

No. 1 Dec. Term, 1948

In the Court of Quarter Sessions
Cambria County, Pennsylvania

Road Docket

In re:

VACATION OF PART OF TUNNEL
STREET AND PART OF UNNAMED
ALLEYS ABUTTING ON LAND OF
SUN OIL COMPANY

Filed Sept. 27-1948

REPORT OF THE BOARD OF COMMISS-
IONERS OF STONYCREEK TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA

Bill to
E. Paul Burkholder, Sec.
R. D. Johnson, Jr.
S. S.

LAW OFFICE
OF
ERNEST F. WALKER
JOHNSTOWN, PA.
310-311 SWANK BUILDING

EXHIBIT C

I, E. PAUL BRUBAKER, Secretary to the Board of Commissioners of Stonycreek Township, Cambria County, Pennsylvania, certify that on the 20th day of August, 1948, I caused to be posted in and about the premises involved in the vacation proceedings herein, notices as required by the Act of Assembly of the Commonwealth of Pennsylvania, approved July 24, 1941, known as the First Class Township Code, and as amended.

I further certify that on the 28th day of August I caused to be sent by registered mail, notice of the proposed action to be taken by the board at its regular meeting held on the 7th day of September, 1948, to Sun Oil Company, A. L. Miller and the B & O Railroad Company, being the abutting property owners involved in this proceeding.

I also certify that on the 10th day of September, 1948 I posted notices of the passage and approval of the Commissioners of Stonycreek Township of the approval and vacation of the premises involved in this proceeding, as required by Section 2011, Article 20, of the Act of Assembly of July 24, 1941; and further, that the ordinance approved the 7th day of September, 1948, copy of which is attached to this proceeding, was duly advertised in the Johnstown Tribune under date of September 24, 1948.

E. Paul Brubaker

SECRETARY, BOARD OF COMMISSIONERS
OF STONYCREEK TOWNSHIP

ORDINANCE NO. 163

VACATING A PORTION OF TUNNEL STREET AND A PORTION OF AN
UNNAMED ALLEY ABUTTING ON PROPERTY OF SUN OIL COMPANY
WHOLLY WITHIN THE BOUNDARIES OF STONYCREEK TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA

WHEREAS, a petition was presented by Sun Oil Company to the Board of Commissioners of Stonycreek Township, requesting vacation of a portion of Tunnel Street and a portion of unnamed alleys, hereinafter described by courses and distances, and

WHEREAS, the Board of Commissioners of Stonycreek Township sensing the necessity of public convenience and public safety, that said hereinafter described portions of street and alleys, referred to be vacated in order to effect the removal of a fire hazard presently existing by presence of large gasoline tanks on the hillside above the property referred to herein, and the erection of new and safer tanks by Sun Oil Company on part of the property hereinafter vacated:

THE TOWNSHIP OF STONYCREEK hereby enacts as follows:

The parts or portions of Tunnel Street and unnamed alleys, hereinafter mentioned and described, and which more particularly appear on copy of blue-print hereto attached and made a part of the within Ordinance are hereby vacated:

The following courses and distances, as well as by metes and bounds, is from the Plan of Riverside, laid out by Cambria Land and Improvement Company, October 1, 1908, by Fetterman and Engineering Company:

ALL of Arch Street, now Tunnel Street, from Greene Street, now Traverse Street, South to the B & O right-of-way, being a forty (40) foot street; thence in a Southeasterly direction along Arch Street, now Tunnel Street, two hundred one and ninety-four hundredths (201.94) feet to a point; thence in a Northeasterly direction, along an unnamed alley, a distance of one hundred twenty-three and three hundredths (123.03) feet to a point at the corner of another unnamed alley extending to Traverse Street on the North; thence South along line of said unnamed alley, a distance of sixteen (16) feet to a point on line of B & O right-of-way; thence in a Southwesterly direction, along the said right-of-way, a distance of two hundred and ninety-nine and twenty-five hundredths (299.25) feet

to a point on the Westerly side of an unnamed alley; thence along the said unnamed alley North forty-four (44) degrees fifty-seven (57) minutes West, a distance of one hundred eleven and forty-three hundredths (111.43) feet to a point thence in a Southwesterly direction along line of said unnamed alley, a distance of twenty-one (21) feet to a point; thence along line of said unnamed alley in a Northwesterly direction, a distance of sixteen (16) feet; thence crossing the said unnamed alley on a line which would be an extension of the line dividing lots Nos. 47 and 48, across said alley, a distance of thirty-seven (37) feet to a point; thence in a Southeasterly direction along the Easterly side of said unnamed alley, a distance of one hundred twelve and thirty-eight hundredths (112.38) feet to a point; thence along line of Lot No. 45 in a Northeasterly direction along said unnamed alley, a distance of one hundred twenty and twenty-two hundredths (120.22) feet to a point at the corner of said unnamed alley and Arch Street, now Tunnel Street; thence in a Northwesterly direction along line of said Arch Street, now Tunnel Street, a distance of one hundred ninety-nine and seventy-five hundredths (199.75) feet to Greene Street, now Traverse Street; thence along line of Greene Street in a Northeasterly direction, a distance of Arch Street, now Traverse Street, being forty-(40) feet to a point and the place of beginning.

It being the intention of the Board of Commissioners of Stonycreek Township that all of Arch Street, South of Greene Street, now Traverse Street, as well as the unnamed alley to the South of and abutting upon the B & O right-of-way, described in the foregoing description, as well as the alley to the Southwest, be vacated.

ENACTED AND ORDAINED this 7th day of September 1948.

Frank Hoffman
 PRESIDENT, BOARD OF COMMISSIONERS
 OF STONYCREEK TOWNSHIP

ATTEST:
E. Paul Brubaker
 SECRETARY

Sgd

(SEAL)

I HEREBY CERTIFY that the foregoing Ordinance was enacted and approved, as above set forth, at a regular meeting of the Board of Commissioners of Stonycreek Township, and after approval, as set forth was advertised in the Cambria County Legal Journal and the Johnstown Tribune, a newspaper of general circulation.

E. Paul Brubaker
 SECRETARY

No.

PETITION OF SUN OIL
COMPANY FOR VACATION OF A
PORTION OF TUNNEL STREET
AND UNNAMED ALLEYS IN
STONYCREEK TOWNSHIP

WEIMER, BENNETT & JONES
ATTORNEYS AT LAW
401 FIRST NATIONAL BANK BLDG.
JOHNSTOWN, PENNA.

map

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In re:	:	No.	Term, 1948
Vacation of Part of Tunnel Street	:		
and Part of Unnamed Alleys Abutt-	:	REPORT OF THE BOARD OF COMMISSIONERS	
ing on Land of Sun Oil Company	:	OF STONYCREEK TOWNSHIP, CAMBRIA	
		COUNTY, PENNSYLVANIA	

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

Sun Oil Company, owners of a tract of land in the Riverside area of Stonycreek Township, filed a petition with the Board of Commissioners of Stonycreek Township on July 27, 1948, marked "Exhibit A" for vacation of a part of Tunnel Street and part of certain unnamed alleys, all of which abut on Sun Oil Company property, as appears from blue print attached and made a part of the within report, marked "Exhibit B".

The petition aforesaid contained a release of damages in connection with the proposed vacation. It should be noted that the portion of Tunnel Street to be vacated is completely within the boundaries of Sun Oil Company's land and that such portion of Tunnel Street and the portion of the alleys to be vacated are now occupied and being used by Sun Oil Company.

Pursuant to receipt of Sun Oil Company's petition for vacation, notice was given, in accordance with Article 20, Section 2007, of the First Class Township Code, to the property owners affected, that a hearing would be held on the 7th day of September, 1948, at which time all parties interested could be heard relative to the petition for vacation.

The meeting was called to order at 8:00 o'clock P. M. (Daylight Savings Time) on the 7th day of September, 1948 by Frank Hoffman, President.

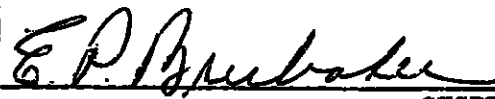
After full consideration of the matter, it was the opinion of the board that the petition of Sun Oil Company should be granted, and accordingly Ordinance No. 163 was introduced and passed, vacating a portion of Tunnel Street and portion of unnamed alleys abutting on Sun Oil Company property, as more particularly described in the blue-print hereinbefore referred to.

The Secretary was authorized to give ten (10) days notice by handbills posted in convenient places along the portions of the street and alleys to be vacated of the passage and approval of Ordinance No. 163 in compliance with Article 20, Section 2011, of the First Class Township Code.

The return of the Secretary to the Board of Commissioners of Stonycreek Township, Cambria County, hereto attached, certifies to the posting of the notices referred to in the foregoing, and is made a part hereof, marked Exhibit C."


PRESIDENT, BOARD OF COMMISSIONERS OF
STONYCREEK TOWNSHIP

ATTEST:


SECRETARY

(SEAL)


STATE OF PENNSYLVANIA:

ss

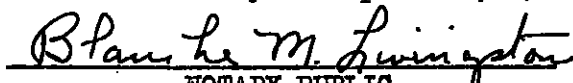
COUNTY OF CAMBRIA:

Before me, a Notary Public, in and for the said state and county, personally appeared E. PAUL BRUBAKER, who, being duly sworn, according to law, deposes and says:

That he is Secretary to the Board of Commissioners of Stonycreek Township; and that the foregoing petition is a true and correct record of the proceedings in this matter.


SECRETARY, BOARD OF COMMISSIONERS OF
STONYCREEK TOWNSHIP

SWORN to and subscribed to before
me this 10th day of September, 1948


NOTARY PUBLIC

My Commission Expires May 19, 1951

EXHIBIT A

PETITION OF SUN OIL COMPANY FOR
VACATION OF A PORTION OF TUNNELL
STREET AND UNNAMED ALLEYS IN
STONYCREEK TOWNSHIP

The petition of the Sun Oil Company, a corporation,
respectfully represents: -

1st - That your petitioner is the owner of a certain tract of land situate lying and being in Stonycreek Township, Cambria County, Pa., as more particularly appears from map hereto attached and made a part of the within petition.

2nd - That there is erected upon said land certain buildings, tanks, and other installations comprising a bulk plant operation belonging to your petitioner.

3rd - That your petitioner desires the Board of Township Commissioners of Stonycreek Township to vacate that portion of Tunnell Street and that portion or portions of said unnamed alleys lying within and abutting upon land of your petitioner, which portions are indicated upon the attached map by shaded lines.

4th - Your petitioner avers that the shaded portions of said street and alleys are not used by the public and will not in any manner inconvenience the public if vacated.

5th - In consideration of the benefits and advantages accruing to your petitioner in the event the aforesaid portions of said street and alleys are vacated, the Sun Oil Company hereby releases all damages which may accrue to Sun Oil Company by reason of said vacation.

Wherefore the Sun Oil Company respectfully requests the Board of Township Commissioners of Stonycreek Township to vacate that portion of Tunnell Street and that portion or portions of unnamed alleys as shown by shaded lines on the map

hereto attached in accordance with the provisions of the First
Class Township Law 1931 P.L. 1206; 53 P.S. 19092 (2005-2009)

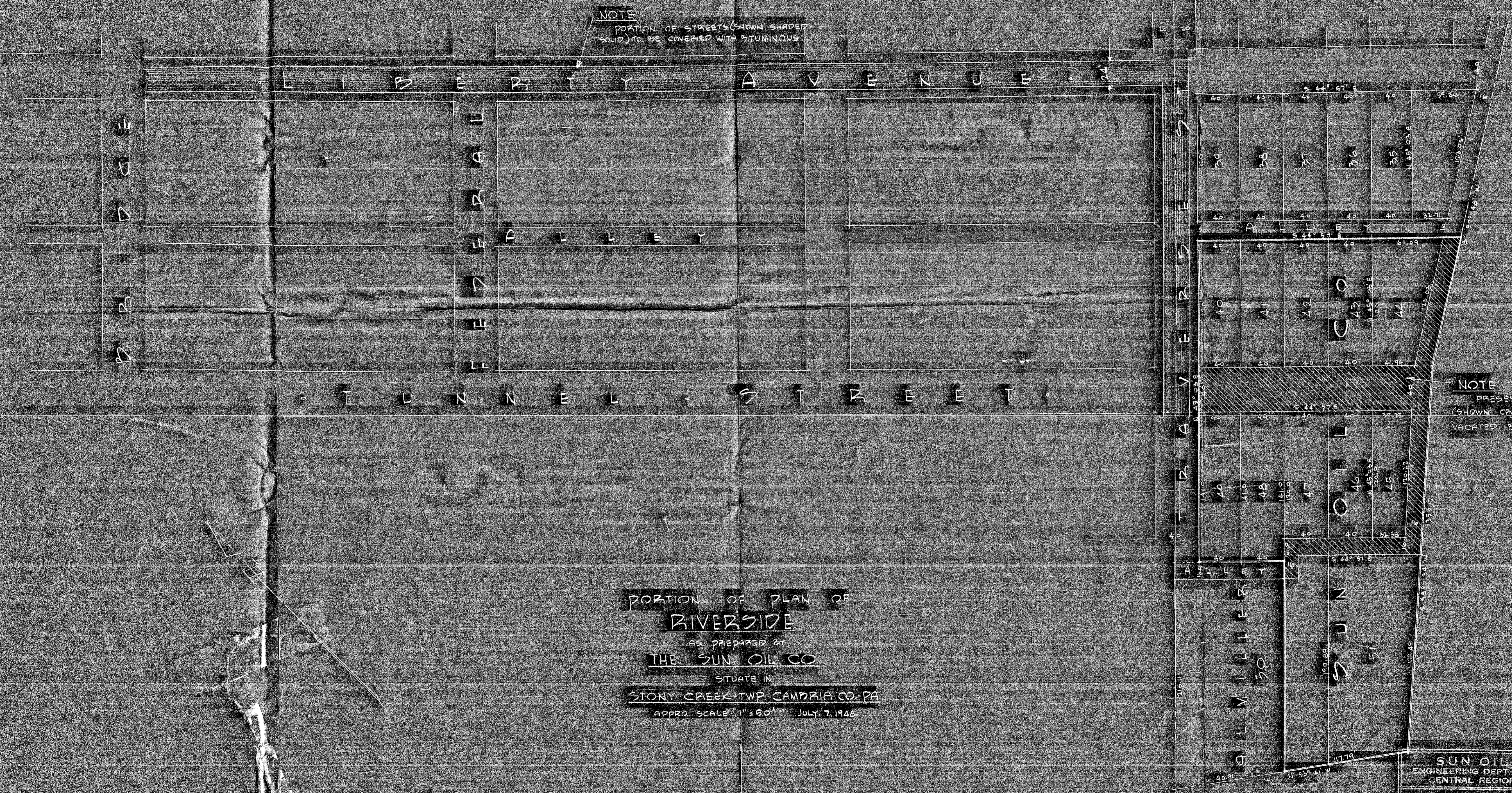
SUN OIL COMPANY

By *J. J. Celis*

Manager

Not Microfilmed

RD# 1 Dec. 1948



NOTE
 PORTION OF STREETS (SHOWN SHADED
 SOLID) TO BE COVERED WITH BITUMINOUS

NOTE
 PRESENT STREET AND ALLEYS
 (SHOWN CROSS-HATCHED) TO BE
 VACATED BY ORDINANCE

PORTION OF PLAN OF
RIVERSIDE
 AS PREPARED BY
THE SUN OIL CO
 SITUATE IN
STONY CREEK TWP CAMBRIA CO. PA
 APPROX. SCALE: 1" = 60' JULY 7, 1948

SUN OIL COMPANY			
ENGINEERING DEPT. MARKETING DIVISION			
CENTRAL REGION, PITTSBURGH, PA.			
PORTION OF THE PLAN OF RIVERSIDE SHOWING			
PROPOSED VACATION OF STREET AND ALLEYS			
DRAWN	CHECKED	DATE	SCALE
H. DAVIS		7.7.48	1" = 60'
APPROVED	PROJECT NO.	SHEET NO.	REV. NO.
		CC-118	