

In the Court of Quarter Sessions,
Cambria County, Pennsylvania.

No. 1 Rept — 1943.

In the Matter of the Opening
of State Legislative Route
11011-Spur from Diamond
Boulevard, Southmont Borough,
Cambria County, Pennsylvania,
to Grant Street in the City of
Johnstown.

PETITION FOR DECREE APPOINTING
VIEWERS

Copy of within petition
received August 30, 1943

George W. Hoffman
Solicitor.

Filed 11/18-43

Graham, Yost, Meyers & Graham

Philip A. Shetter

IN THE MATTER OF THE OPENING OF
STATE LEGISLATIVE ROUTE 11011-SPUR
FROM DIAMOND BOULEVARD, SOUTHMONT
BOROUGH, CAMBRIA COUNTY, PENNSYLVANIA,
TO GRANT STREET IN THE CITY OF
JOHNSTOWN.

IN THE COURT OF
QUARTER SESSIONS
CAMBRIA COUNTY,
PENNSYLVANIA.

No. 9 Sept. 1943.

PETITION FOR DECREE APPOINTING VIEWERS

TO THE HONORABLE, THE JUDGES OF THE COURT:

The petition of Citizens' Cemetery Association respectfully
represents:

1. Petitioner is a corporation of the first class, incorporated
March 2, 1885, under the Act of April 29, 1874, and its supple-
ments, the Certificate of Incorporation being recorded in the
Recorder's Office of Cambria County, Misc. Record Book 3,
page 621. The purpose of the corporation is stated to be,
"to procure, maintain, and decorate a cemetery at or near
Johnstown, Pennsylvania, to be used as a place of burial", and
it is also stated that "this corporation shall have no capital
stock and shall make no dividends of profits".
2. Petitioner is the owner of a tract of land situated in
the 6th Ward, Johnstown, and in the Borough of Southmont
(formerly Upper Yoder Township), Cambria County, Pennsylvania,
containing approximately 169.969 acres purchased for the purpose
of laying out a cemetery and a private road affording access
thereto from the center of the City of Johnstown, all being
dedicated to and maintained for the use of the owners of
approximately eight thousand lots in the cemetery, called
GRAND-VIEW CEMETERY, and for the use of those attending the
burial of deceased persons in Grand-View Cemetery, and visiting
the graves of the deceased.

The land owned by petitioner was conveyed by various deeds as follows:

- (a) Deed, Cambria Iron Company to Citizens' Cemetery Association, dated May 3, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 194, records of Cambria County, conveying a tract of land in Upper Yoder Township, Cambria County, Pa., containing 100 Acres.
- (b) Deed, Cambria Iron Company to Citizens' Cemetery Association, dated August 16, 1907, and recorded Sept. 23, 1907, in D. B. Vol. 197, page 284, records of Cambria County, conveying three tracts of land in Upper Yoder Township, aggregating 30.949 Acres.
- (c) Deed, Cambria Iron Company to Citizens' Cemetery Association, dated March 21, 1916, and recorded March 25, 1916, in D. B. Vol. 273, page 137, records of Cambria County, conveying a tract of land in Upper Yoder Township, Cambria County, Pa., containing 34.02 Acres.
- (d) Deed, Thomas Z. Ringler and wife, to Citizens' Cemetery Association, dated January 27, 1886, recorded November 1, 1886, in D. B. Vol. 58, page 248, for lot of ground in the 6th Ward, Johnstown, Pa.
- (e) Deed, George Marsh and wife to Citizens' Cemetery Association, dated February 25, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 28, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (f) Deed, Aaron Lavelly and wife to Citizens' Cemetery Association, dated February 25, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 29, for lot of ground in the 6th Ward, Johnstown, and Upper Yoder Township, Cambria County, Pa.
- (g) Deed, Henry D. Miller and wife, to Citizens' Cemetery Association, dated February 27, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 25, for lot of ground in 6th Ward, Johnstown, Pa.
- (h) Deed, Frederick Meyers and wife to Citizens' Cemetery Association, dated February 27, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 30, for lot of ground in the 6th Ward, Johnstown.

- (i) Deed, Mary A. Everhart, and others, to Citizens' Cemetery Association, dated April 15, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 189, for lot of ground in the 6th Ward, Johnstown.
- (j) Deed, George Lavelly and wife, to Citizens' Cemetery Association, dated February 27, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 26, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (k) Deed, Thomas Carpenter and wife, to Citizens' Cemetery Association, dated February 27, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 27, for lot of ground in the 6th Ward, Johnstown, and Upper Yoder Township, Cambria County, Pa.
- (l) Deed, Wm. Cowburn and wife, to Citizens' Cemetery Association, dated March 27, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 198, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (m) Deed, John Dibert and wife, to Citizens' Cemetery Association, dated April _____, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 191, for parts of Lots Nos. 25, 38, 40, 42, 45, 46, 47, 48, 49, 51, 53 and 0 in Upper Yoder Township, Cambria County, Pa.
- (n) Deed, David Dibert and wife, to Citizens' Cemetery Association, dated April 12, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 196, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (o) Deed, Henry Yeagley and wife to Citizens' Cemetery Association, dated April 14, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 31, for three lots of ground in Upper Yoder Township, Cambria County, Pa.
- (p) Deed, Henry Shaffer and wife, to Citizens' Cemetery Association, dated April 15, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 187, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (q) Deed, Levi Ross and wife, to Citizens' Cemetery Association, dated April 26, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 32, for lot of ground in the 6th Ward, Johnstown, Pa.

- (r) Deed, Edward Peden and wife, to Citizens' Cemetery Association, dated April 29, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 186, for lot of ground in the 6th Ward, Johnstown, and Upper Yoder Township, Cambria County, Pa.
- (s) Deed, George W. Dibert to Citizens' Cemetery Association, dated March 30, 1891, and recorded April 27, 1891, in D. B. Vol. 78, page 264, for three lots of ground in Upper Yoder Township, Cambria County, Pa.
- (t) Deed, Samuel Neal and wife, to Citizens' Cemetery Association, dated March 31, 1891, and recorded April 27, 1891, in D. B. Vol. 77, page 40, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (u) Deed, George W. Dibert to Grand-View Cemetery Association, dated July 20, 1891, and recorded August 3, 1891, in D. B. Vol. 77, page 321, for two lots of ground in Upper Yoder Township, Cambria County, Pennsylvania.
- (v) Deed, Robert P. Snowden, Guardian, to Citizens' Cemetery Association, dated July 29, 1891, and recorded August 3, 1891, in D. B. Vol. 80, page 157, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (w) Deed, Elmer E. Davis, Sheriff, to Citizens' Cemetery Association, dated June 10, 1903, and recorded July 3, 1903, in S. D. B. Vol. 4, page 117, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (x) Deed, Charles Snyder and wife, to Citizens' Cemetery Association, dated June 24, 1903, and recorded June 26, 1903, in D. B. Vol. 153, page 177, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (y) Deed, Maria Lavelly, Executrix, to Citizens' Cemetery Association, dated April 22, 1908, and recorded April 25, 1908, in D. B. Vol. 208, page 627, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (z1) Deed, John D. W. Snowden and wife, to Citizens' Cemetery Association, dated January 4, 1909, and recorded February 3, 1909, in D. B. Vol. 214, page 49, for lot of ground in Sixth Ward, Johnstown, Pa.

(z2) Deed, Joseph Head Jr. and wife, to Citizens' Cemetery Association, dated October 13, 1911, and recorded August 7, 1912, in D. B. Vol. 245, page 35, for two lots of ground in the 6th Ward, Johnstown, Pa.

3. By the Act of the Legislature, No. 295, approved July 12, 1935, P. L. 746, State Legislative Route 11011-Spur was established as follows:

"Westmont and Southmont Boroughs

Route 11011-Spur. - Beginning at an intersection with Route 11011 in Westmont Borough; thence easterly on Mill Creek Road in the boroughs of Westmont and Southmont to a point near the intersection of Mill Creek Road and Fourth Avenue; thence southerly and easterly in Southmont Borough to Grant Avenue; thence northerly on Grant Avenue to the Johnstown City line, in the boroughs of Westmont and Southmont, Cambria County, a distance of about 2.6 miles."

4. Under and pursuant to the provisions of the Act of June 23, 1931, P. L. 920, as amended by the Act of June 1, 1933, P. L. 1412, as amended by the Act of May 21, 1937, P. L. 757, the Secretary of Highways of the Commonwealth of Pennsylvania condemned a right of way through property of petitioner as follows:

From a point on Route 11011-Spur, at its intersection with Diamond Boulevard in Southmont Borough at Station 47 - 08.5 to a point on Grant Street at its intersection with Everhart Street in the City of Johnstown, at Station 148 - 27.0, being otherwise known as Project No. F. A. 645-A (1) (1940)

said right of way crossing petitioner's lands between Stations

86 and 93 and 141 and 144 on the plans for said road.

5. Pursuant to the Act of Assembly of June 23, 1931, P. L. 920, as amended, the Commissioners of Cambria County in session on June 30, 1939, on motion of John Thomas Jr., seconded by Frank P. Hollern, adopted the following resolution:

"WHEREAS, the Department of Highway of the Commonwealth of Pennsylvania is contemplating the construction of a State Highway through the Borough of Southmont, to be known as State Highway Route No. 11011-Spur."

"NOW, THEREFORE, BE IT RESOLVED, that the County Commissioners of Cambria County shall agree and do hereby agree to assume and pay all damages to property in the Borough of Southmont resulting from the construction of State Highway Route No. 11011-Spur, Cambria County, Pennsylvania."

Certified this 9th day of November, 1939. H. F. Dorr, Clerk.

6. Your petitioner and the Commissioners of Cambria County have been unable to agree on the amount of damages suffered by the Citizens' Cemetery Association.

Your petitioner, therefore, prays your Honorable Court to appoint three viewers from the Board of View of the County of Cambria to assess the damages suffered by Citizens' Cemetery Association by reason of the opening of State Legislative Route 11011-Spur from a point on Route 11011-Spur, at its intersection with Diamond Boulevard in Southmont Borough at Station 47 - 08.5 to a point on Grant Street at its intersection with Everhart Street in the City of Johnstown, at Station 148 - 27.0, being otherwise known as Project No. F. A. 645-A (1) (1940), and to report the same to your Honorable Court.

And your petitioner will ever pray, etc.

CITIZENS' CEMETERY ASSOCIATION

BY


President.

State of Pennsylvania,
County of Cambria, SS.

S. H. HECKMAN, being duly sworn, according to law, deposes and says that he is President of the corporation, Citizens' Cemetery Association, by whom he is authorized to make this affidavit, makes it upon its behalf, has knowledge of the facts, and that the facts set forth in the foregoing petition are true and correct, according to the best of his knowledge, information and belief.

S. H. Heckman

Sworn to and subscribed
before me this 26th day of August, 1943.

Agnes E. Kehner, Notary Public

My Commission expires February 8, 1947

D e c r e e

And now, to wit, this ¹⁸~~30th~~ day of ^{March}~~August~~ 1943
on motion of James A. Graham of Graham, Yost
Meyers & Graham, attorneys for petitioner, the Court appoint:
L. E. Kaylor St. Dickey
and Mahlon Baumgardner as a Board of View upon
the foregoing petition, and further order that the said Board
of View shall perform their duties in accordance with the laws
and Acts of Assembly in such case made and provided and report
before or during the Dec. Term of Court, 1943

By the Court
W. H. Henrich
Judge

In the Court of Quarter Sessions
Cambria County, Pennsylvania.

No. 1 - Sept 1943.

In the Matter of the Opening
of State Legislative Route
11011-Spur from Diamond
Boulevard, Southmont Borough,
Cambria County, Pennsylvania,
to Grant Street in the City of
Johnstown.

PETITION FOR DECREE APPOINTING
VIEWERS.

Graham, Yost, Meyers & Graham

COPY

IN THE MATTER OF THE OPENING OF
STATE LEGISLATIVE ROUTE 11011-SPUR
FROM DIAMOND BOULEVARD, SOUTHMONT
BOROUGH, CAMBRIA COUNTY, PENNSYLVANIA,
TO GRANT STREET IN THE CITY OF
JOHNSTOWN.

IN THE COURT OF
QUARTER SESSIONS
CAMBRIA COUNTY,
PENNSYLVANIA.

No. 1-Sept. 1943.

PETITION FOR DECREE APPOINTING VIEWERS

TO THE HONORABLE, THE JUDGES OF THE COURT:

The petition of Citizens' Cemetery Association respectfully
represents:

1. Petitioner is a corporation of the first class, incorporated March 2, 1885, under the Act of April 29, 1874, and its supplements, the Certificate of Incorporation being recorded in the Recorder's Office of Cambria County, Misc. Record Book 3, page 621. The purpose of the corporation is stated to be "to procure, maintain, and decorate a cemetery at or near Johnstown, Pennsylvania, to be used as a place of burial", and it is also stated that "this corporation shall have no capital stock and shall make no dividends of profits".
2. Petitioner is the owner of a tract of land situated in the 6th Ward, Johnstown, and in the Borough of Southmont (formerly Upper Yoder Township), Cambria County, Pennsylvania, containing approximately 169.969 acres purchased for the purpose of laying out a cemetery and a private road affording access thereto from the center of the City of Johnstown, all being dedicated to and maintained for the use of the owners of approximately eight thousand lots in the cemetery, called GRAND-VIEW CEMETERY, and for the use of those attending the burial of deceased persons in Grand-View Cemetery, and visiting the graves of the deceased.

The land owned by petitioner was conveyed by various deeds as follows:

- (a) Deed, Cambria Iron Company to Citizens' Cemetery Association, dated May 3, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 194, records of Cambria County, conveying a tract of land in Upper Yoder Township, Cambria County, Pa., containing 100 Acres.
- (b) Deed, Cambria Iron Company to Citizens' Cemetery Association, dated August 16, 1907, and recorded Sept. 23, 1907, in D. B. Vol. 197, page 284, records of Cambria County, conveying three tracts of land in Upper Yoder Township, aggregating 30.949 Acres.
- (c) Deed, Cambria Iron Company to Citizens' Cemetery Association, dated March 21, 1916, and recorded March 25, 1916, in D. B. Vol. 273, page 157, records of Cambria County, conveying a tract of land in Upper Yoder Township, Cambria County, Pa., containing 34.02 Acres.
- (d) Deed, Thomas Z. Ringler and wife, to Citizens' Cemetery Association, dated January 27, 1886, recorded November 1, 1886, in D. B. Vol. 58, page 248, for lot of ground in the 6th Ward, Johnstown, Pa.
- (e) Deed, George Marsh and wife to Citizens' Cemetery Association, dated February 25, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 28, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (f) Deed, Aaron Lavelly and wife to Citizens' Cemetery Association, dated February 25, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 29, for lot of ground in the 6th Ward, Johnstown, and Upper Yoder Township, Cambria County, Pa.
- (g) Deed, Henry D. Miller and wife, to Citizens' Cemetery Association, dated February 27, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 25, for lot of ground in 6th Ward, Johnstown, Pa.
- (h) Deed, Frederick Meyers and wife to Citizens' Cemetery Association, dated February 27, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 30, for lot of ground in the 6th Ward, Johnstown.

- (i) Deed, Mary A. Everhart, and others, to Citizens' Cemetery Association, dated April 15, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 189, for lot of ground in the 6th Ward, Johnstown.
- (j) Deed, George Lavelly and wife, to Citizens' Cemetery Association, dated February 27, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 26, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (k) Deed, Thomas Carpenter and wife, to Citizens' Cemetery Association, dated February 27, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 27, for lot of ground in the 6th Ward, Johnstown, and Upper Yoder Township, Cambria County, Pa.
- (l) Deed, Wm. Cowburn and wife, to Citizens' Cemetery Association, dated March 27, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 198, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (m) Deed, John Dibert and wife, to Citizens' Cemetery Association, dated April _____, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 191, for parts of Lots Nos. 25, 38, 40, 42, 48, 46, 47, 48, 49, 51, 53 and 0 in Upper Yoder Township, Cambria County, Pa.
- (n) Deed, David Dibert and wife, to Citizens' Cemetery Association, dated April 12, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 196, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (o) Deed, Henry Yeagley and wife to Citizens' Cemetery Association, dated April 14, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 31, for three lots of ground in Upper Yoder Township, Cambria County, Pa.
- (p) Deed, Henry Shaffer and wife, to Citizens' Cemetery Association, dated April 15, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 187, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (q) Deed, Levi Ross and wife, to Citizens' Cemetery Association, dated April 26, 1886, and recorded November 1, 1886, in D. B. Vol. 58, page 32, for lot of ground in the 6th Ward, Johnstown, Pa.

- (r) Deed, Edward Peden and wife, to Citizens' Cemetery Association, dated April 29, 1886, and recorded November 1, 1886, in D. B. Vol. 57, page 186, for lot of ground in the 6th Ward, Johnstown, and Upper Yoder Township, Cambria County, Pa.
- (s) Deed, George W. Dibert to Citizens' Cemetery Association, dated March 30, 1891, and recorded April 27, 1891, in D. B. Vol. 76, page 264, for three lots of ground in Upper Yoder Township, Cambria County, Pa.
- (t) Deed, Samuel Neal and wife, to Citizens' Cemetery Association, dated March 31, 1891, and recorded April 27, 1891, in D. B. Vol. 77, page 40, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (u) Deed, George W. Dibert to Grand-View Cemetery Association, dated July 20, 1891, and recorded August 3, 1891, in D. B. Vol. 77, page 321, for two lots of ground in Upper Yoder Township, Cambria County, Pennsylvania.
- (v) Deed, Robert P. Snowden, Guardian, to Citizens' Cemetery Association, dated July 29, 1891, and recorded August 3, 1891, in D. B. Vol. 80, page 157, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (w) Deed, Elmer E. Davis, Sheriff, to Citizens' Cemetery Association, dated June 10, 1903, and recorded July 3, 1903, in S. D. B. Vol. 4, page 117, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (x) Deed, Charles Snyder and wife, to Citizens' Cemetery Association, dated June 24, 1903, and recorded June 26, 1903, in D. B. Vol. 153, page 177, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (y) Deed, Maria Lavelly, Executrix, to Citizens' Cemetery Association, dated April 22, 1908, and recorded April 25, 1908, in D. B. Vol. 208, page 627, for lot of ground in Upper Yoder Township, Cambria County, Pa.
- (z1) Deed, John D. W. Snowden and wife, to Citizens' Cemetery Association, dated January 4, 1909, and recorded February 3, 1909, in D. B. Vol. 214, page 49, for lot of ground in Sixth Ward, Johnstown, Pa.

(x2)

Deed, Joseph Head Jr. and wife, to Citizens' Cemetery Association, dated October 13, 1911, and recorded August 7, 1912, in D. B. Vol. 246, page 38, for two lots of ground in the 6th Ward, Johnstown, Pa.

3. By the Act of the Legislature, No. 295, approved July 12, 1935, P. L. 746, State Legislative Route 11011-Spur was established as follows:

"Westmont and Southmont Boroughs

Route 11011-Spur. - Beginning at an intersection with Route 11011 in Westmont Borough; thence easterly on Mill Creek Road in the boroughs of Westmont and Southmont to a point near the intersection of Mill Creek Road and Fourth Avenue; thence southerly and easterly in Southmont Borough to Grant Avenue; thence northerly on Grant Avenue to the Johnstown City line, in the boroughs of Westmont and Southmont, Cambria County, a distance of about 2.6 miles."

4. Under and pursuant to the provisions of the Act of June 23, 1931, P. L. 920, as amended by the Act of June 1, 1933, P. L. 1412, as amended by the Act of May 21, 1937, P. L. 757, the Secretary of Highways of the Commonwealth of Pennsylvania condemned a right of way through property of petitioner as follows:

From a point on Route 11011-Spur, at its intersection with Diamond Boulevard in Southmont Borough at Station 47 - 08.5 to a point on Grant Street at its intersection with Everhart Street in the City of Johnstown, at Station 148 - 27.0, being otherwise known as Project No. F. A. 645-A (1) (1940)

said right of way crossing petitioner's lands between Stations

86 and 93 and 141 and 144 on the plans for said road.

5. Pursuant to the Act of Assembly of June 23, 1931, P. L. 920, as amended, the Commissioners of Cambria County in session on June 30, 1939, on motion of John Thomas Jr., seconded by Frank P. Hollern, adopted the following resolution:

"WHEREAS, the Department of Highway of the Commonwealth of Pennsylvania is contemplating the construction of a State Highway through the Borough of Southmont, to be known as State Highway Route No. 11011-Spur."

"NOW, THEREFORE, BE IT RESOLVED, that the County Commissioners of Cambria County shall agree and do hereby agree to assume and pay all damages to property in the Borough of Southmont resulting from the construction of State Highway Route No. 11011-Spur, Cambria County, Pennsylvania."

Certified this 9th day of November, 1939. H. F. Dorr, Clerk.

6. Your petitioner and the Commissioners of Cambria County have been unable to agree on the amount of damages suffered by the Citizens' Cemetery Association.

Your petitioner, therefore, prays your Honorable Court to appoint three viewers from the Board of View of the County of Cambria to assess the damages suffered by Citizens' Cemetery Association by reason of the opening of State Legislative Route 11011-Spur from a point on Route 11011-Spur, at its intersection with Diamond Boulevard in Southmont Borough at Station 47 + 08.6 to a point on Grant Street at its intersection with Everhart Street in the City of Johnstown, at Station 148 + 27.0, being otherwise known as Project No. F. A. 645-A (1) (1940), and to report the same to your Honorable Court.

And your petitioner will ever pray, etc.

CITIZENS' CEMETERY ASSOCIATION

BY S. H. HECKMAN

President.

State of Pennsylvania,
County of Cambria, SS.

S. H. HECKMAN, being duly sworn, according to law, deposes and says that he is President of the corporation, Citizens' Cemetery Association, by whom he is authorized to make this affidavit, makes it upon its behalf, has knowledge of the facts, and that the facts set forth in the foregoing petition are true and correct, according to the best of his knowledge, information and belief.

S. H. HECKMAN

Sworn to and subscribed
before me this 26th day of AUGUST, 1943.

AGNES E. WEHNER, NOTARY PUBLIC.

(Seal) My commission expires February 8, 1947.

D e c r e e

And now, to wit, this day of
on motion of of Graham, Yost
Meyers & Graham, attorneys for petitioner, the Court appoint:

and _____ as a Board of View upon
the foregoing petition, and further order that the said Board
of View shall perform their duties in accordance with the laws
and Acts of Assembly in such case made and provided and report
before or during the Term of Court, 19____.

The Johnstown Tribune Publishing Co.

Publishers of the Tribune—Democrat

JOHNSTOWN, PENNA.

March 1, 1944

S. E. Dickey

809 Johnstown Bank & Trust Bldg.
Johnstown, Pa.

1944

Mar. 6

In re: --Order to view & Asses

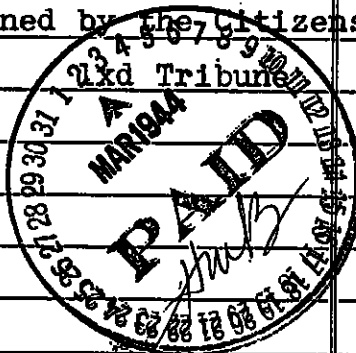
Damages sustained by the Citizens"

Cemetery Ass'n

2 $\frac{1}{2}$ "

\$4.13

MW



In re: Order to View and Assess
Damages sustained by the Citizens'
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court
we the undersigned Viewers, appointed by the attached order of
the above Court to view the premises, to determine and estimate
the damages that have resulted or that may seem likely to result
to the property of the Citizens' Cemetery Association, situate in
Southmont Borough and the City of Johnstown, Cambria County, Penn-
sylvania, between Grant Street and the intersection of Diamond
Boulevard in Southmont Borough, by reason of the location and con-
struction of State Highway Route 11011-Spur Section 1 by the High-
way Department of the Commonwealth of Pennsylvania, respectively
report as follows:

That we have been duly sworn or affirmed as Members of the
Permanent Board of Viewers of Cambria County as attested by the re-
cords of said Court; that due Notice was given, to the public, at
least ten days prior to the holding of said View, of the time and
place of meeting for Viewing the premises and the taking of Testi-
mony by posting said Notices on the premises affected, by publica-
tion of said Notice in one issue of the Johnstown Tribune, by
service of said Notice on the Commissioners of Cambria County,
the Solicitor for Cambria County, the Solicitors for the Citizens'
Cemetery Association and the Secretary of the Citizens' Cemetery
Association, evidence of which is shown by copies of said Notices
hereto attached and made a part of this report; that we met in
accordance with the Notice given on the 7th day of December A. D.
1943, and proceeded with the duties of our appointment and viewed
the premises affected; that during the View the three Viewers,
the Solicitors for the petitioner and several representatives
and the Secretary of the Citizens' Cemetery Association were

present. After viewing the premises, we continued the View to meet in the Judges' Chambers, 505 United States National Bank Building, Franklin Street, Johnstown, Pa. at 10:00 o'clock A. M. on the 15th day of February A. D. 1944. However, on account of some of the Attorneys not being able to appear said meeting was continued to the 23rd day of February A. D. 1944; that we met in accordance with said continuance at 10:00 o'clock A. M. on the 23rd day of February A. D. 1944 and proceeded with the taking of Testimony at which time James A. Graham, Philip N. Shettig and James R. Graham, Attorneys for the petitioner, George M. Spence, Solicitor for Cambria County, H. F. Dorr, County Engineer and the Viewers were present. After hearing certain evidence, and by request of Counsel for the petitioner and the County the meeting was continued to the 26th day of February A. D. 1944; that in accordance with said continuance we met at the Judges' Chambers at 10:00 o'clock A. M. on the 26th day of February A. D. 1944 and proceeded with the taking of Testimony at which time a map was offered showing the property of the Citizens' Cemetery Association enclosed within the yellow lines shown thereon, State Highway Route #11011-Spur Section 1 as constructed colored in green thereon and the main Driveway of the Grandview Cemetery cut off at the Chapin Memorial Arch and rendered useless colored in red thereon. There being no objections said offer was admitted. Also the certificate of Incorporation of the Citizens' Cemetery Association and the deeds of the various tracts of land owned by the Citizens' Cemetery Association as set forth in "Petition for Decree appointing Viewers" and as recorded in the Recorder's Office of Cambria County, referred to in said petition a copy of which is hereto attached, was offered and admitted. Also the Act of the Legislature, #295, approved July 12, 1935, P.L. 746, establishing Legislative Route 11011-Spur Section 1 and the Act of June 23, 1931,

P.L. 920, as amended by the Act of June 1, 1933, P.L. 1412, as amended by the Act of May 21, 1937, P.L. 757, condemning said right of way was offered and admitted as set forth in copy of the "Petition for Decree appointing Viewers". Also the resolution of the County Commissioners in session on June 30, 1939 as set forth in the "Petition for Decree appointing Viewers" was offered and admitted; that H. E. Stutzman, a witness for the petitioner, was called, affirmed and testified that he had been Assistant Superintendent for the Citizens' Cemetery Association from 1913 to 1922 and Superintendent from 1922 to date. He was further qualified as an expert on Cemetery valuations, which qualification was admitted, and testified as to the value of the property of the Citizens' Cemetery Association immediately before said condemnation and improvements and as unaffected by said improvements and the value immediately after said improvements and as affected by said condemnation and improvements. After cross-examination by Attorney Spence for the County, no other witnesses were called. James A. Graham, one of the Attorneys for the petitioner informed us that said property of the Citizens' Cemetery Association was tax free; that same is free and clear of all liens, judgments and mortgages which is further confirmed by a Certificate from Graham, Yost, Meyers and Graham, Attorneys for Citizens' Cemetery Association which is hereto attached and made a part hereof. After concluding the taking of Testimony, we reviewed the evidence, testimony and exhibits and after due consideration of same we estimated and determined the damages sustained by the Citizens' Cemetery Association for the purpose of preparing a Schedule of Damages.

That Notice of the time and place of meeting for the purpose of exhibiting a Schedule of Damages was given at least ten days prior to the time of said meeting to all parties interested, by personal service of same upon the petitioner, which was accepted by George Walker Williams, Secretary, and Graham, Yost Meyers and Graham, Solicitors for the petitioner and upon the County

Commissioners which was accepted by H. F. Dorr, Chief Clerk and George M. Spence, Solicitor for the County Commissioners and by publication of said Notice in one issue of the Johnstown Tribune evidence of which is shown by copies of said Notices hereto attached and made a part hereof; that we met in accordance with the Notice given for the Exhibit of Schedule at the Judges' Chambers, 505 United States National Bank Building, Franklin Street, Johnstown, Pa. on the 29th day of February A. D. 1944 at 10:00 o'clock A. M. and exhibited said Schedule, a copy of which is hereto attached and made a part hereof. During the Exhibit of Schedule representatives of the Citizens' Cemetery Association and the County of Cambria and the Viewers were present. No exceptions or further Testimony were offered; that after due consideration of all Exhibits, Testimony and all other matters before us, we have assessed benefits and damages to the Citizens' Cemetery Association as follows:

<u>Name</u>	<u>Benefits</u>	<u>Damages</u>
Citizens' Cemetery Association - - - -	None - - - -	\$ 40,000.00

According to the Testimony and Certificate, there being no liens, judgments or mortgages against the property of the Citizens' Cemetery Association the damages are payable to said Citizens' Cemetery Association by the County of Cambria, Pennsylvania; that we prepared and advertised this day in the Johnstown Tribune as required by law, a Notice of Filing Report of Viewers, a copy of which is hereto attached.

Signed this 6th day of March A. D. 1944.

L. E. Taylor
N. E. Dickey
Walter Baumgardner
Viewers

In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

SCHEDULE OF DAMAGES

We the undersigned Viewers, appointed by the above named
Court to view the property of the Citizens Cemetery Association
fronting on State Highway Route 11011-Spur Section 1 in Southmont
Borough and the City of Johnstown, Cambria County, Pennsylvania,
between Grant Street and the intersection of Diamond Boulevard in
Southmont Borough for the purpose of estimating and determining
the damages done and the benefits accruing by reason of the con-
struction of said State Highway 11011-Spur Section 1 having viewed
the premises and taking into consideration all evidence and testi-
mony before us, we have estimated same and assess benefits and
damages as follows:

<u>Name</u>	<u>Benefits</u>	<u>Damages</u>
Citizens Cemetery Association - - -	None - - - - -	\$ 40,000.00

L. E. Kaylor
L. E. Kaylor

S. E. Dickey
S. E. Dickey

Mahlon Baumgardner
Mahlon Baumgardner

Viewers

February 29, 1944.

In re; Order to View and Assess
Damages sustained by the Citizens'
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

NOTICE OF FILING REPORT OF VIEWERS

We the undersigned Viewers appointed by the above named
Court to report on the above proceedings, as it affects the
property of the Citizens' Cemetery Association, have this 6th
day of March A. D. 1944 filed our report to the above term and
number. Said report shows damages and benefits to be paid as
follows:

<u>Name</u>	<u>Benefits</u>	<u>Damages</u>
Citizens' Cemetery Association - - - -	None - - - -	\$ 40,000.00

Unless exceptions thereto are filed within thirty days
from the date of filing of said report, same will be confirmed
absolutely.

March 6, 1944.

L. E. Kaylor,
S. E. Dickey,
Mahlon Baumgardner
Viewers

In re: Order to View and Assess
Damages sustained by the Citizens'
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

To L. E. KAYLOR, S. E. DICKEY & MAHLON BAUMGARDNER Dr.

To L. E. KAYLOR Dr.

Dec. 7, 1943	Making View -----	12.00
	Mileage, 44 miles @ .10 -----	4.40
Feb. 16, 1944	Serving Notice of Exhibit of Schedule -----	12.00
	Mileage, 36 miles @ .10 -----	3.60
Feb. 23,	Taking Testimony -----	12.00
	Mileage, 36 miles @ .10 -----	3.60
" 26,	Taking Testimony, estimates and determining damage -----	12.00
	Mileage, 36 miles @ .10 -----	3.60
" 29	Exhibit of Schedule -----	12.00
	Mileage, 36 miles @ .10 -----	3.60
TOTAL -----		\$ 78.80

To S. E. DICKEY Dr.

Nov. 22, 1943	Data and preparing Notice of View and the taking of Testimony -----	12.00
" 23, "	Stenographer, stationery, stamps -	2.95
	Posting and serving Notice of View and the taking of Testimony -----	12.00
	Mileage, 8 miles @ .10 -----	.80
	Advertising Notice of View and the taking of Testimony -----	4.95
Dec. 7, 1943	Making View -----	12.00
	Mileage, 8 miles @ .10 -----	.80
Feb. 15, 1944	Meeting at Judges' Chambers con- tinuing Hearing and preparing Notice of exhibiting Schedule ----	12.00
	Stenographer and stationery -----	2.30
" 17, 1944	Advertising Notice of Exhibit of Schedule -----	4.37
" 23, "	Taking Testimony -----	12.00
" 26, "	Taking Testimony -----	12.00
" 29, "	Exhibit of Schedule, hearing excep- tions and evidence -----	12.00
Mar. 4, 1944	Data, dictating and preparing re- port and Notice of Filing Report -	12.00
	Stenographer and stationery -----	4.70
	Advertising Notice of Filing re- port -----	4.13
TOTAL -----		\$ 121.00

In re: Order to View and Assess
Damages sustained by the Citizens'
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

To MAHLON BAUMGARDNER, Dr.

Dec. 7, 1943	Making View -----	\$ 12.00
	Mileage, 44 miles @ .10 -----	4.40
Feb 23, 1944	Taking Testimony -----	12.00
	Mileage, 36 miles @ .10 -----	3.60
" 26, "	Taking Testimony -----	12.00
	Mileage, 36 miles @ .10 -----	3.60
" 29, "	Exhibit of Schedule -----	12.00
	Mileage, 36 miles @ .10 -----	<u>3.60</u>
TOTAL -----		\$ 63.20
GRAND TOTAL -----		\$ 263.00

REAR 9 1944 CERTIFIED

I hereby certify that the enclosed bills are an
exact duplicate of the bills presented to the County Commissioners.

BY S. E. Dickey
Chairman of Board of View.

The Johnstown Tribune Publishing Co.

Publishers of the Tribune--Democrat

JOHNSTOWN, PENNA.

Nov 23, 1943

S. E. Dickey

809 Johnstown Bank & Trust Co

No 271 M

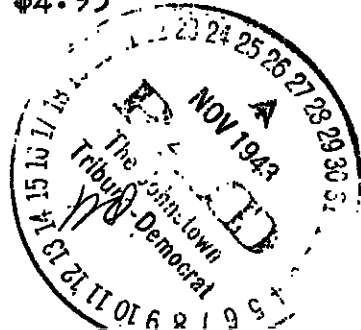
PHONES—25-551 — 25-561
REK

City

Legal- Notice of View & the Taking
of Testimony In re: View and
Assess damages, Citizens
Cemetery Assn. 1 xd Tribune 3"

\$4.95

NOTICE OF VIEW AND THE
TAKING OF TESTIMONY
In the Court of Quarter Sessions of
Cambria County, Pennsylvania, No.
1 September Session, 1943. In re:
Order to view and assess damages
sustained by the Citizens Cemetery
Association by reason of the open-
ing of State Highway Legislative
Route 11011—Spur Section 1 in
Southmont Borough and the City of
Johnstown, Pennsylvania.
We, the undersigned Viewers, ap-
pointed by the above named court to
view the property of the Citizens
Cemetery Association fronting on State
Highway Route 11011—Spur Section 1
in Southmont Borough and the City of
Johnstown, Pennsylvania, between
Grant Street and the intersection of
Diamond Boulevard in Southmont
Borough for the purpose of estimat-
ing and determining the damages
done and the benefits accruing from
the construction of said State Highway
Route, will meet at the Chapin Me-
morial Arch on Grant Street in the
City of Johnstown at 10 o'clock a. m.
on the 7th day of December, A. D.
1943, for the purpose of performing
the duties of our appointment.
L. E. KAYLOR,
S. E. DICKEY,
MAHLON BAUMGARDNER,
November 23, 1943 Viewers.



SEVENTEEN

VIEWERS' NOTICE

In the Court of Quarter Sessions of Cambria County, Pennsylvania, No. 1 Sept. Sessions, 1943. In re: Order to view and assess damages sustained by the Citizens' Cemetery Association by reason of the opening of State Highway Legislative Route 11011-Spur Section 1 in Southmont Borough and the City of Johnstown, Pennsylvania.

NOTICE OF FILING REPORT

OF VIEWERS

We, the undersigned Viewers appointed by the above named court to report on the above proceedings, as it affects the property of the Citizens' Cemetery Association, have this 6th day of March, A. D. 1944, filed our report to the above term and number. Said report shows damages and benefits to be paid as follows:

Citizens' Cemetery Association: Benefits, none; damages, \$40,000.00.

Unless exceptions thereto are filed within thirty days from the date of filing of said report, same will be confirmed absolutely.

L. E. KAYLOR,

S. E. DICKEY,

MAHLON BAUMGARDNER;

March 6, 1944

Viewers.

The Johnstown Tribune Publishing Co.

Publishers of the Tribune—Democrat

JOHNSTOWN, PENNA.

Feb. 17, 1944

S. E. Dickey

809 Johnstown Bank & Trust Co

No 1381

City

PHONES—25-851—25-851

MW

Legal-Notice of Exhibit of Schedule- 1 xd Trib. 3 $\frac{1}{4}$ " \$4.37
View & Assess Damages sustained
by the Citizens Cemetery Assn

VIEWS' NOTICE

In the Court of Quarter Sessions of Cambria County, Pennsylvania. No. 1 Sept. Sessions, 1943. In re: Order to view and assess damages sustained by the Citizens Cemetery Association by reason of the opening of State Highway Route 11011-1 in Southmont Borough and the City of Johnstown, Pennsylvania.

NOTICE OF EXHIBIT OF SCHEDULE

We, the undersigned Viewers, appointed by the above named court to view the property of the Citizens Cemetery Association fronting on State Highway Route 11011-1 in Southmont Borough and the City of Johnstown, Cambria County, Pennsylvania, between Grant Street and the intersection of Diamond Boulevard in Southmont Borough for the purpose of estimating and determining the damages done and the benefits accruing from the construction of said state highway route, will meet in the Judges' Chambers, 505 United States National Bank Building, Franklin Street, Johnstown, Pennsylvania, on the 28th day of February, A. D. 1944, at 10 o'clock a. m. at which time a schedule of damages will be exhibited and all exceptions thereto and evidence will be heard.

L. E. KAYLOR,

S. E. DICKEY,

MAHLON BAUMGARDNER,
Viewers



In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

NOTICE OF VIEW AND THE TAKING OF TESTIMONY

We the undersigned Viewers, appointed by the above
named Court to view the property of the Citizens Cemetery Asso-
ciation fronting on State Highway Route 11011-Spur Section 1 in
Southmont Borough and the City of Johnstown, Pennsylvania, between
Grant Street and the intersection of Diamond Boulevard in South-
mont Borough for the purpose of estimating and determining the
damages done and the benefits accruing from the construction of
said State Highway Route, will meet at the Chapin Memorial Arch on
Grant Street in the City of Johnstown at 10:00 o'clock A. M. on
the 7th day of December A. D. 1943 for the purpose of performing
the duties of our appointment.

L. E. KAYLOR,
S. E. DICKEY,
MAHLON BAUMGARDNER,
VIEWERS.

November 23, 1943.

In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

NOTICE OF VIEW AND THE TAKING OF TESTIMONY

We the undersigned Viewers, appointed by the above
named Court to view the property of the Citizens Cemetery Asso-
ciation fronting on State Highway Route 11011-Spur Section 1 in
Southmont Borough and the City of Johnstown, Pennsylvania, between
Grant Street and the intersection of Diamond Boulevard in South-
mont Borough for the purpose of estimating and determining the
damages done and the benefits accruing from the construction of
said State Highway Route, will meet at the Chapin Memorial Arch on
Grant Street in the City of Johnstown at 10:00 o'clock A. M. on
the 7th day of December A. D. 1943 for the purpose of performing
the duties of our appointment.

L. E. KAYLOR,
S. E. DICKEY,
MAHLON BAUMGARDNER

VIEWSERS.

November 23, 1943.

Copy

**NOTICE OF VIEW AND THE
TAKING OF TESTIMONY**
In the Court of Quarter Sessions of
Cambria County, Pennsylvania. No.
1 September Session, 1943. In re:
Order to view and assess damages
sustained by the Citizens Cemetery
Association by reason of the open-
ing of State Highway Legislative
Route 11011-Spur, Section 1 in
Southmont Borough and the City of
Johnstown, Pennsylvania.
We, the undersigned Viewers, ap-
pointed by the above named court to
view the property of the Citizens
Cemetery Association fronting on State
Highway Route 11011-Spur Section 1
in Southmont Borough and the City of
Johnstown, Pennsylvania, between
Grant Street and the intersection of
Diamond Boulevard in Southmont
Borough for the purpose of estimat-
ing and determining the damages
done and the benefits accruing from
the construction of said State Highway
Route, will meet at the Chapin Me-
morial Arch on Grant Street in the
City of Johnstown at 10 o'clock a. m.
on the 7th day of December, A. D.
1943, for the purpose of performing
the duties of our appointment.
L. E. KAYLOR,
S. E. DICKEY,
MAHLON BAUMGARDNER,
November 23, 1943 Viewers.

In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

3.

NOTICE OF VIEW AND THE TAKING OF TESTIMONY

We the undersigned Viewers, appointed by the above named Court to view the property of the Citizens Cemetery Association fronting on State Highway Route 11011-Spur Section 1 in Southmont Borough and the City of Johnstown, Pennsylvania, between Grant Street and the intersection of Diamond Boulevard in Southmont Borough for the purpose of estimating and determining the damages done and the benefits accruing from the construction of said State Highway Route, will meet at the Chapin Memorial Arch on Grant Street in the City of Johnstown at 10:00 o'clock A. M. on the 7th day of December A. D. 1943 for the purpose of performing the duties of our appointment.

L. E. KAYLOR,
S. E. DICKEY,
MAHLON BAUMGARDNER

VIEWERS.

November 23, 1943.

On this 24 day of November A. D. 1943 service of the above Notice is hereby accepted for the Commissioners of Cambria County, Pennsylvania.

BY



CHIEF CLERK.

In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

NOTICE OF VIEW AND THE TAKING OF TESTIMONY

We the undersigned Viewers, appointed by the above
named Court to view the property of the Citizens Cemetery Asso-
ciation fronting on State Highway Route 11011-Spur Section 1 in
Southmont Borough and the City of Johnstown, Pennsylvania, between
Grant Street and the intersection of Diamond Boulevard in South-
mont Borough for the purpose of estimating and determining the
damages done and the benefits accruing from the construction of
said State Highway Route, will meet at the Chapin Memorial Arch on
Grant Street in the City of Johnstown at 10:00 o'clock A. M. on
the 7th day of December A. D. 1943 for the purpose of performing
the duties of our appointment.

L. E. KAYLOR,
S. E. DICKEY,
MAHLON BAUMGARDNER,
VIEWERS.

November 23, 1943.

Now this 6th day of ^{December} ~~November~~ A. D. 1943 service of the above
Notice is hereby accepted for the County of Cambria, Pennsylvania.

BY

George M. Spence
SOLICITOR

In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.


NOTICE OF VIEW AND THE TAKING OF TESTIMONY

We the undersigned Viewers, appointed by the above
named Court to view the property of the Citizens Cemetery Asso-
ciation fronting on State Highway Route 11011-Spur Section 1 in
Southmont Borough and the City of Johnstown, Pennsylvania, between
Grant Street and the intersection of Diamond Boulevard in South-
mont Borough for the purpose of estimating and determining the
damages done and the benefits accruing from the construction of
said State Highway Route, will meet at the Chapin Memorial Arch on
Grant Street in the City of Johnstown at 10:00 o'clock A. M. on
the 7th day of December A. D. 1943 for the purpose of performing
the duties of our appointment.

L. E. KAYLOR,
S. E. DICKEY,
MAHLON BAUMGARDNER,
VIEWERS.

November 23, 1943.

Now this 23rd day of November A. D. 1943 service of the above
Notice is hereby accepted for the Citizens Cemetery Association.

BY *Braham Foster Meyer & Braham*
SOLICITOR 

No. 1 Sept. Sessions 1943.

In the Court of Quarter
Sessions, of Cambria,
County, Pennsylvania.

REPORT OF VIEWERS

Filed 3/6/44

In re: Order to View and
Assess Damages sustained
by the Citizens' Cemetery
Association by reason of
the opening of State High-
way Legislative Route 11011
Spur Section 1 in Southmont
Borough and the City of
Johnstown, Pennsylvania.

*And Now April 10, 1944, no
exceptions having been filed,
the within report is confirmed
absolutely by the Court.*

L. E. Kaylor,
S. E. Dickey,
Mahlon Baumgardner,
VIEWERS.

J.

GRAHAM, YOST, MEYERS & GRAHAM

ATTORNEYS AT LAW

JOHNSTOWN, PENNSYLVANIA

JAMES A. GRAHAM
RUSSELL R. YOST
MORTON MEYERS
JAMES R. GRAHAM

February 28, 1944.

L. E. Kaylor,
S. E. Dickey,
Mahlon J. Baumgardner, VIEWERS.

I hereby certify that there are no judgments of record in Cambria County against CITIZENS' CEMETERY ASSOCIATION, and I further certify that there are no mortgages on record in Cambria County given by CITIZENS' CEMETERY ASSOCIATION on its real estate.

GRAHAM YOST MEYERS & GRAHAM,

BY

James A. Graham

Attorneys for Citizens' Cemetery Association.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

NO. 1 Sept. 1924 SESSIONS, 1924

Order to view and assess

damages sustained by the

Citizen's Cemetery Association

by the opening of the State

Legislative Route 11011-Spur

at the intersection of Diamond

Blvd., Southmont to Grant St.

Johnstown, Pa.

L. E. Kaylor

S. E. Dickey

Mahlon Baumgardner.

Viewers

Clerk

90 cts

R. B. Baer

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the
said County, on the 18th day of November A. D. 1923, be-
fore the Honorable Judge of the said Court: Upon the petition of Citizen's Cemetery, Asso.
Johnstown, Pa., in the said County, setting forth that they labor under incon-

and therefore praying the Court to appoint proper persons to view and ~~assess the damages~~ assess damages to law. The Court, upon due consideration had of the premises, do order and appoint L. E. Kaylor surveyor, and S. E. Dickey

By the Court.

Attest:

Clerk.

In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

NOTICE OF VIEW AND THE TAKING OF TESTIMONY

We the undersigned Viewers, appointed by the above
named Court to view the property of the Citizens Cemetery Asso-
ciation fronting on State Highway Route 11011-Spur Section 1 in
Southmont Borough and the City of Johnstown, Pennsylvania, between
Grant Street and the intersection of Diamond Boulevard in South-
mont Borough for the purpose of estimating and determining the
damages done and the benefits accruing from the construction of
said State Highway Route, will meet at the Chapin Memorial Arch on
Grant Street in the City of Johnstown at 10:00 o'clock A. M. on
the 7th day of December A. D. 1943 for the purpose of performing
the duties of our appointment.

L. E. KAYLOR,
S. E. DICKEY,
MAHLON BAUMGARDNER
VIEWERS.

November 23, 1943.

Now this 25th day of November A. D. 1943 service of the above
Notice is hereby accepted by the Citizens Cemetery Association.

BY Geo. Levenson Williams
SECRETARY

In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

NOTICE OF EXHIBIT OF SCHEDULE

We, the undersigned Viewers, appointed by the above
named Court to view the property of the Citizens Cemetery Associa-
tion fronting on State Highway Route 11011-Spur Section 1 in
Southmont Borough and the City of Johnstown, Cambria County, Penn-
sylvania between Grant Street and the intersection of Diamond Boule-
vard in Southmont Borough for the purpose of estimating and determin-
ing the damages done and the benefits accruing from the construction
of said State Highway Route, will meet in the Judges' Chambers, 505
United States National Bank Building, Franklin Street, Johnstown,
Pennsylvania, on the 29th day of February A. D. 1944 at 10:00
o'clock A. M. at which time a Schedule of Damages will be exhibited
and all exceptions thereto and evidence will be heard.

L. E. Kaylor,
S. E. Dickey,
Mahlon Baumgardner
VIEWERS.

February 16, 1944.

Now this 16th day of February A. D. 1944 service of the above
Notice is hereby accepted by the Citizens Cemetery Association.

BY Ego. Leander Williams
SECRETARY

In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943.

NOTICE OF EXHIBIT OF SCHEDULE

We, the undersigned Viewers, appointed by the above
named Court to view the property of the Citizens Cemetery Associa-
tion fronting on State Highway Route 11011-Spur Section 1 in
Southmont Borough and the City of Johnstown, Cambria County, Penn-
sylvania between Grant Street and the intersection of Diamond Boule-
vard in Southmont Borough for the purpose of estimating and determin-
ing the damages done and the benefits accruing from the construction
of said State Highway Route, will meet in the Judges' Chambers, 505
United States National Bank Building, Franklin Street, Johnstown,
Pennsylvania, on the 29th day of February A. D. 1944 at 10:00
o'clock A. M. at which time a Schedule of Damages will be exhibited
and all exceptions thereto and evidence will be heard.

L. E. Kaylor,
S. E. Dickey,
Mahlon Baumgardner
VIEWERS.

February 16, 1944.

Now this 16th day of February A. D. 1944 service of the above
Notice is hereby accepted for the Citizens Cemetery Association.

BY

James R. Graham
SOLICITORS.
By James R. Graham

In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943

NOTICE OF EXHIBIT OF SCHEDULE

We, the undersigned Viewers, appointed by the above
named Court to view the property of the Citizens Cemetery Associa-
tion fronting on State Highway Route 11011-Spur Section 1 in
Southmont Borough and the City of Johnstown, Cambria County, Penn-
sylvania between Grant Street and the intersection of Diamond Boule-
vard in Southmont Borough for the purpose of estimating and determin-
ing the damages done and the benefits accruing from the construction
of said State Highway Route, will meet in the Judges' Chambers, 505
United States National Bank Building, Franklin Street, Johnstown,
Pennsylvania, on the 29th day of February A. D. 1944 at 10:00
o'clock A. M. at which time a Schedule of Damages will be exhibited
and all exceptions thereto and evidence will be heard.

L. E. Kaylor,
S. E. Dickey,
Mahlon Baumgardner
VIEWERS.

February 16, 1944.

On this 16th day of February A. D. 1944 service of the above
Notice is hereby accepted for the Commissioners of Cambria
County, Pennsylvania.

BY George M. Spence
CHIEF CLERK
County Solicitor

In re: Order to View and Assess
Damages sustained by the Citizens
Cemetery Association by reason of
the opening of State Highway Legis-
lative Route 11011-Spur Section 1
in Southmont Borough and the City
of Johnstown, Pennsylvania.

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 1 Sept. Sessions, 1943

NOTICE OF EXHIBIT OF SCHEDULE

We, the undersigned Viewers, appointed by the above
named Court to view the property of the Citizens Cemetery Associa-
tion fronting on State Highway Route 11011-Spur Section 1 in
Southmont Borough and the City of Johnstown, Cambria County, Penn-
sylvania between Grant Street and the intersection of Diamond Boule-
vard in Southmont Borough for the purpose of estimating and determin-
ing the damages done and the benefits accruing from the construction
of said State Highway Route, will meet in the Judges' Chambers, 505
United States National Bank Building, Franklin Street, Johnstown,
Pennsylvania, on the 29th day of February A. D. 1944 at 10:00
o'clock A. M. at which time a Schedule of Damages will be exhibited
and all exceptions thereto and evidence will be heard.

L. E. Kaylor,
S. E. Dickey,
Mahlon Baumgardner
VIEWERS.

February 16, 1944.

Now this 16th day of February A. D. 1944 service of the above
Notice is hereby accepted for the County of Cambria, Pennsylvania.

BY

H. J. Down
CHIEF CLERK

VIEWERS' NOTICE

In the Court of Quarter Sessions of Cambria County, Pennsylvania. No. 1 Sept. Sessions, 1943. In re: Order to view and assess damages sustained by the Citizens Cemetery Association by reason of the opening of State Highway Legislative Route 11011-Spur Section 1 in Southmont Borough and the City of Johnstown, Pennsylvania.

NOTICE OF EXHIBIT OF SCHEDULE

We, the undersigned Viewers, appointed by the above named court to view the property of the Citizens Cemetery Association fronting on State Highway Route 11011-Spur Section 1 in Southmont Borough and the City of Johnstown, Cambria County, Pennsylvania, between Grant Street and the intersection of Diamond Boulevard in Southmont Borough for the purpose of estimating and determining the damages done and the benefits accruing from the construction of said state highway route, will meet in the Judges' Chambers, 505 United States National Bank Building, Franklin Street, Johnstown, Pennsylvania, on the 29th day of February, A. D. 1944, at 10 o'clock a. m. at which time a schedule of damages will be exhibited and all exceptions thereto and evidence will be heard.

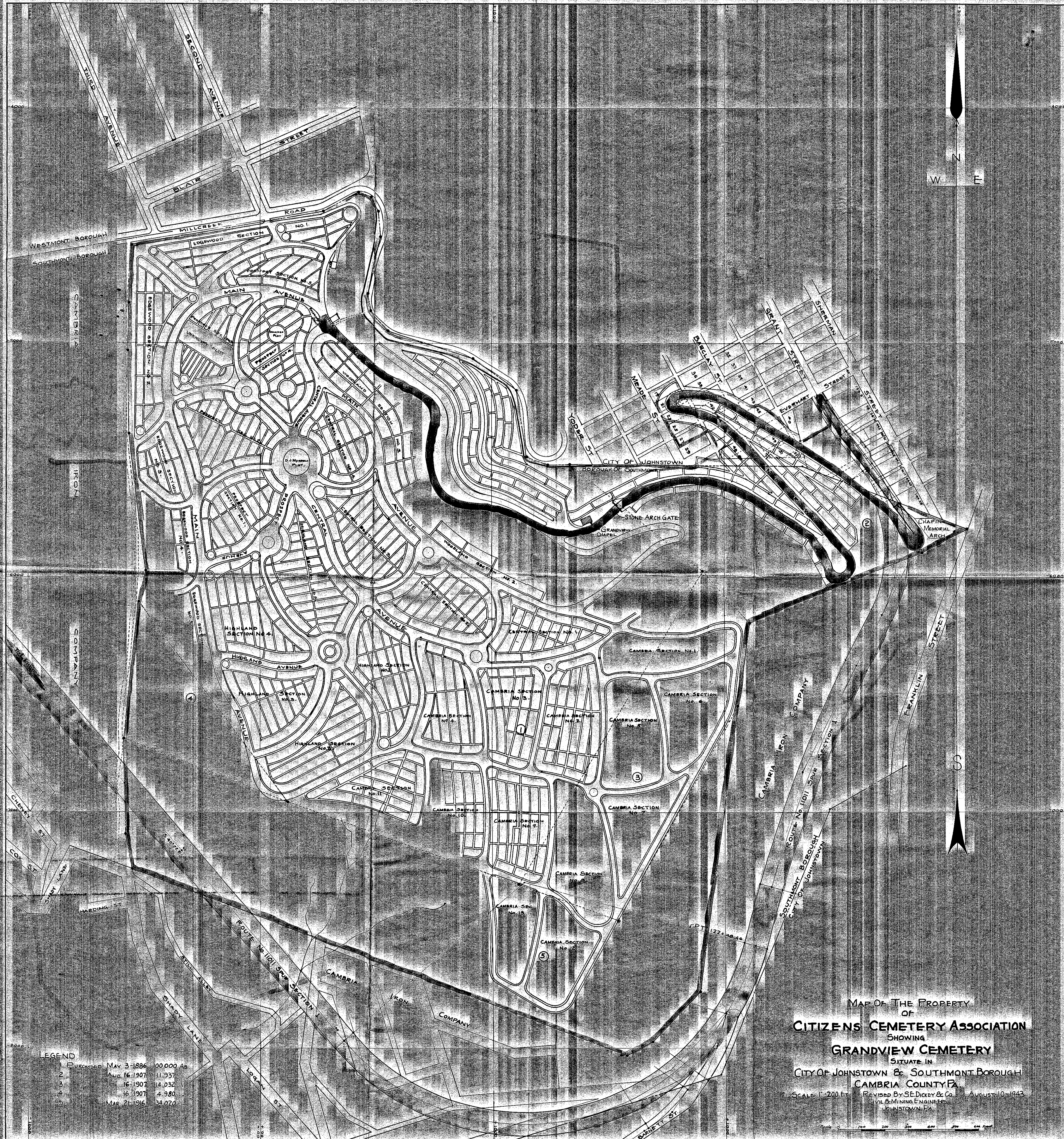
L. E. KAYLOR,

S. E. DICKEY,

MAHLON BAUMGARDNER,

Viewers.

NOTICE



LEGEND

1.	PURCHASED MAY 3-1886	100,000 AS
2.	AUG 16-1907	11,937
3.	16-1907	14,032
4.	16-1907	4,980
5.	MAR 21-1916	34,020

MAP OF THE PROPERTY
OF
CITIZENS CEMETERY ASSOCIATION
SHOWING
GRANDVIEW CEMETERY
SITUATE IN
CITY OF JOHNSTOWN & SOUTHMONT BOROUGH
CAMBRIA COUNTY PA.
SCALE 1" = 200 FT. REVISED BY S.E. DICKEY & CO. AUGUST 10-1943
CIVIL & MINING ENGINEERS
JOHNSTOWN PA.