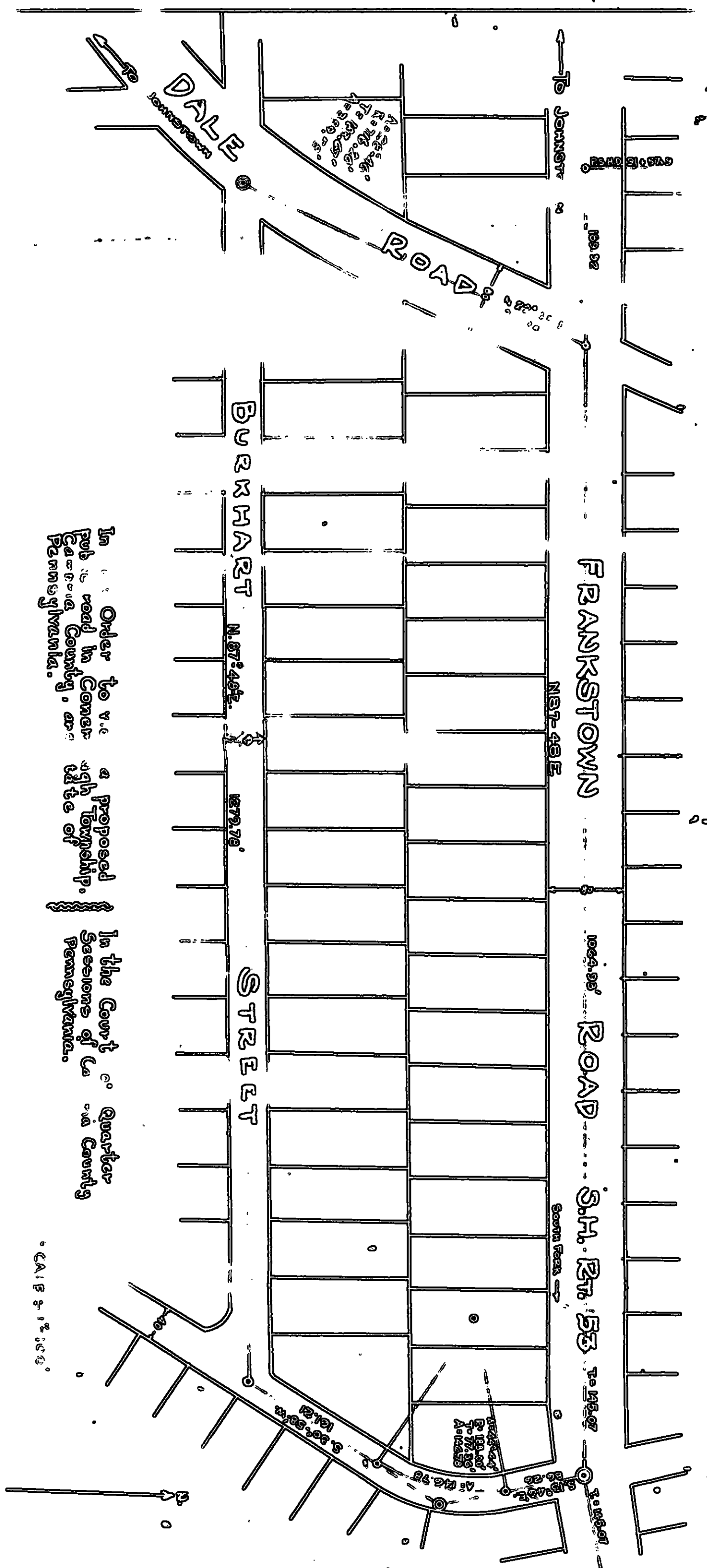


R D# 1 June 1946
Not microfilmed



In the Court of Quarter Sessions of the County of Pennsylvania. Order to vacate a proposed eighth Township road in Conemaugh County, Pennsylvania.

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

REVISED March 11, 1927

GRANT & CLAPTON, ENGINEERS.

7-30-46.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA.
NO. ~~2~~ *June* SESSIONS, 1946.

IN RE PETITION FOR
APPOINTMENT OF VIEWERS
TO LAY OUT A PUBLIC
ROAD IN CONELAUGH
TOWNSHIP.

Filed 7/8/46

WALTER C. HERRMANN
ATTORNEY AT LAW
JOHNSTOWN TRUST BLDG.
JOHNSTOWN, PENNSYLVANIA

$\frac{12}{24} = 30.$

ASVD

IN RE PETITION FOR APPOINTMENT OF VIEWERS TO LAY OUT A PUBLIC ROAD IN CONEMAUGH TOWNSHIP

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA.
NO. _____ JUNE SESSIONS, 1946.

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

The petition of the undersigned respectfully represents:

1. That they are property owners or residents and taxpayers of the Township of Conemaugh, County of Cambria and State of Pennsylvania.
2. That your petitioners and other taxpayers and inhabitants of the County of Cambria labor at great inconvenience for want of a public road or highway in the Township of Conemaugh, County and State aforesaid, to begin and end at the points hereinafter designated, and such a public road or highway is necessary for public travel.
3. A description of the road desired to be laid out is as follows: BEGINNING at a point on the Dale Road; thence in a general easterly direction a distance of 1490.95 feet to a point on State Highway Route No. 53, said proposed road or highway being known as Burkhart Street in said Township.

WHEREFORE, your petitioners respectfully pray your Honorable Court to appoint viewers to view and lay out a public road as herein prayed for and make report of their proceedings to your Honorable Court at the next term thereof.

Geo. S. Burkhart
F. H. Melatone
L. Kinsey
Nick Dill
Libby Timont

Tom Hillinger
Kenneth Winterer ✓
Ray A. Corbitt

Tom Rose
Ninged Bennett
Joseph Valente ✓
Mike Marabella ✓
Harry Schellhammer
David Farnison
Joseph Ernst
Ralph M. Davin

STATE OF PENNSYLVANIA

COUNTY OF CAMBRIA

SS:

On this 10th day of June, A. D. 1946, before me, the
 subscriber, a Notary Public in and for said County, personally
 appeared LEROY S. BURKHART, one of the within named petitioners,
 who being by me duly sworn according to law did depose and say
 that the matters set forth in the above and foregoing petition
 are true and correct to the best of his knowledge, information
 and belief.

Sworn to and subscribed before
 me the day and year aforesaid,
 as witness my hand and Notarial
 Seal.

Leroy S. Burkhardt

Kathryn J. Herrmann.

Notary Public.
 NOTARY PUBLIC

My Commission Expires Jan. 22, 1949

JOINDER

AND NOW, to wit: July 1, A. D. 1946, the Commissioners of Cambria County join in this petition and respectfully request that the provisions of Rule of Court 301 $\frac{1}{2}$ be waived.

H. J. Dow

Chief Clerk.

DECREE

AND NOW, to wit: this 8 day of ~~April~~ ^{July}, A. D. 1946,
the within petition presented and upon consideration thereof
Thodore Hunt, Robert G. Wayer and James
McCann 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 ~~June~~ ^{Sept}, 1946.

BY THE COURT:

McKenzie
Judge

Now Sept 9-1946 ~~Report~~
Approved. nia.
By the Court
McKenzie
Judge

Dec. 20th 1946
Confirmed Absolute
Adseanjoy, clerk of Court

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

No. 2 June Sessions 1946

IN RE: PETITION FOR
APPOINTMENT OF VIEWERS
TO LAY OUT A PUBLIC
ROAD IN CONEMAUGH
TOWNSHIP.

REPORT OF VIEWERS

Filed 8/1/46

corrected Bill.

In re: Order to view a proposed public road in Conemaugh Township, Cambria County, and State of Pennsylvania.

In the Court of Quarter Sessions of Cambria County Pennsylvania. No. 2 June Sessions 1946.

To Theodore Hunt, Robert Mayer and James McCann

July 11	Data and preparing notices of View	\$ 12.00	
	Stenographer, stationery and stamps	2.60	
13	Posting and serving notices of view	12.00	
	Mileage, 22 miles @ \$.10	2.20	
25	Making View	12.00	
	Mileage, 22 miles @ \$.10	2.20	
26	Data and preparing report	12.00	
	Tracing paper, 1 cloth print and two paper prints - Draftsman making plat plan.	7.50	
	Stenographer and stationery	2.80	
31	Filing report of Viewers	12.00	
	Mileage, 40 miles @ \$.10	4.00	\$ 81.30

OCT 9 1946 CERTIFIED

To Robert Mayer

July 25	Making View	\$ 12.00	
	Mileage, 10 miles @ \$.10	1.00	13.00

OCT 9 1946 CERTIFIED

To James McCann

July 25	Making View	\$ 12.00	
	Mileage, 14 miles @ \$.10	1.40	13.40

TOTAL AMOUNT OF VIEW- - - - - \$107.70

OCT 9 1946 CERTIFIED

I hereby certify that the above bill is an exact duplicate of the bill presented to the Cambria County Commissioners.

Theodore Hunt

Theodore Hunt
Chairman Board of View

Corrected bill

In re: Order to view a proposed public road in Conemaugh Township, Cambria County, and State of Pennsylvania.

In the Court of Quarter Sessions of Cambria County Pennsylvania.
No. 2 June Sessions 1946.

March 11	Collecting additional data and making revised plat plan	\$ 9.00
March 18	Addenda to report	2.00
	Total	<u>\$ 11.00</u>

APR 10 1947 CERTIFIED

I hereby certify that the above bill is an exact duplicate of the bill presented to the Cambria County Commissioners.

March 19, 1947

Theodore W. Hunt
Theodore Hunt
Chairman Board of View

In re: Order to view a proposed public road in Conemaugh Township, Cambria County, and State of Pennsylvania.

In the Court of Quarter Sessions of Cambria County Pennsylvania, No. 2 June Sessions 1946

REPORT OF VIEWERS

Addenda to report dated July 30, 1946.

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:

Route of road viewed, beginning at a point in the Dale Road at the intersection of the Dale Road and Burkhart Street; thence along Burkhart Street North $87^{\circ} 48'$ East 1279.78 feet to a point in Burkhart Street; thence along the center line of Burkhart Street North $30^{\circ} 58'$ East 161.21 feet to the PC of a curve to the left whose radius is 188 feet, an arc distance of 146.78 feet to a point on the center line of Burkhart Street; thence North $13^{\circ} 46'$ West a distance of 86.26 feet to a point in the Frankstown Road the terminus of Burkhart Street as viewed, making a total of 1674.13 feet as shown and tinted in green on the attached blueprints.

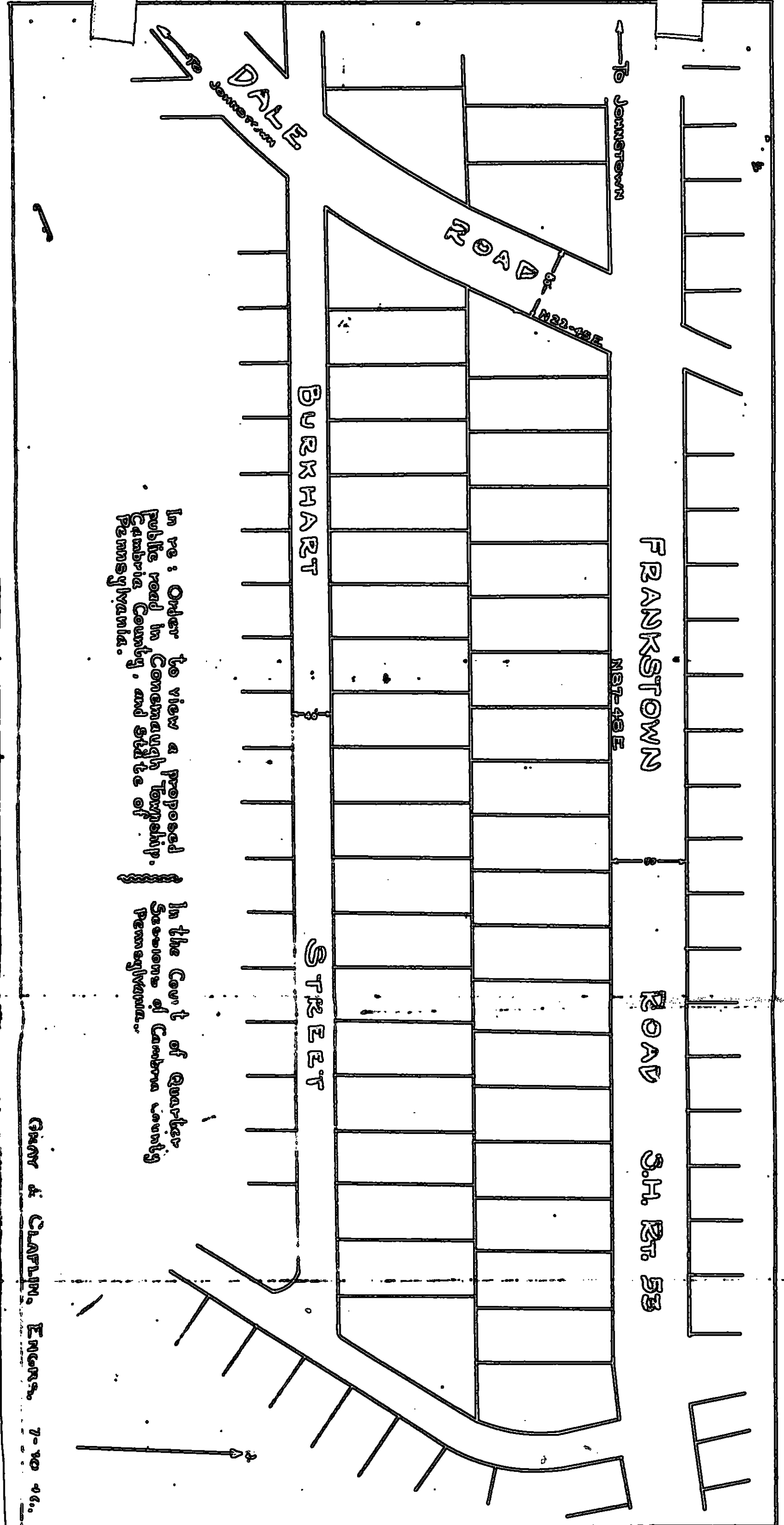
Signed by the members of the Board of Viewers this nineteenth day of March, 1947.

Theodore W. Hunt.
Chairman

Robert G. Mayer

James M. Caen

duplicate



In re: Order to view a Proposed
 Public road in Conemaugh Township,
 Cambria County, and State of
 Pennsylvania.

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

map

In re: Order to view a proposed public road in Conemaugh Township, Cambria County, and State of Pennsylvania.

In the Court of Quarter Sessions of Cambria County Pennsylvania. No. 2 June Sessions 1946.

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 terminal of the said proposed new road as evidenced by copy of said notice hereto attached and by service of said notice upon the Commissioners of Cambria County, the Supervisors of Conemaugh Township and the solicitor of Conemaugh Township, 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 25th day of July A.D. 1946 at 10:30 a.m. D.S.T. and proceeded with the duties of our appointment and viewed the premises and route of the proposed new road; that during the view, two property owners and interested persons and one supervisor from Conemaugh Township and all three viewers were present; this highway has been in use for the past several years and there are at least twelve improved properties along this road and improvement of other properties now going on and the maintenance of this road will not create an undo hardship in the Township; therefore, we the viewers recommend that the prayer of the petitioners be granted and we assess no benefits and no damages to any of the abutting property owners.

Signed by the members of the Board of Viewers this thirtieth day of July, 1946.

Theodore W. Hunt
Chairman

Robert E. Mayer

James M. Quinn

In re: Order to view a proposed public road in Conemaugh Township, Cambria County, and State of Pennsylvania.

In the Court of Quarter Sessions of Cambria County Pennsylvania.
No. 2 June Sessions 1946.

To Theodore Hunt, Robert Mayer and James McCann

July 11	Data and preparing notices of View	\$ 12.00	
	Stenographer, stationery and stamps	2.60	
July 13	Posting and serving notices of view	12.00	
	Mileage, 22 miles @ \$.10	2.20	
July 25	Making View	12.00	
	Mileage, 22 miles @ \$.10	2.20	
July 25	Data and preparing report	12.00	
	Tracing paper, 1 cloth print and two paper prints-Draftsman making plat plan	7.50	
	Stenographer and stationery	2.80	
July 31	Filing report of Viewers	12.00	
	Mileage, 40 miles @ \$.10	4.00	\$81.30

To Robert Mayer

July 25	Making View	\$ 12.00	
	Mileage, 10 miles @ \$.10	1.00	\$ 13.00

To James McCann

July 25	Making View	\$ 12.00	
	Mileage, 14 miles @ \$.10	1.40	\$ 13.40

TOTAL AMOUNT OF VIEW- - - - - \$107.70

I hereby certify that the above bill is an exact duplicate of the bill presented to the Cambria County Commissioners.

Theodore W. Hunt
Theodore Hunt
Chairman Board of View

In re: Order to view a proposed
public road in Conemaugh Township,
Cambria County, and State of
Pennsylvania.

0 In the Court of Quarter
0 Sessions of Cambria County
0 Pennsylvania.
0 No. 2 June Sessions 1946.

Notice of View

We, the undersigned viewers, appointed by the above named Court for the purpose of viewing and acting upon petition of the Owners to have a certain road situate in the Township of Conemaugh, County of Cambria and State of Pennsylvania accepted. The proposed public road begins at a point on the Dale Road; thence in a general easterly direction a distance of 1490.95 feet to a point on State Highway Route No. 53, said proposed road or highway being known as Burkhardt Street in said Township. Will meet at the place of beginning on the twenty-fifth day of July, 1946, at 10:30 o'clock a.m. D.S.T. for the purpose of performing the duties of our appointment at which time and place all interested persons may appear and be heard.

Theodore Hunt
Robert G. Mayer
James McCann

July 13, 1946.

Received notice July 15, 1946.


H. F. Dorr,
Clerk for County Commissioners

In re: Order to view a proposed
public road in Conemaugh Township,
Cambria County, and State of
Pennsylvania.

In the Court of Quarter
Sessions of Cambria County
Pennsylvania,
No. 2 June Sessions 1946.

Notice of View

We, the undersigned viewors, appointed by the above
named Court for the purpose of viewing and acting upon petition
of the Owners to have a certain road situate in the Township of
Conemaugh, County of Cambria and State of Pennsylvania accepted.
The proposed public road begins at a point on the Dale Road;
thence in a general easterly direction a distance of 1490.95 feet
to a point on State Highway Route No. 53, said proposed road or
highway being known as Burkhart Street in said Township. Will
meet at the place of beginning on the twenty-fifth day of July,
1946, at 10:30 o'clock a.m. D.S.T. for the purpose of performing
the duties of our appointment at which time and place all interested
persons may appear and be heard.

Theodore Hunt
Robert G. Mayer
James McGann

July 13, 1946.

July 12, 1946

Atty. Harry Simmons
614 U. S. National Bank Bldg.,
Johnstown, Pa.

Dear Mr. Simmons:

Enclosed herewith, please find copy of
"Notice of View" for No. 2 June Sessions 1946.

Yours very truly,

Theodore Hunt
Chairman of Board of Viewers

TH:wb
Encll1

July 12, 1946

Mr. Walter C. Hermann, Atty.
301 Johnstown Bank and Trust Bldg.,
Johnstown, Pa.

Dear Mr. Hermann:

Enclosed herewith please find copy of
"Notice of View" for No. 2 June Sessions 1946.

Yours very truly,

Theodore Hunt
Chairman of Board of Viewers

TH:wb
Encl:1

July 12, 1946

Mr. Leonard L. Reynolds
R.D.#2
Johnstown, Pa.

Dear Sir:

Enclosed herewith please find copy of "Notice
of View" for No. 2 June Sessions 1946.

Yours very truly,

Theodore Hunt
Chairman of Board of Viewers

TH:wb
Encl:1

July 12, 1946

Mr. Simon A. Eckenrod
R.D.#2
Johnstown, Pa.

Dear Sir:

Enclosed herewith please find copy of
"Notice of View" for No. 3 June Sessions 1946.

Yours very truly,

Theodore Hunt
Chairman of Board of Viewers

TH:wb
Encl:1

July 12, 1946

Mr. Walter J. Killian
R.D.#2,
Johnstown, Pa.

Dear Sir:

Enclosed herewith please find copy of
"Notice of View" for No. 2 June Sessions 1946.

Yours very truly,

Theodore Hunt
Chairman of Board of Viewers

TH;wb
Encl:1

July 12, 1946

Mr. Walter Aeschliman
R.D.#2
Johnstown, Pa.

Dear Mr. Aeschliman:

Enclosed herewith please find copy of
"Notice of View" for No. 2 June Sessions 1946.

Yours very truly,

Theodore Hunt
Chairman of Board of Viewers

TH:wb
Encl:1

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 8th day of July A. D. 1946, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Conemaugh, in the said County, setting forth that they labor under inconvenience for want of a Public Road ~~or highway, ~~or~~ ~~road~~~~

Beginning at a point on the Dale Road; thence in a general easterly direction a distance of 1490.95 feet to a point on State Highway Route No. 53, said proposed road or highway being known as Burkhart Street in said Township.

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

Theodore Hunt, Robert G. Mayer ~~XXXXX~~ and James McCann

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such 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 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.
MCKENRICK, J.
J. Dean Joy, Clerk.
J. DEAN JOY

Attest:

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. 2, June 1924 SESSIONS, 1924

Order to view Proposed Public

Road, Conemaugh Township

Viewers

Theodore Hunt

Robert G. Mayer

James McCann

Clerk _____ 90 cts.

