

I. In RE: Petition For Appointment of Viewers } April 17, 1950: Petition For Appointment
 In Matter of Laying Out of A Public Highway } of Viewers & Decree.
 In The Township of Upper Yoder, Cambria County, } Filed.
 Pennsylvania.

Clark
 # 350
 AUG 10 1950

DECREE

And Now, this 17th day of April, 1950; the within petition having been read and considered, the Court appoints Fred Claffin and Robert Mayer and William J. McBrain, Viewers, to view the road herein referred to and make report as required by law.

It is Further Ordered and Decreed that the Viewers find whether or not the said proposed road is necessary for public travel as approved by the Act of 1919, P. S. 609 and its amendments and supplements, subject to the approval of the Court of Quarter Sessions (36 P. S. 1921).

By the Court
 M. Conn, P. J.

- April 20, 1950 - Order to View - Issued to Fred Claffin
- May 27, 1950 - Reports of Viewers - Filed
- June 26, 1950 Report of Viewers Approved by the Court here - M. Conn P. J.
- Sept. 25, 1950 Report of Viewers Confirmed Absolute, Joseph P. Kern P. J.
- Sept. 25, 1950 Certified to Department of Highways
- Sept. 25, 1950 Order to Open issued To Supervisors

Report of Viewers

To the Honorable, the Judges of the above named Court, we the undersigned Viewers, appointed by the annexed order of the court to view the proposed road within mentioned, respectfully report:

That we have been duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, as shown by the records of the Court; that having given due public notice of the time and place of meeting, by posting notices as required by law along the route and at the termini of the said proposed new road, as evidenced by copy of said notice hereto attached, and by service of such notice on the County Commissioners of Cambria County, the Supervisor of Upper Yoder Township, the Solicitor for the Petitioners and Solicitor for the Supervisors being hereto attached; that we met in accordance with the notice given, on the 16th day of May 1950 at 4:00 o'clock P. M., D. S. T. and proceeded with the duties of our appointment and viewed the premises and route of the proposed new road; no property owners and no Supervisors of the Township appeared, and we are of the opinion that a necessity exists for the proposed new road; that the grades are acceptable and the alignment is good, all according to attached blueprint. Beginning at a point at the junction of Goucher Street, a public highway, and Rosemont Avenue, and to extend in a northeasterly direction to Renouth Avenue, which is not a public highway, as shown on blueprint hereto attached, made part hereof and marked Exhibit A. The exact distance from the beginning of said proposed road to an intersecting public road, to-wit: Sell Street, a public highway, is one thousand twelve (1012) feet, measured from the center line of Goucher Street in a northwesterly direction to said Sell Street. The last named terminus of said proposed public road is at a point other than in a public highway or place of public resort, and the length of this proposed road is 507.68 feet as shown on attached blueprint and colored in green and made a part hereof.

In view of the absence of any interested parties at the site of the View, a hearing was called in the Offices of Gray & Claffin, Consulting Civil Engineers, 606 Swanik Building, on Tuesday, May 23 at 3:30 P. M., D. S. T., and at this hearing no interested parties were present.

No. 2. *In Re: In the Matter of the Proceedings To Vacate A Certain Road In The Township of Gallitzen, County of Cambria & State of Pennsylvania*

May 4, 1950: Petition of A. Wakamowski, J. Gardner and Paul Deluzier, Supervisors of Gallitzen Township. Filed.

Click #350 AUG 10 1950 CERTIFIED

DECREE

And Now, 22 April, 1950, the foregoing petition having been read and considered, it is ordered that the action of the Supervisors of Gallitzen Township in vacating said road in accordance with the plan hereto attached, be and hereby is approved, and it is further ordered that this Petition and Decree of Court be recorded in the Road Docket of Cambria County.

By the Court:
Griffith, J.

No. 3
 In Part Portions of East Third Street
 And West Fifth Street, Conemaugh Township,
 Cambria County, Pennsylvania.

May 22, 1950: Petition For Acceptance of
 Portions of East Third Street And West
 Fifth Street As Public Highways or Streets
 Order & Resolution
 By Supervisors of Conemaugh Township.

Clk
 #350
 AUG 10 1950
 CERTIFIED

ORDER

Pub. #
 3.58
 5/24/50
 J. W. W.

Now, the 22nd day of May, 1950, the within petition having been read and considered, the Board hereby gives its command that the portions of East Third Street and West Fifth Street described in the petition, being dedicated streets on the Plan of Franklin Extended as laid out for Franklin Land and Improvement Company by S. S. Fetterman, Engineer, on January 16, 1902; said Plan being recorded in the Recorder's Office of Cambria County, Pennsylvania, in MacCallum's Book Vol 10, page 481, be accepted as public highways or streets, said streets being described as follows:

A. East Third Street:

Beginning at the eastern intersection of East Third Street and Griffith Avenue; thence along East Third Street, South 56° 22' East five hundred sixty-two (562) feet more or less, to the western intersection of East Third Street and Fifth Avenue East.

B. West Fifth Street:

Beginning at the eastern intersection of West Fifth Street and First Avenue West; thence along West Fifth Street, South 79° 42' East two hundred ninety-six (296) feet more or less, to the western intersection of West Fifth Street and Griffith Avenue.

And It is Further Ordered and Decreed that the said portions of East Third Street and West Fifth Street forthwith be and become a part of the highway system of the Township of Conemaugh, Cambria County; and it is further ordered and directed that this proceeding be recorded in the Court of Quarter Sessions of Cambria County, Pennsylvania.

By the Court:
 Griffith, J.

No. 1. In Re: Appeal From Refusal of Board of Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, To Approve A Plan of Lots Laid Out For Harry E. Berkley Estate, And Relating To Lots of Land Situate In Upper Yoder Township, Cambria County, Pennsylvania.
Clerk of Courts: \$ 3.50

June 15, 1950: Appeal From Refusal of Supervisors To Approve Plan of Lots. FILED.

DECREE

And Now, to-wit, this 15th day of June, A.D. 1950, upon motion of Harkins and Wharton, Attorneys for Petitioner, the foregoing Petition for Appeal and this Order are directed to be filed in the Office of the Clerk of Courts in and for Cambria County, Pennsylvania, and the petitioner shall give notice of the hearing of the appeal to all parties interested by mailing a written notice setting forth the time and place of hearing, which notices shall be mailed at least ten (10) days before the date of hearing.

By the Court:
McKinnish, Judge

Oct 18 1950
Clerk
#3.50
Recd
#3.50
6/16/50

July 3, 1950: Answer to Appeal From Refusal of Supervisors to Approve Plan of Lots. Filed; By Supervisors of Upper Yoder Township.

Clerk
#11.50

7/21/50
Recd
#11.50

To The Honorable, The Judges of The Above Named Court:

Answering the appeal from refusal of the Supervisors to approve Plan of Lots, the respondents, the Supervisors of Upper Yoder Township, respectfully say:

1. Admitted. It is averred that the Harry E. Berkley Estate was without authority in laying out said Plan of Lots. Prior to the said Plan dated April 21, 1941, the said Harry E. Berkley had laid out a Plan of Lots, being Plan of Lots laid out by Harry E. Berkley situate in Upper Yoder Township, Cambria County, Pennsylvania, September 27, 1922, by Fetterman Engineering Company, covering the same ground in which the streets and alleys thereon were differently located than were the streets and alleys of the said Plan of April 21, 1941. That after September 27, 1922, and before April 21, 1941, many lots on the Plan of September 27, 1922 had been sold either by said Harry E. Berkley, or by the Harry E. Berkley Estate, and the purchasers of said lots, or their successors in title, had acquired property rights in the said streets and alleys on said Plan of 1922, which entitled them to have the streets and alleys so dedicated remain open forever; and the laying out of said Plan of April 21, 1941 was in violation of the rights of the owners of lots on the Plan of September 27, 1922, and illegal. Further answering the petitioner, the Supervisors have no authority under the law to approve the Plan of April 21, 1941, and it would be unlawful for them to do so.

Clerk
#4.00

2. Answering paragraph 2 of the Petition, the respondents are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 2 of the Petition, and all means of proof thereof are in the exclusive control of the Petitioner, and the said averments are, therefore, denied. Defendant demands proof thereof at the trial of the case. Further answering the respondents say that there was no authority under the law for making and recording said Plan as so averred in paragraph 2 of the Petition; and if made and recorded, it was illegally so done.

3. It is denied that the original tracing of said Plan was submitted to the Board of Supervisors for their approval. It is admitted that S. E. Dickey & Company did present to the Supervisors a letter dated May 15, 1950, with a certain tracing, being the said Plan of 1941 as made by Fetterman Engineering Company. The said S. E. Dickey & Company were then and still are employed as

The engineers of the Supervisors of Upper Goder Township, and could have no authority to submit the said Plan to the Supervisors for their approval. The said S. E. Dickey & Company evidently misconceived their duties and authority as employees in the premises.

4. It is denied that the Board of Supervisors of Upper Goder Township have refused to approve the Plan allegedly submitted to them, and it is denied that the said Plan was submitted for the approval of the Board in accordance with the provisions of any Act of Assembly. The petitioners never legally submitted any Plan to the Board of Supervisors.

5. It is denied that the Supervisors of Upper Goder Township had the right to approve the Plan referred to in the Petition under the provisions of the Act of July 10, 1947, P. L. 1481, Sec. 17. It is averred that the approval by the Supervisors of a Plan submitted to them would have been illegal and without any authority under the law. The Plan allegedly submitted was in violation of the provisions of the said Act of 1947.

6. Admitted.

7. It is denied that the petitioners are aggrieved by the alleged failure and refusal of the Board of Supervisors to approve the said Plan of Lots. The petitioners have no rights in this appeal from the alleged refusal of the Supervisors to approve said Plans. The Court has no jurisdiction to hear the matters here involved de novo and to enter a Decree as prayed for.

8. It is denied that the alleged refusal to approve the Plan mentioned in the Petition has detrimentally affected the land and interests of land owned by your petitioners "because, as stated in the above noted section of an Act of Assembly, no road or drainage facilities in connection therewith shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans approved by the supervisors, or with further plans subsequently approved by them, and until such plan and the approval thereof has been recorded." It is averred that there is no Plan properly before the Supervisors, and that the Supervisors cannot legally approve the Plan allegedly submitted to them by the Petitioners. The Board of Supervisors may not, without the consent of the Court of Quarter Sessions, accept any road, streets, lanes or alleys as public roads as shown in the Plan referred to in the petition.

9. It is denied that the approval of the Plan of Lots submitted by the petitioners to the Supervisors would not endanger or damage any person, firm or corporation; on the other hand, it is averred that any approval of the said Plan of Lots as submitted by the Petitioners would injure and damage persons, firms and corporations, and would be illegal.

10. It is denied that the said Plan of Lots has been submitted for the approval of the Board of Supervisors. It is denied that any alleged refusal in the part of the Supervisors to approve the same is detrimental to the Petitioners and that such petitioners are aggrieved by such refusal. It is denied that the approval of said Plan of Lots would not injure any person, firm or corporation, and it is averred that such approval would injure and harm any person, firm or corporation. It is averred that the petitioners have no right of appeal by this Petition to the Court praying that the Court shall hear the matter de novo and after hearing to enter such Decree as may appear just in the premises.

→ Continued From PAGE 205 ←

11. The Plans submitted to the Supervisors and referred to in this appeal are only small, flimsy plans and do not comply with the Act in any respect. For the Supervisors to refuse to approve the said Plans would have been proper. The developers had no right under the laws and subjected themselves to criminal prosecution, if they constructed, opened or dedicated the said roads for public use or travel without having secured the approval of the Supervisors; and the Supervisors, under Section 1142 of said Act, have no responsibility of any kind with respect to these roads when the Plans are not submitted. The property owners and developers should submit proper, legal plans to the Supervisors, and meet the necessary requirements, if they desire that the roads be opened and dedicated to public use and travel.

12. The Court is wholly without jurisdiction in the premises. Wherefore the petition should be dismissed at the cost of the petitioners.

Blair Hunt
D. H. Weimer
Curd Bernhard

Supervisor of Upper Yoder Township.
Commonwealth of Pennsylvania } 55:
County of Cambria

Personally appeared before me, a Notary Public in and for said State and County, Curd Bernhard, who being duly sworn according to law deposes and says that he is Secretary of the Supervisors of Upper Yoder Township, and that the matters and facts set forth in the foregoing Answer are true and correct.

Curd Bernhard

Sworn to and subscribed before me
This 3rd day of July, 1950.

E. L. Porada
Notary Public

My Commission Expires Feb. 1, 1953

5-12-52 - Testimony - Filed

8-12-52 - Opinion and Decree - Filed

OPINION

This is an appeal by property owners from the refusal of the Board of Supervisors of Upper Yoder Township to approve a Plan of Lots laid out in 1841 for the Harry E. Berkley Estate, and recorded in the office of the Recorder of Deeds in 1849. The plan was submitted to the Township Supervisors at a meeting held May 15th, 1950, at which time the Supervisors refused to approve, and subsequently an appeal was taken to the Court of Quarter Sessions.

After refusing their approval, the Supervisors adopted rules and regulations containing certain requirements with which the Berkley Plan did not conform, although they had approved similar plans several times in the past.

The Act of 1933, P. L. 103, as last amended by the Act of 1947, P. L. 1981, 53 P. S. 19093-1140, provides that:

"Such plan shall be prepared in duplicate in accordance with such rule and regulation as may be prescribed by the Supervisors, and shall show the profile of such roads, the course, structure, and capacity of any drainage facilities, and the method of drainage of the adjacent or contiguous territory, and also any other further details that may be required under the rules and regulations adopted by the Township Supervisors."

→ To PAGE 382 ←

NO. 2 IN RE: Petition of the citizens of Barr Township, upon The Board of Supervisors to lay out and open a Road between the properties of George Smead and Andy Shea, in the Township of Barr, County of Cambria, State of Pennsylvania.

July 11, 1950 : Petition: Filed

RECEIVED OFFICE OF THE CLERK OF QUARTER SESSIONS \$5.56

AN ORDINANCE July 3rd, 1950

Authorizing and directing the laying out and opening of a road between the properties of George Smead and Andy Shea, in the Township of Barr, County of Cambria and State of Pennsylvania.

Whereas: The Board of Supervisors, have been petitioned by a majority in interest of the owners of property through whose land the road passes, to layout and open a road between the properties of George Smead and Andy Shea wholly within the Township of Barr, Cambria County, Pennsylvania, and after a hearing upon ten (10) days notice, have filed in the office of the clerk of Quarter Sessions of said County, a written report and map, of the said road to which no exceptions have been taken.

The Board of Supervisors of the Township of Barr hereby ordain as follows:

Section 1. A road is hereby laid out and opened between the properties of George Smead and Andy Shea, as shown on the map, on file, and subject to examination, in the Office of the Clerk of County of Quarter Sessions of Cambria County, reference to which is hereby made, which road is described as follows, viz:

Continuing from the termination of Susquehanna Street in the Borough of Barnesboro north seventy-five (75) degrees eighteen minutes East a distance of two hundred fifty and five hundredths (250.05) feet, and forty (40) ft. in width.

Section 2. The chairman and secretary of the Board are hereby directed within ten (10) days of date of the adoption of this Ordinance to give notice of the fact and date of adoption hereof by causing to be posted hand bills in conspicuous places along the line of said road and to record such ordinance in the Ordinance Book of the Township.

Section 3. Any Ordinance, or part of any ordinance, inconsistent herewith is hereby repealed.

Section 4. This Ordinance shall be effective Aug. 21, 1950

ATTEST. M. J. Shank
Secretary

H. L. Kirsch, Supervisor
John C. Bocha, Supervisor
Alphonse Kirsch, Supervisor
(Seal of Barr Twp.)

3.

In Re: Laying Out of Public Highway in the Township of Croyle, County of Cambria, and State of Pennsylvania, beginning at the Intersection of State Highway Route 11021 to the Boundary Line of Jackson and Croyle Township.

August 28, 1950: Report of the Supervisors of Croyle Township: - Filed.

Clerk
County#3.
OCT 18 1950DECREE

Now, the 28th day of August, 1950, upon consideration of the foregoing petition, Joseph E. Wess, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within report and the exhibits attached hereto.

By the Court:
McKerrick, J.

FINAL ORDER

Now, the 24th day of October, 1950, upon consideration of the foregoing petition and it appearing that same has been filed in the office of Clerk of Courts of Cambria County, Pennsylvania, for a period of thirty (30) days, there being no except to said report filed within said period, the within report of the Supervisors of Croyle Township is hereby approved and the roads as laid out on the attached map may be adopted and laid out by the said Supervisors of Croyle Township, Cambria County, Pennsylvania, and become Public Roads in said Township.

By The Court:
Griffith, J.

3A

IN RE: LAYING OUT, OPENING AND ACCEPTANCE OF CERTAIN STREETS ON THE PLAN OF PENNSYLVANIA COAL AND COKE COMPANY IN THE VILLAGE OF DEVIL'S HOLLOW, CROYLE TWP. CAMBRIA COUNTY, PENNSYLVANIA

AUGUST 28, 1950: Report of the Supervisors of Croyle Township: - Filed.

DECREE

Now, the 28th day of August, 1950, upon consideration of the foregoing petition, Joseph E. Wess, Clerk of the Courts of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within report and the exhibits attached hereto.

By The Court:
McKerrick, J.

FINAL ORDER

Now the 21st day of October, 1950, upon consideration of the foregoing petition and it appearing that same had been filed in the office of Clerk of Courts of Cambria County, Pennsylvania, for a period of thirty (30) days, there being no exceptions to said report filed within said period, the within report of the Supervisors of Croyle Township is hereby approved and the roads as laid out on the attached map may be adopted and laid out by the said Supervisors of Croyle Township, Cambria County, Pennsylvania, and become Public Roads in said Township.

By The Court:
Griffith, J.

3B

(CONTINUED ON PAGE 388)

That after taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the petitioners and viewed by us is necessary and convenient and will not create an undue hardship on the supervisors, therefore we recommend that the prayer of the petitioners be granted.

We assess no damages and no benefits.

Witness our hands and seals this 23rd day of May, A.D. 1950

Fred W. Claffin

Robert Mayer

William J. McGrain

March SESSIONS, 1950
Continued from Page 199

We assess no damages and no benefits.
Witness our hands and seals this 1st day of March, A.D. 1950.

Robert Mayer
William J. McBrain
Fred Clafflin

1

The Petition of the Supervisors of West Taylor Township, Cambria County, Pennsylvania.

September 25, 1950 Filed by West Taylor Township Supervisors.

Clerk
103-50

DECREE

Now, this 25th day of September, 1950 the foregoing Petition having been read and duly considered, and it appearing to the Court that the Supervisors of West Taylor Township are desirous of adopting the said proposed highway leading from Cardiff Street to Cooper Avenue as a Township Highway, and it appearing to be for the best interests of the residents of West Taylor Township as well as the general driving public to have the said road adopted as a Township Highway.

It is therefore ordered and decreed that the adoption as a Township Highway of the said road leading from Cardiff Street to Cooper Avenue all as shown on the blue print hereto attached and made a part hereof, is approved and the said road is hereby a Township Road and a part of the Township System of West Taylor Township and under the care and responsibility of the Supervisors of West Taylor Township.

By The Court
Mc Kenrick, J.

1. *In Re:*

IN THE MATTER OF THE Proceedings To Vacate A Certain Road In The Township of Gallitzgen, County of Cambria, And State of Pennsylvania! March 27, 1951: Petition of Supervisors of Gallitzgen Township - Filed.

Clerk

#55

08/29

Recd. #55

1951 AUDITED

To The Honorable, The Judges of Said Court:

The petition of Albert Wakamonski, Thomas Gardner, and Paul T. DeLozier, respectfully represents:

1. That your petitioners are the duly elected, qualified, and acting Supervisors of Gallitzgen Township, Cambria County, Pennsylvania, a Township of the Second Class.

2. That the Department of Highways of the Commonwealth of Pennsylvania in improving State Highway Route No. 36 between Ashville Borough and the Buckhorn within the boundaries of Gallitzgen Township, Cambria County, Pennsylvania, has relocated the said highway from a point at Station 640 + 75 and extending in a westerly direction a distance of 3,000 feet, more or less, to the intersection of said road to be abandoned and the new highway. Said roads are shown on the drawing hereto attached and marked Exhibit "A".

3. That by this change of location the portion of road originally maintained as a part of the State Highway System between the stations above referred to has been abandoned as part of the system and reverted as a Public Highway to the jurisdiction of the said Township.

4. That the portion of said road abandoned as a highway is unnecessary for public use and travel, and it will be useless, burdensome and dangerous as a roadway.

5. That your petitioners consider it to be their duty and obligation as representatives of the Township of Gallitzgen to vacate the said abandoned highway, and at a meeting duly held on March 6, 1951, passed a Resolution relative to said abandonment, a copy of which is attached hereto and marked Exhibit "B".

6. Your petitioners therefore pray your Honorable Court to approve the abandonment of said highway and direct that this petition and Decree of Court be recorded in the Road Docket of Cambria County.

Albert Wakamonski

Thomas Gardner

Paul T. DeLozier

Supervisors of Gallitzgen Township, Cambria County

State of Pennsylvania } ss.
County of Cambria }

Paul T. DeLozier, being duly sworn according to law, did depose and say that he is one of the Supervisors of Gallitzgen Township, and that the statements set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Paul T. DeLozier

Sworn and subscribed before me this

9th day of March, A.D. 1951.

John Paul Jones, J.P.

My Commission expires First Monday of January 1954.

DECREE

And Now, 26th March, 1951, the foregoing petition having been read and considered, it is ordered that the action of the Supervisors of Gallitzgen Township, in vacating said road in accordance with the plan hereto attached, be and hereby is approved, and it is further ordered that this petition and Decree of Court be recorded in the Road Docket of Cambria County.

BY THE COURT: J. Sniffel, Judge.

2

IN RE:

A Resolution To Abandon Portions
OF ROADS IN BARR Township, Cambria
County, Pennsylvania.

May 9, 1951: Resolution by Supervisors
of Barr Township To Abandon Portions
of Roads - Filed

Clerk

35-307

May 9, 1951 - Affidavits of Consent by Freeholders - Filed
May 9, 1951 - Blueprints - Filed

Resolution

Whereas: The hereinafter described portions of Pennsylvania of
State Highways in Barr Township Cambria County, have, by relocation, been
abandoned as part of the States Highway System.

These portions on Route 11045:

1. From station 1 to station 9.
2. From station 49 to station 67.
3. From station 87 to station 96.
4. From station 160 to station 175.
5. From station 183 to station 194.

Also these portions on Route 11046:

1. From station 22 to station 29.
2. From station 40 to station 51.

Whereas: The above described portions of State Highways,
abandoned by the relocation of parts of the routes were reverted to Barr
Townships Road System.

Whereas: These portions as described herein and by the
enclosed drawings, are of no use to the public as a means of
transportation. Therefore the Supervisors of Barr Township Road District,
at their monthly meeting of May 6, 1951, resolved that the afore
described portions of roads in Barr Township reverted to the District
by the State be abandoned as part of Barr Township's Road System.

Alphonse Kerick - Supervisor
Orlando Mastran - Supervisor
H. J. Kerick - Supervisor

Attest:

M. J. Shank
Secretary.

3
 2.56
 OCT 29 1951
 IN RE: Petition to vacate public Road in the Township of Reade, known as Route No. 570, connecting Route No. 253 with Route No. 11060 in the County of Cambria, State of Pennsylvania.

May 16, 1951: Petition of Citizens and Taxpayers of Township of Reade for appointment of Viewers. - Filed

ORDER

Now, May 16, 1951, the within petition having been presented, read, and considered, William J. McBrain, Mahlon J. Baumgardner, and John L. Elder, three members of the Permanent Board of Viewers of Cambria County hereby appointed to view the above referred to piece of road and report their findings to this Court in accordance with the Act of General Assembly, and supplements thereto.

By the Court
 Griffith

May 16, 1951: Order to View issued to William J. McBrain.

June 7, 1951: Viewers report file.

To the Honorable, the Judges of the above named court.

We, the undersigned viewers appointed by the annexed order of the Court to view the Public Road in Reade Township:

1. That we have been duly appointed as members of the Permanent Board of Viewers of Cambria County, as shown by the record of the Court.
2. That having given due public notice of the time and place of the meeting by posting notices as required by law of the said Road No. 570. Notices were posted the 21st day of May, 1951. Notices were delivered by William J. McBrain to the supervisors: Edward Blago, B. F. Trozell and John F. Jenkins. Hearing was held at Township Building, June 5th 1951.
3. That the Viewers, William J. McBrain, Mahlon J. Baumgardner, and John L. Elder, submit our report to the Honorable Court our findings.
4. That the road should not be vacated. It is not a burden to the Taxpayers and it is also necessary. Supervisors objected to vacate the road. That the Board of Supervisors are represented by B. F. Trozell and John F. Jenkins.

Witness our hands and seals this 7th day of June, 1951.

William J. McBrain
 Mahlon J. Baumgardner
 John L. Elder
 Viewers

6-7-1951 Viewers Report filed

December 14, 1951 Report Confirmed Nisi

3-7-1952 Viewers Report Confirmed Absolute
 By Joseph C. Sherr, Clerk of Courts M. C. Kennich, Judge

A IN RE: In The Matter of the Changes } May 21, 1951: Petition of Herman
 in Location and Lines of a Highway known } H. Hoffman For The Appointment
 as State Highway Route No. 222, in the } of Viewers.
 Borough of Geistown, in said County and } Filed.
 State.

5.50 29 1951 AUDITED

ORDER

Now, the 21st day of May, 1951, the foregoing petition having been read and presented to the Court, the Court do thereupon appoint F. W. Claplin, Robert G. Mayer and Mahlon J. Baumgardner, who are members of the County Board of Viewers, to view the property described in the within petition and to report to the Court their findings with respect to the damages suffered by the petitioner by reason of the appropriation, injury or destruction of certain property in the change of lines and location of State Highway Route No. 222, taking into consideration any benefits which may have accrued to said property by said change of lines and location. It is hereby directed that the above named viewers, in assessing the damages, shall take into consideration the advantages derived from such road passing through the land of the complainant. Said viewers are directed to make their report in writing to the Court of Quarter Session on or before the 1st day of August, 1951. The viewers above appointed are hereby directed to give at least ten days notice in writing to the Secretary of Highways and the petitioner of the day and hour on which they will view the premises within described and conduct their hearing under this appointment.

By the Court
 M^cCam. P. 9.

May 23, 1951: Order to View issued to F. W. Claplin.
 August 7, 1951: Partial Report of Viewers and Request For Extension of Time For Final Report - Filed.

ORDER

Now, August 7, 1951, the within Partial Report of Viewers having been read and considered, the Court do hereby extend the time for a Final Report by said Viewers to the 17th day of September, 1951.

By the Court
 M^cCam. P. 9.

9-5-1951 Viewers Report filed

Report of Viewers

To the Honorable, the Judge of the above named Court, we the undersigned Viewers, appointed by the annexed order of the Court to view and assess damages in the matter of the changes in location and lines of a highway known as State Highway No. 222 in the Borough of Geistown, County of Cambria, and State of Pennsylvania, respectfully report: That we have been duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria, as shown by the records of the Court, that having given due public notice of the time and place of meeting, by posting notices as required by law along the route and at the site of property to be viewed, as evidence by copy of said notice hereto attached and service of such notice on the County Commissioners of Cambria County, the State Highway Department, the Solicitor for the Petitioner, and the Solicitor for the Plaintiff, that we met in accordance with the notice given on the 8th of June, A. D., 1951, at 10:30 A. M., P. S. T. for the purpose of performing the duties of our appointment and viewed the property. Notices for a hearing to be held in the Judge's Chambers, U. S. National Bank Building at 1:30 P. M., P. S. T. on Wednesday, June 20, 1951, were sent out. This hearing was postponed due to the fact that Mr. George M. Spence, Attorney for the Highway Commission was in the hospital, therefore notices for a second hearing to be held in the Judge's Chambers, U. S. National Bank Building at 10:00 A. M., P. S. T. Wednesday August 23, 1951 re the order to view and assess damages in the matter of the changes in location and lines of a highway known as State Highway No. 222, in the Borough

#2 In Re: Change of Location And Grade of State Highway Route No. 222, In Richland Township, County of Cambria State of Pennsylvania. November 5, 1951: Petition of John Jacoby And Angeline Jacoby For Appointment of Viewers. Filed

ORDER

And Now, November 5, 1951, and Mahlon J. Baumgardner and F.W. Claffen and Robert Meyer members of the County Board of Viewers, are appointed to view the premises referred to in the within petition, to conduct hearings to ascertain the damages and benefits resulting from said appropriation, after giving at least ten days notice in writing to the Secretary of Highways and the petitioners, and file their report to the Court of Quarter Sessions on or before the First Monday of December, 1951.

By the Court
M. Kenrich, Judge.

November 5, 1951 - Order to View - Issued to Mahlon J. Baumgardner

March 3, 1952 - Report of Viewers - Filed.

March 12, 1952 - Report of Viewers Approved by the Court M. Kenrich.

April 18, 1952 - Report confirmed absolutely.

April 28, 1952. Certified copy of Report sent to State Highway Dept, City of Harrisburg, Pa. By the Court - M. Kenrich. J.
Report of Viewers

And the undersigned Viewers appointed by the named Court to view and inspect the real estate and premises of John Jacoby and Angeline Jacoby, his wife of Richland Township, Cambria County, Penna., and to determine and estimate the damages that have resulted or that may seem likely to result by the reason of the change of the grade and location of State Highway Route # 222 in the Township of Richland, County and State aforesaid as it affects the real estate of the above petitioners and owners described as follows:

No. 1: Beginning at the northeast corner of intersection of Lehman Avenue and the Bedford Pike, a distance of 25 feet from the center line of the paved road, to wit: Bedford Pike; thence by said paved road or Bedford Pike, North 80 degrees 11 minutes West 56.13 feet to a point; thence continuing North 18 degrees no minutes West 42.62 feet; thence still continuing along said road North 13 degrees 16 minutes West 48.78 feet to a point on the corner of Lot No. 24, on the aforesaid plan; thence by said Lot No. 24, North 80 degrees 15 minutes East a distance of 161.99 feet to corner of Lot No. 28 on said plan; thence by Lot # 28 South 9 degrees 45 minutes East 146.07 feet to Lehman Avenue; thence by said Lehman Avenue South 80 degrees 15 minutes West 143.71 feet to the Bedford Pike, the place of beginning; being marked, known and designated as Lots Nos. 25, 26, and 27 on the plan of Lots of George M. Ofich, situated in Richland Township, Cambria County, Pennsylvania, as surveyed by S.C. Dickey & Company on June 26, 1928;

No. 2: Beginning at a point at intersection of Lot No. 27 on the hereinafter mentioned plan of lots and Lehman Avenue, thence from said point and along the line of Lehman Avenue, North 80 degrees 15 minutes East a distance of 50 feet to a point at intersection of Lot # 29 on the aforesaid plan of lots; thence from said point and along the line of Lot No. 29 North 9 degrees 45 minutes West a distance of 146.07 feet to a point and along the line of Lot No. 21 South at intersection of Lots 20 and 21 on aforesaid plan; thence from said point and along the line of Lot No. 21 South 80 degrees 15 minutes West a distance of 50 feet to a point at intersection of Lots Nos. 25 and 26 and 27 on the said plan South 9 degrees 45 minutes East a distance of 146.07 feet to a point, the place of beginning; being marked, known and designated as Lot No. 28 on the George M. Ofich plan of lots situated in Richland Township, Cambria County, Pa. surveyed by S.C. Dickey & Company on June 26, 1928.

#3

In Re: Petition of W.H. Wakefield and
Laura Wakefield, His Wife vs Peoples
Natural Gas Company
(Jackson Twp)

November 19, 1951 - Petition For The Appointment
of Viewers.
Filed

ORDER OF COURT

And Now, November 19, 1951, Fred W. Claffin and Mahlon J. Baumgardner
and Robert Mays members of the County Board of Viewers, are appointed to
view the premises referred to in the within petition, to conduct hearings to ascertain
the damages resulting from the appropriation to be paid to W. H. Wakefield and Laura
Wakefield, his wife, by the Peoples Natural Gas Company, after giving said parties
at least ten days notice in writing of the date of said hearing, and to file
their report to the Court of Quarter Sessions on or before the third day of December
1951.

By the Court
m. Kennish, J.

11-19-51 - Order to View - Issued to Fred W. Claffin.

| | | |
|----------|--------------------------------------|--------------------------|
| 11-19-51 | Viewers Report Made | by Fred W. Claffin |
| 12-14-51 | Viewers Report Approved by the Court | by Mahlon J. Baumgardner |
| 12-17-51 | Confirmed | by Joseph C. ... |

Agreement To Transfer Case To Common Pleas, And Order of Court
Agreement of Counsel.

It is hereby agreed between Frank P. Bamhard, Attorney for
Plaintiff, and Philip N. Shetty, attorney for the Defendant, that the
above case was erroneously entered in the Quarter Sessions Court and
that said case be transferred to the Court of Common Pleas of Cambria
County, pursuant to the provisions of the Act of May 29, 1885, 15 P.S.
2034.

Frank P. Bamhard
atly. for Plaintiff

Philip N. Shetty
atly. for Defendant

ORDER OF COURT

November 3, 1952, The above agreement is approved and the
case ordered to be transferred to the Court of Common Pleas.

By the Court
m. Kennish, J.

Clerk
#5.50
45

8 1952
20 1954

AUG 9 - 1954 AUDITED
Rec'd \$10.00 = 7-6-57 J.C.H.

4

In Re: Petition of Willard N. Ripple and Bessie Ripple, his wife, for the appointment of Viewers to assess damages to their land situate in Richland Township, Cambria County, Penna., by reason of the construction, relocation and change of grade of State Highway No. 222. - Section No. 6A.

11-21-51 - Petition For The Appointment of Viewers - Filed.

ORDER

And Now, to-wit: this 19th day of November, 1951, on motion of Margiotti & Casey, and Harold Kaminsky, Esq., Attorneys for petitioners, the Court appoints Mahlon J. Baumgardner, Fred W. Galbin and Robert Mayer, as a board of view upon the foregoing petition, and further orders that the board of view perform its duties in accordance with the law and Acts of Assembly in such case made and provided.

By the Court
McKeech.

November 21, 1951 - Order to View - Issued to Mahlon J. Baumgardner

Dec. 17 - 1951 - Praecipe For Appearance For Department of Highways of the Commonwealth of Pennsylvania. Filed by George M. Spence, Esq.

Motion: -

March 2, 1952 - And Now, the 3rd day of March, 1952, upon petition of Harold Kaminsky, Attorney for Plaintiffs, it is hereby moved that the return day in the above entitled matter be extended to the First Monday in April, 1952.

Harold Kaminsky
Atty for Plaintiff

ORDER

And Now, this 3rd day of March, 1952, the motion to continue the return day of the above entitled matter is hereby granted.

By the Court:
McCam. P. J.

March 17, 1952 - Report of Viewers - Filed

June 23, 1952 Approved Min. of the Court. Griffith

Oct. 9, 1952 Confirmed absolute by Clerk of Courts Joseph C. Kesse

Oct. 9, 1952 Sent Certified Copy of Viewers Report to Atty Spence

Oct 9, 1952 Sent Certified Copy of Viewers Report to Atty Kaminsky

Oct 9, 1952 Certified to Dept. of Highways

REPORT OF VIEWERS

We, the undersigned Viewers appointed by the above named Court to View and inspect the premises of Willard N. Ripple and Bessie Ripple, his wife, of the Township of Richland, Cambria County, Pennsylvania, and to determine and estimate the damages that have resulted or that may seem likely to result by reason of the construction, relocation and change of grade of State Highway No. 222 - Section No. 6A in the Township of Richland, County and State aforesaid as it affects the real estate of the above named owners and petitioners described as follows:

Beginning its line at a stake located at the southeast corner of a tract of land sold by the Wilmar Coal Company to Elmer L. Hoffman; thence from said stake crossing Pennsylvania State Highway Route No. 56, South 71 degrees 41 minutes East 763.15 feet to an iron pin on the east line of said Highway and 16 1/2 feet distant from the center line thereof; thence by a new line through other land of the Grantor, of which the parcel hereby conveyed is a part, the following courses and distances: North 67 degrees 41 minutes East 270 feet to an iron pin; South 20 degrees 36 minutes 27.0 feet to an iron pin on the North side of a private road and 16 1/2 feet distant from the center line thereof; thence by a line parallel to the distance from the center line of said private road and 16 1/2 feet distant

→ TRANSFERRED TO PAGE 374 ←

5

In Re: Petition of Joseph L. McCorry, Jr., and Dorothy E. McCorry, his wife, for the appointment of Viewers to assess damages to their land situate in Richland Township, Cambria County, Penna. by reason of the construction, relocation, and change of grade of State Highway No. 222 - Section No. 6A.

11-21-51 - Petition For The Appointment of Viewers Filed

ORDER

And Now, to-wit: this 19th day of November, 1951, on motion of Margiotti & Casey, and Harold Kaminsky, Esqs., Attorneys for petitioners, the Court appoints Mahlon J. Baumgardner, Fred W. Clefflin and Robert Mayer, as a board of view upon the foregoing petition, and further orders that the board of view perform its duties in accordance with the law and Acts of Assembly in such case made and provided.

\$5.50

By the Court
M. Kennel, J.

November 21, 1951 - Order to View - Issued to Mahlon J. Baumgardner.

December 17, 1951 - Praecipe For Appearance For Department of Highways of the Commonwealth of Pennsylvania - Filed by George Spence, Esq.

Motion:-

March 3, 1952 - And Now, this 3rd day of March, 1952, upon petition of Harold Kaminsky, Attorney for Plaintiffs, it is hereby moved that the return day in the above entitled matter be extended to the first Monday in April, 1952.

Harold Kaminsky
atly. for Plaintiffs

ORDER

And Now, this 3rd day of March, 1952, the motion to continue the return day of the above entitled matter is hereby granted.

By the Court
M. Conn, P. J.

March 10, 1952 Report of Viewers filed

June 23, 1952 Appraised here by the Court Griffith

Oct. 9, 1952 Confirmed Absolute by Clerk of Courts Joseph C. Shess

Oct. 9, 1952 Sent Certified Copy of Viewers Report to Atty. Spence

Oct. 9, 1952 Sent Certified Copy of Viewers Report to Atty. Kaminsky

Oct. 9, 1952 Certified Viewers Report to Dept. of Highways

REPORT OF VIEWERS

We, the undersigned Viewers appointed by the above named Court to View and inspect the real estate and premises of Joseph L. McCorry, Jr., and Dorothy E. McCorry, his wife, of Richland Township, Cambria County, Pennsylvania, and to determine and estimate the damages that have resulted or that may seem likely to result by reason of the change of grade and location of section 6A of State Highway Route #222 in the Township of Richland, County and State aforesaid as it affects the real estate of the above petitioners and owners described as follows:

Beginning at a point of intersection of the east line of Pennsylvania State Highway Route No. 56 with the south line of a certain private road (each of which thoroughfares is thirty-three (33) feet in width) said point of beginning being located also sixteen and one-half (16 1/2) feet from the center line of said State Highway and thirty-three (33) feet from the southwest corner of Willard N. and Bessie Kippel; thence along the south line of said private road, North 69 degrees 24 minutes East one hundred fifty (150) feet to a stake; thence by a new line through land now or formerly of the Wilmore Coal Company, of which the parcel hereby conveyed is a part, the following two courses and distances: South 20 degrees 36 minutes East one hundred fifty (150) feet to a stake, and South 69 degrees 24 minutes West one hundred fifty (150) feet to a stake on the east line of aforesaid State Highway Route No. 56; thence along the east line

6 In RE: In the Matter of the Proceeding To Take Over Penn Avenue In The Town of Revloc, Township of Cambria and State of Pennsylvania.

Nov. 24, 1951: Petition of The Supervisors of Cambria Township, Cambria County, Pa. Filed.

ORDER OF COURT

And Now, 9th day of November, 1951, the foregoing petition having been read and considered, it is ordered that the action of the Supervisors of Cambria Township in taking over Penn Avenue in the town of Revloc, County of Cambria and State of Pennsylvania, as described in the foregoing petition, be and hereby is approved.

By the Court
J. J. Griffith

Resolution

On motion of Henry Illig, duly seconded and carried, the following Resolution was unanimously adopted:

Whereas, a street fifty feet in width, known as Penn Avenue, has heretofore been dedicated as a public highway in the Town of Revloc, Township of Cambria and State of Pennsylvania in accordance with the map of Monroe Coal Mining Company, which is recorded in Cambria County in Plat Book Volume ad Page; and

Whereas, the abutting property owners on Penn Avenue, beginning at a point on the Southly end of Fifth Street and running by a curve in a Southly and Westly direction, a distance of 700 feet, more or less, to Seventh Street extended, have requested the Township of Cambria through their Board of Supervisors to take over said Avenue, so that the same would be subject to maintenance and repair by the said Township;

Whereas, the Supervisors of Cambria Township consider it to be the obligation of the Township to comply with the request of the abutting property owners; and,

Whereas, the plan showing said street has been adopted, approved, and recorded.

Be It Resolved, that with the consent of the Court of Quarter Sessions of Cambria County, the Supervisors of Cambria Township, in behalf of said Township, hereby accept as a public highway the said Penn Avenue, beginning at a point on the Southly terminus of Fifth Street, and extending in a Westly direction a distance of nine hundred feet, more or less, to the Southly extension of Seventh Street as shown on said plan of Revloc.

Nov. 26, 1951 - Certified copy mailed to Secretary of Highway Safety

Clerk
\$7.50

Recd
\$7.50

C

O

C

C

No. I. In Re: Report of the Supervisors of Elder Township, Cambria County, Pennsylvania, Relating to the laying out of a public road in the village of Slickport, Township of Elder, County of Cambria and State of Pennsylvania.

December 13, 1951 - Petition of Supervisors of Elder Township, Cambria County, Pa. Filed.

35 JUN 25 1952

In accordance with the provisions of Article II of the Act of May 1, 1933, P.L. 103, as amended, 53 P.S. 19093-1101 et seq. Jerome Holly, Charles B. Thomas and Michael Spak, Supervisors of the Township of Elder, County of Cambria and State of Pennsylvania, hereby make the following report:

1. That they are the duly elected, qualified and active supervisors of the Township of Elder.

2. That on or about October 1, 1951, a petition for the laying out of a public road in the Village of Slickport, Township of Elder, County of Cambria, and State of Pennsylvania, to begin at a point on the township road leading from Slickport to Platterville, said point of beginning being on the northerly side of said township road, seven hundred ninety (790) feet in a northerly direction on said township road from a point where said township road intersects with State Highway Route No. 36; thence by a convenient route along the properties of the petitioners to a point of ending on the property line of the Rich Hill Coal Mining Company, signed by the majority in interest of the owners of properties whose land abuts at said proposed road, was presented to said Elder Township Road Supervisors. Said petition is hereto attached and made a part hereof.

3. That the owners of said real estate affected by the laying out of said public road are as follows; Charles Wolanin, Francis B. Wolanin, Louise H. Wolanin, Joseph Lefebvre, Alex Legros, Opportune Legros, Andrew Dello, Margaret Dello, Michael Phillips, Julia Phillips, Henry M. Anna, Rose A. Anna, Henry Lefebvre, Blanche H. Lefebvre, Andrew J. Palmer, Lela Palmer, Edward F. Mc Murray, Stella D. Mc Murray, Laurence E. Cox, Marea R. Cox, Joseph Dambichi, Agatha Dambichi, John Kolonay, Elizabeth Kolonay, Francis Dello, Bernice C. Dello, Amanda T. Baker, Bertrude Baker, Harry C. Bradley, Theresa M. Bradley and Clyde Mock.

4. That the above named property owners were personally served on October 18, 1951, with written notices to the effect that the Supervisors of said Elder Township would hold a meeting on October 30, 1951, at 7:00 o'clock P.M. E.S.T. at the Red School House at St. Boniface, Cambria County, Pennsylvania, for the purpose of entering into a hearing on said petition. Copies of said notices of acceptance of service by each of said property owners are attached hereto and made a part hereof.

5. That pursuant to said notice, the Supervisors of Elder Township held said meeting at the time and place aforesaid, and after a hearing on said petition, due consideration of the same and a finding by said Supervisors that said proposed public road was necessary for the public convenience, the said Supervisors, by motion duly presented and unanimously passed, granted the prayer of said petition and authorized a survey of the said proposed public road and the preparation of an ordinance by their Solicitor for the laying out of same.

6. That at a meeting of said Elder Township Supervisors held the 16th day of December, 1951, the said Supervisors adopted an ordinance for the laying out of a public road in accordance with the prayer of said petition, as follows:

Beginning at a point on the township road leading from Slickport to Platterville, said point of beginning being on the northerly side of said township road, 790 feet in a northerly direction on said township road from a point where said township road intersects with State Highway Route No. 36; thence North 20 degrees 24 minutes East a distance of 600 feet to point of ending on property of Rich Hill

X
225

224

Coal Company and the width is fixed at 40 feet.

The Highway shall consist of a central roadway 33 feet on either side of which shall be a space of 3 $\frac{1}{2}$ feet for purposes of sidewalks.

A certified copy of the said ordinance and a map showing the public road laid out by said ordinance are hereto attached, marked Exhibits "A" and "B" respectively, and made a part hereof.

7.
That notice of the adoption of said ordinance laying out said public road has been given by hand bills, posted in conspicuous places along the line of the said public road. A true and correct copy of said notice, marked Exhibit "C" is hereto attached and made a part hereof.

8.
That a release of all claims to damages from the laying out of said road, signed by each of the property owners abutting on said road is hereto attached, marked Exhibit "D" and made a part hereof.

Michael Novak

Charles Thomas

Jerome R. Holtz

Superior of Elder Township

ORDER

Now, the 13th day of December, 1951, upon consideration of the foregoing petition, Joseph C. Weiss, 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:
Griffith, J.

No. 2

In Re: The Laying Out And Opening of Lindbergh Ave, in Upper Yoder Township, Cambria County, Pennsylvania.

December 31, 1951: Report and Petition of The Supervisors of Upper Yoder Township. Filed.

Clerk #350

JUN 25 1952 CERTIFIED

Resolution

Be It Resolved, and it is hereby resolved, that Lindbergh Street, beginning at the Westerly line of Berkley Road and ending at Elm Drive, is hereby laid out and opened.

Notice of Passage of Resolution

Notice is hereby given that the following Resolution was passed and approved by the Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, on the 21st day of December, 1951.

No. 3 In Re: The Laying Out and Opening of Magdalene Street, in Upper Yoder Township, Cambria County, Pennsylvania.

} December 31, 1951. Report of the Supervisors of Upper Yoder Township. Filed

Clerk #353

1952 CERTIFIED

Resolution

Be It Resolved, and it is hereby resolved, that Magdalene Street, beginning at the southeasterly property line of Susquehanna Street and ending at the intersection of Magdalene Street and Service Court #8 and the northeasterly property line of The Johnstown Water Company, is hereby laid out and opened.

Notice of Passage of Resolution

Notice is hereby given that the following Resolution was passed and approved by the Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, on the 14th day of July, 1951.

No. 4 In RE: The laying out and opening of Luzerne Street, Upper Yoder Township, Cambria County, Pennsylvania.

12-31-51 - Report of Supervisors of Upper Yoder Township. Filed.

Clerk \$350 JUN 25 1952 CERTIFIED

Resolution

BE It Resolved, and it is hereby resolved, that Luzerne Street, beginning at the intersection of Luzerne Street with Goucher Street, a public highway in Upper Yoder Township, Cambria County, Pennsylvania, and ending at the northeasterly property line of the Johnstown Water Company, is hereby laid out and opened.

Notice of Passage of Resolution

Notice is hereby given that the following Resolution was passed and approved by the Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, on the 14th day of July, 1951.

No. 5 In Re: Petition for Appointment of Viewers } 1-16-52 - Petition of residents and
to lay out Public Road in Jackson Township, } property owner & taxpayers of Township
near Vinco, Cambria County, Pennsylvania } of Jackson - Filed.

(Glass & Glass, Esqs)

DECREE

And Now, to-wit, January 16, 1952, the within petition presented, and John L. Elder, Robert Meyer and Mahlon Baumgardner, 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 the first Monday of March, 1952.

By the Court:
Griffith, J.

Check 3.50 JUN 25 1952 CERTIFIED

7.50 NOV 19 1952 ADJUTED

- January 17, 1952 - Order to View Issued to John Elder.
- March 2, 1952 Report of Viewers filed
- March 12 - 1952 Report of Viewers Approved By the Court McKerrich J.
- June 23, 1952 Viewers report Confirmed Absolute by Clerk of Courts Joseph C. Hise
- June 24, 1952 Certified to the Dept. of Highways
- June 24, 1952 Certified to Township Supervisors
- June 24, 1952 Order to Open issued

REPORT OF VIEWERS

We, the undersigned Viewer appointed by the above named Court for the purpose of viewing a certain proposed public road being in the Village of Vinco, Jackson Township, Cambria County, Pennsylvania and determine the necessity for such public road make the following report:

That we were duly sworn or affirmed as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of said Court; that due public notice of the time and place of the meeting of said Viewers was given by posting ten hand bills at the point of beginning and at the point of ending and along the line of said proposed public road; by the acceptance of service of Robert S. Glass, Esq., of Glass & Glass, Esqs, Counsel for the Petitioners; by acceptance of service of Thomas D. McHough, Asst. Chief Clerk to County Commissioner of Cambria County, Pennsylvania; by the acceptance of service by Dail Havis, Secretary to the Board of Supervisors of Jackson Township, aforesaid at least ten days before time of view, all of which acceptances have been accompanied by a Copy of said Notice which were handed to same. All of the acceptances are hereto attached and made a part of this Report.

In pursuance to said notice we met upon the premises at the point of beginning on February 2, 1952 at 10 o'clock and proceeded with the duties of our appointment. There were present at the view the three members of the Board of Viewers designated by the Court to make inquiry; a number of the petitioners and several of the Supervisors of Jackson Township aforesaid:

We traveled over the proposed highway or public road proposed by the Petitioner which in many places has already been used by those adjoining said road which is a private road and took into consideration all of the facts as to the necessity of same; We the Viewers unanimously agreed that the inhabitants living said proposed road are greatly inconvenienced for want of a public road and that there is occasion for such public road we proceeded to lay out same, having due respect for the shortest distance and the best ground for a road and in such a manner as shall do the least injury to the abutting property owner and also as far as practicable, agreeable to the desires of the Petitioner and also to the property owner. We therefore lay out a public road or highway, following in detail the draft accompanying this report hereto attached showing the courses and distances Beginning at the point of beginning as shown in the notice which point is in the center of Kagey Street at the edge of a public road leading from Vinco to Burkhardt. Thence following the center of Kagey Street South 48 degrees 27 minutes fourteen hundred (1400) feet to a 40 feet wide unnamed street and intersection of lots 36 and 37 and 32 and 21. Thence from said center point in Kagey

No. 6 In Re: Acceptance of Sherwood Drive, Healy Lane and Cinema Drive as Streets and Public Highways in the Township of Lower Yoder, Cambria County, Pennsylvania.

Jan. 21, 1952: Petition of Board of Supervisors of Lower Yoder Township For Acceptance of Sherwood Drive, Healy Lane & Cinema Drive as Public Highways & Streets.
Filed

Clerk #95 JAN 25 1952 CERTIFIED

ORDER OF COURT

Now, the 21st day of January, 1952, the within Petition having been read and considered, the Court hereby gives its assent that the following portion of Sherwood Drive, Healy Lane and Cinema Drive, as described in resolution hereto attached as Exhibit A, being dedicated streets on the plan of lots of the Westwood Development, recorded in Plat Book Vol 4, Page 98 in the Township of Lower Yoder, be accepted as public highways and streets, said streets being described as follows:

- (1) Sherwood Drive from the intersection of Sherwood Drive and Mount View Drive, northwesterly to Healy Lane, a distance of approximately 651.06 more or less.
- (2) Healy Lane beginning at the intersection of Sherwood Drive and Healy Lane, terminating at the intersection of Healy Lane and Cinema Drive a distance of 200 feet more or less.
- (3) Cinema Drive beginning at the intersection of Healy Lane and Cinema Drive to the intersection of Cinema Drive and Sherwood Drive, a distance of 1.780 feet more or less.

And Further It Is Ordered and Directed, that said portion of Sherwood Drive, Healy Lane and Cinema Drive, forthwith be and become part of the highway system of the Township of Lower Yoder, and be it still further ordered and directed that this petition be recorded in the Court of Quarter Sessions of Cambria County, Pennsylvania.

By the Court
J. J. Jiffell.

June

SESSIONS, 1952

No 1

In Re: Laying Out of a public
Highway in the Township
of Jackson, County of Cambria,
Pennsylvania

April 21, 1952 Petition for Appointment
of Viewers, Notice and decree filed

DECREE

And Now, this 21st day of April 1952, the within petition
having been read and considered, the Court Appoints A. W. Claplin
and Robert S. Mayer and Theodore Hunt Viewers, to view the
road herein referred to and make report as required by
law

By the Court
Griffith

Clerk

5.50 JUN 5 1952 AUDITED

4-22-52 Notice to View sent to A. W. Claplin
6-2-52 Report of Viewers - Filed
6-23-52 Approved nisi, by the Court Griffith
10-9-52 Confirmed Absolute by Clerk of Courts Joseph C. Mess
10-9-52 Certified to Department of Highways
10-9-52 Order to Open issued

REPORT OF VIEWERS.

To the Honorable, the Judges of the above named Court, we the
undersigned Viewers, appointed by the annexed order of the Court to view
the proposed road within mentioned, respectfully report:

That we have been duly sworn or affirmed as members of the
Permanent Board of Viewers of Cambria County, as shown by the records
of the Court; that having given due notice of the time and place
of meeting by posting notices as required by law along the route and
at the termini of the said proposed new road as evidenced by copy
of said notices hereto attached and by service of such notice on the
County Commissioners of Cambria County, the Supervisors of Jackson
Township, the Solicitor for the Petitioners and Solicitor for the
Supervisors being hereto attached; that we met in accordance with the
notice given on the 14th day of May, 1952, at 10:00 o'clock A. M. D. S. T. and pro-
ceeded with the duties of our appointment and viewed the premises and
route of the proposed new road; one supervisor from Jackson Township was
present, and we are of the opinion that a necessity exists for the proposed
new road; that the grades are acceptable and the alignment is good, all
according to attached blueprint. Beginning at a point at the junction of Gruffel Avenue, a
public highway, and Robert Street and extending in a northeasterly direction to an inter-
section for the Township road known as Route #735, a distance of 431.7 linear feet
measured along the center line of Robert Street.

In view of the absence of any interested parties at the date of the view, a hearing was called
in the Judge Chambers, 505 N. S. Bank Building, Johnstown, Penna. at 10:30 A. M. D. S. T. on May 20, 1952,
in re the above road view and at this hearing the Supervisors for the Petitioners and
the Solicitor for the township were present.

That after taking into consideration all the matters before us, we are of the opinion that
the road as prayed for by the petitioners and viewed by us is necessary and convenient and
will not create any undue hardship on the Supervisors, therefore we recommend that the
prayer of the petitioners be granted.

We assess no damages and no benefits.

Witness our hands and seals this 24th day of May, D. D. 1952.

Fred. St. Claplin, Chairman of Viewers.

Robert Mayer, Viewers

Theodore St. Hunt, Viewer

No. 2. In Re: The Matter of the Reconstruction of State Highway Route No. 11046 Between the Borough of Spangler and the Village of Nicktown, in Cambria County. } May 12, 1952: Petition of County Commissioners For Approval of Payment of Additional Damages To Michael S. Lubert, A Property Owner On The Route of Said Highway.

To The Honorable The Judges of The Above Named Court:

The petition of Paul Farrell, Thomas H. Owen and Cyrus W. Davis respectfully represents:

1. Your petitioners are the duly elected and acting Commissioners of the County of Cambria.

2. Many years past, there was constructed as a State Highway a public road leading from the Borough of Spangler to the Village of Nicktown traversing lands in Ben Township, in said County of Cambria.

3. In or about the year 1947, the Department of Highways of the Commonwealth of Pennsylvania proceeded to relocate portions of said state highway above referred to and the County of Cambria, through action on the part of the then County Commissioners, agreed to pay the damages found to be due to property owners along the line of said reconstructed highway, as occasion for such payment should arise.

4. Among the owners of real estate entitled to damages of the construction of said relocated highway is one Michael S. Lubert, and your petitioners and said Michael S. Lubert agreed upon the amount of "\$850" as representing the damages to which said Michael S. Lubert was entitled by reason of the taking of a portion of his land and the consequent injury to the remaining parts thereof. Said Michael S. Lubert and his wife executed and delivered to the County of Cambria their Release in proper form dated the 24th day of May, 1951, and since recorded in the office for the recording of deeds, etc., in and for said County of Cambria in Deed Book, Vol. 623 ad. page 163.

5. The owner of the land on the southwestern side of the land of Michael S. Lubert, at the time when the construction of said highway was in progress, was one Mary Popovich, a portion of whose land was taken in the construction of said highway and damages thereby resulted to the remaining portions of said land. Your petitioners as County Commissioners agreed to pay said Mary Popovich as the amount of damages she should receive on account of the matters above mentioned, and said amount was duly paid to Mary Popovich and her Release in proper form taken by the County of Cambria.

6. By reason of the fact that the highway as now located precludes the owner of the land above mentioned as having been owned by Mary Popovich from having access thereto by automobile, this being in part due to the contour of the road and the land of the said Mary Popovich, and it is absolutely necessary that the owner of said Popovich land have a right of way over that portion of the land of Michael S. Lubert which was not considered in arriving at the damages which were settled and paid by the County of Cambria to said Michael S. Lubert as above recited.

7. Said Michael S. Lubert has agreed to execute and deliver to George Popovich, who is the present owner of the land above referred to as having belonged to Mary Popovich, a deed for a small triangular parcel of land containing 372 square feet, being the land necessarily used by said George Popovich in having access to his property by means of motor vehicles. The land to be so conveyed is bounded and described as follows:

Beginning at a post on the line of land of George Popovich and Michael S. Lubert and the right of way of State Highway Route No. 11046; thence North 21° 55' East 16 feet along line of said highway and land of Michael S. Lubert to a post; thence North 68° 5' West 46.5 feet along land of Michael S. Lubert to a post at land of Michael S. Lubert and George Popovich; thence South 49° 9' East 49.1 feet along land

Clerk

\$ 12.00

JUL 25 1952

of George Popovich and Michael S. Luber to a pond, the beginning, containing 372 square feet.

8. Your petitioners further aver that the necessity which has arisen for Michael S. Luber to convey to George Popovich the small parcel of land above mentioned is a direct result of the relocation of the above mentioned state highway and is a part of the damages sustained by said Michael S. Luber as a property owner along the line of said highway. Your petitioners are not in a position legally to pay to George Popovich any sum whatever on account of the fact that his property is without access for vehicles because all damages properly payable to the owner of said property have heretofore been agreed upon and paid to Mary Popovich, former owner of said land. The necessity which has arisen of the execution of a deed from Michael S. Luber to George Popovich is in the opinion of your petitioners a situation brought about by the relocation and construction of the above mentioned state highway and it is proper that the County of Cambria pay the amount which is necessary to secure for said George Popovich title to the land which he must use in reaching his property by vehicles. Michael S. Luber has agreed to convey said small parcel of land for the consideration of One Hundred (\$100.00) Dollars which, in the opinion of the petitioners, is a fair and reasonable amount for the same.

Wherefore, your petitioners conceiving it to be their duty have agreed to pay to said Michael S. Luber said sum of \$100.00 as a consideration for the execution of said deed, but have hesitated to make such payment without having sanction for the same by an order of this Court because of the somewhat unusual circumstances attending the damages sought to be compensated by such payment, and therefore pray the Court for an order and decree authorizing and approving payment by them to Michael S. Luber of the sum of One Hundred Dollars, being the consideration to be paid for the small parcel of land above to be conveyed by said Michael S. Luber to George Popovich and that said payment shall be treated in all respects as a payment for damages arising from the relocation and construction of the above mentioned state highway route.

And they will ever pray, etc.

Paul Farrell

Thomas B. Owens

Cyrus W. Davis,

County Commissioners of Cambria County.

ORDER

Now, May 12th, 1952, at 10 A.M. D.S.T., the within petition having been read and presented to the Court, it is thereupon Ordered and Decreed that the County Commissioners of the County of Cambria are hereby authorized to make payment of the sum of One Hundred (\$100.00) Dollars to Michael S. Luber, being the amount of the consideration to be paid to him for delivery of a deed to George Popovich for the land within described, the Court being of the opinion that the payment of said sum is reasonable and is a proper payment of funds of the County of Cambria in connection with damages to property caused by the relocation and construction of State Highway Route 11046.

By the Court
J. J. J. J.

June SESSIONS, 1952

No. 3 IN RE: Claim of Steve, Mike, And Albert Szekeresh Against The Commonwealth of Pennsylvania. Jackson Twp.

May 28, 1951: Petition for Appointment of Viewers To Assess Damages. Filed

DECREE

And Now, May 15, 1952, at 12:12 P.M. D.S.T., the foregoing petition having been read and considered, it is ordered that Melton J. Baumgardner, John S. Elden, and Robert Mayer three members of the permanent Board of Viewers of Cambria County, be, and hereby are appointed to view the said premises and make a return of their proceedings according to law.

By the Court Griffith, J.

Clerk

13:50 May 20, 1952: Order to View issued to Melton J. Baumgardner Sept. 2, 1952: Report of Viewers - Filed

And Now, 14 October 1952 at 11:45 A.M. the within Report is Confirmed Absolutely. By the Court Griffith

Receipt and Release

We, the undersigned, Steve Szekeresh, Mike Szekeresh, and Albert Szekeresh hereby acknowledge receipt of the sum of Two Thousand Six Hundred Fifty (\$2,650.00) Dollars from the Commonwealth of Pennsylvania in full satisfaction of the award made by the County Board of Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania under the above captioned condemnation proceedings, and we do hereby remise, release, quitclaim and forever discharge the Commonwealth of Pennsylvania of and from all liability in connection with said condemnation proceedings.

We hereby authorize the Clerk of the Court of Quarter Sessions aforesaid to enter this receipt and release as part of the record of these condemnation proceedings.

Witness our hands and seals this 18th day of November, 1952.

Witness: C. Randolph Myers. Alton H. McDonald.

Steve Szekeresh (seal) Mike Szekeresh (seal) Albert Szekeresh (seal)

No. 4 IN RE: Claim of John Szekeresh, Sr.,
And Annie Szekeresh, Husband and
Wife, Against The Commonwealth of
Pennsylvania.
Jackson Twp.

May 28, 1952: Petition for Appointment
of Viewers To Assess Damages.
Filed.

DECREE

And Now, May 15, 1952, at 12:13 P.M. D.S.T., the foregoing petition
having been read and considered, it is ordered that Mahlon J. Baumgardner,
John L. Elser and Robert Mayer three permanent members of Board of
Viewers of Cambria County, be, and hereby are appointed to view the said
premises and make a return of their proceedings according to law.

By the Court
Griffith, J.

May 28, 1952: Order to View issued to Mahlon J. Baumgardner.

September 2, 1952: Report of Viewers - Filed

And Now, 14 October, 1952, ^{at 11:45 AM} the within Report is Confirmed
Absolutely By the Court Griffith

Clerk
\$3.50

JUL 25 1952 CERTIFIED

Receipt and Release

We, the undersigned, John Szekeresh, Sr. and Annie
Szekeresh hereby acknowledge receipt of the sum of Two Thousand Four
Hundred (\$2,400.00) Dollars, from the Commonwealth of Pennsylvania in full
satisfaction of the Award made by the County Board of Viewers
appointed by the Court of Quarter Sessions of Cambria County,
Pennsylvania, under the above captioned Condemnation proceedings,
and we do hereby remise, release, quitclaim and forever discharge
the Commonwealth of Pennsylvania of and from all liability in
connection with said Condemnation proceedings.

We hereby authorize the Clerk of the Court of Quarter Sessions
aforesaid to enter this receipt and release as part of the record of these
Condemnation proceedings.

Witness our hands and seals this 18th day of November, 1952.

Witness:

C. Randolph Myers.
Attn N. McDonald.

John Szekeresh, Sr. (Seal)
Annie Szekeresh (Seal)

No. 5 In Re: Ordaining of Street in
Richland Township.

6-9-52 - Report of Supervisors of
Richland Township.

REPORT

Made this 5th day of June, 1952, at a special meeting of the Supervisors of
Richland Township.

Whereas, Harry V. L. Hager and Ada W. Hager have petitioned the Supervisors
of Richland Township to ordain and accept a certain portion of Broombaugh Street as
shown by the copy of their petition which is attached hereto, and

Clerk
400

Whereas, said petitioners are the only property owners affected by the
ordaining and accepting of said Street, being the sole abutting owners on said Street, and

Whereas, said petitioners have released the Township of Richland from all liability
of said Street as shown by the copy of said release attached hereto, and

Whereas, it appears to the Supervisors of Richland Township that it is the
best interest of the Township that said Street be ordained and accepted.

Therefore, We, the undersigned Supervisors of Richland Township, hereby
make and approve this report in favor of ordaining and accepting the following:

All that certain strip or road in Richland Township, more particularly
bounded and described as follows:

Beginning at a point on the West side of Salmon Avenue at the corner
of Broombaugh Street, as marked on the hereinafter mentioned plan of lots; thence
North 85° 38' West, a distance of 464.95' to a point at line of land now or formerly
of Jacob M. Hoffman; thence South 11° 37' West, a distance of 40'; more or less, thence
South 85° 38' East, a distance of 470.04' to a point on Salmon Avenue; thence North
4° 22' East, a distance of 40' to a point, the place of beginning.

Being marked and known as Broombaugh Street on the Suburban
Realty Company Purports Hilltop Section, Ashburn Park Plan of Lots laid out by
the Fetterman Engineering Company and dated November 6, 1929 and recorded
in the Cambria County Recorder's Office in Map Book Vol. 3, page 69. Being colored
red in Petitioner Exhibit #1, hereto attached

Supervisor of Richland Township
Ben G. Boyler
John S. Bloom
Fair Blough

Now, March 25, 1953: Within Report is confirmed Nisi.

By the Court
McKinnish, J.

Now, March 27, 1953: Copy of Report & Confirmation sent to Pennsylvania Dept.
of Highways Joseph C. Weir, Clerk.

No. 6

In Re: Report of the Supervisors of Jackson Township, Cambria County, Pennsylvania, Relative to the Vacating of a Public Road.

June 11, 1952 - Supervision Papers Filed.

RESOLUTION

Whereas, the Supervisors of Jackson Township at a meeting held the 30th day of April, 1952, fixed May 22, 1952, at 7:00 o'clock P.M. E.D.S.T., at the Election Hall at Munday's Corner, Jackson Township, Cambria County, Pennsylvania, as the date, time and place for a meeting to consider vacation of a portion of road hereinafter described;

Whereas, the property owners affected by the proposed vacation were given notice of said meeting and the purpose of the same by registered mail.

Whereas, said meeting was held at the time, date, and place aforesaid and after due consideration, the Supervisors found as a fact that the vacation of said road is necessary for the public convenience.

Now Therefore, Be it Resolved by the Supervisors of Jackson Township, and it is hereby resolved by authority of the same:

1

That the following road be vacated:

Beginning at a point on State Highway Route 11030, said point of beginning being located a distance of four thousand three hundred (4,300) feet from the intersection of said State Highway Route 11030 with State Highway Route 52 at Munday's Corner, in the Township of Jackson, County of Cambria and State of Pennsylvania, thence along an abandoned portion of State Highway Route 11030 for a distance of one thousand four hundred twenty (1,520) feet to a point where said abandoned portion of State Highway Route 11030 again intersects with State Highway Route 11030.

2.

That duplicate copies of a draft of said road and a written report be prepared and filed with the Office of the Clerk of Quarter Sessions of Cambria County, Pennsylvania.

3.

That the Solicitor is hereby authorized to prepare the necessary ordinance to be enacted by the Township Supervisors upon filing of said written report as aforesaid.

Read and Adopted this 22nd day of May, 1952.

Jackson Township Supervisors
34. T. W. Ferr
President

Attest:

Dail Hume
Secretary

The Undersigned, Secretary of Jackson Township, hereby certifies the foregoing to be a true and correct copy of a Resolution duly adopted by the Jackson Township Supervisors at a meeting on May 22, 1952.

Dail Hume
Secretary

ORDINANCE

No. 1.

An Ordinance To Vacate A Road Wholly Within Jackson Township, Cambria County, Pennsylvania.

Whereas, the Supervisors have decided, in the interest of public convenience, the following described road be and the same is hereby vacated.

Beginning at a point on State Highway Route 11030, said point of beginning being located a distance of four thousand three hundred (4,300) feet from the intersection of said State Highway Route 11030 with State Highway Route 52 at Munday's Corner, in the Township of Jackson, County of Cambria and State

Clerk
\$13.50

JUL 25 1952 CERTIFIED

1 In Re: IN THE MATTER OF ASSESSING THE DAMAGES AGAINST THE BOROUGH OF NANTY GLO, PA., FOR DAMAGES CAUSED TO THE PROPERTY OF THE AMERICAN POLISH CITIZENS CLUB BY REASON OF THE RELOCATION OF STATE HIGHWAY 110-30

7-28-52 - Petition for the Appointment of a Board of Viewers by American Polish Citizens Club of Nanty Glo, Pa. Filed.

DECREE

And Now, to-wit: this 28th day of July, 1952, on motion of Samuel R. D. Franceser, Esq., Attorney for Petitioner, the Court appoints three Viewers - Mahlon J. Baumgardner, and John L. Elber and Theodore Hund as a Board of Viewers, upon the foregoing petition, and further orders that the said Board of Viewers shall perform their duties in accordance with the law and acts of Assembly in such case made and provided, and report before hearing during the September Term of Court, 1952.

By the Court:
McKensick, J.

July 28, 1952 - Order to View Issued to Mahlon J. Baumgardner, Esq.
September 2, 1952 - Report of Viewers - Filed

And Now June 2, 1953 The within report is confirmed absolutely -

By the Court
McKensick, Judge

REPORT OF VIEWERS

We, the undersigned Viewers appointed by the above named Court to View and Inspect the real estate and premises of the American Polish Citizens Club owners of real estate and a club building in the Borough of Nanty-Glo in Cambria County, Pennsylvania to determine and estimate the damages or benefits that have resulted or that may seem likely to result by reason of the opening, construction, re-construction and improvement of State Highway Route # 110-30, Section 1, O.R. 094 in Nanty-Glo Borough and more particularly described as follows:

No. 1 - Beginning at a point on the Northeast side of the right of way of the old highway leading from the Borough of Nanty-Glo to the village of Mundy's Corner and known as the old Purgin Hill Road, thence along said road North 16 deg. 30' East a distance of 100 feet; thence by lands of Potomac Land Company South 72 deg. 10' East for a distance of 150 feet to a post; thence by land of the same South 16 deg. 50' West a distance of 100 feet to a post; thence still by the land of the same North 72 deg. 10' West a distance of 150 feet to a post and the place of beginning.

No. 2 - Beginning at a point, being the Northwest corner of lands herein described and the Northeast corner of other lands of mortgagor herein described thence South 72 deg. 10' East 89.7 feet more or less to a post in the West line of the public highway leading from Nanty-Glo to Mundy's Corner; thence by West line of said Public Highway South 2 deg. 30' West 106 feet to a post; thence by lands of Ellen K. Ashman, et al North 72 deg. 10' West 124 feet more or less to a post on other lands of mortgagor; thence along same North 16 deg. 30' East 100 feet more or less to a post and place of beginning, containing 245/1000 of an acre.

That we were duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, Pennsylvania as shown by the records of the afore-said; that due public notice of the time and place of the meeting of said Viewers was given by posting ten hand bills upon the condemned premises owned by the petitioner and acknowledge the receipt of copy of said notice. Notice was also served personally upon John Taylor, Esq., Solicitor for the Borough of Nanty-Glo; upon John Fatula, President and Louis Baker, Secretary respectively of the American Polish Citizens Club of Nanty-Glo aforesaid all of who acknowledge

550
NOV 18 1952 ALDITEL

To
PAGE
372

2 In Re: Vacating Street in Richland Township, Cambria County, Pa. } 8/19/52: Report of Supervisors of Richland Township. Filed.

Clerk - Rec #75 12/152 J. S. W. 1953 AUDITED REPORT of Supervisors of Richland Township - #75 Made this 14th day of August, 1952, at a meeting of the Supervisors of Richland Township.

Whereas, Harry V. L. Hager and Ada W. Hager have petitioned the Supervisors of Richland Township to vacate a certain portion of Brumbaugh Street as shown by the copy of their petition which is attached hereto, and

Whereas, aforesaid petitioners are the only property owners affected by the vacating of said street, being the sole abutting owners on said Street, and

Whereas, said petitioners have released the Township of Richland from all liability whatsoever as a result of the vacating of said Street as shown by the copy of said release attached hereto, and

Whereas, it appears to the Supervision of Richland Township that is in the best interest of the Township that said street be vacated.

Therefore, we, the undersigned Supervisors of Richland Township, hereby make and approve this report in favor of vacating the following:

All that certain strip or road in Richland Township, more particularly bounded and described as follows:

Beginning at a point on the Westerly side of Salmon Avenue at the the corner of Brumbaugh Street, as marked on the hereinafter mentioned Plan of Lots; thence North 85° 38' West, a distance of 464.95' to a point at line now or formerly of Jacob M. Hoffmann; thence South 11° 37' West, a distance of 40' more or less, thence South 85° 38' East, a distance of 470.04' to a point on Salmon Avenue; thence North 4° 22' East, a distance of 40' to a point, the place of beginning.

Being marked and known as Brumbaugh Street on the Suburban Realty Company Purpate Hilltop Section, Arbutus Park Plan of Lots laid out by Fetterman Engineering Company and dated November 6, 1929 and recorded in the Cambria County Recorder's Office in Plat Book Vol 3, page 69. Being colored red on Petitioners Exhibit #1, hereto attached.

Supervisors of Richland Township
Ben J. Boyler
John S. Bloom
Fair Blough

-RELEASE-

Whereas, the undersigned parties have petitioned the Supervisors of Richland Township, Cambria County, Pennsylvania, to vacate Brumbaugh Street as described on the Petition to which this Release is attached.

Harry V. L. Hager and Ada W. Hager, husband and wife, of Wheatmont Borough, Cambria County, Pennsylvania, hereby release, remise, quit-claim and discharge the Township of Richland, Cambria County, Pennsylvania, from all or any damages whatsoever arising from the vacating of said Brumbaugh Street.

In Witness Whereof, we have herunto set our hands and seals this 29th day of July, A.D., 1952.

Witness: Harry V. L. Hager (Seal)
Ada W. Hager (Seal)

Roger W. Hager
State of Pennsylvania } 35.
County of Cambria.

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, Harry V. L. Hager and Ada W. Hager, who first being duly sworn according to law, depose and say that the facts set forth above are true and correct.

Sworn and subscribed before me this 29th day of July, 1952. Harry V. L. Hager
Ada W. Hager
Roger W. Hager, Notary Public, My Commission Expires Feb. 19, 1955.

Sept.

SESSIONS, 1952

No. 3 IN THE MATTER OF THE OPENING AND LAYING OUT OF A PUBLIC ROAD IN EAST TAYLOR TOWNSHIP UNDER THE ACT OF JULY 10, 1947, P.L. 1481, AS AMENDED } 9-2-52; Report of Supervisor's Order Filed - Nisi

To The Honorable, The Judge of the Above Court;

The Township Supervisor of the Township of East Taylor, County of Cambria and State of Pennsylvania, by their attorney and solicitor, Harry E. Simmon, Esq., makes report as follows:

1. That a petition to open and lay out a public road located wholly within the Township bearing signature of a majority in interest of the owners of property through whose land the proposed road passes or upon whose land it abuts, was presented to the Township Supervisor at a regular meeting. A copy of the Petition being hereto attached and marked Exhibit 1.

2. That ten days notice to the property owners affected thereby of the time and place when and where all parties interested might be heard was given by the Township Supervisor. A copy of the said notice being hereto attached and marked Exhibit 2.

3. That after hearing on the said Petition and after consideration by the Supervisor, a Resolution of the Township Supervisor was duly passed to exercise the power conferred upon the said Supervisor by Act of the General Assembly to open and lay out said public road and fixing the width thereof at thirty-three feet. A copy of the said Resolution being hereto attached and marked Exhibit 3.

4. The Township Engineer was directed to make a survey of the proposed road and prepare a draft noting the improvements along the line thereof and the names of the owners of property through which the said road passes or upon which it abuts. A copy of the draft being attached hereto and marked Exhibit 4.

5. That after the passage of the said Resolution mentioned in Paragraph 3 of this report, notice thereof was given by handbills posted in conspicuous places along the line of the proposed public road. A copy of the said handbill being hereto attached and marked Exhibit 5.

6. That an agreement has been made between the Township Supervisor and the parties through whose property the proposed road passes or upon whose land it abuts, whereby compensation for damages caused by the opening and laying out of the said road has been waived. A copy of the waiver, signed by a majority of the parties in interest being hereto attached and marked Exhibit 6.

Respectfully submitted

Harry E. Simmon
Solicitor of Township Supervisor of
East Taylor Township

ORDER

And Now, December 29, 1952, the foregoing Report of the Township Supervisor of the Township of East Taylor, County of Cambria and State of Pennsylvania, having been filed in the office of the Clerk of Courts for a period of thirty days and no exception or petition for review having been filed by any person interested.

It is Ordered And Decreed that the road formerly known as Angus-Killer-Shaffer Lane, as shown by the Plan of Proposed Highway from Pennsylvania State Highway Route #219 to a point opposite the residence of Oliver F. Shaffer, as surveyed by Gray and Chaplin, Engineers, on July 1952, shall be taken over by the Township Supervisor of East Taylor Township and becoming part of the system of public roads of said Township, as provided by the Act of Assembly of July 10, 1947, P.L. 1481, as amended.

By the Court
W. Kenneth
Bryffell, J.



No. 1. In Re: Petition of the Supervisors of THE TOWNSHIP OF SUSQUEHANNA, Cambria County, Pennsylvania, for Consent of Court To Acceptance of Certain Streets as Public Highways of The Township of Susquehanna.

9-22-52: Petition of the Supervisors of Susquehanna Township -

Filed.

Clerk of Court: # 750 JAN 5 1953 AUDITED

9-22-52 - Petition of Supervisors - Filled.

DECREE

And Now, September 22, 1952, the foregoing petition having been read and considered, consent is granted the petitioners, members of the Board of Supervisors of the Township of Susquehanna, Cambria County, Pennsylvania, to accept the streets described in the foregoing petition as public highways.

By the Court
M. Hennich, J.

RESOLUTION.

Whereas, on June 27, 1946, the Cherrytree Coal Company by deed dedicated to public use all streets, alleys, roads and driveways as the same are now laid out or used in connection with the houses, buildings and land of the Cherrytree Coal Company in the Village of Emigh, in the Township of Susquehanna, Cambria County, Pennsylvania, said deed with the plan attached being recorded in the office for the recording of deeds in and for the County of Cambria in Deed Book Vol. 535 page 697.

And Whereas, the Board of Supervisors of Susquehanna Township desire to adopt, approve, record and accept, with the consent of the Board of Quarter Sessions of Cambria County, as public highways of the Township of Susquehanna the streets on said plan, on the blue print attached to this Resolution, and make a part hereof, tinted in green in accordance with the authority vested in them under Section 1147 of the Amending Act of 1943 P.L. 570.

Now, Therefore, Be It Resolved, by the unanimous vote of said Board, that the streets appearing on the plan attached to this Resolution, and made a part hereof, tinted in green, be adopted, approved and recorded as dedicated streets under the plan recorded as above, and that the same be accepted by the Supervisors of the Township of Susquehanna, as public highways of the Township of Susquehanna.

And Be It Further Resolved, that a petition be executed by the Supervisors of the Township of Susquehanna and filed in the Court of Quarter Sessions of Cambria County for the purpose of obtaining the consent of the Court of Quarter Sessions of Cambria County to the acceptance of such streets as public highways of the Township of Susquehanna.

Resolved this 18th day of September, A.D. 1952.

Stanley Zemeck

Michael Byrne

Alvin Byrnes

Supervisor of the Township of Susquehanna.

Resolution and vote recorded in the minutes of the Board of Supervisors on this 18th day of September, A.D. 1952.

Alvin Byrnes, Secretary

I hereby certify the above Resolution to be a true and correct copy of the Resolution of the Board of Supervisors of the Township of Susquehanna, adopted unanimously by said Board on the 18th day of September, A.D. 1952.

Alvin Byrnes

Secretary

No. 2 In Re: Petition of The Supervisors of Richland Township, Cambria County, Pennsylvania, for Consent of Court To Acceptance of Certain Streets as Public Highways of the Township of Richland. } 11-17-52; Petition of the Supervision of Richland Township. Filed.

Clock of Courts #750 JAN 5 1953 ADDED
11-17-52 - Petition of Supervision - Filed.

DECREE

Now, this 17th day of November, 1952, the foregoing Petition having been read and duly considered and it appearing to the Court that the Supervision 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 all of which are shown on the map of the Petteman Engineering Company marked in the color yellow, which said map is attached hereto and made a part hereof, 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 Supervision of Richland Township, Cambria County, Pennsylvania.

By the Court:
M. Cam, J. J.

RESOLUTION

At the regular meeting of the Richland Township Supervision held on the 15th day of July, 1952, it was regularly moved and seconded and unanimously passed that the following named streets in Richland Township, as set forth and marked on the map of the Petteman Engineering Company in the color yellow, are hereby adopted as Richland Township Highways and further that the Township Solicitor, Martin 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 officers of the Supervision 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.

I hereby certify that the aforesaid Resolution was adopted and is a part of the minutes of the Richland Township Supervision at their regular held meeting held on the 15th day of July, 1952.

John L. Bloom
Secretary of the Richland
Township Supervision.

3 In Re: - Petition of the Supervisors; 11-25-52: Petition of the
 of Lower Yoder Township, Camden: Supervisors of Lower Yoder
 County, Pennsylvania, for Consent of: Township
 Court for Acceptance of Dedicated;
 Streets and Avenues in the Township: Filed:
 of Lower Yoder.

Clerk of Courts: \$7.50
 11-25-52 - Petition of Supervisors Filed
 ORDER.

Now, the 25 day of November, 1952, at 2:30 P.M. the within petition
 having been read and considered, the Court hereby gives its consent that
 the following names, streets and avenues described in the resolutions hereto
 attached as Exhibit A, being dedicated streets in the Township of Lower Yoder
 be accepted as public highway, streets or avenues, said streets being des-
 cribed as follows:-

- (1) Minno Drive from its intersection with Westgate Drive and
 Cinema Drive a distance of 2,850 feet more or less.
- (2) Little John Lane at its intersection with Mount View Drive
 and Minno Drive, a distance of 464 feet, more or less.
- (3) Westgate Drive from its intersection with Mount View Drive
 and Loucher Street a distance of 1,170 feet more or less.
- (4) Hereford Lane from its intersection with Mount View Drive
 to its intersection with Minno Drive a distance of 735 feet, more or less.
- (5) Goodman Lane from its intersection with Mount View Drive
 and Minno Drive a distance of 533 feet more or less.
- (6) (a) Sherwood Drive with intersection from Healy Lane to its
 intersection with Cinema Drive;-
 (b) Thence Cinema Drive from its intersection with Sherwood
 Drive to its intersection with Healy Lane;
 (c) Thence Healy Lane with its intersection with Cinema Drive
 to its intersection with Sherwood or Mount View Drive, a combined
 distance of 3,810 feet more or less.
- (7) Julia Drive beginning at the Township Line and terminating
 at Club Drive a distance of 830 feet more or less.
- (8) Edwards Hill Road beginning from the Johnstown City Line
 thence southwardly to the Westmont. Borough Line a distance of
 9,058 feet more or less.
- (9) Horton Road beginning at the intersection of the Edwards Hill
 Road and D Street Extension to the entrance of Stackhouse Park, a distance
 of 9,109 feet more or less.
- (10) Esterville Road beginning on Edwards Hill Road and terminating
 southwardly on the Edwards Hill Road a distance of 2,890 feet more or less.
- (11) Malbrauc Road beginning at the J Street Extension to Edwards
 Hill Road, a distance of 4,148 feet more or less.
- (12) J Street Extension beginning with the Johnstown City Line
 to the intersection of Malbrauc Road a distance of 2,740 feet more or less.
- (13) Mercury Avenue beginning at The J Street Extension and
 extending to the private road leading into Willow Grove a distance
 of 945 feet more or less.
- (14) Kiser Street beginning at Mercury Avenue to Edgewood Avenue
 a distance of 208 feet more or less.
- (15) Edgewood Avenue to Willey Street through J Street to Kiser
 Street a distance of 1,150 feet, more or less.

Transferred from Page 244

3

- (16) Burkhard Street, beginning from Skilley Street to Kiser Street a distance of 1,700 feet more or less.
- (17) Chester Street beginning at Ford Street a distance of 1,120 feet more or less to a dead end.
- (18) Ford Street, beginning at Mercury Avenue to Yoeman Alley a distance of 840 feet more or less.
- (19) Mountain Road beginning at the Johnstown City Line to a distance of 6290 feet more or less.
- (20) Hemlock Street beginning at Rock Alley to Mountain Road a distance of 550 feet more or less.
- (21) Reservoir Avenue beginning at Fairfield Avenue to Hemlock Street a distance of 960 feet more or less.
- (22) Nash Street beginning at Rock Alley to Mountain Road a distance of 750 feet more or less.
- (23) Blawn Street beginning from Reservoir Avenue to Mountain Road a distance of 470 feet more or less.
- (24) Plymouth Avenue beginning at Fairfield Avenue and ending at Packard Street a distance of 900 feet more or less.
- (25) Packard Street beginning at Plymouth Avenue and ending at Kutz Alley a distance of 420 feet more or less.
- (26) Blurbut Avenue beginning at Packard Street for a distance of 960 feet more or less to a dead end.
- (27) Decker Avenue beginning at the Johnstown City Line to Skrebut Farm a distance of 7930 feet more or less.
- (28) Aluwell Street Extension beginning at Johnstown City Line a distance of 1090 feet to a dead end.
- (29) Virginia Avenue beginning at the Johnstown City Line to Wall Street a distance of 1860 feet more or less.
- (30) Hall Street beginning at Virginia Avenue and ending at Gilbert Street a distance of 480 feet more or less.
- (31) Gilbert Street, beginning at the Johnstown City Line to the Brownstown Borough Line a distance of 1800 feet more or less.
- (32) Pennsylvania Avenue beginning at Gilbert Street to the Johnstown City Line a distance of 1240 feet more or less.
- (33) Fremont Road beginning at Johnstown City Line to a dead end a distance of 1056 feet more or less.
- (34) Paul Street beginning at the intersection of Fremont Road a distance of 1042 feet to a dead end.
- (35) Relief Road beginning at Decker Avenue a distance of 1060 feet to a dead end.
- (36) Spring Street Extension beginning at Decker Avenue a distance of 60 feet to a dead end.
- (37) Flora Street beginning at Burkhard Street to D Street Extension a distance of 705 feet more or less.
- (38) Rockwell Avenue beginning at Malbrauc Road and ending at St. Francis Street a distance of 1000 feet more or less.
- (39) Olds Avenue beginning at J. Street Extension a distance of 528 feet more or less to a dead end.

And further it is ORDERED AND DIRECTED that the said streets forthwith be and become a part of the highway system of the Township of Lower Yoder and be it further ordered and directed that these proceedings be recorded in the Court of Quarter Sessions of Cambria County, Pennsylvania.

To Page 246

By the Court
Griffith, J.

Transferred from 245

No 3.

Resolution

Whereas, heretofore the Supervisors of the Township of Lower Yoder have at various times by resolutions heretofore passed, accepted the hereinafter mentioned dedicated streets in the said Township of Lower Yoder, and:-

Whereas, some of the resolutions heretofore passed, accepting the hereinafter mentioned streets and avenues, have not been formerly recorded in the Office of the Clerk of Courts of Cambria County, Pennsylvania, and;

Whereas, the proper officials of the Township of Lower Yoder have not heretofore, in the past, notified the Pennsylvania Department of Highways of the formal acceptance of the hereinafter named streets and avenues in the Township of Lower Yoder, Cambria County, Pennsylvania,

Now Therefore Be it Resolved that the following named streets be again formally accepted as Township Street and Highway by reaffirmation of prior resolutions, said streets hereby accepted and forming a part of the highway system of the Township of Lower Yoder are as follows:

(1) Minno Drive from its intersection with Chestgate Drive and Cinema Drive a distance of 2,850 feet, more or less.

(2) Little John Lane at its intersection with Mount View Drive and Minno Drive a distance of 464 feet, more or less.

(3) Chestgate Drive from its intersection with Mount View Drive and Gaucher Street a distance of 1,170 feet more or less.

(4) Herford Lane from its intersection with Mount View Drive to its intersection with Minno Drive a distance of 735 feet more or less.

(5) Goodman Lane from its intersection with Mount View Drive and Minno Drive a distance of 533 feet more or less.

Exhibit A.

(6) (a) Sherwood Drive with its intersection from Healy Lane to its intersection with Cinema Drive:-

(b) Thence Cinema Drive from its intersection with Sherwood Drive to its intersection with Healy Lane;

(c) Thence Healy Lane with its intersection with Cinema Drive to its intersection with Sherwood or Mount View Drive, a combined distance of 3,810 feet more or less.

(7) Julia Drive beginning at the Township Line and terminating at Club Drive a distance of 830 feet more or less.

(8) Edwards Hill Road beginning from the Johnstown City Line thence southwardly to the Westmont Borough Line, a distance of 9,058 feet more or less.

(9) Norton Road beginning at the intersection of the Edwards Hill Road and D Street Extension to the entrance of Stackhouse Park, a distance of 9,109 feet more or less.

(10) Esterville Road beginning on Edwards Hill Road and terminating southwardly on the Edwards Hill Road a distance of 2880 feet more or less.

(11) Malbraun Road beginning at the J Street Extension to Edwards Hill Road a distance of 4148 feet more or less.

(12) J Street Extension beginning with the Johnstown City Line to the intersection of Malbraun Road a distance of 2740 feet, more or less.

(13) Mercury Avenue beginning at the J Street Extension and extending to the private road leading into Bellow Grove a

December
Trans From Page 246.

- (No 3. distance of 945 feet more or less.
- (14) Kiser Street beginning at Mercury Avenue to Edgewood Avenue a distance of 208 feet, more or less.
- (15) Edgewood Avenue to Shelley Street through J Street to Kiser Street a distance of 1,150 feet, more or less.
- (16) Burkhard Street, beginning from Willey Street to Kiser Street a distance of 1,700 feet, more or less.
- (17) Chester Street beginning at Ford Street a distance of 1120 feet more or less to a dead end.
- (18) Ford Street, beginning at Mercury Avenue to Yoerman alley a distance of 840 feet more or less.
- (19) Mountain Road beginning at the Johnstown City Line to a distance of 6290 feet more or less.
- (20) Hemlock Street beginning at Rock Alley to Mountain Road a distance of 550 feet more or less.
- (21) Reservoir Avenue beginning at Fairfield Avenue to Hemlock Street a distance of 960 feet, more or less.
- (22) Nash Street beginning at Rock Alley to Mountain Road a distance of 750 feet, more or less.
- (23) Blauw Street beginning from Reservoir Avenue to Mountain Road a distance of 470 feet more or less.
- (24) Plymouth Avenue beginning at Fairfield Avenue and ending at Packard Street a distance of 900 feet, more or less.
- (25) Packard Street beginning at Plymouth Avenue and ending at Kurtz Alley a distance of 420 feet more or less.
- (26) Alvan Avenue beginning at Packard Street for a distance of 960 feet, more or less.
- (27) Blecker Avenue beginning at the Johnstown City Line to Skrebut Farm a distance of 7930 feet more or less.
- (28) Lowell Street Extension beginning at Johnstown City Line, a distance of 1090 feet to a dead end.
- (29) Virginia Avenue beginning at the Johnstown City Line to Hall Street a distance of 9860 feet, more or less.
- (30) Hall Street beginning at Virginia Avenue and ending at Gilbert Street a distance of 480 feet more or less.
- (31) Gilbert Street, beginning at the Johnstown City Line to the Brownstown Borough Line a distance of 1800 feet, more or less.
- (32) Pennsylvania Avenue beginning at Gilbert Street to the Johnstown City Line a distance of 1240 feet, more or less.
- (33) Tremont Road beginning at Johnstown City Line to a dead end a distance of 1056 feet, more or less.
- (34) Paul Street beginning at the intersection of Tremont Road a distance of 1642 feet to a dead end.
- (35) Gilip Road beginning at Blecker Avenue a distance of 1060 feet to a dead end.
- (36) Spring Street Extension beginning at Blecker Avenue a distance of 60 feet to a dead end.
- (37) Delora Street beginning at Burkhard Street to D Street Extension a distance of 705 feet more or less.
- (38) Rockwell Avenue beginning at Malbrauc Road and ending at St. Francis Street a distance of 1000 feet more or less.
- (39) Olds Avenue beginning at J Street Extension a distance of 528 feet, more or less, to a dead end.

Be It Further Resolved that the Township Solicitor

To Page 248

No 3. petition the Court of Quarter Sessions of Cambria County, Pennsylvania for approval of the acceptance of the above mentioned streets and avenues and that a certified copy of the within resolution, together with the Petition for approval and order for approval be filed in the office of the Clerk of Courts of Quarter Sessions of Cambria County, Pennsylvania, in accordance with the provisions of the Act 521 approved January 14, 1952 and further that a certified copy of the within resolution, together with the approval of the Court be forwarded to the Pennsylvania Department of Highway and filed with the said Department as the complete system of roads, streets and avenues in the Township of Lower Yoder to the date of the passage of the within resolution.

Unanimously passed and approved and adapted at a special meeting of the Board of Supervisors of the Township of Lower Yoder on November 15, 1952.

Attest:
Carl J. Kohler
Secretary

Township of Lower Yoder

By: William Sladki,
President.

I CARL J. KOHLER, Secretary of the Township of Lower Yoder hereby certify that the above Resolution is a true and correct copy of the same adopted at the special meeting of the Board of Supervisors of Lower Yoder Township on the 15th day of November, 1952 and entered in the minutes and records of the said Township.

Carl J. Kohler.

No. 4. IN RE: Vacation Of Portion Of Public Road Formerly Known As Berkley Road In The Township of Upper Yoder, Cambria County, Pa. } 10-20-52: Report of Supervisors of Upper Yoder Township - Filed.

RESOLUTION

Be it Resolved, And It is Herely Resolved that a portion of a public Road formerly known as the Berkley Road, further bounded and described as follows:

Beginning at a point on the westerly side of the old Township Road on line of land of A.E. Poal, thence across Service Cund #11 and across front of Lots # 452, 453, 454 and 455 North forty-six degrees twenty-seven minutes West (N. 46° 27' W.) two hundred thirty feet (230') more or less, thence continuing along the westerly side of the Old Township Road and across the front of Lots # 332, 333, 334 and 442 to 451 inclusive, and across Eugene Street north thirty-one degrees forty-two minutes West (N. 31° 42' W.) seven hundred nineteen and nine-tenths feet (719.9') to a point on the westerly side of Gucher Street; thence along said Gucher Street, as relocated, in a southeasterly direction by a curve having a radius of nineteen hundred ten and eight one-hundredths feet (1910.08') a distance of four hundred seventy-six (476') feet more or less, thence along the easterly side of the Old Township Road South thirty-one degrees forty-two minutes East (S. 31° 42' E.) a distance of two hundred thirty-one feet (231') more or less, thence continuing by same South forty-six degrees twenty-seven minutes East (S. 46° 27' E.) two hundred thirty-one feet (231') more or less to a point on the southerly side of Service Cund #11 and line of land of A.E. Poal, thence along said Service Cund #11 and land of A.E. Poal fifty-four degrees five minutes West (S. 54° 05' W.) a distance of sixty-one and three one-hundredths feet (61.03) to a point, the place of beginning, as shown in yellow on map attached to Petition to Supervisors and marked "Exhibit A" is hereby vacated.

Blair Hunt - President
 Paul Bamhart - Secretary
 D. H. Weener -

Supervisors of Upper Yoder Township

Now, March 23, 1953: The within Report is confirmed Nisi:

By the Court
 McKenich

March 27, 1953: Report of Supervisors & Confirmation sent to Pennsylvania Department of Highways.
 J. C. Weener, Clerk.

No MARCH Cases
SESSIONS, 19

| | |
|--|--|
| | |
|--|--|

No. 1. In Re: Appointment of Viewers To Ascertain and Assess Damages To Property of Alfred J. Furst and Mary Conrad Furst Located In Township of Stonycreek, Cambria County, Pennsylvania.

3-2-53: Petition of Albert J. Furst and Mary Conrad Furst For Appointment of Viewers.

Filed.

Clerk

#1953 AUG 19 1953 AUDITED

ORDER OF COURT

And Now, to-wit, this 2nd day of March, 1953, the within petition having been read and approved, upon motion of Andrew J. Gleason, Attorney for Petitioners Mahlon Baumgardner, Fred Clafflin and Robert Mayer are hereby appointed as Viewers to view the land of petitioners and ascertain and assess the damages caused by the construction of Pennsylvania Legislative Route 222, Section 6, as set forth in the foregoing petition, the Viewers to meet on the land of Petitioners on the 18th day of March, 1953, at 10:00 o'clock A.M. E.S.T.

By the Court Griffith, J.

3-3-53: Order to View issued to Mahlon Baumgardner.

6-1-53: Report of Viewers Filed

Now, July 6, 1953, Report approved absolutely.

By the Court McKenich, J.

REPORT OF VIEWERS

We, the undersigned Viewers appointed by the above Court to view and inspect the land and premises of Alfred J. Furst and Mary Conrad Furst his wife in Stonycreek Township, Cambria County and State of Pennsylvania and to determine and estimate the damages or benefits that have resulted or that may seem likely to result by reason of the construction and improvement of a highway known as U. S. Route #56, otherwise known as Legislative Route 222, Section 6 in the Township of Stonycreek, County of Cambria and State aforesaid as it affects the land and real estate of the above named Owner and Petitioners Alfred J. Furst and Mary Conrad Furst, his wife on the land more fully described as follows:

Beginning - Fronting 284.76 feet on the Southwesterly side of Bedford Pike, designated Bedford Street, on the hereinafter mentioned Plan of Lots, and extending back along one side by line of land of Frona Schradler, otherwise Mrs. M. E. Bennett, a distance of 136 feet, and on the other side along Hoffman Avenue a distance of 136 feet to other lands of the grantors, and extending along other lands hereinafter described as Parcel No. 2, a distance of 308.49 feet, having thereon erected a single frame dwelling; being the land comprised within the lines of six contiguous lots marked, known and designated as Nos. 61, 62, 63, 64, 65 and 66 on the Plan of Lots made January 18, 1919, by Tetteman Engineering Company, and recorded in Plat Book Vol. 2 page 49, as well as the land within the lines of an unnamed 16 foot alley abutting the said lots of land shown upon the Plan of Lots aforesaid, but stricken from the Plan and appraised and recorded as additional land on the lots abutting on Bedford Pike by Resolution of the Board of Commissioners of Stonycreek Township aforesaid before approving said Plan of Lots as required by law. Said property is also described as Parcel No. 1 in Deed Book Vol. 475 page 779 in the Recorder's Office of Cambria County, Pennsylvania.

That we were duly sworn or affirmed as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the aforesaid Court; that due public notice of the time and place of the meeting of said Viewers was given by posting ten handbills upon the premises and land

- TRANSFERRED TO PAGE 370 -

Rec'd 19.50 July 20.53 Jen

No. 2 IN RE: Petition for The Appointment of Viewers To Assess Damages to The Lands of Annie Gomish, in the change of grade of Legislative Route 62, Section 11, O.R. 092, Locally Known As Traffic Route 219 or Main Street in the Borough of Carrolltown, Cambria County, Pennsylvania

4-23-53; Petition of Annie Gomish By J.H. Westover, Atty. Filed

DECREE

And Now, April 23rd, 1953 at 11 A.M., on consideration of the within petition, the Court appoints Mahlen Baumgardner, Fred W. Coflin and Robert Mayer - Viewers, to assess and ascertain the damage done by raising of the grade of Main Street, Carrolltown, Pennsylvania, to the property of petitioner referred to in the within petition, in accordance with the provisions thereof, and to make report thereof to Court in accordance with the Act of Assembly in such cases made and provided.

By the Court
McKinnish, J.

April 24, 1953: Order to View issued to Mahlen Baumgardner.

Sept. 8, 1953 Report of Viewers is hereby Continued to First Monday of December 1953. By the Court McKinnish, J. Judge

January 11, 1954 - Report of Viewers Filed at 10:00 A.M.

February 1954 - Exceptions to Viewers Report Filed (Just now)

February 6 - 1958 - Release of Damages Filed

Clerk of P. Courts - Westover & Hantzy - \$16.50 Rec'd 16.50 12-2-59 J.C. W
Clerk of P. Courts - Fred P. Fees - \$4.50 - Rec'd - 4.50 - 3-4-58 - J.C. W

JAN 27 1960 AUDITED

MAY 15 1958 AUDITED

No. 3

In Re: The Matter of Petition of Geistown Volunteer Fire Company, a Corporation, For The Appointment of Viewers To Ascertain & Assess Damages, in The change of location and lines of a Highway known as State Highway Route No. 222, in The Borough of Geistown, Cambria County, Penna.

5-27-53: Petition of Geistown Volunteer Fire Company, a Corporation. Filed - By Harbin & Whorton, Attys.

ORDER

Now, May 25, 1953, at 11 o'clock A.M. D.S.T., the foregoing petition having been read and presented to the Court, the Court does hereby appoint Mahlon D. Baumgardner, Fred W. Claffin and Robert Mayer, to view the property described in the within petition and to report to the Court their findings with respect to the damages suffered by the petitioner by reason of the appropriation, injury or destruction of certain property in the change of lines and location of State Highway Route No. 222, taking into consideration any benefits which may have accrued to said property by said change line and location. It is hereby directed that the above named viewers in assessing the damages shall take into consideration the advantages derived from such road passing through the land of the complainant, if any. Said viewers are directed to make their report in writing to the Court of Quarter Session on or before the 1st Monday of September, 1953. The Viewers above appointed are hereby directed to give at least ten days notice in writing to the Secretary of Highway and the petitioner of the day and hour on which they will view the premises within described and conduct their hearing under this appointment.

By the Court
McKernick

- May 27, 1953: Order to View issued to Mahlon Baumgardner.
- Aug. 3, 1953 Report of Viewers filed.
- Aug. 3, 1953 Report Confirmed Absolute By the Court McKernick - Report of Viewers -

We, the undersigned Viewers appointed by the above named Court to view and inspect the premises and land of the Geistown Volunteer Fire Company, a corporation in the Borough of Geistown, Cambria County, Pennsylvania and to estimate and determine the damages that have resulted or that may seem likely to result because of the change in location and lines of a highway known as State Highway Route No. 222 in said Borough of Geistown, county and state aforesaid as it affects the herewith described land of the Geistown Volunteer Fire Company, a Corporation as follows:

Beginning at a point on the westerly side of Scalp Level Avenue, at the corner of land now or late of William Stoumen formerly Bernard Hess, thence by same North 88 degrees 37' East five hundred ninety - nine and nine tenths (599.9) feet to a point in line of Conrad Hess Estate; thence by same North 25 degrees 42' East fifty - seven and eight tenths (57.8) feet to a point thence by land of Ernest Weirick et ux. now or late of which this was formerly a part North 86 degrees 43' East five hundred ninety - nine and eight hundredths (599.08) feet to Scalp Avenue aforesaid; thence by same South 9 degrees 30' East one hundred (100) feet to the place of beginning, containing One (1) acre.

Being the same lot or parcel of land, which the Borough of Geistown, a Municipal Corporation, by its deed bearing date of 15th day of May, 1945 and of record in the Office of the Recorder of Deeds, in and for Cambria County, in D. B. Vol. 535 page 291 granted and conveyed to

DEC 18 1953 AUDITED
Clerk \$13.50
Ref. \$13.50
4-53

No 4

In RE: In the Matter of the Report of the Supervisors of West Carroll Township, Relating to the Vacation of Route No. 11054, Section 1, in said Township.

6-2-53. Petition of Supervisors of West Carroll Township. Filed by Atty's Smoots & Creamy.

June 2nd 1953 Report filed
AUG 1 1953 AUDITED
And now June 2, 1953 the within Report approved

By The Court
McKenrick, Judge

ORDINANCE # 2

An Ordinance To Vacate a Portion of State Highway Route 11054 Section No. 1.

Rec'd # 6.50
7-7-53

Whereas, State Highway Route 11054, Section 1, is a part of the road system of West Carroll Township.

Whereas, Route No. 11054, Section 1, was abandoned by the Commonwealth of Pennsylvania, as part of the State Highway System because of relocation and construction of a new portion of said State Highway Route #11054 by the Department of Highways and is not necessary or needed as a Township road, and, in the interest of public convenience, the said supervisors have decided to vacate, by ordinance, the said Route 11054, herein described.

Now, Therefore, Be It Ordained and enacted by the Supervisors of West Carroll Township, and it is hereby ordained and enacted by authority of the same:

Section 1.

That in the judgement of the Supervisors, for and in the interest of public convenience, the following described roads be and the same are hereby vacated:

Beginning at State Highway Station 339-03 on State Highway Route No. 11054; thence following the old or abandoned portion of said Route No. 11054 a distance of 616 feet or 0.1167 miles to State Highway Station 345-19.

Beginning at State Highway Station 354-33 on State Highway Route No. 11054; thence following the old or abandoned portion of said Route No. 11054 a distance of 1387 feet or 0.2627 miles to State Highway Station 368-20.

Section 2.

That the Township Solicitor be and hereby is authorized and directed to file a certified copy of the Ordinance in the office of the Clerk of Courts of Quarter Sessions of Cambria County, State of Pennsylvania, together with the name of the owners of property affected, a draft and survey of the road vacated, and a report of the proceedings relating to the vacation of the road hereinabove described.

Section 3.

All ordinances or parts of ordinances inconsistent herewith, are hereby repealed. Ordained and Enacted into an Ordinance this 4th day of April, 1953

Attest: Joseph Brawley. Sec.

Gladstone Bradford - President

Now, July 2, 1953: Confirmed Absolute

No. 5

In Re: Report of the Supervisors of Elder Township, Relating To The Vacation of Route No. 11054 in Said Township.

4-21-53: Petition of Supervisors of Elder Township - Filed by Atty's Smoot & Creamer

Clerk \$5.50

April 21, 1953: Report Filed
Now, April 21, 1953, the within Report approved.

By The Court
McKinnel, J.

Book 550 AUG 19 1953 AUDITED
7-7-53

ORDINANCE No. 2

An Ordinance To Vacate A Road Known As State Highway Route 11054, Leading From Patton Borough For A Distance of 0.1189 Miles To The Elder Township - Chest Township Line.

Whereas, State Highway Route 11054 is a part of the Road system of Elder Township and leads from Patton Borough for a distance of 0.1189 miles to the Elder Township - Chest Township line.

Whereas, Route No. 11054 was abandoned by the Commonwealth of Pennsylvania as part of the State Highway System because of relocation and construction of a new portion of said State Highway Route No. 11054 by the Department of Highways and is not necessary or needed as a Township road, and, in the interest of public convenience, the said Supervisors have decided to vacate, by ordinance, the said Route 11054 herein described.

Now Therefore, Be It Ordained and enacted by the Supervisors of Elder Township, and it is hereby ordained and enacted by authority of the same:

Section 1

That in the judgement of the Supervisors, for and in the interest of public convenience, the following described road be and the same is hereby vacated:

Beginning at State Highway Station 40+83. on State Highway Route No. 11054 at the line of the Patton Borough in the Township of Elder; thence following the old or abandoned portion of said Route No. 11054, a distance of 628 feet or 0.1189 miles to the line of Elder Township - Chest Township at Station 47+11.

Section 2

That the Township Solicitor be and hereby is authorized and directed to file a certified copy of the Ordinance in the office of the Clerk of Courts of Quarter Sessions of Cambria County, State of Pennsylvania, together with the name of the owners of property affected, a draft and survey of the road vacated, and a report of the proceedings relating to the vacation of the road hereinabove described.

Section 3

All ordinances or parts of ordinances inconsistent herewith are hereby repealed. Ordained and Enacted into an Ordinance this 24 day of March, 1953.

Michael Novak - Pres.

Attest: Miss Lucy Kibles - Sec.
(Certified)

Now, July 2, 1953 (Confirmed Absolute)

No 6 In Re: Petition For The Appointment of Viewers to Assess Damages To The Lands of Michael F. Volk and Alma E. Volk, in the Change of Grade of Legislative Route 62 Section 11, D.R. 072, Locally known as Traffic Route 212 or Main Street in the Borough of Canolltown, Cambria County, Pennsylvania.

4-23-53: Petition of Michael F. Volk and Alma E. Volk - Filed.

Clerk of Courts *

DECREE

And Now, April 23rd, 1953, at 11 A.M., on consideration of the within petition, the Court appoints Mahlon J. Baumgardner, Fred W. Clifton and Roland Meyer, Viewers to assess and ascertain the damage done by raising of the grade of Main Street, Canolltown, Pennsylvania, to the property of Petitioners referred to in the within petition in accordance with the prayer thereof, and to make report thereof to Court in accordance with the Acts of Assembly in such cases made and provided.

By the Court
McKernick, J.

April 23, 1953: Order to View issued to Mahlon Baumgardner.
Sept. 8, 1953 Report of Viewers is hereby continued to Christ Munday of December 1953. By the Court. McCann P. J. Judge

January 11, 1954 - Report of Viewers Filed at 10:00 A.M.
February 10, 1954 Exceptions to Viewers Report filed (Med fees)
February 6, 1958 - Release of Damages filed.

Clerk of Courts - Westover + Lentz - \$16.50 Rec'd 16.50 12-8-59
Clerk of Courts - Fred J. Fees - \$4.50 - Rec'd - 4.50 - 3-4-58 - J.E. Wees

JAN 27 1960 AUDITED

MAY 15 1958 AUDITED

No 7 - In Re: Petition for the Appointment of Viewers To Assess Damages to the lands of H. M. Mohler and Mary Edith Mohler, in the change of grade of Legislative Route 62 Section 11, O.R. 092, locally known as Traffic Route 219 or Main Street, Canollton, Cambria County, Pennsylvania.

#23-53; Petition of H. M. Mohler and Mary Edith Mohler - Filed

Clerk of Courts *

DECREE

And Now, April 23rd, 1953 at 11 A.M., on consideration of the within petition, the Court appoints Mahlon J. Baumgardner, Fred W. Clapfen and Robert Mayer, Viewers, to assess and ascertain the damage done by raising of the grade of Main Street, Canollton, Pennsylvania, to the property of petitioners referred to in the within petition in accordance with the prayer thereof, and to make report thereof to Court in accordance with the Acts of Assembly in such cases made and provided.

By the Court
M. Kaunich, J.

4-23-53: Order to View Issued to Mahlon Baumgardner.

9-8-53 Report of Viewers is hereby Continued to First Monday of December 1953. By the Court: McCann Judge

January 11, 1954: Report of Viewers Filed at 10:00 A.M.

February 10, 1954 Exceptions to Viewers Report filed (and seen)

February 6, 1958 - Release of Damages Filed...

Clerk of Courts - Westover & Kuntz - \$16.50 R. 16⁵⁰
 Clerk of Courts - Fred D. Fees - \$4.00 - Rec'd - 4.50 - 3-4-58

JAN 27 1960 AUDITED

MAY 5 1958 AUDITED

No. 1. In Re: The Matter of The Vacation of Certain Roads And Highways In The Township Of Munster, Cambria County, Pennsylvania
Clerk of Courts #42

6-22-53: Petition For Vacation & Decree by Supervisors of Munster Township
Filed.

DECREE

And Now, this 22nd day of June 1953, upon hearing the within Petition, it appearing to the Court that the property owners affected by the proposed vacation have agreed to the same, upon motion of Spencer, Custer, Taylor & Wolfe, Attorneys for the Petitioners,

7.50

It is hereby Ordered and Decreed that the portions of State Highway Route No's. 11031 and 11083 abandoned by relocation of such Highway and which appear in detail on the maps attached to the foregoing Petition be and are hereby vacated.

By the Court
J. McKennick,
Judge.

July 23, 1953. No exceptions being filed Petition is Confirmed Absolute
By Joseph C. Messer, Clerk of Courts

No. 2 In Re: Acceptance of Mount View Drive
As A Street In The Township Of Lower
Yoder, Cambria County, Pennsylvania.
Clerk of Courts: # 11.50

7-23-53: Petition of Supervisors
of Lower Yoder Township.
Filed.

July 23, 1953: Petition For Acceptance of Mount View Drive In Township of
Lower Yoder. Filed

RESOLUTION

Whereas, on the 10th day of April, 1950, the plan of lots of Westwood
Development situated in the Township of Lower Yoder, County of Cambria
and State of Pennsylvania, was laid out, which plan is recorded in the
office for the Recording of Deeds in and for Cambria County in Plat Book 4,
Page 98, in which plan Mount View Drive was laid out as a public street or
highway; and

Whereas, it is the intention and desire of the Supervisors of the
Township of Lower Yoder to lay out, open and accept the said Mount
View Drive from its intersection with Sherwood Drive to its intersection
with Westgate Drive, the said street to be made a part of the highway
system of the Township of Lower Yoder.

Now, Therefore Be It Resolved that Mount View Drive from
its intersection with Sherwood Drive to its intersection with Westgate
Drive, containing a radius distance of 1345 feet more or less, be and
the same is hereby laid out, opened and accepted by the Township of
Lower Yoder as part of the street and highway system of the said Township.

Be It Further Resolved, that ten days' notice be given to the
property owners affected thereby as to the time and place where and when
all parties interested may be heard and after hearing and consideration
of the matter at said hearing meeting, the Supervisors shall exercise
the power so conferred in laying out, opening and accepting the said
Mount View Drive.

And Be It Further Resolved, that the Township Solicitor be
authorized to make written report thereof together with a draft or
survey of said Mount View Drive to be presented and filed in the office
of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, Pennsylvania.

And Be It Further Resolved in accordance with the provisions of
the Act of Assembly in such case made and provided that any citizen
or freeholder of the Township may, within thirty days after the filing of
the Report of the Supervisors, file exceptions to the report together with a
petition for a review.

Attest:
Carl J. Kohler, Secretary

Township of Lower Yoder
By: William Shadki, President

I, Carl J. Kohler, Secretary of the Township of Lower Yoder, hereby certify
that the above Resolution is a true and correct copy of the same adopted
at a special meeting of the Board of Supervisors of Lower Yoder Township
on the 30th day of June, 1953, and entered in the minutes and records
of the said Township.

Carl J. Kohler, Secretary

July 9, 1953: Proof of publication in Cambria County Legal Journal - Filed.
July 9, 1953: Proof of publication in Johnston Tribune Pub. Co. - Filed

→ Transferred To Page 260 ←

REC 16 1953
Audited 1953
Filed \$ 11.50

No. 2

ORDER

Now, the 20th day of July, 1953, the within petition having been read and considered, the Court hereby gives its consent to the Supervisors of the Township of Lower Goler in accepting and opening Mound View Drive from its intersection with Sherwood Drive to its intersection with Westgate Drive, a radius distance of 1345 feet more or less. And it is Ordered and Directed that the said Mound View Drive, as above described, forthwith be and become a part of the highway system of the Township of Lower Goler and be it further Ordered and Decreed that these proceedings be recorded in the office of the Clerk of Quarter Sessions of Cambria County, Pennsylvania.

By the Court
 McKennich, J.
 Truffitt, J.

Sept. 10, 1953 No Exceptions being filed, Petition is Confirmed Absolute by Joseph C. Sherr Clerk of Courts

No 3

C

O

C

C

No. 1. In Re: Taking Over of Roadway In Village of St. Benedict, West Carroll Township, Cambria County, Pennsylvania.
 Referred to the Board of Supervisors, 1954 Jew.
 Clerk of Courts: # 75-DEC 3 1 1953 AUDITED
 Exhibit #1

9-16-53: Petition of the Supervisors of Township of West Carroll.
 Filed.

RESOLUTION

On motion of Joseph Brawley, seconded by Gladstone Bradford, and duly passed, it is resolved that we adopt and take over for the purpose of improving the same, by the Supervisors of West Carroll Township, that section of roadway located in the Village of St. Benedict, Township of West Carroll, County of Cambria and State of Pennsylvania, more particularly described as follows:

Beginning at a point on Dunsmore Avenue opposite the Presbyterian Church at the intersection of Dunsmore Avenue with a certain township road, thence by Dunsmore Avenue a width of thirty-three (33) feet to a point immediately beyond Lot No 15 on the plan of lots of the Village of St. Benedict.

I hereby certify the above to be a true and correct copy of a Resolution adopted July 25, 1953.

Joseph Brawley, Secretary of Board of Supervisors for West Carroll Township Cambria County, Pennsylvania.

Blueprint attached as Exhibit "2".

DECREE

And Now, this 16th day of September, 1953, the foregoing petition having been presented, examined and duly considered, the prayer of the petitioner is granted and it is

Ordered and Decreed that the roadway described in the foregoing petition and ordinance shall become and be a part of the Public Highway system of the Township of West Carroll and shall be so recorded in the Office of the Clerk of Court of Quarter Sessions.

By the Court
 M. Kenick,
 Judge.

No. 2. In Re: Taking Over of Road-way In Village of Bakerton, West Carroll Township, Cambria County, Pennsylvania. } 9-16-53: Petition of the Supervisors of Township of West Carroll. Filed.

RES. 17, 1953. JUNE 25, 1953 JAV. Clerk of Courts: # 75 DEC 3 1953 AUDIT

Exhibit #1

RESOLUTION

On motion of Joseph Brawley, seconded by Gladstone Bradford, and duly passed, it is resolved that we adopt and take over for the purpose of improving the same, by the Supervisors of West Carroll Township, those sections of roadway located in the Village of Bakerton, Township of West Carroll, County of Cambria and State of Pennsylvania, more particularly described as follows:

Section 1.

"Beginning on the southern side of the right of way of the Pennsylvania Railroad and extending for a width of 33 feet along Reed Street to the intersection of Legislative Route No. 11097, formerly Devaux Street, with said Reed Street."

Section 2

"Beginning on the southern side of Legislative Route No. 11097, formerly Devaux Street, and extending for a width of 33 feet a distance of approximately 270 feet along Reed Street to the bridge across the West Branch of the Susquehanna River."

I hereby certify the above to be a true and correct copy of a Resolution adopted July 25, 1953.

Joseph Brawley, Secretary of Board of Supervisors of West Carroll Township Cambria County, Pennsylvania.

Exhibit No. 2 - Blueprints attached.

DECREE

And Now, this 16th day of September, 1953, the foregoing petition having been presented, examined and duly considered, the prayer of the petitioners is granted and it is

Ordered and Decreed that the roadway described in the foregoing petition and ordinance shall be and become a part of the Public Highway system of the Township of West Carroll and shall be so recorded in the Office of the Clerk of Board of Quarter Sessions.

By The Court
McKinnich, J.

No. 3. In Re: Laying-out, Opening and Accepting Adams Street In the Township of Blacklick, County of Cambria and State of Penna.

10-26-53: Report of The Supervisors of Blacklick Township - Filed.

Clerk #5.50 DEC 3 1 1953 AUDITED

Rec'd # 5.50 12-10-53

RESOLUTION

Whereas, John Nyland, Don Paul, C. L. Campbell, Edward Kinter, Cede Carney, Paul Ludwig, R. J. Altman, Sue Altman, Samuel Green, Donald L. Stophel, W. R. Tolana, and Dan R. Patterson, have petitioned the Board of Supervisors to open and lay-out the hereinafter described street; and

Whereas, the said petitioners have signed a release of damages; and Whereas, it is the desire of the Supervisors of the Township of Blacklick to lay-out, open and accept the said street as hereinafter described as part of the public highway system of the said Township of Blacklick; and

Whereas, the Supervisors have given a ten days notice to the property owners affected thereby of the time and place where and when all parties interested may meet and be heard, and after hearing and consideration of the matter at such meeting the Board of Supervisors unanimously decided in favor of exercising the power so conferred in them to lay-out, open and accept the said street;

Now, Therefore, Be It Resolved, that the following described street be laid-out, opened and accepted by the Supervisors of the Township of Blacklick as a part of the highway system of the said Township after making written report thereof, together with a draft or survey of said street to be presented and filed in the Office of the Clerk of County of the Court of Quarter Sessions of Cambria County, such street being described as follows:

Adams Street, Beginning at Route #22 and extending southwardly on a course South 26 degrees 45 minutes West 416 feet to McKinley Street, said street being 40 feet in width.

And Be It Further Resolved, that in accordance with the provisions of the Act of Assembly in such case made and provided, any citizen or freeholder of the Township may within thirty days after the filing of the report of the Supervisors file exceptions to the report, together with a petition for a review.

Walter Mahan Secretary

Stanley Stupsky President

DECREE

Now, the 26th day of October, 1953, upon consideration of the foregoing petition, Joseph C. Weas, Clerk of the Court of Quarter Sessions of Cambria County Pennsylvania, is hereby directed to file the written report and the exhibits attached hereto.

By the Court Griffith

FINAL DECREE

Now, the 7th day of December, 1953, it appearing that the said Petition having been filed on the 26th day of October, 1953, and that no citizen or freeholder of the Township did within thirty days from the filing of this report of the Supervisors file exceptions to the report or petition for a review, It Is Ordered and Decreed that the said Adams Street described as follows: Beginning at Route #22 and extending southwardly on a course South 26 degrees 45 minutes West 416 feet to McKinley Street, said street being 40 feet in width, be and is hereby confirmed as a Township street and declared to be a part of the public road and highway system of the said Township of Blacklick.

By the Court Griffith

No. 4. In Re: Laying-out, Opening and Accepting Franklin Street in The Township of Blacklick, County of Cambria, and State of Pennsylvania.

10-26-53: Report of The Supervisors of Blacklick Township.

Filed.

Clerk #5-56

Recd. #5-5 REC 9

12-10-53

Clerk of Courts #5-53 DEC 3 1953 AUDITEE

RESOLUTION

Whereas, Raymond Clauson, Albert M. Paul, Mrs. Nora Paul, Mrs. George Inman, George Inman, Alton Folckemer, Mrs. Alton Folckemer, Joseph D. Bickenderfer, Walter Bickenderfer, Nancy Clauson, Robert H. Gordon, William J. Toy, Josephine Toy, Ward Adams, Mrs. S. Ward Adams, Howard Edmiston, Mrs. Elsie Edmiston, Mrs. Joseph Bickenderfer, William Edmiston, Clayton Mc Quay, Marie Mc Quay, D. R. Bickenderfer and Laura B. Gordon; have petitioned the Board of Supervisors to open and lay-out the hereinafter described street; and

Whereas, the said petitioners have signed a release of damages; and

Whereas, it is the desire of the Supervisors of the Township of Blacklick to lay-out, open and accept the said street as hereinafter described as part of the public highway system of the said Township of Blacklick; and

Whereas, the Supervisors have given a ten days' notice to the property owners affected thereby of the time and place where and when all parties interested may meet and be heard, and after hearing and consideration of the matter at such meeting, the Board of Supervisors unanimously decided in favor of exercising the power so conferred in them to lay-out, open and accept the said street;

Now, Therefore, Be It Resolved, that the following described street be laid-out, opened and accepted by the Supervisors of the Township of Blacklick as a part of the highway system of the said Township after making written report thereof, together with a draft or survey of said street to be presented and filed in the office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, such street being described as follows:

FRANKLIN STREET: Beginning at the intersection of the said street with U.S. Route 422; thence South 26 degrees West 830 feet, more or less, to the property of Robert Gordon, said Franklin Street being 30 feet in width, more or less.

And Be It Further Resolved, that in accordance with the provisions of the Act of Assembly in such case made and provided, any citizen or freeholder of the Township may within thirty days after the filing of the report of the Supervisors, file exceptions to the report, together with a petition for a review.

Attest:
Webster Mahan
Secretary

Township of Blacklick
By Stanley Stupsky
President

I, Webster Mahan, Secretary of the Township of Blacklick, hereby certify that the above resolution is a true and correct copy of the same adopted at the meeting of the Board of Supervisors of Blacklick Township, on the _____ day of _____, 1953, and entered in the minutes and records of the said Township of Blacklick.

Webster Mahan

Cont on next page.

No. 4 Cont.

No. 4

Decree

Now, the 26th day of October, 1953, upon consideration of the foregoing petition, Joseph C. Weiss, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within report and the exhibits attached hereto.

By The Court.
Duffield, J.

FINAL DECREE

Now, the 7th day of December 1953, it appearing that the said Petition having been filed on the 26th day of October 1953, and that no citizen or freeholder of the Township did within thirty 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 Franklin Street described as follows: Beginning at the intersection of the said street with U.S. Route 422; thence South 26 degrees West 830 feet, more or less, to the property of Robert Jordan, said Franklin Street being 30 feet in width, more or less, be and is hereby confirmed as a Township street and declared to be a part of the public road and highway system of the said Township of Blacklick.

By the Court
Duffield, J.

No 5. IN RE: Laying-out, Opening and accepting Church Street in the Township of Blacklick, County of Cambria and State of Pennsylvania
Clerk of Courts: B 5-50

10-26-53: Report of the Supervisors of Blacklick Township.
Filed:

Resolution

Exhibit B

Recd. \$550 DEC 9 1953 AUDITED
12-10-53

Whereas, James Kovach, Joseph Piarick, Sophia Piarick, George Mplnick, Mary Stloz, Joe Bankowick, Mr. & Mrs. Joseph Fontala, George Mrazacas, Mack Cady and Steve Yovisky, have petitioned the Board of Supervisors to open and lay-out the hereinafter described street; and

Whereas, the said petitioners have signed a release of damages; and

Whereas, it is the ^{desire} of the Supervisors of the Township of Blacklick to lay-out, open and accept the said street as hereinafter described as part of the public highway system of the said Township of Blacklick; and

Whereas, the Supervisors have given a ten days notice to the property owners affected thereby of the time and place where and when all parties interested may meet and be heard, and after hearing and consideration of the matter at such meeting, the Board of Supervisors unanimously decided in favor of exercising the power so conferred in them to lay-out, open and accept the said street;

Now, Therefore, Be it Resolved, that the following described street be laid-out, opened & accepted by the Supervisors of the Township of Blacklick as a part of the highway system of the said Township after making written report thereof, together with a draft or survey of said street to be presented and filed in the Office of the Clerk of Courts of Quarter Sessions of Cambria County, such street being described as follows:

Church Street: Beginning at the intersection of said Church Street, which Township Road fronts on the property of the St. Charles Roman Catholic Church; thence from the said intersection South 32 degrees East 407 feet, more or less, to the southerly line of Mary H. Stloz property, being 40 feet in width.

And Be it Further Resolved, that in accordance with the provisions of the Act of Assembly in such case made and provided, any citizen or freeholder of the Township may within thirty days after the filing of the report of the Supervisors file exceptions to the report, together with a petition for a review.

Attest:
Webster Mahan
Secretary

Township of Blacklick
By Stanley Stupsky
President

I, Webster Mahan, Secretary of the Township of Blacklick hereby certify that the above resolution is a true and correct copy of the same adopted at the meeting of the Board of Supervisors of Blacklick Township, on the day of _____, 1953, and entered in the minutes and records of the said Township of Blacklick.

Webster Mahan

No. 5 Con't.

Decree

Now, the 26th. day of October, 1953, upon consideration of the foregoing petition, Joseph C. Weiss, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within report and the exhibits attached hereto.

By The Court,
Giffith, J.

FINAL DECREE

Now, the 7th day of December 1953, It appearing that the said Petition having been filed on the 26th day of October 1953, and that no citizen or freeholder of the Township did within Thirty 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 Church Street described as follows; Beginning at the intersection of said Church Street, which Township Road fronts on the property of the St. Charles Roman Catholic Church; thence from the said intersection South 32 Degrees East 407 feet, more or less, to the southerly line of Mary H. Long property, being 40 feet in width, be and is hereby confirmed as a Township Street and declared to be a part of the said Township of Blacklick.

By The Court
Giffith, J.

No. 6
\$5.50

In Re: Laying-out, Opening and accepting portions of Fourth Street, Weaver Avenue, and Fifth Street in the Village of Eleanor, Township of Blacklick, County of Cambria State of Pennsylvania.

10-26-53 - Report of the Supervisors of Blacklick Township - Filed

RECEIVED
FEB 11 1953

Clerk of Courts: \$5.50

Resolution

Whereas, Mrs. William Tolchener, Mr. William Tolchener, Mr. Orval Hughes, Mrs. Orval Hughes, Don Hugh, Vivian Hughes, Virginia Hill, Raymond Hill, Harry Thompson, Eleanor Thompson, Mellie Frank, Carl Frank, Mrs. A. E. James, A. E. James, Charles Higgs, Sue L. Higgs, Martin Myers, Aileen Myers, Audrey Reighard, Robert A. Reighard, Patricia Miller, Wayne Michaels, Dorothy Michaels, Rem Miller, Paul James, Catherine E. James, Dorothy Miller, Robert Miller, Mrs. Paul Smith, Paul Smith, Norman Higgs, Elva Higgs, Robert I. Madill, Ellen B. Madill, J. H. Thompson and Elizabeth Thompson have petitioned the Board of Supervisors to open and lay-out the hereinafter described portions of streets; and

Whereas, the said petitioners have signed a release of damages; and

Whereas, it is the desire of the Supervisors of the Township of Blacklick to lay-out, open and accept the said portions of streets as hereinafter described as part of the public highway system of the said Township of Blacklick; and

Whereas, the Supervisors have given a ten day notice to the property owners affected thereby of the time and place where and when all parties interested may meet and be heard, and after hearing and consideration of the matter at such meeting, the Board of Supervisors unanimously decided in favor of exercising the power so conferred in them to lay-out, open and accept the said portions of streets;

Now, Therefore, Be It Resolved, that the following described streets be laid-out, opened and accepted by the Supervisors of the Township of Blacklick as a part of the highway system of the said Township after making written report thereof, together with a draft or survey of said portions of streets to be presented and filed in the Office of the Clerk of Courts of the Quarterly Sessions of Cambria County, such portions of streets being described follows:

Portions of Fourth Street, Weaver Avenue and Fifth Street in the Village of Eleanor, Township of Blacklick, Bounded and described as follows: Beginning at the intersection of Fourth Street and Cardiff Road, Route No. 11632; thence along Fourth Street North 79 degrees 05 minutes West 336 feet to the center of the intersection of Fourth Street Weaver Avenue; thence along the said Weaver Avenue North 10 degrees 55 minutes East 350 feet to the center of the intersection of the said Weaver Avenue and Fifth Street; thence along Fifth Street South 79 degrees 05 minutes East 336 feet to

No. 6 Cont.

the said Carliff Road, Route 11032, each of the said portions of streets being 40 feet in width.

And Be It Further Resolved, that in accordance with the provisions of the Act of Assembly in such case made and provided any citizen or freeholder of the Township may within thirty days after the filing of the report of the Supervisors file exceptions to the report, together with a petition for a review.

Attest:

Richard Mahan
Secretary

Township of Blacklick,
By Stanley Stupsky
President

Decree

Now, the 26th day of October, 1953, upon consideration of the foregoing petition, Joseph C. Weiss, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within report and the exhibits attached hereto.

By the Court,
Duffield, J.

FINAL DECREE

Now, the 7th day of December, 1953, it appearing that the said Petitioner having been filed on the 26th day of October 1953, and that no citizen or freeholder of the Township did within thirty 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 Fourth Street, Weaver Avenue and Fifth Street in the Village of Peano, Township of Blacklick, bounded and described as follows: Beginning at the intersection of Fourth Street and Carliff Road, Route No. 11032, thence along Fourth Street North 79 degrees 05 minutes West 336 feet to the center of the intersection of Fourth Street and Weaver Avenue; thence along the said Weaver Avenue North 10 degrees 55 minutes East 350 feet to the center of the intersection of the said Weaver Avenue and Fifth Street; thence along Fifth Street South 79 degrees 05 minutes East 336 feet to the said Carliff Road, Route 11032, each of the said portions of streets being 40 feet in width, said portions of streets be and is hereby confirmed as a Township street and declared to be a part of the public road and highway system of the said Township of Blacklick.

By the Court,
Duffield, J.

No. 7

In Re: The Matter Of The Ordaining And } 11-12-53: Report Of The Commissioners
 Accepting Of A Public Road In Stonycreek } of Stonycreek Township, and Order
 Township, Under The Act Of June 24, 1931, } Filed.
 P. L. 1206.

Clerk of Courts # 75 DEC 3 1 1953 AUDITED

Reb. 7. 20 Jan. 20, 1954

To The Honorable, The Judges Of The Above Named Court, And All Other Persons:

The Township Commissioners of Stonycreek Township, Cambria County, Pennsylvania, by their Attorney, Roger W. Hays, Esq., make the following report:

1. That a petition to ordain and accept as a public road that portion of Leaf Street bounded by Belmont Avenue on the South and Freedom Avenue on the North and that portion of Freedom Avenue bounded by Leaf Street on the East and Garland Street on the West, as shown by the attached plan, was presented to the Township Commission at a regular meeting.

2. That all of the property owners adjoining and affected by the ordaining and accepting of said streets have joined in said petition which is attached hereto and made a part hereof.

3. That said persons mentioned in paragraph 2 above have waived the right to any notice of a time and place of hearing on the matter of ordaining and accepting said streets.

4. That on October 13, 1953, at a regular meeting of the Commissioners of Stonycreek Township a hearing was held and at that time the Commission decided in favor of ordaining and accepting said streets for the following reasons:

a. The Stonycreek Township had, in fact, through its duly authorized agents, entered upon and done work upon said streets on or prior to August 8, 1953.

b. All of the adjoining property owners had petitioned the Commission of Stonycreek Township to ordain and accept said streets.

c. The ordaining and accepting of said streets was necessary for the public convenience.

5. That this report and the draft attached hereto in the appropriate form is made and entered in the office of the Clerk of the Quarter Session pursuant to the Act of June 24, 1931, P. L. 1206, etc.

Respectfully Submitted,
 Roger W. Hays, Solicitor
 Stonycreek Township

ORDER OF COURT

And Now, December 21, 1953, it appearing to the Court that the within report was filed on November 12, 1953, and that no exceptions have been filed to said report within 30 days of filing.

It is hereby ordered and decreed that the streets included in said report are hereby declared public roads in Stonycreek Township, Cambria County, Pennsylvania.

By the Court
 W. H. Kinnick,
 Judge

No. 8 IN RE: The Laying-Out, Opening
 and Extending of a Public Street
 Known as Beala Avenue, Formerly
 Locust Avenue, From Deeg Street,
 Formerly King Street, To Oakland
 Street, In The Township of
 Stonycreek, County of Cambria and
 State of Pennsylvania.

11-23-53 - Petition for
 appointment of Viewers in
 Stonycreek Township.
 FILED:

11-23-53 - Petition for appointment of Viewers and description
 FILED:

DECREE

And Now, this 23rd day of November, 1953, the within
 petition having been read and considered, the Court
 appoints Fred Claffin, Maklow Baumgardner, and Robert Meyer,
 and Viewers to view the road herein referred to and make
 a report of their proceedings to the next Term of the Court
 of Quarter Sessions of said County.

By The Court
 Griffith, J.

Nov. 23, 1953: Order to View Issued to Fred Claffin
 Oct. 13, 1954: Report of Viewers - Filed
 Oct. 29, 1954: Exceptions To Viewers Report - Filed
 Dec 7, 1954 Acceptance of Service of Exceptions filed in
 the Above Captioned Case - Filed
 May 31, 1955 Brief of Stonycreek Township filed

Opinion and decree sustaining exceptions Nos 1 and 2 and setting
 aside Viewers Report. - Filed August 22, 1955

Decree

And Now, August 22nd 1955, at 9:30 o'clock, A.M. E.D.S.T. after
 argument and upon due consideration, Exceptions Nos 1 and 2 are
 sustained and the report of the viewers set aside, Cost to be paid
 by the petitioners.

Concurred in by -
 Griffith, J.
 McWilliams, J.

By the Court,
 Mc Kenrick, P.J.

Certified Copies of Opinion and Decree sustaining Exceptions sent to
 Attorneys - De Francesco, Moyal & Letizia, Esqs. - For Petitioners
 - Roger W. Hagers - Esq. - For Exceptants
 August 23, 1955

No. 1
 IN RE: Petition For The Appointment
 of Viewers To Assess Damages To
 The Land of Grace Vezza In The Flood
 Control Project In Patton Borough, Cambria
 County, Pennsylvania.
 Clerk of Courts: # 1250

2-27-54: Petition For Appointment
 of Viewers.
 Filed

ORDER

February 27, 1954, upon presentation of the within petition
 Mahlon J. Baumgardner, Raymond Niebauer and John S. Eden
 are appointed Viewers to view the premises and assess the damages
 if any.

First meeting of Viewers to be held March 19, 1954.

By the Court
 McKennick, Judge.

Clerk
 # 2250

March 1, 1954: Notice of Appointment and View issued to Mahlon J. Baumgardner.
 June 7, 1954: Report of Viewers - Filed by Mahlon J. Baumgardner.
 June 7, 1954 Report read and Ordered Filed By the Court McKennick

Report of Viewers

We, the undersigned Viewers, appointed by the above named Court as per
 annexed Order of Court to view the above premises to estimate and determine
 the damages that have resulted or that may seem likely to result by reason of the
 taking of property by the Borough of Patton, Cambria County, Pennsylvania, for Flood
 Control Purposes, said property belonging to Mrs. Grace Vezza and as affecting her
 property and real estate, being described as follows:

All that certain lot of ground situate in the Borough of Patton, Cambria
 County, Pennsylvania; Beginning at a point or corner on the West side of Third
 Avenue and corner of an alley; thence in a direct line West along side of said
 alley to a point on the East Bank of Third Creek; thence along line of Third Creek by
 its several curves and windings a distance of 217 feet, more or less to the West
 side of Third Avenue; thence in a westerly direction along line of Third Avenue
 to the place of beginning. Having thereon erected certain improvements, respectfully
 report:

That we were duly sworn or affirmed as Members of the Permanent Board of
 Viewers of Cambria County as provided as is shown by the records of the above Court.
 That due public notice of the time and place of meeting of said Viewers was given
 by the posting or notice or handbills upon the premises at least ten days prior
 to the time of making said view and by the presenting of said Notice of View
 for the purpose of procuring acceptance of service to Mrs. Grace Vezza, owner
 aforesaid, but that she would not accept service of same. Notice however was
 left with her. Personal service was made on Smalts and Crang, Attorneys
 for Petitioner and acknowledgments of receipt of copy of same; upon Albert J.
 Kaluska, Secretary to the Borough of Patton who also acknowledges receipt of
 copy of same in said notice and upon Maurice Springer, Chief Clerk to the County
 Commissioners of Cambria County all of which said Notice & View are hereto attached
 and made a part of this Report, these Notices have been served at least ten
 days prior to the time of the view; That we met upon the premises according
 to the Notice given on March 23, 1954 at 10 o'clock A.M. and proceeded with the
 duties of our appointment. The Viewers examined every phase of the damage
 wrought upon the premises of Mrs. Grace Vezza, the owner.

→ TRANSFERRED TO PAGE 364 ←

No. 1
In Re: Petition For Proceedings To Take Over
Certain Roads, Streets and Thoroughfares
Heretofore Dedicated As Public Roads In The
Township Of Dean, County of Cambria,
And State of Pennsylvania.

3-29-54: Petition of Supervision
of Dean Township.

Filed.

Cash of Costs \$7.50

JUL 20 1954 AUDITED

Rec'd. 7⁵⁰ 2-5-57 J.C.H. 8:7 AUDITED.

DECREE

And Now, this 29th day of March, 1954, the foregoing petition
having been read and considered, it is ordered that the action of the
Supervisors of Dean Township in taking over the roads, and streets in
accordance with the plan hereto attached, be and hereby it is approved.

By the Court
J. Griffith, J.

3-29-54: Resolution - Filed

3-29-54: Blueprint - Filed

No. 2 IN RE: Petition for leave to accept 5-28-54 Petition of Supervisors
 certain streets by the Supervisors of Susquehanna Township,
 of the Township of Susquehanna,
 Cambria County, Pennsylvania, as Public
 Highway, situate in the Township of
 Susquehanna

Clerk of Courts \$7.50 JUL 20 1954 ADDED

DECREE

And Now, May 28, 1954, the foregoing petition having
 been read and considered, consent is granted the
 petitioners, members of the Board of Supervisors of the
 Township of Susquehanna (Cambria County, Pennsylvania),
 to accept the streets described in the foregoing petition
 as public highways in the Township of Susquehanna.

By the Court:

Mc Kenick, Judge.

5-28-54 Resolution Filed.

5-28-54 Blue-print Filed

| | |
|--|--|
| | |
|--|--|

No. 1

In Re: Petition of Dwight Von Lunen and E. Grace Von Lunen, Husband and Wife, For The Appointment of Viewers To Ascertain and Assess Damages. In The Matter of The Change of Location and Lines of A Highway known As State Highway Route No. 222, In The Borough of Geistown.

Clerk of Courts - 135²

NOV 5 1954 AUDITED

ORDER

Now, June 16, 1954, at 2 o'clock P.M., the foregoing petition having been read and presented to the Court, the Court does hereby appoint F.W. Claplin, Robert S. Mayer and William S. Kelly, Viewers, to view the property described in the within petition and to report to the Court their findings with respect to the damages suffered by the petitioner by reason of the appropriation, injury or destruction of certain property in the change of line and location of State Highway Route No. 222, taking into consideration any benefits which may have accrued to said property by said change of line and location. It is hereby directed that the above named Viewers in assessing the damages shall take into consideration the advantages derived from such road passing through the land of the complainant if any. Said Viewers are directed to make their report in writing to the Court of Quarter Sessions on or before the 1st Monday of September, 1954. The Viewers above appointed are hereby directed to give at least ten days' notice in writing to the Secretary of Highways and the petitioner of the day and hour on which they will view the premises within described and conduct their hearings under this appointment.

By the Court
McKerich, Judge

6-17-54:

Order To View issued to F.W. Claplin

9-22-54: Report of Viewers - Filed.

12-30-54: No exceptions filed. Report confirmed Absolute.

By the Court.

McKerich, P. J.

12-30-54: Send certified copy to Elly George M. Spence.

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court, we the undersigned Viewers, appointed by the above Court to view and inspect the land and premises owned by Dwight Von Lunen and E. Grace Von Lunen, his wife in the Township of Richland, County of Cambria, Pennsylvania and to determine and estimate the damages or benefits that have resulted or that may seem likely to result to the land and property of the petitioner and owner, by reason of the change in location and lines of Pennsylvania State Highway Route No. 222 in the Township of Richland, Cambria County, Pennsylvania bounded and described as follows:

Parcel No. 1.

All that certain piece or plot of ground situate, lying and being in the Township of Richland, County of Cambria and Commonwealth of Pennsylvania, bounded and described as follows: Beginning at a point on the westerly side of a fifty (50) foot highway, known as State Route No. 56, said point being at center of a forty (40) foot Township Road, being known as Traffic Route 163, Legislative Route 11004, and being known as Hostetter Road; thence by center line of said road south 72° 32' West a distance of 310.15 feet to a point on the center line of said road, being bound on the south by lands this day conveyed by separate Agreement for Sale by the herein grantors to the herein grantees; thence by lands of Cloyd Hostetter and Muriel Hostetter, husband and wife, North 19° 13' West a distance of 673.82 feet to a point at corner of lands of Cloyd Hostetter and Muriel Hostetter.

No. 2 In Re: Petition of St. Joseph's Roman Catholic Congregation, Johnstown, Pennsylvania, By Trustee For The Appointment of Viewers To Ascertain and Assess Damages. In The Matter Of The Change and Lines Of A Highway Known As State Highway Route No. 222, In The Borough of Geistown.

6-16-54: Petition of St. Joseph's Roman Catholic Congregation, By Trustee. Filed by Harkins & Wharton, Esq's.

Clerk of Courts #1350 NOV 5 1954 AUDITED

ORDER

Now, June 16, 1954, at 2 o'clock P.M., the foregoing petition having been read and presented to the Court, the Court does hereby appoint F. W. Claplin, Robert S. Mayer and William P. Kelley, Viewers, to view the property described in the within petition and to report to the Court their findings with respect to the damages suffered by the petitioner by reason of the appropriation, injury or destruction of certain property in the change of line and location of State Highway Route No. 222, taking into consideration any benefits which may have accrued to said property by said change line and location. It is hereby directed that the above named Viewers in assessing the damages shall take into consideration the advantages derived from such road passing through the land of the complainant, if any. Said Viewers are directed to make their report in writing to the Court of Quarter Sessions on or before the 1st Monday of September, 1954. The Viewers above appointed are hereby directed to give at least ten days notice in writing to the Secretary of Highways and the petitioner of the day and hour on which they will view the premises within described and conduct their hearing under this appointment.

By the Court
McKinnich, Judge.

6-17-54: Order To View Issued to F. W. Claplin
9-22-54: Report of Viewers - Filed

10-15-54: ORDER

And Now, this 15th day of October, 1954, it appearing to the Court that an appeal from the award of viewers in the above case has been filed on this date in the Court of Common Pleas of Cambria County, and proceedings will thereupon be in such Court, the Clerk of the Court of Quarter Sessions of Cambria County is hereby directed to certify to the Court of Common Pleas of Cambria County, Pennsylvania, a transcript of the proceedings in the above entitled case.

By the Court
McKinnich, P. J.

10-18-54: All papers in this case transferred to Court of Common Pleas.
Joseph C. Wess
Clerk of Courts

No. 3 In Re: Petition of Ralph Shaffer and Elsie W. Shaffer, Husband and Wife, For The Appointment of Viewers To Ascertain and Assess Damages. In The Matter of The Change In Location And Lines Of A Highway Known As State Highway Route No. 222, In The Borough of Geistown.
 Clark of Courts #135 NOV 5 1954 DATED

6-16-54: Petition of Ralph Shaffer and Elsie W. Shaffer, Filed By Herkins & Wharton, Esqs.

ORDER

And Now, to-wit, this 16th day of June, A.D., 1954 at 2 o'clock P.M., the foregoing petition having been read and presented to the Court, the Court does hereby appoint F. W. Claphin, Robert J. Mayer and William J. Kelly, Viewers, to view the property described in the within petition and to report to the Court their findings with respect to the damages suffered by the petitioner by reason of the appropriation, injury and destruction of certain property in the change of line and location of State Highway Route No. 222, taking into consideration any benefits which may have accrued to said property by said change in line and location. It is hereby directed that the above named Viewers, in assessing the damages shall take into consideration the advantages derived from such road passing through the land of the petitioner, if any. Said Viewers are directed to make their report in writing to the Court of Quarter Session on or before the first Monday of September, 1954. The Viewers above appointed are hereby directed to give at least ten days' notice in writing to the Secretary of Highways and the petitioner of the day and hour on which they will view the premises within described and conduct their hearing under this appointment.

By the Court
 McKeenich, Judge

6-17-54: Order To View Issued To F. W. Claphin

9-22-54: Report of Viewers - Filed

12-30-54: No exceptions filed. Report confirmed Absolute.

By the Court
 McKeenich, J.

12-30-54: Send certified copy to Atty. Gen. M. Spence

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court, we the undersigned Viewers, appointed by the above Court to view and inspect the land and premises owned by Ralph Shaffer and Elsie W. Shaffer, his wife, in the Township of Richland, County of Cambria, Pennsylvania and to determine and estimate the damage or benefits that have resulted or that may seem likely to result to the land and property of the petitioner and owner, by reason of the change in location and lines of Pennsylvania State Highway Route No. 222 in the Township of Richland, Cambria County, Penna. bounded and described as follows:

Parcel No. 1

Lot of land fronting 65 feet on the westerly side of the public highway leading from Johnstown to Kinders and formerly known as Scalp Level Pike and now known as State Highway Route No. 222 extending back between parallel lines a distance of 130 feet to the line of Lot No. 18 on the plan of lots hereinafter mentioned. Said lot is marked, known and designated as Lot No. 6 on the Plan of lots as laid out for Abram C. Weaver Estate by Tetterman Engineering Company under date of February 24, 1946.

Parcel No. 2

A lot of land fronting on the westerly side of the public highway leading from Johnstown to Kinders formerly known as Scalp Level Pike and now designated as State Highway Route No. 222, more particularly bounded and described as follows, to-wit:—

To
 PAGE
 356

No. 4 W.R.'s Petition of Inhabitants of Jackson Township in The Matter of Laying Out of A Public Highway in The Township of Jackson, County of Cambria And State of Pennsylvania, For Appointment of Viewers.

6-16-54: Petition of Inhabitants of Jackson Township - Filed.

Clerk of Courts #1352 NOV 35. ORDER

And Now, this 16th day of June, 1954, the within Petition having been read and considered, the Court appoints John L. Elder and Theodore Hund and Raymond Niebauer, Viewers, to view the road herein referred to and make report as required by law.

It is further Ordered and Directed that the Viewers find whether or not the said proposed road is necessary for public travel as approved by the Act of 1919, P. L. 609 and its amendments and supplements, subject to the approval of the Court of Quarter Sessions (36. P. S. 1921.)

By the Court
M^cKerrich, Judge.

6-17-54: Order To View Issued To John L. Elder.

8-30-54: Petition To Amend Petition For Appointment of Viewers - Filed
By Merlin B. Stephens, Esq.

ORDER

And Now, this 30th day of August, 1954, the within petition having been duly read and considered and it appearing to be for the best interest of the Petitioners as well as all parties concerned, it is hereby ordered and decreed that the original petition filed to No. 4 September Session 1954, in the above matter, be amended and it is hereby amended to read as follows:

"Beginning at a point at the junction of a Township road leading from The Village of Venice to Burkhardt Corner and a private road of Earl Adams and Jackson Township Fire Company as marked on the plan attached to the original Petition; thence from said Township road North 21° 10' West a distance of one hundred eighty-four (184) feet to a point; thence along land of Earl Adams, Charles Thomas and Lots No's 1, 2 and 3 on the Cyrus Davis Plan of Lots; Davis Street, Lot No's 38 and 46, North 24° 36' East a distance of nine hundred one (901) feet to a point; thence continuing along land of Charles Thomas and Roy Varner and Lot No's 46 and 47 on the said plan, North 26° 32' East a distance of two hundred ninety-five (295) feet to a point; thence continuing along land of Roy Varner and Clifford Allison North 25° 20' East a distance of five hundred eighty-nine (589) feet to a point; thence continuing along land of Lewis Dillen, et al, North 23° 04' East a distance of forty-seven (47) feet to a point and the end of the proposed township highway. Being a total length of two thousand sixteen (2,016) feet."

Instead of the description of the road as set forth in the original Petition thereby reducing the entire length of the road from eight thousand three hundred thirty-nine and ninety-five hundredths (8,339.95) feet to a total distance of two thousand sixteen (2,016) feet as requested in the within Petition.

By the Court
Luffelt, J.

9-10-54: Report of Viewers - Filed

10-6-54 Viewers Reports Approved by the Court M^cKerrich

5 In Re: Petition For The Appointment Of Viewers To Assess Damages To The Land Of Harry F. Campbell and Cecelia R. Campbell, In The Flood Control Project In Barnesboro Borough, Cambria County, Pennsylvania

7-10-54: Petition of Harry F. Campbell and Cecelia R. Campbell - Filed by Smuts & Peany, Esq's.

Clerk of Courts #135 NOV 5 1954 AUDITEE

ORDER

And Now, this 19th day of July, 1954, after due consideration of the within Petition, William R. Kelly, Raymond Niebauer and Theodore Hund are hereby appointed Viewers to assess and ascertain damages done to the property of the Petitioners herein and to make report thereof to the Court in accordance with the Acts of Assembly in such cases made and provided.

By the Court
McKinnich, Judge.

ORDER

Now, July 22, 1954, William R. Kelly is relieved from service on said Board and John L. Elder substituted as a Viewer.

By the Court
McKinnich, J.

July 22, 1954: Order To View Issued to John Elder

September 10, 1954: Report of Viewers - Filed.

Notice of Intent To File Appeal - Filed 10-1-54

Now, comes the petitioners above by their Attorneys, Smuts and Peany, giving notice that they intend to file an Appeal from the Award of the Board of Viewers and that a Petition for Appeal from the Award of the Viewers has been filed in the Court of Common Pleas, entered to No. 269 December Term, 1954, and that said Petition for Appeal contains the petitioners affidavit that the Appeal is filed in good faith and not for the purpose of delay.

Smuts & Peany
By Freeman McKinnich
Attorneys for Petitioners

October 1, 1954: Copy of Petition For Appeal From Award of Viewers - Filed

I, certify the following to be a true and correct copy of the Petition for Appeal from the Award of Viewers - filed in Common Pleas Court, No. 269 Dec. Term 1954.

Freeman McKinnich
Atty. for Petitioners.

6 In Re: Acceptance Of Lyter Drive, Entrance Drive And An Unnamed Alley In The Township of Lower Yoder, Cambria County, Pennsylvania.

7-23-54: Petition of Board of Supervisors of Lower Yoder Township Filed.

Clerk of Courts #750 NOV 5 1954 AUDITED 7-23-54: Resolution - Filed.

ORDER

Now, the 22nd day of July, 1954, the within petition having been read and considered, the Court hereby gives its consent to the Supervisors of the Township of Lower Yoder in accepting Lyter Drive, Entrance Drive, and an unnamed alley, which are described as follows:

- (1) Lyter Drive - Beginning at Willett Drive on the Southwest and extending Northeastly to Theater Drive, a distance of 878.61 feet on the Northernly side and 812.04 feet on the Southernly side, being a ninety (90) foot wide street.
- (2) Entrance Drive - Beginning on the Northwardly side of Tucker Street and following a course North 62°49'30" West a distance of 200 feet to Lyter Drive, being a seventy (70) foot wide street.
- (3) An Unnamed Alley - Beginning on the Northwardly side of Lyter Drive and thence running a course North 62°49'30" West, a distance of 180 feet to Meina Drive, being a twenty (20) foot wide alley.

It Is Ordered And Directed that the said Lyter Drive, Entrance Drive, and the unnamed alley as above described forthwith be and become a part of the highway system of the Township of Lower Yoder, and be it further Ordered And Directed that these proceedings be recorded in the Office of the Clerk of Courts of Quarter Sessions of Cambria County, Penna., and if no exceptions are filed to this report within thirty days, then the said streets and alley shall be and become a part of the highway system of the Township of Lower Yoder.

By the Court: McKenich, Judge.

ORDER OF COURT

Now, September 8, 1954, no exceptions having been filed, Order of July 22, 1954. is final.

By the Court McKenich, Judge.



Recd. \$750 Aug 2, 1954 J.C.K. SEP 7 1954

7 In Re: Acceptance of Judith Drive and Willett Drive in the Township of Lower Yoder, Cambria County, Pennsylvania.

8-2-1954. Petition of Board of Supervisors of the Township of Lower Yoder.
Filed.

Clerk of Courts #750 NOV 5 1954 AUDITED
8-2-1954. Petition filed

ORDER

Now the 2nd day of August, 1954, at 11:30 A.M. ^{E.D.T.} the within petition having been read and considered, the Court hereby gives its consent to the Supervisors of the Township of Lower Yoder in accepting Judith Drive and Willett Drive, which are described as follows:

- (1) Judith Drive - From Branges Drive to Willett Drive a distance of 1017 feet.
- (2) Willett Drive - From Judith Drive to Cinema Drive a distance of 702 feet.

It is ordered and directed that the said Judith Drive and Willett Drive as above described forthwith be and become a part of the highway system of the Township of Lower Yoder 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 highway system of the Township of Lower Yoder.

By the Court:
Griffith, J.

ORDER OF COURT

Now, September 8, 1954, no exceptions having been filed, the Order of August 2, 1954 is made final.

By the Court
McLennan, Judge

SEP 1954 AUDIT

Recd #750 Aug 6, 1954 J.W.

8 In Re: Acceptance of Palmer Avenue and Busby Street in the Township of Lower Yoder, Cambria County, Pennsylvania. : 8-2-1954. Petition of Board of Supervisors of the Township of Lower Yoder.

Filed.

Clerk of Court: \$7.50 NOV 5 1954 ADITTY.
8-2-1954 Petition Filed

ORDER

Now, the 2nd day of August, 1954, at 11:30 A.M. E.S.T., the within petition having been read and considered, the Court hereby gives its consent to the Supervisors of the Township of Lower Yoder in accepting Palmer Avenue and Busby Street, which are described as follows:

- (1) Palmer Avenue (formerly Paul Street) - Which is now only 298 feet in length extending from the Tremont Road to a dead end, and which is a forty foot wide street.
- (2) Busby Street - From the said Palmer Avenue to Sauer Avenue, a distance of 280 feet, which is likewise a forty foot wide street.

It is Ordered and Directed that the said Palmer Avenue and Busby Street as above described forthwith be and become a part of the highway system of the Township of Lower Yoder, 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 street and avenue shall become a part of the highway system of the Township of Lower Yoder.

By the Court:
Duffith, Jr.

ORDER OF COURT

Now, September 8, 1954, no exceptions having been filed the Order of August 2, 1954, is made final.

By the Court
M. Kennick, Judge

Rec'd # 750 Aug 6, 1954 J.C.K.

9 In Re: Laying-out, opening and accepting portions of a proposed road in Croyle Township, Cambria County, Pennsylvania, between the properties of Ira Bouchroux and E. L. Bouchroux: 8-3-1954. Report of the Supervisors of Croyle Township
Filed: Aug. 3, 1954

Clerk of Courts: 135

NOV 5 1954 AUDITEL

Report of the Supervisors of Croyle Township
The petition of Joseph Harber, Forest Croyle and Oliver W. Plummer - Filed.

Resolutions

Whereas the abutting property owners have petitioned the Board of Supervisors of Croyle Township to open and lay-out the hereinafter described road; and

Whereas, the petitioners have signed a release of damages; and

Whereas, it is the desire of the Supervisors of the Township of Croyle to lay-out open and accept the said portions of roads hereinafter described as part of the public highway system of the said Township of Croyle; and

Whereas, the Supervisors have given a ten days notice to the property owners affected thereby of the time and place where and when all parties interested may meet and be heard and after hearing and consideration of the matter at such meeting, the Board of Supervisors unanimously decided in favor of exercising the power so conferred on them to lay-out, open and accept the said portions of roads;

Now Therefore, Be It Resolved, that the following described road be laid-out, opened and accepted by the Supervisors of the Township of Croyle as a part of the highway system of the said Township after making written report thereof, together with a draft of survey of said portions of roads to be presented and filed in the office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, such portion of road being described as follows:

Beginning on Route No. 11023 which is known as the Summerhill Road which point is 3700 feet West of Route 11021, and between the property of Ira Bouchroux, thence North 29° 13' East 182.5 feet to a point, thence North 20° 50' East 269 feet to a point, thence North 18° 15' East 608 feet to a point, thence North 4° 15' West 200 feet to a point at the property of E. L. Bouchroux, said road to be a thirty foot wide road.

And be it further resolved, that in accordance with the provisions of the Act of Assembly in such case made and provided, any citizen or freeholder of the Township may within thirty days after the filing of the report of the Supervisors file exceptions to the report, together with a petition for a review.

Attest:

Michael Kischlock
Secy:

Township of Croyle
By Joseph Harber, President.

(Transferred to Page 287)

Petition and Release of Damages "Exhibit C"

We, the undersigned, citizens and property owners in the Township of Crayle, Cambria County, Pennsylvania, respectfully petition the Honorable Board of Supervisors of the said Township to lay-out open and accept the following described road which abuts along side of our respective properties:

Beginning on Route No. 11023 which is known as the Summerhill Road, which point is 3,700 feet West of Route No. 11021, and between the property of Ira Baughnour, thence North $29^{\circ}13'$ East 182.5 feet to a point, thence North $20^{\circ}50'$ East 269 feet to a point, thence North $18^{\circ}15'$ East 608 feet to a point, thence North $4^{\circ}15'$ West 200 feet to a point at the property of E. L. Baughnour, said road to be a thirty foot wide road.

In consideration of the opening of the said road we, the undersigned, do hereby release and discharge the Township of Crayle of and from all and all manner of actions or causes of actions in law or in equity, especially from a claim for damages arising out of the laying out, opening and accepting of the above described road, and we release the Township for ourselves, our heirs, executors, administrators, successors and assigns, and we further hereby waive our right to receive a ten days notice of the intention of the Supervisors to adopt a resolution for the purpose of laying-out, opening and accepting the above road.

Walter Bittel

Jane Baten

Edmond Baughnour

Anna B. -

Whitmer S. Dresch

Virginia Dresch

Ira Baughnour

Viola Baughnour

William H. Bailey

Elizabeth Bailey

In the Court of Quarter Sessions of Cambria County, Pennsylvania.
 In Re: Laying-out, opening and accepting portions of a proposed road in Crayle Township, Cambria County, Pennsylvania, between the properties of Ira Baughnour and E. L. Baughnour

No. 9 Sept. Session 1954

DECREE

Now, the 3rd day of Aug. 1954, upon consideration of the foregoing petition, Joseph C. Mear, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within report and the exhibits attached hereto.

By the Court:
 W. C. Keneck, J.

(Transferred to Page 288)

Transferred from Page 287

In the Court of Quarter Sessions of Cambria County, Pennsylvania
 In Re: Laying-out, opening and
 accepting portions of a proposed
 road in Croyle Township, Cambria
 County, Pennsylvania, between the
 properties of Ira Bouchnow and
 E. L. Bouchnow

No. 9. Sept. Session

Judicial Decision

Now, the 8th day of September 1954, it appearing that the said petition having been filed on the 3rd day of August, 1954, and that no citizen or freeholder of the Township did within thirty days from the filing of this report of the Supervisor file exceptions to the report or a petition for a review, It is Ordered and Directed that the said portions of a proposed road in Croyle Township, Cambria County, Pennsylvania, between the properties of Ira Bouchnow and E. L. Bouchnow, described as follows:

Beginning on Route No. 11023 which is known as the Sunnyside Hill Road, which point is 3,700 feet West of Route No. 11021, and between the property of Ira Bouchnow; thence North $29^{\circ}13'$ East 182.5 feet to a point, thence North $20^{\circ}50'$ East 269 feet to a point; thence North $18^{\circ}15'$ East 608 feet to a point; thence North $4^{\circ}15'$ West 200 feet to a point on the property of E. L. Bouchnow, said road to be thirty feet wide road, be and 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 Croyle.

By the Court
 M. Kennick, Judge.

No. 10

In the Court of Quarter Sessions of Cambria County, Pennsylvania
In Re: Laying-out, opening and accepting a public road in the township of Clearfield, County of Cambria and State of Pennsylvania

Report of the Supervisor of Clearfield Township

Dated 8-12-1954.

Blue print filed 8-12-1954.

Ordinance

Whereas, Kenneth L. Grove, T. R. Kray, Charles E. Kray, Marie E. Grove and Cathryn Kray, have petitioned the Supervisor of Clearfield Township to open, lay-out and accept the hereinafter described road.

Whereas, said petitioners have signed a release of damages and a waiver of all rights to any notice of the time and place of hearing in the matter of obtaining, opening and accepting said road, and

Whereas, the Supervisor of Clearfield Township are of the opinion that the opening, laying-out and accepting of said road is necessary for the public convenience, and

Whereas, it is the intention of the Township Supervisor to hereby open, lay-out and accept the hereinafter described road in accordance with the laws of the Commonwealth of Pennsylvania applicable thereto, more particularly the Act of 1933, May 1, P.L. 103, as amended.

Now Therefore, it is hereby enacted and ordained by the Supervisor of Clearfield Township, Cambria County, Pennsylvania that:

Section 1: Be it ordained by the Supervisor of Clearfield Township, and it is hereby ordained by the authority of the same, that from and after the passage of this Ordinance that the following public road lying wholly within the Township of Clearfield, County of Cambria, State of Pennsylvania, more particularly described as follows:

Beginning at a point on the Township Road leading from Ashville to Depot near the Meyer School House, thence through the property of T. R. Kray South 87° East 171 feet to a point, thence again through the property of T. R. Kray South 77° 15' East 101.9 feet to a point, thence again through the property of T. R. Kray and the property of Kenneth Grove North 46° 45' East 414 feet, thence through the property of Kenneth Grove the following two courses and distances, North 60° East 600 feet to a point, North 49° East 436 feet to the terminal point. Being 33 feet in width and approximately 2640 feet in length as shown on the survey of John L. Elder, Registered Engineer, dated the 24th day of July 1954.

be opened, laid-out and accepted as a public road of the Township of Clearfield, Cambria County, Pennsylvania.

Section 2. That the Secretary of the Board of Supervisors of Clearfield Township, shall give public notice of the passage of the within Ordinance by posting handbills in conspicuous places along the line of said road within ten (10) days after the passage of said Ordinance. Said notice shall contain the date of the passage of the Ordinance, the signers of the petition asking for said passage of the Ordinance, and the fact that the petition contained a release of damages in favor of the said Township of Clearfield and that any person interested may, within thirty (30) days after the filing of the report

Check #9.50 #4.00

RECEIVED NOV 10-19-1954

○

○

○

Cont. from Page 289

No. 10.

of the supervisors, upon entering in Court sufficient surety to indemnify them for all costs incurred in the proceedings, file exceptions to the report together with a petition for a review.

Section 3: Any Ordinance or Resolution, or part of any Ordinance or Resolution, conflicting with this Ordinance is hereby repealed insofar as the same affects this Ordinance.

Enacted and Ordained this 6th day of August A. D., 1954.

Township of Clearfield

By M. A. McKelty

President

Attest:

J. J. Sheehan
Secretary

I, Jerome J. Sheehan, Secretary of the Township of Clearfield, hereby certify that the foregoing Ordinance was enacted and approved at a regular meeting of the supervisors of Clearfield Township, Cambria County, Pennsylvania and that the same is entered in the minutes and records of said Township.

J. J. Sheehan
Secretary

ORDER

Now, the 12th day of August, 1954, upon consideration of the foregoing report, Joseph C. New, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby ordered and directed to file the within report and the Exhibits attached thereto.

By the Court:
McKensick, J.

DECREE

Now, the 14th day of September, 1954, it appearing that the said report having been filed on the 12th day of August, 1954, and that no citizen or freeholder of Clearfield Township did, within thirty (30) days from the filing of said report of the Supervisors, file exceptions after entering in the Court sufficient surety to indemnify said Supervisors for all costs incurred in the proceedings together with a petition for a review, It is Ordered and Directed that the following public road lying wholly within the Township of Clearfield, County of Cambria, State of Pennsylvania, more particularly described as follows: Beginning at a point on the Township Road leading from Ashville to Dycus near the Meyer School House; thence through the property of T. R. Krug, South 87° East 171 feet to a point; thence again through the property of T. R. Krug, South 77° 15' East 1019 feet to a point; thence again through the property of T. R. Krug and the property of Kenneth Drove, North 46° 45' East 414 feet; thence through the property of Kenneth Drove the following two courses and distances, North 60° East 600 feet to a point, North 49° East 726 feet to the terminal point. Being 33 feet in width and approximately 2640 feet in length as shown on the survey of John L. Elder, Registered Engineer, dated the 24th day of July, 1954.

be opened, laid out and accepted as a public road in the Township of Clearfield, Cambria County, Pennsylvania.

By the Court
McKensick, P. J.

No. 11

In Re: Report of Supervisors of the Township of Susquehanna, Laying Out, Opening and Adopting Certain Private Roads Wholly Within the Township as Public Roads or Highways.

8-18-54: Report of Supervisor of The Township of Susquehanna Filed.

Clerk of Courts: \$ 9.50 NOV 5 1954 AUDITED

Recd. \$ 9.50 Aug 20, 54 JWC 1954 AUDITED

To the Clerk of Courts for the County of Cambria, Pennsylvania
The Supervisors of the Township of Susquehanna, Cambria County Pennsylvania make the following report, together with a draft or survey of the roads to be laid out and adopted as public highways with the width thereof and noting the improvements along the lines thereof and the names of the owners of property abutting on said roads or highways, filed in duplicate in accordance with the Acts of Assembly in such case made and provided.

1. That on the 26th day of July, 1954, a majority in interest of the owners of properties abutting upon the hereinafter described private roads, executed and delivered a petition to the Supervisors of the Township of Susquehanna, wherein they requested that suitable public highways be ordained, surveyed, opened, laid out and adopted in front of their properties now abutting on the hereinafter described private roads.

2. In said petition, the petitioners released the Township of Susquehanna from any and all claims for damages to their properties by the laying out, opening and adopting of said public highway or by the use of any part of their premises for highway purposes.

3. Whereupon, the Supervisors gave ten days' written notice to the property owners affected thereby of the time and place when and where all parties interested may meet and be heard. The hearing was fixed for August 9, 1954, at 7:30 P.M. at the Supervisor's Office in the Township Building at Alport. At the appointed hour, the Supervisors met with the petitioners present at the meeting, and after discussing the necessity for the public highways described in the petition and no objections being offered to the same, it was verbally agreed that the Supervisors would take the necessary action to lay out, open and adopt the private roads in question as public roads or highways.

4. The Supervisors of the Township of Susquehanna, therefore, report that they have unanimously decided to lay out, open and adopt the private roads appearing on the draft or survey hereto attached, tinted in green, which lie wholly within the Township of Susquehanna, to a width of twenty feet, which width the Supervisors have determined will be sufficient for public use and travel, and upon said draft or survey the Supervisors have caused to be noted the improvements along the lines of said public roads or highways and the names of the owners of the properties which abut on said highways. This report and blue print have been filed in duplicate, with the Clerk of Courts for the County of Cambria in accordance with the Acts of Assembly of the Commonwealth of Pennsylvania in such case made and provided.

(over)

Continued from Page 291

No. 11

5. After the filing of this report and draft or survey with the Clerk of Courts for the County of Cambria in duplicate, the Supervisor of the Township of Susquehanna will enact the necessary ordinance, laying out, opening and adopting the said private roads as public roads or highways and the public roads or highways as laid out, opened and adopted are described as follows:

1. Beginning at a post on the public highway known and numbered as No. T-553 at a post South 87 degrees 24 minutes East 585 feet from the end of North Fifth Street in the Borough of Spangler at the line separating the Borough of Spangler and Susquehanna Township; thence by the middle line of said road, now known as McChlain Street, the following courses and distances, South 40 degrees 10 minutes East 88 feet to post; thence South 65 degrees 50 minutes East 122 feet to post; and thence South 85 degrees 56 minutes East 437 feet to post; thence by the middle line of said road, now known as Prouse Street, North 3 degrees 40 minutes East 420 feet to post at the Southern line of public highway No. T-553.

2. Beginning at a post on the Southern side of public highway No. T-553 at the middle of the private road now known as Ann Street; thence by the middle line of Ann Street, the following courses and distances, North 86 degrees 20 minutes West 393 feet to post; thence 87 degrees 40 minutes East 286 feet to post thence South 87 degrees 45 minutes East 242 feet to post and North 17 degrees 22 minutes East 260 feet to the Southern line of public highway No. T-553.

3. Beginning at a post in the center of the intersection of Ann Street and Thomas Street; thence by the middle line of Thomas Street North 6 degrees 28 minutes East 250 feet to the Southern line of public highway No. T-553.

In Witness Whereof, the Supervisors of the Township of Susquehanna, have signed and executed this report, in duplicate this 17th day of August, A.D., 1954.

Stanley Zansel, Supervisor
Mike Byrne, "
Alvin Byrne, "

No. 12

In Re: Report of Supervisors of the Township of Susquehanna, Laying out, opening and adopting a certain private road wholly within the Township of Susquehanna as a Public Road or Highway

8-18-1954 Report of Supervisors of the Township of Susquehanna

Filed

Clerk of Courts: # 951005 1954 A.D. Recd. & 9.50 Aug. 30, 54 J.W.

To the Clerk of Courts for the County of Cambria, Pennsylvania.

The Supervisors of the Township of Susquehanna, Cambria County, Pennsylvania, make the following report, together with a draft or survey of the road to be laid out and adopted as a public highway with the width thereof, and noting the improvements along the line thereof and the names of the owners of property abutting on said road or highway, filed in duplicate, in accordance with the Acts of Assembly in such case made and provided.

1. That on the 26th day of July, 1954, a majority in interest of the owners of properties abutting upon the hereinafter described private road executed and delivered a petition to the Supervisor of the Township of Susquehanna, wherein they requested that a suitable public highway be obtained, surveyed, opened, laid out and adopted, in front of their properties now abutting on the hereinafter described private road.

2. In said petition the petitioners released the Township of Susquehanna from any and all claims for damages to their properties by the laying out, opening and adopting of said public highway or by the use of any part of their premises for highway purposes.

3. Whereupon, the Supervisor gave ten days' written notice to the property owners affected thereby, of the time and place when and where all parties interested may meet and be heard. The hearing was fixed for August 9, 1954 at 7:30 P.M. at the Supervisor's office in the Township Building at Allport. At the appointed hour, the Supervisor met with the petitioners present at the meeting, and after discussing the necessity for the public highway described in the petition, and no objections being offered to the same, it was verbally agreed that the Supervisor would take the necessary action to lay out, open and adopt the private road in question as a public road or highway.

4. The Supervisors of the Township of Susquehanna, therefore, report that they have unanimously decided to lay out, open and adopt the private road appearing on the draft or survey hereto attached, tented in green which lies wholly within the Township of Susquehanna, to a width of twenty feet which with the Supervisor have determined will be sufficient for public use and travel, and upon said draft or survey the Supervisor have caused to be noted the improvements along the line of said public road or highway and the names of the owners of the properties which abut on said highway. This report and draft or survey have been filed in duplicate with the Clerk of Courts for the County of Cambria in accordance with the Acts of Assembly of the Commonwealth of Pennsylvania in such case made and provided.

(over)

Sept.

SESSIONS, 1954

Continued from Page 293

No. 12

5. After the filing of this report and draft of survey with the Clerk of Courts for the County of Cambria, in duplicate, the supervisors of the Township of Suezehanna will enact the necessary ordinance laying out, opening and adopting the said private road as a public road or highway and the public road or highway as layed out, opened and adopted is described as follows:

Beginning at the center line of a private road on the eastern line of First Street in the Village of Byrnesville; thence along the center line of said private road, the following courses and distances, South 82 degrees 52 minutes East 140 feet to post; thence South 66 degrees 07 minutes East 294.5 feet to post; thence South 15 degrees 55 minutes East 853.5 feet to post; and thence South 4 degrees 12 minutes West 462 feet to post.

In Witness Whereof, the Supervisors of the Township of Suezehanna have signed and executed this report, in duplicate, this 17th day of August, A. D., 1954.

Stanley Zentrow, Supervisor
 Michel Byrnes "
 Alvin Byrnes "

In Re: Laying Out, Opening and Adopting Certain Private Roads in the Village of Allport, Wholly in The Township of Susquehanna, As Public Roads or Highways.

Report in Duplicate of The Supervisors of Susquehanna Township, Cambria County, Pa.

Filed - 9-16-54

Clerk of Courts \$9.50 JAN 3 - 1955 AUDITED 9-16-54 Recd. \$9.50 JWS.

REPORT

To the Clerk of Courts for the County of Cambria, Pennsylvania.

The Supervisors of the Township of Susquehanna, Cambria County, Pennsylvania, make the following report, together with a draft or survey of the roads to be laid out and adopted as public highways, with the width thereof and noting the improvements along the line thereof and the names of the owners of property abutting on said roads or highways, filed in duplicate in accordance with the Acts of Assembly in such case made and provided.

1. That on the 17th day of August, 1954 a majority in interest of the owners of property abutting upon the hereinafter described private roads, executed and delivered a petition to the Supervisors of the Township of Susquehanna, wherein they requested that suitable public highway be ordained, surveyed, opened, laid out and adopted in front of their properties now abutting on the hereinafter described private roads.

2. In said petition, the petitioners released the Township of Susquehanna from any and all claims for damages to their properties by the laying out, opening and adopting of said public highway or by the use of any part of their premises for highway purposes.

3. Whereupon, the Supervisors gave ten days' written notice to the property owners affected thereby, of the time and place when and where all parties interested may meet and be heard. The hearing was fixed for September 30, 1954 at 7:30 P.M. at the Supervisor's Office in the Township Building at Allport. At the appointed hour, the Supervisors met with the petitioners present at the meeting, and after discussing the necessity for the public highways described in the petition and no objections being offered to the same, it was verbally agreed that the Supervisors would take the necessary action to lay out, open and adopt the private roads in question, as public roads or highways.

4. The Supervisors of the Township of Susquehanna therefore, report that they have unanimously decided to lay out, open and adopt the private roads appearing on the draft or survey hereto attached, tinted in green, which lie wholly within the Township of Susquehanna to a width of twenty feet, which with the Supervisors have determined will be sufficient for public use and travel, and upon said draft or survey the Supervisors have caused to be noted the improvements along the line of said public roads or highways and the names of the owners of the properties which abut on said highway. This report and blue print have been filed in duplicate, with

(over)

December

SESSIONS, 1954

Continued from Page 295

No. 1.

the Clerk of Courts for the County of Cambria in accordance with the Acts of Assembly of the Commonwealth of Pennsylvania in such case made and provided.

5. After the filing of their report and draft or survey with the Clerk of Courts for the County of Cambria in duplicate, the Supervisors of the Township of Susquehanna will enact the necessary ordinance, laying out, opening and adopting the said private roads as public roads or highways, and the public roads or highways as laid out, opened and adopted, as described as follows:

1. The place of beginning is in the center line of public highway number 554 leading to Spangler at a point 1325 feet from public highway number 11049 from Bannockburn to Hastings, thence North 56 degrees 46 minutes West 644 feet.

2. The place of beginning is in the center line of public highway number 504 leading to Spangler at a point South 22 degrees 30 minutes West 508 feet from the southern right of way line of public highway number 11049 leading from Bannockburn to Hastings, thence South 57 degrees 47 minutes East 1001.50 feet.

In Witness Whereof, the Supervisors of the Township of Susquehanna, have signed and executed their report, in duplicate, this 16th day of September, A. D., 1954.

Stanley Zensser Supervisor
 Mel Byrnes Supervisor
 Alvin Byrnes "

— ORDER —

And Now, December 30th 1954 - No exceptions filed: Report Confirmed Absolute
 By The Court
 McKenick, P.J.

No. 2 IN RE: Laying-out, opening and accepting: Report of the Supervisors of a portion of a road between the properties of Mary Diffick Estate and Andrew Diffick in the Township of Croyle, Cambria County, Pennsylvania. Croyle Township. Filed 9-20-1954.

Clerk of Courts: # 15-5 JAN 3 - 1955 AUDIT
 Recd # 15.50 Jan 11, 1955 Jkt. FEB - 1955 ALG. # 15

Resolution

Whereas, the abutting property owners have petitioned the Board of Supervisors of Croyle Township to open and lay-out the hereinafter described portion of road; and
 Whereas, the petitioners have signed a release of damages; and
 Whereas, it is the desire of the Supervisors of the Township of Croyle to lay-out, open and accept the said portion of road as a part of the public highway system of the said Township of Croyle; and
 Whereas, the Supervisors have given a ten days notice to the property owners affected thereby of the time and place where and when all parties interested may meet and be heard and after hearing and consideration of the matter at such meeting, the Board of Supervisors unanimously decided in favor of exercising the power so conferred to them to lay-out, open and accept the said portion of road;

Now, therefore, be it resolved that the following described portion of road be laid-out, opened and accepted by the Supervisors of the Township of Croyle as part of the highway system of the said Township after making written report thereof together with a draft or survey of said portion of road to be presented and filed in the Office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, such portion of road being described as follows:

Beginning at a point on the North side of Mountain Avenue between the property of Mary Diffick Estate and Andrew Diffick, thence North 14° 10' West 307 feet to a point, being a forty foot wide road.

And Be It Further Resolved that in accordance with the provisions of the Act of Assembly in such case made and provided, any citizen or freeholder of the Township may within thirty days after the filing of the report of the Supervisors file exceptions to the report, together with a petition for a review.

Attest: Michael Kirklock,
 Secy.

Township of Croyle
 By Joseph Huber, Pres.

Petition and Release of Damages.

We, the undersigned, citizens and property owners in the Township of Croyle, Cambria County, Pennsylvania, respectfully petition the Honorable Board of Supervisors of the said Township to lay-out, open and accept the following described road, which abuts along side of our respective properties:
 Beginning at a point on the North side of Mountain Avenue between the property of Mary Diffick Estate and Andrew Diffick, thence North 14° 10' West 307 feet to a point, this being a forty foot wide road.
 (over)

No. 2

In Consideration of the opening of the said road we, the undersigned, do hereby release, release and discharge the Township of Coyle of and from all and all manner of actions or causes of actions in law or in equity, especially from a claim for damages arising out of the laying out, opening and accepting of the above described road, and we release the Township for ourselves, our heirs, executors, administrators, successors and assigns, and we further hereby waive our right to receive a ten days notice of the intention of the Supervisor to adopt a resolution for the purpose of laying out, opening and accepting the above road.

John Otkow (Seal)
Andrew T. Fiffick (Seal)
Mary Fiffick Est. (Seal)
Anna E. Fiffick (Seal)
Michael Andesko (Seal)

Clemfield Bituminous Coal Corp. (Seal)
By T. J. McCarthy, Vice Pres. & Secy. Mgr.
Penn. Coal & Coke Corp. (Seal)
By Sam Tully, Vice Pres.

DECREE

Now, the 20th day of Sept. 1954, upon consideration of the foregoing petition, Joseph C. Wick, Clerk of Courts of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within report and the exhibits attached hereto.

By the Court:
McKernick, P. J.

11-23-1954 Final Decree filed, Approved by McKernick P. J.

FINAL DECREE

Now, the 23rd day of November, 1954, it appearing that the said Petition having been filed on the 20th day of September, 1954, and that no citizen or freeholder of the Township did within thirty days from the filing of this report of the Supervisor file exceptions to the report or a petition for a review, It is Ordered And Directed that the said portion of a road between the properties of Mary Fiffick Estate and Andrew Fiffick in the Township of Coyle, Cambria County, Pennsylvania, described as follows: Beginning at a point on the North side of Mountain Avenue between the property of Mary Fiffick Estate and Andrew Fiffick; thence North 14° 10' West 307 feet to a point; this being a forty foot wide road, be and 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 Coyle.

By the Court:
McKernick, P. J.

No. 3 In Re: The Laying Out and Opening of South Clearfield St., In Upper Yoder Township, Cambria County, Pennsylvania.

October 11, 1954: Report of the Supervisors of Upper Yoder Township.

Clerk of Courts #12.50 JAN 8 - 1955 AUDITED

Filed:

Recd \$12.50: Jan. 6, 1955 JCN. REPORT

To The Honorable Judges Of the C.S.D. of Quarter Sessions of Cambria County, Pennsylvania:

The Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, having given ten (10) days notice to the property owners affected, of which a copy is hereto attached, made part hereof and marked "Exhibit A", met at the Judges' Chambers in the United States National Bank Building, in the City of Johnstown, on the 7th day of October, at 1:30 o'clock, P.M.

At this hearing, the matter was considered and the Supervisors decided in favor of exercising the power so conferred, to lay out and open South Clearfield Street.

A draft or survey of the road, fixing the width thereof and noting the improvements along the line thereof and the names of owners of property through which the same shall pass or whereon it shall abut, is hereto attached.

Respectfully Submitted
Blair Hunt
Curt Bamhart
D. H. Weimer

Supervisor of Upper Yoder Township
Cambria County, Pennsylvania

— ORDER —

And Now, 3rd December 1954, no exceptions having been filed, the within report is confirmed absolutely.

By The Court
Griffith, J.

December SESSIONS, 1954

No. 4 In Re: The Laying Out and Opening of } October 11, 1954: Report of the
 South Girard St., Upper Yoder } Supervision of Upper Yoder
 Township, Cambria County, Pennsylvania. } Township.

Clerk of Courts # 12.50 JAN 3 - 1955 AUDITED
 Recd # 12.50 Jan 6, 1955 J.H.T.

Filed

REPORT
 To The Honorable Judges of the Court of Quarter Sessions of
 Cambria County, Pennsylvania.

The Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, having given ten (10) days' notice to the property owners affected, of which a copy is hereto attached, made good hereof and marked "Exhibit A", met at the Judges Chamber in the United States National Bank Building, in the City of Johnstown, on the 7th day of October, at 1:30 o'clock, P.M.

At this hearing, the matter was considered and the Supervisors decided in favor of exercising the power so conferred, to lay out and open South Girard Street.

A draft or survey of the road fixing the width thereof and noting the improvements along the line thereof and the names of owners of property through which the same shall pass or whereon it shall abut, is hereto attached.

Respectfully Submitted,

Blair Hund

Curt Bamhart

D. H. Werner

Supervisors of Upper Yoder Township
 Cambria County, Pennsylvania.

And Now, 3rd December 1954, no exceptions having been filed, the within report is confirmed absolutely.

By The Court
 Griffith J.

No. 5 In Re: Adopting Sections or Pieces of Roads or Streets, which had previously been opened and laid out by Resolution within the Township of East Taylor Twp., Cambria County, Pennsylvania

Ordinance No. 2 - Filed 10/18/54
By The Board of Road Supervisors of East Taylor Township.

Clerk of Courts: # 24.50 JAN 3 - 1955 AUDITED

Rec. # 2451 VOL 102 129-54

An Ordinance

An Ordinance formally adopting sections or pieces of roads or streets, and parts thereof, which are wholly within the Township of East Taylor, which have previously been opened and laid out by Resolution of the Board of Road Supervisors under the provisions of Section 1147 of the Act of July 18, 1935, P. L. 1299, and under the provisions of the Act of July 10, 1947, P. L. 1481, and which said sections or pieces of road or streets, after having been taken over by Resolution of the Board of Road Supervisors of the Township of East Taylor, have not been added to the Township Road Maps of East Taylor Township, Cambria County, Pennsylvania; directing the publication of notice of enacting of said Ordinance; directing that the sections or pieces of roads or streets be added to the Township Road Map of East Taylor Township, Cambria County, Pennsylvania

Be it enacted and ordained by the Board of Supervisors of the Township of East Taylor, Cambria County and State of Pennsylvania, and it is hereby enacted and ordained by the authority of the same;

Section 1. That the following section of road or street located in the View Point section of East Taylor Township is hereby formally accepted as a public highway: Beginning at the intersection of the road leading from Johnstown to Ebensburg, Pennsylvania State Highway Route 219, and an unnamed street on the Plan of View Point, hereinafter mentioned; thence along the line of the said unnamed street, North $1^{\circ}42'$ East, a distance of approximately 140 feet to Vineyard Street; thence along the line of Vineyard Street, North $74^{\circ}53'$ West, a distance of 481.1 feet; thence still along the line of Vineyard Street, South $74^{\circ}23'$ East, a distance of 329.74 feet to the intersection of Kuntz Avenue. As shown on the Plan of View Point, as laid out for F. W. Otto on March —, 1911, by C. P. Collins, C. E. Having a width of thirty (30) feet.

Section 2. That the following section of road or street located in the Eastmont section of East Taylor Township is hereby formally accepted as a public highway: Beginning at the intersection of the Township Road extending along the easterly side of Kradnick's Cemetery (Union Cemetery Association) otherwise designated as First Street on the hereinafter mentioned Plan and Beech Avenue on the hereinafter mentioned Plan; thence along the line of said Beech Avenue, South $88^{\circ}42'$ East, a distance of 632 feet to the easterly boundary line of Second Alley. As shown on the Plan of Eastmont in East Taylor Township, Cambria County, Pennsylvania, as laid out by S. J. Fetterman on October 8, 1901, for W. A. Riblett and D. W. Good. Having a width of fifty (50) feet.

Section 3. That the following section of road or street located in the Messenger and Dordling layout of the Lamo tract located in the Borough of East Conemaugh and partially in the Township of East Taylor is hereby formally accepted as a public highway:

"Continued on Page 302"

No. 5

Beginning at a point on the easterly boundary line of Township Road No. 381 leading from East Conemaugh Borough to Board Corner at the intersection of Coulter Avenue and Township Road No. 381; thence in a westerly direction along the line of Coulter Avenue to the line dividing the Borough of East Conemaugh and the Township of East Taylor. Having a width of forty (40) feet, length 150.

Section 4. That the following section of road or street located in the John C. Wissinger section of East Taylor Township and known as Keiper Lane, is hereby formally accepted as a public highway:

Beginning at a point on Pennsylvania State Highway Route 219 said point being located a distance of 426 feet North of the intersection of Pennsylvania State Highway Route 22 with Township Route No. 11380; thence by the following courses and distances: South $46^{\circ}30'40''$ East, a distance of 736.06 feet to a stake; thence South $31^{\circ}49'40''$ East, a distance of 792.33 feet to a stake; thence South $41^{\circ}03'20''$ East, a distance of 172.30 feet to a point in the line of Old State Route No. 52, now Township Route No. 381. Having a total length of 1700.73 feet and having a width of thirty (30) feet. As shown on survey by Gray and Clafin, Engineers, dated November 1, 1948.

Section 5. That the following sections of roads or streets located in the Park Hill section of East Taylor Township are hereby formally accepted as a public highway:

A. (1) Beginning at the intersection of Public road leading from Pennsylvania State Highway Route 160 to Park Hill and an unnamed street on the said Plan of Park Hill; thence South $53^{\circ}16'$ West, a distance of 71.73 feet to the intersection of Chestnut Street; thence along the line of Chestnut Street, South $30^{\circ}52'$ East, a distance of 850 feet to the intersection of Second Avenue; thence along the line of Second Avenue, North $59^{\circ}8'$ East, a distance of 300 feet to Kenwood Street, a public highway. Having a width of forty (40) feet.

(2) Beginning at the intersection of an unnamed street or alley and Ivy Street on the Plan of Park Hill; thence along the line of Ivy Street, South $0^{\circ}40'$ East, a distance of 1,000 feet to the intersection of Sixth Avenue; thence still along the line of Ivy Street a distance of 33.91 feet to a stake; thence by a curve to the left, having a radius of 100 feet, a distance of 64.81 feet; thence South $53^{\circ}39'$ East, a distance of 87.5 feet to the line of Hazel Street. Having a width of fifty (50) feet.

B. Beginning at the intersection of Chestnut Street and Second Avenue as designated on the Plan of Park Hill, the said point of beginning being now a public or Township Road, and being located South $59^{\circ}0'$ West, a distance of 300 feet from the intersection of a public road leading from State Highway Route 160 to Park Hill; thence along the line of Second Avenue $59^{\circ}8'$ West,

No. 5

a distance of 326 feet to the westerly side of Oak Street, thence along the line of Oak Street, North $30^{\circ} 52'$ West, a distance of 790 feet to the intersection of Oak Street and an unnamed alley. Having a width of forty (40) feet.

C. Beginning at a point on the public highway of the said Township of East Taylor at the intersection of Fifth Avenue and Hazel Street, thence along the line of the said Hazel Street, South $0^{\circ} 17'$ East, a distance of approximately 200 feet, thence South $18^{\circ} 12'$ West, a distance of approximately 125 feet, thence by a curve to the right having a radius of 627.2 feet, a distance of approximately 190 feet to the intersection of Hazel Street and an unnamed alley. It being a portion of Hazel Street on the Plan of Park Hill as laid out by the Conemaugh Improvement Company with additions and changes as made by the Trustees of the United States Savings & Trust Co. (Conemaugh), by Dettermen Engineering Company, under date of July 31, 1948. Being bounded on the one side by Lots Nos. 256, 257, 258, 259, 260, 261, 262, 263 and 264 on the said Plan of Park Hill, and on the other side by the highway leading from Pennsylvania State Highway Route 219 to Johnstown, via Conemaugh, and being designated as Pennsylvania State Highway Route 260. Having a width of thirty-five (35) feet.

Section 6. That the following section of road or street located in the Echo section of East Taylor Township is hereby formally accepted as a public highway:

Beginning at a point on the northerly boundary line of Cambria Avenue at the intersection of Cambria Avenue and Cherry Avenue, thence North $8^{\circ} 48'$ West along the line of Cherry Avenue, a distance of 365.37 feet to a point on the northerly boundary line of Third Street, thence South $81^{\circ} 12'$ West along the line of Third Street, a distance of 581.21 feet to the southerly line of Fifth Street (Township Route 402). Having a width of forty (40) feet.

Section 7. That the following section of road or street located in the S. M. Reed section of East Taylor Township is hereby formally accepted as a public highway:

Beginning at a point on the southerly boundary line of Pennsylvania State Highway Route 219 at the intersection of Pennsylvania State Highway Route 219 and Lincoln Avenue, thence South $34^{\circ} 05'$ East along Lincoln Avenue, a distance of 237.3 feet to a point on the northwesterly boundary line of Jefferson Street (a Township Road). As shown on the plan of lots laid out for S. M. Reed by Dettermen Engineering Company on April 9, 1938. Having a width of forty (40) feet.

Section 8. That the following section of road or street located in the Angus School section of East Taylor Township is hereby accepted as a public highway:

Beginning at a point on the westerly boundary line of Pennsylvania State Highway Route 219 at the intersection of Pennsylvania State Highway Route 219 and the line formerly

No. 5

known as Killen-Angus Lane; thence along the line of the Killen-Angus Lane in a south-westerly direction to a point opposite the residence of Edgar S. Campbell a distance of approximately .75 miles. As shown on the survey of Gray and Rafter, Engineers dated _____, 1952. Having a width of thirty-three (33) feet.

Section 9. That the following sections of roads or streets located in the River View section of East Taylor Township are hereby formally accepted as a public highway:

- A. Beginning at the intersection of Pennsylvania State Highway Route 219 and Samuel Street on the Plan of River View; thence in a south-easterly direction along the said Samuel Street a distance of 1044 feet to the intersection of said Samuel Street and Henry Street, on the said Plan of River View; the said Samuel Street being properly dedicated on the Plan of River View laid out for John A. Angus by the Peterson Engineering Company on May 23, 1911; said Plan of River View being recorded in the office of the Recorder of Deeds in and for Cambria County, Pennsylvania in Plat Book Vol. _____ at page _____. Having a width of forty (40) feet.
- B. Beginning at a point on Henry Street, on the Plan of River View, said point being located South $40^{\circ} 0'$ West, a distance of 337.07 feet from the intersection of Henry Street and Samuel Street; thence North $40^{\circ} 0'$ East along Henry Street a distance of 480 feet; thence continuing along the line of Henry Street in a north-westerly direction a distance of 600 feet to the intersection of Henry Street and Daniel Street, on the said Plan of River View; thence North 50° West along the line of Daniel Street, a distance of 400 feet, more or less, to the intersection of the Township Road leading to Echo; said Henry Street and Daniel Street being properly dedicated on the Plan of River View laid out for John A. Angus by Peterson Engineering Company on May 23, 1911; said Plan of River View being recorded in the office of the Recorder of Deeds in and for Cambria County, Pennsylvania in Plat Book Vol. _____ at page _____. Having a width of forty (40) feet.

Section 10. That notice of the enacting of this ordinance shall be published once in the Johnstown Tribune Democrat.

Section 11. That the sections or pieces of roads or streets hereinbefore in this ordinance described, after the final adoption of this ordinance, shall be added to the Township Road Map of East Taylor Township.

Section 12. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

Passed finally by the Board of Road Supervisors

→ 304

No. 5

of the Township of East Taylor on the 15th day of
October, 1954.

Board of Road Supervisors of East Taylor Township

By Charles Colbert
President

Kenneth Keiper
John Blair, Jr.

Attest:

Chas. D. Cobough
Secretary

10-20-1954. Certified to the Dept. of Highways, Hollidaysburg, Pa.

December SESSIONS, 1954

6

In RE: Acceptance of Granger Drive
and Portions of Willett Drive in THE
TOWNSHIP of Lower Yoder, Cambria
County,

12-6-54: Petition of Supervisors
of Lower Yoder Township,
Cambria County, Pa.

Filed.

Clerk of Courts: # 1250
Rec'd # 1850 1-14-55
JAN 3 - 1955
JAN 25 1955

ORDER

Now, the 6th day of December, 1954, the within Petition having been read
and considered, the Court hereby gives its consent to the Supervisors of the Township
of Lower Yoder in accepting Granger Drive and portions of Willett Drive,
which are described as follows;

Ⓐ Willett Drive - Beginning at Grucker Street to Mine Drive
adjoining Westmont Borough, a distance of approximately
475 feet in length and being the northerly half thereof,
fifty feet wide; thence from Mine Drive in a westerly direction
for the full width thereof, varying from fifty to sixty feet to a
distance of approximately 710 feet in length, to Lot No. 347;
thence in a westerly and northerly direction a distance of approximately
745 feet in length to the northerly line of Granger Drive.

Ⓑ Granger Drive - Beginning at the intersection thereof with
Willett Drive, containing a width of fifty feet and extending
1,020 feet to Mine Drive.

It is Ordered and Directed that the said Granger Drive
and portions of Willett Drive as above described, forthwith be and
become a part of the highway system of the Township of Lower Yoder,
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
highway system of the Township of Lower Yoder.

By the Court:

J. J. Griffith, J.

Now, the 10th day of January 1955, no exception having been
filed it is ordered that the road described shall become a part
of the Highway System of Lower Yoder Township.

By the Court:

McKenrick, P.J.

PAGES

307

+

308

NOT in Book

C

C

C

C

1



Blank pages 312 to 355

FROM PAGE 280

No. 3

Beginning at a point at the intersection of Lot No. 1 and Lot No. 2 on a plan of lots as hereinafter mentioned, thence by the line of said public highway, South $15^{\circ}02'$ East a distance of 165 feet to a point at a township road leading to Walsell thence by the line of said township road, South $33^{\circ}43'$ West a distance of 94.12 feet more or less to line of land now or late of Carl R. Weaver; thence by the line of land of Carl R. Weaver, North $53^{\circ}33'$ West a distance of 12.96 feet to a stake; thence South $74^{\circ}58'$ West a distance of 139.54 feet more or less to the easterly boundary line of Frances Street; thence North $15^{\circ}02'$ West a distance of 100 feet to the line of Lot No. 23 on the plan of lots hereinafter mentioned; thence along the line of said Lot No. 23 and Lot No. 1 on the plan hereinafter mentioned, the following courses and distances: North $74^{\circ}58'$ East a distance of 130 feet, North $15^{\circ}02'$ West a distance of 65 feet, North $74^{\circ}58'$ East a distance of 130 feet to the point and place of beginning. The land above described comprises Lot No. 1 and unnumbered lots situated to the South of said Lots No. 1 and No. 23 as shown on the Plan of Lots laid out for Abram C. Weaver Estate by Fetterman Engineering Company, under date of April 24, 1946. There is erected upon said parcel of land a 2 $\frac{1}{2}$ story brick dwelling house and an attached garage.

That we have been duly sworn or affirmed as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the aforesaid Court; that due public notice of the time and place of the meeting of the Viewers was given by the posting of ten hand bills upon the premises of Ralph Shaffer and Elsie H. Shaffer his wife, owners of said land, the petitioners herein, and upon C. R. Forbes, District Engineer of the Pennsylvania State Department of Highways; Mr. George Spence, Counsel for the Pennsylvania State Department of Highways; Mr. Ralph Shaffer, owner of the property and Mr. Edward Harkins, Counsel for Ralph Shaffer and Elsie H. Shaffer, his wife, and the Commissioners of Cambria County.

Pursuant to the Notice to View designating the time and place of the meeting of the Viewers, we met at the property involved in the above proceedings on Thursday, August 12, 1954 at 10 o'clock A.M. D.S.T. for the purpose of performing the duties of our appointment, and viewed the property.

Notices for a hearing to be held in the Heistown Fire Hall, Heistown Borough, Cambria County, Pennsylvania on Wednesday, September 1, 1954 at 10 o'clock A.M. D.S.T. were prepared and served on the petitioners and their Attorney, Mr. Edward Harkins the Pennsylvania Department of Highways and their Attorney, Mr. George Spence all of whom accepted service and acknowledged their having received a copy of said notice of hearing.

Pursuant of said notice and acceptance of service thereon of all parties interested we met on September 1, 1954 at 10 o'clock A.M. D.S.T. in the Heistown Fire Hall in the Borough of Heistown, Cambria County, Pennsylvania and proceeded with the duties of our appointment. At this hearing, the Plaintiff was represented by Mr. George Spence and three (3) witnesses and the Petitioners were represented by Mr. Edward Harkins and four (4) witnesses.

At the view and during the hearing, the Viewers based their assessment of damages on the following conditions:

- (1) - The value of land and buildings before the taking.
- (2) - Loss of shrubbery and rehabilitation of lawn.
- (3) - Affect on dwelling due to right-of-way line being closer to front porch.
- (4) - Cost of rebuilding 2-car garage due to fill on side road, route to Sulphur.
- (5) - The value of the dwelling after the taking.
- (6) - The value of the lands remaining after the taking.

After taking into consideration all the matters above briefed, the Viewers hereby assess total damages to Ralph Shaffer and Elsie H. Shaffer, his wife, in the amount of Four Thousand Nine Hundred (\$4,900.00) Dollars and the Viewers assess no benefits.

F.W. CAGLIN chairman

ROBERT G. MAYER

William P. Kelly

Hand & Seal Witness 17th Sept 1954

Jan. 19, 1955, the above award of \$4900⁰⁰ received by Ralph Shaffer and Elsie W. Shaffer, his wife, and Clerk is directed to satisfy this award.

Haskins & Wharton
by Robert J. Wharton
attys for Plffs.

From PAGE 278

No. 1

husband and wife, North $70^{\circ} 43'$ East a distance of 310.0 feet to a post at westerly side of Highway No. 56; thence along the westerly side of said highway South $19^{\circ} 13'$ East a distance of 683.29 feet to the point and place of beginning, containing four and ninety-two hundredths (4.92) Acres.

Being the same piece or plot of ground conveyed by Melvin Hostetter and Hulda Hostetter, husband and wife, by their deed dated the 23rd day of June, 1950 and of record in the office of the Recorder of Deeds in and for Cambria County, Penna., in Deed Book Vol. 621 at page 300, to Dwight Von Lunen and C. Grace Von Lunen, husband and wife.

Under and Subject to all prior conveyances of coal and mineral rights underlying said plot of ground.

Be it understood and agreed that when this deed is delivered, there shall be conveyed, transferred and assigned any right, title and interest which the parties of the first part may have, could have or in the future might have, to recover or obtain damages for any of the above described land, taken for road purposes or affected for the purpose, so that the parties of the second part thereto may receive said damages.

Parcel No. 2.

All that certain piece or plot of ground, situate, lying and being in the Township of Richland, County of Cambria and Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a post on the westerly side of a fifty (50) foot highway, known as State Route No. 56 and corner of land of Edward Kissinger; thence by said land South $72^{\circ} 33'$ West a distance of 554.66 feet to a drill hole in stone; thence by said land South $31^{\circ} 48'$ West a distance of 123 feet to a point; thence by land of Cloyd and Muriel Hostetter North $19^{\circ} 13'$ West a distance of 564.89 feet to a point at center of a forty (40) foot Township Road, being Traffic Route 163, Legislative Route 11004, and being known as Hostetter Road; thence by center line of said road North $44^{\circ} 18'$ East a distance of 58.51 feet to a point at center of said road; thence along an arc, the radius of which is 312.00 feet and being the center-line of said road a distance of 154.14 feet to a point in center of said road; thence by center-line of said road North $72^{\circ} 32'$ East a distance of 448.43 feet to a point on the westerly side of State Route No. 56, being twenty-five (25) feet from the center of said highway; thence along the westerly side of said highway South $19^{\circ} 13'$ East a distance of 549.83 feet to the point and place of beginning, containing eight and nine one hundredths (8.09) Acres.

Being the same piece or plot of ground conveyed by Melvin Hostetter and Hulda Hostetter, husband and wife, by their deed dated the 22nd day of June, 1951, and of record in the office of the Recorder of Deeds in and for Cambria County, Pennsylvania, in Deed Book Vol. 632, at page 126, to Dwight Von Lunen and C. Grace Von Lunen, husband and wife.

Under and Subject to all prior conveyances of coal and mineral rights underlying said plot or piece of ground.

The land above described is the same described in an Article of Agreement entered into the 23rd day of June, 1950, by and between the grantors and grantees named in said deed, said Article of Agreement being recorded in the office of the Recorder of Deeds in and for Cambria County, Pennsylvania, in Deed Book Vol. 605, at page 510.

By said Agreement and Deeds above mentioned, all the right, title and interest of the grantors named in said deeds, was transferred and assigned and set over to your petitioners, who are the only persons entitled to receive any sums of money on account of the taking of land for road purposes.

That we have been duly sworn or affirmed as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the aforesaid Court, that due public notice of the time and place of the meeting of the Viewers was given by the posting of ten hand bills upon the premises of Dwight Von Lunen and C. Grace Von Lunen, his wife, owners of the said land,

To
PAGE
359

the petitioners herein, and upon C. R. Forbes, District Engineer of the Pennsylvania State Department of Highways; Mr. George Spence, Council for the Pennsylvania State Department of Highways; Mr. Dwight Von Lunen, Owner of the property and Mr. Edward Harkins, Council for Dwight Von Lunen and E. Grace Von Lunen, his wife, and the Commissioners of Cambria County.

Pursuant to the Notice of View designating the time and place of the meeting of the Viewers, we met at the property involved in the above proceedings on Saturday, August 14, 1954 at 10 o'clock A.M. D.S.T. for the purpose of performing the duties of our appointment, and viewed the property.

Notices for a hearing to be held in the Geistown Fire Hall, Geistown Borough, Cambria County, Pennsylvania on Friday, September 3, 1954 at 10 o'clock A.M. D.S.T. were prepared and served on the petitioners and their attorney, Mr. Edward Harkins; the Pennsylvania Department of Highways and their attorney, Mr. George Spence, all of whom accepted service and acknowledged having received a copy of said notice of hearing.

Pursuant of said notices and acceptance of service thereon of all parties interested we met on September 3, 1954 at 10 o'clock A.M. D.S.T. in the Geistown Fire Hall in the Borough of Geistown, Cambria County, Pennsylvania and proceeded with the duties of our appointment. At this hearing, the Plaintiff was represented by Mr. George Spence and two (2) witnesses and the Petitioners were represented by Mr. Edward Harkins and five (5) witnesses.

At the view and during the hearing, the Viewers based their assessment of damages on the following conditions:

- (1) The value of land before the taking.
- (2) The Value of the land remaining after the taking.
- (3) The possible uses of the land in future development.

After taking into consideration all the matters above briefed, the Viewers hereby assess total damages to Dwight Von Lunen and E. Grace Von Lunen, his wife, in the amount of Three Thousand Four Hundred Fifty (\$3,450.00) Dollars and the Viewers assess no benefits.

Witness our hands and seals this seventeenth (17th) day of September 1954.

F. W. Claflin chairman
Robert S. Mayer
William P. Kelly

Jan 19, 1955, the above award of \$ 3450⁰⁰ received by Dwight Von Lunen and E. Grace Von Lunen, his wife and Clerk is directed to satisfy this award.
Harkins & Wharton
by Robert J. Wharton
Attys for Plffs.

Blank pages 360 to 363

361 and 362 are missing no information contained

| | |
|--|--|
| | |
|--|--|

No. 1 Grace Vigzi - Patton Borough.

Continued

A time for the taking of testimony was fixed for Saturday April 10, 1954 at 10 o'clock A.M. in the Municipal Building of the Borough of Patton as the time and place of said meeting. Pursuant to the said agreement as to the time for the taking of testimony all of the Viewers were present together with Mr. Grace Vigzi, owner, and Ray Vigzi, his son; Attorney Freeman M. Keenich, Esq., for Council; and Albert Haluska, Secretary of the Council of the Borough of Patton, and other members of Council together with Jerry C. Hoppel, some of whom testified and Roland Cassidy, Esq., Solicitor for the Borough of Patton. In the taking of the testimony all elements of damages were brought out as well as the benefits derived from said Flood Control abatement.

That having viewed said premises and hearing all evidence thereon and taking into consideration all matters before us, we have estimated and determined the quality, quantity of the land taken, occupied or injured and all other elements entering into, and by reason of the Flood Control Program inaugurated by the Borough of Patton, Cambria County, Pennsylvania and having due regard to and making just allowances for the benefits accruing thereto and for the damages which have resulted or which may seem likely to result to Mrs. Grace Vigzi, the owner of said land and the improvements thereon, we estimated and determined the amount of damages and prepared a schedule thereof. That the parties in interest were notified of the time and place of meeting of the Viewers for the purpose of exhibiting said schedule and considering all exceptions and evidence thereto, by personal service upon Mrs. Grace Vigzi, and upon Smith and Peany, Esqs; Counsel for Mrs. Grace Vigzi, and upon Albert Haluska, Secretary to the Borough of Patton at least ten days prior to the time of said meeting, evidence of which is shown by the acceptance of service of said notices of Exhibit of Schedule hereto attached and made a part of this Report. That pursuant to said notices of Exhibit of Schedule the Board of Viewers met on Friday, May 26th, 1954 at 7:00 P.M., in the Municipal Building, Patton, Cambria County, Pennsylvania, where said Schedule of Damages was exhibited and all exceptions and testimony thereto was heard. That hearing all the exceptions and testimony offered and giving all matters before us due consideration, we are of the opinion that the said real estate and property of Mrs. Grace Vigzi, owner as affected by the taking of land situate in the Borough of Patton, Cambria County, Pennsylvania aforesaid has not been damaged, therefore we assess no benefits and award no damages.

The Attorneys for both sides agreed to forego the legal requirements with reference to advertising the Notice to View etc., in the above case.

In Witness whereof we have set our hands and seals this Fifth day of June in the year of our Lord One Thousand Nine Hundred and Fifty Four (1954).

His
Maklon W. Baumgardner
MARK
John L. Elden
Raymond Nebauer
Viewers

Blank pages 345 and 356

June

TRANSFERRED FROM PAGE 368

No. 3

discharge the Commonwealth of Pa. of and from all liability in connection with said condemnation proceedings.

We hereby authorize the Clerk of Courts of Quakertown to enter this receipt and release as part of the record of these condemnation proceedings.

In Witness Whereof, the said Quakertown Voluntary Tine Company has caused the Receipt and Release to be signed in its corporate name by its Chairman of the Board of Trustees, and has caused to be affixed here unto the common and corporate seal of said corporation, attested by its secretary this 2nd day of October, 1953.

Quakertown Voluntary Tine Co.
Harry A. Wise.
 Chairman of the Board of Trustees

Attest:
 Louis C. Karalfo, Sect.

No. 3

severance of said real estate as affected by said Highway Route and its effect of said land. We having taken into consideration all of the elements concerning the same as to benefits or damages sustained by reason of the change of location and lines as same affect to property of the Shistown Volunteer Fire Company, a corporation we estimated and determined the quality and quantity of the land taken, used by said re-location and change of lines and its effect on the remainder of said land and injured thereby and having made just allowances for any benefits accruing thereto from said change of location and line of the highway known as State Highway Route No. 222 to said land of the aforesaid Fire Company which have resulted or which may seem likely to result to the said owners of the land so occupied and affected, we have determined the amount of damages and prepared a schedule thereof.

Pursuant to the time schedule for the presentation of the schedule of Damages we met in the office of Gray and Claffin Law Building, Johnstown, Pa. on July 9th, 1953 and proceeded with the duties of our appointment. No further evidence was presented at that time we proceeded with the presentation of the schedule of Damages. Having taken into consideration all of the testimony offered and having viewed and examined the premises in question we have agreed, estimated and determined the amount of damages and have prepared a schedule of same. That after hearing all exceptions and all testimony offered and giving all matters before us due consideration, we are of the opinion that the land and premises of the Shistown Volunteer Fire Company, a corporation because of the change of location and line across their land and as affected thereby we have assessed benefits none and damages in the sum of thirty-two hundred and fifty (\$3250.00) Dollars to be paid to the Shistown Volunteer Fire Company, a corporation by the State Highway Department of the Commonwealth of Pennsylvania as their interest may appear.

Witness our hands and seals this twentieth day of July, 1953 affixed hereto.

Haddon Baumgardner
Fred W. Claffin
Robert Hayes

September 10, 1953 No Exceptions being filed. Report is Confirmed Absolute by Clerk of Courts Joseph C. Sherr

10-7-53 Receipt and Release filed by Donald H. Gibson attorney for the Shistown Volunteer Fire Company.

Receipt and Release

We the undersigned, the Shistown Volunteer Fire Co., a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, and having its principal place of business in the Borough of Shistown, Cambria County, Pennsylvania, hereby acknowledge receipt of the sum of thirty-two hundred and fifty (\$3,250.00) Dollars from the Commonwealth of Pa. in full satisfaction of the award made by the County Board of Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., under the above captioned proceedings, and we do hereby remise, release, quitclaim and forever

TRANSFERRED FROM PAGE

253

703

to the Heistown Volunteer Fire Company.

That we were duly sworn or affirmed according to law as members of the Permanent Board of Viewers of Cambria County, Pennsylvania as sworn by the records of the aforesaid Court, that due public notice of the time and place of the meeting of said viewers was given by the posting of their hand bills upon the premises at least days days before the time of the view and by the acceptance of service of said notice by Harry G. Wise, Chairman of the Board of Trustees of the Heistown Volunteer Fire Company, a corporation; Hanking and Wharton, Counsel for Heistown Volunteer Fire Company and upon Ralph P. Kinzey, Secretary to the Board of Heistown and upon C. R. Forbes, Chief Engineer for the State Highway Department with offices at Holidaysburg all of whom accepted service of said notice to view and each acknowledged to have received a copy of same all of which are hereto attached and made a part of this Report.

Pursuant to said Notice to view, the viewers met upon the premises of the Heistown Volunteer Fire Company, a Corporation, at 10 o'clock A.M. Daylight Time, 1953 and proceeded with the duties of our appointment. All of the Viewers were present together with Edward Hanking, Esq., Counsel for the Heistown Fire Company aforesaid, Harry G. Wise, Chairman of the Board of Trustees of the Board of Trustees of the Fire Company and others and Howard Breximan for the State Highway Department and Gerald Gibson, Esq., Counsel for the State Highway Department and others who were interested. We viewed the premises very carefully and making inspection of the Fire Hall Building. After a careful and full view and inspection of the real estate involved it was agreed by the parties in interest and the viewers that a hearing be conducted at the Fire Hall on July 2, 1953 at 10 o'clock East Time A.M..

In compliance with the agreement entered into on the day of the view the Viewers and all parties in interest met in the Fire Hall, Heistown, Cambria County, Pa. on July 2, 1953 at 10 o'clock A.M. East Time and proceeded with the taking of testimony. The respective parties were represented by Edward Hanking, Esq. Counsel for the Heistown Fire Company, a corporation and Gerald Gibson, Esq., Counsel for the State Highway Department. Many interested persons attended the hearing. The testimony fixed the damages from \$6000.⁰⁰/₁₀₀ to \$2500.⁰⁰/₁₀₀. By agreement Tuesday July 9, 1953 at 10 o'clock in the morning East time and the Offices of Gray and Clafflin were fixed as the time and place for the presenting of the schedule of Damages in the matter.

As is usual there was a wide margin of the amount of damages as adduced by the witnesses of the opposing sides. These circumstances make it difficult for the members of the board of Viewers to reconcile same as to the actual damage sustained. We had made a view going into detail with our examination and inspection. We discussed fully and at great length all of the testimony taking in all the elements and matters pertinent thereto in determining and estimating the amount of damages. We heard a number of witnesses testify as to the change of location and lines of the highway known as State Highway Route No. 222 in the Borough of Heistown, Cambria County, Pennsylvania and

TRANSFERRED FROM PAGE 251

No. 1 - Alfred J. Fund and Mary Conrad Fund:

ten days upon the condemned premises and by personal service upon Alfred J. Fund and Mary Conrad Fund, his wife; upon Andrew J. Gleason, Esq., Counsel for the owners and petitioners; upon C. R. Forbes, District Engineer of the State Highway Department at Hollidaysburg and upon Maurice R. Springer, Chief Clerk to the Commission of Cambria County and heard ten days before the time of the view and that all parties having acceptance of the Notice to View herein have acknowledged to have received a copy of same.

Pursuant to said Notice to View, we met upon the premises and property of the petitioners and owners, Alfred J. Fund and Mary Conrad Fund, wife, on the 18th day of March, 1953 at 10 o'clock A.M. E. S. T., and proceeded with the duties of our appointment. Fred Chaplin and Roland Meyer and Mallden Baumgardner, all the members of the View together with C. F. Breuneman of the office of the State Highway office at Hollidaysburg and George Spence, Esq., Solicitor for said State Highway Department and C. R. Forbes its District Engineer; Alfred J. Fund one of the owners and Andrew J. Gleason, Esq., Counsel for the owners and petitioners. The premises and land involved were carefully viewed and inspected. It was mutually agreed by and between all the parties in interest that advertising of the Notice to View, the notice of the time of the Exhibit of Schedule and the time of the Filing of the Report be waived in so far as the publication was concerned in the Cambria County Legal Journal and a local Johnstown newspaper. By mutual agreement April 9th, 1953 at 10 o'clock in the morning and City Council Rooms in City Hall, Main and Market Street, Johnstown, Pa., were fixed as the time and place for the taking of testimony and the hearing of evidence in the above proceedings. Pursuant to said agreement the three Viewers and all parties in interest met on April 9th, 1953 at 10 o'clock in the morning at City Hall Council Room. Present were Andrew J. Gleason and Norman Krumenacker, Esqs., Counsel for Alfred J. Fund and Mary Conrad Fund, his wife and who were also present and George Spence, Esq., Solicitor for the Pennsylvania State Highway Department. Many witnesses were called and sworn. The testimony was at great variance. Many witnesses were called. The time for the Exhibit of Schedule was fixed on April 14, 1953 at 7:30 o'clock P.M., in the office of Gray and Chaplin, Engineer in the Schank Building, Johnstown, Pa. On April 14, 1953 we met in conference the three members of the Board being present. There was a great variance of the amount of damages a deluded making it quite difficult for the Viewers to reconcile same. We discussed fully and at length the evidence and testimony presented at the hearing. Having heard the testimony and having taken into consideration all of the elements and matters pertinent thereto in determining and estimating the amount of damages and having made a careful and thorough inspection of same and hearing all testimony concerning the land in question and as it affects the owners and petitioners and having taken into consideration all the elements of benefits or damages by the reason of the construction and improvement of highway known as U. S. Route 52, otherwise known as Legislative Route 222, Sec 6 as affecting the above land of Alfred J. Fund and Mary Conrad Fund, his wife, we have estimated and determined the quality and quantity of the land taken and affected by said construction by the State Highway Department of the State of Pennsylvania and having made just allowance for any benefits accruing from said taking and construction as against the damages caused thereby and which have resulted or may seem likely to result to the said owners of the land we have estimated and determined the amount of damages and have prepared a Schedule of said damages.

Pursuant to the agreement entered into by all of the parties in interest as to the time and place for the Exhibit of Schedule of Damages, we met in the office of Gray and Chaplin in the Schank Building, Johnstown on 14th April, 1953 at 7:30 P.M. There were present all of the Viewers and Norman Krumenacker, Esq., Counsel for Alfred J. Fund one of the owners who too was present and George Spence, Solicitor for the State

Highway Department. There being no further testimony presented we proceeded with the presentation of the Schedule of Schedule. We have taken into consideration all of the testimony offered and have carefully viewed and inspected the premises in question we have agreed, determined and estimated the amount of damages and have prepared a Schedule of same. That after hearing all the evidence and all exceptions and testimony offered and giving all matters before us due consideration, we are of the opinion that the said land affected by the construction and improvement of the State Highway in question and as affected thereby we assess no benefits and damages in the sum of Eleven Thousand (\$11,000.00) Dollars to be paid to Alfred J. Furst and Mary Conrad Furst, his wife, by the Highway Department of the Commonwealth of Pennsylvania as their interest may appear.

Unless exceptions thereto are taken as provided by the Code of Assembly within thirty days from the date of filing this Report same will be confirmed absolutely.

In Witness Whereof, we have hereunto set our hand and seals this 15th day of May, A.D., 1953.

Maklon Baumgardner

Robert Mayer

Prepared 14 April 1953

July 20, 1953: Paper of Settlement and Discontinuance filed.

Now, July 19, 1953, in consideration of the payment of the sum of Eleven Thousand (\$11,000.00) Dollars by the Commonwealth of Pennsylvania to the above named Alfred J. Furst and Mary Conrad Furst, counsel for Alfred J. Furst and Mary Furst and for the Commonwealth of Pennsylvania agree that the above captioned case shall be marked settled, discontinued and ended upon the records thereof.

Andrew J. Gleason

Attorney for Alfred J. Furst and
Mary Conrad Furst.

Tillman K. Saylor Jr.

of Spence, Crates, Saylor & Wolfe
Attorneys for the Commonwealth
of Pennsylvania.

1 receipt of copy of said notice; upon Samuel R. Di Francesco, Esq., Solicitor for the Petitioners who likewise acknowledges receipt of copy of said Notice and by personal service on B. R. Forbes, Hollidaysburg, Penna. District Engineer for the State Highway Department of the Commonwealth of Pennsylvania and copy of said notice was left with him. A copy of the notice was left with the Nanty-Bo Journal a newspaper published in the Borough of Nanty-Bo and a like copy of the notice to view was left in the offices of the Cambria County Legal Journal for publication of said Notice to View at least ten days before the time of the View. Copies of said Notice to View are hereby attached and made a part of this report. Pursuant to said Notice to View, we met upon the premises on the 14th day of August 1952 at 10 o'clock daylight time in the morning and proceeded with the duties of our appointment. There were present at the view the three viewers together with Samuel R. Di Francesco, Esq. Solicitor for the American Polish Citizens Club, the petitioners with John Fatula, President and Louis Bober and other members of the aforesaid club. John Taylor, Solicitor appeared for the Borough of Nanty-Bo and Mr. Curry representing the State Highway Dept. with offices at Hollidaysburg, Penna. There were other present at the time of the view. A careful and thorough inspection was made of the land affected by said improvement and the building as well. All pertinent matters and elements involved in the taking of the land and its effect on the land remaining together with the club building.

Because of the time element involved in having this report ready for filing on the first day of the Court of Quarter Sessions of Cambria County which convenes Tuesday September 2nd Notices for the Exhibit of schedule of Damages were served upon Samuel R. Di Francesco, Solicitor for the club, upon Louis Bober its Secretary and John N. Taylor, Solicitor for the Borough of Nanty-Bo setting forth that said schedule of Damages would be exhibited on 28 August 1952 at 10 o'clock daylight time in the morning at the Municipal Building in the Borough of Nanty-Bo, Cambria County, Penna and similar notice was published in the Nanty-Bo Journal and the Cambria County Legal Journal stating time and place at least ten days before said Exhibit of schedule. In the meantime a meeting for the taking of testimony was held in the Municipal Building aforesaid on 25th of August 1952 daylight time in the morning. Attorneys for both sides were present and a number of witnesses were called by the attorneys. The Viewers were all present at this meeting. Announcement was again made to all the parties that the Exhibit of Schedule for Damages will take place at the same place on 28 August 1952 at 10 o'clock daylight time 1952.

On 27 August 1952 at 8:30 o'clock in the morning the Viewers had a conference with regard to the hearing held to discuss the extreme contradictory testimony adduced at the hearing with regard to the amount of damages caused by the construction, re-construction and improvement of State Highway Route # 11030 as it affects the property and building of the Petitioners. We discussed the full and entire testimony and took in consideration all the elements and matters pertinent thereto and took in consideration same in determining the amount of damages.

That having viewed and inspected said premises and making a careful inspection of same and hearing all evidence and testimony concerning said land and building and having taken in consideration all the elements of benefits and damages by reason of said Highway improvement as it affects the land of the owner, it having lost some of its real estate and the effect upon the remainder of the land and upon the club building as well as considering all matters before us, we estimated the quality and quantity of land taken, occupied and injured by said taking and having made just allowances for benefits as compared against the damages in said appropriation

to the owners which have resulted or which may likely result to the said owner of land condemned, we estimated the amount of damages and prepared a schedule thereof.

Pursuant to said Notice of Exhibit of Schedule we met in the Municipal Building in the Borough of Nanty-Bo aforesaid on Thursday, 8 August 1952 at 10 o'clock daylight time in the morning. Parties in interest were asked if any further testimony was to be presented. There being none we proceeded with the presentation of the Exhibit of Schedule. After taking in all the testimony offered and considering it carefully and all of the Members of the Board of Viewers having been on the ground, we agree, estimated and determined the amount of the damages and the schedule of damages was offered. That after hearing all the testimony and all exceptions and giving all matters before us due consideration, we are of the opinion that because of the appropriation of land of the owner, the effect on the remaining portion of land and on the club house as affected by the improvement of State Highway Route # 11030 and affected hereby we assess no benefits and damages in the sum of Twenty-Nine Hundred Fifty (\$2950.00) Dollars.

The said sum of Twenty-nine hundred fifty (\$2950.00) Dollars as aforesaid be paid to the American Polish Citizens Club as their interest may appear by the Borough of Nanty-Bo, Cambria County, Penna.

It was shown that the Borough of Nanty-Bo assume the payment of the damages as per agreement between itself and the State Highway Department of the Commonwealth of Pennsylvania.

In Witness Whereof we have set our hands and affixed our signatures this First day of September A.D. 1952

Maclon J. Baumgardner
John L. Eldes
Theodore Hunt

No. 4.

Therefore, South 67 degrees 24 minutes West 270 feet to an iron pin on the East line of said Pennsylvania State Highway Route No. 56; and 16 1/2 feet distant from the center line thereof; thence by a line parallel to the center line of said Highway and 16 1/2 feet distant therefrom, North 20 degrees 36 minutes West 270 feet to the place of beginning.

That we were duly sworn as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the Court; that due public notice of the time and place of the meeting of the said Viewers was given by posting ten handbills upon the premises of Willard N. Ripple and Bernice Ripple, his wife, who accepted service of the Notice of the same. Notice was also served upon Harold Kaminsky, Esq., attorney for the Petitioner and upon Henry M. Spence, Esq., Counsel for the Department of Highways of the Commonwealth of Pennsylvania, and upon Maurice A. Springer, Chief Clerk to the Cambria County Commissioners, all of whom accepted service and acknowledged to have received a copy of the Notice to View, all of which are hereto attached and made a part of this report.

Pursuant to said Notice to View, we met upon the premises on December 15th A.D., 1951, and proceeded with the duties of our appointment. All of the Viewers were present together with Willard N. Ripple, and Bernice Ripple, his wife, and Henry M. Spence, Esq., Counsel for the Highway Department of the Commonwealth of Pennsylvania, together with a representative of said Highway Department. A very careful inspection was made of the land and the premises affected by the improvement of said Highway. An examination of the change of the grade and of the change of the location as affected by reason of the construction of said highway, its relocation and change of grade and all other elements pertinent to the matter in issue was made. We were shown through the building and place of business and its relation to the construction and improvement of the Highway Section No. 6 A of State Highway Route No. 222. There were numerous continuances as to the time of the taking of testimony which continuances were requested either by Counsel for the Petitioner or by Counsel for the State Highway Department aforesaid. All were finally agreed between all the parties in interest that we meet in the Judge's Chamber, United States National Bank Bldg., Johnstown, Pennsylvania, on March 15th, 1952 at 10 o'clock A.M. Pursuant to said agreement we met in the Judge's Chamber, United States National Bank Building, Johnstown, Pennsylvania on March 15th, 1952 at 10 o'clock A.M. and proceeded to take testimony and hear evidence in the herein Conductive Proceedings. There were present at the hearing Willard N. Ripple and Bernice Ripple, his wife, petitioner in the proceedings, together with their Counsel, Attorney Kaminsky and Rich, Esq.; and Henry M. Spence, Esq., Counsel for the State Highway Department and H. E. Breckenon Representative of the State Highway Department, together with the three Viewers in the proceedings.

Many witnesses were called by both the Petitioner and the State Highway Department, subjected to direct and cross examination by their respective Counsel. All witnesses were given an opportunity to testify. The entire day was used in hearing and testimony and all other facts pertinent to the matter in issue.

The Attorneys representing the parties in interest agreed that all legal requirements as to advertising the Exhibit of Schedule and the filing of the Report be dispensed with thereby saving the expenses involved in the aforesaid advertising. The Viewers agreed to the above agreement and the legal requirements were therefore waived.

At the conclusion of the taking of the testimony it was mutually agreed by respective Counsel and the parties in interest that March 8th, 1952 at 1:30 o'clock P.M. and at the offices of Gray and Clofin, Engineers, Room 606, Swank Building Johnstown, Pennsylvania as the time and place for the Exhibit of Schedule.

The Board of Viewers met in Conference and carefully examined all of the testimony and evidence offered at the hearing. The evidence and testimony adduced at the hearing with reference to the damages, was of such wide range that it was quite difficult to recollect same. We discussed at length all of the testimony offered and have taken into consideration all the elements and matters pertinent thereto and taking into consideration same in determining and estimating the amount of damages.

That having viewed said premises and making a careful inspection of same and hearing all evidence and testimony concerning said real estate and taking into consideration all the elements of benefits and damages according to said change of grade, with relocation of Section 706 A of

Also.
Transferred from Page 374.

State Highway Route No 222, as well as all matters before us, we estimated the quality, quantity of land taken, occupied and injured by the widening of said highway and the changing of the grade thereof as well as all other elements of damages, land having due regard to, and making just allowances for the damages which have resulted or which may seem likely to result to the successors to the land aforesaid, we estimated and determined the amount of the damages and prepared a schedule thereof.

Pursuant to said agreement hereinabove entered into we met in Room 606, Summit Bldg., Gettysburg, aforesaid on March 5th, 1952, at 1:30 o'clock P.M. Parties in interest were asked if any further testimony was to be presented. There being no further testimony we proceeded to present the Exhibit of schedule. After having taken into consideration all the evidence offered, we have agreed, estimated and determined the amount of the damages and Exhibit of schedule showing damages was presented.

That having heard all evidence and testimony offered and giving all matters before us due consideration, we are of the opinion that the said land of Thillard N. Ripple and Bessie Ripple, his wife, petitioners therein, affected by change of grade and the change of location in making said improvements in Section 6 A. of State Highway Route No. 222, and affected thereby have been damaged, therefore, we assess no benefits and damages in the sum of Nine Thousand Five Hundred (\$9,500.00) Dollars.

That we are of the opinion that the damages above awarded should be paid to Thillard N. Ripple and Bessie Ripple, his wife, in compliance with an agreement made and entered into the 3rd day of April A.D. 1950, by and between the COMMONWEALTH OF PENNSYLVANIA, acting through the Department of Highways, hereinafter called the Commonwealth, and the County of Cambria, by its County Commissioners, hereinafter called the County. Said Agreement having been made a part of the proceedings in the first instance and which said Agreement was approved on the 1st day of April, 1950 which is filed in the Office of the County Commissioners and in the Department of Highways of the Commonwealth.

The sum of Nine Thousand Five Hundred (\$9,500.00) Dollars as aforesaid to be paid to Thillard N. Ripple and Bessie Ripple, his wife, as their interest may appear.

IN WITNESS Whereof, we have set our hands and affixed our signatures on the fifteenth day of March A.D. 1952.

Mahlon Baumgardner
Fred H. Claffin.

No. 5

of said highway North 20 degrees 36 minutes West one hundred fifty (150) feet to a stake; the place of beginning. Containing 0.517 of an acre.

Having erected thereon a brick and concrete building known as Wilmar Farm Dairy

That we were duly sworn or affirmed as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the Board; that due public notice of the time and place of the meeting of the said Viewers was given by posting ten handbills upon the premises of Joseph S. McCorry, Jr., and Dorothy E. McCorry, his wife, who accepted service of the Notice of the same. Notice was served upon Harold Kaminsky, Attorney for the Petitioners and upon Maurice A. Springer, Chief Clerk of Cambria County Commissioners, all of whom were handed a copy of the Notice to View and acceptances thereof are hereto attached and made a part of this report.

Pursuant to said Notice of View, we met on the premises on December 8th, 1951, at 10 o'clock A.M., and proceeded with the duties of our appointment. All of the Viewers were present together with Joseph S. McCorry, Jr., and Dorothy E. McCorry, his wife; George W. Spence, Esq., Counsel for the State Highway Department of the Commonwealth of Pennsylvania together with a representative of said State Highway Department. A very careful inspection was made of the land and the premises affected by the improvement of said highway. This inspection was exhaustive as it affected the premises of Petitioners. An examination of the change of the grade and of the change of the location as affected thereby and all other elements pertinent to the matter in issue was made. We were shown through the building and its relation to the improved highway.

After numerous continuances as to the time of the taking of testimony which continuances were requested by either Counsel for the Petitioners or by Counsel for the State Highway Department aforesaid. By mutual agreement between the parties in interest we met in the Judge's Chamber, United States National Bank Building, Johnstown, Pennsylvania, on February 9th, 1952, at 10 o'clock A.M. There were present at said hearing Joseph S. McCorry, Jr., and Dorothy E. McCorry, his wife together with Attorneys Kaminsky and Rich, Esqs., Attorneys for the Petitioners; and George M. Spence, Esq., Counsel for the State Highway Department and W. E. Breckenon, Representative of the State Highway Department; together with the three Viewers in the proceedings.

Many witnesses appeared for both sides subjected to direct and cross examination. All witnesses were given an opportunity to testify. The entire day was used in bringing out all the facts pertinent to the matter in issue.

It was mutually agreed by the Attorneys representing each side that all legal requirements as to advertising the Exhibit of Schedule and the Filing of the Report be dispensed with because of the expenses involved in the aforesaid advertising.

At the conclusion of the taking of testimony it was mutually agreed by the parties in interest, that the time of the Exhibit of Schedule would be fixed at a later date.

The Board of Viewers met in conference and examined all of the Testimony offered at the hearing. It was quite a difficult task to make any kind of reconciliation because of the wide range of damages alleged to have been sustained by the Petitioners and the State Highway Department. We discussed the full and entire testimony and have taken into consideration all the elements and matter pertinent thereto and taking into consideration same in determining and estimating the amount of damages.

That having viewed said premises and making a careful inspection of same and having all evidence and testimony concerning said real estate and taking into consideration all the elements of benefits and damages according to said change of grade and relocation of Section No. 6A of State Highway Route #222 as well as all matters before us, we estimated quantity of land taken, occupied and injured by the widening of said highway as well as all other damages, and having due regard to, and making just allowances for the damages which have resulted or which may seem likely to result to the said owners of the land aforesaid, we estimated the amount of damages and prepared a Schedule thereof.

March 6, 1952, at 7:30 o'clock P.M., at the office of Gray and Claffier, Esq., Englewood Room 606 South 6th St., Johnstown, Pa., was agreed to as the time and place for the Exhibit of Schedule.

Pursuant to said agreement, we met in Room 606 South Bldg., as aforesaid on March 6th, 1952 at 7:30 o'clock P.M., Parties in interest were asked if any further testimony was to be presented. There being no further testimony we proceeded to present Exhibit of Schedule. After having taken into consideration all the evidence offered we having agreed, estimated and determined the amount of damages and the schedule of damages was offered.

That after hearing all exceptions and testimony offered and giving all matters before us due consideration, we are of the opinion that the said land of Joseph L. McCoy, Jr. and Dorothy E. McCoy, his wife, affected by the change of grade and change of location, in making said improvement in Section 69 of State Highway Route #222 and affected thereby having been damaged therefor, we assess no benefits and damages in the sum of Eleven Thousand (\$11,000⁰⁰) Dollars.

That we are of the opinion that the damages above awarded should be paid to Joseph L. McCoy, Jr. and Dorothy E. McCoy, his wife, in compliance with an agreement made and entered into the 3rd day of April, A.D., 1950 by and between the Commonwealth of Pennsylvania, acting through the Department of Highways, hereinafter called the Commonwealth, and the County of Cambria, by its County Commissioners, hereinafter called the County. Said Agreement having been made a part of the proceedings in the first instance and which said Agreement was approved on the 11th day of April, 1950 which is filed in the Office of the County Commissioners and in the Department of Highways of the Commonwealth.

The sum of Eleven Thousand (\$11,000⁰⁰) Dollars as aforesaid to be paid to Joseph L. McCoy, Jr. and Dorothy E. McCoy, his wife, as their interest may appear.

In Witness Whereof, we have set our hands and affixed our signatures on Tenth (10th) day of March, A.D., 1952.

Melton Baumgardner
 Fred W. Clafflin
 Roland Mayer
 Assessors.

| | |
|--|--|
| | |
|--|--|

No. 6

"Jackson Township"

of Pennsylvania; thence along an abandoned portion of State Highway Route 11030 for a distance of one thousand five hundred twenty (1,520) feet to a point where said abandoned portion of State Highway Route 11030 again intersects with State Highway Route 11030. The portion of road hereby vacated is colored red on the draft or map hereto attached, marked "Exhibit A" and made a part hereof.

Section 2. That the Township Solicitor be and he hereby is authorized and directed to file a certified copy of this Ordinance in the Office of the Clerk of the Court of Quarter Sessions, Cambria County, Pennsylvania, together with the names of the owners affected and a draft and survey of the road.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Ordained and Enacted into an Ordinance this 13th day of June, 1952.

T. W. Kern
President

Attest:

Gail Hornie
Secretary

The Undersigned, the Secretary of the Supervisors of Jackson Township, hereby certifies that the foregoing is a true and correct copy of an Ordinance duly adopted by the Supervisors of Jackson Township, at a meeting held on the 13th day of June, A. D., 1952.

Gail Hornie
Secretary of Jackson Township
Supervisors.

No. I.

Without here deciding whether the regulations adopted by the Supervisors subsequent to their refusal to approve the Berkey Plan are applicable, it is clear that the statutory requirements set forth by the words italicized above are applicable and have not been complied with. Chapter 26, Section 69 D. & C. 527. The Plan submitted is filed only and fails to show the profiles of the roads or give any information in respect to the drainage.

The hearing before the Court is de novo, but the Court, as well as the Supervisors, is bound to observe the statutory requirements. The testimony shows that the Supervisors on three occasions in the past failed to require compliance with the statute by approving plans submitted to them in plan form only. Consequently it is not difficult to understand the petitioners' feeling that discrimination has been practiced against them. But even a history of repeated failure to comply with the law may not be invoked as an estoppel to compel its continued violation.

The petitioners may, however, within 60 days, submit in duplicate to the Board of Supervisors amended plans showing the profiles of the roads and the information on drainage required by Section 1140 of the Act of Assembly above referred to. The Supervisors will then have before them plans in the form required by the Act of Assembly which they can intelligently approve or disapprove.

We therefore enter the following

DECREE

And Now, August 11, 1952, at 3:30 P.M., D.S.T., after argument and upon due consideration, the foregoing appeal is dismissed, and the costs of the petitioners, unless the petitioners, within 60 days from the date of this decree, file amended plans with the Supervisors of Upper Yoder Township, in which case the appeal will be retained to abide the event.

Concurred In By:
McKernick, J.

By the Court
Jiffith, J.

EXCEPTION

To all of which counsel for petitioners except, and pray that an exception be noted and bill sealed; all of which is, the day and year aforesaid, accordingly done.

By the Court
Jiffith, J. (Seal)

ORDER AND DECREE Sustaining Appeal And Placing Costs Upon Appellants

Filed - 1-9-53

And Now, January 5, 1953, at 2:30 o'clock P.M., Counsel for the Board of Supervisors of Upper Yoder Township having appeared in open Court and stated that the Appellants have subsequent to the Decree of August 11, 1952, filed with Supervisors, an amended Plan, complying with the Act of 1933 P.L. 103, as amended by the Act of 1947 P.L. 1481: 55 P.S., 19093-1140, the appeal is sustained and the costs placed upon the Appellants.

By the Court
McKernick, J.
Jiffith, J.

C

C

C

C

No. 5

Street South 40 degrees 33 minutes four hundred and seven (407) feet to the center of a 40 feet wide unnamed street; thence from said last mentioned center point on an unnamed 40 feet wide street North 49 degrees 27 minutes 15 (1570) feet to a point at the edge of a Public road leading from Venice to Burkhardt; thence along the edge of said Public Road leading from Venice to Burkhardt to the center line of Kagey Street and the place of beginning. The said Plan of Lots is known as the Geralday Plan of Lots, Jackson Township, Cambria County Near Venice which plan was used in going over the said public road the original draft being hereto attached and made a part of this proceedings and Report.

Many of the petitioners have homes along said road while many others are building homes now. The Board of Viewers assesses no damages against the Supervisor of Jackson Township for the reason that the benefits derived therefrom and according to the advantage of the property owners living along said public road are far in excess to any damages which they make claim. Therefore we assess no damages.

Members of the Board of Supervision who attended the view are not opposed to the laying out of the public road hereinabove laid out.

In Witness Whereof, we have hereto set our hands and seals this 23rd day of February, A. D., 1952.

John L. Elder
Robert Mayer
Mahlon Baumgardner
Viewers

23 February 1952

From 215

of Gettysburg, Cambria County, Pennsylvania, were sent out. At this hearing the Plaintiff was represented by Shettig & Swope and five (5) witnesses. The services of Mr. M. from Ebensburg were obtained to take testimony. At the view and during the hearing the Viewers based their assessment of damages on the following conditions:

First: Value of land and buildings before the taking. The Viewers also considered the development of the land taken, such as fruit trees, etc. Second: The cost of moving the dwelling and sheds to a new location. Third: The value of the dwelling before the taking and after the taking. Fourth: The value of the land remaining after the taking, and the value of the building in their new location. Fifth: The value of the building as relocated and as affected by ingress and egress to the remaining property.

After taking into consideration all the matters above briefed, the Viewers hereby assess total damages to Herman H. Hoffman in the amount of fifty-two thousand two hundred and fifty dollars (\$52,250.00) and the Viewers assess no benefits.

Witness our hands and seals this twenty-ninth day of August, 1951.

J. W. Claffen, Chairman
Robert G. Mayer
Mahlon J. Baumgardner

Sept. 26, 1951 - Viewers report Approved by the Court, McHenry Judge
Nov. 15, 1951 - Receipt For Damages Fixed By Viewers and Satisfaction of
The Record - Filed.

Now, this 15th day of November, 1951, the undersigned, attorneys for Herman H. Hoffman in the above stated case, acknowledge receipt this date of the sum of Forty-two Thousand Two Hundred Fifty (\$42,250.00) Dollars. The sum of Ten Thousand (\$10,000.00) Dollars was heretofore paid to Herman H. Hoffman, and the Clerk of said Court is hereby authorized and directed to mark the record satisfied in the above stated case.

Shettig & Swope
Attorneys for Herman H. Hoffman
By - Thomas B. Swope
Partner

Dec. 14, 1951 Report Confirmed Absolute by Joseph C. Stone, Clerk of Courts

11-15-51

JAN 18 1952 CERTIFIED

| | |
|--|--|
| | |
|--|--|

Sept. SESSIONS, 1950
(CONTINUED FROM PAGE 208)

3 B IN RE: LAYING OUT, OPENING AND
ACCEPTANCE OF CERTAIN STREETS ON THE
PLAN OF PENNSYLVANIA COAL + COKE CORPORATION
IN THE VILLAGE OF EHRENSELD, COUNTY OF
CAMBRIA AND STATE OF PENNSYLVANIA.

AUGUST 28, 1950: Report of the Supervisors of
Croyle Township. - Filed.

DECREE

Now, the 28th day of August, 1950, upon consideration of the foregoing petition,
Joseph C. Ness, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania,
is hereby directed to file the within report and the exhibits attached hereto.

By The Court
McKensick, J.

FINAL ORDER

Now, the 21st day of ~~October~~ October, 1950, upon consideration of the
foregoing petition and it appearing that same had been filed in the office of
Clerk of Courts of Cambria County, Pennsylvania, for a period of thirty (30)
days, there being no exceptions to said report filed within said period,
the within report of the Supervisors of Croyle Township is hereby approved
and the roads as laid out on the attached map may be adopted and
laid out by the said Supervisors of Croyle Township, Cambria County,
Pennsylvania, and become Public Roads in said Township.

By The Court
Griffith, J.

"TRANSFERRED FROM PAGE 183"

No. I In RE: View to Open & Lay Public Road in Clearfield Township.

We viewed carefully the ground for the proposed road and having due respect for the shortest distance and the best ground for the location of said public road as well as the desires of the petitioners and the property owners. The entire route was covered from the termini and gone over very thoroughly. It was mutually agreed by the Supervisors, their solicitor, property owners and others interested that a public hearing be held at a date to be determined by the Viewers. The proposed road was surveyed and courses and distance placed on blue print and this having been done the time for public hearing was fixed for June 1st, 1949 at 7 o'clock P.M. E.D.T. at public school building near end of the road. The Viewers had unanimously agreed that a public road was necessary. At the time of the hearing J. Sheehan, Secretary aforesaid more than 20 people mostly property owners assembled at the public school building. The tracing showing courses and distances was displayed and all parties were acquainted with the blue print. All of the Viewers were present. All elements incident to such a hearing were discussed.

The Viewers unanimously agreed that the inhabitants living along said road are greatly inconvenienced for want of a public road and that there is occasion for such a road and we proceeded to lay out same, having respect for the shortest distance and the best ground for a road and in such a manner as shall do the least injury to the property owners and also as far as practicable, agreeable to the desires of the petitioners and also to the property owners, we therefore lay out a public road or highway, following substantially the old road now used, together with a plat or draft thereof and hereto attached showing the course and distances and the names of adjoining property owners through whose premises the said public road passes.

The following are the courses and distances: Beginning at a point on a public road leading from Clear Springs to Patten, known as Route #221, said point being distant 189 feet from Station of Highway 5 over 56, which said point is the center line of the road, thence from said point South $49^{\circ}30'$ West twelve hundred fifty six and eight tenths (1256.8) feet to a point; thence North 49° West a distance of Nine hundred and thirty eight (938) feet to a point on a private road; thence South $87^{\circ}0'$ West a distance of Five hundred eighty three (583) feet to a point; thence South $69^{\circ}20'$ West a distance of One hundred seventy (170) feet; thence from said point being the center of the road, South $60^{\circ}7'$ West a distance of Four hundred ninety-six and five tenths (496.5) feet to a point; thence South $64^{\circ}55'$ West a distance of Three hundred (300) feet to a point; thence South $68^{\circ}0'$ West a distance of Eight hundred and ninety (890) feet to a point; thence South $70^{\circ}20'$ West a distance of One hundred ninety-two (192) feet to a point on a private road; thence South $65^{\circ}37'$ West a distance of Two hundred thirty three (233) feet on a private road, herein mentioned in distance immediately proceeding this distance; thence from the center line of the herein above private road and the course of the road being laid out, North $77^{\circ}50'$ West to a point on private road aforesaid and continuing same course Eleven hundred (1100) feet to a point; thence North $55^{\circ}5'$ West Eleven hundred ninety-two and seven tenths (1192.7) feet to a point; thence North $87^{\circ}56'$ West a distance of Eight hundred two and three tenths (802.3) feet to a point; thence from said point North $69^{\circ}38'$ West a distance of One hundred forty and five tenths (140.5) feet to a point; thence North $34^{\circ}27'$ West a distance of One hundred eighty-six (186) feet to a point; thence North $0^{\circ}26'$ East a distance of Five hundred forty-eight and five tenths (548.5) feet; thence North $24^{\circ}42'$ East a distance of One hundred ninety-five and five tenths (195.5) feet to a point; thence from said point, which is the center of the public road, herein laid out, North $10^{\circ}33'$ East a distance of One hundred six and two tenths (106.2) feet to a point; thence North $6^{\circ}28'$ West a distance of ninety-six and six tenths (96.6) feet to a point; thence North $17^{\circ}45'$ West a distance of One hundred ninety-five and three tenths (195.3) feet to a point; thence still continuing North $23^{\circ}53'$ West a distance of One hundred sixty-nine and eight tenths (169.8) feet to a point; thence North $35^{\circ}12'$ West a distance of four hundred thirty-two (432) feet to a point.

← Continued From Page 390 -

thence from said point North $35^{\circ}50'$ West a distance of one hundred fifty three and nine tenths (153.9) feet to a point; thence from said point North $9^{\circ}39'$ West a distance of eighty-eight and three tenths (88.3) feet; thence North $23^{\circ}0'$ East One hundred thirty-six and three tenths (136.3) feet to a point; thence from said point North $40^{\circ}21'$ East a distance of eleven hundred eighty-five (1185) feet to a point; which point is the center line of the public road herein laid out; thence from said point North $48^{\circ}7'$ East a distance of One hundred seventy-three and six tenths (173.6) feet to a point; thence from said point North $61^{\circ}51'$ East a distance of One hundred twenty-seven (127) feet to a point; thence from said point North $66^{\circ}47'$ East a distance of Four hundred and ninety (490) feet to a point; thence North $53^{\circ}28'$ East a distance of One hundred sixty-seven and three tenths (167.3) feet to a point; thence North $27^{\circ}42'$ East a distance of three hundred and three and five tenths (303.5) feet to a point; thence North $2^{\circ}16'$ East a distance of Two hundred sixty-four and seven tenths (264.7) feet to a point; thence North $0^{\circ}17'$ West a distance of Five hundred ninety (590) feet to a point; thence from said point North $12^{\circ}10'$ East a distance of Three hundred seventy-five (375) feet to a point; thence North $30^{\circ}17'$ East a distance of Eight hundred thirty-two (832) feet to a point; thence from said point North $30^{\circ}5'$ East ninety-five (95) feet to a point; thence from said point North $15^{\circ}58'$ East a distance of One hundred sixty-six and three tenths (166.3) feet to a point; thence from said point North $6^{\circ}52'$ West a distance of one hundred sixty-one (161) feet to a point, which said point is the center line of the road herein laid out; thence from said point North $20^{\circ}12'$ West a distance of Seven hundred and thirty-nine (739) feet to the Patton Borough line and meeting with Third Avenue Extended in said Borough, a total distance of sixteen thousand one hundred five and three tenths (16,105.3) feet.

The following are abutting property owners: John Chwucko, Leo Dulco, James Link, Ida Eckenrode, — Stein, James Mulligan, Carl Pontrella, Einar Bloomberg, Pauline Reede, Warren Sitzinger, George Ranish, John Sitzinger, Bernard Sitzinger, Anthony Sitzinger, John Saltzger, Mike Stracko, Mike Demytko and the Pennsylvania Coal & Coke Company, the Pennsylvania Coal and Coke Company was not represented in the proceedings. All of the aforesaid property owners through whose land the public road crosses advised the Members of the Board of Viewers and agreed among and between themselves that no claim for damages would be made and that they waive all such claims and would keep free the present board of supervisors and their successors from the payment of any damages which may be caused by the opening and maintaining said road. We, the members of the Board of Viewers are of the unanimous opinion that the benefits accruing to the above named property owners and such who have not been named are far in excess of any damages which may accrue therefore we assess no damages in favor of James Link, Ida Eckenrode, — Stein, James Mulligan, Carl Pontrella, Einar Bloomberg, Pauline Reede, Warren Sitzinger, George Ranish, John Sitzinger, Bernard Sitzinger, Anthony Sitzinger, John Saltzger, Mike Stracko, Mike Demytko, John Chwucko, James Dulco, James Link and hereby discharge the Board of Supervisors from any damages growing out of the above proceedings for and in lieu of the Above Release of Damages by agreement above stipulated.

The Report has stated that the road laid out by your Viewers substantially follows a road which the blue print calls a private road, yet is the same public road or route which was laid out in August 1891 as shown in proceedings entered to Number 3 December Sessions, 1888 and filed in the office of the Clerk of Courts of Cambria County, Pennsylvania in Road Docket Volume 4 Page 183. The petition for the appointment of Viewers filed in Clerk of Courts Office aforesaid on April 1, 1949 sets forth the above facts. In paragraph 4 in same petition it recites - "That your petitioners (Supervisors of Clearfield Township) labor under great inconvenience

- Continued on PAGE 392. -

- Continued From PAGE 391 -

and hardship in the discharge of their duties as Supervisors of the Township of Clearfield, Cambria County, Pennsylvania, because of dissatisfaction and uncertainty as to the positive location of said above described road, and then again in paragraph Number 5 it recites - "That your petitioners (Supervisors of Clearfield Township) believe the best interest of Clearfield Township and the citizens thereof would be served if the said above described roads were practically vacated, re-located and so altered as to meet the needs of the general public now using the same and the residents living in properties abutting thereon. In pursuance of the presentation of the above petition by the Supervisors of Clearfield Township to the above named Court, we the undersigned Viewers were appointed by said Court. In its decree of April 1, 1949, the undersigned Viewers were directed and ordered to view the ground proposed for the proposed public road prayed for."

No vacation of any part of the public road as set forth in Proceedings #3 December 1888 were vacated but slight changes were made to straighten out said road which are shown in blue print hereto attached and which must be carefully studied by those interested.

We, the undersigned Viewers have very faithfully performed our duties to the best of our ability in carrying out the above order of Court. The situation involved in the view were most extraordinary and very unusual because of the fact of a prior proceedings arising out of the same public road, which complicated the situation very materially. All parties in interest, however, have agreed to the facts in form and principle. Further all parties have agreed that they will abide by the decision of the Viewers and no appeal would be taken from the report filed in the proceedings.

In Witness Whereof we have hereunto set our hands and seals on this — day of June, A.D. 1949.

John L. Elder
 W. J. McTrain
 Mahlon Baumgardner

TRANSFERRED FROM PAGE 408

No. 2

At the conclusion of the taking of evidence it was announced that Thursday February 28, 1952 at 7:30 P.M. be the time and the offices of Gray and Clafin Engineers with offices 606 Swank Building, Johnstown, Penna. be the place for the purpose of reporting on the Exhibit of Schedule.

There was a wide variance with reference to the amount of damages sustained by the petitioners John Jacoby and Angelina Jacoby his wife. The Board of Viewers met in conference going over all the testimony offered at the hearing. It was a most difficult task to make any kind of reconciliation. The three Viewers met and discussed the full testimony and having taken into consideration all the elements and matters pertinent thereto were discussed and taken into consideration in determining estimating the amount of damages.

That having viewed said premises and making a careful inspection of same and hearing all evidence and testimony concerning said real estate and taking into consideration all the elements of benefits and damages according to the said change of grade and relocation of State Highway Route # 222 as well as all matters before us, we estimated the quantity of land taken, occupied and injured by the widening of said highway as well as all other damages, and having due regard to and making just allowances for the damages which have resulted or which may seem likely to result to the said owners of the land aforesaid, we estimated and determined the amount of damages and prepared a schedule thereof. All parties in interest by agreement waived the legal requirements of advertising notice of the Exhibit of Schedule. Pursuant to the agreement as to time and place of making said Exhibit of Schedule all the parties in interest appeared in the Office of Gray and Clafin, Engineers in Room 606 Swank Building, Johnstown, Penna., at 7:30 P.M. February 26, 1952. Before making public said Exhibit of Schedule of Damages further testimony was given by the owners of the land taken in the presence of Council and hearing all and further testimony and evidence, the Board of Viewers retired and considered the additional evidence. After having taken into consideration the further evidence offered we having agreed, estimated and determined the amount of damages and the schedule of Damages was offered and all testimony and exceptions thereto heard. That after hearing all exceptions and testimony offered and giving all matters before us due consideration, we are of the opinion that the said land of John Jacoby and Angelina Jacoby, his wife, affected by the change of grade and change of location in making said improvements in State Highway Route # 222 and affected thereby have been damaged, therefore we assess no Benefits and Damages in the amount of Thirteen Thousand and Two Hundred Dollars (\$ 13,200.00).

That we are of the opinion that the damages above awarded and referred to should be paid to John Jacoby and Angelina Jacoby, his wife, in compliance with an agreement made and entered into the 3rd day of April, A.D. 1950, by and between the Commonwealth of Pennsylvania, acting through the Department of Highways, hereinafter called the Commonwealth, and the County of Columbia, by its County Commissioners, hereinafter called the County. Said agreement having been made a part of the proceedings in the first instance and which said agreement was approved on the 11th day of April, 1950 which is filed in the office of the County Commissioners and in the Department of Highways of the Commonwealth.

Said sum to be paid as aforesaid as the interest of John Jacoby and Angelina Jacoby, his wife, may appear.

No. 2

In Witness whereof we have set our hands and affixed our signatures
this twenty-ninth day of February in the Year of Our Lord Nineteen Hundred
Fifty-two (1952)

Maxlon Baumgardner
Fred W. Clafflin
Robert Mayer (Viewers)

May 15, 1952: Receipt and Release - Filed.

We, the undersigned, John Jacoby and Angelina Jacoby, his wife, hereby acknowledge receipt of the sum of Thirteen Thousand Two Hundred (\$13,200.00) Dollars from the Commonwealth of Pennsylvania in full satisfaction of the award made by the County Board of Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, under the above captioned condemnation proceedings, and we do hereby remise, release, quitclaim and forever discharge the Commonwealth of Pennsylvania of and from all liability in connection with said condemnation proceedings.

We, hereby authorize the Clerk of the Court of Quarter Sessions aforesaid to enter this receipt and release as part of the record of these condemnation proceedings.

Witness our hands and seals this 14th day of May, 1952.

Witness:

Frank P. Bernhard
Jennie Boyer Williams

John Jacoby
Angelina Jacoby.

At the view and during the hearing, the Viewers based their assessment of damages on the following conditions:

First: Value of property taken. Land taken from Victoria Schonhardt Seibert was a small triangular piece being the northwest corner of the property and amounted to 4.5 square feet, which land due to location and area carries little or no value.

Second: Damage due to storm water and lack of drainage. The Viewers found from testimony, at the hearing, and inspection on the ground, that a very small amount of fill at the south end of the Seibert Apartments will remedy this condition, and the Viewers estimate that \$50.00 will repair the drainage difficulty.

Third: From the testimony, at the hearing, and inspection on the ground the damage caused by the loss of shrubbery and one small tree is not more than twenty-five dollars (\$25.00).

Fourth: Ingress and egress to property. The Viewers found that when the property was erected, it was done so with full intent that the entrance to these apartments should be on Fisher Alley. Due to the fact that all the time since the erection of said apartments, the tenants have used vacant ground between the Seibert Property and Somerset Streets for ingress and egress, notwithstanding the fact that there has been no written permission ever granted for the use of this ground to Victoria Schonhardt Seibert, the change in grade of Somerset Street, going on to Grant Street has not created an undue hardship and the Seibert Tenants are still using the H. M. Fisher Property as a means of going to and from Somerset Street, therefore the Viewers do not assess damages for this condition.

Fifth: Damage to property due to change of grade on Somerset and Grant Streets. The Viewers, from the testimony at the hearing and inspection on the site, consider that the erection of the approximately six foot fill for Grant Street, at the South Tenement of the Victoria Schonhardt Seibert Property has sustained some real damages due to the relocation of Somerset Street and Grant Street.

After taking into consideration all of the matters above briefed, the Viewers hereby assess total damages to Victoria Schonhardt Seibert in the amount of seven hundred ninety dollars (\$790.00) and the Viewers assess no benefits.

Witness our hands and seals this ninth day of June, 1950

Fred Claffin
Robert Mayer
William M. Drain

April 23, 1951: Receipt & Release of Award in Damages - Filed.

No 4 June Sess. 1949 Transferred from page 191

Laying Out of a Public Road in Susquehanna Twp.

6-8-1949 Order to Viewers issued to Mahlon Baumgardner
 9-6-1949 Report of Viewers filed
 9-22-1949 Report Approved nisi By the Court McKenrick
 11-7-1949 Exception to the Petition and Report of Viewers filed

Now, 18th July 1950, the exception to the above Report of Viewers are hereby sustained and said report is hereby vacated.

By the Court:
 Griffith, J.

"TRANSFERRED FROM PAGE 186"

No. 2

May 6, 1949, at 3:30 o'clock, P.M. Served Petition for Hearing De Novo upon Tim M^cCartney, Secretary of the Board of Supervisors of the Township of Reade, County of Cambria and State of Pennsylvania, by handing a true and attested copy thereof to him, personally, in Reade Township, Cambria County, Pennsylvania, and making contents thereof known to him. My costs paid by atty. Shellig & Swope.

In Answer

Patrick M. Dermott
Sherriff

Sheriff M^cDermott #1300

| | |
|--|--|
| | |
|--|--|