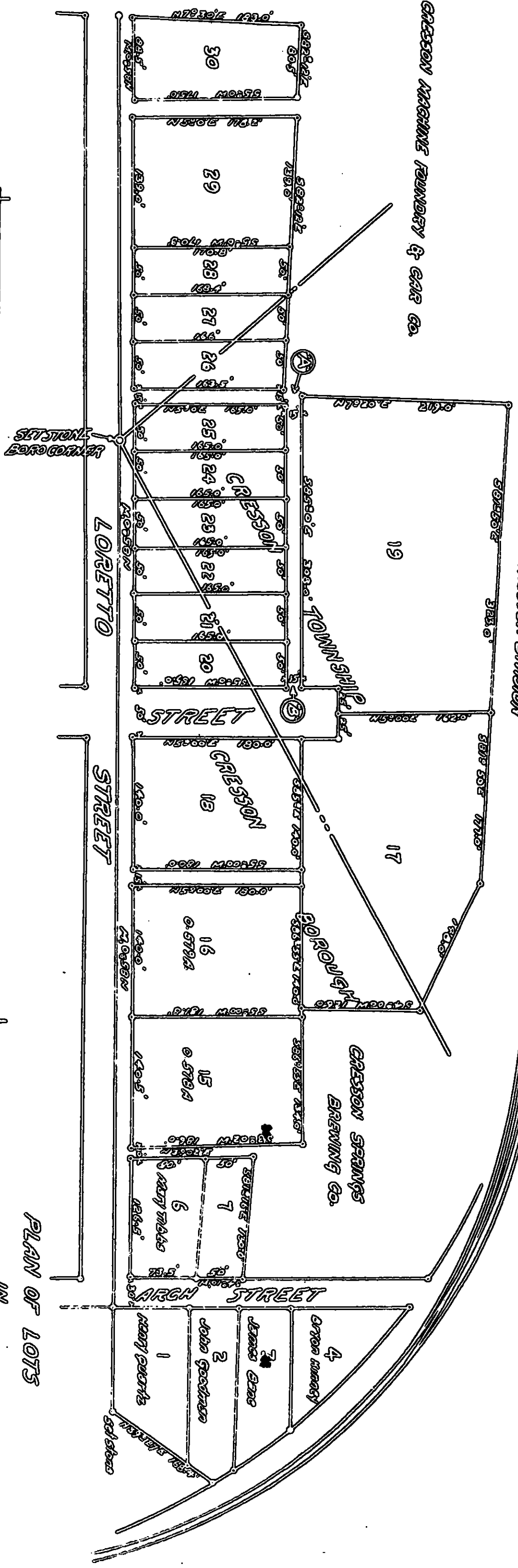


Rat Microfilmed

RD#3 Mar. 1943

PENNSYLVANIA RAILROAD CO. - GREEN DIVISION

GREEN DIVISION RAILROAD CO. GREEN CO.



PLAN of LOTS in Green Township, Cambria County, Pennsylvania, marked 1-30, to be located by order of the Green Township, Cambria Co., Pa., as shown on plan of lots laid out by the Pennsylvania Railroad and recorded at Bedford Vol. 2, p. 24

James McGowan
L. E. Hepler
S. H. Jackson
Witness
June 25th 1893

GREEN TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA
BEARING TO
PLAT OF WILHELMINA PRESTON
Recorded at Bedford Vol. 2, p. 24

No. 3

Mar

Sessions, 1943.

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

In Re Petition to Vacate Public Alley
dedicated to public use by the Heirs
of Wilhemena Pfeister, deceased, as
shown on plan recorded in Cambria County
in Plat Book Vol. 2 at page 84, in
Cresson Township, Cambria County, Penn-
sylvania.

PETITION FOR APPOINTMENT OF VIEWERS.

Filed

6/9-43

SHETTIG & SWOPE
ATTORNEYS AT LAW
EBENSBURG, PA.

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

In Re Petition to Vacate Public Alley
dedicated to public use by the Heirs
of Wilhemena Pfeister, deceased, as
shown on Plan recorded in Cambria County
in Plat Book Vol. 2 at page 84, in
Cresson Township, Cambria County, Penn-
sylvania.

No. 3 Mar. Sessions, 1943.

PETITION FOR APPOINTMENT OF VIEWERS.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned freeholders of the Township of
Cresson, County of Cambria and State of Pennsylvania, respectfully represents:

1. That an alley has been long since laid out and dedicated in the
Township of Cresson, in the County of Cambria and State of Pennsylvania, being
known as the public alley extending from an unnamed street to an unnamed alley,
and located on the plan of lots of the heirs of Wilhemena Pfeister, said plan
being recorded in Plat Book Vol. 2, page 84, Cambria County records, said alley
being bounded on the one side by Lots Nos. 20 to 25, inclusive, on said plan,
and on the other side by Lot No. 19 on said plan, and being of the length of
three hundred feet and the width of fifteen feet.

2. There are no proceedings in this Court with reference to the
laying out of the above mentioned alley, inasmuch as the same was laid out by
dedication by the owners of the land traversed by the same in connection with
the plan of lots hereinabove mentioned and duly recorded as recited in para-
graph 1 hereof.

3. By reason of the fact that the ownership of all of the land on
both sides of said alley as above described is now in one person, said alley has
become useless, inconvenient and burdensome and of no value whatever to the
taxpayers of said Township of Cresson, and the undersigned freeholders seek to
have the same vacated.

4. On May 19, 1943, a petition was presented to the Court under
Rule 301 $\frac{1}{2}$ of the Rules of the Courts of Oyer & Terminer and Quarter Sessions of
the Peace of this County for a rule on the County Commissioners of said County

of Cambria as provided in said Rule, attached to which is a waiver of the issuance and serving of a rule to show cause, which said waiver is provided to be effective as though all requirements of said rule had been complied with, particularly the ten day period provided therein to elapse between the service of said rule and the return day, and agreeing that the date of said waiver, to wit, May 19, 1943, should be considered as return day of the rule. Upon said petition the Court made an order permitting the presentation of an appropriate petition to the Court for the vacation of the public alley above described.

5. The Supervisors of Cresson Township have waived any notice required by law or Rule of Court to be served upon them of the intention to present this petition, as appears by their signatures to this petition.

THEREFORE, your petitioners pray the Court to inquire of and to vacate the above mentioned public alley which is hereinabove described, and for that purpose to appoint three members of the permanent Board of Viewers of Cambria County to view said public alley and inquire of the premises and make return of their proceedings according to law.

And they will ever pray, etc.

Lewis C. Chubb
Leahy Kuttan
Raymond Dummer
Supervisors of Cresson Township
William G. Medrow
Juris Beltrorr
Charles Templeton
J. J. O'Neill
R. H. Bradley
Charles Moore

State of Pennsylvania §
 § SS:
County of Cambria §

Lewis Eberhart, being duly sworn according to law, says that he is one of the signers of the within petition, and that the statements therein contained are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before me
this 21st day of May, A.D. 1943.

Frederick Davidson §
Notary Public.

My commission expires March 3, 1945.

Lewis Eberhart

ORDER.

And now, June 7, 1943, the foregoing petition having been read and considered, IT IS ORDERED that James McEuen, D. H. Knott, and C. D. Harker, three members of the permanent Board of Viewers of Cambria County, be and they are hereby appointed to view said public alley and inquire of the premises and make return of their proceedings according to law.

BY THE COURT:

McEuen

Apr 7-1943
Approved -
By the Court
Wickham

12/17/43
Confirmed
Stokes
J. E. [unclear]

No. 3 MARCH SESSIONS
1943

IN THE COURT OF QUARTER SESSIONS
OF

CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Petition for the appointment of Viewers to view and determine whether an Alley in Cresson Township Cambria County, Penna., should be vacated

ORDER OF COURT AND
REPORT OF VIEWERS

JAMES MCCANN

L. E. KAYLOR

S. H. JENCKS

VIEWSERS

Filed July
3-1943

~~IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA~~
IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Petition for the appointment
of Viewers to view and determine
whether an Alley in Cresson Town-
ship should be vacated

NO. 3 MARCH 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 and determine whether a certain alley located in Cresson Township, Cambria County, Pennsylvania should be vacated. Said alley having become useless and unnecessary to the public, respectfully report as follows:

That we have been duly sworn as members of the Permanent Board of Viewers of Cambria County as attested by the records 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, place and purpose of Meeting, by the posting of Notices on said premises and at points adjacent thereto. By service of said Notices on the Commissioners of Cambria County, The Supervisors of Cresson Township and the heirs of Wilhelmina Pfeister, evidence of which service is shown by copies of such Notices properly signed, hereto attached and made a part of this report. All such Notices above referred to set forth the time, place and purpose of said Meeting.

That, in accordance with the Notices given, we met on the premises on Friday A. M. at 9:30 O'clock, June 25th 1943 and proceeded with the duties of our appointment. There were present at the View, the three Viewers, two of the Supervisors of Cresson Township, one of the heirs of Wilhelmina Pfeister and several other interested parties. The Viewers accompanied by all of those above mentioned, viewed the premises in a careful and thorough manner. All who wished were given a hearing, and the opinion was unanimously expressed that the Alley in question was useless and unnecessary and should be abandoned. Said Alley is described as follows:

It is part of a plan of lots recorded in Plot book, Volume 2, Page 34, in the Court House at Ebensburg, Pennsylvania by the heirs of Wilhelmina Pfeister, and is bounded on one side by lots Nos. 20 to 25 inclusive and on the other side, by lot No. 19, shown on said plan and being 300 feet in length and 15 feet in width. The streets affected and the Alley in question are unnamed, and therefore, can only be identified by numbers.

After completing the view of the premises, the Viewers consulted as to the advisability of vacating the Alley and decided as it had become useless and of no service to any one, that they declare it vacated. The land on all sides of the Alley is owned by one person and therefore, as he favors the vacation, there is no inconvenience caused to any person by such vacating. The Viewers, therefore, by unanimous vote, declared the Alley vacated. A plan of said Alley is hereto attached, setting forth in more detail, the courses and distances.

Respectfully Submitted

James McBain
L. E. Taylor
S. H. Jewell

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. 3, March, SESSIONS, 1923

Order to view

And vacate alley within described
in Cresson Township, Cambria
County, Pennsylvania.

Viewers

James McCann

S. H. Jenks

L. E. Kaylor.

Clerk

by cts.

Acting Clerk

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the Seventh day of June A. D. 1943, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of CRESSON, in the said County, setting forth that they ~~under and from~~ Alley ~~venience for want of a desire the vacating of an~~ ~~road or highway, to lead from~~

being known as the public alley extending from an unnamed
Street to an unnamed alley, and located on the plan of lots
of the heirs of Wilhemena Pfeister, said plan being recorded
in Plat Book Vol 2, page 84, Cambria County records, said alley
being bounded on the one side by lots No. 20 to 25, inclusive,
on said plan and on the other side by lots No. 19 on said plan
and being of the length of Three Hundred feet and the Width
of Fifteen feet. There is nothing in the records in this
Court with reference to layout of the above mentioned alley,
in as much as the same was laid out by dedication of the owners
of the land traversed by the same in connection with the plan
of lots hereinabove mentioned and duly recorded as recited in
paragraph above.

Vacate
and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint James McCann surveyor, and

S. H. Jenks and L. E. Kaylor
viewers, to view the ground proposed for vacation and if they view the same, and shall
agree that there is occasion for such road, they shall proceed to vacate 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 desires of the petitioners, and that
they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County,
stating particularly whether they judge the same necessary for a public or private road, together with
a plot or draft thereof, and the courses and distances, and references to the improvements through
which it may pass.

By the Court.

Attest:

J. H. W. by P. Cullerton Clerk.
Acting Clerk

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

RE: Appointment of Viewers to view
and determine whether an Alley
located in Cresson Township,
Cambria County, Pennsylvania
should be vacated

No. 3 MARCH SESSIONS

1943

CAMBRIA COUNTY COMMISSIONERS

	To	James McCann	Dr.		
June 14th		Gathering data, preparing, posting and			
15th		serving Notices of View		\$18.00	
		Stenographer		2.00	
		52 Miles		5.20	
25th		Day on View		12.00	
		52 Miles		5.20	
28th		Preparing and filing Reports		12.00	
		Stenographer		2.00	
		3 Plans furnished of Alley vacated		12.00	\$68.40
	To	S. H. Jencks	Dr.		
June 25th		1 day on View		\$12.00	
		20 Miles		2.00	\$14.00
	To	L. E. Kaylor	Dr.		
June 25th		1 day on View		\$12.00	
		20 Miles		2.00	\$14.00

I hereby certify this to be a true and
correct copy of bill filed with the
County Commissioners.

James McCann
Chairman

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

IN RE: Appointment of Viewers to
vacate an alley in Cresson Town-
ship, Cambria County, Pennsylvania

(
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(
)

NO. 3 MARCH SESSIONS

1943

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court to view and determine whether an Alley located in Cresson Township, Cambria County, Pennsylvania, should be vacated, because it has become useless and unnecessary. The Alley to be vacated is located as follows:

It is part of a plan of lots recorded in Plot Book, Volume 2, Page 84, in the Court House in Ebensburg, Pennsylvania by the heirs of Wilhemina Pfeister and is bounded on one side by lots No. 20 to 25 inclusive, and on the other side, by lot No. 19, shown on said Plan, and being 300 feet in length and 15 feet in width.

Will meet at the place of Beginning of said Alley, on Friday, June 25th 1943, at 9:30 A. M. to attend to the duties of our appointment, at which time and place, all persons interested may appear and be heard if they think proper.

VIEWERS

(JAMES MCCANN
)
(L. E. KAYLOR
)
(S. H. JENCKS

Received June 15, 1943.

H. F. Dorr
H. F. DORR
Clerk

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to
vacate an alley in Cresson Town-
ship, Cambria County, Pennsylvania

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VIEWERS

JAMES McCANN

L. E. KAYLOR

S. H. JENCKS

Rec'd of James McCann a copy of the
above notice

June 15
1943

David J. Pfeister
John Pfeister

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to
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ship, Cambria County, Pennsylvania

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VIEWERS

JAMES MCCANN

L. E. KAYLOR

S. H. JENCKS



*Sup. Viewers
Cresson Twp*

*Lewis Chester Sup
Raymond Dunning*

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to
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