing Petition, James T. Fagan, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within Report and Exhibits attached hereto.

BY THE COURT:

/s/ Wolfe, Judge.

ORDINANCE NO. 2-1962 FILED.

MAP FILED.

PROOF OF PUBLICATION FILED.

PETITION OF INTERESTED CITIZENS FILED.

CONTINUED ON NEXT PAGE.

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No. 11 CONTINUED.

NOTICE & RELEASE SIGNED BY PETE & ANN MAZURAK FILED.
 NOTICE & RELEASE SIGNED BY JOE & MARI RUSKAN FILED.
 NOTICE & RELEASE SIGNED BY MARY GOLISH FILED.
 NOTICE & RELEASE SIGNED BY PAUL WASHINSKY FILED.
 NOTICE & RELEASE SIGNED BY ANDY & HELEN GORMISH FILED.
 NOTICE & RELEASE SIGNED BY WASCO KOTRICK FILED.
 NOTICE & RELEASE SIGNED BY JOHN & MILDRED KUZMA FILED.
 NOTICE & RELEASE SIGNED BY NICK AND ANNA M. NALISNICK FILED.
 NOTICE & RELEASE SIGNED BY FRANK & ANN ZEANCHOCK FILED.
 NOTICE & RELEASE SIGNED BY WHITNEY WARNER, JR., PRES STERLING COAL CO. FILED.
 NOTICE & RELEASE SIGNED BY ANTHONY PALKA FILED.
 NOTICE & RELEASE SIGNED BY JOHN S. & HELEN J. JEWETT FILED.
 NOTICE & RELEASE SIGNED BY MR. & MRS. THEODORE TUCKER FILED.
 NOTICE & RELEASE SIGNED BY MARY BLAHOVEC FILED.
 NOTICE & RELEASE SIGNED BY ERNEST POWELL FILED.
 NOTICE & RELEASE SIGNED BY ALEX & MARY KOTRICK FILED.
 NOTICE & RELEASE SIGNED BY ANASTASIA KONITSKY SUTTER FOR ANDY & EVA KONITSKY FILED.
 NOTICE & RELEASE SIGNED BY OTHMAR BRAWLEY FILED.
 NOTICE & RELEASE SIGNED BY ARTHUR & ERMA MATTEOTTI FILED.
 NOTICE & RELEASE SIGNED BY CATHERINE COVAL FILED.
 NOTICE & RELEASE SIGNED BY MIKE & EVELYN HAYCISAK FILED.
 NOTICE & RELEASE SIGNED BY HENRY PANCZAK FILED.
 NOTICE & RELEASE SIGNED BY MIKE ROMANOSKY FILED.

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FINAL DECREE

And now, this 8 day of March, 1962, it appearing that the said Report having been filed on the 6 day of February, 1962, and not citizen or freeholder of the Township did within thirty (30) days from the filing of said Report by the Supervisors file exceptions to the Report or petition for a review, IT IS ORDERED AND DECREED that the said portion of a proposed road in the Village of Bakerton, West Carroll Township, Cambria County, Pennsylvania, described as follows:

- (1) Beginning on the South side of legislative route 11097 a public highway leading from Bakerton to Spangler and at a point on the said South side, located on Northwest corner of land of Sterling Coal Company; thence along line of land of Sterling Coal Company South 69° 15 minutes West a distance of 226 feet to a stake; thence continuing along line of land of Sterling Coal Company South 57° 40 minutes West 230 feet to a point on the North side of the right of way line of the Pennsylvania Railroad Company; thence along said right of way line of Pennsylvania Railroad Company North 65° 00 minutes West 320° to a stake; thence continuing North 25° 00 East a distance of 33 feet to a stake; thence through lands of Sterling Coal Company of which the road proposed to be laid out forms a part South 65° 00 East 302 feet to a stake; thence North 57° 40 minutes East a distance of 215.40 feet to a stake; thence North 69° 15 minutes East 211.40 feet to a stake on the South side of legislative route 11097, a highway leading from Bakerton to Spangler; thence along South side of said legislative route South 49° 00 East 37.46 feet to the point and place of beginning. The above described form is identified as Section "A" on the plan marked Exhibit "A" and made a part hereof.
- (2) Beginning at a point on the South side of the right of way line of the Pennsylvania Railroad at a point where the road proposed to be laid out forms a jointure with the Northeast corner of the land with Joseph Puskar. The following courses and distances: South 57° 00 minutes West 790 feet to a point on the East boundary line of land of Mike Romanosky; thence continuing South 36° 30 minutes West a distance of 550 feet to a point on the Eastern boundary line of land of Frank Zanoni; thence continuing South 270.45 minutes West a distance of 400 feet to a point on the Eastern side of land of Mike Coval; thence South 45° 40 minutes

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No. 11 CONTINUED.

West a distance of 150 feet to a point and corner of land of Edward Brawley; thence North $44^{\circ} 20$ minutes West a distance of 33 feet to a point on land of Arthur Matteotti; thence along said land North $45^{\circ} 40$ minutes East 144.5 feet to a stake; thence continuing North $27^{\circ} 45$ minutes East 398.5 feet to a point on land of Ernest Powell; thence North $36^{\circ} 30$ minutes East a distance of 556.50 feet to a point on line of land of Sterling Coal Company; thence North $57^{\circ} 00$ minutes East 776.38 feet to a point on the Southern line of said line of the Pennsylvania Railroad; thence along the said right of way line of Pennsylvania Railroad South $65^{\circ} 00$ minutes East a distance of 38.91 feet to the point and place of beginning. The above described is set out as section "B" in the map hereto attached marked Exhibit "a"; and forming a part hereof.

- (3) Beginning at a point on the South side of the right of way line of Pennsylvania Railroad, said point being North of the warehouse shop and substation of the Sterling Coal Company; thence the following courses and distances: South $84^{\circ} 10$ minutes West a distance of 126.0 feet; thence South $29^{\circ} 45$ minutes West a distance of 165.0 feet to a stake; thence North $75^{\circ} 40$ minutes West a distance of 177 feet to a stake; Thence North $37^{\circ} 30$ minutes West a distance of 186 feet to a stake; thence North 9° West a distance of 440 feet to a stake on the Northwest corner of line of land of Francis Zeanchok; thence continuing North $81^{\circ} 0$ minutes East 33 feet to a point on line of land of John Kuzma; thence South $9^{\circ} 00$ East 432 feet to a stake; thence South $37^{\circ} 30$ minutes East 167 feet to a stake; thence South $75^{\circ} 40$ minutes East a distance of 137.60 feet to a stake; thence North $29^{\circ} 45$ minutes East a distance of 156.40 feet to a stake; thence North $84^{\circ} 10$ minutes East 94.5 feet to a stake on the Southerly side of the right of way line of the Pennsylvania Railroad; thence along right of way line of said Pennsylvania Railroad South $62^{\circ} 30$ minutes East a distance of 600.24 feet to the point and place of beginning. The above described is set out as section "C" on the map herein attached marked Exhibit "A" and made a part hereof.

be and the same is hereby confirmed as a Township road and declared to be a part of the public road and highway system of the said Township of West Carroll.

By the Court: /s/ McDonald, Judge.

2 certified copies of above decree to Eugene Creany, Esq. 3/8/62

No. 12.

IN RE: LAYING OUT OF A PORTION OF
ROAD IN THE VILLAGE OF BARNES, WEST
CARROLL TOWNSHIP, CAMBRIA COUNTY, PA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

APR 5 1962 AUDITED
CLERK OF COURTS: \$ 19.00

FILED: FEBRUARY 6, 1962

JUN 13 1962 AUDITED

Recd. 19-00 JUN 13 1962
REPORT OF SUPERVISORS OF WEST CARROLL TOWNSHIP

In accordance with provisions of Article XI of the Act of May 1, 1933, P. L. 103, as amended, 53 P. S. 19093-1101 et seq. Ernest Powell, John Nalisnick, John Glinsky hereby make the following report:

-1-

That they are the duly elected and qualified Supervisors of West Carroll Township, Cambria County, Pennsylvania.

-2-

That pursuant to a petition of interested citizens, they propose to lay out in the Village of Barnes, West Carroll Township, Cambria County, Pennsylvania, a road, which portion of road is described as follows:

NO. 1. Beginning at a point, the said point being the North east corner of Lot No. 8 on the plot or plan laid out for the Barnes Village, said plan attached hereto; thence along the South side of an unnamed street fronting Lots 8, 10, 12, 14 16 and across an 18 feet alley in a Northerly direction, being North $75^{\circ} 05$ minutes East a distance of 320 feet to a point on the Barnes and Tucker Company No. 14 Railroad siding; thence along said siding North $31^{\circ} 00$ minutes West a distance of 40 feet to a point; thence South on the Northerly side of said unnamed street South $75^{\circ} 05$ minutes West a distance of approximately 334 feet, the said line above described abutting Lots 17, 15, 13, 11 and 9 to a point on an improved highway in said Barnes Village; thence along said improved highway in a Southerly direction South $140^{\circ} 35$ minutes East a distance of 40 feet to the point and place of beginning.

NO. 2. Beginning at a point, the said point being the Northeast corner of Lot No. 18 on the plan of lot of Barnes Village on the map hereto attached and made a part hereof; thence along the Northern property line of Lot No. 18, 20, 22, 24, 26 and 28 and a swamp area to the right of way line of the Barnes and Tucker Company No. 14 Railroad siding North $75^{\circ} 05$ minutes East a distance of approximately 396 feet to the East side of said right of way line of the railroad siding of Barnes and Tucker Company No. 14; thence along right of way line North $140^{\circ} 55$ minutes West a distance of 40 feet to a point; thence South $75^{\circ} 05$ minutes West fronting the South side of an unmarked lot, Lots 29, 27, 25, 23, 21 and 19 a distance of approximately 396 feet to the Southeast corner of Lot No. 19 and the improved highway leading to Bakerton and Spangler; thence along the said improved highway South $140^{\circ} 55$ minutes East a distance of 40 feet to the point and place of beginning.

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No. 12 CONTINUED.

-3-

That the property owners affected by the proposed laying out of said portion of road were given ten (10) days' written notice of a meeting of said Supervisors held on February 3, 1962, at 8:00 A. M. at the Bakerton School located in Bakerton, West Carroll Township, Cambria County, Pennsylvania, for the purpose of taking action regarding the laying out of said portion of road. Copies of said notices with acceptance of service by each of the affected property owners are hereto attached and made a part hereof.

-4-

That after a hearing at the aforesaid meeting, said Supervisors deemed the laying out of the aforesaid portion of road necessary and adopted an ordinance laying out the same as a part of the highway system of said Township. A certified copy of said Ordinance is hereto attached, marked Exhibit "B" and made a part hereof.

-5-

That the aforesaid petition of interested citizens and release of damages executed by the owners of the property abutting on said portion of road is hereto attached, marked Exhibit "C" and made a part hereof.

-6-

That the aforesaid Ordinance was published prior to its passage in the Johnstown Democrat, a newspaper of general circulation in West Carroll Township, Cambria County, Pennsylvania, in accordance with the Act of Assembly. Proof of Publication of the same is hereto attached, marked Exhibit "D" and made a part hereof.

WHEREFORE, the aforesaid Supervisors pray that this Report and exhibits attached hereto be filed in the office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, Pennsylvania.

/s/ Ernest Powell

/s/ John Nalisnick

/s/ John Glinsky

SUPERVISORS OF WEST CARROLL TOWNSHIP

ATTEST: /s/ Michael Mechrina, Secretary

STATE OF PENNSYLVANIA :

: SS.

COUNTY OF CAMBRIA :

Personally appeared before me, a Notary Public in and for said County and State, Ernest Powell, John Nalisnick and John Glinsky, Supervisors of West Carroll Township, Cambria County, Pennsylvania, who being duly sworn according to law, depose and say that the facts set forth in the foregoing Report are true and correct to the best of their knowledge, information and belief.

/s/ Ernest Powell

/s/ John Nalisnick

/s/ John Glinsky

Sworn and subscribed to before me
this 3rd day of February, 1962.

/s/ Mrs. Rose Ann Youra

Notary Public

My Commission expires: 11/1/65

PRELIMINARY DECREE

AND NOW, this 6th day of February, 1962, upon consideration of the foregoing Petition, James T. Fagan, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within Report and exhibits attached hereto.

BY THE COURT:

/s/ Wolfe, Judge.

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No. 12 CONTINUED.

ORDINANCE NO. 4-1962 FILED.

MAP FILED.

NOTICE & RELEASE SIGNED BY MR. & MRS. JOHN YARKO FILED.

NOTICE & RELEASE SIGNED BY PAT ZEANCHOCK FILED.

NOTICE & RELEASE SIGNED BY STELLA C. BELINSKY FILED.

NOTICE & RELEASE SIGNED BY ROY & VIRGINIA GALLAHER FILED.

NOTICE & RELEASE SIGNED BY WALTER & MARY KUSHOSKI FILED.

NOTICE & RELEASE SIGNED BY CLARENCE C. & MARIAN MULHOLLEN FILED.

NOTICE & RELEASE SIGNED BY GEORGE AND NELL HUNT FILED.

NOTICE & RELEASE SIGNED BY STEVE & HELEN MARKS FILED.

NOTICE & RELEASE SIGNED BY MRS. ELIZABETH KENNEFICK FILED.

NOTICE & RELEASE SIGNED BY WILLIAM B. SR., & ROSE GRAY FILED.

NOTICE & RELEASE SIGNED BY MIKE & MARY EL NALISNICK FILED.

NOTICE & RELEASE SIGNED BY WILLIAM TAYLOR FILED.

NOTICE & RELEASE SIGNED BY HARRY W. & ANNABELLE MORGAN FILED.

NOTICE & RELEASE SIGNED BY THOMAS & ELNORA ZEMROSE FILED.

NOTICE & RELEASE SIGNED BY EUGENE & FLORINE SHERRY FILED.

NOTICE & RELEASE SIGNED BY MARY ANN & EDWARD ROJNISH FILED.

NOTICE & RELEASE SIGNED BY ANTHONY S. YESCAVAGE FILED.

NOTICE & RELEASE SIGNED BY MR. & MRS. PAUL E. BELINSKY FILED.

NOTICE & RELEASE SIGNED BY WILLIAM DRZAL, FILED.

NOTICE & RELEASE SIGNED BY BRUNO & GERT YESCAVAGE FILED.

NOTICE & RELEASE SIGNED BY PETER WASKO FILED.

FINAL DECREE

AND NOW, this 8 day of March, 1962, it appearing that the said Report having been filed on the 6 day of February, 1962, and no citizen or freeholder of the Township did within thirty (30) days from the filing of said Report by the Supervisors file exceptions to the Report or petition for a review, IT IS ORDERED AND DECREED that the said portion of a proposed road in the Village of Barnes, West Carroll Township, Cambria County, Pennsylvania, described as follows:

No. 1. Beginning at a point, the said point being the North-east corner of Lot No. 8 on the plot or plan laid out for the Barnes Village, said plan attached hereto; thence along the South side of an unnamed street fronting Lots 8; 10, 12, 14, 16 and across an 18 feet alley in a Northerly direction, being North 75° 05 minutes East a distance of 320 feet to a point on the Barnes and Tucker Company No. 14 Railroad siding; thence along said siding North 31° 00 minutes West a distance of 40 feet to a point; thence South on the Northerly side of said unnamed street South 75° 05 minutes West a distance of approximately 334 feet, the said line above described abutting Lots 17, 15, 13, 11 and 9 to a point on an improved highway in said Barnes Village; thence along said improved highway in a Southerly direction South 140° 35 minutes East a distance of 40 feet to the point and place of beginning.

No. 2. Beginning at a point, the said point being the North-east corner of Lot No. 18 on the plan of lot of Barnes Village on the map hereto attached and made a part hereof; thence along the Northern property line of Lot No. 18, 20, 22, 24, 26 and 28 and a swamp area to the right of way line of the Barnes and Tucker Company No. 14 Railroad siding North 75° 05 minutes East a distance of approximately 396 feet to the East side of said right of way line of the railroad siding of Barnes and Tucker Company No. 14; thence along right of way line North 140° 55 minutes West a distance of 40 feet to a point; thence South 75° 05 minutes West fronting the South side of an unmarked lot, Lots 29, 27, 25, 23, 21 and 19 a distance of approximately 396 feet to the Southeast corner of Lot No. 19 and the improved highway leading to Bakerton and Spangler; thence along the said improved highway South 140° 55 minutes East a distance of 40 feet to the point and place of beginning.

be and the same is hereby confirmed as a Township road and declared to be a part of the public road and highway system of the said Township of West Carroll.

BY THE COURT: /s/ McDonald, Judge.

2 certified copies of above order to Eugene Creany, Esq. 3/8/62.

MARCH

SESSIONS, 19 62

No. 13

IN RE: IN THE MATTER OF THE CHANGE OF
LOCATION AND LINES OF THE HIGHWAYS KNOWN
AS LEGISLATIVE ROUTES NOS. 1022-1 and
222-9, IN THE TOWNSHIP OF RICHLAND,
CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 36.00 OCT 19 1962 AUDITED

FILED: FEBRUARY 20, 1962

Rec'd 36-11-20-62
JAN 30 1963 AUDITED
PETITION OF ELMER L. HOFFMAN AND LAURA HOFFMAN,
HUSBAND AND WIFE, FOR THE APPOINTMENT OF VIEWERS

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The Petition of Elmer L. Hoffman and Laura Hoffman, husband and wife, by their Attorneys,
Gleason & Krumenacker, Esquires, respectfully represents:

1. That your Petitioners are individuals, residing at 1424 Scalp Avenue, Richland Township,
Cambria County, Pennsylvania.
2. That your Petitioners are the owners of certain property in the Township of Richland,
Cambria County, Pennsylvania, bounded and described as follows:

PARCEL NO. 1

BEGINNING at an iron bolt located on the
West side of the Johnstown and Scalp Level Pike
(Highway Route No. 56) and 16½ feet distant
from the center line thereof, said point of be-
ginning also being located on division line
between land hereby conveyed and land of Melvin
Hostetler and Huldah Hostetler, his wife; thence
continuing along said highway and 16½ feet distant
from the center line thereof the following two
courses and distances: South 20° 12' East 76.20
feet to a stake, and South 18° 37' East 123.80
feet to a stake; thence through other land of the
Grantor, of which the parcel hereby conveyed is
a part, the following two courses and distances:
South 70° 03' West 250.00 feet to a stake, and
North 19° 09' West 200.00 feet to a stake on line
of land of Melvin and Huldah Hostetler above
mentioned; thence by line of last mentioned land
North 70° 03' East 250.00 feet to an iron bolt,
the place of beginning. Containing 1.151 acres.

PARCEL NO. 2

BEGINNING AT a point on the West line of
Pennsylvania State Highway Route No. 56, which
thoroughfare is 80 feet in width; and at the
northeast corner of other land of the Grantees,
thence along the West line of said highway South
18° 37' East 75.00 feet to a point on line of land
of Richland Township School District; thence by
line of land of Richland Township School District
South 70° 03' West 580.43 feet to a point on line
of other land of the Grantor; thence by line of
other land of the Grantor the following two (2)
courses and distances: North 25° 28' East 290.09

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No. 13 CONTINUED.

feet to a point, and North $64^{\circ} 32'$ West 200.00 feet to a point on the East line of the Township Road (Macadam) leading from Pennsylvania State Highway No. 56 to Mine No. 37 of the Berwind-White Coal Mining Company, said road being 33 feet in width; thence along the East line of said Township Road North $25^{\circ} 28'$ East 248.41 feet to a point on other land of the Grantor; thence by line of last mentioned land of the Grantor South $64^{\circ} 32'$ East 64.40 feet to a point on line of land of Richard Ripple; thence by line of land of Richard Ripple the following two courses and distances: South $19^{\circ} 59'$ East 200.00 feet to a point, and North $70^{\circ} 03'$ East 70.00 feet to a point on line of aforementioned land of the Grantees; thence by line of land of the Grantees the following two courses and distances: South $19^{\circ} 09'$ East 200.00 feet to a point, and North $70^{\circ} 03'$ East 226.50 feet to a point on the West line of Pennsylvania State Highway No. 56, the place of beginning. Containing 2.73 acres.

PARCEL NO. 3

BEGINNING for a tie line at the southeast corner of land of Andrew J. and Alice L. Tallion; thence through land of the Grantor, of which the parcel hereby conveyed is a part, South $20^{\circ} 36'$ East 300 feet to a point, the place of beginning of description of parcel hereby conveyed; thence South $20^{\circ} 36'$ East 210.00 feet to a point on the North line of a proposed street 40 feet in width; thence by the North line of said proposed Street South $69^{\circ} 24'$ West 244.17 feet to a stake in the East right of way line of Pennsylvania State Highway Route No. 56 which thorough fare is 80 feet in width; thence by the East right of way line of Pennsylvania State Highway Route No. 56 North $18^{\circ} 08'$ West 210.28 feet to a point; thence North $69^{\circ} 24'$ East 235.17 feet to a point, the place of beginning. Containing 1.16 acres.

3. That the Department of Highways of the Commonwealth of Pennsylvania, is making, or is about to make, an improvement of sections of public highways known as Legislative Routes 1022-1 and 222-9, in the Township of Richland, Cambria County, Pennsylvania, which affect or will affect the above described property owned by Petitioners, and in furtherance thereof have condemned portions of Petitioner's property described above.

4. That your Petitioners aver that they were and are the owners of parcels two and three described above and that Petitioner, Elmer L. Hoffman, is the owner of parcel one described above, and therefore, they are the only persons entitled to recover damages for the taking thereof.

5. Petitioners are advised, believe and therefore aver that the following portions of land have been condemned and taken for public use:

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No. 13 CONTINUED.

a. Parcel 1. A triangular piece of land whose dimensions are 105 feet by 162 feet by approximately 90 feet, and a strip of land approximately 45 feet wide and 190 feet long, fronting along Legislative Route 222.

b. Parcel 2. A strip of land approximately 45 feet wide and 75 feet long, also fronting along Legislative Route 222.

c. Parcel 3. A strip of land, roughly triangular in shape, fronting 210.28 feet on the eastern side of Legislative Route 222, and ranging in depth from approximately 45 feet to 100 feet.

6. The aforesaid changes in the said Legislative Routes which have been or will be made by the Department of Highways of the Commonwealth of Pennsylvania have resulted in the taking of large portions of Petitioner's property as above set forth, and caused or will cause injury and damage to the remainder thereof.

7. On parcels 1 and 2, described above, Petitioners have erected expensive commercial buildings and appurtenances thereto, the removal or possible destruction of which is necessitated by the aforesaid condemnation to the great financial loss of Petitioners. Parcel 3, described above, prior to the aforesaid condemnation, had been valuable commercial property, and by reason of the aforesaid condemnation, has greatly been reduced in value to the great financial loss of Petitioners.

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 changes of the existing lines and location of said Legislative Routes 1022-1 and 222-9.

9. The approval by the Governor of the plan making the changes in Legislative Routes 1022-1 and 222-9 as aforesaid, was dated May 15, 1961.

10. The Petitioners allege that the fair market value of the land owned by your Petitioners at the time of the condemnation was decreased by reason of the condemnation, and by reason of the fact that a certain portion of their land was actually taken for public use, and in addition thereto, they claim that the fair market value immediately after the condemnation, and as affected by the condemnation, was less than the amount of the fair market value 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 property taken.

WHEREFORE, your Petitioners, by their Attorneys, Gleason & Krumenacker, Esqs. 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.

GLEASON & KRUMENACKER

BY: /s/ Andrew J. Gleason,

ATTORNEYS FOR PETITIONERS

STATE OF PENNSYLVANIA :

SS.

COUNTY OF CAMBRIA :

Before me, a Notary Public in and for said County and State, personally appeared ELMER L. HOFFMAN and LAURA HOFFMAN, who being duly sworn according to law, deposes and says that they are the Petitioners named in the foregoing Petition, and that the statements therein set forth are true and correct to the best of their knowledge, information and belief.

/s/ Elmer L. Hoffman

/s/ Laura Hoffman

Sworn to and subscribed before me

this 31st day of January, 1962

/s/ Rosemarie A. Licastro

Notary Public, Johnstown, Pa. My Commission Exp. Dec. 12, 1962.

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No. 13 CONTINUED.

ORDER

AND NOW, to wit, this 20 day of February, 1962, on motion of Andrew J. Gleason, of Gleason & Krumenacker, Esqs., Attorneys for Petitioners, and upon consideration of the within Petition, the Court hereby appoints Telford Locher, Robert Mayer and Donald J. Letizia, 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:
/s/ Wolfe, J.

NOTICE TO VIEW MAILED - February 21, 1962 - TO TELFORD LOCHER, Dahlia Street, Johnstown, Pa.
(COPY OF PETITION MAILED).

February 21, 1962: Certified copy of Petition mailed to Frank E. Roda, Assistant Attorney General, Department of Highways, Harrisburg, Pennsylvania.

July 30, 1962: Viewers' Report filed by Donald J. Letizia, Esq.

VIEWERS' REPORT

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

DONALD J. LETIZIA, ESQUIRE, T. L. LOCHER and ROBERT G. MAYER, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises of ELMER L. HOFFMAN and LAURA HOFFMAN, to assess damages to their property arising from the improvement and changes to State Highway Routes Nos. 1022-1 and 222-9, in the Township of Richland, County of Cambria, and State of Pennsylvania, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on February 20, 1962, the Board of View set March 29, 1962, at 9:30 a. m., e.s.t., as the time to view and inspect the premises owned by Elmer L. Hoffman and Laura Hoffman, husband and wife. Due notice thereof was given to the Department of Highways as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to the law firm of Gleason and Krumenacker, Attorneys for Petitioners as shown by acceptance of service of notice hereto attached and made a part hereof. The Board of View thereafter set June 26, 1962, at 10:00 a. m., e.d.s.t., at the Judges Chambers, Park Building, Johnstown, Pennsylvania, as the time and place for hearing. A continuance was requested by the Commonwealth of Pennsylvania and the hearing was thereafter set for July 6, 1962, at 9:30 a.m., e.d.s.t., at the Judges Chambers, Park Building, Johnstown, Pennsylvania. Due notice thereof was given to Andrew J. Gleason, Attorney for Petitioners, as shown by Acceptance of Service of Notice attached hereto and made a part hereof. Notice was likewise given to Arnold D. Smorto, Attorney for Commonwealth of Pennsylvania, as shown by Acceptance of Service of Notice hereto attached and made a part hereof.

The hearing was held at the time and place appointed and was attended thereat by Andrew J. Gleason, Attorney for Petitioners, Elmer L. Hoffman, Owner and Charles N. Glass, Real Estate Appraiser. The Commonwealth of Pennsylvania was represented by Arnold D. Smorto, Esquire, George Specter, Esquire, and Howard E. Breneman, District Right of Way Engineer, Donald J. Sharpe, and John J. Mock, Real Estate Appraisers. The Petitioner was thereupon examined upon the merits of the case and a full hearing was held thereon.

Due notice of the filing of this Report was given to the Petitioner through his attorney, Andrew J. Gleason, as shown by acceptance of service of notice hereto attached and made a part hereof. Due notice was likewise given to the Commonwealth of Pennsylvania through its attorney, Arnold D. Smorto, as shown by acceptance of service of notice hereto attached and made a part hereof.

The original papers are attached hereto and made a part of this Report.

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No. 13 CONTINUED.

The Board of View further reports as follows:

I. SERVICE OF PROCESS

The original papers and docket entries show that the Petitioners, Elmer L. Hoffman and Laura Hoffman, husband and wife, filed a Petition with the Court of Quarter Sessions of Cambria County, Pennsylvania, on February 20, 1962, setting forth that they labored under inconvenience for want of an assessment of damages.

II. FINDINGS OF FACTS

(1) That Elmer L. Hoffman and Laura Hoffman, husband and wife, are the owners of parcels of ground situate in the Township of Richland, County of Cambria, and State of Pennsylvania, bounded and described as follows:

PARCEL NO. 1

BEGINNING at an iron bolt located on the West side of the Johnstown and Scalp Level Pike (Highway Route No. 56) and 16½ feet distant from the center line thereof, said point of beginning also being located on division line between land hereby conveyed and land of Melvin Hostetler and Huldah Hostetler, his wife; thence continuing along said highway and 16½ feet distant from the center line thereof the following two courses and distances: South 20° 12' East 76.20 feet to a stake and South 18° 37' East 123.80 feet to a stake; thence through other land of the Grantor, of which the parcel hereby conveyed is a part, the following two courses and distances: South 70° 03' West 250.00 feet to a stake and North 19° 09' West 200.00 feet to a stake on line of land of Melvin and Huldah Hostetler above mentioned; thence by line of last mentioned land North 70° 03' East 250.00 feet to an iron bolt, the place of beginning. Containing 1.151 acres.

PARCEL NO. 2

BEGINNING at a point on the West line of Pennsylvania State Highway Route No. 56, which thoroughfare is 80 feet in width; and at the northeast corner of other land of the Grantees, thence along the West line of said highway South 18° 37' East 75.00 feet to a point on line of land of Richland Township School District; thence by line of land of Richland Township School District South 70° 03' West 580.43 feet to a point on line of other land of the Grantor; thence by line of other land of the Grantor the following two (2) courses and distances: North 25° 28' East 290.09 feet to a point, and North 64° 32' West 200.00 feet to a point on the East line of the Township Road (Macadam) leading from Pennsylvania State Highway No. 56 to Mine No. 37 of the Berwind-White Coal Mining Co. said road being 33 feet in width; thence along the East line of said Township Road North 25° 28' East 248.41 feet to a point on other land of the Grantor; thence by line of last mentioned land of the Grantor South 64° 32' East 64.40 feet to a point on line of land of Richard Ripple; thence by line of land of Richard Ripple the following two courses and distances: South 19° 59' East 200.00 feet to a point, and North 70° 03' East 70.00 feet to a point on line of aforementioned land of the Grantees; thence by line of land of Grantees the following two courses and distances: South 19° 09' East 200.00 feet to a point, and North 70° 03' East 226.50 feet to a point on the West line of Pennsylvania State Highway Route No. 56, the place of beginning. Containing 2.73 acres.

PARCEL NO. 3

BEGINNING for a tie line at the southeast corner of land of Andrew J. and Alice L. Tallion; thence through land of the Grantor, of which the parcel hereby conveyed is a part, South 20° 36' East 300 feet to a point,

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SESSIONS, 19

JUNE

SESSIONS, 19 62.

No. 1

IN RE: IN THE MATTER OF ROUTE NO.
A-1591-B, IN THE TOWNSHIP OF RICHLAND
CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNA.

CLERK OF COURTS: \$

DEC 20 1963 AUDITED
25.50
OCT 19 1962 AUDITED
K. 25.50
4-10

FILED: MARCH 15, 1962 by Robert D. Gleason, Esq.

PETITION OF MARY PAVLOVICH, WIDOW,
FOR THE APPOINTMENT OF BOARD OF VIEWERS

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The Petition of Mary Pavlovich, widow, by her attorneys, Gleason & Krumenacker, Esquires, respectfully represents:

1. That your Petitioner is Mary Pavlovich, widow, an individual who resides at 104 Luray Avenue, Richland Township, Cambria County, Pennsylvania.
2. That your Petitioner is the owner of certain property in the Township of Richland, Cambria County, Pennsylvania, bounded and described as follows:

ALL that certain lot or piece of ground situate, lying and being in the Township of Richland, County of Cambria and State of Pennsylvania, further bounded and described as follows:

BEGINNING at a stake on the southerly side of the State Highway, same being a common corner of said State Highway and said Township Road; thence along said Township Road, South 38° 30' East 417.54 feet to a stake; thence South 51° 30' West 510.79 feet to a stake; thence North 6° 7' West 591.64 feet to a stake at the southerly side of said State Road; thence along said State Road the following courses and distances: South 85° 38' East 89.78 feet to a stake; North 60° 30' East 130.17 feet to the place of beginning.

3. That the Department of Highways of the Commonwealth of Pennsylvania, is making or is about to make, an improvement known as Legislative Route No. A-1591-B, Section No. 3 in the Township of Richland, Cambria County, Pennsylvania, which affects or will affect the above described property owned by the Petitioner, and in furtherance thereof have condemned portions of Petitioner's property described above.

4. That your Petitioner, Mary Pavlovich, widow, avers that she is the owner of the parcel of land described above and that Petitioner, Mary Pavlovich, widow is the only person entitled to recover damages for the taking thereof.

5. Petitioner is advised, believes and therefore avers that the following portion of land has been condemned and taken for public use:

(a) A Strip of land approximately 15 feet in width and 205 feet in length, fronting along Legislative Route No. A-1591-B.

6. The aforesaid location of Legislative Route No. A-1591-B which has been or will be made by the Department of Highways of the Commonwealth of Pennsylvania, have resulted in the taking of large portions of Petitioner's property, as above set forth, and caused or will cause injury and damage to the remainder thereof.

CONTINUED ON NEXT PAGE.

No. 1 CONTINUED.

7. 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 Legislative Route No. A-1591-B.

8. The approval by the Governor of the plan locating Legislative Route No. A-1591-B, as aforesaid, was dated December 1, 1959.

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

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

WHEREFORE, Your Petitioner, Mary Pavlovich, widow, by her Attorneys, Gleason and Krumenacker, Esquires, pray your Honorable Court to appoint a Board of Viewers in the manner prescribed by law to ascertain and award just compensation to Petitioner for her property so condemned in accordance with the Acts of Assembly in such cases made and provided.

And she will ever pray, etc.

GLEASON & KRUMENACKER

BY: /s/ Robert Davis Gleason,
ATTORNEYS FOR PETITIONER

STATE OF PENNSYLVANIA:

: SS.

COUNTY OF CAMBRIA :

Before me, a Notary Public in and for said County and State, personally appeared MARY PAVLOVICH, who being duly sworn according to law deposes and says that she is the Petitioner named in the foregoing Petition, and that the statements therein set forth are true and correct to the best of her knowledge, information and belief.

/s/ Mary Pavlovich

Sworn to and subscribed before

me this 2nd day of March, 1962

/s/ Rosemarie A. Licastro

Notary Public, Johnstown,

Cambria County, Penna.

My Commission Exp. Dec. 12, 1962

3 ORDER

AND NOW, to wit, this 15th day of March, 1962, on motion of Gleason & Krumenacker, Esquires, Attorneys for Petitioner, and upon consideration of the within Petition, the Court hereby appoints Donald J. Letizia, Esq., Telford Locher, and Robert S. Mayer, 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: /s/ Griffith, P. J.

5 March 15, 1962: Notice to View and Copy of Above Petition mailed to Donald Letizia, Esq.

March 15, 1962: Copy of Above Petition mailed to Frank E. Roda, Assistant Attorney General, Department of Highways, Harrisburg, Pennsylvania

July 30, 1962: VIEWERS' REPORT filed by Donald J. Letizia, Esq.

VIEWERS' REPORT

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

CONTINUED ON PAGE 476

No. 2

IN RE: IN THE MATTER OF THE ROUTE NO.
222, SECTION 9, IN THE TOWNSHIP OF
RICHLAND, CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

Clerk of Courts: \$ 29.00 OCT 19 1962 AUDITED

FILED: MARCH 30, 1962 by Robert Gleason, Esq.

PETITION OF CLYDE DAVIS AND ERMA MAY DAVIS
HUSBAND AND WIFE, FOR THE
APPOINTMENT OF A BOARD OF VIEWERS

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

The Petition of Clyde Davis and Erma May Davis, husband and wife, by their Attorneys,
Gleason & Krumenacker, Esquires, respectfully represents:

1. That your Petitioners are Clyde Davis and Erma May Davis, husband and wife, individuals
who reside at 1314 Scalp Avenue, Richland Township, Cambria County, Pennsylvania.

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

PARCEL NO. 1

BEGINNING at a stake on the Westerly boundary
line of Scalp Level Pike (Pa. Route No. 58)
corner of land of Ross Weaver et ux, South 74°
58' West, a distance of 130 feet to a stake on
the line dividing Lots Nos. 3 and 21 on the here-
inafter mentioned Plan of Lots; thence, along the
said dividing line North 15° 02' West, a distance
of 65 feet to a stake, common corner of Lots No.
3, 4, 20, and 21 on the said hereinafter mentioned
Plan of Lots; thence along the line dividing Lots
No. 3 and 4 on the hereinafter mentioned Plan of
Lots, North 74° 58' East, a distance of 130 feet
to a stake on the Westerly boundary line of the
said Route 58; thence along said boundary line
South 15° 02' East, a distance of 65 feet to a
stake, the place of beginning.

BEING marked, known and designated on the Plan
of Lots situate in Richland Township, as laid out
for Abram C. Weaver Estate by Fetterman Engineer-
ing Company on April 24, 1946, at Lot No. 3.

PARCEL NO. 2

BEGINNING at a stake on the Westerly boundary
line of Scalp Level Pike (Pa. Route No. 58)
corner of land now of Alonzo Weaver et ux; thence
along the line of land of Alonzo Weaver et ux
South 74° 58' West, a distance of 130 feet to a
stake on the line dividing Lots No. 2 and 22
on the hereinafter mentioned Plan of Lots; thence
along the said dividing line, North 15° 02' West,
a distance of 65 feet to a stake at the common
corner of Lots No. 2, 3, 21 and 22 on the herein-

CONTINUED ON NEXT PAGE.

No. 2 CONTINUED

after mentioned Plan of Lots; thence along the line dividing Lots No. 2 and 3 on the hereinafter mentioned Plan of Lots North $74^{\circ} 58'$ East, a distance of 130 feet to a stake on the Westerly boundary line of said Pennsylvania State Route No. 56; thence along said boundary line, South $15^{\circ} 02'$ East, a distance of 65 feet to a stake, the place of beginning. Being marked, known, and designated on the Plan of Lot situate in Richland Township, Cambria County, Pennsylvania, as laid out for Abram C. Weaver, Estate by Fetterman Engineer Co., on April 24, 1946, as Lot No. 2.

3. That the Department of Highways of the Commonwealth of Pennsylvania is making or is about to make an improvement known as Legislative Route No. 22, Section 9, in the Township of Richland, Cambria County, Pennsylvania, which affects or will affect the above described properties owned by the Petitioners, and in furtherance thereof, have condemned portions of Petitioner's property described above.

4. That your Petitioners, Clyde Davis and Erma May Davis, husband and wife, aver that they are the owners of the parcel of land described above and that Petitioners are the only persons entitled to recover damages for the taking thereof.

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

(a) A strip of land fronting approximately 150 feet on the westerly line of Legislative Route No. 222, Section 9, and extending back a distance of 30 feet between parallel lines.

6. The aforesaid location of Legislative Route No. 222, Section 9, which has been or will be made by the Department of Highways of the Commonwealth of Pennsylvania, has resulted or will result in the taking of large portions of Petitioner's property, as above set forth, and caused or will cause injury and damage to the remainder thereof.

7. 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 Legislative Route No. 222, Section 9.

8. The approval by the Governor of the plan location Legislative Route No. 222, Section 9, as aforesaid, was dated May 15, 1961.

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

10. 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 property taken.

WHEREFORE, your Petitioners, Clyde Davis and Erma May Davis, husband and wife, by their Attorneys, Gleason & Krumenacker, Esquires, 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.

GLEASON & KRUMENACKER

BY: /s/ Robert Davis Gleason

ATTORNEY FOR PETITIONERS

No. 2 CONTINUED.

STATE OF PENNSYLVANIA:

: SS.

COUNTY OF CAMBRIA :

Before me, a Notary Public in and for said County and State, personally appeared CLYDE DAVIS and ERMA MAY DAVIS, husband and wife, who, being duly sworn according to law, depose and say that they are the Petitioners named in the foregoing Petition, and that the statements therein set forth are true and correct to the best of their knowledge, information and belief.

/s/ Clyde Davis

/s/ Erma May Davis

Sworn to and subscribed before
me this 23rd day of March, 1962.

/s/ Rosemarie A. Licastro

Notary Public, Johnstown,

Cambria County, Penna.

My Commission Expires Dec. 12, 1962.

ORDER

AND NOW, this 30 day of March, 1962, on motion of Gleason & Krumenacker, Esquires, Attorneys for the Petitioners and upon consideration of the within Petition, the Court hereby appoints Donald J. Letizia, Esq., T. L. Locher, and Robert S. Mayer, as a Board of Viewers upon the within Petition, and further orders that the Board of Viewers perform its duty in accordance with the law and Acts of Assembly in such case made and provided.

By the Court:

/s/ Griffith, P. J.

March 30, 1962: Notice to View and Copy of Above Petition mailed to Donald Letizia, Esq.

March 30, 1962: Copy of above Petition mailed to Frank E. Roda, Assistant Attorney General,
Department of Highways, Harrisburg, Pennsylvania

August 6, 1962: Viewers' Report filed by Donald J. Letizia, Esq..

VIEWERS' REPORT

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

DONALD J. LETIZIA, Esquire, T. L. LOCHER and ROBERT G. MAYER, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to View the premises of CLYDE DAVIS and ERMA MAY DAVIS, husband and wife, to assess damages to their property arising from the improvement and changes to State Highway Route No. 222, Section 9, in the Township of Richland, County of Cambria, and State of Pennsylvania, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on March 30, 1962, the Board of View set April 27, 1962, at 10:00 a. m., e.d.s.t., as the time to view and inspect the premises owned by CLYDE DAVIS and Erma May Davis, husband and wife. Due notice thereof was given to Andrew J. Gleason, Esquire, Attorney for petitioners, as shown by acceptance of service of notice attached hereto and made a part hereof. Notice was likewise given to the Commonwealth of Pennsylvania, as shown by notice attached hereto and made a part hereof. A continuance was requested by the Commonwealth of Pennsylvania and the view was thereafter scheduled for Friday, May 18, 1962, at 10:00 a. m., Due Notice thereof was given to Andrew J. Gleason, Esquire, attorney for Petitioners as shown by acceptance of service of notice, attached hereto and made a part hereof. Notice was likewise given to Edward F. Peduzzi, Esquire, Attorney for Commonwealth of Pennsylvania, as shown by acceptance of service of notice attached hereto and made a part hereof. A continuance was requested by the Commonwealth of Pennsylvania and the view was re-scheduled for Friday, June 22, 1962, at 10:00 a. m., e.d.s.t. Due notice thereof was given to Andrew J. Gleason, Attorney for Petitioners, as shown by acceptance of service of notice hereto at-

CONTINUED ON PAGE 471.

NO. 3

IN RE: PETITION FOR APPOINTMENT OF
VIEWERS TO ASSESSMENT OF DAMAGES FOR
PROPERTY OF ALBERT E. AND THELMA JANE
KUHNE.

IN THE COURT OF QUARTER SESSIONS, CAMBRIA COUNTY
PENNSYLVANIA

OCT 18 1962 AUDITED
CLERK OF COURTS: \$ 29.00

FILED: APRIL 16, 1962.

OCT 19 1962 AUDITED
R-29.00 - 9-18-62

PETITION FOR APPOINTMENT OF VIEWERS

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

1. the petitioners are Albert E. Kuhne, Jr. and Thelma Jane Kuhne, husband and wife, residing at 1448 Solomon Street, Stonycreek Township, Cambria County, Pennsylvania. (Post Office, Johnstown).
2. The Respondent is the Commonwealth of Pennsylvania, acting through the Secretary of Highways of the Department of Highways.
3. The petitioners are the owners in fee of all those certain lots or pieces of land, with the buildings and improvements erected thereon situate in Stonycreek Township, Cambria County, Pennsylvania, separately bounded and described as follows:

No. 1. BEGINNING at the point on land (formerly other land of Albert E. Kuhne, Sr.) on the southerly side of the road leading from Johnstown to South Fork by way of Soloman Run, Route #11012; thence by the road north 86 degrees 14 minutes east at a distance of 105.27 feet; thence by the road, south 83 degrees 03 minutes east a distance of 127.85 feet; thence leaving the road south 11 degrees 15 minutes west a distance of 312.70 feet; thence south 78 degrees 45 minutes east a distance of 150 feet to a point; thence south 11 degrees 15 minutes west a distance of 368.63 feet; thence south 79 degrees 15 minutes east a distance of 140.42 feet; thence south 22 degrees 33 minutes west a distance of 566.81 feet; thence north 20 degrees 28 minutes west a distance of 217.02 feet to a point; thence north 17 degrees 13 minutes west a distance of 119.52 feet to a point; thence north 68 degrees 40 minutes west a distance of 167.87 feet to a point; thence south 59 degrees 27 minutes west a distance of 133.19 feet to a point; thence north 20 degrees 29 minutes west a distance of 474.57 feet to a point; thence south 86 degrees 35 minutes west a distance of 103.06 feet to a post at line of land of (formerly Kuhne Sr. thence by the same north 3 degrees 23 minutes west a distance of 89.42 feet to a point; thence by land of same the following courses and distances; north 76 degrees 00 minutes east a distance of 366.11 feet; north 55 degrees 59 minutes east a distance of 250.61 feet; north 19 degrees 59 minutes west a distance of 200.41 feet, to the place of beginning, containing 11.01 acres.

No. 2 BEGINNING at a rock corner of land of Jennie Buck; thence by the same north 2 degrees east 13 perches to a post on a public road; thence by the same north 69 degrees east 33 perches to a post corner of land now or late of George Moyer; thence by the same south 16 degrees east 14 perches to stone corner of lands now or late of George Moyer; thence by the same south 70 degrees west 15.2 perches to post thence by the same south 80 degrees west 22.2 perches to rock corner land now or late of Jennie Buck, and the place of the beginning, containing 3 acres and 6 perches.

No. 3 BEGINNING at corner of Lot No. 20 on the south side of Public Road; thence along said Road south 89 degrees 20 minutes east 104 feet to corner of land now or late of F. M. Shaffer Ice Company; thence along said land south 40 degrees west 300 feet, more or less, to a street; thence along said street, 104 feet to corner of Lot No. 20; thence along line of Lot No. 20 to public road, and the place of beginning. The above described lots being Lots No. 21 and 22 on the Plan of Lots laid out by Lewis W. Buck.

Together with all other lands, rights, privileges, rights of way, easements, waters as the same were vested in Albert E. Kuhne Sr. by a deed from the F. M. Shaffer Ice Co. dated July 2, 1941, and recorded December 19, 1941, in Deed Book Vol. 507, page 327 and by a deed from Daniel Younker and wife, dated November 28, 1941, and recorded December 19, 1941, in Deed Book Vol. 502, page 668.
The dwelling on the above land is called 1448 Soloman Street.

No. 3 Continued from preceeding page.

BEING the same premises which vested in Albert E. Kuhne Jr. by award of Orphans' Court of Cambria County Pennsylvania, recorded April 24, 1958, in Deed Book Vol. 711 Page 344,

4. That in connection with the improvement of Legislative Route No. 11012, Section 5, in Cambria County Pennsylvania, a portion of the above described premises owned and occupied by petitioners has been condemned by the Commonwealth for highway purposes by a plan signed by the Governor of Pennsylvania on May 15, 1961.

5. That your petitioners and the Respondent have been unable to agree upon the compensation to be made for the property condemned and appropriated by Respondent.

WHEREFORE, your petitioners therefore pray your Honorable Court to appoint three viewers from the board of Viewers of Cambria County to assess the damages to which your petitioners are entitled by reason of the appropriation, and report the same to your honorable Court sec. leg.

/s/ Ben Hinchman III

/s/ James Graham,
Attorneys for
Petitioners

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CAMBRIA : SS

Before me, a Notary Public in and for said County and State, personally appeared ALBERT E. KUHNE, JR. and THELMA JANE KUHNE, the above named petitioners, who, being duly sworn according to law, depose and say that the facts set forth in the foregoing petition are true and correct to the best of their knowledge, information and belief.

/s/ Albert E. Kuhne, Jr.

/s/ Thelma Jane Kuhne

Sworn to and subscribed before me this 13th day of April, 1962.

/s/ Agnes Smith, Notary Public

My Comm. exp. January 7, 1963

Johnstown, Pa. Cambria County

^{3rd}
D E C R E E

AND NOW, this 16th day of April, 1962, upon consideration of the foregoing Petition, the Court appoints Donald J. Letizia, Esq., Telford Locher and Robert G. Mayer as the Board of Viewers to assess the damages sustained by petitioners as a result of the condemnation and taking of said property by the Commonwealth of Pennsylvania, Department of Highways in connection with the improvements of Legislative Route No. 11012, Section 5, and further orders that the said Board of View shall perform its duties in accordance with the Acts of Assembly and Rules of Court in such case made and provided.

By the Court:

McDonald, Judge

^{5th}
Notice to View mailed to Donald Letizia.
August 6, 1962: Viewers' Report filed by Donald J. Letizia, Esq.

^{3rd}
VIEWERS' REPORT

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

DONALD J. LETIZIA, Esquire, T. L. LOCHER and ROBERT G. MAYER, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises of Albert E. Kuhne, Jr. and Thelma Jane Kuhne, Husband and wife, to assess damages to their property arising from the improvement and changes to Legislative Route No. 11012, Section 5, in the Township of Stonycreek, County of Cambria, and State of Pennsylvania, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on April 16, 1962, the Board of View set May 18, 1962, at 3:00 p.m., e.d.s.t., as the time to view and inspect the premises owned by ALBERT E. KUHNE, JR. and THELMA JANE KUHNE, husband and wife. Due notice thereof was given to Benjamin Hinchman III, Esquire, Attorney for Petitioners, as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to the Commonwealth of Pennsylvania as shown by Registered Mail Return Receipt No. 973197 attached hereto and made a part hereof. A continuance was requested by the Commonwealth of Pennsylvania, and the view was thereafter set for Friday, June 22, 1962, at 11:00 a.m., e.d.s.t. Due notice thereof was given to Benjamin Hinchman III, Attorney for Petitioners, as shown by acceptance of service of notice attached hereto and made a part hereof.

CONTINUED ON PAGE 264

No. 3 CONTINUED.

Notice was likewise given to Arnold D. Smorto, Esquire, attorney for the Commonwealth of Pennsylvania, as shown by acceptance of service of notice hereto attached and made a part hereof. The Board of View thereafter set Wednesday, July 11, 1962, at 10:00 a.m., e.d.s.t., at the Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania, as the time and place for hearing. Due notice thereof was given to Benjamin Hinchman, III., Attorney for Petitioners, as shown by acceptance of service of notice attached hereto and made a part hereof. Notice was likewise given to the Commonwealth of Pennsylvania by its attorney, Arnold D. Smorto, Esquire, as shown by acceptance of service of notice attached hereto and made a part hereof. The hearing was held at the time and place appointed and was attended thereat by Benjamin Hinchman, III., Esquire, Attorney for Petitioners, James A. Graham, Esquire, Albert E. Kuhne, Jr., Owner and Meade Cauffiel, Real Estate appraiser. The commonwealth of Pennsylvania was represented by Arnold D. Smorto, Esquire, Howard E. Breneman, District Right of Way Engineer and Donald J. Sharpe and John J. Mock, real estate appraisers. The Petitioner was thereupon examined upon the merits of the case and a full hearing was held thereon.

Due notice of the filing of this report was given to the Petitioners through their attorney, Benjamin Hinchman, III, Esquire, as shown by acceptance of service of notice hereto attached and made a part hereof. Due notice thereof was also given to the Commonwealth of Pennsylvania through its attorney, Arnold D. Smorto, as shown by acceptance of service of notice hereto attached and made a part hereof.

The original papers are attached hereto and made a part hereof.

The Board of View further reports as follows:

I. SERVICE OF PROCESS

The original papers and docket entries show that the Petitioners, Albert E. Kuhne, Jr., and Thelma Jane Kuhne, husband and wife, filed a Petition with the Court of Quarter Sessions of Cambria County, Pennsylvania on April 6, 1962, setting forth that they labored under inconvenience for want of an assessment of damages.

II. FINDINGS OF FACT

(1) That Albert E. Kuhne, Jr., and Thelma Jane Kuhne, husband and wife, are the owners of parcels of ground situate in the Township of Stonycreek, County of Cambria, and State of Pennsylvania, bounded and described as follows:

NO. 1- BEGINNING at a point on land (Formerly other land of Albert E. Kuhne Sr.,) on the southerly side of the road leading from Johnstown to South Fork by way of Solomon Run, Route #11012; thence by the road north 86 degrees 14 minutes east a distance of 105.27 feet; thence by the road, South 83 degrees 03 minutes east a distance of 127.85 feet; thence leaving the road south 11 degrees 15 minutes west a distance of 312.70 feet; thence south 78 degrees 45 minutes east a distance of 150 feet to a point; thence south 11 degrees 15 minutes west a distance of 368.63 feet; thence south 79 degrees 15 minutes east a distance of 140.42 feet; thence south 22 33 minutes west a distance of 566.81 feet; thence north 20 degrees 28 minutes west a distance of 217.02 feet to a point; thence north 17 degrees 13 minutes West a distance of 119.52 feet to a point; thence north 68 degrees 40 minutes west a distance of 167.87 feet to a point; thence south 59 degrees 27 minutes West a distance of 133.19 feet to a point; thence north 20 degrees 29 minutes west a distance of 474.57 feet to a point; thence south 86 degrees 35 minutes west a distance of 103.06 feet to a post at line of land of (formerly Kuhne, Sr.); thence by the same north 3 degrees 23 minutes west a distance of 89.42 feet to a point; thence by land of same the following three courses and distances; north 76 degrees 00 minutes east a distance of 366.111 feet; north 55 degrees 59 minutes east a distance of 250.61 feet; north 19 degrees 59 minutes west a distance of 200.41 feet, to

NO. 4

IN RE: LAYING OUT OF PORTIONS OF
ROAD IN THE VILLAGE OF ST. BENEDICT,
WEST CARROLL TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$18.50 ^{50 JUL 12 1962 AUDITED}
^{Recd. 18-6-15-62}

FILED: APRIL 17, 1962

REPORT OF SUPERVISORS OF WEST CARROLL TOWNSHIP

In accordance with provisions of Article XI of the Act of May 1, 1933, P. L. 103, as amended 53 P. S. 19093-1101 et seq., Ernest Powell, John Nalisnick and John Glinsky hereby make the following report:

-1-

That they are the duly elected and qualified Supervisors of West Carroll Township, Cambria County, Pennsylvania.

-2-

That pursuant to a petition of interested citizens they propose to lay out portions of road in the Village of St. Benedict, West Carroll Township, Cambria County, Pennsylvania, which portions or road are described as follows:

the said point
NO. 1 Beginning at a point/being South
82 degrees 53 minutes East 16½ feet from the North
east corner of Lot No. 140, the said point being in the
center of the road intended to be herewith laid out; thence
South 82 degrees 53 minutes East 16½ feet to a point
on land of Mrs. Bernadette Dougherty; thence along line
of land of Mrs. Bernadette Daougherty South 7 degrees
07 minutes West 687 feet to a stake; thence continuing
South 16 degrees 35 minutes West 125 feet along line of
land of Gust Anderson; thence South 28 degrees 25 min-
utes East a distance of 137 feet to a stake on right of way
line of present Highway Route #219; thence North a dis-
tance of 32 feet; thence along old location of Route #219
North 28 degrees 25 minutes West 137 feet to a point;
thence continuing in a Northerly direction North 16 de-
grees 35 minutes East 125 feet to a point on line of land
of Sam Marian; thence continuing North 7 degrees 07
minutes East 687 feet to a point being the Northeast cor-
ner of land of Mary Tonelli, being Lot No. 140; thence
through the portion of road proposed to be laid out,
known as Lower Jackman Road, South 82 degrees 53
minutes East a distance of 16½ feet to the point and
place of beginning; a print of the survey of the road pro-
posed to be laid out is hereto attached, marked Exhibit
"A" and made a part hereof.

NO. 2 Beginning at a pin on the Northerly line of the
Township Road #533, being 440 feet from the center
line intersection of Township Road #534; thence along
Township Road #533 a distance of 16½ feet to a point
and corner of land of R. W. Scollon; thence along line
of land of R. W. Scollon North 12 degrees 40 minutes
West 108 feet to a point; thence continuing North 71 de-
grees 26 minutes East a distance of 190 feet to a point
on line of land of Leroy Lawrence; thence continuing
across existing right of way of railroad crossing North
29 degrees 00 minutes East 126 feet to a point on line of

CONTINUED ON NEXT PAGE.

No. 4 CONTINUED.

land of Edward Bogus; thence along line of New York Central right of way the following courses and distances: North 76 degrees 15 minutes East 180 feet to a point; thence North 60 degrees 31 minutes East a distance of 750 feet; thence through land of which the proposed road is a part North 29 degrees 29 minutes West $16\frac{1}{2}$ feet to a point on corner of land of Mrs. Mae Stoltz; thence along line of land of petitioners South 60 degrees 31 minutes West a distance of 750 feet to corner of Lot No. 133; thence along Southerly line of land of Edward Bogus and R. W. Scollon the following courses and distances: South 76 degrees 15 minutes West a distance of 180 feet to a point; thence across existing right of way railroad crossing South 29 degrees 00 minutes West a distance of 126 feet; thence South 71 degrees 26 minutes West 190 feet to a point on the Easterly line of land of Howard Bowersox; thence along line of land of Howard Bowersox South 12 degrees 40 minutes East 108 feet to a stake on the Northern side of Township Road #533; thence along said Township Road #533 North 71 degrees 26 minutes East a distance of $16\frac{1}{2}$ feet to a point and place of beginning; being center line of road proposed to be laid out; a print of the survey of the roads intended to be herewith laid out is hereto attached, marked Exhibit "A" and made a part hereof.

NO. 3 Beginning at a point in the center of the proposed roadway, the said beginning point being South 57 degrees 45 minutes East a distance of $16\frac{1}{2}$ feet from the Northeastern corner of Steve Maralle lot on right of way line of Route #219; thence continuing along right of way line of Route #219 South 57 degrees 45 minutes East $16\frac{1}{2}$ feet to Northwestern corner of lot of land of C. E. Lauver; thence along property lines of C. E. Lauver, Anthony Travato and Cambria County South 32 degrees 15 minutes West a distance of 480 feet to an alley; thence along said alley North 57 degrees 45 minutes West a distance of 33 feet to a point, said point being the Southeast corner of lot of William Pavlock; thence along the property lines of William Pavlock, Frank Panaro and Steve Marrallie North 32 degrees 15 minutes East a distance of 480 feet to a point on right of way line of Route #219; thence along right of way line of Route #219 South 57 degrees 45 minutes East a distance of $16\frac{1}{2}$ feet to the point and place of beginning. A print of the survey of the road proposed to be laid out is hereto attached, marked Exhibit "A" and made a part hereof.

-3-

That the property owners affected by the proposed laying out of said portions or road were given ten (10) days written notice of a meeting of said Supervisors held on the 3rd day of February, 1961, at 7:00 P. M., at their office located in Bakerton School, Cambria County, Pennsylvania, for the purpose of taking action regarding the laying out of said portions of road. Copies of said notices with acceptance of service by each of the affected property owners are hereto attached and made a part hereof.

CONTINUED ON NEXT PAGE.

NO. 4 CONTINUED.

-4-

That after a hearing at the aforesaid meeting, said Supervisors deemed the laying out of the aforesaid portions of road necessary and adopted an ordinance laying out the same as a part of the highway system of said Township. A certified copy of said Ordinance is hereto attached, marked Exhibit "B" and made a part hereof.

-5-

That the aforesaid petition of interested citizens and release of damages executed by the owners of the property abutting on said portion of road is hereto attached, marked Exhibit "C" and made a part hereof.

-6-

That the aforesaid Ordinance was published prior to its passage in the Barnesboro Star, a newspaper of general circulation in West Carroll Township, Cambria County, Pennsylvania, in accordance with the Act of Assembly. Proof of publication of the same is hereto attached, marked Exhibit "D" and made a part hereof.

WHEREFORE, the aforesaid Supervisors pray that this Report and exhibits attached hereto be filed in the Office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, Pennsylvania.

/s/ Ernest Powell
/s/ John Nalisnick
/s/ John Glinsky
Supervisors of West Carroll Township

(SEAL)

STATE OF PENNSYLVANIA)
) SS.
COUNTY OF CAMBRIA)

Personally appeared before me, a Notary Public in and for the said County and State, Ernest Powell, John Nalisnick and John Glinsky, Supervisors of the Township of West Carroll, County of Cambria and State of Pennsylvania, who being duly sworn according to law, depose and say that the facts contained in the foregoing Report are true and correct to the best of their knowledge, information and belief.

/s/ Ernest Powell
/s/ John Nalisnick
/s/ John Glinsky
(SEAL)

Sworn to and subscribed before me
this 3rd day of February, 1962.

/s/ Thomas J. Rafas

My Commission expires: 3/24/63

PRELIMINARY DECREE

AND NOW, this 17 day of April, 1962, upon consideration of the foregoing Petition, James T. Fagan, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within Report and exhibits attached hereto.

By the Court: /s/ McDonald, J.

ORDINANCE NO. 3-1962 --FILED.
MAP -- FILED
PROOF OF PUBLICATION -- FILED
PETITION OF PROPERTY OWNERS -- FILED.
NOTICES & RELEASES -- FILED.

FINAL DECREE

AND NOW, this 18 day of May, 1962, it appearing that the said Report having been filed on the 17 day of April, 1962, and no citizen or freeholder of the Township did within thirty (30) days from the filing of said Report by the Supervisors file exceptions to the Report or petition for a review, IT IS ORDERED AND DECREED that the said portions of proposed road in the Village of St.

No. 5

IN RE:
COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS
VS.

CITY OF JOHNSTOWN, GLENN FISHCHER,
E. J. TROYAN, MRS. ADAM KOHLER AND
THE COUNTY OF CAMBRIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: ^{SEP 19 1962} \$29.50 ^{AUDITED}

FILED: APRIL 25, 1962

PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE JUDGES OF SAID COURT:

The Petition of the Commonwealth of Pennsylvania, Department of Highways, respectfully represents:

1. That by a plan of Route 11012, signed by the Governor on May 18, 1961, the Commonwealth acquired by condemnation a right-of-way for highway purposes over certain land in Cambria County, Pennsylvania including land owned by City of Johnstown, Glenn Fischer, Edward Troyan, Mrs. Adam Kohler and the County of Cambria, Defendants herein. A copy of the material portions of the aforesaid plan, marked "Exhibit A", and a description of the land of defendant affected by the aforesaid condemnation, marked "Exhibit B", are attached hereto and made a part hereof.

2. That the following parties, also named defendants in this action, held leasehold interests in the aforesaid land of Defendant at the date of condemnation:

3. That the Commonwealth and said Defendants have been unable to agree on an amount to be paid for damages resulting to them as a result of the aforesaid condemnation.

4. That the following liens were outstanding on the aforesaid land of Defendant at the date of condemnation:

TYPE	LIENEE	AMOUNT	DATE
Judgment	Edward J. Troyan	\$600.00	February 10, 1961
	Rose Troyan		

WHEREFORE, your Petitioner prays your Honorable Court to appoint a Board of Viewers in the manner provided by law to ascertain and award just compensation to the Defendants for their property condemned.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

By /s/ Arthur P. Logan, Deputy Secretary
Department of Highways

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF DAUPHIN

: ss

Before me, the undersigned officer, personally appeared Arthur P. Logan, who, being duly sworn according to law, deposes and says that he is authorized to and does make this affidavit on behalf of the Commonwealth of Pennsylvania, Department of Highways, and that the averments contained and set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

/s/ Arthur P. Logan, Deputy Secretary
Department of Highways

Sworn or affirmed and subscribed
before me this 24th day of Apr. 1962

/s/ Margaret J. Albright
Notary Public

My commission Expires: 2/5/64

CONTINUED ON NEXT PAGE.

Transferred from Page 268

No. 5 CONTINUED.ORDER

And Now, this 25th day of April, 1962, on Petition of the Commonwealth of Pennsylvania, Department of Highways, Theodore Hunt, Donald J. Letizia, and T. L. Locher are appointed as a Board of Viewers to ascertain and award just compensation to the Defendants for their property condemned.

By the Court: /s/ Wolfe, J.

"EXHIBIT B"

BEGINNING at a point on the westerly property line of Widmann Street at the corner of an unnamed alley and being the southeasterly corner of Lot No. 32 on the Roman C. Widmann Plan of Lots; thence along the northerly side of said unnamed alley South 85° 54' West, 305 feet, more or less, to a point; thence continuing along the northerly side of said unnamed alley North 73° 17' West 200 feet, more or less, to a point on line of land now or formerly of John Emmerling; thence along said line North 7° 40' East 610 feet, more or less to line of land nor or formerly of Cambria Iron Company; thence along said line South 78° 37' East 570 feet, more or less to the westerly property line of Widmann Street; thence along said westerly property line South 15° 50' West 549.47 feet to the place of beginning. Containing 7½ acres, more or less.

April 25, 1962: Notice to View and Copy of above Petition filed to Donald J. Letizia, Esq., this date.

April 1, 1963: Report of Viewers' filed by Donald J. Letizia, Esq.

VIEWERS' REPORT

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

DONALD J. LETIZIA, Esquire, T. L. Locher and Theodore Hunt, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises owned by or alleged to be owned by the CITY OF JOHNSTOWN, GLENN FISCHER, E. J. TROYAN, MRS. ADAM KOHLER and the COUNTY OF CAMBRIA, to assess damages to their property arising from the improvement and changes to Legislative Route No. 11012, in the 17th Ward of the City of Johnstown, County of Cambria, and State of Pennsylvania, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on April 25, 1962, the Board of View set May 11, 1962, at 1:00 p.m., to view and inspect the premises. Due notice thereof was given to the Commonwealth of Pennsylvania, Department of Highways, as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to the City of Johnstown, Glenn Fischer, E. J. Troyan, Mrs. Adam Kohler, and the County of Cambria, as shown by acceptances of service hereto attached and made a part hereof. The Board of View thereafter set Thursday, June 21, 1962, at 10:30 a.m., at the Judges Chambers, Park Building, Johnstown, Pennsylvania, as the time and place for hearing. Due notice thereof was given to Arnold D. Smorto, Esquire, Attorney for Commonwealth of Pennsylvania, as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to the City of Johnstown, Glenn Fischer, E. J. Troyan, Mrs. Adam Kohler, and the County of Cambria, as shown by acceptances of service of notice hereto attached and made a part thereof. The hearing was held at the time and place appointed, but was adjourned until a later date. The hearing was thereafter scheduled for Friday, March 8, 1963, at 2:00 p.m., e.s.t., at the Judges Chambers, Johnstown, Pennsylvania, at which time Howard J. Breneman, John J. Mock, and Arnold D. Smorto, Esquire, appeared on behalf of the Commonwealth of Pennsylvania, Department of Highways. Charles N. Glass, real estate expert, testified for the Defendants, as did Glenn Fischer, one of the Defendants. William G. Shahade, Esquire, appeared for and on behalf of the

CONTINUED ON NEXT PAGE 270

City of Johnstown; Reginald L. Pawlowski, Esquire, appeared for and on behalf of Glenn Fischer; and Norman A. Krumenacker, Esquire, appeared on behalf of E. J. Troyan and Mrs. Adam Kohler. The Petitioner was thereupon examined upon the merits of the case and a full hearing was held thereon.

Due notice of the filing of this Report was given to the Petitioner by its attorney, Arnold D. Smorto, as shown by acceptance of service of notice hereto attached and made a part hereof. Due notice thereof was likewise given to the City of Johnstown, Glenn Fischer, E. J. Troyan, Mrs. Adam Kohler, and the County of Cambria, through their attorneys, as shown by acceptances of service of 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 Commonwealth of Pennsylvania, Department of Highways, filed a Petition with the Court of Quarter Sessions of Cambria County, Pennsylvania, on April 25, 1962, requesting that a Board of Viewers be appointed.

II. FINDINGS OF FACT

(1) That on May 18, 1961, the Commonwealth of Pennsylvania condemned the property located in the City of Johnstown and Township of Stonycreek, Cambria County, Pennsylvania, as shown on the Map attached hereto, marked "Exhibit A", and colored in red.

(2) That Howard J. Breneman testified that a total of four acres was condemned by the Department of Highways.

(3) That there was a building located on the premises, approximately 20 feet by 14 feet, consisting of a living room, bedroom, and kitchen and a sleeping room located on second floor, also included were a shed and outside toilet.

(4) That John J. Mock, real estate appraiser, testified that the loss suffered by the Defendants because of the taking by the Commonwealth of Pennsylvania, Department of Highways, amounted to \$1,585.00.

(5) That Charles N. Glass, real estate expert, testified that the loss suffered by the Owners because of the taking by the Commonwealth of Pennsylvania, Department of Highways, amounted to \$4,000.00.

(6) That Glenn Fischer, who lived in the house located on the premises, testified that the building was worth \$3,000.00.

(7) That there is a question as to who is the owner of the real estate and the building located thereon.

III. OPINION

The Board of View has carefully examined the evidence offered in this case, has deducted therefrom certain facts, has carefully examined the law applicable, and is of the opinion that the Petitioner has presented a meritorious case.

The power of eminent domain is the power to take property for public use without the owner's consent. Briegel v. Briegel, 2160 A. 381, 307, Pa. (1932). Eminent Domain is an inherited attribute of sovereignty and the provisions for compensation is not part of the power, but a limitation on its use by the Constitution, P. S. Const., Art. 1, Section 10.

The Constitution contains three sections relating to eminent domain, Article 1, Section 10, provides that private property shall not be taken or applied to public use, without authority of law and without just compensation being first made or secured. Article 16, Section 3, provides that "The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be

No. 1

IN RE: 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, PA.
ROUTE NO. L.R. 11012, SEC. 5, SERVICE
ROAD NO. 3

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

FILED: AUGUST 15, 1962

CLERK OF COURTS: ^{SEP 1 9 1962} \$ 31.50
R. 31 4-22-64 MAY 8 1964 AUDITED

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 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 46½ 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, Pennsylvania 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.

CONTINUED ON NEXT PAGE.

No. 1 CONTINUED.

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.

/s/ Joseph James Cauffiel

COMMONWEALTH OF PENNSYLVANIA)

) SS:

COUNTY OF CAMBRIA)

On this 2nd day of August, 1962, before me, the undersigned authority, personally appeared JOSEPH JAMES CAUFFIEL, who being by me first duly sworn deposes and says that the facts hereinabove set forth of his own knowledge are true and correct, and that the facts hereinabove set forth upon information received from others, he believes them to be true and correct.

/s/ Joseph James Cauffiel

Sworn to and subscribed before me
this 2nd day of August, 1962

/s/ Ruth J. Connell

(SEAL)

Notary Public

Johnstown, Cambria County, Pa.

My commission Expires July 19, 1965

ORDER

AND NOW, TO WIT, this 15 day of August, 1962, on motion of Edward J. Harkins, Attorney for petitioner, the Court appoints Donald J. Letizia, T. L. Locher, and 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: /s/ Shettig, Judge.

8/16/62: Notice to View and Copy of Above Petition mailed to Donald Letizia, Esq.

8/16/62: Copy of above Petition mailed to Frank E. Roda, Assistant Attorney General, Department of Highways, Harrisburg, Pennsylvania.

SEPTEMBER

SESSIONS, 19 62

Transferred from page 272

NO. 1 VIEWERS' REPORT FILED, April 3rd, 1963.

VIEWERS' REPORT

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

DONALD J. LETIZIA, Esquire, T. L. LOCHER and THEODORE HUNT, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises of JOSEPH JAMES CAUFFIEL, to assess damages to his property arising from the improvement and changes to Legislative Route No. 11012, Sec. 5, Service Road No. 3, in the Township of Richland, Cambria County, Pennsylvania, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on August 15, 1962, the Board of View set September 13, 1962 at 9:30 a.m., as the time to view and inspect the premises owned by Joseph James Cauffiel. The View was continued and rescheduled for September 27, 1962, at 9:30 a.m. Due notice thereof was given to the Commonwealth of Pennsylvania, Department of Highways, as shown by acceptance of service of notice hereto attached and made a part hereof. Notice was likewise given to Edward J. Harkins, Attorney for Petitioner, as shown by acceptance of service of notice hereto attached and made a part hereof. The Board of View thereafter set Tuesday, October 30, 1962 at 10:30 a.m., e.s.t., at the Judges Chambers, Park Building, Johnstown, Pennsylvania, as the time and place for hearing. Due notice thereof was given to Edward F. Peduzzi, Attorney for Commonwealth of Pennsylvania, as shown by acceptance of service of notice attached hereto and made a part hereof. Notice was likewise given to Edward J. Harkins, Attorney for Petitioner, as shown by acceptance of service of notice hereto attached and made a part hereof. The hearing was held at the time and place appointed and a further hearing was scheduled for January 23, 1963, at 2:00 p.m., at the Judges Chambers, Park Building, Johnstown, Pennsylvania. Edward F. Peduzzi, Esquire, appeared at the hearing on behalf of the Commonwealth of Pennsylvania, Department of Highways. The Petitioner, Joseph James Cauffiel, was represented at the hearing by Edward J. Harkins, Esquire, and Gerald K. Gibson, Esquire.

Due notice of the filing of this Report was given to the Petitioner by his Attorney, Edward J. Harkins, as shown by acceptance of service of notice hereto attached and made a part hereof. Due notice was likewise given to the Commonwealth of Pennsylvania, through its attorney, Edward F. Peduzzi, as shown by acceptance of service of 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 Joseph James Cauffiel filed a Petition with the Court of Quarter Sessions of Cambria County, Pennsylvania, On October 15, 1962, setting forth that he labored under inconvenience for want of an assessment of damages.

II. FINDINGS OF FACT

(1) That Joseph James Cauffiel is the owner of a 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 46½ 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.

(2) That situate thereon was a five room house which had been leased to Nellie Makin on November 24, 1947, at \$15.00 per month. N. T. 5, Petitioner's Exhibits 3, 4, 5, 7 & 8.

(3) That Joseph James Cauffiel testified that the loss suffered by him because of the taking by the Department of Highways, amounted to \$7,000. N. T. 34. CONTINUED ON NEXT PAGE 274

NO. 1

(4) That Meade Cauffiel, 406 Coleman Avenue, Johnstown, Pennsylvania, real estate, testified that the loss suffered by the Petitioner because of the taking by the Commonwealth of Pennsylvania, amounted to \$20,500. N. T. 11, 12 and 17.

(5) That Meade Cauffiel considered 3.22 acres of coal in arriving at the loss suffered by the Petitioner. N. T. 18, 19 and 24.

(6) That Robert P. Reed, mining engineer, testified that the "C" Coal in that area has a market value of approximately 35 cents a ton royalty. N. T. 32 and 33.

(7) That John Foreman, R. P. E., testified that the "B" Seam was completely mined out, that there was "C" Prime Coal in an area totaling .878 acres, 3.8 feet thick with approximately 1,700 tons per foot acre, valued at 10 cents per ton in place, making a value of the "C" Prime Coal at \$532. N.T. 38, 40, 44, 45, 46, Exhibit 3.

(8) That John J. Mock, real estate expert, testified that the loss suffered by the Petitioner because of the taking by the Commonwealth of Pennsylvania, amounted to \$298.

III. OPINION.

The Board of View has carefully examined the evidence offered in this case, has deducted therefrom certain facts, has carefully examined the law applicable, and is of the opinion that the Petitioner has presented a meritorious case.

The Petitioner alleges that he is the owner of the property referred to herein and that in the construction, reconstruction, and improvements to State Highway Route No. 11012, Section 5, Service Road No. 3, in the Township of Richland, County of Cambria, and State of Pennsylvania, said property has sustained serious loss and damages and that compensation for such damage has not been fixed or agreed upon between the Commonwealth of Pennsylvania, and the Petitioner.

The power of eminent domain is the power to take property for public use without the owners' consent. Briegel v. Briegel, 2160 A. 581, 307, Pa. (1932). Eminent Domain is an inherited attribute of sovereignty and the provisions for compensation is not part of the power, but a limitation on its use by the Constitution, P. S. Const. Art. 1, Section 10.

The Constitution contains three sections relating to eminent domain, Article 1, Section 10, provides that private property shall not be taken or applied to public use, without authority of law and without just compensation being first made or secured. Article 16, Section 3, provides that "The Exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals invested with the power of eminent domain must make compensation for property taken, and prohibits the General Assembly from depriving any person of the right to appeal from any preliminary assessment of damages against any corporation or individual made by viewers or otherwise.

When a tract of land is taken, the owner is entitled to compensation equal to its market value. Market value should be determined on the basis of what price the property would bring if the owner were under no compulsion to sell and a purchaser under no compulsion to buy, taking into account all considerations that might be brought forward and reasonably be given substantial weight in bargaining for the property, such as location, improvements, productive quality, and the uses to which it may reasonably be put, taking in the light of sales of other property in the vicinity. United States v. 15.3 Acres of Land in the City of Scranton, Comm. of Pa., 154 F. Supp. 770 (1957). While the value of the land should not be based upon speculation, everything which gives the land intrinsic value should be considered and it is not to be limited to a particular use, and any use to which the property is

NO. 1

IN RE: COPY OF ORDINANCE ENACTED BY
THE SUPERVISORS OF SUMMERHILL TOWNSHIP,
RELATIVE TO THE OPENING OF CERTAIN
STREETS AS PUBLIC HIGHWAYS, WITH MAP
ATTACHED SHOWING LOCATION OF SAME

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 3.50 JAN 30 1963 AUDITED

FILED: SEPTEMBER 25, 1962

*Recd. 3⁵⁰ NOV 9 1962 AUDITED*ORDINANCE NO. 8

WHEREAS, The Wilmore Coal Company is the owner of all the property abutting on A Street, Second Street and First Street on map showing plan of lots at Wilmore Heights, Summerhill Township, Cambria County, Pennsylvania; and

WHEREAS, the said streets as laid out have been dedicated to public use; and

WHEREAS, The Wilmore Coal Company has, in writing hereto attached, waived ten days' written notice to the property owner affected thereby of the time and place of hearing as required by the Act of Assembly approved May 1, 1933, P. L. 103 (53 P. S. Section 66102) and the amendments thereto.

NOW, THEREFORE, be it ordained and enacted by the Supervisors of the Township of Summerhill, and it is hereby ordained and enacted as follows: That the streets in Summerhill Township hereinafter described and shown on the plan of lots at Wilmore Heights and colored in red are hereby adopted and opened as Summerhill Township highways or roads.

Said streets are described as follows:

(1) A Street

beginning at the intersection of
legislative routes 391 and 754;
thence in an easterly direction
approximately 1150', being 50'
in width.

(2) A Street

beginning approximately 1150'
from the intersection of legisla-
tive routes 391 and 754; thence
North 8° 17' East 690 feet, more
or less, being 60 feet in width.

(3) Second Street

beginning on the western side of
A street; thence North 81° 43'
West 980 feet, more or less, being
60 feet in width.

(4) First Street

beginning on the southern isde of
Second Street; thence in southerly
and easterly directions approxi-
mately 1080 feet to the western
side of A Street, being 60 feet
in width.

ORDAINED AND ENACTED the 31 day of July, 1962.

(SEAL)

SUPERVISORS OF SUMMERHILL TOWNSHIP

By /s/ Frank Frank, President

ATTEST:

/s/ John Jereb, Secretary.

(CONTINUED ON NEXT PAGE)

No. 1 CONTINUED.

I hereby certify that the aforesaid Ordinance was duly adopted and is a part of the Minutes of the regular meeting of the Supervisors of Summerhill Township, Cambria County, Pennsylvania, held on the 31 day of July, 1962.

/s/ John Jereb

Secretary of the Supervisors of Summerhill Township

(SEAL)

WAIVER OF NOTICE

The undersigned, being the sole owner of all property abutting on A Street, Second Street and First Street, described in the foregoing proposed Ordinance and as shown on map showing plan of lots at Wilmore Heights, Summerhill Township, Cambria County, Pennsylvania, hereby waived ten days' written notice of the time and place when and where all parties interested or affected may meet and be heard concerning the passage or enactment of an Ordinance opening, changing or vacating any road or highway or section thereof as required by Act of Assembly referred to in the said proposed Ordinance.

THE WILMORE COAL COMPANY

By /s/ Charles S. Berwind,

Vice President

ATTEST:

/s/ R. David Anderson,

Secretary

Dated at Philadelphia, Pennsylvania

July 20th, 1962.

MAP FILED.

DECEMBER

SESSIONS, 19 62

NO. 2

IN RE: IN THE MATTER OF ROUTE NO.
11012-5 IN THE 17th WARD, OF THE
CITY OF JOHNSTOWN AND THE TOWNSHIP
OF STONYCREEK, CAMBRIA COUNTY,
PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

FILED: OCTOBER 1, 1962

CLERK OF COURTS: \$ ^{IN 27 1963 AUDITED} 28.50

R. 28.50 5/18/63

PETITION OF JOHN A. BOMBA AND THOMAS BOMBA
FOR THE APPOINTMENT OF BOARD OF VIEWERS

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The Petition of JOHN A. BOMBA and THOMAS BOMBA, by their Attorney, Dino S. Persio,
Esquire, respectfully represent:

-1-

That one of your Petitioners is John A. Bomba, an individual who resides at 1335
Solomon Street, Johnstown, Cambria County, Pennsylvania.

-2-

That your other petitioners is Thomas Bomba, an individual who resides at 1299
Solomon Street, Johnstown, Cambria County, Pennsylvania.

-3-

That your Petitioners are the owners of certain parcels of land situate partly
in the 17th Ward of the City of Johnstown and partly in the Township of Stonycreek, Cambria
County, Pennsylvania, bounded and described as follows:

ALL those certain pieces or parcels of land
situate partly in the 17th Ward of the City of
Johnstown and partly in the Township of Stony-
creek, in the County of Cambria and State of
Pennsylvania, bounded and described as follows:

No. 1 - Being the same premises sold by the
County Treasurer of Cambria County at public
sale for delinquent taxes in 1938 to Cambria
County ; said premises having been assessed and
sold as the property of Solomon Run Coal Company
and identified on the Assessment Rolls of
Cambria County as Property No. 87-1803, 7 acres,
1 house, Solomon Road, 17th Ward, Johnstown.

No. 2 - Adjoining lands now or formerly of Lewis
Buck, lands now or formerly of D. L. Parsons,
lands of Emma I. Glass, said last mentioned
lands being a portion of the larger tract of
which the land hereby described was a part, and
other, containing 5 acres, more or less.

No. 3 - Bounded on the South by a public road, on
the East by Lot No. 23, on the North by Lot now
or late of J. C. Horner and Lot No. 35, and on the
West by Lot No. 25, containing 5 acres and 49
perches, and known as Lot 24 on Plot or Plan of the
Jacoby Heirs. There is erected on said last
mentioned land a one-story brick building.

CONTINUED ON NEXT PAGE.

NO. 2 CONTINUED.

No. 4 - Beginning at a point at the edge of a public road and corner of Elizabeth Kountz's Lot No. 24; thence by the public road South 84° East 17 perches to a post corner of L. W. Buck's Lot No. 22; thence by said lot due North 54 perches, more or less, to a post on the original line; thence by said line and lands of J. C. Horner due West 17 perches to a post corner of Lot No. 24 now Elizabeth Kountz; thence by said lot due South 50 perches, more or less, to the place of beginning. Containing 5 acres and 49 perches, more or less.

Parcel No. 1 above described being the same premises title to which became vested in John A. Bomba and Thomas Bomba by deed of Norman A. Krumenacker, et ux. dated February 19, 1959, and recorded on April 25, 1959 in the Recorder of Deeds Office, in and for Cambria County, Deed Book Volume 726, at Page 17.

Parcels Nos. 2, 3 and 4 above described being the same premises title to which became vested in John A. Bomba and Thomas Bomba by deed of Norman A. Krumenacker, et ux., dated February 19, 1959 and recorded on April 25, 1959 in the Recorder of Deeds Office, in and for Cambria County, in Deed Book Volume 726, at Page 19.

The above described pieces or parcels of ground being more accurately described as one parcel in accordance with a survey made by H. J. Bosler, Registered Surveyor on August 29, 1960, as follows:

Beginning at a stake on the Northerly side of Solomon Street and at the Southeasterly corner of Lot No. 25 on the hereinafter mentioned plan of lots; thence along the line of said Lot No. 25 North $1^{\circ} 53' 55''$ West 803.84 feet to a point on line of land nor or late of J. C. Horner; thence along the line of land nor or late of J. C. Horner North $87^{\circ} 36' 05''$ East 827.28 feet to a point on line of Lot No. 21 on the said plan of lots; thence along the line of Lot No. 21 South $3^{\circ} 21' 15''$ East to an iron pin on the Northerly side of Solomon Street; thence along the Northerly side of Solomon Street the following courses and distances: South $63^{\circ} 58' 05''$ East 79.67 feet to a point; thence by a curve to the right, having a radius of 553.69 feet, an arc distances of 279.44 feet, to a point; thence North $86^{\circ} 23' 55''$ West 497.06 feet to the place

CONTINUED ON NEXT PAGE.

NO. 2 CONTINUED

of beginning; being Lots Nos. 22, 23 and 24 on the Peter Jacoby Plan of Lots or the Plan of the Jacoby Heirs which is not recorded.

-4-

There is excluded from the above described premises a portion thereof which was conveyed to John Bomba by Thomas Bomba, Single, deed dated September 12, 1960 and recorded in Cambria County in Deed Book Volume 746, at Page 189, and which is described as follows:

ALL that certain lot or piece of land situate in the 17th Ward of the City of Johnstown, County of Cambria and State of Pennsylvania, bounded and described as follows:

Beginning at a point on the Northerly side of Solomon Street which is distant South $86^{\circ} 23' 55''$ East 240 feet from the Southeasterly corner of Lot. No. 25 as marked and known on the Plan of the Jacoby Heirs; thence from said point of beginning and through land of which the piece hereby conveyed was a part, the following three courses and distances: North $2^{\circ} 53' 05''$ East 150 feet to a point; thence South $87^{\circ} 06' 55''$ East 120 feet to a point; thence South $2^{\circ} 53' 05''$ West 150 feet to a point on the Northerly line of Solomon Street; thence along the Northerly line of Solomon Street North $86^{\circ} 23' 55''$ West 120 feet to a point and place of beginning.

-5-

That the Department of Highways of the Commonwealth of Pennsylvania is making or is about to make, an improvement known as Legislative Route No. 11012-5 in the 17th Ward of the City of Johnstown, and the Township of Stonycreek, Cambria County, 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.

-6-

That your Petitioners, John A. Bomba and Thomas Bomba aver that they are the owners of the parcels of land described above and that Petitioners, John A. Bomba and Thomas Bomba are the only persons entitled to recover damages for the taking thereof.

-7-

A list of liens, that appear of record against the Petitioners, is as follows:

- A. A mortgage against John Bomba in favor of the Windber Trust Company dated February 24, 1961 and recorded on February 25, 1961 in the Recorder of Deeds office, in and for Cambria County, in Mortgage Book Volume 338, at Page 640.
- B. A judgment against Thomas Bomba in favor of Winslow-Cohu-Stetson, Inc. was entered in the Prothonotary's Office, in and for Cambria County, to No. 400 March Term, 1961.

CONTINUED ON NEXT PAGE.

NO. 2 CONTINUED.

-8-

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 7 acres, fronting along Legislative Route No. 11012-5.

-9-

The aforesaid location of Legislative Route No. 11012-5 which has been or will be made by the Department of Highways of the Commonwealth of Pennsylvania has resulted in the taking of large portions of Petitioners' premises, as above set forth, and caused or will cause injury and damage to the remainder thereof.

-10-

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 Legislative Route No. 11012-5.

-11-

The approval by the Governor of the plan locating Legislative Route No. 11012-5, as aforesaid, was dated May 15, 1961.

-12-

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:

-13-

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 A. Bomba and Thomas Bomba, 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.

DINO S. PERSIO
/s/ Dino S. Persio,
Attorney for Petitioners.

STATE OF PENNSYLVANIA SS:
COUNTY OF CAMBRIA

JOHN A. BOMBA, 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.

/s/ John A. Bomba

Sworn and subscribed to before me
this 28th day of September, 1962.

/s/ Dino DeYulius

Justice of the Peace

My Comm. exp. 1st Mon. Jan., 1968

ORDER

AND NOW, to wit, this 1 day of October, 1962, on motion of Dino S. Persio, Esquire, Attorney for Petitioners, and upon consideration of the within Petition, the Court hereby appoints Donald J. Letizia, Esq., Telford 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: /s/ McDonald, J.

October 2, 1962: Copy of above petition mailed to Department of Highways.

October 2, 1962: Notice to View & Copy of above Petition mailed to Donald J. Letizia, Esq.
Transferred to page 445

No. 3

IN RE: COPY OF ORDINANCE ESTABLISHING
A PORTION OF MAPLE AVENUE BETWEEN MYERS
AND WOODLAND STREETS ON THE PLAN OF
MYLO PARK AS A PUBLIC ROAD WITH DRAFT
AND SURVEY OF THE ROAD SHOWING THE
LOCATION AND WIDTH THEREOF.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 3.50

JAN 30 1962 AUDITED

FILED: OCTOBER 3, 1962

Rec'd 3⁵⁰ 12-28-62 JAN 30 1963 AUDITEDORDINANCE

BE IT ENACTED AND ORDAINED BY AUTHORITY OF THE SUPERVISORS OF THE TOWNSHIP OF
CAMBRIA AND IT IS HEREBY ENACTED AND ORDAINED:

That a portion of Maple Avenue between Myers and Woodland Streets three hundred fifteen (315) feet in length and forty (40) feet in width, as shown on the Plan of Mylo Park, recorded in Cambria County in Plot Book Volume 2, Page 137, be opened and established as a public road. A map showing the road to be opened is on file and may be examined at the Office of the Supervisors of Cambria Township, 11 2 S. West Street, Ebensburg, Pennsylvania.

ENACTED AND ORDAINED this ____ day of ____, 1962.

SUPERVISORS OF CAMBRIA TOWNSHIP

by

LIDO GIOVACCHINI

Chairman of the Board of Supervisors.

ATTEST:

Charles R. Sharbaugh, Secretary

MAP FILED.

NO. 4

IN RE: IN THE MATTER OF ROUTE NO.
53, IN THE TOWNSHIP OF ALLEGHENY,
CAMBRIA COUNTY, PENNSYLVANIA
COMMONWEALTH OF PENNSYLVANIA
VS.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.

PAUL F. BOVIN
JOHN BOVIN
GERTRUDE BOVIN

JUN 27 1963 AUDITED
CLERK OF COURTS: \$33.00

FILED: OCTOBER 11, 1962

R- 33.00 1-30-63

PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The Petition of Paul F. Bovin, John Bovin and Gertrude Bovin by their Attorney, G. Harry Isaacson, Esq., respectfully represents:

-1-

The Petitioners are Paul F. Bovin, John Bovin and Gertrude Bovin who reside at R. D. # 1, (Allegheny Township), Ebensburg, Cambria County, Pennsylvania.

-2-

The Respondent is the Commonwealth of Pennsylvania, acting through the Secretary of Highways of the Department of Highways.

-3-

The Petitioners are the owners of all those certain pieces or parcels of land, with the buildings and improvements erected thereon, situate in the Township of Allegheny, County of Cambria and State of Pennsylvania, bounded and described as follows:

No. 1. Beginning at a post corner in the middle of the road leading from Ebensburg to Loretto, thence by land now or formerly of John Bannan North 10° and 15' East 789 feet to a corner in the middle of the road leading to Bucks Mill, thence along said road South 75° and 15' East 742 feet to a corner in the middle of the public road, thence by land now or formerly of Joseph A. McMullen South 2° and 30' West 440 feet to a post corner thence by said land now or formerly of Joseph A. McMullen South 86° E. 536 feet to a corner in the middle of the road, thence along said road South $2\frac{1}{2}^{\circ}$ West 313 feet to a corner in the middle of the road leading from Loretto to Ebensburg, thence along said road North 87° West 536 feet, thence along said road North $77\frac{1}{2}^{\circ}$ West 840 feet to the place of beginning. Containing 18 acres and 17 perches according to survey and draft made by J. A. Shoemaker.

No. 2. Beginning at a corner of land formerly of Michael Bovin on Township Road, thence West 32 perches to a post on said land formerly of Michael Bovin; thence North $26\frac{5}{8}$ perches to the center of road; thence East along the center of road 32 perches to the center of road running South between land now or formerly of Jos. A. McMullens and land now or formerly of Annie and Mary McMullen; thence South in center of said road $21\frac{1}{5}$ perches to the place of beginning. Containing 4 acres and 126 perches.

No. 3. Beginning at a post at the intersection of the Ebensburg and Loretto Road with the road leading from Ebensburg, Junction to Bucks Mills;

CONTINUED ON NEXT PAGE.

CONTINUED FROM PAGE 282

NO. 4 CONTINUED.

thence by said Bucks Mills Road and land now or formerly of Joseph McMullen Estate, North 5° 45' East 813 feet to a post; thence by land of said Estate South 85° 760 feet to a post in line of right of way of the Cambria and Clearfield Branch of the Pennsylvania Railroad; thence by said right-of-way the following eight courses and distances: South 8° West 129 feet to a post; North 82° 15' West 40 feet to a post; South 12° 30' West 130 feet to a post; South 18° 30' West, 140 feet to a post; South 25° 30' West, 120 feet to a post; South 33° 45' 133 feet to a post; South 40° West, 130 feet to a post and South 41° 30' West 130 feet to center of Ebensburg and Loretto Road; thence along center of said road, North 82° 30' West 424 feet to a point of intersection of roads; the place of beginning, containing 12 acres and 13 perches.

Excepting and reserving all the coal and mineral rights with the right and privilege to mine and remove the same.

Being the same pieces or parcels of land title to which became vested in Paul F. Bovin, John Bovin and Gertrude Bovin by the Last Will and Testament of Michael J. Bovin, deceased, dated December 19, 1935, duly admitted to probate by the Register of Wills of Cambria County, Pennsylvania, on the 19th day of September, 1944, and recorded on the same day in the office of the said Register of Wills in Will Book Vol. 22 at Page 623.

-4-

That the Department of Highways of the Commonwealth of Pennsylvania has taken and occupied a portion of the aforescribed premises of the Petitioners and caused injury and damage to the remainder thereof in connection with the improvement and the Right of Way Plan for Route No. 53, Section No. 17, in Cambria County, Pennsylvania, which Plan was approved by the Governor of Pennsylvania on April 14, 1961.

-5-

That the Respondent has not agreed with the Petitioners as to the amount of damages, nor made any payment to them thereof.

WHEREFORE, your Petitioners pray your Honorable Court to appoint a Board of Viewers in the manner prescribed by law to assess the damages to which your Petitioners are entitled by reason of the appropriation, and report the same to your Honorable Court sec. leg.

/s/ G. Harry Isaacson,
Attorney for Petitioners

COMMONWEALTH OF PENNSYLVANIA:

: SS..

COUNTY OF CAMBRIA :

Before me, a Notary Public in and for said County and State, personally appeared Paul F. Bovin, John Bovin and Gertrude Bovin, the above named Petitioners, who, being duly sworn according to law, depose and say that the facts set forth in the foregoing Petition are true and correct to the best of their knowledge, information and belief.

/s/ Paul F. Bovin
/s/ John Bovin
/s/ Gertrude Bovin

Sworn to and subscribed
before me this 5th day
of October, 1962.

/s/ Elizabeth S. Allison,
Notary Public

My Commission expires: April 25, 1965

CONTINUED ON NEXT PAGE.

NO. 4 CONTINUED.D E C R E E

342
AND NOW, this 11th day of October, 1962, upon consideration of the within Petition, the Court appoints L. J. Wendekier, Esq., John L. Elder, and Raymond Niebauer, as a Board of View to assess the damages sustained by Petitioners as a result of the condemnation and taking of said property by the Commonwealth of Pennsylvania, Department of Highways in connection with the improvement of Route No. 53, Section No. 17, in the Township of Allegheny, Cambria County, Pennsylvania, and further orders that the said Board of View shall perform its duties in accordance with the Acts of Assembly and Rules of Court in such case made and provided.

By the Court: /s/ Shettig, Judge.

300
500
October 17, 1962: Copy of above petition mailed to Department of Highways.

October 17, 1962: Notice to View and Copy of above Petition mailed to L. J. Wendekier, Esq.

January 22, 1963: VIEWERS' REPORT FILED AND CONFIRMED NISI.

VIEWERS' REPORT

350
TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

On October 11, 1962, the Court, after consideration of a petition presented for that purpose of Paul F. Bovin, John Bovin and Gertrude Bovin, appointed Leopold J. Wendekier, John L. Elder and Raymond M. Niebauer as a Board of Viewers to assess the damages and benefits, if any, caused by the condemnation by the Commonwealth of Pennsylvania, Department of Highways of a portion of certain real estate owned by the petitioners in Allegheny Township, Cambria County, Pennsylvania, for the purpose of improving a portion of Route No. 53, said real estate being More particularly described in the notice of View, a copy of which is hereto attached, respectfully makes the following

REPORT

In pursuance of their appointment, the Board caused notice to be served upon all interested parties that the Board would meet upon the premises on Friday, November 9, 1962, at 9:00 o'clock, A. M., e.s.t., for the purpose of viewing the premises and hearing such parties as desired to be heard. Such notices were duly served by personal service and by posting upon the premises more than ten (10) days prior to the date of said meeting.

On the day appointed, the Board, having previously been duly sworn, proceeded to view the premises. In attendance were Mr. Paul F. Bovin, one of the owners, G. Harry Isaacson, Esq., counsel for the landowners, Mr. Howard E. Breneman, District Right of Way Engineer, Mr. Jess Fridman, Highway Department employee, Mr. Paul D. Washington, Highway Department appraiser, and Edward F. Peduzzi, Esq., counsel for the Department.

A meeting for the purpose of hearing the testimony of witnesses was scheduled for Monday December 17, 1962, at 9:30 o'clock A. M. e.s.t., in Courtroom No. 4, Cambria County Courthouse, Ebensburg, Pennsylvania. At the request of counsel for the condemnor and for good cause shown, the meeting was re-scheduled for Tuesday, December 18, 1962, at the same place and time.

The meeting was held as scheduled and was attended by Mr. Paul F. Bovin, one of the Landowners, G. Harry Isaacson, Esq., counsel for the landowners, Mr. Wallace Williams, Howard E. Breneman, District Right of Way Engineer for the Highway Department, Mr. Jess M. Fridman, Highway Department employee, Mr. Paul D. Washington and Edward F. Peduzzi, Esq., counsel for the Highway Department.

Those who testified for the benefit of the Board were Mr. Paul F. Bovin, Mr. Williams, Mr. Washington and Mr. Breneman. All the witnesses were sworn prior to testifying.

From the evidence submitted to it, and from an examination and view of the premises, as well as of the locality, generally, the Board finds the following

FACTS

1. The premises condemned by the Commonwealth of Pennsylvania Department of Highways consists of a portion of the land of the property owners. The portion condemned has an

NO. 5

IN THE MATTER OF ROUTE NO. 53
SECTION NO. 17, IN THE TOWNSHIP
OF ALLEGHENY, CAMBRIA COUNTY,
PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
VS.

SYLVESTER GLASS and
MARIE GLASS, husband and wife

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.

FILED: OCTOBER 11, 1962

CLERK OF COURTS: \$ 33.00 JUN 27 1963 AUDITED

R-3300 - 4-30-62

PETITION FOR APPOINTMENT OF VIEWERS

400

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The Petition of Sylvester Glass and Marie Glass, husband and wife, by their Attorney,
G. Harry Isaacson, Esq., respectfully represents:

1.

The Petitioners are Sylvester Glass and Marie Glass, husband and wife, who reside at
R. D. # 1, (Allegheny Township), Ebensburg, Cambria County, Pennsylvania.

2.

The Respondent is the Commonwealth of Pennsylvania, acting through the Secretary of
Highways of the Department of Highways.

3.

The Petitioners are the owners of all that certain piece or parcel of land, with the
buildings and improvements thereon erected, situate in the Township of Allegheny, County of Cambria,
and State of Pennsylvania, bounded and described as follows:

Beginning at centre of cross roads leading from
Ebensburg to Loretto and road leading from Kaylor's
Station to Carrolltown; thence South by road to Kaylor's
Station and land of Sarah Cain two hundred eighty-five
(285) feet to a post; thence North East three hundred
forty-five (345) feet by land of Ann and Mary McMullen
to centre of road; thence West by same road to place of
beginning two hundred seventy seven (277) feet. Con-
taining one acre.

Being the same premises title to which became vested
in Sylvester Glass and Marie Glass, his wife, by deed of
The School District of Allegheny Township, Cambria County,
Pennsylvania, a municipal corporation of the State of Penn-
sylvania, dated the 15th day of February, 1922, and recorded
in the office for the recording of deeds, etc., in and for Cambria
County, Pa., in Deed Book Volume 340 at Page 426.

4.

That the Department of Highways of the Commonwealth of Pennsylvania has taken and
occupied a portion of the aforescribed premises of the Petitioners and caused injury and damage
to the remainder thereof in connection with the improvement and the Right of Way Plan for Route
No. 53, Section No. 17, in Cambria County, Pennsylvania, which Plan was approved by the Governor of
Pennsylvania on April 14, 1961.

5.

That the Respondent has not agreed with the Petitioners as to the amount of damages,
nor made any payment to them thereof.

WHEREFORE, your Petitioners pray your Honorable Court to appoint a Board of Viewers in

CONTINUED ON NEXT PAGE.

NO. 5 CONTINUED.

the manner prescribed by law to assess the damages to which your Petitioners are entitled by reason of the appropriation, and report the same to your Honorable Court, sec. leg.

/s/ G. Harry Isaacson,
Attorney for Petitioners

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CAMBRIA :

Before me, a Notary Public in and for said County and State, personally appeared Sylvester Glass and Marie Glass, husband and wife, the above named Petitioners, who, being duly sworn according to law, depose and say that the facts set forth in the foregoing Petition are true and correct to the best of their knowledge, information and belief.

/s/ Sylvester J. Glass

/s/ Marie Glass

Sworn to and subscribed before
me this 1st day of October, 1962.

/s/ Elizabeth S. Allison,

Notary Public

Ebensburg Borough, Cambria County, Pa.

My Commission expires: April 25, 1965

D E C R E E

AND NOW, this 11th day of October, 1962, upon consideration of the within petition, the Court appoints L. J. Wendekier, Esq., John L. Elder and Theodore W. Hunt as a Board of View to assess the damages sustained by Petitioners as a result of the condemnation and taking of said property by the Commonwealth of Pennsylvania, Department of Highways in connection with the improvement of Route No. 53, Section No. 17, in the Township of Allegheny, Cambria County Pennsylvania, and further orders that the said Board of View shall perform its duties in accordance with the Acts of Assembly and Rules of Court in such case made and provided.

By the Court:

/s/ Shettig, Judge

October 18, 1962: Copy of Petition mailed to Department of Highways

October 18, 1962: Copy of Petition and Notice to View mailed to L. J. Wendekier, Esq.

VIEWERS' REPORT FILED AND CONFIRMED NISI- January 22, 1963.

VIEWERS' REPORT

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

On October 11, 1962, the Court after consideration of a petition presented for that purpose by Sylvester Glass and Marie Glass, husband and wife, appointed Leopold J. Wendekier, John L. Elder and Theodore W. Hunt as a Board of Viewers to assess the damages and benefits, if any, caused by the condemnation by the Commonwealth of Pennsylvania, Department of Highways of a portion of certain real estate owned by the petitioners in Allegheny Township, Cambria County, Pennsylvania, for the purpose of improving a portion of Route No. 53, said real estate being more particularly described in the Notice of View, a copy of which is hereto attached, respectfully makes the following

REPORT

In pursuance of their appointment, the Board caused notice to be served upon all interested parties that the Board would meet upon the premises on Friday, November 9, 1962, at 10:00 o'clock A. M., e.s.t., for the purpose of viewing the premises and hearing such parties as desired to be heard. Such notices were duly served by personal service and by

CONTINUED ON PAGE 456

No. 6

IN THE MATTER OF ROUTE
NO. 53, SECTION NO. 17,
IN THE TOWNSHIP OF ALLEGHENY,
CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

6lerk of Courts: \$29⁰⁰ 10-15-63 DEC 20 1963 AUDITED

FILED: OCTOBER 11, 1962

PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The Petition of Florence Seymour by her Attorney, G. Harry Isaacson, Esq., respectfully represents:

1.

The Petitioner is Florence Seymour who resides at R. D. # 1, (Allegheny Township), Ebensburg, Cambria County, Pennsylvania.

2.

The Respondent is the Commonwealth of Pennsylvania, acting through the Secretary of Highways of the Department of Highways.

3.

The Petitioner is the owner of all that certain piece or parcel of land, with the buildings and improvements erected thereon, situate in the Township of Allegheny, County of Cambria, and State of Pennsylvania, bounded and described as follows:

Beginning at a post along the right-of-way on the Munster-Loretto Road; thence Northward two hundred fifty-eight (258) feet to a corner at the intersection of said right-of-way on the William Penn Highway; thence Westward along the William Penn Highway three hundred forty two(342) feet to a corner; thence Southeastward along the land of N. I. Seymour and Teresa Seymour, his wife, three hundred forty-two (342) feet to the place of beginning. Being a triangular plot of land comprising one acre, more or less.

Being the same ^{piece} or parcel of land title to which became vested in Raymond Seymour and Florence Seymour, his wife, by deed of Isadore Seymour and Teresa Seymour, his wife, dated the 9th day of April, 1934, and recorded in the office for the recording of deeds, etc., in and for Cambria County, Pennsylvania, in Deed Book Volume 456 at Page 318. The said Raymond Seymour and Florence Seymour, his wife, being seized of the aforesaid piece or parcel of ground as tenants by the entireties, the said Raymond Seymour died on February 6, 1945, leaving to survive him his wife, Florence Seymour, who thereby became the sole owner of the aforesaid premises.

CONTINUED ON NEXT PAGE.

NO. 6 CONTINUED.

4.

That the Department of Highways of the Commonwealth of Pennsylvania has taken and occupied a portion of the aforescribed premises of the Petitioner and caused injury and damages to the remainder thereof in connection with the improvement and the Right of Way Plan for Route No. 53, Section No. 17, in Cambria County, Pennsylvania, which Plan was approved by the Governor of Pennsylvania on April 14, 1961.

5.

That the Respondent has not agreed with the Petitioner as to the amount of damages, nor made any payment to her thereof.

WHEREFORE, your Petitioner prays your Honorable Court to appoint a Board of Viewers in the manner prescribed by law to assess the damages to which your Petitioner is entitled by reason of the appropriation, and report the same to your Honorable Court sec. leg.

/s/ G. Harry Isaacson,
Attorney for Petitioner.

COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CAMBRIA :

Before me, a Notary Public in and for said County and State, personally appeared Florence Seymour, the above named Petitioner, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition are true and correct to the best of her knowledge, information and belief.

/s/ Florence Seymour

Sworn to and subscribed
before me this 1st day

of October, 1962.

/s/ Elizabeth S. Allison
Notary Public

My Commission expires: April 25, 1965.

DECREE

AND NOW, this 11th day of October, 1962, upon consideration of the within Petition, the Court appoints L. J. Wendekier, Esq., T. L. Locher, and Robert S. Mayer, as a Board of View to assess the damages sustained by Petitioner as a result of the condemnation and taking of said property by the Commonwealth of Pennsylvania, Department of Highways in connection with the improvement of Route No. 53, Section No. 17, in the Township of Allegheny Cambria County, Pennsylvania, and further orders that the Board of View shall perform its duties in accordance with the Acts of Assembly and Rules of Court in Such case made and provided.

By the Court: /s/ Shettig, J.

October 18, 1962: Copy of Petition mailed to Department of Highways.

October 18, 1962: Copy of Petition and Notice to View mailed to L. J. Wendekier, Esq.

VIEWERS' REPORT FILED & CONFIRMED NISI- January 22, 1963

VIEWERS' REPORT

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

On October 11, 1962, the Court, after consideration of a petition presented for that purpose by Florence Seymour, appointed Leopold J. Wendekier, T. L. Locher and Robert G. Mayer, as a Board of Viewers to assess the damages and benefits, if any, caused by the condemnation by the Commonwealth of Pennsylvania, Department of Highways of a portion of certain real estate owned by the petitioners in Allegheny Township, Cambria County, Pennsylvania, for the purpose of improving a portion of Route No. 53, said real estate being more particularly described in the notice of view, a copy of which is hereto attached, respectfully makes the following

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NO. 7

IN RE: PROVIDING FOR THE LAYING OUT OF
A PUBLIC ROAD IN BLACKLICK TOWNSHIP TO
BE KNOWN AS PINE STREET, ORDINANCE NO.
10

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 3.50 JAN 30 1963 AUDITED
Recd. 3⁵⁰ JAN 30 1963 AUDITED 11-9-62

FILED: OCTOBER 22, 1962

ORDINANCE NO. 10

PROVIDING FOR THE LAYING OUT OF A PUBLIC
ROAD IN BLACKLICK TOWNSHIP TO BE KNOWN AS
PINE STREET.

WHEREAS, a petition of interested citizens has been presented to the Supervisors of Blacklick Township requesting the said Supervisors, in the interest of public convenience, to lay out a public road hereinafter described;

WHEREAS, said Supervisors have given ten (10) days' written notice to the property owners affected by the laying out of said road, of the place, date and time for a hearing on said petition;

WHEREAS, the said Supervisors, after due hearing, in accordance with the aforesaid written notice, have decided to lay out said road.

NOW, THEREFORE, the Supervisors of Blacklick Township, Cambria County, Pennsylvania, hereby ordain as follows:

SECTION 1. That a public road, the center line of which is described as follows:

BEGINNING at a point on the Northerly side of Legislative Route No. 54, known as Traffic Route 933, in the center of Pine Street as shown on the Plan of Lots known as Davis Addition No. 3 to the Borough of Nanty Glo and recorded in the Recorder of Deeds Office in and for Cambria County in Plat Book Volume 2 at page 89; thence extending North 62° 45' East a distance of 400 feet, more or less, to the point of ending. The right of way of said public road to be 40 feet in width, being 20 feet on each side of the said center line.

be and hereby is laid out and ordained as a public road.

SECTION 2. That said road shall consist of a right of way 40 feet in width, being 20 feet on each side of the center line as described in Section 1 hereof.

SECTION 3. That said road shall be known as Pine Street.

SECTION 4. That the Township Solicitor be and hereby is authorized and directed to file a certified copy of this Ordinance in the office of the Clerk of Quarter Sessions of Cambria County Pennsylvania, together with a print of the survey of said road, a copy of which is attached hereto and made a part hereof.

SECTION 5. That all ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

ENACTED AND ORDAINED this 17th day of October, 1962.

BLACKLICK TOWNSHIP SUPERVISORS

By /s/ Eugene Frank

/s/ George Molinich

/s/ Lloy McDonald

The undersigned, Secretary of the Board of Supervisors of Blacklick Township, hereby certified the foregoing to be a true and correct copy of Ordinance No. 10 adopted by the Supervisors at a meeting held the 17th day of October, 1962. /s/ George Molinich, Secretary
PRINT OF THE SURVEY OF THE ROAD FILED.

No. 8

IN RE: ACCEPTANCE AS STREETS
AND PUBLIC HIGHWAYS OF THE TOWNSHIP
OF EAST TAYLOR CERTAIN PORTIONS OF
STREETS NOW DEDICATED AND RECORDED
IN PLAN OF LOTS

IN THE COURT OF QUARTER SESSIONS OF CAM-
BRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 6.50 JAN 30 1963 AUDITED

FILED: NOVEMBER 19, 1962

Recd 6⁵⁰ 11-28-62 JAN 30 1963 AUDITED

PETITION FOR THE ACCEPTANCE OF CERTAIN PORTIONS
OF STREETS AS STREETS AND PUBLIC HIGHWAYS IN THE
TOWNSHIP OF EAST TAYLOR

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

The Petition of the Board of Supervisors of the Township of East Taylor respectfully represents:

(1) That the Board of Supervisors did on the 25th day of October, 1962, at 7:00 P. M., at the regular meeting of the Board of Supervisors, accept certain portions of Pasture Lane, Timothy Avenue, Alfa Avenue, Hays Avenue, East Binder Street, Thrasher Street, Bailing Street and Calhoun Street, otherwise known as the "Old Street Car Lane," as streets and public high ways in the Township of East Taylor, as appears by a copy of the Resolution hereto attached, made part hereof and marked Exhibit "A".

WHEREFORE, your petitioner prays your Honorable Court to give its consent to the acceptance of the portions of the above described streets in the Resolution hereto attached, as streets or public highways in the said Township.

TOWNSHIP OF EAST TAYLOR
By /s/ Kenneth Keiper
President

ATTEST:

/s/ C. D. Cobaugh
Secretary

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF CAMBRIA)

Personally appeared before me, a Notary Public in and for said County and State, CHARLES COBAUGH, Secretary-Treasurer of East Taylor Township, who 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.

/s/ Charles Cobaugh

SWORN and subscribed before me
this 17th day of November, 1962.

/s/ James D. Glass
Notary Public, Johnstown, Cambria Co.
My Commission Expires July 2, 1963

RESOLUTION (EXHIBIT "A") FILED.

ORDER

NOW, the 19 day of November, 1962, the within Petition having been read and considered, the Court hereby gives its consent to the Supervisors of East Taylor Township in accepting portions

CONTINUED ON NEXT PAGE.

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No. 8 CONTINUED.

of Pasture Lane, Timothy Avenue, Alfa Avenue, Hays Avenue, East Binder Street, Thrasher Street Bailing Street and Calhoun Street, otherwise known as the "Old StreetCar Lane," as streets and public highways in the Township of East Taylor, as particularly described in the Resolution hereto attached as Petitioner's Exhibit "A".

IT IS ORDERED AND DIRECTED that the said portions of the above described streets, forthwith be and become a part of the highway system of the Township of East Taylor, and be it further ORDERED AND DIRECTED that these proceedings be recorded in the Office of the Clerk of Quarter Sessions of Cambria County, Pennsylvania, and if no exceptions are filed to this Report within thirty days, then the said streets shall be and become a part of the highways system of the Township of East Taylor.

By the Court:

/s/ McDonald, Judge.

SESSIONS, 19



No. 1

IN RE: ORDINANCE VACATING
THE PORTION OF FIFTH STREET
IN THE BOROUGH OF VINTONDALE

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 3.50

FILED: JANUARY 17, 1963

Rec'd 3.50 2/28/63
JUN 27 1963 AUDITEDORDINANCE 81

THE BOROUGH OF VINTONDALE hereby ordains as follows:

ALL that portion of Fifth Street located in the Borough of Vintondale, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at the Northwest corner of the intersection of Griffith Street and Fifth Street; thence along the Westerly side of Fifth Street North $33^{\circ} 58'$ East a distance of 75 feet to a point on the Westerly side of Fifth Street; thence across Fifth Street South $56^{\circ} 2'$ East a distance of 50 feet to a point on the Easterly side of Fifth Street; thence along the Easterly side of Fifth Street South $33^{\circ} 58'$ West a distance of 75 feet to a point on the Northerly side of Griffith Street; thence across Fifth Street on line of Griffith Street North $56^{\circ} 2'$ West a distance of 50 feet to a point on the Westerly side of Griffith Street and place of beginning; containing approximately 3,750 square feet,

be and the same is hereby vacated.

Any ordinance or part of any ordinance conflicting with this Ordinance is hereby repealed.

Ordained, enacted and adopted this 20th day of December, 1962, by the affirmative vote of at least three fourths (3/4) of the members composing the Council of the Borough of Vintondale.

/s/ Julius Morey
President of Council

ATTEST:

/s/ Stephen Dusza
Secretary

APPROVED this 20th day of December, A. D., 1962.

/s/ Stephen Oblackovich
Mayor

NO. 2

IN RE: COPY OF ORDINANCE ENACTED BY
COUNCIL OF THE CITY OF JOHNSTOWN
ANNEXING TO THE CITY OF JOHNSTOWN, A
PART OF THE BOROUGH OF WESTMONT, CAMBRIA
COUNTY, PA., CONTIGUOUS TO THE CITY OF JOHNSTOWN

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: *J. S. D.* JUN 27 1963 AUDITED

FILED: FEBRUARY 15, 1963

ORDINANCE NO. 3551

WHEREAS, the City of Johnstown, Pennsylvania, owns the following described land which is situate in the Borough of Westmont, Cambria County, Pennsylvania; and

WHEREAS, the aforesaid land is contiguous to the City of Johnstown, Pennsylvania; and

WHEREAS, the City of Johnstown is authorized by the Laws of Pennsylvania as contained in the Third Class City Code, Title 53, Purdon's Pennsylvania Statutes, Section 35561, 35562, to annex land which the City owns and which is contiguous to said City.

BE IT ENACTED AND ORDAINED by the Council of the City of Johnstown, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1. That the portion of the Borough of Westmont, Cambria County, Pennsylvania, bounded and described as follows:

Tract No. 1. BEGINNING at a point on the line between said Borough of Westmont and the 6th Ward of said City of Johnstown, the southwest corner of land now or formerly of Cyrus E. Reed; thence along said line between said Borough and said 6th Ward of said City by lands of divers parties and continuing along the extension of said line through lands of which this is a part, South 70 degrees 15 minutes 40 seconds West 879.01 feet to a point; thence continuing through said lands the following 8 courses and distances: North 7 degrees 35 minutes West 378 feet, North 22 degrees 0 minutes East 168 feet, North 19 degrees 45 minutes West 212 feet, North 56 degrees 25 minutes West 307 feet, North 20 degrees 35 minutes West 418 feet, North 30 degrees 20 minutes West 742 feet, North 19 degrees 37 minutes 20 seconds West 438 feet and North 3 degrees 50 minutes West 529.55 feet to a point; thence continuing through said lands by a line paralleling the Cambria Inclined Plane and 75 feet distant southwardly from the center line thereof, North 78 degrees 43 minutes 30 seconds East 456.85 feet to a point; thence continuing through said lands the following 3 courses and distances: South 20 degrees 33 minutes 50 seconds East 153.33 feet, South 25 degrees 41 minutes East 273 feet, and North 64 degrees 19 minutes East 40 feet to a point, a corner of Tract No. 3, herein-after described; thence by said last mentioned lands the following 2 courses and distances: South 25 degrees 41 minutes East 892.01 feet and by a line curving to the left with a radius of 567.68 feet a distance of 242.37 feet to a point; thence through said lands of which this is a part the following 2 courses and distances: South 40 degrees 49 minutes 15 seconds West 100 feet, and South 59 degrees 19 minutes 23 seconds East 308.29 feet to a corner of land now or formerly of O. P. Baldwin, said land being Lot No. 6 on a plan of lots heretofore laid out by Cambria; thence by said last mentioned land and by lands of others, said other lands being other lots on said plan, South 43 degrees 33 minutes 10 seconds East 314.06 feet to line of land now or formerly of Thomas Seibert; thence by said last mentioned land the following 2 courses and distances: South 55 degrees 41 minutes 50 seconds West 173.7 feet and South 30 degrees 9 minutes 10 seconds East 418.7 feet to a point, the southwest corner of said lands; thence through lands of which this is a part South 25 degrees 36 minutes 20 seconds East 371.03 feet to corner of said lands of said Cyrus E. Reed; and thence by said last mentioned lands South 19 degrees 44 minutes 20 seconds East 44.06 feet to the place of beginning; containing 48.063 acres.

Tract No. 2. BEGINNING at a point, the Southwest corner of the lands hereinafter described as Tract No. 4; thence through lands of which this is a part by line drawn parallel to and at a distance of 125 feet Northwardly from the center line of the Cambria Inclined Plane South 78 degrees 43 minutes 30 seconds West 657.42 feet to a point near Edgehill Drive on the plan of said Borough of Westmont; thence continuing through said lands by a line parallel to the easterly edge of said Edgehill Drive, the following 2 courses and distances: North 11 degrees 31 minutes 10 seconds West 194.34 feet and North 4 degrees 39 minutes 10 seconds West 823 feet; thence continuing through said lands along the southerly line of Clarion Street extended North 66 degrees 36 minutes 30 seconds East 81 feet; thence continuing through the same the following 4 courses and distances: North 5 degrees 40 minutes 30 seconds East 393 feet, North 26 degrees 15 minutes 30 seconds East 203.5 feet, North 2 degrees 41 minutes 30 seconds East 286.0 feet, and North 2 degrees 13 minutes 50 seconds West 309.34 feet to a point in the southerly line of an unnamed 15 feet wide alley in the rear of McKeever Street; thence along said line of said alley and by lands now or formerly of Haws Refractories Company North 64 degrees 13 minutes East 358.1 feet to a point; thence continuing by said last mentioned lands South 61 degrees 47 minutes East 323.97 feet to a point; thence through said lands of which this is a part the following 7 courses and distances: South 8 degrees 0 minutes 10 seconds West 284.5 feet, South 10 degrees 49 minutes 40 seconds West 179.27 feet, South 7 degrees 33 minutes 30 seconds West 175.28 feet; South 10 degrees 49 minutes 40 seconds West 360 feet, Southwardly by a line curving to the left with a radius of 2,215.86 feet a distance of 373.85 feet; Southwardly by a line curbing to the left with a radius of 3,419.99 feet a distance of 303.09 feet, and North 86 degrees 5 minutes East 100 feet to a point in line of said lands hereinafter described as Tract No. 4; and thence by said last mentioned lands South 3 degrees 55 minutes East 433.91 feet to the place of beginning, containing 30.303 acres.

Tract No. 3. ALL of the following tract of land which is situate partly in the City of Johnstown and partly in the Borough of Westmont.

BEGINNING at the Southwesterly corner of lands now or formerly of the Johnstown School District, a point in the northerly line of Somerset Street; thence along said northerly line of said street South 39 degrees 25 minutes 40 seconds West 48.62 feet to a point; thence South 20 degrees 40 minutes 39 seconds East 59.35 feet to a point, a corner of Lot No. 1 of a plan of lots heretofore laid out by Cambria; thence along the easterly line of said plan of lots Northwardly by a line curving to the left with a radius of 319.62 feet a distance of 156.54 feet to a point; thence continuing along said line by lands now or formerly of John O. Foster and others, and through lands of which this is a part North 48 degrees 44 minutes 20 seconds West 216.91 feet to a point; thence continuing through said last mentioned lands and by the easterly line of the lands hereinabove described as Tract No. 1, Northwardly by a line curving to the right with a radius of 567.68 feet a distance

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of 532.85 feet to a point; thence continuing along said easterly line of said last mentioned lands North 25 degrees 41 minutes West 892.01 feet to a point; thence through said lands of which this is a part the following 3 courses and distances: North 64 degrees 19 minutes East 60 feet; North 25 degrees 41 minutes West 273 feet, and Northwardly by a line curving to the right with a radius of 780.16 feet a distance of 128.47 feet to a point in the extension of a line drawn parallel to and 75 feet distant Southwardly from the center line of the Cambria Inclined Plane; thence along said extension of said line North 78 degrees 43 minutes 30 seconds East 92.51 feet to a point in the established westerly line of Stony Creek; thence by and along said line of Stony Creek Southwardly by a line curving to the left with a radius of 1828.42 feet a distance of 294.49 feet; thence continuing along said line South 24 degrees 43 minutes East 979.12 feet; thence by the same Southwardly by a line curving to the left with a radius of 452.68 feet a distance of 319.68 feet to a point in line of said lands of said Johnstown School District; and thence by said last mentioned lands South 46 degrees 19 minutes 20 seconds East 467.41 feet to the place of beginning; containing; 5.01 acres.

Tract No. 4. ALL of the following tract of land which is situate partly in the City of Johnstown and partly in the Borough of Westmont.

BEGINNING at the intersection of the established Westerly line of Stonycreek and the extension of a line drawn parallel to and 125 feet Northwardly from the center line of the Cambria Inclined dPlane; thence along said extension of said line South 78 degrees 43 minutes 30 seconds West 77.21 feet to a corner of the lands hereinabove described as Tract No. 2; thence by said last mentioned lands North 3 degrees 55 minutes West 433.91 feet to a point; thence through lands of which this is a part the following 7 courses and distances: Northwardly by a line curving to the right with a radius of 3,319.99 feet a distance of 294.23 feet, northwardly by a line curving to the right with a radius of 2,115.86 feet a distance of 356.98 feet, North 10 degrees 49 minutes 40 seconds East 360 feet North 7 degrees 33 minutes 30 seconds East 175.28 feet, North 10 degrees 49 minutes 40 seconds East 179.27 feet, Northwardly by a line curving to the left with a radius of 4,936.12 feet a distance of 607.34 feet, and North 4 degrees 56 minutes 20 seconds East 186.75 feet to a point in the southerly right of way line of the Pennsylvania Railroad Company; thence by said right of way the following 4 courses and distances: South 42 degrees 46 minutes East 29.75 feet to a point, North 8 degrees 14 minutes East 6.5 feet to a point, Southeastwardly by a line curving to the left with a radius of 988.37 feet (said line being parallel to and 33 feet distant Southwestwardly from the original center line of said Pennsylvania Railroad), a distance of 47.92 feet to a point, and South 45 degrees 47 minutes 20 seconds East 4.26 feet to a point in said established westerly line of Stony Creek; thence by said westerly line of Stony Creek the following 6 courses and distances: South 4 degrees 56 minutes 20 seconds West 139.34 feet, Southwardly by a line curving to the right with a radius of 4,998.12 feet a distance of 513.71 feet, South 10 degrees 49 minutes 40 seconds West 714.27 feet, Southwardly by a line curving to the left with a radius of 2,063.86 feet a distance of 348.2 feet, Southwardly by a line curving to the left with a radius of 3,267.99 feet a distance of 429.05 feet, and Southwardly by a line curving to the left with a radius of 3,283.0 feet a distance of 285.78 feet to the place of beginning; containing 3.281 acres,

be and the same are hereby annexed by the City of Johnstown. To wit, all of Tract No. 1; all of Tract No. 2; that portion of Tract No. 3 which is situate in the Borough of Westmont; that portion of Tract No. 4 which is situate in the Borough of Westmont.

SECTION 2. In accordance with the laws of Pennsylvania, the City Council of Johnstown shall certify a copy of the Annexation Ordinance to the Department of Internal Affairs, and shall file in the office of the County Commissioners and with the Clerk of the Court of Quarter Sessions, a plan of the territory annexed.

SECTION 3. All ordinances or parts of ordinances in conflict herewith, be, and the same are hereby repealed.

PASSED FINALLY IN COUNCIL: FEBRUARY 5, 1963
by the following vote:

Yeas: Mr. Comiskey
Mr. Deardorff
Mr. Schellhammer
Mr. Walter (4)

Nays: None (0)
Absent: Mr. McCloskey (1)

GEORGE R. WALTER, MAYOR

ATTEST: JOHN J. CULLEN, CITY CLERK.

I do hereby certify that the foregoing is true and correct copy of Ordinance No. 3551 as the same was passed finally by City Council and signed by the Mayor of the City of Johnstown, Pennsylvania.

Map filed.

/s/John J. Cullen, City Clerk

NO. 3

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF THE WIDENING
OF BELMONT STREET IN THE BOROUGH
OF GEISTOWN, CAMBRIA COUNTY
PENNSYLVANIA, BY THE PENNSYL-
VANIA DEPARTMENT OF HIGHWAYS,
PROJECT NO. S-454 (1)

) NO. 3

) MARCH SESSIONS, 1963

PETITION FOR APPOINTMENT OF VIEWERS

P-6.00 - 6-12-63

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

Clerk: 35.50 SEP 19 1963 AUDITED

The petition of George J. Mihalick and Annie T. Mihalick respectfully represents:

1. Your petitioners are husband and wife, who reside at 300 Belmont Street, Geistown Borough, Johnstown, Cambria County, Pennsylvania.

2. Your petitioners are the owners of certain property in Geistown Borough, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake at the Southeast corner of Atlas Court and Danner Street; thence by said Danner Street S. 63° 59' East, 253.18 feet to Belmont Street (formerly Arbutus Park Road); thence by same S. 21° 35' W., 66.2 feet to the point of a curve having a radius of 230 feet, said point of curve being at the intersection of the Southerly side of South Court (now vacated) with Belmont Street; thence continuing by said Belmont Street in a Southerly direction on a curve to the right, an arc distance of 85 feet more or less; thence through lots #16, 17 and 18 N. 63° 59' W. 250 feet more or less to a stake in the Easterly side of Atlas Court; thence by same N. 26° 01' E., 150 feet to the place of beginning and being lot #15 South Court now vacated and the Northerly portion of Lots #16, 17 and 18 as shown on the Suburban Realty Plan of Lots, Arbutus Park Woodland Section.

BEING the same piece or parcel of land which Grove B. Swartz, et. ux., by their deed dated July 28, 1941, and recorded in the Office of the Recorder of Deeds of Cambria County, in Deed Book Volume 505, Page 87, conveyed to George J. Mihalick and Annie T. Mihalick.

3. The Department of Highways of the Commonwealth of Pennsylvania has widened Belmont Street in Geistown Borough in connection with the above project and in said widening, the Commonwealth of Pennsylvania has taken part of the land above described belonging to your petitioners containing 1460 square feet.

4. By said condemnation and taking by the Commonwealth of Pennsylvania, Department of Highways, the property of your petitioners was rendered less valuable and smaller in size in that a strip fronting approximately 150 feet on Belmont Street, with a width of approximately 10 feet, was taken by the Department of Highways.

5. Your petitioners allege that the fair market value of the land owned by your petitioners at the time of the condemnation was decreased by reason of said condemnation and taking.

6. Until this date, petitioners 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 petitioners pray your Honorable Court to appoint a Board of Viewers in the manner prescribed by law to ascertain and award just compensation to your petitioners for their property so condemned, in accordance with the Acts of Assembly in such cases made and provided.

/s/George J. Mihalick

/s/Annie T. Mihalick

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MARCH

SESSIONS, 19 63

Continued from page 296

STATE OF PENNSYLVANIA)
COUNTY OF CAMBRIA) SS:

GEORGE J. MIHALICK and ANNIE T. MIHALICK, being duly sworn according to law, depose and say that the facts set forth in the foregoing petition are true and correct, to the best of their knowledge, information and belief.

/s/George J. Mihalick
/s/Annie T. Mihalick

Sworn to and subscribed before me
this 15th day of February, 1963.
/s/Mrs. JoAnn Brewer, NOTARY PUBLIC
Johnstown, Cambria Count, Penna.
1MY COMM. EXPIRES: Oct. 24, 1966
SEAL

ORDER

AND NOW, TO-WIT this 19th day of February, 1963, on motion of Kaminsky and Kelly, Attorneys for Petitioners, the Court appoints Leopold J. Wendekier, Esq., Telford Locher and Robert G. Mayer, 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

29th day of April, 1963.

3⁰⁰ Feb. 19, '63: Copy of Petition and Order to
View mailed to Leopold J. Wendekier, Esq.
5⁰⁰ Feb. 19, '63: Certified copy of Petition
and Order to View mailed to Dept. of
Highways, Chief Counsel Office, North
Office Bldg., Harrisburg, Penna.

BY THE COURT:

/s/McDonald, Judge

VIEWERS' REPORT

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

On February 19, 1963, the Court, after consideration of a petition presented for that purpose by George J. Mihalick and Annie T. Mihalick, appointed Leopold J. Wendekier, T. L. Locher and Robert G. Mayer, as a Board of Viewers to assess the damages and benefits, if any, caused by the Commonwealth of Pennsylvania, Department of Highways of a portion of certain real estate owned by the petitioners in Geistown Borough, Cambria County, Pennsylvania, for the purpose of improving a portion of Belmont Street, said real estate being more particularly described in the Notice of View, a copy of which is hereto attached, respectfully makes the following

REPORT

In pursuance of their appointment, the Board caused notice to be served upon all interested parties that the Board would meet upon the premises on Friday, March 15, 1963, at 9:00 o'clock, A.M., e.s.t., for the purpose of viewing the premises and hearing such parties as desired to be heard. Such notices were duly served by personal service and by posting upon the premises more than ten (10) days prior to the date of said meeting.

On the day appointed, the Board, having previously been duly sworn, proceeded to view the premises. In attendance were Mr. George J. Mihalick, the owner, William P. Kelly, Esq., his counsel, Mr. Joseph Belle, Highway Department employee, and Robert L. Blough, Esq., counsel for the Department.

A meeting for the purpose of hearing the testimony of witnesses was scheduled for Friday, April 5, 1963, at 10:00 o'clock A.M., e.s.t., in the Judges' Chambers, Park Building, Johnstown, Pennsylvania.

The meeting was held as scheduled and was attended by Mr. and Mrs. Mihalick, the land-owners, William P. Kelly, Esq., their counsel, Mr. Charles N. Glass, Howard E. Breneman, District Right-of-Way Engineer for the Highway Department, Mr. Joseph Belle, Highway Department employee, Mr. Dell Comiskey, Mr. Paul D. Washington and Robert L. Blough, Esq., counsel for the Highway Department.

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Those who testified for the benefit of the Board were Mr. and Mrs. Mihalick, Mr. Glass, Mr. Washington, Mr. Comiskey and Mr. Breneman. All the witnesses were sworn prior to testifying.

From the evidence submitted to it, and from an examination and view of the premises, as well as of the locality, generally, the Board finds the following

FACTS

1. The Premises condemned by the Commonwealth of Pennsylvania Department of Highways consists of a portion of the land of the property owner. The portion condemned has an area of 1615 square feet, and is entirely situate in Geistown Borough, Cambria County, Pennsylvania.

2. There is erected on this land a seven-room, 1-story stone dwelling, and a separate garage, with an overhead apartment.

3. The owner has been financially injured by the condemnation of said real estate.

CONCLUSIONS OF LAW

1. The parties are properly in Court and this Court has jurisdiction of the matter at hand.

2. George J. Mihalick and Annie T. Mihalick are the owners of the property affected by the condemnation and are the persons entitled to compensation for damages arising by virtue of the condemnation.

3. The property owners are not entitled to detention damages because, in the opinion of the Board, delay in payment was caused by the property owners' excessive demands.

CONCLUSION AND DISCUSSION

The Board of View appointed by the Court for that purpose reports that, after a full and impartial consideration of all the evidence submitted, and after a careful view of the premises, acting at all times according to the viewers' best judgment, it has estimated and determined that the damages sustained by the owners of the property herein involved by the improvement of a portion of Belmont Street are as follows:

George J. Mihalick and Annie T. Mihalick,
husband and wife. \$2,350.00

The first witness on behalf of the property owners was Mr. George Mihalick, one of the owners. He testified generally as to the type and location of the house erected upon the property remarking that, when the house was originally constructed, the lot gradually sloped towards the road but now the slope is too steep for convenient mowing. He also stated that two old oak trees had been removed and that the house was not considerably closer to the road.

Mr. Mihalick stated that, upon appeal to the Cambria County Board of Assessment and Revision of Taxes, the assessed valuation of this property was reduced after the highway improvement, thereby indicating that there had been a reduction in the value of the property due to the improvement.

On cross-examination, the witness stated that his house was approximately twelve feet closer to the highway and was affected by the raise in elevation of the highway. It was his opinion that the center line of the highway had been moved in the direction of the house erected upon the lot.

Counsel for the property owners then called on Mrs. Mihalick, wife of the prior witness, who testified that her testimony would be basically the same and that she had taken the photographs which had been offered for the assistance of the Board. There was no cross-examination of this witness.

Mr. Charles N. Glass, a Johnstown Realtor, was called to testify on behalf of the property owners as an expert witness. His qualifications having been admitted by counsel for the Department of Highways, the property owners' Attorney began the direct examination immediately.

NO. 1

QUART OF QUARTER SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA

RE: ORDINANCE TO LAY PUBLIC ROAD BEGINNING ON TOWNSHIP
ROAD 457 NEAR FRANCISCAN FATHERS OUR LADY OF LORETTO SEMINARY.
CLERK OF COURTS: \$6.00 4-6-63
SEP 19 1963 AUTH

ORDINANCE

BE IT ENACTED AND ORDAINED BY AUTHORITY OF THE SUPERVISORS OF THE TOWNSHIP OF
ALLEGHENY, AND IT IS HEREBY ENACTED AND ORDAINED:

That there be laid-out and opened as a public highway all that certain road located
in Allegheny Township, Cambria County, Pennsylvania, beginning at a point on Township Road 457,
thence North 3 degrees 45' East 1200 feet to a point; thence North 76 degrees 15' east 195 feet
to a point; and thence South 74 degrees 15' east 650 feet to a point on L. R. 276 at Station
15+03. A map showing the road to be laid-out and opened is on file and may be examined at the
office of the Clerk of Courts of Cambria County.

ENACTED AND ORDAINED this 29th day of March, 1963.

SUPERVISORS OF ALLEGHENY TOWNSHIP
by /s/Lorane Eckenrod
Chairman of the Board of Supervisors

ATTEST:
/s/Mary L. Bender, Secretary.

No. 1

IN RE: ORDINANCE ACCEPTING
GLADSTONE AND GARY STREET
IN TOWNSHIP OF RICHLAND

AN ORDINANCE IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$3.50 DEC 20 1963 AUDITED

FILED: July 15, 1963

ACCEPTING CERTAIN PORTIONS OF GLADSTONE STREET AND GARY STREET IN THE TOWNSHIP OF RICHLAND, CAMBRIA COUNTY, PENNSYLVANIA, AS TOWNSHIP HIGHWAYS, FOR THE PURPOSE OF VACATING THE SAME.

WHEREAS, a petition signed by University Park Shopping Village, Inc., et al, was presented to the Supervisors of Richland Township requesting the acceptance of certain portions of Gladstone Street and Gary Street in the Township of Richland as Township Highways and releasing the Township of Richland, Cambria County, Pennsylvania from all liability for damages by reason of the enactment and enforcement of legislation in conformity with the prayer of the said petition.

BE IT ENACTED AND ORDAINED by the Supervisors of Richland Township that all that portion of the road situate in Richland Township, Cambria County, Pennsylvania known as Gladstone Street more particularly described as follows:

Being fifty (50) feet in width and extending from the intersection of said Gladstone Street with Gary Street in an Easterly direction a distance of two hundred fifty (250) feet as shown on the map showing plan for right-of-way of Eisenhower Boulevard and adjoining streets, recorded in the office of the Recorder of Deeds in and for Cambria County on November 2, 1960 in Plat Book Vol. 6, page 29.

and all that portion of the road situate in Richland Township, Cambria County, Pennsylvania known as Gary Street more particularly described as follows:

BEING fifty (50) feet in width along Gladstone Street and extending from the intersection of said Gladstone Street with Gary Street in a Southerly direction a distance of five hundred (500) feet to Eisenhower Boulevard, and having a width of one hundred (100) feet along the northerly side of Eisenhower Boulevard as shown on the map showing Plan for right-of-way of Eisenhower Boulevard and adjoining streets, recorded in the office of the Recorder of Deeds in and for Cambria County on November 2, 1960 in Plat Book Vol. 6 page 29.

be and the same are hereby accepted as Township Highways for the purpose of vacating the same.

I hereby certify the foregoing to be a true and correct exerpt from the minutes of the meeting of the Richland Township Supervisors held June 17, 1963.

July 12, 1963

/S/Marcella Wilkinson,
Secretary of Richland Township
Supervisors

No. 2

IN RE: ORDINANCE VACATING
GLADSTONE AND GARY STREET
IN TOWNSHIP OF RICHLAND

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$3.50 DEC 20 1963 AUDITED

FILED: July 15, 1963

AN ORDINANCE

In accordance with the petition of University Park Shopping Village Inc. et al, presented to the Supervisors of Richland Township, and in accordance with notice of intention to consider said petition sent by registered mail to Frank H. Ashbridge, United Metal Fabricators, Inc., Claude Nitch, Willard Ripple and Johnstown Sanitary Dairy Company, all the adjoining property owners to said Gladstone Street and Gary Street in Richland Township, that the said petition would be considered at a meeting of the Richland Township Supervisors to be held on June 17, 1963, at 7:30 P.M., D.S.T. at the office of the Supervisors in the Kinamrok Building, 400 Luray Avenue, Richland Township, Johnstown, Pennsylvania and in duly considering the said petition and no objections being made to the said vacation of said sections of Gladstone Street and Gary Street, and it being established that the vacating of the said sections of Gladstone Street and Gary Street would relieve the Township of Richland from the financial liability and legal responsibility and would be a savings to the taxpayers of Richland Township and would not be an inconvenience to the residents of Richland Township and the traveling public and would be a convenience to the adjoining property owners which would result in a benefit to all of the residents of Richland Township,

NOW THEREOFRE BE IT ORDAINED that all that portion of the road situate in Richland Township, Cambria County, Pennsylvania known as Gladstone Street more particularly described as follows:

Being fifty (50) feet in width and extending from the intersection of said Gladstone Street with Gary Street in an Easterly direction a distance of two hundred fifty (250) feet as shown on the map showing plan for right-of-way of Eisenhower Boulevard and adjoining streets, recorded in the office of the Recorder of Deeds in and for Cambria County on November 2, 1960 in Plat Book Vol. 6, page 29.

and all that portion of the road situate in Richland Township, Cambria County, Pennsylvania known as Gary Street more particularly described as follows:

BEING fifty (50) feet in width along Gladstone Street and extending from the intersection of said Gladstone Street with Gary Street in a Southerly direction a distance of five hundred (500) feet to Eisenhower Boulevard, and having a width of one hundred (100) feet along the northerly side of Eisenhower Boulevard as shown on the map showing Plan for right-of-way of Eisenhower Boulevard and adjoining streets, recorded in the office of the Recorder of Deeds in and for Cambria County on November 2, 1960 in Plat Book Vol. 6, page 29.

are hereby vacated as township highways and all rights of the public therein are hereby terminated insofar as Richland Township Supervisors can terminate the same and that the said highways or portions thereof are no longer public or township highways.

I hereby certify the foregoing to be a true and correct excerpt from the minutes of the meeting of the Richland Township Supervisors held June 17, 1963.

July 12, 1963

/s/Marcella Wilkinson,
Secretary of Richland Township
Supervisors

NO. 3.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIARE: IN THE MATTER OF ROUTE
NO. 56 IN THE TOWNSHIP OF
LOWER YODER, CAMBRIA
COUNTY, PENNSYLVANIA

FILED: July 29th, 1963

JUL 29 1965 AUDITED
CLERK OF COURTS: \$46.00PETITION OF CHARLES GEORGE AND ANNA GEORGE, HUSBAND
AND WIFE, FOR THE APPOINTMENT OF A BOARD OF VIEWERS

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

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

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

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

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

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

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

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

4. That on the day aforesaid, the Department of Highways of the Commonwealth of Pennsylvania made said entry onto said property owned by your Petitioners for the purposes of excavating a ditch to facilitate drainage from Route 56, which is adjacent to said property, to maintain allegedly existing drainage facilities on said property.

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

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

7. That the aforesaid acts effected by the Department of Highways of the Commonwealth of Pennsylvania have been effected pursuant to the Act of June 1, 1945, PL 1242, Act 4 Sec. 417, 36 PS 670-417.

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

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

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

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

CONTINUED ON NEXT PAGE (303)

TRANSFERRED FROM PAGE 302

WHEREFORE, your Petitioners, Charles George and Anna George, Husband and Wife, by their Attorneys, Gleason & Krumenacker, Esq., pray your Honorable Court to appoint a Board of Viewers in the manner prescribed by law to ascertain and award just compensation to Petitioners for the damage sustained by your Petitioners and the taking of the property of the Petitioners as hereinbefore specifically averred in accordance with the Acts of Assembly in such cases made and provided.

And they will ever pray, etc.

GLEASON & KRUMENACKER
BY: /s/Robert Davis Gleason
Attorney for Petitioners

STATE OF PENNSYLVANIA:

ss;

COUNTY OF CAMBRIA:

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

/s/Charles George

/s/Anna George

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

/s/Mrs. Rosemarie A. Sigg,
Exp. Dec. 12, 1956

IN THE MATTER OF ROUTE
NO. 56 IN THE TOWNSHIP
OF LOWER YODER, CAMBRIA
COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY
PENNSYLVANIA
NO. R.D3 # SEPTEMBER TERM, 1963

3rd
ORDER

AND NOW, this 29th day of July, 1963, on motion of Gleason & Krumenacker, Esq., Attorney for Petitioners, and upon consideration of the within Petition, the Court hereby appoints Robert E. Shahade, Robert Mayer, and T. L. Locker as a Board of Viewers upon the within Petition, and further orders that the Board of Viewers perform its duty in accordance with the law and Acts of Assembly in such case made and provided. Said Board to file their Report on or before September 30, 1963.

BY THE COURT:
/s/Shettig, J.

July 29th, 1963: Copy of Petition and Order to View mailed to Robert E. Shahade, Esq.
July 29th, 1963: Certified copy of Petition and Order to View mailed to Department of Highways Chief Counsel Office, North Office Building, Harrisburg, Pennsylvania.

March 30, 1964: VIEWERS' REPORT FILED BY ROBERT E. SHAHADE, ESQ.

VIEWERS' REPORT

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

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

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

Thereafter the Board of View set September 27, 1963, at 10:00 A. M. E.D.S.T. in the Judges
CONTINUED ON PAGE 435.

NO. 4

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

IN RE: IN THE MATTER OF THE
IMPROVEMENT OF THE HIGHWAY
KNOWN AS LEGISLATIVE ROUTE NO.
11052-3 IN THE TOWNSHIP OF
CLEARFIELD, CAMBRIA COUNTY,
PENNSYLVANIA

JUL 29 1965 AUDITED
CLERK OF COURTS: 24⁰⁰

MAY 7 1965 AUDITED

FILED: August 13, 1963

4-23-65 Rec. 24⁰⁰

PETITION OF RUTH M. POWERS FOR THE APPOINTMENT OF VIEWERS

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The Petition of Ruth M. Powers by her attorneys, Smorto and Creany, Ebensburg, Pennsylvania, respectfully represents:

1.

That your Petitioner is an individual, residing at 507 Steiner Street in the City of Pittsburgh, County of Allegheny, and State of Pennsylvania.

2.

That your Petitioner is the owner of certain property situate in the Township of Clearfield, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on Legislative Route 11084 leading to Flinton at corner of land of A. X. Baker; thence by said Legislative Route 11084 South 56° 30' West 144.84 feet to an iron pin in the center of Legislative Route 11050 leading to Patton; thence by center of said Legislative Route 11050 North 63° 28' West 961 feet to an iron pin in the center of the intersection of said Legislative Route 11050 and Legislative Route 11052; thence by Legislative Route 11052 the following two courses and distances: North 17° 07' East 207.73 feet to an iron pin in the center of said Legislative Route 11052, and North 30° 30' East 311.71 feet to an iron pin in the center of said Legislative Route 11052 and line of land of Gerald Tomlinson and partly by line of land of Z. X. Baker South 43° 00' East 1116.5 feet to a point on Legislative Route 11084 and place of beginning; containg 7.692 Acres according to a survey by W. J. Battista Registered Engineer, on April 25, 1959.

Title to which became vested in the said Ruth M. Powers by deed of Mark H. Brown and Ruth V. Brown, his wife, dated July 6, 1960, and recorded in the office for the recording of deeds, etc., in and for Cambria County, Pennsylvania, in Deed Book Volume 743 at page 189.

3.

That the Department of Highways of the Commonwealth of Pennsylvania has made, or is about to make, an improvement to sections of the public highway known as Legislative Route 11052-3 in the Township of Clearfield, Cambria County, Pennsylvania, which has affected or will affect the above described property owned by your Petitioner, and in furtherance thereof has condemned a portion of the property above described.

4.

Your Petitioner is advised, believes and therefore avers that the portion of land which has been condemned and taken for public use is as follows: A strip of land fronting approximately 519.44 feet on Legislative route 11052-3 and ranging in dept from thirty feet to fifty feet.

5.

The Commonwealth of Pennsylvania, under the provisions of the Act of Assembly in such case made and provided, is required to assume liability for all damages in connection with the aforesaid improvements to said Legislative Route 11052-3.

6.

The aforesaid changes in the said Legislative Route which have been or will be made by the Department of Highways of the Commonwealth of Pennsylvania result in the taking of large portions of your Petitioner's property and has caused or will cause injury and damage to the remainder thereof.

CONTINUED ON NEXT PAGE

7.

The within described tract of land, prior to the aforesaid condemnation had been a valuable property, and by reason of the aforesaid condemnation, has been greatly reduced in value to the great financial loss of your Petitioner.

8.

The approval by the Governor of the plan making the changes in Legislative Route 11052-3, as aforesaid, was dated October 6, 1960.

9.

The 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 her land was actually taken for public use, and in addition thereto, she claims that the fair market value immediately after the condemnation, and as affected by the condemnation, was less than the amount of the fair market value immediately before the condemnation.

10.

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

WHEREFORE, your Petitioner, by her Attorneys, Smorto & Creany, Esquires, prays your Honorable Court to appoint a Board of Viewers in the manner prescribed by law, to ascertain and award just compensation to Petitioner for her property so condemned in accordance with the Acts of Assembly in such cases made and provided.

And she will ever pray, etc.

SMORTO & CREANY

BY /s/Eugene A. Creany -
Attorneys for Petitioner

STATE OF PENNSYLVANIA

COUNTY OF

SS:

Before me, a Notary Public in and for said County and State, personally appeared RUTH M. POWERS, who, being duly sworn according to law, deposes and says that she is the Petitioner named in the foregoing Petition, and that the statements therein set forth are true and correct to the best of her knowledge, information and belief.

/s/Ruth M. Powers

Sworn to and subscribed before
me this 7th day of August, 1963

/s/Margaret Ann Halpin
Notary Public
My Commission expires: Nov. 8, '64

ORDER

AND NOW, to wit, this 13th day of August, 1963, on motion of Eugene A. Creany, of Smorto & Creany, Esquires, Attorneys for Petitioner, and upon consideration of the within Petition, the Court hereby appoints Robert E. Shahade, Robert S. Mayer 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: /s/Shettig, Judge

August 13, 1963: Copy of Petition and Order to View mailed to Robert E. Shahade, Esq.
August 13, 1963: Certified copy of Petition and Order to View mailed to Department of Highways, Chief Counsel Office, North Office Building, Harrisburg, Pennsylvania.

VIEWERS' REPORT

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

ROBERT E. SHAHADE, Esquire, OWEN HEENEY, and ROBERT MAYER, three members of the permanent Board of Viewers of Cambria County, Pennsylvania, appointed to view the premises of RUTH M. POWERS, to assess damages to said property arising from the taking of her property by the Department of Highways, Commonwealth of Pennsylvania, and to award compensation therefor, and return the proceedings according to law, respectfully report:

Pursuant to their appointment on August 13, 1963, the Board of View set Thursday, September, 5, 1963, at 2:30 P.M., E.D.S.T. as the time to view and inspect the premises owned by

NO. 5

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

IN RE: RESOLUTION APPROVING THE TAKING OVER BY
THE COMMONWEALTH OF PENNSYLVANIA OF A PUBLIC ROAD
OR HIGHWAY IN CHEST TOWNSHIP AND MAKING THE SAME A PART
OF THE HIGHWAY SYSTEM OF THE COMMONWEALTH OF PENNSYLVANIA

CLERK OF COURTS: DEC 20 1963 AUDITED
\$10.00
OCT 24 1963 AUDITED
L. 10.00 7-3-63

FILED: August 28, 1963

WHEREAS, the Township of Chest, Cambria County, Pennsylvania is the owner of a township road four miles in length, said road being designated on the State Highway System Map as Township Road No. 558, which said road intersects in Chest Township, Cambria County on State Highway Route 11054 and extends in a southeasterly direction through the Township of Chest a distance of four miles to the White Township line, at which point said township road then extends through the Township of White a distance of approximately three hundred feet and intersects with State Highway Route 11052.

AND WHEREAS, the Township of Chest, by its Road Supervisors, under date of February 27, 1963, by resolution duly passed, requested the Commonwealth of Pennsylvania to take over the above mentioned township road and make the same a part of the Highway System of the Commonwealth of Pennsylvania.

AND WHEREAS, by an Act of the General Assembly of the Commonwealth of Pennsylvania the above mentioned road in Chest Township, inter alia, has been made a part of the Highway System of the Commonwealth of Pennsylvania.

NOW THEREFORE BE IT RESOLVED, that the Township of Chest hereby approves the taking over of said road by the Commonwealth of Pennsylvania and making it a part of the Highway System of the Commonwealth of Pennsylvania and the said Township of Chest hereby relinquishes all rights to said road and hereby declares that said road is no longer a public highway of the Township of Chest.

TOWNSHIP OF CHEST

/s/Bernard Niebaurer

/s/I. J. Waruer

/s/Herman J. Leiden

ATTEST: /s/Herman J. Leiden, Secretary

CERTIFICATION

I hereby certify that the above Resolution is a true and correct copy of a resolution passed by the Road Supervisors of the Township of Chest, Cambria County, Pennsylvania at a meeting duly held on the 25th day of August 1963.

/s/Herman J. Leiden, Secretary

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NO. 1

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIAIN RE: ORDINANCE #15 TO ACCEPT CERTAIN PORTIONS
OF CERTAIN STREETS IN THE TOWNSHIP OF
CONEMAUGH, CAMBRIA COUNTY, PENNSYLVANIA

FILED: October 9, 1963

CLERK OF COURTS: 7.00 FEB 7 1964 AUDITED

R-7.00-10-18-63 (est.) DEC 20 1963 AUDITED

BE IT ORDAINED, and it is hereby ordained that the Township of Conemaugh, Cambria County, Pennsylvania, hereby accepts as a public highway in the said Township the following described and mentioned streets, roads or lanes as public roads and highways of said Township, and thereafter be and remain the responsibility of said Township for all purposes:

1. That the following streets or roads or portions thereof, as hereinafter described, in the Plan of Franklin extended, as prepared by S. G. Fettermen, C. E., and recorded in the Recorder of Deeds Office in Cambria County in Miscellaneous Book Vol. 10 at Page 481, be accepted by the Township of Conemaugh and become a part of the public road system of Conemaugh Township:

- A. McCard Avenue, 40 feet in width, beginning at the intersection of McCard Avenue with Hornet Avenue and extending 915 feet to the intersection of McCard Avenue with Saratoga Street.
- B. Concord Street, 40 feet in width, beginning at intersection of McCard Avenue with Concord Street and extending 480 feet to the intersection of Concord Street with Hornet Avenue.
- C. Odax Street, 40 feet in width, beginning at the intersection of Odax Street with Lexington Avenue and extending 300 feet to the intersection of Odax Street with McCard Avenue.
- D. Odax Street, 40 feet in width, beginning at the intersection of Odax Street with Luzon Avenue and continuing therefrom a distance of 140 feet to the intersection of Odax Street with second alley.
- E. McCard Avenue, 40 feet in width, beginning at the intersection of McCard Avenue with Odax Street and extending 230 feet to the intersection of McCard Avenue with East Fifth Alley.
- F. Lexington Avenue, 40 feet in width, beginning at the intersection of Lexington Avenue with Essex Street and extending in a northeasterly direction, a distance of 480 feet.
- G. Lexington Avenue, 40 feet in width, beginning at the intersection of Lexington Avenue with Hornet Avenue and extending 600 feet to the state highway leading from the Borough of Franklin to state highway route 53.

2. That Ofsanko Lane, 33 feet in width, beginning at the intersection of Ofsanko Lane with Hornet Avenue and extending in a northeasterly direction a distance of 350 feet from said Hornet Avenue and being more particularly described and set forth in Cambria County Assessment Map Book No. 14 at Page 03, be accepted by the Township of Conemaugh and become a part of the public road system of Conemaugh Township.

3. That Kemp Lane, 33 feet in width, beginning at the intersection of Kemp Lane with the state highway leading from the Borough of Franklin to Rager's Corner and extending in a southeasterly direction from said state highway a distance of 1,460 feet to the Richland Township boundary line and being more particularly described and set forth in Cambria County Assessment Map Book No. 14 at Page 07, be accepted by the Township of Conemaugh and become a part of the public road system of Conemaugh Township.

4. That Mizel Lane, 33 feet in width, beginning at the intersection of Mizel Lane with state highway route 53 and extending in a southwesterly direction 850 feet, and being more particularly described and set forth in Cambria County Assessment Map Book No. 14 at Page 02, be accepted by the Township of Conemaugh and become a part of the public road system of Conemaugh Township.

5. A certified and attested copy of this Ordinance shall be filed in the office of the Clerk of Quarter Sessions of Cambria County.

ENACTED and ORDAINED this 28th day of September, 1963.

TOWNSHIP OF CONEMAUGH

By /s/Leroy Burkhart
Chairman of the Board of
Township Supervisors

ATTEST:

/s/Blaine G. Zelek, Secretary

I, Blaine G. Zelek, Secretary of the Township of Conemaugh, hereby certify that the above Ordinance #15 is a true and correct copy of the same adopted at a regular meeting of the Board of Supervisors of Conemaugh Township on the 28th day of September, 1963, and entered into the Minutes and records of the said Township.

/s/Blaine G. Zelek

NO. 2

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNA.IN RE: SUPERVISORS OF ALLEGHENY TOWNSHIP
CONSENT TO ADOPT THE TOWNSHIP ROAD
AS A STATE HIGHWAY

CLERK OF COURTS: FEB 7 1964 AUDITED

Filed: November 2, 1963

R-3.50 - 11-2-63 DEC 20 1963 AUDITED

RESOLUTION

RESOLVED, that the Supervisors of Allegheny Township, Cambria County, Pennsylvania, hereby consent to the adoption of the following Township Road as a State Highway as authorized by the Act of Assembly of the Commonwealth of Pennsylvania, enacted in 1963, (No. 529):

Route 11130. Beginning at the intersection of Legislative Route 11090 and Township Road 464 on the East Carroll Township-Allegheny Township line; thence extending in a generally southeasterly direction over Township Road 464 to the Allegheny Township-Loretto Borough line a distance of approximately 2.8 miles in Allegheny Township, Cambria County.

RESOLUTION adopted this 1st day of November, 1963.

SUPERVISORS OF ALLEGHENY TOWNSHIP
By /s/Lorane Eckenrod, Chairman.

ATTEST:

/s/Mary L. Bender, Secretary

NO. 3

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNA.

IN RE: SUPERVISORS OF CAMBRIA TOWNSHIP
CONSENT TO ADOPT THE TOWNSHIP
ROAD AS A STATE HIGHWAY

CLERK OF COURTS: \$6.00, *1 copy* *Rec'd - 2-6-64 - \$6.00* *FEB 7 1964 AUDITED* *FILED: November 2, 1963* *MAR 19 1964 AUDITED*
RESOLUTION

RESOLVED, that the Supervisors of Cambria Township, Cambria County, Pennsylvania, hereby consent to the adoption of the following Township Road as a State Highway as authorized by the Act of Assembly of the Commonwealth of Pennsylvania, enacted in 1963, (No. 529):

Route 11131. Beginning at the intersection of Legislative Route 62 and Township Road 456; thence in a generally easterly direction over Township Road 456 to its intersection with Legislative Route 53, a distance of approximately 4.39 miles in Cambria Township, Cambria County.

RESOLUTION adopted this 1st day of November, 1963.

SUPERVISORS OF CAMBRIA TOWNSHIP
By /s/Cletus M. Bopp,
Chairman

ATTEST:
/s/Nancy D. Loughran, Secretary

NO. 4

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIAIN RE: OPENING OF A PUBLIC HIGHWAY
IN CAMBRIA TOWNSHIP

CLERK OF COURTS: \$3.50

FILED: November 7, 1963

R-3.50 - 11-29-63 (ent) DEC 20 1963 AUDITED

ORDINANCE NO. 7163

BE IT ENACTED AND ORDAINED BY AUTHORITY OF THE SUPERVISORS OF THE TOWNSHIP OF
CAMBRIA, AND IT IS HEREBY ENACTED AND ORDAINED:

That there be laid-out and opened as a public highway all that certain road, 33 feet in width, located in Cambria Township, Cambria County, Pennsylvania, beginning at a point on Old Southern Cambria right-of-way; thence through the center line of said proposed road North 06 degrees 42' 00" East 626.36 feet to a point; thence North 11 degrees 20' 00" East 626.36 feet to a point; thence North 11 degrees 20' 00" West 77.26 feet to a point; and thence North 17 degree 02' 36" West 444.36 feet to a point on U. S. Highway Route 22. A map showing the location and the width of the road to be laid-out and opened is on file and may be examined at the office of the Supv. of Cambria Township, 112 South West Street, Ebensburg, Pennsylvania.

ENACTED AND ORDAINED this 1st day of July, 1963.

SUPERVISORS OF CAMBRIA TOWNSHIP
by /s/Cletus M. Bopp
Chairman of the Board of
Supervisors

ATTEST:

/s/Nancy D. Loughran, Secretary

MAP FILED.

NO. 5

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

IN RE: A RESOLUTION OF THE BOROUGH OF
GEISTOWN AUTHORIZING, REQUESTING
AND CONSENTING THE COMMONWEALTH
OF PENNSYLVANIA TO ADOPT AS A
STATE HIGHWAY BENTWOOD STREET AS
IT LIES BETWEEN LEGISLATIVE ROUTE
222 AND OHIO STREET AS RE-LOCATED.

FILED: November 7, 1963

CLERK OF COURTS: 3.50

BOROUGH OF GEISTOWN

A RESOLUTION OF THE BOROUGH OF GEISTOWN AUTHORIZING,
REQUESTING AND CONSENTING THE COMMONWEALTH OF PENNSYL-
VANIA TO ADOPT AS A STATE HIGHWAY BENTWOOD STREET AS
IT LIES BETWEEN LEGISLATIVE ROUTE 222 and OHIO STREET
AS RE-LOCATED.

WHEREAS, the Borough of Geistown has previously requested the Highway
Department of the Commonwealth of Pennsylvania to accept as a State Highway Bentwood Street as
it lies between Legislative Route 222 (Bedford Street) and Ohio Street as re-located; and

WHEREAS, by Act No. 531, which provides for the adoption of the
above recited street; and

WHEREAS, Section 2 of Act No. 531 provides that said public highway
shall be adopted if and when the Borough Council consents thereto; and

NOW, THEREFORE, BE IT RESOLVED by the Borough of Geistown that the
Borough of Geistown hereby consents to the adoption as a state highway of the following described
highway in the Borough of Geistown:

Route 11136 Beginning at the intersection of State Highway
application 1591-B (Ohio Street relocated) at Station 85+50
thence in a northerly direction over Bentwood Avenue to its
intersection with Legislative Route 222 (Bedford Street) at
Station 234+25 a distance of approximately 0.45 mile in
Geistown Borough Cambria County;

AND RESOLVED that the necessary Borough Officials are directed
to take such action as may be required to see that the above referred to street is duly
adopted by the Highway Department of the Commonwealth of Pennsylvania.

CERTIFICATE

I, the undersigned Secretary of the Borough of Geistown, Cambria
County, Pennsylvania, do hereby certify that the foregoing and attached Resolution was duly
adopted by Borough Council at a meeting duly held on November 4, 1963.

Witness my hand and seal of the Borough of Geistown this 4th day of
November, 1963.

/s/Louis C. Karalfa (SEAL)
Borough Secretary

NO. 6

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

IN RE: BEGINNING AT THE JUNCTURE OF
A BOROUGH ROAD & TOWNSHIP ROAD 464
AT THE ALLEGHENY TOWNSHIP-LORETTO
BORO. LINE TO ITS JUNCTION WITH
LEGISLATIVE RT 11037 BE MAINTAINED,
REPAIRED & CONSTRUCTED AS A STATE
HIGHWAY.

FILED: November 8, 1963

CLERK OF COURTS: \$3.50

FEB 7 1964 AUDITED
FEB 7 1964 AUDITEDRESOLUTION

WHEREAS, the General Assembly of the Commonwealth of Pennsylvania has enacted that the Highway beginning at the juncture of a borough road and Township Road 464 at the Allegheny Township-Loretto Borough Line thence continuing over the borough street to its junction with Legislative Route 11037 at Station 23 + 44 a distance of about five hundred (500) feet in Loretto Borough Cambria County, be maintained, repaired and constructed as a State Highway, provided the Council of Loretto Borough, Cambria County, Pennsylvania, consents thereto; and

WHEREAS, the Council of Loretto Borough has examined and duly considered said enactment;

NOW, THEREFORE, BE IT RESOLVED by the Loretto Borough Council in its regular meeting convened, that it consent that the above mentioned Highway be maintained, repaired and constructed as a State Highway and that the notices required by said Act to be given to the Clerk of Courts of Cambria County and the Department of Highways of the Commonwealth of Pennsylvania be forwarded forthwith.

Certificate

I, Marjorie Cronauer, the duly qualified and acting secretary of the Loretto Borough Council, Loretto, Cambria County, Pennsylvania, do hereby certify the foregoing to be a true and correct copy of the Resolution passed by the Loretto Borough Council at its regular meeting held November 4, 1963.

/s/Marjorie Cronauer
(Secretary - Loretto Borough Council)

NO. 7

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNA.

FILED: Nov. 22, 1963

IN RE: LAYING-OUT, OPENING AND
ACCEPTING PORTIONS OF A PROPOSED
ROAD IN THE TOWNSHIP OF CROYLE,
CAMBRIA COUNTY, PENNSYLVANIA,
ALONG THE BEAVER BRANCH OF THE
PENNSYLVANIA RAILROADFEB 7 1964 AM 10:14
CLERK OF COURTS: 8.32

R-#8.30 - FEB 7 1964 AM 10:14

REPORT OF THE SUPERVISORS OF CROYLE TOWNSHIP

The Petition of FOREST CROYLE, JOHN T. PLUMMER and RAY BAUMBARDNER, respectfully represents:

- (1) That they are the Supervisors of the Township of Croyle, Cambria County, Pennsylvania.
- (2) That they propose to lay-out, open and accept portions of a proposed road in Croyle

Township, Cambria County, Pennsylvania, which portion of road is described as follows:

"Beginning at a point on the southwest side of the Beaver Branch of the Pennsylvania Railroad at Sidman, Croyle Township, Cambria County, Pennsylvania; thence along the right-of-way of the said Beaver Branch South 52°06' East 720 feet to a dead end on the property line of Elmer Fresh, being a road having a width of 16 feet."

The said portion of road above described appears on a map, draft or survey, hereto attached, made part hereof, and marked, "Exhibit A".

(3) That your Petitioners have given ten (10) days notice to the property owners affected by the laying-out, opening and accepting of the road as required by the Act of Assembly, of a hearing and after said hearing the Supervisors deem that the said portion of road is necessary and convenient, and by ordinance duly made and adopted, the said portion of road was layedout, opened and accepted by the Supervisors of Croyle Township as a part of the highway system of the Township, which ordinance is hereto attached, made part hereof, and marked, "Exhibit" B.

(4) That attached hereto and made part hereof is Petition for Release of Damages, by owners abutting on said portion of road, marked and designated as, "Exhibit C".

WHEREFORE, your Petitioners pray that this report and exhibits attached hereto, may be filed in the Office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, Pennsylvania.

/s/Forest Croyle

/s/John T. Plummer

/s/Raymond E. Baumgardner

Supervisors of Croyle Township

STATE OF PENNSYLVANIA

COUNTY OF CAMBRIA

() SS:
()

Personally appeared before me, a Notary Public, in and for said County and State, FOREST CROYLE, JOHN T. PLUMMER and RAY BAUMBARDNER, Supervisors of the Township of Croyle, Cambria County, Pennsylvania, who being duly sworn according to law depose and say that the facts set forth in the foregoing report are true and correct to the best of their knowledge and information and belief.

/s/Forest Croyle

/s/John T. Plummer

/s/Raymond E. Baumgardner

SWORN and subscribed before me
this 15th day of November, 1963.

/s/Frances M. Bartko, Notary Public
My Commission Expires October 2, 1967

EXHIBIT A CROYLE TOWNSHIP MAP

AN ORDINANCE ACCEPTING,
LAYING-OUT AND OPENING
ROAD ALONG BEAVER BRANCH
OF PENNSYLVANIA RAILROAD

WHEREAS, the abutting property owners are in need of a public road along their land and have

TRANSFERRED TO PAGE 591

NO. 8

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA

IN RE: LAYING-OUT, OPENING AND
ACCEPTING PORTIONS OF A PROPOSED
ROAD IN THE TOWNSHIP OF CROYLE,
CAMBRIA COUNTY, PENNSYLVANIA,
SOUTH OF ROUTE 11095, OTHERWISE
KNOWN AS ROUTE 760.

FILED: November 22, 1963

CLERK OF COURTS: ^{FOR 7 1964 LIMITED} 13.00R-13-0-12-26-62 ^{FEB 7 1964 AUDITED}REPORT OF THE SUPERVISORS OF CROYLE TOWNSHIP

The Petition of FOREST CROYLE, JOHN T. PLUMMER and RAY BAUMGARDNER, respectfully re-
presents:

- (1) That they are the Supervisors of the Township of Croyle, Cambria County,
Pennsylvania.
- (2) That they propose to lay-out, open and accept portions of a proposed road in
Croyle Township, Cambria County, Pennsylvania, which portion of road is described as
follows:

"BEGINNING at the intersection of the within
road with the southerly side of Legislative
Route 11095, otherwise known as Route 760;
thence between the property of Andrew Yanich
and Curtis Weaver, South 31o59' East 900 feet
to a point, having a width of 50 feet; thence
through the property of Michael Mindish,
South 72o00' East, 230 feet to a point,
having a width of 33 feet; thence South 82o40'
East 240 feet to a dead end, having a width
of 33 feet, which is in accordance with the
map, plan and drawing hereto attached, made
part hereof and to be filed with the Clerk
of Courts of Cambria County, Pennsylvania."

The said portion of road above described appears on a map, draft or survey, hereto
attached, made part hereof, and marked, "Exhibit A".

- (3) That your Petitioners have given ten (10) days notice to the property owners
affected by the laying-out, opening and accepting of the road as required by the Act of
Assembly, of a hearing and after said hearing the Supervisors deem that the said portion of
road is necessary and convenient, and by ordinance duly made and adopted; the said portion
of road was layed-out, opened and accepted by the Supervisors of Croyle Township as a part
of the highway system of the Township, which ordinance is hereto attached, made part hereof,
and marked, "Exhibit C".

- (4) That attached hereto and made part hereof is Petition for Release of Damages,
by owners abutting on said portion of road, marked and designated as, "Exhibit C".

- (5) That attached hereto and made part hereof is Release of Damages of the County Comm-
issioners of the County of Cambria, Pennsylvania, marked and designated as, "Exhibit D".

WHEREFORE, your Petitioners pray that this report and exhibits attached hereto, may be
filed in the Office of the Clerk of the Courts of the Court of Quarter Sessions of Cambria
County, Pennsylvania.

/s/Forest Croyle
/s/John T. Plummer
/s/Raymond E. Baumgardner
Supervisors of Croyle Township

STATE OF PENNSYLVANIA ()
COUNTY OF CAMBRIA () SS:

Personally appeared before me, a Notary Public, in and for said County and State,
FOREST CROYLE, JOHN T. PLUMMER and RAY BAUMGARDNER, Supversivors of the Township of Croyle,
Cambria County, Pennsylvania, who being duly sworn according to law, depose and say that the
facts set forth in the foregoing report are true and correct to the best of their knowledge
and information and belief.

Sworn and subscribed before me
this 15th day of November, 1963

/s/Frances M. Bartko
My Commission expires Oct. 2, 1967.

/s/Forest Croyle
/s/John T. Plummer
/s/Raymond E. Baumgardner

TRANSFERRED TO PAGE #599

SESSIONS, 19

NO. 1

Re: Commonwealth Acceptance of all Bentwood Street
and a Portion of 'Old Ohio Street',
Geistown Borough

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNA.

CLERK OF COURTS: \$3.50 MAR 19 1964 AUDITED

FILED: August 27, 1963

Copy taken from the Minutes of the Regular Monthly Meeting of Geistown Borough Council on February 14th, 1963.

"Council discussed the possibility of having the Commonwealth accept all of Bentwood Street and a portion of 'Old Ohio Street'; as an important highway route between State Route 56 and the relocated State Highway, known as Ohio Street. It is the only adequate street existing providing connecting facilities between these two State Routes and although the street is wholly within Geistown Borough, it is bordered by Stonycreek Township.

Councilman Enderlein made the Motion that - an effort be made to have the State 'take over' or accept all of Bentwood Street and Old Ohio Street from Route 56 to the new Ohio Street as a connecting highway between two main highways; letters and a White Print of this action and area to be sent to Senator John J. Haluska and Representatives - Cecil K. Leberknight, Richard J. Green, Jr., Edward W. McNally and E. J. Farabaugh by the Borough Secretary.

This motion was seconded by Councilman Roth and carried unanimously."

I, as Secretary of the Council of Geistown Borough, certify that the above is a true and correct copy of the Minutes of the February 14th Meeting of Geistown Borough Council.

Louis C. Karalfa, Secretary.

NO..2

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNA.

IN RE: RESOLUTION GIVING CITY COUNCIL'S
CONSENT TO THE PENNSYLVANIA DE-
PARTMENT OF HIGHWAYS TO ADOPT AS
A STATE PUBLIC HIGHWAY, A CERTAIN
PART OF SOUTHMONT BOULEVARD.

FILED: October 29, 1963

CLERK OF COURTS: \$ 3.50 MAR 19 1964 AUDITED

RESOLUTION NO. 5865

SECTION 1. BE IT RESOLVED AND IT IS HEREBY RESOLVED by the Council of the City of Johnstown that its consent be and is hereby given to the Pennsylvania Department of Highways for the said Department of Highways to adopt as a part of the State Highway System, the following:

"Route 11138 Beginning at a point on Southmont Boulevard at the Southmont Borough-City of Johnstown line thence in a Southeasterly direction over Southmont Boulevard to its intersection with Harshberger Street (Legislative Route 11007) a distance of approximately .30 mile in the City of Johnstown, Cambria County."

SECTION 2. BE IT FURTHER RESOLVED that a copy of this Resolution shall be filed by the City Clerk with the Clerk of Courts of Cambria County, Pennsylvania, and with the Department of Highways on or before November 8, 1963.

SECTION 3. All ordinances and resolutions or parts of ordinances and resolutions inconsistent with this Resolution, are hereby repealed.

ADOPTED: OCTOBER 29, 1963

by the following vote:

Yeas: Mr. Comiskey
Mr. Deardorff
Mr. Schellhammer
Mr. Walter

(4)

Nays: None

(0)

Not Voting: Mr. McCloskey

(1)

GEORGE R. WALTER, MAYOR

ATTEST: JOHN J. CULLEN, CITY CLERK

I do hereby certify that the foregoing is true and correct copy of Resolution No. 5865 as the same was adopted by City Council and signed by the Mayor of the City of Johnstown, Pennsylvania.

/s/John J. Cullen, City Clerk.

No. 3

IN RE: In the matter of the Condemnation of
Petitioners' property for the construction of
Legislative Route 1022-2 R/W by the Commonwealth
of Pennsylvania, Department of Highways in the
Township of Adams, Cambria County, Pennsylvania

In the Court of Quarter Sessions of
Cambria County, Pennsylvania

Clerk of Courts: \$ 40⁰⁰

Filed: February 17, 1964.

PETITION FOR APPOINTMENT OF BOARD OF VIEW

The petition of Clair H. Costlow and Mary Costlow respectfully represents:

1. Your petitioners, Clair H. Costlow and Mary Costlow, husband and wife, are individuals residing at R. D. # 1, Box 342 A, South Fork, Cambria County, Pennsylvania. Your petitioners are the owners of certain property in the Township of Adams, Cambria County, Pennsylvania, bounded and described as follows:

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

BEGINNING at a stake at the Northwestern corner of the land formerly owned by Charles Dorphus Costlow, which stake is a common corner of the land herein described and land previously conveyed to Grace D. Costlow; thence North 31° 00' East a distance of 160.4 feet, more or less to a point; thence through land of which this is a part South 31° East a distance of 258.3 feet, more or less to a stake; thence South 28° 00' West a distance of 58.32 feet to a point at line of land heretofore conveyed to Grace D. Costlow; thence by line of land heretofore conveyed to Grace D. Costlow North 80° West a distance of 279 feet, more or less to the point and place of beginning.

2. Your petitioners acquired title to the said property on the 3rd day of August, 1955 by deed from Executors of Last Will and Testament of Charles Dorphus Costlow, said deed being recorded in the office of the Recorder of Deeds in and for Cambria County, in Deed Book Volume 658, at Page 717 and recorded on the 8th day of August, 1955.

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 and property included 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 is preparing to build a limited access highway called Legislative Route 1022-2 R/W in Adams Township and the right of way and road will take all of the petitioners' property as described above and his home and his business establishment.

5. That defendant on September 17, 1963, 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 1022-2 R/W.

6. That the occupants of R. D. # 1, Box 342 A, South Fork, Cambria County, Pennsylvania are your petitioners and their two sons and their daughter.

7. On January 6, 1964, there was served on your petitioners a notice by the Commonwealth of Pennsylvania, Department of Highways to remove their personal property and give up possession of the lands, the buildings, and the business establishment within sixty (60) days.

8. The liens of record on the property are as follows: Mortgage to Salix State Bank, Mortgage Book Volume 339, 131, \$10,000.00.

CONTINUED ON NEXT PAGE.

No. 3 CONTINUED.

9. That your petitioners and the Commonwealth of Pennsylvania, Department of Highways have been able 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 they will ever pray:

/s/ R. Thomas Strayer, Attorney for petitioners.

COUNTY OF CAMBRIA : SS:
STATE OF PENNSYLVANIA :

Before me a Notary Public in and for the above County and State personally appeared Clair H. Costlow, who being duly sworn according to law, deposes and says that the facts contained in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

/s/ Clair H. Costlow.

Sworn to and subscribed before me this 11th day of February, 1964.

/s/ Edna P. Strayer, Notary Public

My Commission Expires May 3, 1965 (SEAL)

ORDER

AND NOW, to wit, this 17 day of February, 1964, on motion of R. Thomas Strayer, Esquire, Attorney for Petitioners, the court appoints Francis J. Nitch, T. L. Locher and Owen Heeney as a Board of Viewers upon the foregoing 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: /s/ McDonald, Judge.

February 19, 1964: Copy of above Petition and Order and Order to View mailed to Francis J. Nitch, Esq.

February 19, 1964: Copy of above Petition and Order mailed to Edward Kuyat, Esq. Attorney for Department of Highways.

FILED: April 17, 1964

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Court after consideration of a petition presented by R. Thomas Strayer, Esquire counsel for the owners/ plaintiffs, it appointed Francis J. Nitch, T. L. Locher and Owen Heeney as a Board of View, to assess the damages and benefits, if any, caused by the condemnation by the Commonwealth of Pennsylvania, Department of Highways, of a certain real estate owned by the plaintiffs/owners in the Township of Adams, County of Cambria and State of Pennsylvania, for the purpose of building a limited access highway called Legislative Route 1022-2R/W, said real estate being more particularly described hereinafter and in the Notice of View, a copy of which is hereto attached, respectfully makes the following:

REPORT

In pursuance to their appointment, the Board having been duly sworn, caused notice to be served upon all interested parties that the Board would meet upon the premises on Thursday, March 12, 1964, at 10:00 o'clock A. M. Eastern Standard Time, for the purpose of viewing the premises and hearing such parties as desired to be heard. Said notices were duly served upon R. Thomas Strayer, Esq. counsel for the Plaintiffs, and upon Robert L. Blough, Esq. counsel for the Defendant. A copy of the notice was also mailed to the Plaintiffs, Pennsylvania Department of Highway, Hollidaysburg, Pa. and also Harrisburg, Pa. and Salix State Bank, the mortgagee and by posting upon the premises more than ten days prior to the date of said view. By an agreement
TRANSFERRED TO PAGE 449

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No. 1

IN RE: PETITION OF ST. LAWRENCE
GRANGE NO. 1168, PATRONS OF HUSBANDRY,
BY HENRY LEIDEN, JOSEPH LEIDEN AND
FRANK ROPP, TRUSTEES AD LITEM FOR THE
APPOINTMENT OF VIEWERS TO ASSESS DAMAGES
ARISING FROM THE CONSTRUCTION, RECONSTRUC-
TION AND IMPROVEMENT TO STATE HIGHWAYS ROUTE
NO. 11054 IN THE TOWNSHIP OF CHEST, COUNTY
OF CAMBRIA, AND COMMONWEALTH OF PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.

NOV 12 1964 AUDITED
CLERK OF COURTS:

\$ 45.00

AUG 25 1964 AUDITED

7/20/64 Rec. 45.00

FILED: APRIL 14, 1964

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

1. That the Condemnor is the Commonwealth of Pennsylvania, Pennsylvania Department of Highways.
2. The name of the owner of the property condemned is St. Lawrence Grange No. 1168 of the Patrons of Husbandry.
3. The property condemned is as follows:
ALL that certain land situate in the Township of Chest, County of Cambria and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a post on public road; thence in a southerly direction 60 feet to a post; thence in a southeasterly direction 32 feet to a post; thence by public road 32 feet to a post and place of beginning.
4. That in the construction, recondstruction and improvement of State Highway Route 11054, in the Township of Chest, County of Cambria, Pennsylvania, said property has sustained serious loss and damage, and that compensation for such damage has not been fixed or agreed to between the Commonwealth of Pennsylvania - Pennsylvania Department of Highways and the St. Lawrence Grange No. 1168 of the Patrons of Husbandry.
5. Your petitioners aver that there are no judgments, mortgages or other claims which are liens upon the land hereinabove described in paragraph three.

WHEREFORE, your petitioners pray your Honorable Court to appoint three Viewers to view the premises and affix the damages, if any, by reason of the construction, reconstruction and improvement of said highway and to affix the benefits, if any, and report the same to your Honorable Court.

ST. LAWRENCE GRANGE NO. 1168

OF THE PATRONS OF HUSBANDRY

By /s/ Henry Leiden

/s/ Joseph Leiden

/s/ Frank Ropp

Trustees Ad Litem

COMMONWEALTH OF PENNSYLVANIA :

: SS.

COUNTY OF CAMBRIA :

Henry Leiden, Joseph Leiden and Frank Ropp, Trustees Ad Litem of St. Lawrence Grange No. 1168, Patrons of Husbandry, being duly sworn according to law, depose and say that the facts set forth in the foregoing petition are true and correct to the best of their knowledge, information and belief.

/s/ Henry Leiden

/s/ Joseph Leiden

/s/ Frank Ropp

CONTINUED ON NEXT PAGE.

NO. 1 CONTINUED.

Sworn to and subscribed before me this 4th day of April, 1964.

/s/ Regina Winslow, J.P.

My Commission Expires: 1st Mon. Jan. 1966

D E C R E E

And now, the 14th day of April, 1964, the foregoing petition having been read and considered it is ordered that John L. Elder, Leopold J. Wendekier and Raymond Niebauer be and hereby are appointed to view said premises and make return of their proceedings to the Court within 30 days of the date of this order.

BY THE COURT:

/s/ McWilliams, J.

April 14, 1964: Copy of above Petition and Order and Order to View mailed to John L. Elder.

April 14, 1964: Copy of above Petition and Order mailed to Edward Kuyat, Esq., Attorney for Department of Highways.

June 9, 1964: Viewers' Report filed by Leopold J. Wendekier, Esquire.

VIEWERS' REPORT

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

On April 14, 1964, the Court, after consideration of a petition presented for that purpose by the St. Lawrence Grange No. 1168 of the Patrons of Husbandry, appointed John L. Elder, Leopold J. Wendekier and Raymond M. Niebauer, as a Board of Viewers to assess the damages and benefits, if any, caused by the condemnation by the Commonwealth of Pennsylvania, Department of Highways, of a portion of certain real estate owned by the petitioner in Chest Township, Cambria County, Pennsylvania, for the purpose of improving a portion of State Highway Route 11054, said real estate being more particularly described in the Notice of View, a copy of which is hereto attached, respectfully makes the following

REPORT

In pursuance of their appointment, the Board caused notice to be served upon all interested parties that the Board would meet upon the premises on Friday, May 15, 1964, at 10:00 o'clock, A.M., E.D.S.T., for the purpose of viewing the premises and hearing such parties as desired to be heard. Such notices were duly served by personal service more than ten (10) days prior to the date of said meeting.

On the day appointed, the Board, having previously been duly sworn, proceeded to view the premises. In attendance were the trustees ad litem for the property owner; Paul D. Larimer, Esq., counsel for the property owner; Mr. Paul D. Washington, Appraiser for the Highway Department; Mr. William L. Huber and Mr. Jess Fridman, both of whom are employees of the Highway Department; and Robert L. Blough, Esq., counsel for the Highway Department.

A meeting for the purpose of hearing the testimony of witnesses was scheduled for Thursday, May 28, 1964, at 10:00 o'clock, A.M., E.D.S.T., in the social room of the St. Lawrence Church in Chest Township, Cambria County, Pennsylvania.

The meeting was held as scheduled and was attended by the trustees ad litem for the property owner; Paul D. Larimer, Esq., counsel for the property owner; Mr. Paul D. Washington, Appraiser for the Highway Department; Mr. William L. Huber and Mr. Jess Fridman, both of whom are employees of the Highway Department; Mr. Harris Frank Thompson, a witness for the Highway Department; and Robert L. Blough, Esq., counsel for the Highway Department.

Those who testified for the benefit of the Board were Mr. Herman Leiden; Mr. George Leiden, and Mr. Frank Ropp, trustees ad litem for the property owner; Mr. Harris Frank Thompson; Mr. William L. Huber; and Mr. Paul D. Washington. All the witnesses were sworn prior to testifying.

From the evidence submitted to it, and from an examination and view of the premises, as well as of the locality, generally, the Board finds the following

FACTS

1. The premises condemned by the Commonwealth of Pennsylvania Department of Highways

TRANSFERRED TO PAGE 461

No. 2

IN RE: PETITION FOR THE APPOINTMENT
OF BOARD OF VIEW -BERNARD A. LINK AND
VIVIAN LINK, PETITIONERS, VS. COMMON-
WEALTH OF PENNSYLVANIA, DEPARTMENT OF
HIGHWAYS

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$38⁰⁰ *Rec'd 38⁰⁰* JUN 27 1966 AUDITED 3-17-16 FILED: APRIL 29, 1964

PETITION FOR THE APPOINTMENT OF BOARD OF VIEW

The petitioners are Bernard A. Link and Vivian Link, husband and wife, respectfully represents:

-1-

The petitioners, Bernard A. Link and Vivian Link of R. D. # 1, Sidman, Pennsylvania, are the owners of all the hereinafter described real estate.

-2-

The petitioners as husband and wife are the owners as above stated of all those certain pieces or parcels of land more particularly described as follows:

(a) That certain tract or parcel of land situate in the Village of Ruthford, Cambria County, Pennsylvania; described as follows: Beginning for the same at a stake at the South-West corner of said lot, which is South 51° 35' East, one hundred and seven (107) feet from a set stone, THE South East corner of Lot No. 23; thence by the East line of Lot No. 24 ½ North 38° 25' East one hundred fourteen and four hundredths feet to a street line; thence by said street line South 43° 34' East fifty and five tenths feet; thence South 38° 25' West one hundred and seven (107) feet to a corner on street line; thence along street 51° 35' West fifty (50) feet to the place of beginning; being an unnumbered lot adjoining lot No. 24½ on the Logan Coal Company plan of lots at Ruthford, Pennsylvania.

Being the same tract or parcel of land title to which vested in Bernard A. Link and Vivian Link, husband and wife, by deed of Rev. W. T. Hale and Bessie J. Hale, husband and wife, the said deed being dated the 27th day of March, 1946, and recorded in Cambria County in Deed Book Volume 557 at page 127..

(b) That certain plot or parcel of land situate in the village of Ruthford, County of Cambria, and State of Pennsylvania, bounded and described as follows, to wit: Croyle Township

BEGINNING AT a post on the South side of Hill Street and at the Northeast corner of Lot #31; thence with the South side of said street South 27° 03' East 27.72 feet to a post and South 46° 22' East 62.39 feet to a post at the Northwest corner of lands of the party of the second part, being the same plot of land which Logan Coal Company deeded to the Allegheny Conference of the United Brethren Church and is recorded in Cambria County Deed Book Vol. 342, Page 517; thence with said lands South 38° 52' West 99.96 feet to a post on the North boundary of the right of way of Route 869 and 16.50' North of its centerline; thence with said boundary North 46° 31' West 107.00 feet to a post in line of Lot #31; thence with said

CONTINUED ON NEXT PAGE.

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No. 2 CONTINUED.

lot North 48° 52' East 109.53 feet to the place of beginning, and containing 0.228 acres.

BEING the same plot or parcel of land, title to which vested in Bernard and Vivian Link by deed of Johnstown Coal and Coke Co., a Pennsylvania corporation, said deed being dated the first day of July, 1957, and recorded in Cambria County in Deed Book Vol. 725 at page 311.

-3-

That during the year 1963 the Department of Highways of the Commonwealth of Pennsylvania appropriated a portion of petitioners property, all of the appropriated portion being located in Cambria County for the construction, re-construction and improvement and a change in grade to State Highway No. 11095. Being a section of highway at or near what is commonly known as the Village of Ruthford in Croyle Township, Cambria County, Pennsylvania.

-4-

That by reason of the appropriation of the land and the improvements to the said highway, petitioners property has been seriously affected and damaged in that it has raised the level of the home thereby making a certain portion of the property inaccessible and certain portions of it useless because of the change in grade and other portions of it dangerous because of the hazardous condition now arising because of the change of grade and level of the highway.

-5-

That during the construction of the said road the petitioners were deprived of the entrance of the property and inconvenienced by reason of the debris incident to the said construction being on said land.

-6-

That the respondent has destroyed and will affect the entrance to the petitioners dwelling making it difficult of access; thereby causing them a great inconvenience and greatly depreciating the value of the land and improvements thereon. The appropriation herein referred to has resulted in the destruction of two shade trees which were on the premises thereby affecting the natural beauty of the property involved and the change of the roadway grade, a higher grade affecting the entrance to the home and generally now making it hard for petitioners automobiles to gain entrance to the property.

-7-

These petitioners prays, your Honorable Court to appoint a Board of View to assess the damages sustained by the Petitioners property by reason of the construction and re-location of the highway as aforesaid and to report the same to your Honorable Court in this proceeding in accordance with Acts of Court made and provided, and

Your petitioners will ever pray.

/s/ Bernard A. Link

/s/ Vivian Link

STATE OF PENNSYLVANIA :
: SS.
COUNTY OF CAMBRIA :

BERNARD A. LINK and VIVIAN LINK, being duly sworn according to law, deposes and says that they are the petitioners above named and that the statements set forth in the foregoing Petition are true and correct to the best of their knowledge, information and belief.

/s/ Bernard A. Link

/s/ Vivian Link

Sworn to and subscribed before me
this 6th day of April, 1964
/s/ Rose Ann Youra
My Commission expires: 11/1/65

300
D E C R E E

AND NOW, this 29th day of April, 1964, upon consideration of the foregoing petition,
CONTINUED ON NEXT PAGE.

Transferred from Page 325

No. 2 CONTINUED.

AND on motion of Eugene A. Creany, Esq., of the Law firm of Smorto & Creany, Attorneys for the Petitioner, the Court appoints Francis J. Nitch, Esq., Owen Heeney, T. L. Locher, as a Board of View to assess the damages caused by the construction and re-location of State Highway Route 11095, in front of the petitioners property, and do direct that the said Board of View shall hold its first meeting as required by the Acts of Assembly and Rules of Court in such case made and provided, and after evidence is given and report filed, give due notice of the filing of the report, as required by law, the cost thereof to be taxes as a part of the cost of said proceeding, and do further direct that said Board of View shall report to this Court in accordance with existing laws and rules of Court.

BY THE COURT:

/s/ McDonald, Judge.

May 1, 1964: Copy of above Petition and Order and Order to view mailed to Francis J. Nitch, Esq.

May 1, 1964: Copy of above Petition and Order mailed to Pennsylvania Department of Highways, Harrisburg, Pennsylvania

July 17, 1964: Report of Board of View filed by Atty. Francis J. Nitch.

VIEWERS' REPORT

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Court, after consideration of a petition presented by Eugene A. Creany, Esq., Counsel for the owners/petitioners, it appointed Francis J. Nitch, Esq., T. L. Locher and Owen Heeney as a Board of View to assess the damages and benefits, if any, caused by the condemnation by the Commonwealth of Pennsylvania, Department of Highways, of certain real estate owned by the petitioners, in the Village of Ruthford, in Croyle Township, Cambria County, Pennsylvania, for the purpose of construction, re-construction and improvement and a change in grade of State Highway No. 11095, being a section of highway at or near what is commonly known as the Village of Ruthford in Croyle Township, Cambria County, Pennsylvania, said real estate being more particularly described hereinafter and in the notice of view, a copy of which is hereto-attached, respectfully makes the following:

REPORT

In pursuance to their appointment the Board was duly sworn and caused notice to be served upon all interested parties that the Board of View would meet upon the premises on Thursday, May 21, 1964, at 10:30 o'clock, A.M., E.D.S.T., for the purpose of viewing the premises and hearing such parties as desired to be heard. Said notices were duly served upon Eugene A. Creany, Esquire, counsel for the Petitioners, and upon Robert L. Blough, Esquire, counsel for the Respondent, and their acceptance of service and copy of said notice are hereto attached. Copies of said notice were also mailed to the Petitioners, Pennsylvania Department of Highways, Highway Right-of-Way Section, in Hollidaysburg, and in Harrisburg, Pa. Copies of said notice of view were also posted upon the premises more than ten (10) days prior to the date of view. The view was held upon the premises as scheduled on May 21, 1964. In attendance at the view were Eugene A. Creany, Esquire, counsel for the Petitioners, Bernard A. Link and Vivian Link, husband and wife, the petitioners, Robert L. Blough, Esq., counsel for the Respondent, William Huber, an employee of Respondent's right-of-way force, together with all members of the Board of View.

A hearing for the purpose of taking testimony was scheduled for Tuesday, June 23, 1964, at 10:00 o'clock A.M. E.D.S.T. at the Judges' Chambers, Park Building, 423 Main Street, Johnstown, Pa. Notice of hearing was served upon Eugene A. Creany, counsel for the Petitioners, Robert L. Blough, Esq., counsel for the Respondent, and their acceptance of service thereof is attached thereto. Copies of said notice of hearing were also mailed to the Petitioners, and the Pennsylvania Department of Highways at their offices in Hollidaysburg and Harrisburg, Pa. By agreement of counsel for the petitioners and counsel for the respondent, the hearing was continued to and held on Thursday, June 25, 1964, at 10:30 o'clock A.M. E.D.S.T. at Rooms 7 and 9, 540 Central Avenue, Johnstown, Pa. Eugene A. Creany, Esq., appeared at the

CONTINUED ON PAGE 575

No. 3

IN RE: PETITION FOR THE APPOINTMENT
OF BOARD OF VIEW - CAUFFIEL BROS. INC.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

A PENNSYLVANIA CORPORATION, PLAINTIFF
VS. COMMONWEALTH OF PENNSYLVANIA, DEPART-
MENT OF HIGHWAYS, DEFENDANT

NOV 12 1964 AUDITED
CLERK OF COURTS:

\$ 40.00

FEB 4 1965 AUDITED
12/23/64 REC. 40 cc

FILED: MAY 4, 1964

PETITION FOR THE APPOINTMENT OF BOARD OF VIEW

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, bounded 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:

(a) 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.

(b) 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 titled 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.

No. 3 CONTINUED

-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. Caroff, Attorney for Petitioner

COUNTY OF CAMBRIA

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, President

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

/s/ Eileen Gantos, Notary Public

My commission expires February 23, 1965

3rd 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 E. Shahade, 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:

/s/ McDonald, Judge

July 14, 1964: Viewer's Report filed.

VIEWER'S 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 3:00 p.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 Petitioner, as shown by acceptance of service of Notice hereto attached and made a part thereof. Notice was likewise given to the Department of Highways, Commonwealth of Pa., by mail to Attorney Robert L. Blough, with acceptance of service of said Notice hereto

CONTINUED ON PAGE 523

NO. 4

IN RE: PETITION FOR THE APPOINTMENT
OF BOARD OF VIEW - BERNARD J. GREENWOOD
AND ALICE A. GREENWOOD, husband and wife,
VS. COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT
OF HIGHWAYS

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

NOV 12 1964 AUDITED
CLERK OF COURTS: \$ 41.00

FEB. 4 1965 AUDITED
11/23/64 Rec. 41

FILED: May 4, 1964

PETITION FOR THE APPOINTMENT OF A BOARD OF VIEW

Your petitioners, Bernard J. Greenwood and Alice A. Greenwood, Husband and Wife, are individuals residing at Mundy's Corner, Cambria County, Pennsylvania. Your petitioners are the owners of certain property in the Township of Jackson, Cambria County, Pennsylvania, bounded and described as follows:

- (a) All that certain lot or piece of land situate in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:
- (b) Beginning at a post in the southerly line of the William Penn Highway, Route No. 22 leading from Ebensburg to Mundy's Corner and thence to Pittsburgh, which point is North 88° 5' West a distance of 195 feet from the northwest corner of land of Edward Stiffler, the place of beginning of the land hereby described; thence through land of G. Howard Sloan, South 7° 10' West a distance of 126.9 feet to a point in the center line of the old William Penn Highway, being old Route No. 22; thence along the center line of old Route No. 22 North 80° 35' West a distance of 75 feet to a post in the center line of said old Route No. 22; thence along other land of G. Howard Sloan North 8° East a distance of 117 feet to the southerly line of the William Penn Highway, Route No. 22; thence along said line of said Highway South 88° 5' East a distance of 75 feet to the place of beginning. The land hereby conveyed is cross-hatched in red and shown on print of John L. Elder surveyed for Dr. G. H. Sloan, July 20, 1955.

-2-

Your petitioners acquired the beneficial title to the said premises on the 15th day of November, 1956, by virtue of an Article of Agreement between G. Howard Sloan, single, and your petitioners, said Article of Agreement being unrecorded.

-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 Legislative Route 52 in Jackson Township and the right of way took a portion of petitioners' property as described above.

-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. 52, as shown in State Highway Book No. 3, page 10, in the Records' Office of Cambria County, Pennsylvania.

NO. 4 CONTINUED

-6-

That the occupants of the premises above described are your petitioners.

-7-

That the Commonwealth of Pennsylvania, Department of Highways, has actually constructed a highway as called for in the aforesaid plans and resolution of condemnation, and in so doing, appropriated a portion of your petitioners' property.

-8-

The liens of record on the property are as follows:

Balance of the purchase price under the Article of Agreement \$5,800.00

-9-

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 so condemned in accordance with the Act of Assembly in such case made and provided for, and they will ever pray.

/s/ Gilbert E. Caroff, Attorney for Petitioner

COUNTY OF CAMBRIA

STATE OF PENNSYLVANIA

Before me a Notary Public in and for the above County and State personally appeared Bernard J. Greenwood and Alice A. Greenwood who being duly sworn according to law, deposes and says that the facts contained in the foregoing petition are true and correct to the best of their knowledge, information and belief.

/s/ Bernard J. Greenwood

/s/ Alice A. Greenwood

Sworn to and subscribed before me this 29th day of April, A. D., 1964.

/s/ Edna P. Strayer, Notary Public

My commission expires May 3, 1965

ORDER

AND NOW, to wit, this 4th day of May, 1964, on motion of Gilbert Caroff, Esq. the Court appoints Robert E. Shahade, 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:

/s/ McDonald, Judge

May 7, 1964: ³ Copy of above Petition and Order and Order to view mailed to Robert E. Shahade, Esq.

May 7, 1964: ³ Copy of above Petition and Order mailed to Pennsylvania Department of Highways, Harrisburg, Pennsylvania

July 14, 1964: Viewers' Report Filed.

VIEWS' 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 BERNARD J. GREENWOOD and ALICE A. GREENWOOD, husband and wife, situate in Jackson Township, Cambria County, Pennsylvania, to assess damages arising from the taking of their 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 3:00 p.m., E.D.S.T. as the time to view and inspect the premises owned by same Bernard J. Greenwood and Alice A. Greenwood. Due notice therefore was given to Attorney Gilbert E. Caroff

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NO. 4 CONTINUED

attorney for the Petitioners, 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, Paul Washington Real Estate Broker and Insurance Agent, serving as an appraiser for the Department of Highways, and Attorney Gilbert E. Caroff, representing the Petitioners herein.

Thereafter the Board of View set Thursday, June 25, 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 Petitioners, and to Attorney Robert L. Blough on behalf of the Defendant, as shown by acceptance of service of said notice hereto attached and made a part hereof.

The hearing was held at the time and place appointed, and was attended by Robert L. Blough, Esquire, attorney for the Defendant, William Huber, Right of Way agent for District 9, Department of Highways, Paul Washington, a Fee Appraiser for the Defendant, and by Gilbert E. Caroff, Esquire, representing the Petitioners.

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

Likewise, due notice of the filing of this report was given to the Petitioners through their attorney, Gilbert E. Caroff, Esquire, as shown by acceptance of service of said notice, and to the Defendant through its attorney, Robert L. Blough, Esquire, as shown by acceptance of service, both acceptances are hereto attached and made a part hereof.

The original papers are attached hereto and made a part of this report.

The Board of View further reports as follows:

1. 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 Bernard J. Greenwood and Alice A. Greenwood, husband and wife, are the owners of the premises described as follows:

all that certain lot or piece of land situate in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in the southerly line of the William Penn Highway, Route No. 22 leading from Ebensburg, to Mundy's Corner and thence to Pittsburgh, which point is north 88° 5' west a distance of 195 feet from the northwest corner of land of Edward Stiffler, the place of beginning of the land hereby described; thence through land of G. Howard Sloan, south 7° 10' west a distance of 126.9 feet to a point in the center line of the old William Penn Highway, being old Route No. 22; thence along the center line of old Route No. 22 north 80° 35' west a distance of 75 feet to a post in the center line of said old Route No. 22; thence along other land of G. Howard Sloan north 8° east a distance of 117 feet to the southerly line of the William Penn Highway, Route No. 22; Thence along said line of said highway south 88° 5' east a distance of 75 feet to the place of beginning. The land hereby conveyed is cross-hatched in red and shown on pring of John L. Elder surveyed for Dr. G. H. Sloan, July 20, 1955.

No witnesses were called and no testimony was offered by either the Petitioners or the Defendant.

Counsel for both parties appeared before the Board of View and stipulated that there was in fact no taking of the Petitioners' property by virtue of a resolution of the Department of Highways, adopted on May 5, 1958, wherein plans were filed condemning certain properties for the purpose of using same as part of the road and right of way for Legislative Route 52, as shown in State Highway Book No. 3 at page 10, Cambria County, Pennsylvania. That actually the road and right of way fronting along the petitioners' property was acquired by the Defendant by condemnation on August 15, 1933, as shown on Highway Map 52-19. It further appeared that the prior owners of this

CONTINUED ON PAGE 433

NO. 5

IN RE: PETITION FOR THE APPOINTMENT
OF BOARD OF VIEW - G. HOWARD SLOAN
VS. COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF HIGHWAYS

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 22 ⁰⁰

FILED: May 4, 1964

⁵⁰⁰PETITION FOR THE APPOINTMENT OF A BOARD OF VIEW

The petition of G. Howard Sloan, by his Attorneys, Gleason & Krumenacker, respectfully represents:

1. That your Petitioner is an individual and resides at Jackson Township, Cambria County, Pennsylvania.
2. That the Commonwealth of Pennsylvania is the condemning body.
3. That G. Howard Sloan is the sole owner of the real estate hereinafter described.
4. That the description of the real estate affected by the Commonwealth's condemnation is as follows:

BEGINNING at a post, the center line of the Summerhill Township Road; thence along line of land commonly known as the "Ogden Farm" North 62° 35' West 2500 feet, more or less, to an iron pin corner; thence still along line of said "Ogden Farm" South 26° 55' West 1767 feet to a post on line of land now or formerly of Ed Gillen; thence along line of land of Ed Gillen North 8° 57' West 2998 feet to a point on old William Penn Highway; thence along land formerly of Davis Brothers South 85° 00' East 1800 feet, more or less, to a point; thence South 5° 53' East 32 feet, more or less, to an iron pin in the center line of State Highway Route 22 and intersection of Summerhill Township Road; thence along the center line of Summerhill Township Road by its several courses and distances to a point, the place of beginning. Containing approximately 90.85 acres, and being part of a larger tract of land known as the "Sherwood Tract".

EXCEPTING AND RESERVING from the above description

that certain piece or parcel of land, heretofore conveyed by your Petitioner which is shown as Lot No. 3 on the Plan of Lots laid out by your Petitioner, a copy of said Plan is attached hereto and made a part hereof and marked "Exhibit A".

5. That on the 5th day of May, 1958, the Commonwealth of Pennsylvania, condemned a portion of the hereinbefore described real estate for the purpose of rebuilding and improving Route No. 52.
6. That the Commonwealth of Pennsylvania, and your Petitioner, G. Howard Sloan, have not agreed as to the amount of damages to be paid to your Petitioner for the condemnation of his land.
7. That your Petitioner alleges that the fair market value of the land owned by your Petitioner at the time of condemnation was decreased by reason of the condemnation, and by reason of the fact that a certain portion of their land was actually taken for public use, and in addition thereto, they claim that the fair market value immediately after the condemnation, as affected by the condemnation, was less than the amount of the fair market value immediately before the condemnation.

WHEREFORE your Petitioner, by his Attorneys, Gleason & Krumenacker, prays your Honorable Court to appoint a Board of Viewers in the manner prescribed by law, to ascertain
CONTINUED ON NEXT PAGE

JUNE

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and award just compensation to the 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.

GLEASON & KRUMENACKER

/s/ Norman A. Krumenacker, Attorney
for Petitioner

STATE OF PENNSYLVANIA:

COUNTY OF CAMBRIA:

Before me, a Notary Public in and for said County and State, personally appeared G. HOWARD SLOAN, who, being duly sworn according to law, deposes and says that he is the Petitioner named in the foregoing Petition, and that the statements therein set forth are true and correct to the best of his knowledge, information and belief.

/s/ G. Howard Sloan

SWORN to and subscribed
before me this 1st day of May,
1964

/s/ Mrs. Rosemarie A. Sigg

My commission expires

Dec. 12, 1966

3⁰⁰
ORDER

AND NOW, to wit, this 4th day of May, 1964, on Motion of Gleason & Krumenacker, Attorneys for Petitioner, and upon consideration of the within Petition, the Court hereby appoints Francis J. Nitch, Owen H. Heeney and Robert S. Mayer as a Board of Viewers upon the within Petition and further orders that the Board of Viewers perform its duty in accordance with the law and Acts of Assembly in such case made and provided.

By the Court:

/s/ McDonald

Exhibit A Filed:

May 8, 1964: Copy of above Petition and Order and Order to view mailed to Francis J. Nitch, Esq.

May 8, 1964: Copy of above Petition and Order mailed to Pennsylvania Department of Highways,

Harrisburg, Pennsylvania

August 25, 1965: Viewers Report Filed.

VIEWERS' REPORT

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The undersigned Board of View respectfully reports:

1. The Board of View in the above captioned case, consisting of Francis J. Nitch, Owen Heeney and Robert S. Mayer were appointed by your Honorable Court on May 4, 1964, to assess damages and benefits, if any, by reason of the condemnation by the Commonwealth of Pennsylvania, Department of Highways, the condemnor, of a tract of land in Jackson Township, Cambria County, Pa., for the purpose of highways, more particularly described in the petition filed for the appointment of a Board of View.

2. Notice that a view of the premises will be held on May 27, 1965 at 10:00 o'clock A.M. Eastern Daylight Savings Time was given to the following:

(a) To the Condemnor, namely, Commonwealth of Pennsylvania, Department of Highways, Harrisburg, Pennsylvania, by Certified mail, return receipt requested. Copy of notice, original and return receipt are attached hereto.

(b) To Robert L. Blough, Esq., counsel for the condemnor. Copy of notice and acceptance of service thereof are attached hereto.

(c) To Dr. G. Howard Sloan, Condemnee, by certified mail, return receipt requested. Copy of notice, original and return receipt and acceptance of service are attached hereto.

(d) To Commonwealth of Pennsylvania, Department of Highways, Right of Ways Section, Hollidaysburg, Pa.

(e) To Norman Krumenacker, Esq. of the Law Offices of Gleason and Krumenacker, counsel for the condemnee. Copy of notice and acceptance of service are attached hereto.

Notice of Hearing to be held at the Judges' Chambers, Park Building, 423 Main Street Johnstown, Pennsylvania, on Thursday, July 1, 1965 at 10:00 o'clock A.M. Eastern Daylight Savings Time was given to the Following:

(a) To Andrew J. Gleason of the Law Office of Gleason and Krumenacker, counsel for the condemnee. Copy of notice and the acceptance of service thereof are hereto attached.

(b) To Robert L. Blough, Esq., counsel for the condemnor. Copy of notice and acceptance of service thereof are hereto attached.

(c) To Commonwealth of Pennsylvania, Department of Highways, Right of Way Section, Hollidaysburg, Pennsylvania.

Counsel for the Condemnee requested a continuance of the Hearing, and same was continued to Wednesday, July 21, 1965 at Judges' Chambers, Park Building, 423 Main Street, Johnstown, Pa., and notice thereof was given to the following:

(a) To Andrew J. Gleason, Esq., of the Law Offices of Gleason and Krumenacker, counsel for the conemnee. Copy of notice and the acceptance of service thereof are hereto attached.

(b) To Robert L. Blough, Esq. counsel for the condemnor. Copy of notice and acceptance of service thereof are hereto attached.

(c) To Commonwealth of Pennsylvania, Department of Highways, Right of Way Section, Hollidaysburg, Pa.

3. Attached is map which shows the Highway re-location. It also reflects the area of the premises as follows:

Deed area -----	90.850 acres
Legal Right of Way Area -----	1.600 acres
Area of Exceptions -----	5.496 acres
Area of Adverses -----	9.105
	<u>16.201 acres</u>
Area before condemnation -----	74.649 acres

Required Right of Way Area ----- 0.383 acres

Required limit of Slope Area ----- 0.019 acres

+ .402 acres

Total Residue ----- 74.247 acres

Residue-left ----- 0.053 acres

Residue-right ----- 74.194 acres

74.247 acres

Attached to Petition is the Dr. S. H. Sloan Plan of Lots which shows Old Route No. 22 with lots laid out on both sides thereof. The re-located Route 22 appears at the bottom of said Plan of Lots, with only part of the Sloan Lots facing said re-located read. The six lots to the rear of lots facing on new road have no frontage on New Route 22. The lots facing Route 22 re-located are somewhat adversely effected because of the rise in elevation of New route 22.

The increase in elevation of New Route 22 caused water to damage condemnee's dwelling house. To avoid future damage to the dwelling the condemnee was required to construct additional sewer line in front of his dwelling.

The cut made in the construction of an entrance to New Route 22 caused damage to owner's pond which supplied him with required water prior to new construction of road. Due to decrease in water supply in pond the cindemnee found it necessary to sink a well and install a pump for same, in order to supplement his reduced water supply from the pond.

4. A declaration was not filed because the condemnation took place about August 1, 1958, which date was prior to effective date of the 1964 Act of Assembly entitled Eminent Domain Code.

5. The Board of View after viewing the premises and after a full and impartial consideration of the evidence submitted have estimated and determined that the General Damages sustained by the owner of said property by reason of the condemnation of the property by the Commonwealth of Pennsylvania, Department of Highways, to be \$7,525.00, which amount is assessed against the Commonwealth of Pennsylvania, and shall be paid by said Commonwealth of Pennsylvania, Department of Highways, to G. Howard Sloan, the owner of the land.

6. This is a partial taking, however, the condemnee has not requested in writing a statement as to the amount of the general damages attributable as severance damages to the part of the property not taken.

JUNE

SESSIONS, 19 64

NO. 6

IN RE: LAYING OUT OF PORTIONS OF ROAD
IN THE VILLAGE OF BAKERTON, WEST CARROLL
TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 35.00
JUL 17 1964 AUDITED 7/10/64 Rec. 35 AUG 25 1964 AUDITED FILED: May 25, 1964

REPORT OF SUPERVISORS OF WEST CARROLL TOWNSHIP

In accordance with provisions of Article XI of the Act of May 1, 1933, P. L. 103, as amended, 53 P. S. 19093-1101, et. seq., Ernest Powell, John Nalisnick and John Glinsky hereby make the following report:

-1-

That they are the duly elected and qualified Supervisors of West Carroll Township, Cambria County, Pennsylvania.

-2-

That pursuant to a petition of interested citizens they propose to lay out portions of road in the Village of Bakerton, West Carroll Township, Cambria County, Pennsylvania which portions of road are described as follows:

NO. 1 Beginning at a point on the South side of the right of way line of Pennsylvania Railroad and Northwest corner of land of Joseph Puskar; thence along property line of Joseph Puskar, Sterling Coal Company and Mike Romanosky South 57 degrees 00 minutes West a distance of 776.38 feet; thence continuing South the following courses and distances: South 36 degrees 30 minutes West a distance of 556.50 feet to a point on property line of Frank Zanoni; thence continuing South 27 degrees 45 minutes West a distance of 398.5 feet to a point on property line of Mike Cova; thence continuing South 45 degrees 40 minutes West a distance of 150 feet to the North west corner of land of Edward Brawley; thence North 44 degrees 20 minutes West a distance of 33 feet to a point on land of Arthur Matteotti; thence continuing North the following courses and distances: North 45 degrees 40 minutes East a distance of 144.5 feet to a stake; thence North 27 degrees 45 minutes East a distance of 398.5 feet to a stake; thence North 36 degrees 30 minutes East a distance of 556.50 to a stake; thence North 57 degrees 00 minutes East a distance of 776.38 feet to a point on the Southern right of way of the Pennsylvania railroad; thence along Southern right of way line of Pennsylvania Railroad South 10 degrees 00 minutes West a distance of 41.45 feet to the point and place of beginning.

NO. 2 Beginning at a point of the Southern side of Route #11097 a public highway leading to Spangler, Pennsylvania, the said point being the Northwest corner of land of Sterling Coal Company; thence the following Courses and distances: South 69 degrees 15 minutes West a distance of 226 feet to a stake; thence South 57 degrees 40 minutes West a distance of 230 feet to a stake on the Northern line of right of way of the Pennsylvania Railroad; thence along the Northern right of way line of the Pennsylvania Railroad North 65 degrees 00 minutes West a distance of 320 feet to a point on the said right of way line; thence crossing over the said right of way line; thence crossing over the said right of way the following courses and distances: Beginning at a stake on the Southern side of the said Pennsylvania right of way line South 84 degrees 10

minutes West 126 feet to a stake; thence continuing the following courses and distances: South 29 degrees 45 minutes West a distance of 165 feet; thence North 75 degrees 40 minutes West a distance of 177 feet to a stake; thence North 37 degrees 30 minutes West a distance of 186 feet to a stake; thence North 9 degrees 00 minutes West a distance of 440 feet to a stake on the Southeast corner of land of Frank Zeanchok; thence North 81 degrees 00 minutes East a distance of 33 feet to a point on line of land of John Kuzma; thence the following courses and distances: South 9 degrees 00 minutes East 432 feet to a stake; thence South 37 degrees 30 minutes East a distance of 167 feet to a stake; thence South 75 degrees 40 minutes East a distance of 137.60 feet to a stake; thence North 29 degrees 45 minutes East a distance of 156.40 feet to a stake; thence North 84 degrees 10 minutes East a distance of 94.5 feet to a stake on the Southern right of way line of the Pennsylvania Railroad; thence along the said Southern right of way line of the Pennsylvania Railroad South 62 degrees 30 minutes East a distance of 60.24 feet; thence continuing at a point on the Northern side of the right of way line of the Pennsylvania Railroad North 25 degrees 00 minutes East a distance of 33 feet to a stake on land of Sterling Coal Company; thence the following courses and distances: South 65 degrees 00 minutes East a distance of 302 feet to a stake; North 57 degrees 40 minutes East a distance of 215.40 feet to a stake; thence North 69 degrees 15 minutes East a distance of 211.40 feet to a stake on the Southern side of Route #11097; thence along the said Southern side of Route #11097 South 49 degrees 00 minutes East a distance of 37.46 feet to the point and place of beginning. A print of the survey of the roads intended to be herewith laid out is hereto attached, marked Exhibit "a" and made a part hereof.

-3-

The the property owners affected by the proposed laying out of said portions of road were given ten (10) days written notice of a meeting of said Supervisors held on the 3rd day of February, 1962, at 8:00 A. M., at their office located in Bakerton School, Cambria County, Pennsylvania, for the purpose of taking action regarding the laying out of said portions of road. Copies of said notices with acceptance of service by each of the affected property owners are herto attached and made a part hereof.

-4-

That after a hearing at the aforesaid meeting, said Supervisors deemed the laying out of the aforesaid portions of road necessary and adopted an ordinance laying out the same as part of the highway system of said Township. A certified copy of said ordinance is hereto attached, marked Exhibit "B" and made a part hereof.

-5-

That the aforesaid petition of interested citizens and release of damages executed by the owners of the property abutting on said portion of road is hereto attached, marked Exhibit "C" and made a part hereof.

-6-

That the aforesaid ordinance was published prior to its passage in the Barnesboro Star, a newspaper of general circulation in West Carroll Township, Cambria County, Pennsylvania, in accordance with the Act of Assembly. Proof of publication of the same is hereto attached, marked Exhibit "D" and made a part hereof.

TRANSFERRED FROM PAGE 336

WHEREFORE, the aforesaid Supervisors pray that this Report and exhibits attached hereto be filed in the Office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, Pennsylvania.

/s/ Ernest Powell

/s/ John Nalisnick

/s/ John Glinsky

Supervisors of West Carroll Township

Attest: /s/ Michael Mechrina

(SEAL)

STATE OF PENNSYLVANIA)

COUNTY OF CAMBRIA)

SS.

Personally appeared before me, a Notary Public in and for the said County and State, Ernest Powell, John Nalisnick and John Glinsky, supervisors of the Township of West Carroll, County of Cambria and State of Pennsylvania, who being duly sworn according to law, depose and say that the facts contained in the foregoing Report are true and correct to the best of their knowledge, information and belief.

/s/ Ernest Powell

/s/ John Nalisnick

/s/ John Glinsky

Attest: Michael Mechrina

(SEAL)

Sworn and subscribed before me

this 3rd day of February, 1962

/s/ Noel Smorto

My commission expires: 1/27/63

PRELIMINARY DECREE

AND NOW, this 25th day of May, 1964, upon consideration of the foregoing Petition, Stephen Oblackovich, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within Report and exhibits attached hereto.

By the Court:

/s/ McDonald, Judge

PETITION OF PROPERTY OWNERS - FILED

PROOF OF PUBLICATION IN THE CAMBRIA COUNTY LEGAL JOURNAL - FILED

PROOF OF PUBLICATION IN THE JOHNSTOWN TRIBUNE DEMOCRAT - FILED

MAP - FILED

FINAL DECREE

AND NOW, this 26th day of June, 1964, it appearing that the said Report having been filed on the 25th day of May, 1964, and no citizen or freeholder of the Township did within thirty (30) days from the filing of said Report by the Supervisors files exceptions to the Report or petition for a review, IT IS ORDERED AND DECREED that the said portions of proposed road in the Village of Bakerton, West Carroll Township, Cambria County, Pennsylvania, described as follows:

NO. 1. Beginning at a point on the South side of the right of way line of Pennsylvania Railroad and Northwest corner of land of Joseph Puskar; thence along property line of Joseph Puskar, Sterling Coal Company and Mike Romanosky South 57 degrees 00 minutes West a distance of 776.38 feet; thence continuint South the following courses and distances: South 36 degrees 30 minutes West a distance of 556.50 feet to a point ^{ON} in property line of Frank Zanoni; thence continuing South 27 degrees 45 minutes West a distance of 398.5 feet to a point on property line of Mike Coval; thence continuing South 45 degrees 40 minutes West a distance of 150 feet to the Northwest corner of land of Edward Brawley; Thence North 44 degrees 20 minutes West a distance of 33 feet to a point on land of Arthur Matteotti; thence continuing North the following courses and distances: North

JUNE
TRANSFERRED FROM PAGE 337

No. 6 (Continued)

45 degrees 40 minutes East a distance of 144.5 feet to a stake; thence North 27 degrees 45 minutes East a distance of 398.5 feet to a stake; thence North 36 degrees 30 minutes East a distance of 556.50 feet to a stake; thence North 57 degrees 00 minutes East a distance of 776.38 feet to a point on the Southern right of way line of the Pennsylvania Railroad; thence along the Southern right of way line of the Pennsylvania R.R. South 10 degrees 00 minutes West a distance of 41.45 feet to the point and place of beginning.

NO. 2. Beginning at a point on the Southern side of Route #11097, a public highway leading to Spangler, Pennsylvania, the said point being the Norhtwest corner of land of Sterling Coal Company; thence the following courses and distances: South 69 degrees 15 minutes West a distance of 226 feet to a stake; thence South 57 degrees 40 minutes West a distance of 230 feet to a stake on the Northern line of right of way of the Pennsylvania Railroad; thence along the Northern right of way line of the Pennsylvania Railroad North 65 degrees 00 minutes West a distance of 320 feet to a point on the said right of way line; thence crossing over the said right of way the following courses and distances: Beginning at a stake on the Southern side of the said Pennsylvania right of way line South 84 degrees 10 minutes West 126 feet to a stake; thence continuing the following courses and distances: South 29 degrees 45 minutes West a distance of 165 feet; thence North 75 degrees 40 minutes West a distance of 177 feet to a stake; thence North 37 degrees 30 minutes West a distance of 186 feet to a stake; thence North 9 degrees 00 minutes West a distance of 440 feet to a stake on the Southeast corner of land of Frank Zeanchok; thence North 81 degrees 00 minutes East a distance of 33 feet to a point on line of land of John Kuzma; thence the following courses and distances: South 9 degrees 00 minutes East 432 feet to a stake; thence South 37 degrees 30 minutes East a distance of 167 feet to a stake; thence South 75 degrees 40 minutes East a distance of 137.60 feet to a stake; thence North 29 degrees 45 minutes East a distance of 156.40 feet to a stake; thence North 84 degrees 10 minutes East a distance of 94.5 feet to a stake on the Southern right of way line of the Pennsylvania Railroad; thence along the said Southern right of way line of the Pennsylvania Railroad South 62 degrees 30 minutes East a distance of 60.24 feet; thence continuing at a point on the Northern side of right of way line of the Pennsylvania Railroad North 25 degrees 00 minutes East a distance of 33 feet to a stake on land of Sterling Coal Company; thence the following courses and distances: South 65 degrees 00 minutes East a distance of 302 feet to a stake; North 57 degrees 40 minutes East a distance of 215.40 feet to a stake; thence North 69 degrees 15 minutes East a distance of 211.40 feet to a stake on the Southern side of Route #11097; thence along the said Southern side of Route #11097 South 49 degrees 00 minutes East a distance of 37.46 feet to the point and place of beginning. A print of the survey of the roads intended to be herewith laid out is hereto attached, marked Exhibit "A" and made a part hereof.

be and the same is hereby confirmed as a Township road and declared to be a part of the public road and highway system of the said Township of West Carroll.

By the Court:
Griffith, P. J.

Two (2) Certified copies given to Smorto & Creany of the Final Decree

December 11, 1964: Petition NUNC PRO TUNC FILED

TO THE HONORABLE THE JUDGES OF THE SAID COURT:

AND NOW, this 10th day of December, 1964, your Petitioner, Eugene A. Creany, Esq., of the law firm of Smorto and Creany, Ebensburg, Pennsylvania, petitions your Honorable Court to enter an Order Nunc Pro Tunc to correct the description of portions of road in the village of Bakerton, taken over by the Supervisors of West Carroll Township under the above numbered caption.

-1-

That the Supervisors properly presented to your Honorable Court a Report of the Supervisors of West Carroll Township.

CONTINUED ON PAGE 441

NO. 1

IN RE: 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

CLERK OF COURTS:

\$ 14⁰⁰Rec 5 14⁰⁰MAY 10 1966 AUDITED
4-21-66

FILED: August 21, 1964

PETITION OF JOHN CUPCO AND ANNA CUPCO FOR THE APPOINTMENT OF A 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, 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° 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° 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° 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° 28' East a distance of 871.2 feet to a post in U. S. Highway Route No. 22 and place of beginning. Containing 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.

CONTINUED ON NEXT PAGE

NO. 1

-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 condemnations 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 Actos of Assembly in such cases made and provided.

And they will ever pray, etc.

/s/ Dino S. Persio, Attorney for Petitioners.

STATE OF PENNSYLVANIA

I

SS:

COUNTY OF CAMBRIA

I

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.

/s/ John Cupco

Sworn to and subscribed before
me this 20th day of August,

1964

/s/ Dino DeYulius, Justice of the Peace

My Commission expires 1st Monday in January, 1968

(SEAL)

9 ORDER

AND NOW, to-wit, this 21st 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. Wendekier, T. L. 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:

/s/ McDonald, J.

August 25, 1964: Copy of above Petition and Order and Order to View mailed to Leopold J. Wendekier, Esq.

August 25, 1964: Copy of above Petition and Order mailed to Pennsylvania Department of Highways,
Harrisburg, Pennsylvania

No. 1

ORDINANCE NO. 7

IN RE: AN ORDINANCE LAYING OUT, OPENING AND
ADOPTING AS A PUBLIC STREET IN THE
TOWNSHIP OF WEST TAYLOR, A STREET TO
BE DESIGNATED AS PICKLO STREET, AND
FIXING AND REGULATING THE WIDTH AND
GRADES THEREOF.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

FEB 11 1965 AUDITED
CLERK OF COURTS:

\$7.00

Rec. 7

NOV 13 1964 AUDITED
10-21-64

FILED: September 14, 1964

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of West Taylor, and it is hereby enacted and ordained by the authority of the same that:

SECTION 1. The following street, which is hereby designated as Picklo Street, is hereby laid out, opened and ordained as a public street in the Township of West Taylor: Beginning from the westerly side of Cooper Avenue and extending by center line which is described as follows:

Beginning at a point in the center of Cooper Avenue at Station 0+0; thence by the center line of A Street North 60° 00' West a distance of 270.8 feet to Station 2+70.8; thence by the center line of B Street North 29° 32' East a distance of 535.2 feet to Station 8+06; thence by the center line of C Street North 51° 00' West a distance of 330 feet to Station 11+36; thence by same North 46° 00' West a distance of 462.0 feet to Station 15+98, the place of ending.

SECTION 2. The center line grade to be established of said Picklo Street is as follows:

Beginning at Station 0+16 at assumed elevation of 1000.0; thence ascending at the rate of 11.62 feet per 100 feet a distance of 284 feet to Station 3+0 at an elevation of 1033.00; thence ascending at the rate of 08.0 feet per 100 feet a distance of 175 feet to Station 4+76 at an elevation of 1047.00; thence by a vertical curve a distance of 50 feet to Station 5+25 at an elevation of 1049.2; thence ascending at the rate of 1.2 feet per 100 feet a distance of 125 feet to Station 6+50 at an elevation of 1050.70; thence ascending at the rate of 5.04 feet per 100 feet a distance of 125 feet to Station 7+75 at an elevation of 1057.00; thence ascending at the rate of 10.0 feet per 100 feet a distance of 75 feet to Station 8+50 at an elevation of 1064.50; thence ascending at the rate of 14.0 feet per 100 feet a distance of 100 feet to Station 9+50 at an elevation of 1078.5; thence ascending at the rate of 10.5 feet per 100 feet a distance of 100 feet to Station 10+50 at an elevation of 1089.0; thence ascending at the rate of 14.54 feet per 100 feet a distance of 150 feet to Station 12+0 at an elevation of 1110.7; thence ascending at the rate of 10.3 feet per 100 feet a distance of 200.0 feet to Station 14+0 at an elevation of 1131.30; thence ascending at the rate of 8.9 feet per 100 feet a distance of 100 feet to Station 15+0 at an elevation of 1140.2; thence ascending at the rate of 11.7 feet per 100 feet a distance of 98 feet to Station 15+98 at an elevation of 1151.67 the place of ending.

SECTION 3. The said street shall be 40 feet in width as fully set forth on Plan and Profile of Hinks & Locher Engineers, Inc., dated November 12, 1963, Number 5933-1-33.

SECTION 4. This ordinance is enacted pursuant to the Second Class Township Code.

Duly presented and adopted at a regular meeting of the Board of Supervisors of the Township of West Taylor, Cambria County, Pennsylvania, held on the 12th day of August, 1964, at which meeting a majority of the members of the Board were present.

BOARD OF SUPERVISORS OF WEST TAYLOR TOWNSHIP

By: Leonard W. McMillen, President
Joseph W. Hess
Earl Dill

ATTEST: Earl Dill, Secretary
Map filed.

No. 2

IN RE: AN ORDINANCE FOR THE ACCEPTANCE,
OPENING AND LAYING OUT OF AMES
COURT IN UPPER YODER TOWNSHIP.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.

CLERK OF COURTS: \$ 7.50 *R. J. 50* NOV 13 1964 AUDITED
FEB 11 1965 AUDITED 10-20-64

FILED: October 13, 1964

BE IT ORDAINED, and it is hereby ordained that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby accepts, opens and lays out as a public road in said Township Ames Court, being 40 feet in width with a 40 foot radius cul-de-sac at the end, more particularly described as follows:

BEGINNING at Station 0+0 at the intersection of the centerline of
Mowery Avenue and Ames Court; thence by the centerline of Ames Court
South 51 10" East 252.54 feet to Station 2+52.54 in the center of a
cul-de-sac;

A map, draft and survey showing said Ames Court and also the center line grade established thereon, as prepared by T. L. Locher, Township Engineer, on June 11, 1964, is attached hereto and made a part of this Ordinance.

ORDAINED and enacted this 8th day of October, 1964.

SUPERVISIONS OF UPPER YODER TOWNSHIP

By: Robert W. Hunt, President

ATTEST:

Edward F. DeFreher, Secretary

I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Supervisors of Upper Yoder Township, Cambria County, on the 8th day of October, 1964.

Edward F. Defreher, Secretary

Map filed.

No. 3

IN RE: AN ORDINANCE FOR THE ACCEPTANCE,
OPENING AND LAYING OUT OF MOWERY
AVENUE IN UPPER YODER TOWNSHIP.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

FEB 11 1965 AUDITED
CLERK OF COURTS: \$ 7.50

NOV 13 1964 AUDITED
16-70-64

FILED: October 13, 1964

BE IT ORDAINED, and it is hereby ordained that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby accepts, opens and lays out as a public road in said Township Mowery Avenue, being 40 feet in width, more particularly described as follows:

Beginning at Station 0+0 at the intersection of the centerline of Mowery Avenue and Ames Court; thence by the centerline of Mowery Avenue South $48^{\circ} 50'$ West 316.72 feet to Station 3+16.72; thence by same South $55^{\circ} 06'$ West a distance of 170.98 feet to Station 4+87.7 at the Northerly property line of Sell Street, the place of ending.

A map, draft and survey showing said Mowery Avenue and also the center line grade established thereon, as prepared by Hinks and Locher Engineers, Inc., on September 25, 1963, is attached hereto and made a part of this Ordinance.

ORDAINED And enacted this 8th day of October 1964.

SUPERVISORS OF UPPER YODER TOWNSHIP

By: /s/ Robert W. Hunt, President

ATTEST: /s/ Edward F. DeFreher, Secretary

I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Supervisors of Upper Yoder Township, Cambria County, on the 8th day of October 1964.

/s/ Edward F. DeFreher, Secretary
Supervisors of Upper Yoder Township

No. 1

IN RE: PRIVATE ROAD THROUGH LANDS OF
FRANCIS A. WESTRICK, JR. AND KATHRYN R.
WESTRICK, SITUATE IN CHEST TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.

FILED: January 20, 1965

CLERK OF COURTS: \$

PETITION FOR THE APPOINTMENT OF A BOARD OF VIEWERS

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The Petition of the Patton Sportsmen's Association respectfully represents that:

1. Your petitioner is the Patton Sportsmen's Association, a non-profit corporation existing under the laws of this Commonwealth.

2. By deed of Marcellus E. Swope and Gertrude Swope, husband and wife, dated June 22, 1949, and recorded in Cambria County in Deed Book Volume 608, at Page 318, your Petitioner acquired a parcel of land containing approximately 230 acres situate in Chest Township, Cambria County, Pennsylvania, said parcel being shown on the map attached hereto, made a part hereof and marked Exhibit No. 1.

3. The said parcel of land is completely landlocked, in that it has no road or other means of entrance to or exit from the said parcel to any nearby public road or thoroughfare.

4. Because of the absence of a means of ingress or egress, the said land cannot be used for any reasonable purpose by your Petitioner.

5. In order to make reasonable use of the said land, it is absolutely necessary that a private road be opened from the land owned by your Petitioner to a nearby public highway.

6. The most reasonable and most feasible location for the opening of such private road is through lands owned by Francis A. Westrick, Jr. and Kathryn R. Westrick, which they acquired by deed of Elizabeth Westrick, dated March 3, 1948, and recorded in Cambria County, in Deed Book Volume 589, at Page 197, said land being shown on the attached map.

7. The road desired to be opened is shown on the attached map and is indicated by a yellow color.

8. This Petition is brought pursuant to the provisions of the Act of 1836, June 13, P. L. 551, Section 11, as amended; Purdon's Pa. Stat. Ann., Tit. 36, Sec. 2731.

9. Your Petitioner has authorized Paul J. Schwab as its Attorney in Fact to file this Petition and to execute the Affidavit attached hereto on its behalf.

WHEREFORE, your Petitioner prays that a Board of View be appointed to determine the necessity of such road, and, if necessary, the breadth of such road and the damages to which Francis A. Westrick, Jr. and Kathryn R. Westrick shall be entitled by reason of the opening of such road.

/s/ Blair Pawlowski
Attorney for Petitioner

STATE OF PENNSYLVANIA :
COUNTY OF CAMBRIA : SS:

Before me, the undersigned officer, personally appeared Paul J. Schwab, who, being authorized by the Patton Sportsmen's Association to execute this Affidavit on its behalf, 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.

/s/ Paul J. Schwab

Sworn to and subscribed before me
this 16th day of January, 1965.

/s/ Regina Winslow, J. P.

My commission expires First Monday in January, 1966

CONTINUED ON NEXT PAGE

MARCH

SESSIONS, 19 65

TRANSFERRED FROM PAGE 344

No. 1 (Cont.)

ORDER

AND NOW, this 19th day of January, 1965, upon consideration of the within Petition, Francis J. Nitch, Esq., Robert S. Mayer, and T. L. Locher are hereby appointed as a Board of View to determine the necessity of the proposed road shown on the map attached to this Petition, and, if necessary, the breadth of such road, and the amount of damages sustained by the owners of the land through which such private road may pass by reason of the said opening.

The costs of this proceeding shall be borne by the Petitioner. The Board of View shall act in accordance with the provisions of the Act of 1836, P. L. 551, Section 11, as amended; Purdon's Pa. Stat. Ann., Tit. 36, Sec. 2731.

By the Court: McDonald, J.

DESCRIPTION OF PROPERTY SUBJECT TO BOARD OF VIEW PROCEEDINGS ENTERED TO NO. R. D. 1, MARCH SESSIONS, 1965, COURT OF QUARTER SESSIONS, CAMBRIA COUNTY. - Filed: February 15, 1965

In the Chest Township beginning at a point on lands of Francis A. Westrick, Jr., et. ux., which is situate on the westerly side of Legislative Route 11052, which said point marks the center of an old field existing road through the said Westrick lands; thence, with a width of 16.5 feet on either side of the said point, or a total width of 33 feet, the following courses at distances:

- (a) North 60° 30' West 440 feet;
- (b) North 81° West 125';
- (c) North 75° West 255 feet;
- (d) North 89° West 325 feet'
- (e) South 80° 40' West 260 feet;

to a point at the line of land of the Patton Sportsman Association lands, being a roadway with a width of 33 feet and the length of 1,405 feet.

September 3, 1965: Entered in error. Transferred to Prothonotary's Office.

No. 2

IN RE: AN ORDINANCE LAYING OUT, OPENING
AND ADOPTING AS A PUBLIC STREET
IN THE VILLAGE OF BELSANO, BLACKLICK
TOWNSHIP, CAMBRIA COUNTY, PENNA.,
A STREET TO BE DESIGNATED AS
SMITH STREET. ORDINANCE NO. 12.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$6.50 MAY 7 1965 AUDITED APR 8 1965 AUDITED *W. Sc*

Filed: February 9, 1965

The Township of Blacklick hereby ordains as follows:

SECTION 1. A street, the center line of which is described in Section 2 hereof, is hereby designated as Smith Street and is hereby laid out, opened and ordained as a public street in the Village of Belsano, Blacklick Township, Cambria County, Pennsylvania.

SECTION 2. The center line of said street hereby ordained is described, in accordance with a print of a survey by L. Robert Kimball, Consulting Engineers, dated July 1964, attached hereto and made a part hereof, as follows:

Beginning at a point in the center of Adams Street in the Village of Belsano, Blacklick Township, Cambria County, Pennsylvania, said point of beginning being located South 18° 7' West, a distance of 238½ feet from the center of the intersection of said Adams Street and U. S. Highway Route No. 422; thence North 77° West, a distance of 562 feet to a point and place of beginning.

SECTION 3. The width of said street is hereby established and ordained at thirty-three (33) feet, being sixteen and one-half (16½) feet on each side of the center line hereinabove described.

ENACTED AND ORDAINED into an ordinance, this 6th day of February, 1965.

TOWNSHIP OF BLACKLICK

By: Eugene Frank
Chairman of Board of Supervisors

Lloyd McDonald
Supervisor

James Lansdorfer
Supervisor

ATTEST: Webster B. Mahan

I, the undersigned, Secretary of the Township of Blacklick, hereby certify the foregoing to be a true and correct copy of an ordinance adopted by Blacklick Township Supervisors at a meeting held on the 6th day of February, 1965.

/s/ Webster B. Mahan, Secretary

MAP FILED.

Certified copy to: State Highway Department, Hollidaysburg, Pa.

No. 3

IN RE: AN ORDINANCE LAYING OUT, OPENING AND
ADOPTING AS A PUBLIC STREET IN THE
VILLAGE OF BELSANO, BLACKLICK TOWN-
SHIP, CAMBRIA COUNTY, PENNSYLVANIA,
A STREET TO BE DESIGNATED AS PENN
STREET.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

MAY 7 1965 AUDITED
CLERK OF COURTS: \$6.50

APR 8 1965 AUDITED
3/15/65 Rec. 6 50

FILED: February 9, 1965

ORDINANCE NO. 13

The Township of Blacklick hereby ordains as follows:

SECTION 1. A street, the center line of which is described in Section 2 hereof, is hereby designated as Penn Street and is hereby laid out, opened and ordained as a public street in the Village of Belsano, Blacklick Township, Cambria County, Pa.

SECTION 2. The center line of said street hereby ordained is described, in accordance with a print of a survey by L. Robert Kimball, Consulting Engineers, dated July 1964, attached hereto and made a part hereof, as follows:

Beginning at a point in the center of Smith Street in the Village of Belsano, Blacklick Township, Cambria County, Pa., said point of beginning being located North 77° West, a distance of 562 feet from the center of the intersection of Smith Street and Adams Street; thence North 16° 29' East, a distance of 223.47 feet, more or less, to the center of U. S. Highway Route No. 422.

SECTION 3. The width of said street is hereby established and ordained at thirty-three (33) feet, being sixteen and one-half (16½) feet on each side of the center line hereinabove described.

ENACTED AND ORDAINED into an ordinance, this 6th day of February, 1965.

TOWNSHIP OF BLACKLICK

By: Eugene Frank
Chairman of Board of Supervisors

Lloyd McDonald
Supervisor

James Lansdorfer
Supervisor

ATTEST: Webster B. Mahan, Secretary

I, the undersigned, Secretary of the Township of Blacklick, hereby certify the foregoing to be a true and correct copy of an ordinance adopted by Blacklick Township Supervisors at a meeting held on the 6th day of February, 1965.

Webster B. Mahan, Secretary

MAP FILED.

Certified Copy to: State Highway Department, Hollidaysburg, Pa.

No. 4

IN RE: AN ORDINANCE LAYING OUT, OPENING AND
ADOPTING AS A PUBLIC STREET IN THE
VILLAGE OF TWIN ROCKS, BLACKLICK TOWN-
SHIP, CAMBRIA COUNTY, PENNSYLVANIA, A
STREET TO BE DESIGNATED AS SIXTH STREET.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

MAY 7 1965 AUDITED
CLERK OF COURTS: \$6.50

APR 8 1965 AUDITED
3/15/65 Rec. 6.50

Filed: February 9, 1965

ORDINANCE NO. 14

The Township of Blacklick hereby ordains as follows:

SECTION 1. A street, the center line of which is described in Section 2 hereof, is hereby designated as Sixth Street and is hereby laid out, opened and ordained as a public street in the Village of Twin Rocks, Blacklick Township, Cambria County, Pa.

SECTION 2. The center line of said street hereby ordained is described, in accordance with a print of a survey by L. Robert Kimball, Consulting Engineers, dated July 1964, attached hereto and made a part hereof, as follows:

Beginning at a railroad spike in the center line of Legislative Route No. 933 in the Village of Twin Rocks, Blacklick Township, Cambria County, Pa., as shown on the survey print attached hereto and made a part hereof; thence South $74^{\circ} 42'$ East, a distance of 243.56 feet to a point; thence by a curve to the left having a radius of 127.32 feet, a distance of 115 feet to a point; thence North $53^{\circ} 33'$ East, a distance of 64.17 feet to a point; thence by a curve to the right having a radius of 159.15 feet, a distance of 115.74 feet to a point; thence South $84^{\circ} 47'$ East, a distance of 71.51 feet to a point; thence by a curve to the right having a radius of 381.95 feet, a distance of 250 feet to a point; thence South $54^{\circ} 57'$ East, a distance of 730.30 feet to a point in land of John U. McFadden and Fred J. McFadden and place of ending.

SECTION 3. The width of said street is hereby established and ordained as follows:

(a) Forty (40) feet, being twenty (20) feet on each side of the center line, for that portion of said street from the point of beginning to the westerly line of premises designated as Ebensburg Building and Loan Association on the attached survey print.

(b) Thirty-three (33) feet, being sixteen and one-half ($16\frac{1}{2}$) feet on each side of the center line, throughout the remaining portion of said street.

ENACTED AND ORDAINED into an ordinance, this 6th day of February, 1965.

TOWNSHIP OF BLACKLICK

By: Eugene Frank

Chairman of Board of Supervisors

Lloy McDonald, Supervisor

James Lansdorfer, Supervisor

ATTEST: Webster B. Mahan, Secretary

I, the undersigned secretary of the Township of Blacklick hereby certify the foregoing to be a true and correct copy of an ordinance adopted by Blacklick Township Supervisors at a meeting held on the 6th day of February, 1965.

Webster B. Mahan, Secretary

MAP FILED.

Certified copy to: State Highway Department, Hollidaysburg, Pa.

No. 5

IN RE: AN ORDINANCE FOR THE ACCEPTANCE,
OPENING AND LAYING OUT OF WESTVIEW
DRIVE IN THE TOWNSHIP OF UPPER
YODER, CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

MAY 7 1965 AUDITED
CLERK OF COURTS: \$3.50

MAR 11 1965 AUDITED
2/24/65 REC. 3.50

Filed: February 15, 1965

BE IT ORDAINED, and it is hereby ordained that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby accepts, opens and lays out as a public road in said Township, Westview Drive, being 40 feet in width, the centerline of said Westview Drive being more particularly described as follows:

BEGINNING at a point at the intersection of the Westerly line of Shenklevue Drive, the Southerly line of an existing 20 foot alley as shown on the Shenkel Estate Plan of Lots and the Northerly corner of land now or formerly of George M. Spence, et ux., thence South 54° 13' West a distance of 297.41 feet to a point;

a map, draft and survey showing said Westview Drive and also the centerline grade established thereon is attached hereto and made a part of this Ordinance.

ORDAINED AND ENACTED this 11th day of February 1965.

SUPERVISORS OF THE TOWNSHIP OF UPPER YODER

By: Edward F. DeFrehn, President

ATTEST: Robert W. Hunt, Secretary.

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Supervisors of Upper Yoder Township, Cambria County, on the 11th day of February 1965.

Robert W. Hunt, Secretary
Supervisors of Upper Yoder Township

Map filed.

3-6-67: Copy mailed to Dept. of Highways, Hollidaysburg.

No. 6

IN RE: AN ORDINANCE FOR THE ACCEPTANCE, OPENING
AND LAYING OUT OF DELTA LANE IN THE
TOWNSHIP OF UPPER YODER, CAMBRIA COUNTY,
PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

MAY 7 1965 AUDITED
CLERK OF COURTS: \$3.50

MAR 11 1965 AUDITED
2/24/65 Rec. 3.50

BE IT ORDAINED, and it is hereby ordained that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby accepts, opens and lays out as a public road in said Township Delta Lane, being 40 feet in width, the centerline of said Delta Lane being more particularly described as follows:

BEGINNING at the intersection of the centerline of Lyle Court and the centerline of Delta Lane at Station 0+0, thence by the centerline of Delta Lane South 44° 30' East a distance of 212.37 feet to Station 2+12.37, thence by same South 39° 57' East a distance of 195.79 feet to Station 4+08.16 at the center line of Gayview Terrace;

a map, draft and survey showing said Delta Lane and also the centerline grade established thereon, as prepared by Rinks and Locher Engineers, Inc., on July 16, 1964, is attached hereto and made a part of this Ordinance.

ORDAINED AND ENACTED This 11th day of February, 1965.

SUPERVISORS OF THE TOWNSHIP OF UPPER YODER

By: Edward F. DeFrehm, President

ATTEST: Robert W. Hunt, Secretary

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Supervisors of Upper Yoder Township, Cambria County, on the day of 1965.

Robert W. Hunt, Secretary
Supervisors of Upper Yoder Township

Map filed.

7-22-68: Certified copy sent to Dept. of Highways.

No. 1

IN RE: AN ORDINANCE FOR THE ACCEPTANCE, OPENING
AND LAYING OUT OF CEMETERY ROAD, HICKORY LANE
AND PENGUIN WAY

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

~~JUL 29 1965~~ AUDITEL
CLERK OF COURTS: \$3.50

MAY 7 1965 AUDITEL
3-5-65 REC. 13.50

FILED: March 15, 1965

BE IT ORDAINED, and it is hereby ordained that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby accepts, opens and lays out as a public road in said Township Cemetery Road, being 33.6 feet in width, the center line of said Cemetery Road being more particularly described as follows:

BEGINNING at a point on the center line of Cemetery Road at the Northerly Right-of-Way Line of Goucher Street at Station 1+25, thence by the center line of said Cemetery Road North 35° 32' East a distance of 370.5 feet to Station 2+45.5 at the Northerly side of a 16 foot alley, the place of ending.

a map, draft and survey showing said Cemetery Road and also the centerline grade established thereon is attached hereto and made part of this Ordinance.

BE IT FURTHER ORDAINED, and it is hereby ordained that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby accepts, opens and lays out as a public road in said Township Hickory Land, being 33 feet in width, the center line of said Hickory Lane being more particularly described as follows:

BEGINNING at a point on Goucher Street at Station 0+15 on the centerline of Hickory Lane, thence by the centerline of said Hickory Lane, thence by the centerline of said Hickory Lane North 37° 02' East a distance of 375 feet to Station 3+90, the Place of ending.

a map, draft and survey showing said Hickory Land and also the centerline grade established thereon is attached hereto and made part of this Ordinance.

BE IT FURTHER ORDAINED, and it is hereby ordained that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby accepts, opens and lays out as a public road in said Township Penguin Way, being 16 feet in width, the center line of said Penguin Way being more particularly described as follows:

BEGINNING at Station 1+62 on Cemetery Road, thence by the centerline of Penguin Way North 48° 51' West a distance of 288 feet to Station 4+50, the place of ending.

a map, draft and survey showing said Penguin Way and also the centerline grade established thereon is attached hereto and made part of this Ordinance.

ORDAINED AND ENACTED this 11th day of March, 1965.

SUPERVISORS OF THE TOWNSHIP OF UPPER YODER

/s/ Edward F. DeFrehn, President

ATTEST:

Robert W. Hunt, Secretary
(S E A L)

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, on the 11th day of March, 1965.

/s/ Robert W. Hunt

Secretary, Supervisors of Upper Yoder Township

MARS FILED (3)

No. 2

IN RE: AN ORDINANCE FOR THE ACCEPTING, OPENING
AND LAYING OUT OF ROSE MARY LANE

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 3.50 *Y. 3 27* *MAY 27 1965 AUDITED*
4-26-65

FILED: April 12, 1965

BE IT ORDAINED and it is hereby ordained that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby accepts, opens and lays out as a public road in said Township Rose Mary Lane, being 40 feet in width, the centerline of said Rose Mary Lane being more particularly described as follows:

BEGINNING at Station 0+0 at the centerline of Rose Mary Lane and the Northerly property line of Sell Street, thence by the centerline of Rose Mary Lane North 0° 48' East a distance of 141.4 feet to Station 1+41.4, thence by same North 46° 36' 30" West a distance of 315.79 feet to Station 4+57.19, thence by same North 28° 49' 30" West a distance of 145.69 feet to Station 6+02.88 the center of a 40 foot radius cul-de-sac, the place of ending.

a map, draft and survey showing said Rose Mary Lane and also the centerline grade established thereon, as prepared by A. Calvin Galbreath, R.P.E., on June 12, 1960, is attached hereto and made a part of this Ordinance.

ORDAINED AND ENACTED this 8th day of April, 1965.

SUPERVISORS OF THE TOWNSHIP OF UPPER YODER
By: Edward F. DeFrehm, President

ATTEST: Robert W. Hunt, Secretary
(S E A L)

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, on the 8th day of April, 1965.

/s/ Robert W. Hunt, Secretary
Supervisors of Upper Yoder Township (S E A L)

MAP FILED

JUNE

SESSIONS, 1965

No. 3

IN RE: AN ORDINANCE FOR THE ACCEPTING, OPENING
AND LAYING OUT OF DEBRA LANE

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$ 3.50

FILED: April 12, 1965

BE IT ORDAINED, and it is hereby ordained that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby accepts, opens and lays out as a public road in said Township Debra Lane, being 40 feet in width, the centerline of said Debra Lane being more particularly described as follows:

BEGINNING at Station 0+0 at the intersection of the center line of Robinson Avenue and Debra Lane, thence by the center line of said Debra Lane the following courses and distances: South 24° 11' East 56.95 feet to Station 0+56.95, South 49°26'30" East 68.55 feet to Station 1+25.5, South 32°33'30" West 136.15 feet to Station 2+61.65, South 49°26'30" East 409.75 feet to Station 6+71.4, South 58°35'30" West 153.5 feet to Station 8+24.9, South 75°31'40" West 159.2 feet to Station 9+84.10 at the intersection of the centerline of Rose Mary Lane, the place of ending.

a map, draft and survey showing said Debra Lane and also the centerline grade established thereon as prepared by Hinks & Locher, Engineers, Inc. on January 29, 1965, is attached hereto and made a part of this Ordinance.

ORDAINED AND ENACTED this 8th day of April, 1965.

SUPERVISORS OF THE TOWNSHIP OF UPPER YODER
By: Edward F. DeFrehm, President

ATTEST: Robert W. Hunt, Secretary
(S E A L)

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Supervisors of the Township of Upper Yoder, Cambria County, on the 8th day of April, 1965.

Robert W. Hunt, Secretary
Supervisors of Upper Yoder Township

(S E A L)

MAP FILED

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No. 1

IN RE: IN THE MATTER OF THE CHARGE
OF LINES AND LOCATION OF THE HIGHWAY
KNOWN AS LEGISLATIVE ROUTE NO. 1022-3
IN THE TOWNSHIP OR CROYLE AND BOROUGH OF
SUMMERHILL, CAMBRIA COUNTY, PENNA.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS:

FILED: July 8, 1965

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of LAURA C. SHRIFT, by her attorneys,
GLEASON & KRUMENACKER, respectfully represent:

1. That your Petitioner is an individual and resides in the Township of Croyle and Borough of Summerhill, Cambria County, Pennsylvania.
2. That the Commonwealth of Pennsylvania is the condemning body.
3. That Laura C. Shrift is the sole owner of the real estate hereinafter described.
4. That the description of the real estate affected by the Commonwealth's condemnation is as follows:

ALL OF THAT certain piece or parcel of land situate lying
and being in the Township of Croyle and Borough of Summerhill
bound and described on the attached sheet, marked "A", the
amount taken being 2.41 Acres.

5. That prior to filing this Petition, the Commonwealth of Pennsylvania condemned a
portion of the hereinbefore described real estate for the purpose of rebuilding and improving
Legislative Route No. 1022.

6. That the Commonwealth of Pennsylvania and your Petitioner have not agreed as to
the amount of damages to be paid to your Petitioner for the condemnation of her land.

7. That the Commonwealth of Pennsylvania alleges the fair market value of the land
owned by your Petitioner at the time of condemnation was decreased by reason of the condemnation,
and by reason of the fact that a certain portion of her land was actually taken for public use,
and in addition thereto, they claim that the fair market value immediately after the condemnation,
was affected by the condemnation, was less than the amount of the fair market value immediately
before the condemnation.

WHEREFORE, your Petitioner, by her Attorneys, GLEASON & KRUMENACKER, Esqs., pray your
Honorable Court to appoint a Board of Viewers in the manner prescribed by law, to ascertain and
award just compensation to the Petitioner for her property so condemned in accordance with the
Acts of Assembly in such cases made and provided.

And they will ever pray, etc.

GLEASON & KRUMENACKER
BY Andrew J. Gleason
ATTORNEYS FOR PETITIONER

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CAMBRIA : SS:

Before me, a Notary Public in and for said County and State, personally appeared
LAURA C. SHRIFT, who, being duly sworn according to law, deposes and says that she is the
Petitioner named in the foregoing Petition, and that the statements therein set forth are true
and correct to the best of her knowledge, information and belief.

/s/ Laura C. Shrift.

SWORN and subscribed before me this
28th day of June, 1965

Mrs. Eleanor Zuccolotto N. P.

No. 1 (CONTINUED)

ORDER

AND NOW, to-wit, this 7th day of July, 1965, on motion of GLEASON & KRUMENACKER, Attorneys for Petitioner, and upon consideration of the within Petition, the Court hereby appoints Francis J. Nitch, T. L. Locher, and Owen Heeney, as a Board of Viewers upon the within Petition, and further orders that the Board of Viewers perform its duty in accordance with the law and Acts of Assembly in such case made and provided.

BY THE COURT: /s/ Griffith, P.J.

July 12, 1965: ENTERED IN ERROR. TRANSFERRED TO PROTHONOTARY'S OFFICE.

No. 2

IN RE: IN THE MATTER OF THE CHANGE OF
LINES AND LOCATION OF THE HIGHWAY
KNOWN AS LEGISLATIVE ROUTE NO. 1022-4.
IN THE TOWNSHIP OF CROYLE, CAMBRIA COUNTY,
PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS:

FILED: July 8, 1965

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of MARGARET WIRFEL, by her attorneys, GLEASON & KRUMENACKER, respectfully
represents:

1. That your Petitioner is an individual and resides in the Township of Croyle, Cambria
County, Pennsylvania.

2. That the Commonwealth of Pennsylvania is the condemning body.

3. That Margaret Wirfel is the sole owner of the real estate hereinafter described.

4. That the description of the real estate affected by the Commonwealth's condem-
nation is as follows:

ALL OF that certain piece or parcel of land situate, lying
and being in the Township of Croyle, Cambria County,
Pennsylvania, bounded and described on the attached sheet,
marked "A", the amount taken being 31.54 Acres.

5. That prior to filing this Petition, the Commonwealth of Pennsylvania condemned
a portion of the hereinbefore described real estate for the prupose of rebuilding and improving
Legislative Route No. 1022.

6. That the Commonwealth of Pennsylvania and your Petitioner have not agreed as to
the Amount of damages to be paid to your Petitioner for the condemnation of her land.

7. That the Commonwealth of Pennsylvania alleges the fair market balue of the land
owned by your Petitioner at the time of condemnation was decreased by reason of the condemnation,
and by reason of the fact that a certain portion of her land was actually taken for public use,
and in addition thereto, they claim that the fair m arket value immediately after the condemnation,
as affected by the condemnation, was less than the amount of the fair market value immediately
before the condemnation.

WHEREFORE, your Petitioner, by her attorneys, GLEASON & KRUMENACKER, Esqs., pray
your Honorable Court to appoint a Board of Viewers in tha manner prescribed by law, to ascertain
and award just compensation to the Petitioner for her property so condemned in accordance with
the Acts of Assembly in such cases made and provided.

And they will ever pray, etc.

GLEASON & KRUMENACKER

BY /s/ Andrew J. Gleason

ATTORNEYS FOR PETITIONER

COMMONWEALTH OF PENNSYLVANIA :

: SS:

COUNTY OF CAMBRIA :

Before me, a Notary Public in and foresaid County and State, Personally appeared
MARGARET WIRFEL, who, being dulysworn according to law, deposes and says that she is the Petitioner
named in the foregoing Petition, and that the statements therein set forth are true and correct to
the best of her knowledge, information and belief.

Margaret Wirfel

SWORN and subscribed before me this

7th day of July, 1965,

/s/ Mrs. Rosemarie A. Sigg, N. P.

SEAL

No. 12 (CONTINUED)

ORDER

AND NOW, to-wit, this 7th day of July, 1965, on motion of GLEASON & KRUMENACKER, Attorneys for Petitioner, and upon consideration of the within Petition, the Court hereby appoints Francis J. Nitch, T. L. Locher, and Owen Heeney, as a Board of Viewers upon the within Petition, and further orders that the Board of Viewers perform its duty in accordance with the law and Acts of Assembly in such case made and provided.

BY THE COURT: /S/ Griffith, P.J.

July 12, 1965: ENTERED IN ERROR. TRANSFERRED TO PROTHONOTARY'S OFFICE.

No. 3

IN RE: IN THE MATTER OF THE CHANGE
OF LINES AND LOCATION OF THE HIGH-
WAY KNOWN AS LEGISLATIVE ROUTE
No. 1022-4 IN THE TOWNSHIP OF CROYLE,
CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS:

FILED: July 8, 1965

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of JOSEPH C. WESS, by his Attorneys, GLEASON & KRUMENACKER, respectfully
represents:

1. That your Petitioner is an individual and resides in the Township of Croyle, Cambria
County, Pennsylvania.

2. That the Commonwealth of Pennsylvania is the condemning body.

3. That Joseph C. Wess is the sole owner of the real estate hereinafter described.

4. That the description of the real estate affected by the Commonwealth's condemnation
is as follows:

ALL OF that certain piece or parcel of land situate, lying and
being in the Township of Croyle, Cambria County, Pennsylvania,
bounded and described on the attached sheet, marked "A", the
amount taken being 2.45 Acres.

5. That prior to filing this Petition, the Commonwealth of Pennsylvania condemned a
portion of the hereinbefore described real estate for the prupose of rebuilding and improving
Legislative Route No. 1022.

6. That the Commonwealth of Pennsylvania and your Petitioner have not agreed as to
the amount of damages to be paid to your Petitioner for the condemnation of his land.

7. That the Commonwealth of Pennsylvania alleges the fair market value of the land
owned by your Petitioner at the time of 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, they claim that the fair market value immediately after the condemnation
as affected by the condemnation, was less than the amount of the fair market value immediately
before the condemnation.

WHEREFORE, Your Petitioner, by his Attorneys, GLEASON & KRUMENACKER, Esqa., pray
your Honorable Court to appoint a Board of Viewers in the manner prescribed by law, to ascertain
and award just compensation to the Petitioner for his property so condemned in accordance with
the Acts of Assembly in such cases made and provided.

And they will ever pray, etc.

GLEASON & KRUMENACKER

BY /s/ Andrew J. Gleason

ATTORNEYS FOR PETITIONER

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CAMBRIA

SS:

Before me, a Notary Public in and for said County and State, personally appeared JOSEPH
C. WESS, who, being duly sworn according to law, deposes and says that he is the Petitioner named
in the foregoing Petition, and that the statements therein set forth are true and correct to the
best of his knowledge, information and belief.

Joseph C. Wess

SWORN and subscribed before me this
7th day of July, 1965.

Mrs. Rosemarie A. Sigg

No. 3 (CONTINUED)).

ORDER

AND NOW, to-wit, this 7th day of July, 1965, and on motion of GLEASON & KRUMENACKER, Esqs., Attorneys for Petitioner, and upon consideration of the within Petition, the Court hereby appoints Francis J. Nitch, T. L. Locher, and Owen Heeney, as Board of Viewers upon the within Petition, and further orders that the Board of Viewers perform its duty in accordance with the law and Acts of Assembly in such case made and provided.

BY THE COURT: /s/ Griffith, P.J.

July 12, 1965: ENTERED IN ERROR. TRANSFERRED TO PROTHONOTARY'S OFFICE.

No. 4

IN RE: IN THE MATTER OF THE CHANGE OF
LINES AND LOCATION OF THE HIGHWAY KNOWN
AS LEGISLATIVE ROUTE NO. 1022-3 IN THE
TOWNSHIP OF CROYLE AND BOROUGH OF
SUMMERHILL, CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS:

FILED: July 8, 1965

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of REGIS R. SHRIFT, by his Attorneys, GLEASON & KRUMENACKER, respectfully represents:

1. That your Petitioner is an individual and resides in the Township of Croyle and Borough of Summerhill, Cambria County, Pennsylvania.
2. That the Commonwealth of Pennsylvania is the condemning body.
3. That Regis R. Shrift is the sole owner of the real estate hereinafter described.
4. That the description of the real estate affected by the Commonwealth's condemnation is as follows:

ALL OF that certain piece or parcel of land situate,
lying and being in the Township of Croyle and Borough
of Summerhill, Cambria County, Pennsylvania, bounded
and described on the attached sheet, marked "A", the
amount taken being 4.72 Acres.

5. That prior to filing this Petition, the Commonwealth of Pennsylvania condemned a portion of the hereinbefore described real estate for the purpose of rebuilding and improving Legislative Route No. 1022.

6. That the Commonwealth of Pennsylvania and your Petitioner have not agreed as to the amount of damages to be paid to your Petitioner for the condemnation of his land.

7. That the Commonwealth of Pennsylvania alleges the fair market value of the land owned by your Petitioner at the time of 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, they claim that the fair market value immediately after the condemnation, as affected by the condemnation, was less than the amount of the fair market value immediately before the condemnation.

WHEREFORE, your Petitioner, by his Attorneys, GLEASON & KRUMENACKER, Esqs., pray your Honorable Court to appoint a Board of Viewers in the manner prescribed by law, to ascertain and award just compensation to the Petitioner for his property so condemned in accordance with the Acts of Assembly in such cases made and provided.

and they will ever pray, etc.

GLEASON & KRUMENACKER
BY /s/ Andrew Gleason
ATTORNEYS FOR PETITIONER

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CAMBRIA : SS:

Before me, a Notary Public in and for said County and State, personally appeared REGIS R. SHRIFT, who, being duly sworn according to law, deposes and says that he is the Petitioner named in the foregoing Petition, and that the statements therein set forth are true and correct to the best of his knowledge, information and belief.

/s/ Regis R. Shrift

SWORN and subscribed before me this
28th day of June, 1965.
---/s/---Mrs. Eleanor Zuccolotto

No. 4 (CONTINUED)

ORDER

AND NOW, to-wit, this 7th day of July, 1965, on motion of GLEASON & KRUMENACKER, Attorneys for Petitioner, and upon consideration of the within Petition, the Court hereby appoints Francis J. Nitch, T. L. Locher, and Owen Heeney, as a Board of Viewers upon the within Petition, and further orders that the Board of Viewers perform its duty in accordance with the law and Acts of Assembly in such case made and provided.

BY THE COURT: Griffith, P.J.

July 12, 1965: ENTERED IN ERROR. TRANSFERRED TO PROTHONOTARY'S OFFICE.

No. 5

IN RE: IN THE MATTER OF THE CHANGE OF LINES
AND LOCATION OF THE HIGHWAY KNOWN AS

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

LEGISLATIVE ROUTE NO. 1022-4 IN THE TOWNSHIP
OF CROYLE, CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS:

FILED: July 8, 1965

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of JOSEPH A. SHRIFT and THEODORE SHRIFT, by their Attorneys, GLEASON
& KRUMENACKER, respectfully represents;

1. That your Petitioners are individuals and reside in the Township of Croyle,
Cambria County, Pennsylvania.

2. That the Commonwealth of Pennsylvania is the condemning body.

3. That Joseph A. Shrift and Theodore Shrift are the sole owners of the real
estate hereinafter described.

4. That the description of the real estate affected by the Commonwealth's
condemnation is as follows:

ALL THAT certain piece or parcel of land situate in the
Township of Croyle, Cambria County, Pennsylvania, bounded
and described on the attached sheet, marked "A", the amount
taken being 12.98 Acres.

5. That prior to the filing of this Petition, the Commonwealth of Pennsylvania
condemned a portion of the hereinbefore described real estate for the prupose of rebuilding and
improving Legislative Route No. 1022.

6. That the Commonwealth of Pennsylvania and your Petitioners have not agreed
as to the amount of damages to be paid to your Petitioners for the condemnation of their land.

7. That the Commonwealth of Pennsylvania alleges the fair market value of the
land owned by your Petitioners at the time of the condemnation was decreased by reason of the
condemnation, and by reason of the fact that a certain portion of their land was actually taken
by public use, and in addition therefo, they claim that the fair market value immediately after
the condemnation, as affected by the condemnation, was less than the amount of the fair market
value immediately before the condemnation.

WHEREFORE, your Petitioners, by their attorneys, GLEASON & KRUMENACKER, Esqs., pray
your Honorable Court to appoint a Board of Viewers in the manner prescribed by law, to ascertain
and award just compensation to the Petitioners for their property so condemned in accordance
with the Acts of Assembly in such cases made and provided.

And they will every pray, etc.

GLEASON & KRUMENACKER

BY Andrew J. Gleason
Attorneys for Petitioners

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CAMBRIA

SS:

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

/s/ Joseph A. Shrift

Theodore M. Shrift

SWORN and subscribed before me, this
7th day of July 1965.

Mrs. Rosemarie A. Sigg

No. 5 (CONTINUED)

ORDER

IN RE:

AND NOW, to-wit, this 7th day of July, 1965, on motion of GLEASON & KRUMENACKER, Attorneys for Petitioner, and upon consideration of the within Petition, the Court hereby appoints Francis J. Nitch, T. L. Locher, and Owen Heeney, as a Board of Viewers upon the within Petition, and further orders that the Board of Viewers perform its duty in accordance with the law and the Acts of Assembly in such case made and provided.

BY THE COURT: Griffith, P.J.

July 12, 1965: ENTERED IN ERROR. TRANSFERRED TO PROTHONOTARY'S OFFICE.

No. 6

IN RE: IN THE MATTER OF THE CHANGE OF LINES
AND LOCATION OF THE HIGHWAY KNOWN AS LEGISLATIVE
ROUTE NO. 1022-4 IN THE TOWNSHIP OF CROYLE,
CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS:

FILED: July 8, 1965

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The Petition of MARGARET WIRFEL, by her Attorney, GLEASON & KRUMENACKER, respectfully represents:

1. That your Petitioner is an individual and resides in the Township of Croyle, Cambria County, Pennsylvania.
2. That the Commonwealth of Pennsylvania is the condemning body.
3. That Margaret Wirfel is the sole owner of the real estate hereinafter described.
4. That the description of the real estate affected by the Commonwealth's condemnation is as follows:

ALL OF that certain piece or parcel of land situate, lying
and being in the Township of Croyle, Cambria County, Penns.,
bounded and described on the attached sheet, marked "A", the
amount taken being 31.54 Acres.

5. That prior to the filing of this Petition, the Commonwealth of Pennsylvania condemned a portion of the hereinbefore described real estate for the purpose of rebuilding and improving Legislative Route No. 1022.

6. That the Commonwealth of Pennsylvania and Your Petitioner have not agreed as to the amount of damages to be paid to your Petitioner for the condemnation of her land.

7. That the Commonwealth of Pennsylvania alleges the fair market value of the land owned by your Petitioner at the time of condemnation was decreased by reason of the condemnation, and by reason of the fact that a certain portion of her land was actually taken for public use, and in addition thereto, they claim that the fair market value immediately after the condemnation, was less than the amount of the fair market value immediately before the condemnation.

WHEREFORE, your Petitioner, by her attorneys, GLEASON & KRUMENACKER, Esqs., pray your Honorable Court to appoint a Board of Viewers in the manner prescribed by law, to ascertain and award just compensation to the Petitioner for her property so condemned in accordance with the Acts of Assembly in such cases made and provided.

And they will ever pray, etc.

GLEASON & KRUMENACKER

BY /s/ Andrew Gleason
Attorneys for Petitioner

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CAMBRIA :

SS:

Before me, a Notary Public in and for said County and State, personally appeared MARGARET WIRFEL, who being duly sworn according to law, deposes and says that she is the Petitioner named in the foregoing Petition, and that the statements therein set forth are true and correct to the best of her knowledge, information, and belief.

Margaret Wirfel

SWORN and subscribed before me this
7th day of July, 1965.

/s/ Mrs. Rosemarie A. Sigg N.P.

No. 6 (CONTINUED)

ORDER

AND NOW, to-wit, this 7th day of July, 1965, on motion of GLEASON & KRUMENACKER, Attorneys for Petitioner, and upon consideration of the within Petition, the Court hereby appoints Francis J. Nitch, T. L. Locher, and Owen Heeney, as a Board of Viewers upon the within Petition, and further orders that the Board of Viewers perform its duty in accordance with the law and Acts of Assembly in such case made and provided.

BY THE COURT: /s/ Griffith

July 12, 1965: ENTERED IN ERROR. TRANSFERRED TO PROTHONOTARY'S OFFICE.

No. 1

IN RE: AN ORDINANCE LAYING OUT, OPENING
AND ADOPTING A PUBLIC ROAD IN
JACKSON TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA. ORDINANCE NO. 13

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS: * 6.50 Rec'd 6⁵⁰ DEC 9 1966 AUDITED
11-16-66

FILED: August 27, 1965

The Township of Jackson hereby ordains as follows:

SECTION 1. A road as hereinafter described is hereby opened, laid out and ordained as a public road in Jackson Township, Cambria County, Pennsylvania.

SECTION 2. The center line of the road hereby ordained is described in accordance with a print of a survey by W. J. Battista, Registered Engineer, dated December 1964, attached hereto and made a part hereof, as follows:

Beginning at a point on the present westerly line of Township Road No. 431 at or near property line of Nathan Taylor and Elmer H. Gillen; thence extending from said point of beginning, South 65° 45' West a distance of 987.8 feet to a point at or near property line of Walter Smith and Leonard Holdsworth; thence by a curve to the left along the center line of a turnaround as shown on the attached print of survey.

SECTION 3. The width of said road from the point of beginning to the line of Walter Smith and Leonard Holdsworth, be and hereby is ordained at forty (40) feet, being twenty (20) feet on each side of the aforesaid center line, and the width of the turnaround be and hereby is ordained at thirty (30) feet in accordance with the attached survey print.

ENACTED AND ORDAINED this 13th day of August, 1965.

TOWNSHIP OF JACKSON

By: Harry A. Leidy
Chairman of Board of Supervisors

Wayne Horner, Supervisor
Dwight Bowman, Supervisor

ATTEST: Gail Horner, Secretary

I, the undersigned, Secretary of Jackson Township, Cambria County, Pa., hereby certify the foregoing to be a true and correct copy of an ordinance adopted by the Supervisors of Jackson Township at a meeting of said Supervisors held on the 13th day of August 1965.

/s/ Gail Horner, Secretary

Map filed.

CC: Dept. of Highways, Hollidaysburg

No. 2

IN RE: PETITION FOR APPOINTMENT
OF VIEWERS TO OPEN A PUBLIC
ROAD IN THE TOWNSHIP OF JACKSON,
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS: 23rd Rec 28th JUN 27 1966 AUDITED

FILED: September 1, 1965

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT: 3rd

1. The undersigned petitioners are residents and taxpayers of the Township of Jackson, County of Cambria and State of Pennsylvania, or are owners of real estate situate in said township.

2. Your petitioners and other taxpayers and inhabitants of the County of Cambria labor at great inconvenience for want of a public road or highway in the Township of Jackson, Cambria County, Pennsylvania, to begin and end at two public roads, at the points hereinafter designated, and such a public road or highway is necessary for public travel:

3. A description of the road desired to be opened is as follows:

Beginning at a point on the easterly side of a present township road where the same is intersected by the southerly line of Davis Street as shown on the hereinafter mentioned plan of lots; thence along the southerly line of Davis Street North 60 degrees 06 minutes East 1457 feet, more or less, to the westerly side of Cyrus Avenue; thence along the westerly side of Cyrus Avenue South 30 degrees 43 minutes East 380 feet, more or less, to the northerly side of another township road; thence by the northerly side of said township road, and crossing Cyrus Avenue, North 60 degrees 06 minutes East 50 feet to the easterly side of Cyrus Avenue; thence by the easterly side of Cyrus Avenue, North 30 degrees 43 minutes West 380 feet, more or less, to the southerly side of Davis Street; thence crossing Davis Street, North 30 degrees 43 minutes West 50 feet to a point on the northerly side of Davis Street; thence along the northerly side of Davis Street South 60 degrees 06 minutes West a distance of 1400 feet, more or less, to the easterly line of the first mentioned township road; thence along the easterly line of said township road South 22 degrees 45 minutes West a distance of 65 feet, more or less, to the place of beginning; being the westerly most portion of Davis Street and all of Cyrus Avenue, as the same appears on the plan of lots laid out for Cyrus W. Davis by S. E. Dickey and Company, Dec. 6, 1922, and which was recorded April 30, 1940, in Plat Book Vol. 3, Page 127, records of Cambria County.

4. The width of both Davis Street and Cyrus Avenue, as shown and dedicated on the above plan, is 50 feet, which is in excess of the minimum required width as set forth in the Second Class Township Code.

5. Your petitioners, or some of them, presented their petition to the Supervisors of Jackson Township on June 30, 1964, requesting that the supervisors open the above described road, but no action has been taken on said petition from that day to this.

WHEREFORE, your petitioners pray that your Honorable Court appoint Viewers to view and lay out a public road as herein prayed for and make report of their proceedings to your Honorable Court at the next term thereof.

Signers: Irvin C. Gillin, Pauline A. Gillin, James Q. Dunbar, Nancy E. Dunbar, Jacob H. Salem, Helen M. Salem, Mrs. Rose Salem, James Salem, Chalmer Hill, William H. Findley, Jr., Mrs. Wm. H. Findley, Mike Mikulik, Mary L. Mikulik, David L. Hakanen, Nellie L. Hakanen, Robert P. Hildebrand, Winona Hildebrand, Dorothy Dreikorn, William H. Dreikorn, Clifford Allison, Jennie M. Allison, Bruce R. Coleman, Thelma L. Coleman, John D. Candler, Eileen M. Candler, Harold Holsopple, Mrs. Harold Holsopple, Matthew F. Hart, Mrs. Matthew Hart.

STATE OF PENNSYLVANIA:

COUNTY OF CAMBRIA : SS.

Irvin C. Gillin, being duly sworn according to law, deposes and says that he is an inhabitant and taxpayer of the Township of Jackson, County of Cambria and State of Pennsylvania, that he is one of the petitioners herein, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

/s/ Irvin C. Gillin

CONTINUED ON NEXT PAGE

No. 2 Continued:

Sworn to and subscribed before me this 30th day of August, 1965.

/s/ Stephen D. Oblackovich, Clerk of Courts

3. DECREE 116.29

AND NOW, this 1st day of September, 1965, the within petition having been presented by Thomas A. Young, the attorney for the petitioners, Leopold J. Wendekier, Esquire, T. L. Locher, and Owen Heeney are hereby appointed viewers to view the ground proposed for the road described in the within petition, and to make report of their proceedings to this court; returnable

By the Court: Griffith, P.J.

April 29, 1966: Viewers' Report filed.

VIEWS' REPORT

After consideration of a Petition presented on behalf of the property owners by Thomas A. Young, Esquire, the Court appointed Leopold J. Wendekier, Esquire, T. L. Locher and Owen Heeney as a Board of Viewers in this matter.

In pursuance of their appointment, the viewers caused notice to be served on all parties that a meeting would be held upon the premises at 10:00 o'clock, A. M. e.s.t., on Monday, November 22, 1965, for the purpose of viewing the premises. A copy of said notice is attached hereto and made part of the record.

On the day and at the time appointed, the viewers met upon the premises and were met there by Thomas A. Young, Esquire, counsel for the property owners; Jacob Salem, David Hakanen and several other property owners. There was nobody present representing the Township.

A meeting at which time the testimony of witnesses could be taken had been previously scheduled for 1:30 o'clock, P.M., on the same date and was held as scheduled in the Cambria County Courthouse, in Courtroom No. 4.

This hearing was attended by several of the property owners; by Thomas A. Young, Esquire, their counsel; the Township Supervisors and by John W. Taylor, their counsel.

Those who testified for the assistance of the Board of View, were Mr. Jacob Salem and Mr. David Hakanen, for the property owners, and Mr. Wayne Horner and Mr. Dwight L. Bowman, on behalf of the Township.

From the testimony and evidence submitted to it, and from their own investigation and observance, the viewers find the following

FACTS

1. The Petitioners are residents of Jackson Township, Cambria County, Pennsylvania,
2. The Petitioners are the owners of certain real estate in Jackson Township, Cambria County, Pennsylvania, abutting upon Davis Street in said Township.
3. Davis Street is one of several streets laid out on the plan of lots prepared for Cyrus W. Davis in said Township on December 6, 1922, and recorded in Cambria County on April 30, 1940, in Plat Book Vol. 3, page 127.
4. Davis Street as laid out has a width of 50 feet and extends from Gillen Lane to Cyrus Avenue.
5. The Petitioners purchased their respective real estate in accordance with the aforementioned plan.
6. On April 29, 1960, the Supervisors of Jackson Twonship adopted Ordinance No. 6, "prohibiting the opening, construction or dedication for public use or travel of any road, street, or alley, or any drainage facilities in connection therewith, except in accordance with plans submitted and approved by the Township Supervisors as provided by the Act of 1933, May 1, P. L. 103, Art. XI, Sections 1140, et. seq."
7. On June 30, 1964, the Petitioners requested the Supervisors of Jackson Township to open Davis Street, but no action has been taken upon said request.
8. On September 1, 1965, the Petitioners, after notice of the Supervisors of said Township requested the Court to appoint a Board of View to view and lay-out a public road as described in the Petition.
9. There being no objection thereto, the Court did so appoint a Board of View.

Continued on page 370

SESSIONS, 19

10. The Petitioners have been inconvenienced for want of a public road to serve their respective properties.

From the testimony and evidence submitted, and from their own investigation and observation, the viewers have reached the following

CONCLUSIONS OF LAW

1. This proceeding was properly brought before the Court of Quarter Sessions of Cambria County.

2. The Court has jurisdiction over both the subject matter and the parties hereto.

3. Ordinance No. 6, of the Township of Jackson, Cambria County, Pennsylvania, is a duly enacted Ordinance.

4. Ordinance No. 6, is in applicable to the situation here under consideration.

5. The Petitioners are entitled to have Davis Street declared a public way for a certain portion of its distance.

CONCLUSION AND DISCUSSION

It appears that sometime prior to December 6, 1922, one, Cyrus W. Davis, purchases a sizable tract of land in Jackson Township, Cambria County, Pennsylvania. He then engaged S. E. Dickey and Company, a firm of engineers, to prepare a plan of lots upon this tract of land. This plan was dated December 6, 1922, and was recorded in Cambria County on April 30, 1940, in Plat Book Vol. 3, page 127.

Mr. Davis, the owner of the tract in question, sold lots from this plan to various individuals, including the Petitioners.

On May 1, 1933, the Legislature of the Commonwealth of Pennsylvania enacted the Second Class Township Code, which has been variously amended since that time.

Pursuant to Section 1140, et. seq., of this code, the Supervisors of the Township of Jackson, Cambria County, Pennsylvania, enacted Ordinance No. 6, on April 29, 1960.

On June 30, 1964, a number of residents of Jackson Township presented a Petition to the Supervisors of Jackson Township, requesting that the Supervisors open and maintain a portion of a certain street known on the plan of lots prepared for Cyrus W. Davis, as Davis Street.

According to the Petition presented to the Court by these residents requesting that a Board of View be appointed to determine the necessity for the laying-out of a public road, no action has been taken upon this Petition.

The respective property owners, and Petitioners in this matter, have proceeded under the Act of June 13, 1836, P. L. 551, sec. 11, as amended, Purdon's Pa. Stat Ann., tit. 36, sec. 2731.

It is the contention of the Township that the Viewers are bound by the provisions of the Second Class Township Code, and by Ordinance No. 6, enacted thereunder.

Conversely, the Petitioners contend that the provisions of the Second Class Township Code, and, consequently, Ordinance No. 6, have no application in this matter and that the Viewers are bound to proceed under the General Road Law of 1836, as amended.

In making its Order appointing a Board of View, the Court subjected the Viewers to the provisions of the Act of June 13, 1836, which requires that the Board view the ground and upon finding that there is an occasion for the location of a road there, to proceed to lay-out the same, having respect to the shortest distance and the best ground for a road, and in such manner as to do the least injuries to private property, and also to be as far as practicable agreeable to the desire of the Petitioners.

In the instant case, the Viewers did view the ground as directed by the Statute and by the Court, and found that there was already a road laid-out, dedicated and used by the public.

In the hearing before the Board, two of the Petitioners testified that they had purchased lots in this plan of lots and had erected residences thereon.

The Viewers observed on the date of the view that there were a number of other houses whose only access was the road laid-out and traveled by all the property owners in common.

This road intersects with, and connects to, a highway which is a part of the Township road system, namely Gillen Lane.

It was admitted at the hearing that Gillen Lane had been a part of the Township road system for a number of years and was maintained by the Township Supervisors at the expense of the Township.

Continued on page 427

No. 1

IN RE: AN ORDINANCE LAYING OUT, OPENING
AND ADOPTING AS A PUBLIC STREET
IN THE VILLAGE OF TWIN ROCKS,
BLACKLICK TOWNSHIP, CAMBRIA COUNTY
PENNSYLVANIA, AS A STREET TO BE
DESIGNATED AS THIRD STREET.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY PENNSYLVANIA

AUG 25 1966 AUDITED
CLERK OF COURTS: \$6.50

MAY 10 1966 AUDITED
Rec. 6.50 4-2-66

FILED: February 8, 1966

ORDINANCE NO. 16

The Township of Blacklick hereby ordains as follows:

SECTION 1. That a street 40 feet in width be and the same hereby is laid out, opened and ordained as a public street in the Village of Twin Rocks, Blacklick Township, Cambria County, Pennsylvania, over and through the following parcel of land:

Beginning at a point on the Easterly right of way line of State Highway Route No. 933 at the Southwesterly corner of property of Joseph Bankovich; thence South 67° 31' East a distance of 416 feet, more or less to Coal Pit Run; thence by Coal Pit Run in a Southwesterly direction 40 feet, more or less; to a point; thence North 67° 35' West 416 feet, more or less, to the Easterly right of way line of said State Highway Route No. 933 and Northwesterly corner of land of Robert A. Lanzendorfer; thence along the Easterly right of way line of State Highway Route No. 933 in a Northeasterly direction 40 feet to the Southwesterly corner of land of Joseph Bankovich and place of beginning. A print of a survey of said street by L. Robert Kimball, Consulting Engineers, dated September, 1965, is attached hereto and made a part hereof.

SECTION 2. That said street be and hereby is designated as Third Street.

ENACTED AND ORDAINED, this 5th day of February, 1966.

TOWNSHIP OF BLACKLICK

By Stanley Stupsky, Chairman of Board of Supervisors

Eugene Frank, Supervisor

James Lansdorfer, Supervisor

ATTEST: Webster B. Mahan, Secretary

I, The undersigned, Secretary of Blacklick Township Supervisors, hereby certified that the foregoing ordinance is a true and correct copy of the ordinance adopted at a meeting of Blacklick Township Supervisors held on the 5th day of February, 1966.

Webster B. Mahan, Secretary

Certified copy sent to: State Highway Department, Hollidaysburg, Pa.

No. 2

IN RE: AN ORDINANCE LAYING OUT, OPENING AND ADOPTING IN THE COURT OF QUARTER SESSIONS OF
AS A PUBLIC STREET IN THE VILLAGE OF TWIN CAMBRIA COUNTY PENNSYLVANIA
ROCKS, BLACKLICK TOWNSHIP, CAMBRIA COUNTY,
PA., A STREET TO BE DESIGNATED AS KELLY ST.

AUG 25 1966 AUDITED
CLERK OF COURTS: \$6.50 Rec. MAY 10 1966 AUDITED

FILED: February 8, 1966

ORDINANCE NO. 17

The Township of Blacklick hereby ordains as follows:

SECTION 1. That a public street be laid out, opened and ordained in the Village of Twin Rocks, Blacklick Township, Cambria County, Pennsylvania, on, through and over the following parcel of land:

Beginning at a point on the Northerly line of Beech Street, said point of beginning being located North 27° 07' East a distance of 16 1/2 feet from a point designated as P.I. Sta. 1/50.95 on the survey print hereto attached; thence North 60° 47' West a distance of 25 feet to a point on the Westerly right of way line of the street hereby ordained; thence South 27° 07' West a distance of 332.74 feet to a point; thence South 60° 47' East a distance of 40 feet to the Easterly right of way line of the street hereby ordained; thence North 27° 07' East a distance of 299.74 feet to the Southerly line of Beech Street; thence North 60° 47' West a distance of 15 feet to a point; and thence North 27° 07' East a distance of 33 feet to the Northerly line of Beech Street and place of beginning.

SECTION 2. That a print of a survey by L. Robert Kimball, Consulting Engineers, dated September, 1965, of the street hereby ordained, be and hereby is made a part hereof.

SECTION 3. That the street hereby ordained be and hereby is designated as Kelly St.

ENACTED AND ORDAINED, this 5th day of February, 1966.

TOWNSHIP OF BLACKLICK

by Stanley Stupsky
Chairman of Board of Supervisors

Eugene Frank,
Supervisor

James Lansdorfer,
Supervisor

ATTEST: Webster B. Mahan, Secretary

The undersigned, Secretary of Blacklick Township Supervisors, hereby certified that the foregoing ordinance is a true and correct copy of the ordinance adopted at a meeting of Blacklick Township Supervisors held on the 5th day of February, 1966.

Webster B. Mahan, Secretary

Certified copy sent to: State Highway Department, Hollidaysburg, Pa.

No. 3

IN RE: AN ORDINANCE LAYING OUT, OPENING AND
ADOPTING AS A PUBLIC STREET IN THE VILLAGE
OF TWIN ROCKS, BLACKLICK TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA, A STREET TO BE
DESIGNATED AS BEECH STREET

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY PENNSYLVANIA

AUG 25 1966 AUDITED
CLERK OF COURTS: \$6.50

MAY 10 1966 AUDITED
Rec. 6.50 4-1-66

FILED: February 8, 1966

ORDINANCE NO. 18

The township of Blacklick hereby ordains as follows:

SECTION 1. That a street, the center line of which is described in Section 2 hereof, be and hereby is laid out, opened and ordained as a public street in the Village of Twin Rocks, Blacklick Township, Cambria County, Pennsylvania.

SECTION 2. That the center line of said street is described in accordance with a print of a survey by L. Robert Kimball, Consulting Engineers, dated September, 1965, attached hereto and made a part hereof, as follows:

Beginning at a point in the center of State Highway Route No. 933
as shown on the attached survey print and extending thence North 60°47'
West a distance of 150.05 feet to a point designated as P.I. Sta. 1+50.95
on said survey print.

SECTION 3. The width of said street is established and ordained as 33 feet, being 16 1/2 feet on each side of the aforesaid center line.

SECTION 4. That said street be and hereby is designated as Beech Street.

ENACTED AND ORDAINED, this 5th day of February, 1966.

TOWNSHIP OF BLACKLICK

By Stanley Stupsky
Chairman of Board of Supervisors

Eugene Frank, Supervisor

James Lanzendorfer, Supervisor

ATTEST: Webster B. Mahan, Secretary

The undersigned, Secretary of Blacklick Township Supervisors, hereby Certifies that the foregoing ordinance is a true and correct copy of the ordinance adopted at a meeting of Blacklick Township Supervisors held on the 5th day of February, 1966.

Webster B. Mahan, Secretary

Certified copy sent to: State Highway Department, Hollidaysburg, Pa.

No. 4

IN RE: AN ORDINANCE LAYING OUT, OPENING AND
ADOPTING AN EXTENSION TO TOWNSHIP ROUTE
NO. 491 IN BLACKLICK TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY PENNSYLVANIA

AUG 25 1966 AUDITED
CLERK OF COURTS: \$6.50 Rec. MAY 10 1966 AUDITED 4-1-66

FILED: February 8, 1966

ORDINANCE NO. 19

The Township of Blacklick hereby ordains as follows:

SECTION 1. That Township Route No. 491 in Blacklick Township, Cambria County, Pennsylvania, be extended from its present Easterly terminus to a point in the center of State Highway Route No. 933.

SECTION 2. That the center line of said extension is described in accordance with a print of a survey by L. Robert Kimball, Consulting Engineers, dated September, 1965, attached hereto and made a part hereof, as follows:

Beginning at a point in the center of the intersection of township Route No. 491 with former State Highway Route No. 933; thence extending South 77° East a distance of 422.01 feet to a point in the center of present State Highway Route No. 933, designated as P.I. Sta. 4+22.01 on said survey print.

SECTION 3. That the width of said extension be and hereby is established as 33 feet being 16 1/2 feet on each side of the aforesaid center line.

SECTION 4. That said extension to Township Route No. 491 be and hereby is laid out, opened and ordained as a public highway.

ENACTED AND ORDAINED, this 5th day of February, 1966.

TOWNSHIP OF BLACKLICK

by Stanley Stupsky,
Chairman of Board of Supervisors

Eugene Frank, Supervisor

ATTEST: Webster B. Mahan, Secretary

James Lansdorfer, Supervisor

The undersigned, Secretary of Blacklick Township Supervisors, hereby certifies that the foregoing ordinance is a true and correct copy of the ordinance adopted at a meeting of Blacklick Township Supervisors held on the 5th day of February, 1966.

Webster B. Mahan, Secretary

Certified copy sent to: State Highway Department, Hollidaysburg, Pa.

No. 5

IN RE: AN ORDINANCE LAYING OUT, OPENING AND
ADOPTING AS A PUBLIC STREET IN BLACKLICK
TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA,
A STREET TO BE DESIGNATED AS FIFTH STREET.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

AUG 25 1966 AUDITED
CLERK OF COURTS: \$6.50 Rec'd 7-18-66

FILED: February 21, 1966

ORDINANCE NO. 20

The Township of Blacklick hereby ordains as follows:

SECTION 1. That a street, the center line of which is described in Section 2 hereof, be and hereby is laid out, opened and ordained as a public street in Blacklick Township, Cambria County, Pennsylvania.

SECTION 2. That the center line of said street is described in accordance with a print of a survey by L. Robert Kimball, Consulting Engineers, dated September 1965, attached hereto and made a part hereof, as follows:

Beginning at a point in the center of the intersection of the street hereby ordained and Pine Street in Blacklick Township, Cambria County, Pennsylvania; thence extending South 36° 24' East a distance of 466.84 feet to a point; thence South 57° East a distance of 408 feet to the point of ending.

SECTION 3. The width of said street is established and ordained as 40 feet, being 20 feet on each side of the aforesaid center line.

SECTION 4. That said street be and hereby is designated as Fifth Street
ENACTED AND ORDAINED this 19th day of February, 1966.

TOWNSHIP OF BLACKLICK

By: Stanley Stupsky,
Chairman of Board of Supervisors

Eugene Frank
Supervisor

ATTEST:

Webster B. Mahan, Secretary

James Lansdorfer
Supervisor

The undersigned, Secretary of Blacklick Township Supervisors, hereby certifies that the foregoing ordinance is a true and correct copy of the ordinance adopted at a meeting of Blacklick Township Supervisors held on the 19th day of February, 1966.

Webster B. Mahan, Secretary

CC: State Highway Department, Hollidaysburg, Pa.

No. 6

IN RE: AN ORDINANCE LAYING OUT, OPENING AND
ADOPTING AS A PUBLIC STREET IN BLACKLICK
TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA,
A STREET TO BE DESIGNATED AS HEMLOCK STREET.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

AUG 25 1966 AUDITED
CLERK OF COURTS: \$6.50

ORDINANCE NO. 21

FILED: February 21, 1966

The Township of Blacklick hereby ordains as follows:

SECTION 1. That a street, the right of way of which is described in Section 2 hereof, be and hereby is laid out, opened and ordained as a public street in Blacklick Township, Cambria County, Pennsylvania.

SECTION 2. That the right of way of the street hereby laid out and ordained is described as follows:

Beginning at a point where the Westerly line of Hemlock Street in the Borough of Nanty Glo, Cambria County, Pennsylvania, intersects the dividing line between said Borough and Blacklick Township, Cambria County, Pa.; thence North $33^{\circ} 06'$ East a distance of 160 feet to the Southerly line of Fifth Street; thence along the Southerly line of Fifth Street South 57° East a distance of 40 feet to a point; thence South $33^{\circ} 06'$ West a distance of 110 feet, more or less, to the said dividing line between the Borough of Nanty Glo and Blacklick Township; thence along said dividing line in a Southwesterly direction a distance of 66 feet, more or less, to the point of beginning. A print of a survey by L. Robert Kimball, Consulting Engineers, dated September 1965, of the street hereby ordained is attached hereto and made a part hereof.

SECTION 3. That said street be and hereby is designated as Hemlock Street.
ENACTED AND ORDAINED, this 19th day of February, 1966.

TOWNSHIP OF BLACKLICK

BY: Stanley Stupsky, Chairman
Board of Supervisors

Eugene Frank
Supervisor

James Lanzendorfer
Supervisor

ATTEST: Webster B. Mahan, Secretary

The undersigned, Secretary of Blacklick Township Supervisors, hereby certifies that the foregoing ordinance is a true and correct copy of the ordinance adopted at a meeting of Blacklick Township Supervisors held on the 19th day of February, 1966.

Webster B. Mahan, Secretary

CC: State Highway Department, Hollidaysburg, Pa.

No. 7

IN RE: AN ORDINANCE LAYING OUT, OPENING AND ADOPTING
AS A PUBLIC STREET IN BLACKLICK TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA, A STREET TO
BE DESIGNATED AS OAK STREET.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

AUG 25 1966 AUDITED
CLERK OF COURTS: \$6.50

ORDINANCE NO. 22

AUG 12 1966 AUDITED

FILED: February 21, 1966

The Township of Blacklick hereby ordains as follows:

SECTION 1. That a street, the right of way of which is described in Section 2 hereof, be and hereby is laid out, opened and ordained as a public street in Blacklick Township, Cambria County, Pennsylvania.

SECTION 2. That the right of way of the street hereby laid out and ordained is described as follows:

Beginning at a point where the Westerly line of Oak Street in the Borough of Nanty Glo, Cambria County, Pennsylvania, intersects the dividing line between said Borough and Blacklick Township, Cambria County, Pennsylvania; thence North 31° 08' East a distance of 484 feet, more or less, to the Southerly line of Fifth Street, South 57° East a distance of 40 feet; thence South 31° 08' West 440 feet, more or less, to the said dividing line between the Borough of Nanty Glo and Blacklick Township; thence along said dividing line in a South-westerly direction 59 feet, more or less, to the point of beginning. A print of a survey by L. Robert Kimball, Consulting Engineers, dated September 1965, of the street hereby ordained is attached hereto and made a part hereof.

SECTION 3. That said street be and hereby is designated as Oak Street.

ENACTED AND ORDAINED, this 19th day of February, 1966.

TOWNSHIP OF BLACKLICK

By: Stanley Stupsky
Chairman of Board of Supervisors

Eugene Frank, Supervisor

James Lanzendorfer, Supervisor

ATTEST: Webster B. Mahan, Secretary

The undersigned, Secretary of Blacklick Township Supervisors, hereby certifies that the foregoing ordinance is a true and correct copy of the ordinance adopted at a meeting of Blacklick Township Supervisors held on the 19th day of February, 1966.

Webster B. Mahan, Secretary

CC: State Highway Department, Hollidaysburg, Pa.

No. 8

IN RE: AN ORDINANCE LAYING OUT, OPENING AND ADOPTING
AS A PUBLIC STREET IN BLACKLICK TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA, A STREET TO BE
DESIGNATED AS FOURTH STREET.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

AUG 25 1966 AUDITED
CLERK OF COURTS: \$6.50 *Rec'd 7-18-66* AUG 12 1966 AUDITED
ORDINANCE NO. 23

FILED: February 21, 1966

The Township of Blacklick hereby ordains as follows:

SECTION 1. That a street, the right of way of which is described in Section 2
hereof, be and hereby is laid out, opened and ordained as a public street in Blacklick Township,
Cambria County, Pennsylvania.

SECTION 2. That the right of way of the street hereby laid out and ordained is
described as follows:

Beginning at a point where the southerly line of Fourth Street in
the Borough of Nanty Glo, Cambria County, Pennsylvania, intersects the
dividing line between said Borough and Blacklick Township, Cambria County,
Pennsylvania; thence North $56^{\circ} 56'$ West a distance of 85 feet, more or
less, to the Easterly line of Oak Street; thence along the Easterly line
of Oak Street North $31^{\circ} 08'$ East a distance of 40 feet, more or less, to
a point; thence South $56^{\circ} 56'$ East a distance of 120 feet to the aforesaid
dividing line; thence along said dividing line in a Southwesterly direction
a distance of 50 feet, more or less, to the place of beginning. A print
of a survey by L. Robert Kimball, Consulting Engineers, dated September
1965, of the street hereby ordained is attached hereto and made a part
hereof.

SECTION 3. That said street be and hereby is designated as Fourth Street.

ENACTED AND ORDAINED, this 19th day of February, 1966.

TOWNSHIP OF BLACKLICK

By: Stanley Stupsky, Chairman
Board of Supervisors

Eugene Frank, Supervisor

James Lanzendorfer, Supervisor

ATTEST: Webster B. Mahan, Secretary

The undersigned, Secretary of Blacklick Township Supervisors, hereby certifies that
the foregoing ordinance is a true and correct copy of the ordinance adopted at a meeting of
Blacklick Township Supervisors held on the 19th day of February, 1966.

Webster B. Mahan, Secretary

CC: State Highway Department, Hollidaysburg, Pa.

No. 1

IN RE: AN ORDINANCE LAYING OUT, OPENING AND ADOPTING IN THE COURT OF QUARTER SESSIONS OF
A PUBLIC STREET IN THE VILLAGE OF TRIPOLI, CAMBRIA COUNTY, PENNSYLVANIA
CAMBRIA TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA,
A STREET TO BE DESIGNATED AS UNION STREET.

AUG 25 1966 AUDITED
CLERK OF COURTS: \$6.50

JUN 27 1966 AUDITED
5-19-66 R-C. & S-C

FILED: March 11, 1966

ORDINANCE NO. 13

The Township of Cambria hereby ordains as follows:

SECTION 1. A street, the description of which is set forth in Section 2 hereof, is hereby designated as Union Street and is hereby laid out, opened and ordained as a public street in the Village of Tripoli, Cambria Township, Cambria County, Pennsylvania.

SECTION 2. The description of said street hereby ordained is described, in accordance with a print of a Tax Assessment Map by Gwin, Larson & Kimball, Engineers and Cartographers, dated September 1, 1959, and finally revised on May 7, 1964, attached hereto and made a part hereof, as follows:

BEGINNING at a point on the Northeasterly corner of Legislative Route 11036 and corner of land of Eastern Gas & Fuels Corporation; thence North 7° 49' East a distance of 555.88 feet, more or less, to a corner of land of Joseph Poruban et ux., thence along line of Joseph Poruban et ux., South 82° 11' East a distance of 50 feet, more or less, to line of land of Metro Evanchick et ux.; thence South 7° 49' West a distance of 518 feet, more or less, to the Southeasterly intersection of Legislative Route 11036 and corner of land of Eastern Gas & Fuels Corporation; thence in a Northerly direction a distance of 50 feet, more or less, to the corner of land of Eastern Gas & Fuels Corporation and place of beginning.

SECTION 3. The width of said street is hereby established and ordained at fifty (50) feet, being twenty-five feet (25) on each side of the center line hereinabove described.

ENACTED AND ORDAINED into an ordinance, this 1st day of February, 1966.

TOWNSHIP OF CAMBRIA

By: Cletus M. Bopp, Chairman
Board of Supervisors

ATTEST: Nancy D. Loughran, Secretary

Metro Fishok, Supervisor

CC: Department of Highways

No. 2

IN RE: AN ORDINANCE LAYING OUT ROADS
WHOLLY WITHIN CRESSON TOWNSHIP
CAMBRIA COUNTY PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY PENNSYLVANIA

JUN 25 1966 AUDITED
CLERK OF COURTS: \$6.50

JUL 29 1966 AUDITED
6-20-66

FILED: May 10, 1966

WHEREAS, the Supervisors have decided in the interest of public convenience, to lay out, by Ordinance, sections of roads, same being parts of private roads.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Supervisors of Cresson Township, and It is hereby ordained and enacted by authority of same as follows:

SECTION I. That the following described roads with widths as hereinafter stated be and the same are hereby laid out:

Boland Drive beginning at Highland Avenue and extending northeasterly a distance of 610 feet to the north side of Grove Avenue and Grove Avenue from the north side of Boland Drive a distance of 317.90 feet to the Township Road leading from Summit to Gallitzin, known as Country Club Road. Said Boland Drive being 50 feet wide and Grove Avenue being 40 feet wide.

Fourth Street beginning at the north side of Guinn Avenue and extending southerly a distance of 1160 feet to the south side of Center Avenue, said street being 50 feet wide.

Center Avenue from the east side of Fourth Street to the west side of Lot No. 177 and street presently owned by Cresson Township a distance of 150 feet. Said Avenue being 50 feet wide.

A print or survey of the roads hereby laid out is shown on plans previously filed in the Office of the Clerk of Quarter Sessions of Cambria County under Cresson Township Road, Docket No. 2, December Sessions 1961, and filed on October 2, 1961.

SECTION II. That the Township Solicitor be and he is hereby authorized and directed to file a certified copy of this Ordinance in the Office of the Clerk of Quarter Sessions of Cambria County, Pennsylvania.

SECTION III. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED into an Ordinance this 13th day of April, A.D., 1966.

/s/ Lewis Eberhart

President, Board of Supervisors

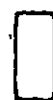
Attest:

/s/ Charles Templon, Secretary

I hereby certify the above to be a true and correct copy of the Ordinance passed by the Cresson Township Supervisors April 13, 1966.

/s/ Charles Templon

Secretary, Board of Cresson
Township Supervisors



No. 1

IN RE: AN ORDINANCE FOR THE ACCEPTING
OPENING AND LAYING OUT OF TEETER ROAD

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY PENNSYLVANIA

OCT 27 1966 AUDITED
CLERK OF COURTS: \$6.50 *Dec 1/50* AUG 12 1966 AUDITED
7-20-66

FILED: July 14, 1966

BE IT ORDAINED, and it is hereby ordained that the Township of Middle Taylor, Cambria County, Pennsylvania, hereby accepts, opens and lays out as public road in said Township Teeter Road, being a street of a width of 33 feet, with the centerline of said Teeter Road beginning East of a private road at land of Roy F. Teeter and Helen M. Teeter and extending 2223.99 feet to the center of State Highway Route 385 by various courses as set forth at length on the survey hereafter referred to.

A survey showing the said Teeter Road and also the centerline established thereon, as prepared by Joseph E. Lindsay, P. I., on September 17, 1965, is attached hereto and made part of this Ordinance.

ORDAINED AND ENACTED this 13th day of July, 1966.

SUPERVISORS OF THE TOWNSHIP OF MIDDLE TAYLOR
/s/ Dugan Karan, President

ATTEST: /s/ Montell Harrison, Secretary

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Supervisors of Middle Taylor Township, Cambria County, Pennsylvania, on the 13th day of July, 1966.

/s/ Montell Harrison, Secretary
Middle Taylor Township

cc: dept. of highways

No. 2

IN RE: AN ORDINANCE FOR THE ACCEPTING, OPENING
AND LAYING OUT OF KNOX STREET EXTENSION

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY PENNSYLVANIA

OCT 27 1966 AUDITED
CLERK OF COURTS: \$6.50 *Rec 1/50* AUG 12 1966 AUDITED

FILED: July 14, 1966

BE IT ORDAINED, and it is hereby ordained that the Township of Middle Taylor, Cambria County, Pennsylvania, hereby accepts, opens and lays out as public road in said Township Knox Street Extension, being an alley with an average width of 22 feet, with the centerline of said Knox Street Extension beginning at the Southerly line of Knox Street and extending 1045.62 feet by the various courses set forth on the survey made of said Knox Street Extension by Joseph E. Lindsay, P. E., on August 27, 1965, is attached hereto and made part of this ordinance. ORDAINED AND ENACTED this 13th day of July, 1966.

SUPERVISORS OF THE TOWNSHIP OF MIDDLE TAYLOR
/s/ Dugan Karan, President

ATTEST:

/s/ Montell Harrison, Secretary

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Supervisors of Middle Taylor Township, Cambria County, Pennsylvania, on the 13th day of July, 1966.

/s/ Montell Harrison
Secretary, Supervisors of
Middle Taylor Township

cc: Dept. of Highways

No. 3

IN RE: AN ORDINANCE FOR THE ACCEPTING
OPENING AND LAYING OUT OF A
PORTION OR ALL OF EARL STREET,
GARDEN STREET, VIEW STREET, BERRY
STREET, CASTLE STREET, PRINCE
STREET, KNOX STREET AND CERTAIN
UNNAMED 16 FOOT WIDE ALLEYS

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY PENNSYLVANIA

CLERK OF COURT: \$6.50 *Rec'd 50* *7-30-66*
AUG 12 1966 AUDITED

FILED: July 14, 1966

BE IT ORDAINED, and it is hereby ordained that the Township of Middle Taylor, Cambria County, Pennsylvania, hereby accepts, opens and lays out as public roads in said Township the following roads and alleys:

Earl Street (40 feet wide) between Legislative Route 11015 and Garden Street.

Garden Street (40 feet wide) between Earl Street and View Street.

View Street (40 feet wide) beginning at the northwest terminus of Garden Street, thence North 19° 35' East 166.61 feet.

Berry Street (40 feet wide) between Earl Street and Castle Street.

Castle Street (40 feet wide) between Berry Street and Taft Street.

Unnamed 16 foot wide alley, beginning on the southerly line of Taft Street (a street heretofore accepted) opposite the terminus of Castle Street, thence South 1° 10' East 316 feet to the northerly side of Knox Street.

Unnamed 16 foot alley, beginning South 1° 10' East 150 feet of the southerly line of Taft Street at another unnamed 16 foot wide alley, thence North 88° 50' East to Prince Street.

Prince Street (40 feet wide) beginning at the western terminus of the aforesaid unnamed 16 foot wide alley, thence North 1° 10' West 166 Feet to the southerly line of Taft Street.

Knox Street (40 feet wide) beginning at the southerly terminus of a 16 foot wide unnamed alley, thence North 88° 50' East 1395.4 feet, more or less.

A survey showing the said Streets and alleys, as prepared by Joseph E. Lindsay, P. E. is attached hereto and made a part of this Ordinance.

ORDAINED AND ENACTED this 13th day of July, 1966.

SUPERVISORS OF THE TOWNSHIP OF MIDDLE TAYLOR

/s/ Dugan Karan, President

ATTEST:

/s/ Montell Harrison, Secretary

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Supervisors of Middle Taylor Township, Cambria County, Pennsylvania, on the 13th day of July, 1966.

/s/ Montell Harrison, Secretary

Supervisors of Middle Taylor Township

cc: Dept. of Highways

No. 4

RE: PETITION FOR ASCERTAINING AND
ESTABLISHING LINES BETWEEN
CHEST TOWNSHIP & WHITE TWP.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY PENNSYLVANIA

CLERK OF COURTS: OCT 27 1966 AUDITED \$6.50
\$8.50 APR 15 1967 AUDITED

FILED: July 20, 1966

TO THE HONORABLE JUDGES OF ABOVE NAMED COURT:

Your Petitioners respectfully represent:

1. That your Petitioners are Herman J. Leiden, L. J. Warner, Bernard J. Neibauer, residents of and members of the Board of Supervisors of Chest Township; and John Gates, John Noel and Lawrence Noel, residents and members of the Board of supervisors of White Township.

2. That the North-South division lines between the Townships of Chest and White are uncertain, the original records pertaining to the formation of said Townships having been lost or destroyed.

3. By reason of the uncertainty of the location of said division lines, said uncertainty is likely to cause disputes and generally inconvenience the inhabitants of said Twps.

4. That the appointment of a commission of three impartial citizens to determine and fix the said North-South division line between the Townships of Chest and White would suit the convenience of the inhabitants of Chest Township and White Township.

WHEREFORE, your Petitioners respectfully request your Honorable Court to appoint a commission of three impartial citizens, one of whom to be a Registered Engineer, to inquire into the propriety of ascertaining and establishing the North-South Division line between Chest and White Townships and, upon the filing of the report of the Commissioners, to cause the lines or boundaries between Chest Township and White Township to be ascertained and established under the provisions of the Act of May 1, 1933, P.L. 103, Art. III, Section 302, et seq., as amended. /s/ John Noel, /s/ John W. Gates, /s/ Lawrence Noel, /s/ Bernard Neibauer, /s/ L. J. Warner, /s/ Herman J. Leiden.

COMMONWEALTH OF PENNSYLVANIA I

I SS:

COUNTY OF CAMBRIA I

Herman J. Leiden and John Noel, being duly sworn according to law, depose and say that the facts set forth in the foregoing Petition are true and correct to the best of their information, knowledge and belief.

/s/ Herman J. Leiden

/s/ John Noel

Sworn and subscribed before me this

18th day of June, A.D., 1966

/s/ Regina Winslow, J.P.

My Comm. Exp. 12-1-72

DEGREE

And Now, this 20th day of June, 1966, upon consideration of the facts set forth in the foregoing Petition, and upon Motion of Robert J. Cassidy, Esq., and Harry A. Englehart, Jr. Esq., Attorneys for the petitioners, it is HEREBY ORDERED AND DECREED that a commission be appointed consisting of George Leiden, a resident of Chest Township, Edwin Gates, a resident of White Township, and Martin C. Kirsch, a Registered Engineer, to inquire into the prayer of the Petition of causing the North-South boundary lines of the Township of Chest and the Township of White to be ascertained and established, and that said commissioners shall hold a hearing and view the lines or boundaries aforesaid and that they shall make a plot or graph of the lines and boundaries proposed to be altered or ascertained and established. And further, that said commissioners shall make a report to the Court, together with their opinion of the same. And further, that said commissioners, upon fixing a date for public hearing, shall give notice of said hearing by posting the time and place and purpose of said hearing on the buildings used by the said Townships of Chest and White as their usual meeting places. ?S? Griffith, P.J.

TRANSFERRED TO PAGE 421

No. 5

IN REP PETITION FOR ASCERTAINING AND
ESTABLISHING LINES BETWEEN CLEARFIELD
TOWNSHIP AND CHEST TOWNSHIP AND BE-
TWEEN CLEARFIELD TOWNSHIP AND WHILE
TOWNSHIP.

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY PENNSYLVANIA

OCT 27 1966 AUDITED
CLERK OF COURTS: \$6.50
\$8.50 APR 15 1967 AUDITED

FILED: July 20, 1966

TO THE HONORABLE JUDGES OF ABOVE NAMED COURT:

Your Petitioners respectfully represent:

1. That your Petitioners are Joseph Sheehan, Joseph Marra, Herman Link, all residents and members of the Board of Supervisors of Clearfield Township; Herman J. Leiden, L.J. Warner, Bernard J. Neibauer, residents and members of the Board of Supervisors of Chest Township; and John Gates, John Noel and Lawrence Noel, residents and members of the Board of Supervisors of White Township
2. That the East-West division line between the Townships of Chest and Clearfield and between the Townships of White and Clearfield are uncertain, the original records pertaining to the formation of said Townships having been lost or destroyed.
3. By reason of the uncertainty of the location of said division lines, said uncertainty is likely to cause disputes and generally inconvenience the inhabitants of said townships.
4. That the appointment of a commission of three impartial citizens to determine and fix the said East-West division line between the Townships of Chest and Clearfield and the Townships of Clearfield and White, would suit the convenience of the inhabitants of Clearfield, Chest and White Townships.

WHEREFORE, your Petitioner respectfully request your Honorable Court to appoint a commission of three impartial citizens, one of whom to be a Registered Engineer, to inquire into the propriety of ascertaining and establishing the East-West division line between Chest and Clearfield Townships and between Clearfield and White Townships and, upon the filing of the report of the commissioners, to cause the lines or boundaries between Chest Township and Clearfield Township and between Clearfield Township and White Township to be ascertained and established under the provisions of the Act of May 1, 1933, P.L. 103 Art III, Sections 302, et seq., as amended.

/s/ Joseph Sheehan

/s/ Herman J. Leiden

/s/ John Noel

/s/ Joseph Marra

/s/ Bernard Neibauer

/s/ John W. Gates

/s/ Herman Link

/s/ I. J. Warner

/s/ Lawrence Noel

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CAMBRIA

ISS:

Joseph Sheehan, Herman J. Leiden and John Noel, being duly sworn according to law, depose and say that the facts set forth in the foregoing Petition are true and correct to the best of their information, knowledge and belief.

/s/ Joseph Sheehan, /s/ Herman Leiden, /s/ John Noel

Sworn and subscribed before me this

18th day of June, A.D., 1966

/s/ Regina Winslow, J.P.

My Comm. Exp. 1-1-72

DECREE

AND NOW, this 20th day of June, A.D., 1966, upon consideration of the facts set forth in the foregoing Petition, and upon Motion of Robert J. Cassidy, Esq., and Harry A. Englehart, Jr., Esq., Attorneys for the Petitioners, it is HEREBY ORDERED AND DECREED that a commission be appointed, consisting of George Leiden, a resident of Chest Township, Patrick Marra, a resident of Clearfield Twp., and Martin C. Kirsch, a Registered Engineer, to inquire into the prayer of the Petition of causing the East-West boundary lines of the Townships of Chest and Clearfield to be ascertained and established and a second commission be appointed, consisting of Edwin Gates, a resident of White Township, Patrick Marra, a resident of Clearfield Township, and Martin C. Kirsch, a registered engineer, to inquire into the prayer of the Petition of causing the East-West boundary lines of the Townships of White and Clearfield to be ascertained and established, and that said commissioners shall hold a hearing and view the lines or boundaries aforesaid and that they shall make a plot or graph of the lines and boundaries proposed to be altered or ascertained and established. And further, that said commissioners shall make a report to the Court, together with their opinion of the same. And further, that said commissioners, upon fixing a date for public hearing, shall give notice of said hearing by posting the time and place and purpose of said hearing on the buildings used by the said Townships of Clearfield, Chest and White as their usual meeting places.

BY THE COURT: Griffith, P.J.

No. 6

IN RE: ANNEXATION OF LANDS OF
ELDER TOWNSHIP TO THE
BOROUGH OF HASTINGS

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY PENNSYLVANIA

OCT 27 1966 AUDITED
CLERK OF COURTS: \$24.50 *Rec'd 24 59* SEP 30 1966 AUDITED *8-30-66*

FILED: August 1, 1966

TO THE HONORABLE, THE MEMBERS OF COUNCIL OF THE BOROUGH OF HASTINGS:

The petition of Hastings Area Industrial Development Association respectfully represents:

1. That they are the owners of lands situate within a portion of Elder Township, Cambria County Pennsylvania, adjacent to and adjoining the Borough of Hastings described as follows:

ALL that certain piece or parcel of land situate, lying and being partly in the Borough of Hastings and partly in the Township of Elder, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post or point in the center of the public road leading from Hastings Borough to St. Boniface; thence by said public road and lands now or formerly of Edward McHugh and others South 55° 35' East a distance of 400 feet; thence continuing by said road and land now or formerly of Raymond Kibler South 54° 10' East a distance of 376 feet to a point; thence by the same South 65° 50' East a distance of 690 feet; thence still by the same South 78° 25' East a distance of 84 feet; thence still by the same North 82° 20' East a distance of 465 feet to land of Union Cemetery; thence along said land and lands now or formerly of Henry Kibler South 6° 30' West 843 feet to a point on line of land now or formerly of Michael Holtz; thence along said last mentioned land North 83° 45' West a distance of 1068 feet; thence continuing along land now or formerly of H. J. Van Dusen North 83° 30' West a distance of 1060 feet, more or less, to land now or formerly of Lawrence Toby; thence along said last mentioned land North 58° 53' West a distance of 300 feet to land of Hastings Area Industrial Development Association; thence along said last mentioned land North 23° 00' East a distance of 769.25 feet to a point; thence continuing along same North 41° 50' West a distance of 141.5 feet to a point corner of land now or formerly of Strittmatter Brothers Company; thence along said land North 10° 23' East a distance of 200 feet to an iron pin; thence along same South 77° 00' East a distance of 14 feet; thence North 13° 00' East a distance of 49.2 feet to line on an alley; thence along said alley South 77° 40' East a distance of 170 feet to an iron pin in an alley; thence along said alley North 12° 52' East a distance of 200 feet, more or less, to the center of public road leading from Hastings to St. Boniface; thence along the center of said road South 76° 28' East a distance of 65 feet to a point; thence continuing along same South 55° 35' East a distance of 126 feet, more or less, to the place of beginning.

EXCEPTING AND RESERVING, however, from this indenture a tract containing 1.2 acres on which are erected a house and garage and which is more completely described as follows: Beginning at a point on the Northerly side of the public road leading from Hastings to St. Boniface to corner of an alley; thence along said road South 76° 28' East a distance of 65 feet; thence continuing along said road South 55° 35' East a distance of 276 feet; thence through land of which this was a part South 64° 00' West a distance of 284.2 feet to a point; thence continuing through same North 25° 43' West to a distance of 160 feet to an alley; thence along said alley North 12° 52' East a distance of 160 feet to the place of beginning.

ALSO EXCEPTING AND RESERVING from this indenture a tract containing 3.1 acres which was deeded by the Hastings Area Industrial Development Association to the Union Cemetery Association of the Borough of Hastings and being more fully described as follows:

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

BEGINNING at a permanent iron post, said iron post being at the corner of the property of the Union Cemetery Association and land formerly of M. P. Strittmatter, now owned by the Hastings Area Industrial Development Association and along Route 36; thence from said post South 6° 00' West 532.5 feet along property of the Union Cemetery Association and Kibler property to a post; thence South 76° 00' West a distance of 187 feet along Jewett and Bobal tract to a post on edge of dirt road leading to Holtz place; thence North 17° 30' West 153.4 feet to a post; thence along aforesaid Route 36 North 82° 00' East a distance of 396 feet to a post and place of beginning. Containing 3.1 acres.

THIS DEED is made under and subject to the exceptions and reservations as were excepted and reserved in prior conveyances of said land.

The above described property is a portion of a larger tract of land owned by the Hastings Area Industrial Development Association and purchased by M.P. Strittmatter and recorded in the office for the recording of deeds in and for Cambria County in Deed Book Volume 809, Page 674.

No. 6 Continued

ALSO EXCEPTING AND RESERVING a right-of-way through said land leading to the Holtz Mine as more specifically described in the right-of-way heretofore granted by the grantors herein and also excepting and reserving a tract containing one (1) acre which was heretofore sold to Chester and Pauline Martenson.

ALSO EXCEPTING AND RESERVING a right-of-way for road over and across lands retained by Modestus P. Strittmatter and Loretta A. Strittmatter, his wife; said right-of-way being thirty (30) feet wide and more fully shown on a map attached to and made part of the deed of Modestus P. Strittmatter and Loretta A. Strittmatter, his wife, to the Hastings Area Industrial Development Association; said map and deed being recorded in the office for the recording of deeds, in and for the County of Cambria, in deed Book Volume 809, Page 674.

BEING part of the piece or parcel of land which A. A. Nelson and Agnes W. Nelson, his wife, by their deed dated May 7, 1927, and recorded in the office of the Recorder of Deeds of Cambria County, Pennsylvania in Deed Book Volume 418, Page 80 conveyed to Modestus P. Strittmatter and Loretta A. Strittmatter, his wife, grantors herein and being the same piece or parcel of land which Modestus P. Strittmatter and Loretta A. Strittmatter, his wife, conveyed to the Hastings Area Industrial Development Association by deed dated August 12, 1965, and recorded in the office for the recording of deeds, in and for the County of Cambria, in Deed Book Volume 809, Page 674.

UNDER AND SUBJECT to the exceptions, reservations, conditions and restrictions contained in prior deeds of conveyance.

THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND.

2. That annexed hereto and made a part hereof is a plot or map showing courses and distances of the boundaries of the proposed annexed land.

3. That your petitioners are desirous that said portion of Elder Township should be annexed to and become a part of said Borough of Hastings and they respectfully request the council to take proper action to annex said territory to the Borough of Hastings.

And they will ever pray, etc.

HASTINGS AREA INDUSTRIAL DEVELOPMENT ASSOCIATION
by /s/ Paul E. Easley, President

ATTEST:

/s/ James J. Farabaugh, Secretary

STATE OF PENNSYLVANIA :
COUNTY OF CAMBRIA : SS: I

ON this the 2nd day of June, 1966, before me, the undersigned officer, personally appeared PAUL K. EASLY known to me (or satisfactory proven) to be the person whose name is subscribed as President and who acknowledged himself to be the President of HASTINGS AREA INDUSTRIAL DEVELOPMENT ASSOCIATION, and that as such president, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as president; that the matters and facts set forth in the foregoing petition are true and correct to the best of his knowledge and belief.

/s/ Paul K. Easley

SWORN and subscribed before me
this 2nd day of June, 1966
/s/ Mrs. Donna Bobal
Notary Public
My comm. exp. 7-24-67

No. 6 Continued

STATE OF PENNSYLVANIA }
 : SS:
COUNTY OF CAMBRIA }

Before me, a Notary Public, in and for said county and state, did personally appear PAUL K. EASLY, President of Hastings Area Industrial Development Association, who being duly sworn according to law, certifies that a copy of the within Petition was duly filed and served upon the Supervisors for Elder Township.

/s/ Paul K. Easly

Sworn to and subscribed before
me this 2nd day of June, 1966
/s/ Mrs. Donna Bobal
Notary Public
My comm. exp. 7-24-67

CERTIFICATION

I do hereby certify that the land which is the subject of the proposed annexation is not occupied by and freeholder or freeholders and that the requirements of signatures of freeholders are inapplicable.

/s/ Paul K. Easly

August 1, 1966: Map describing proposed annexation filed.

August 1, 1966: Notices to the Mayor of Hastings, Honorable Julius W. McMurray; Michael Skitka, President of Hastings Borough Council; Patrick Dillon, Member of Hastings Council; Paul McDermott, Joseph Uhron, Amandus Thomas, Dennis Thomas, and Melvin Rutch, all members of Hastings Borough Council, filed. Notices to Henry Warfield, Leonard Selfridge, and Peter McGlynn, all Supervisors of Elder Township, filed.

August 1, 1966: Certification of Publication in the Cambria County Legal Journal filed.

August 1, 1966: Certification of Publication in the Union Press-Courier filed.

ORDINANCE NO. 206

AN ORDINANCE ANNEXING A PARCEL OF LAND IN THE
TOWNSHIP OF ELDER, COUNTY OF CAMBRIA AND STATE
OF PENNSYLVANIA, CONTAINING 50 ACRES, MORE OR
LESS, TO THE BOROUGH OF HASTINGS

WHEREAS, Hastings Area Industrial Development Association has petitioned the Council of the Borough of Hastings to annex a parcel of land in the Township of Elder, Cambria County, Pennsylvania, to the Borough of Hastings, and

WHEREAS, a copy of said petition has been filed with the Supervisors of Elder Township and a deposit of One Hundred Fifty (\$150.00) Dollars has been made with the Borough of Hastings and,

WHEREAS, the members of the Borough of Hastings Council deem that the annexation of said territory will be mutually advantageous to both the Borough of Hastings and the Township of Elder.

NOW, THEREFORE, be it ordained and enacted by the Council of the Borough of Hastings, Cambria County, Pennsylvania, that the following described real estate be and the same is hereby annexed from the Township of Elder, Cambria County, Pennsylvania, and the same shall hereby become a part of the Borough of Hastings, Cambria County, Pennsylvania:

ALL that certain piece or parcel of land situate, lying and being partly in the Borough of Hastings and partly in the Township of Elder, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a post or point in the center of the public road leading from Hastings Borough to St. Boniface; thence by said public road and

No. 6 Continued

lands now or formerly of Edward McHugh and others South 55° 35' East a distance of 400 feet; thence continuing by said road and land now or formerly of Raymond Kibler South 54° 10' East a distance of 376 feet to a point; thence by the same south 65° 50' East a distance of 690 feet; thence by the same South 78° 5' East a distance of 84 feet; thence still by the same North 82° 20' East a distance of 465 feet to land of Union Cemetery; thence along said land and lands now or formerly of Henry Kibler South 6° 30' West, a distance of 843 feet to a point on line of land now or formerly of Michael Holtz; thence along said last mentioned land North 83° 45' West a distance of 1068 feet; thence continuing along land now or formerly of H. J. Van Dusen North 83° 30' West a distance of 1060 feet, more or less, to land now or formerly of Lawrence Toby; thence along said last mentioned land North 58° 53' West a distance of 300 feet to land of Hastings Area Industrial Development Association; thence along said last mentioned land North 23° 00' East a distance of 769.25 feet to a point; thence continuing along same North 41° 50' West a distance of 141.5 feet to a point corner of land now or formerly of Strittmatter Brothers Company; thence along said land North 10° 23' East a distance of 200 feet to an iron pin; thence along same South 77° 00' East a distance of 14 feet; thence North 13° 00' East a distance of 49.2 feet to a line on an alley; thence along said alley South 77° 40' East a distance of 170 feet to an iron pin in an alley; thence along said alley North 12° 52' East a distance of 200 feet, more or less, to the center of public road leading from Hastings to St. Boniface; thence along the center of said road South 76° 28' East a distance of 65 feet to a point; thence continuing along same South 55° 35' East a distance of 126 feet, more or less, to the place of beginning.

EXCEPTING AND RESERVING, however, from this indenture a tract containing 1.2 acres on which are erected a house and garage and which is more completely described as follows: Beginning at a point on the Northerly side of the public road leading from Hastings to St. Boniface to corner of an alley; thence along said road South 76° 28' East a distance of 65 feet; thence continuing along said road South 55° 35' East a distance of 276 feet; thence through land of which this was a part South 64° 00' West a distance of 284.2 feet to a point; thence continuing through same North 25° 43' West a distance of 160 feet to an alley; thence along said alley North 12° 52' East a distance of 160 feet to the place of beginning.

ALSO EXCEPTING AND RESERVING from this indenture a tract containing 3.1 acres which was deeded by the Hastings Area Industrial Development Association to the Union Cemetery Association of the Borough of Hastings and being more fully described as follows:

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

BEGINNING at a permanent iron post; said iron post being at the corner of the property of the Union Cemetery Association and land formerly of M. P. Strittmatter, now owned by the Hastings Area Industrial Development Association and along Route 36; thence from said post South 6° 00' West 532.5 feet along property of the Union Cemetery Association and Kibler Property to a post; thence South 76° 00' West a distance of 187 feet along Jewett and Bobal tract to a post on edge of direct road leading to Holtz place; thence North 17° 30' West 153.4 feet to a post; thence along aforesaid Route 36 North 82° 00' East a distance of 396 feet to a post and place of beginning. Containing 3.1 acres.

THIS DEED is made under and subject to the exceptions and reservations as were excepted and reserved in prior conveyances of said land.

The above described property is a portion of a larger tract of land owned by the Hastings Area Industrial Development Association and purchased by M. P. Strittmatter and recorded in the office for the recording of deeds in and for Cambria County in Deed Book Volume 809, Page 674.

ALSO EXCEPTING AND RESERVING a right-of-way through said land leading to the Holtz Mine as more specifically described in the right-of-way heretofore granted by the grantors herein and also excepting and reserving a tract containing one (1) acre which was heretofore sold to Chester and Pauline Martenson.

ALSO EXCEPTING AND RESERVING a right-of-way for road over and across lands retained by Modestus P. Strittmatter and Loretta A. Strittmatter, his wife; said right-of-way being thirty (30) feet wide and more fully shown on a map attached to and made part of the deed of Modestus P. Strittmatter and Loretta A. Strittmatter, his wife, to the Hastings Area Industrial Development Association; said map and deed being recorded in the office for the recording of deeds, in and for the County of Cambria, in Deed Book Volume 809, Page 674.

BEING part of the piece or parcel of land which A.A. Nelson, and Anges Nelson, his wife, by their deed dated May 7, 1927, and recorded in the Office of the Recorder of Deeds of Cambria County, Pennsylvania in Deed Book Volume 418, Page 80 conveyed to Modestus P. Strittmatter and Loretta A. Strittmatter, his wife, grantors herein and being the same piece or parcel of land which Modestus P. Strittmatter and Loretta A. Strittmatter, his wife,

No. 6 Continued.

conveyed to the Hastings Area Industrial Development Association by deed dated August 12, 1965, and recorded in the office for the recording of deeds, in and for the County of Cambria, in Deed Book Volume 809, Page 674.

The secretary is hereby authorized and directed to file a Certified copy of this Ordinance with the Court of Quarter Sessions of Cambria County, Pennsylvania, together with the original petition of the Hastings Area Industrial Development Association.

Any ordinance or part of an Ordinance inconsistent herewith is hereby repealed.

ENACTED AND ORDAINED THIS 2nd day of June, 1966.

BOROUGH OF HASTINGS

by Michael Skitka, President of Council

ATTEST:

George B. Chigas, Secretary

APPROVED this 2nd day of June, 1966

J. W. McMurray, Mayor

ORDER

AND NOW, this 1st day of August, 1966, after hearing, the within petition and proceedings having been considered, and the Court being satisfied of the legality of the proceeding and the propriety of the annexation, does hereby affirm the annexation of the land herein described situate in Elder Township, Cambria County, Pennsylvania to the Borough of Hastings.

BY THE COURT: McDonald, J.

September 19, 1966: Testimony filed.

No. 7

IN RE: AN ORDINANCE LAYING OUT, OPENING AND
ADOPTING A PUBLIC ROAD IN GALLITZIN
TOWNSHIP, CAMBRIA, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY PENNSYLVANIA

CLERK OF COURTS: *650* *Rec 650* *DEC 9 1966* *11-16-66* *AUDITED* FILED: August 9, 1966
OCT 27 1966 AUDITED

The Township of Gallitzin hereby ordains as follows:

Section 1. That a road, the centerline of which is described in Section 2 hereof, be and is laid out, opened and ordained as a public road in Gallitzin Township, Cambria County, Penna.

Section 2. That the centerline of said road is described in accordance with a print of a survey by L. Robert Kimball, Consulting Engineers, dated October, 1960, and attached hereto and made a part hereof, as follows:

BEGINNING at a point in the center of Township Route No. 472, said point of beginning being located North 44° 45' West a distance of 332 feet from the center of the intersection of former Legislative Route No. 221 with State Highway Route No. 36; thence extending North 26° 30' East 643 feet to a point; thence North 41° 20' West 470 feet to a point; thence North 65° West 195 feet to a point; thence North 86° 05' West 425 feet to a point; thence North 62° 45' West 735 feet to a point; thence North 45° 50' West 212 feet to a point; thence North 48° 30' West 510 feet to a point; thence North 40° West 332.5 feet to a point; thence North 22° 30' West 362.5 feet to a point; thence North 79° 30' West 230 feet to a point; thence North 68° 20' West 305 feet to a point; and thence North 53° West 187 feet to a point at the dividing line between Dean Township and Gallitzin Township and place of ending.

Section 3. The width of said road is established and ordained as 33 feet, being 16 1/2 feet on each side of the aforesaid centerline.

ENACTED AND ORDAINED this 2nd day of August, 1966.

TOWNSHIP OF GALLITZIN

/s/ Thomas R. Budley, Chairman of Board of Supervisors
/s/ Lewis P. Adams, Supervisor
/s/ Carl T. Oelozies, Supervisor

ATTEST:

/s/ Catherine Ball, Secretary.

Certified copy sent to State Dept. of Highways, Hollidaysburg, Pa.

No. 8

IN RE: ORDINANCE NO. 16 LAYING OUT, OPENING
AND ADOPTING AS A PUBLIC STREET IN THE
TWP. OF WEST TAYLOR, A STREET TO BE
DESIGNATED AS SCHOOL STREET, AND FIX-
ING AND REGULATING THE WIDTH AND GRADES
THEREOF.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY PENNSYLVANIA

FILED: Sept. 6, 1966

Clerk of Courts: \$6.50
Rec'd 9-12-66 OCT 7 1966 AUDITED

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of West Taylor,
and it is hereby enacted and ordained by the authority of the same that:

SECTION 1. The following street, which is hereby designated as School Street,
is hereby laid out, opened and ordained as a public street in the Township of West Taylor;
Beginning from the northwesterly line of Cooper Avenue and extending by center line which is
described as follows:

Beginning at a point at the intersection of the center lines of
Cooper Avenue and School Street at Station 0+0; thence by the
center line of School Street North 52°10' West 176.07 feet to
Station 1+76.07 at the intersection of the Center lines of
School Street and Stombaugh Avenue, the place of ending.

SECTION 2. The center line grade to be established of said School Street is as
follows:

Beginning at Station 0+0 in the center line of Cooper Avenue at an
assumed elevation of 1000.00; thence ascending at the rate of 3.70
feet per 100 feet a distance of 176.07 to Station 1+76.07 at an
elevation of 1006.51.

SECTION 3. The said street shall be 20 feet in width as more fully set forth on
Plan and Profile of Hinks and Locher Engineers, Inc. dated November 13, 1963 and revised
January 12, 1966, Number 5934-I-34.

SECTION 4. This ordinance is enacted pursuant to the Second Class Township Code.

Duly presented and adopted at a regular meeting of the Board of Supervisors of
the Township of West Taylor, Cambria County, Pennsylvania, held on the 8th day of June, 1966,
at which meeting a majority of the members of the Board were present.

BOARD OF SUPERVISORS OF
WEST TAYLOR TOWNSHIP

/s/ William E. Pavlosky, President

/s/ Earl Dill

/s/ Leonard W. McMillen

ATTEST:

/s/ Leonard W. McMillen, Secretary

I hereby certify that the within Ordinance is a true copy of the Ordinance
as set forth in the Ordinance Book of West Taylor Township.

/s/ Leonard W. McMillen, Secretary

No. 9

IN RE: ORDINANCE No. 17 LAYING OUT, OPENING AND ADOPTING AS A PUBLIC STREET IN THE TOWNSHIP OF WEST TAYLOR, A STREET TO BE DESIGNATED AS STOMBAUGH AVENUE, AND FIXING AND REGULATING THE WIDTH AND GRADES THEREOF.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY PENNSYLVANIA

FILED: September 6, 1966

Clerk of Courts: \$6.50
OCT 27 1966 AUDITED
Rec'd 6/5/9 OCT 7 1966 AUDITED

BE IT ENACTED AND ORDAINED BY THE Supervisors of the Township of West Taylor, and it is hereby enacted and ordained by the authority of the same that:

SECTION 1. The following street, which is hereby designated as Stombaugh Avenue, is hereby laid out, opened and ordained as a public street in the Township of West Taylor; Beginning from the intersection of School Street and Stombaugh Avenue and extending by center line which is described as follows:

Beginning at the intersection of the center lines of School Street and Stombaugh Avenue at Station 1+76.07; thence by the center line of Stombaugh Avenue the following courses and distances: South 53° 01' West 173.15 feet to Station 3+49.22; thence South 70° 29' West 129.39 feet to Station 4+78.61; thence South 87° 41' West 81.70 feet to Station 5+60.31, the place of ending.

SECTION 2. The center line grade to be established of said Stombaugh Avenue is as follows:

Beginning at Station 1+76.07 at an elevation of 1006.51; thence ascending at the rate of 0.50 feet per 100 feet a distance of 173.15 feet to Station 3+49.22 at an elevation of 1007.38; thence ascending at the rate of 3.21 feet per 100 feet a distance of 129.39 feet to Station 4+78.61 at an elevation of 1011.53; thence ascending at the rate of 0.634 feet per 100 feet a distance of 81.70 feet to Station 5+60.31 at an elevation of 1012.05, the place of ending.

SECTION 3. The said street shall be 20 feet in width as more fully set forth on Plan and Profile of Hinks and Locher Engineers, Inc. dated November 13, 1963 and revised January 12, 1966, Number 5934-I-34.

SECTION 4. This ordinance is enacted pursuant to the Second Class Township Code.

Duly presented and adopted at a regular meeting of the Board of Supervisors of the Township of West Taylor, Cambria County, Pennsylvania, held on the 8th day of June, 1966, at which meeting a majority of the members of the Board were present.

BOARD OF SUPERVISORS OF
WEST TAYLOR TOWNSHIP

/s/ William E. Pavlosky, President

/s/ Earl Dill

/s/ Leonard W. McMillen

ATTEST:

/s/ Leonard W. McMillen, Secretary

I hereby certify that the within Ordinance is a true copy of the Ordinance as set forth in the Ordinance Book of West Taylor Township.

/s/ Leonard W. McMillen, Secretary

No. 10

IN RE: LAYING-OUT, OPENING AND ACCEPTING
PORTIONS OF WESTGATE DRIVE AND VESTA LANE
IN THE TOWNSHIP OF LOWER YODER, CAMBRIA
COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA
FILED: September 7, 1966
CLERK OF COURTS: J. B. OCT 27 1966 AUDITED

REPORT OF THE SUPERVISORS OF LOWER YODER TOWNSHIP

The petition of WILLIAM SLADKI, CARL J. KOHLER and HERMAN ZILKE, respectfully represents:

1. That they are the Supervisors of the Township of Lower Yoder, Cambria County, Pa.
2. That they propose to lay-out, open and accept portions of Westgate Drive and Vesta Lane in the Township of Lower Yoder, County of Cambria and State of Pennsylvania, which portions of said streets are described as follows:

WESTGATE DRIVE

The centerline grade is hereby established as follows: BEGINNING at the centerline of Westgate Drive and the westerly side of Mount View Drive at Station 0+0 at an elevation of 1725.77, thence descending at the rate of 2 feet per hundred feet, a distance of 132.73 feet to Station 1+32.73 at an elevation of 1723.12, thence by a vertical curve a distance of 67.27 feet to Station 2+0 at an elevation of 1719.60, thence descending at the rate of 10.40 feet per hundred feet a distance of 82.73 feet to Station 2+82.73 at the intersection of the centerline of Vesta Lane at an elevation of 1711.00, thence descending at the rate of 12.0 feet per hundred feet a distance of 167.27 feet to Station 4+50 at an elevation of 1690.93, thence by a vertical curve a distance of 129.50 feet to Station 5+79.50 at the intersection of the centerline of Zucco Lane at an elevation of 1681.60, the place of ending, a total distance of 579.50 feet more or less.

BEING shown on the Plan of Lots laid out by Rudolph Zucco July 8, 1959, and revised by Hinks and Locher Engineers, Inc., May 23, 1960, and recorded in the office of the Recorder of Deeds in and for Cambria County, Pennsylvania, in Plat Book Vol. 6, pages 16 and 24.

VESTA LANE

The centerline grade is hereby established as follows: BEGINNING at the centerline of Westgate Drive at Station 0+0 at an elevation of 1711.00, thence descending at the rate of 4.40 feet per hundred feet a distance of 25.0 feet to Station 0+25 at an elevation of 1709.90, thence descending at the rate of 7.92 feet per hundred feet a distance of 125.0 feet to Station 1+50 at an elevation of 1700.00, thence descending at the rate of 5.36 feet per hundred feet a distance of 125.0 feet to Station 2+75 at an elevation of 1693.30, thence by a vertical curve a distance of 125.0 feet to Station 4+0 at an elevation of 1693.30, thence ascending at the rate of 1.60 feet per hundred feet a distance of 75.0 feet to Station 4+75 at an elevation of 1694.50, thence by a vertical curve a distance of 100.0 feet to Station 5+75 at an elevation of 1699.70, thence ascending at the rate of 8.72 feet per hundred feet a distance of 97.5 feet to Station 6+72.5 at an elevation of 1708.20, the place of ending, a total distance of 672.5 feet, more or less.

BEING shown on the Plan of Lots laid out by Rudolph Zucco July 8, 1959, and revised by Hinks and Locher Engineers, Inc., May 23, 1960, and recorded in the office of the Recorder of Deeds in and for Cambria County, Pennsylvania, in Plat Book Vol. 6, pages 16 and 24.

The said portions of Westgate Drive and Vesta Lane above described, appear on a map, draft or survey, hereto attached; made a part hereof and marked Exhibit A, and colored in red line.

3. That your petitioners have given ten days' notice to the property owners affected by the laying-out, opening and accepting of the said portions of Westgate Drive and Vesta Lane, as required by the Act of Assembly, of a hearing and after said hearing your Supervisors deem that the said portions of the said streets are necessary and convenient, and by ordinance duly made and adopted, the said portions of streets were laid-out, opened and accepted by the Supervisors of Lower Yoder Township, as part of the said Township, which ordinance is hereto attached, made part hereof, and marked Exhibit B.

4. That attached hereto and made a part hereof is a petition and release of damages executed by the owners of the property abutting on the said proposed portion of said streets, marked and designated as Exhibit C.

WHEREFORE, your petitioners pray that this report and Exhibits attached hereto may be filed in the Office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County.

/s/ William Sladki
/s/ Herman Zilko
/s/ Carl J. Kohler

Supervisors of Lower Yoder Township

STATE OF PENNSYLVANIA)
COUNTY OF CAMBRIA) SS.

Personally appeared before me, a Notary Public in and for said County and State, William Sladki, Carl J. Kohler and Herman Zilkie, Supervisors of the Township of Lower Yoder, Cambria County, Pa., who being duly sworn according to law, depose and say that the facts set forth in the foregoing report are true and correct to the best of their knowledge, information and belief.

/s/ William Sladki
/s/ Herman Zilko
/s/ Carl J. Kohler

Supervisors of Lower Yoder Township

Sworn and subscribed before me this
6th day of September, 1966.
/s/ Frances M. Bartko, Notary Public
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No. 10 Continued -

Map, Ordinance, Petition and Release of Damages filed with Report.

DECREE

AND NOW, the 7th day of September, 1966, upon consideration of the foregoing Petition, Stephen D. Oblackovich, Clerk of Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within report and the exhibits attached hereto.

By the Court: McWilliams, J.

FINAL DECREE

NOW, the 7th day of October, 1966, it appearing that the said Petition having been filed on the 7th day of September, 1966, and that no citizen or freeholder of the Township did within thirty (30) days from the filing of this report of the Supervisors file exceptions to the report or a petition for a review, IT IS ORDERED AND DIRECTED that the said portions of Westgate Drive and Vesta Lane in Lower Yoder Township, Cambria County, Pennsylvania described as follows:

Westgate Drive: The centerline grade is hereby established as follows:

BEGINNING at the centerline of Westgate Drive and the westerly side of Mount View Drive at Station 0+0 at an elevation of 1725.77, thence descending at the rate of two (2) feet per hundred feet, a distance of 132.73 feet to Station 1+32.73 at an elevation of 1723.12, thence by a vertical curve a distance of 67.27 feet to Station 2+0 at an elevation of 1719.60, thence descending at the rate of 10.40 feet per hundred feet a distance of 82.73 feet to Station 2+82.73 at the intersection of the centerline of Vesta Lane at an elevation of 1711.00, thence descending at the rate of 12.0 feet per hundred feet a distance of 167.27 feet to Station 4+50 at an elevation of 1690.93, thence by a vertical curve a distance of 129.50 feet to Station 5+79.50 at the intersection of the centerline of Zucco Lane at an elevation of 1681.60, the place of ending, a total distance of 579.50 feet more or less.

BEING shown on the Plan of Lots laid out by Rudolph Zucco July 8, 1959 and revised by Hinks and Locher Engineers, INC., May 23, 1960, and recorded in the office of the Recorder of Deeds in and for Cambria County Pennsylvania in Plat Book Vol. 6 pages 16 and 24.

Vesta Lane: The centerline grade is hereby established as follows:

BEGINNING at the centerline of Westgate Drive at Station 0+0 at an elevation of 1711.00 thence descending at the rate of 4.40 feet per hundred feet a distance of 25.0 feet to Station 0+25 at an elevation of 1709.90, thence descending at the rate of 7.92 feet per hundred feet a distance of 125.0 feet to Station 1+50 at an elevation of 1700.00, thence descending at the rate of 5.36 feet per hundred feet a distance of 125.0 feet to Station 2+75 at an elevation of 1693.30, thence by a vertical curve a distance of 125.0 feet to Station 4+0 at an elevation of 1693.30 thence ascending at the rate of 1.60 feet per hundred feet a distance of 75.0 feet to Station 4+75 at an elevation of 1694.50, thence by a vertical curve a distance of 100.0 feet to Station 5+75 at an elevation of 1699.70, thence ascending at the rate of 8.72 feet per hundred feet a distance of 97.5 feet to Station 6+72.5 at an elevation of 1708.20, the place of ending, a total distance of 672.5 feet more or less.

BEING shown on the Plan of Lots laid out by Rudolph Zucco July 8, 1959 and revised by Hinks and Locher Engineers, inc., May 23, 1960, and recorded in the office of the Recorder of Deeds in and for Cambria County Pennsylvania in Plat Book Vol. 6 pages 16 and 24.

be and are hereby confirmed as Township streets and declared to be a part of the public street and highway system of the said Township of Lower Yoder.

BY THE COURT: McWilliams, J.



No. 1

RE: AN ORDINANCE AND RESOLUTION FOR THE
TAKING OVER AND ACCEPTANCE OF WOODMONT ROAD

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

Clerk of Courts: \$ 6.50 ^{APR 15 1967 AUDITED} ^{DEC 9 1966 AUDITED}
11-1-66

Filed: September 27, 1966

BE IT ORDAINED AND RESOLVED, and it is hereby ordained and resolved that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby takes over and accepts as a public road in said Township, Woodmont Road, being 50 feet in width, the centerline of said Woodmont Road being more particularly described as follows:

BEGINNING at the center line of Woodmont Road at the property line of the Woodmont Plan of Lots near the Southerly side of Amherst Road, at Station 0+0; thence by the center line of Woodmont Road North 28° 00' West a distance of 327.80 feet to Station 3+27.799; thence by same and by a curve to the right having a radius of 385.275 feet an arc distance of 357.622 feet to Station 6+85.421; thence by same North 25° 20' East a distance of 471.16 feet to Station 11+56.576; thence by a curve to the left having a radius of 980.366 feet an arc distance of 259.015 feet to Station 14+15.591; thence by a curve to the left having a radius of 384.265 feet an arc distance of 239.792 feet to Station 16+55.383; thence continuing by the center line North 25° 40' West a distance of 176.00 feet to Station 18+31.383; thence by a curve to the right having a radius of 612.275 feet an arc distance of 325.62 feet to Station 21+58, the place of ending.

A Plan and Profile of said Woodmont Road and also the grade established thereon as prepared by S. E. Dickey and Company on October 5, 1958, is attached hereto and made part of this Ordinance and Resolution.

ORDAINED AND RESOLVED this 22nd day of September, 1966.

SUPERVISORS OF THE TOWNSHIP OF UPPER YODER

By: Edward F. DeFrehn, President

ATTEST: Robert W. Hunt, Secretary

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance and Resolution adopted by the Supervisors of the Township of Upper Yoder, Cambria County, on the 22nd day of September, 1966.

Robert W. Hunt, Secretary

September 27, 1966: Certified Copy mailed to Dept. of Highways.

No. 2

RE: AN ORDINANCE AND RESOLUTION FOR THE TAKING
OVER AND ACCEPTANCE OF DAMIAN DRIVE

IN THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA

CLERK OF COURTS: \$6.50 ^{APR 15 1967 AUDITED} *Rec. 4/6/50* ^{DEC 9 1966 AUDITED} *11-1-66*

FILED: September 27, 1966

BE IT ORDAINED AND RESOLVED, and it is hereby ordained and resolved that the Township of Upper Yoder, Cambria County, Pennsylvania, hereby takes over and accepts as a public road in said Township Damian Drive, being 40 feet in width, excepting that at the end of Damian Drive, where a turnaround, having a radius of 40 feet, is located, the centerline of said Damian Drive is more particularly described as follows:

BEGINNING at the intersection of the center lines of Damian Drive and Woodmont Road at Station 0+0; thence along the center line of Damian Drive the following courses and distances: South 84° 37' 28" East a distance of 262.48 feet to Station 2+62.482; thence by same and by a curve to the right having a radius of 60 feet an arc distance of 94.25 feet to Station 3+56.73; thence by same South 5° 22' 32" West a distance of 573.69 feet to Station 9+30.42, the place of ending.

A Plan and Profile showing said Damian Drive and also the grade established thereon as prepared by S. E. Dickey and Company on August 29, 1958, is attached hereto and made part of this Ordinance and Resolution.

ORDAINED AND RESOLVED this 22nd day of September, 1966.

SUPERVISORS OF THE TOWNSHIP OF UPPER YODER

By: Edward F. DeFrehn, President

ATTEST: Robert W. Hunt, Secretary

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of the Ordinance and Resolution adopted by the Supervisors of the Township of Upper Yoder, Cambria County, on the 22nd day of September, 1966.

Robert W. Hunt, Secretary

Sept. 27, 1966: Certified Copy mailed to Dept. of Highways.