

In the Court of Quarter
Sessions of Cambria County
Pa.
No. 4 June Sessions 1949

Re: Petition of Inhabitants
of Township of Tusquehanna
County of Cambria Penna
for the Laying Out a
Public Road

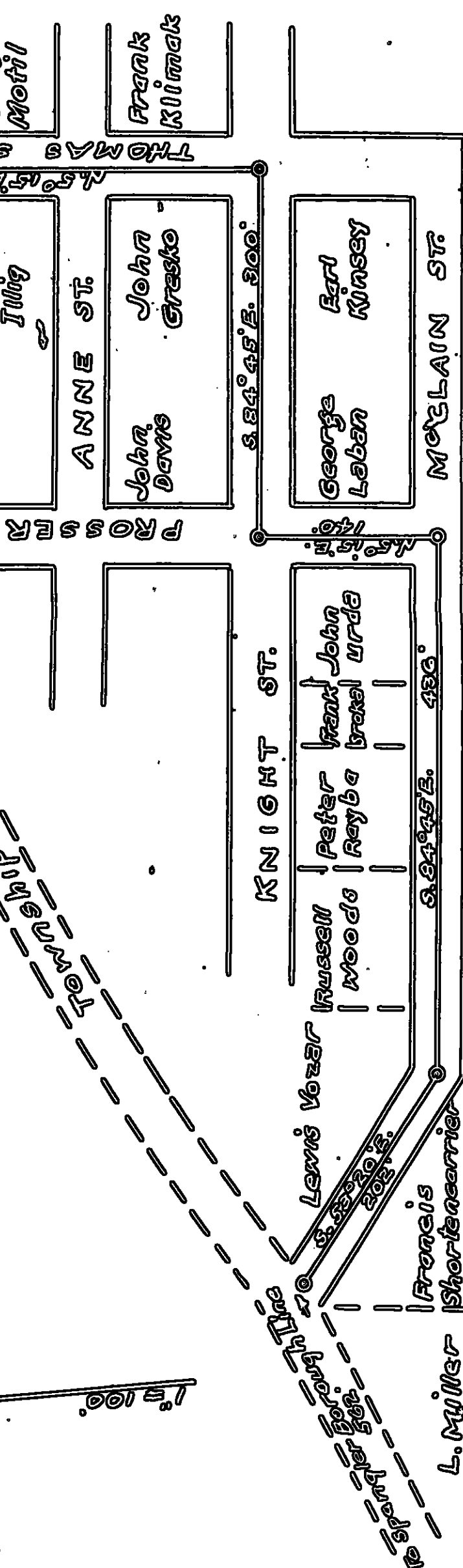
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Blueprint

Viewers appointed upon an order of the
 Court of Quarter Sessions of Cambridge Co. Pa.
 No. 4 June Sessions 1949

Mahlon J. Baumgardner
 John L. Elder
 E. E. Dunnegan

Township Road Route #553



PLAN
 of
 PROPOSED PUBLIC ROAD
 in
 Susquehanna Township, Cambridge Co. Pa.
 Scale: 1" = 100'. Sept. 1, 1949.
 John L. Elder,
 Reg. Eng'r.

In the Court of Quarter
Sessions of Cambria County
Pennsylvania
No 4 June Sessions 1949

Re: Petition of Inhabitants
of Rusquehanna Township
County of Cambria, Penn-
sylvania for the
Laying Out of a Public
Road.

Blueprint.

Duplicate

Viewers appointed upon an order of the
Court of Quarter Sessions of Cambria Co. Pa.

No. 4 June Sessions 1949

Mahlon J. Baumgardner

John L. Elder

E. F. Dunnegan

Township Road Route #553

PROSSEY ST.

SARAH ST.

ANNE ST.

KNIGHT ST.

McELAIN ST.

THOMAS ST.

George Laban

Earl Kinsey

John Davis

John Grecko

Zita Tullig

L. Jones

Joseph Foxhall

Henry Sansom

Andy Motil

Frank Klimak

Thomas Stawicz

Mike Anfos

Joseph Urbas

Gabriel Vukas

Mike Trefere

Francis Shortenacrier

L. Miller

Lewis Vozar

Russell Woods

Peter Rayba

Frank John

Frankel Urda

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S. 84° 45' E.

300'

1" = 100'

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ROAD DOCKET

No.

4

June Term 1949

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA

In the matter of the Petition
of Inhabitants of the Township of
Susquehanna, County of Cambria
and State of Pennsylvania for the
laying of a Public Road.

Filed

5/23/49

SMORTO, WILDEMAN & PEDUZZI
ATTORNEYS-AT-LAW
BARNESBORO, PA. EBENSBURG, PA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA

IN THE MATTER OF THE PETITION OF INHABITANTS
OF THE TOWNSHIP OF SUSQUEHANNA, COUNTY
OF CAMBRIA AND STATE OF PENNSYLVANIA
FOR THE LAYING OUT OF A PUBLIC ROAD

No. 4 June Term
1949

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of the undersigned, inhabitants of the Township of
Susquehanna, in said County and State, respectfully represents:

-1-

That your petitioners labor under great inconvenience for want
of a public road or highway in the said Township of Susquehanna, to begin at
a point on a Township Road known and designated as Route No. 553, said
point being approximately six hundred forty three (643) feet from the Spangler
Borough line, said Route No. 553 being a continuation of North 15th Street in
said Borough; thence by convenient route along the properties of the petition-
ers to a point of ending which is at the intersection of Thomas Street and
Township Road No. 553 aforesaid. A present road exists between the two
points on Route No. 553 but is not improved in any manner and is not adequate
for vehicular traffic. The said road was dedicated as streets by Thomas
Byrne on various plans of lots created by the said Thomas Byrne. The said
plans of lots have never been recorded however the deeds of adjacent land
owners indicate the streets above designated.

mike Tupper

mike Antao

Russel Woods

gus Krameteh

Alex J. Stausch

John Ueda

John Davis

Andrew M. Stib

Walter Kramowski

Frank Brooks

Peter Rayba

William Lawrence

H. W. Shortenear

Labov Yuhes

Frank Klinek

John Gresho

STATE OF PENNSYLVANIA I

COUNTY OF CAMBRIA I

SS.

MIKE ANTOS being duly sworn according to law, did depose and say that the statements set forth in the foregoing petition are true and correct, as he verily believes.

Mike Antos

Sworn and subscribed before me

this 12 day of April A. D. 1949.

James M. Alden

My Commission Expires Feb. 14, 1953

DECREE

AND NOW, May 23 1949, the foregoing
petition having been read and considered, it is ordered that Madison
Bennett John L. Allen and
A. F. Dunnegan, members of the Board of
Viewers of Cambria County, be and are hereby appointed to view and report
on the above matter, according to law.

By the Court,

Madison
McKenney

George
Griffith

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card:

1. Steve P. [Signature]
(Signature or name of addressee)

2. May P. [Signature]
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery

4/28/1949

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
(GPO)

POSTMARK OF DELIVERING
OFFICE

Return to

Smith Weldman & Perkins

(NAME OF SENDER)

Street and Number,
or Post Office Box,

32

REGISTERED ARTICLE

No. *1715*

Post Office *BARNESBORO*

INSURED PARCEL

State *PA.*

No. _____

10-19481

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1

Mr. Brown

(Signature or name of addressee)

0

2

Melba S. Hacker Postmaster

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery

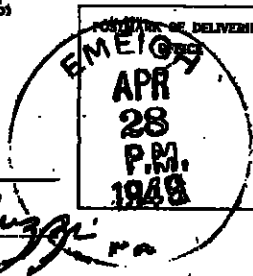
4-28

1944

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
(GPO)

POSTMARK OF DELIVERING OFFICE



9
Return to Amato & Waldman & Reduzzi
(NAME OF SENDER)

Street and Number,
or Post Office Box, }

REGISTERED ARTICLE

No. 1714

Post Office BARNESBORO

INSURED PARCEL

No. _____

16-12431

State Pt

IN THE MATTER OF THE PETITION OF INHABITANTS
OF THE TOWNSHIP OF SUSQUEHANNA, COUNTY
OF CAMBRIA AND STATE OF PENNSYLVANIA
FOR THE LAYING OUT OF A PUBLIC ROAD

SUPERVISORS OF SUSQUEHANNA TOWNSHIP:

Please take notice that a petition in the above captioned matter will be filed in the Court of Quarter Sessions of Cambria County, Pennsylvania, on May 23 A. D. 1949. The road requested to be opened is described as follows:

Beginning at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553 aforesaid. A present road exists between the two points on Route No. 553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne. The said plans of lots have never been recorded; however, the deeds of adjacent landowners indicate the streets above designated.

Montgomery & Phipps
Attorneys for Petitioners

AND NOW, 4/29, 1949, I hereby accept service of the above notice.

Steve Pysz
William Brown

IN THE MATTER OF THE PETITION OF INHABITANTS
OF THE TOWNSHIP OF SUSQUEHANNA, COUNTY
OF CAMBRIA AND STATE OF PENNSYLVANIA
FOR THE LAYING OUT OF A PUBLIC ROAD

SUPERVISORS OF SUSQUEHANNA TOWNSHIP:

Please take notice that a petition in the above captioned matter will be filed in the Court of Quarter Sessions of Cambria County, Pennsylvania, on May 23rd A. D. 1949. The road requested to be opened is described as follows:

Beginning at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553 aforesaid. A present road exists between the two points on Route No. 553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne. The said plans of lots have never been recorded; however, the deeds of adjacent landowners indicate the streets above designated.

Amos W. Widdeman & Reduzzi
Attorneys for Petitioners
by James W. Widdeman

AND NOW, April 29, 1949, I hereby accept service of the above notice.

Stanley Zernose

IN THE MATTER OF THE PETITION OF INHABITANTS
OF THE TOWNSHIP OF SUSQUEHANNA, COUNTY
OF CAMBRIA AND STATE OF PENNSYLVANIA
FOR THE LAYING OUT OF A PUBLIC ROAD

TO THE COMMISSIONERS OF CAMBRIA COUNTY, PENNSYLVANIA:

Please take notice that a petition in the above captioned matter will be filed in the Court of Quarter Sessions of Cambria County, Pennsylvania, on May 23rd A. D. 1949. The road requested to be opened is described as follows:

Beginning at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553 aforesaid. A present road exists between the two points on Route No. 553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne. The said plans of lots have never been recorded; however, the deeds of adjacent landowners indicate the streets above designated.

Arthur W. Williams & Reddy
Attorneys for Petitioners

AND NOW May 2, 1949 A. D. 1949, I hereby accept service of the above notice for the County Commissioners, and waive the issuance of any Rule or other notice required by the Rules of Court.

Maurice Springer
Chief Clerk

IN COURT QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.
NO. 4 JUNE SESSIONS, 1949

RE: Petition of Inhabitants of
Township of Susquehanna, County
of Cambria, Pennsylvania for the
Laying Out a Public Road.

REPORT OF VIEWERS

Filed Sept 6-1949

MAHLON J. BAUMGARDNER
ATTORNEY AT LAW
JOHNSTOWN, PENNA.
SWANE BLDG.

Sept 22-1949 Report
approved near
by the Court
W. L. Kerner
Judge

Nov. 18 July 1950, the exception
to the above Report of Viewers are
hereby sustained and said report is
hereby vacated. By the Court
Griffith

IN RE: Petition of Inhabitants of
the Township of Susquehanna in the
County of Cambria, Penna.; for the
Laying Out of a Public Road

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

No. 4 June Sessions, 1949

REPORT OF VIEWERS

We, the undersigned Viewers, appointed by the above named Court by its order which is hereto attached and made a part of this Report, the order being the regular legal order issued out of the Office of the Clerk of Court in and for said County of Cambria, said order specifically setting forth that divers inhabitants of the Township of Susquehanna County and State aforesaid and that they labor under inconvenience for want of a public road or highway and directing the Viewers all of whom are members of the Permanent Board of Viewers of Cambria County to view a proposed public road or highway in the Township of Susquehanna Beginning at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is the intersection of Thomas Street and Township Road No. 553 aforesaid, A present road exists between the two points on Route No. 553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne, respectfully report:

That we were duly sworn or affirmed as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the Records of the aforesaid Court; that due public notice of the time and place of the view and the meeting of said Viewers was given by posting ten handbills at the points of beginning and ending and along the route of the proposed highway and by personal service on Smorto, Wildeman and Paduzzi, Esqs, Counsel for

2

Petitioners acceptance of same being hereto attached and made a part of this Report, by personal service also on J. Harrison Westover, Solicitor for the Supervisors of the Township of Susquehanna, acceptance of which is hereby attached and made a part of this Report; likewise personal service on Thomas D. McGough, Asst. Chief Clerk to the Commissioners of Cambria County, acceptance of same also attached and made a part of the Report at least ten days or more to the time of the meeting of the Viewers as is evidenced by said notices being attached as aforesaid and thereby made a part of this Report.

In pursuance of the said Notices we met at the point of beginning on Tuesday July 12th, 1949 at 10 o'clock A. M. DLT and proceeded with the duties of our appointment. There were present at said view Mahlon Baumgardner and John L. Elder, two of the members of the Viewers designated to make the view and a number of interested property owners,. The Solicitor for the Supervisors of Susquehanna Township or any of the Supervisors were present at the view nor was any member of the law firm representing the Petitioners in attendance; there were a large number of property owners present. Many deeds were presented to the two Viewers showing continual residence on the part of some for over half a century. On Thursday July 14, the Chairman of the Board accompanied E. F. Dunegan to the premises. The viewers as heretofore went over the proposed road its entire length; a very careful inspection was made having respect to the shortest distance and the best ground for a public road or highway and in such a manner as shall do the least injury to the private property, and also be as far as practicable agreeable to the desires of the petitioners. All of the viewers agree that there is occasion for a public road and we hereby lay out the same, in accordance with the wishes of the Petitioners as follows: BEGINNING at a point on a public highway known and designated as Route No. 553 and intersection of land of Francis Shertencarrier which said point is distant 562 feet from the Spangler Boro line; thence from said point of Beginning South fifty-three (53°) degrees twenty (20') minutes East a distance of two hundred two (202) feet to a point at intersection of land of Francis Shertencarrier and Mike Trefero South eighty-four (84°) degrees forty-five (45') minutes

east four hundred thirty-six (436) feet which two distances are known as McClain Street having lands of Francis Sheorencarrier, Mike Trefero, Gabriel Yuhua, Joseph Urbas, Thomas Stanwisch, Mike Antes, Lewis Yozar, Russell Wooss, Peter Rayba, Frank Sreka and John Urda as adjoining on each side ; thence from said point on McClain Street and along Prosser Street North five (5°) degrees fifteen (15') minutes East one hundred forty (140) feet to intersection of Knight Street this portion described having lands of John Urda and George Laban as adjoiners on both sides; thence from said point on Knight Street aforesaid South eighty-four (84°) degrees forty-five (45') minutes East along the center of Knight Street three hundred (300) feet to a point center line of the said street and Thomas Street there being as adjoiners on McKnight Street George Laban and Earl Kinsey, John Davis and John Gresko; thence from center point on Thomas Street aforesaid South five (5°) degrees fifteen (15') minutes East a distance of four hundred ten (410) feet to a point on State Highway Route or Township Road Route #553 the place of ending having as adjoiners on this portion of Thomas Street John Gresko, Zita Illig, Joseph Foxall, Frank Kimak, Andy Notil and Henry Sansom and we reaffirm the laying out of the above described highway for public use. There has been a private road used by the above named petitioners and by many others before them for many years and we are all of the opinion that a necessity exists for said public road and that the petitioners have been at a great inconvenience for the want of a public road. In view of the fact that a plan of the streets was presented to them as viewers, the viewers followed the said plan as per courses and distances above recited. The Viewers are of the opinion that the benefits accruing to the property owners who adjoin the above laid out public road or highway are far greater than any damages incurred by the laying out of same THEREFORE we assess no DAMAGES in behalf of any of the above named property owners and thereby keep the Township of Susquehanna free from the payment or assessment of any damages any of the above named property owners feel that they may have. The public road benefits each and every property owner who abuts the same.

We Therefore lay out for the use of the public a public road or highway as shown by the above courses and distances and as shown on a draft or blue print hereto attached and made a part of this report.

IN WITNESS WHEREOF we have hereunto set our hands this third day of September in the year of our Lord one thousand nine hundred and forty-nine (1949.).

Morton Barry Foster
E. F. Dunegan
John Elders
Viewers

IN RE: Petition of Inhabitants of the
Township of Susquehanna in the County
of Cambria, Penna. for the Laying Out
of a Public Road.

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

No. 4 June Sessions, 1949

To the County of Cambria in Account with Mahlon Baumgardner
John L. Elder and E.F. Dunegan.

To Mahlon Baumgardner

1949		
25 June	Data and Preparing Notices to View	\$12.00
29 June	Posting Notices and procuring Acceptances of Service	12.00
	Mileage - 32 miles 10¢ per mile	3.20
12 July	Making of View	12.00
	Mileage - 32 mi.	3.20
3 Sept	Preparing and Filing Report of Viewers	12.00
		<u>\$54.40</u>

To John L. Elder

12 July	Making of View	12.00
	Mileage 32 mi	3.20
	Data and preparing blue print, etc	12.00
		<u>\$27.20</u>

To E. F. Dunagan

14 July	Making of View	12.00
	Mileage 48 miles	4.80
		<u>\$16.80</u>

Attorneys for Petitioners

TAKE NOTICE: Please have all property Owners make available their respective deeds at the time of the View.

IN RE: Petition of Inhabitants of Township of Susquehanna, County of Cambria, Penna., for the appointment of Viewers for the laying out of a Public Road in said Township.

No. 4 June Sessions of the Court
Quarter Sessions of Cambria County,
State of Pennsylvania.

NOTICE TO VIEW

We, the undersigned, Members of the Permanent Board of Viewers of Cambria County, appointed by the above named Court to view a proposed public road or highway in the Township of Susquehanna, County of Cambria, Penna., BEGINNING at a point on a Township Road known and designated as Route #553, said point, being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553 aforesaid. A present road exists between the two points on Route #553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots by the said Thomas Byrne will meet at the place of BEGINNING on Tuesday July 12th, 1949 at 10 o'clock in the morning Eastern Daylight Time for the purpose of performing the duties of our appointment and for the purpose of taking testimony and hearing all matters pertaining to same.

Wahlon Baumgardner

John L. Elder

E. F. Dunagan
Viewers.

25 June 1949

AND NOW 27th June, 1949 we hereby accept service of the within Notice to View as Attorneys for the Petitioners and acknowledge the receipt of a copy of said Notice to View.

Samuel Wilberner & Reduzzi
Attorneys for Petitioners.

IN RE: Petitioners of Inhabitants of
of Township of Susquehanna, County of
Cambria, Penna., for the Laying Out
of a Public Road.

No. 4 June Sessions of the Court
of Quarter Sessions of Cambria County
Pennsylvania.

NOTICE TO VIEW

We, the under signed, Members of the Permanent Board of Viewers of Cambria County, appointed by the above named Court to view a proposed public road or highway in the Township of Susquehanna, County of Cambria, Penna., BEGINNING at a point on a Township Road known and designated as Route #553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553 aforesaid. A present road exists between the two points on Route #553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne will meet at the place of BEGINNING on Tuesday July 12th, 1949 at 10 o'clock Eastern Daylight Time for the purpose of performing the duties of our appointment and for the purpose of taking testimony and hearing all matters pertaining to same.

Mahlon Baumgardner

John L. Elder

E. F. Dunegan
Viewers

25 June 1949

NOW 29 June 1949 I hereby accept service of the above NOTICE TO VIEW as Solicitor for the Supervisors of the Township of Susquehanna Township, Cambria County, Penna. and acknowledge receipt of a copy of said Notice.

Harrison Westover
Solicitor, Supervisors of
Susquehanna Township, Cambria
County, Penna.

IN RE: Petitioners of Inhabitants of
of Township of Susquehanna, County of
Cambria, Penna., for the Laying Out
of a Public Road.

No. 4 June Sessions of the Court
of Quarter Sessions of Cambria County,
Pennsylvania.

NOTICE TO VIEW

We, the under signed, Members of the Permanent Board of Viewers of
Cambria County, appointed by the above named Court to view a proposed public
road or highway in the Township of Susquehanna, County of Cambria, Penna.,
BEGINNING at a point on a Township Road known and designated as Route #553,
said point being approximately six hundred forty-three (643) feet from the
Spangler Borough line, said Route No. 553 being a continuation of North
15th Street in said Borough; thence by convenient route along the properties
of the petitioners to a point of ending which is at the intersection of
Thomas Street and Township Road No. 553 aforesaid. A present road exists
between the two points on Route #553 but is not improved in any manner
and is not adequate for vehicular traffic. The said road was dedicated
as streets by Thomas Byrne on various plans of lots created by the said
Thomas Byrne will meet at the place of BEGINNING on Tuesday July 12th,
1949 at 10 o'clock Eastern Daylight Time for the purpose of performing the
duties of our appointment and for the purpose of taking testimony and
hearing all matters pertaining to same.

Kahlon Baumgardner

John L. Elder

E. F. Dunagan
Viewers

23 June 1949

AND NOW 29th June 1949 I hereby accept service of the above
Notice to View for the Commissioners of Cambria County and acknow-
ledge to have received a copy of said Notice as Chief Clerk to the
said Board.

Wm. J. McLaughlin
Chief 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 23rd day of May A. D. 1919, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Susquehanna in the said County, setting forth that they labor under inconvenience for want of a public road or highway, ~~located from~~ Beginning at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is at the intersection of Thomas Street and Township Road No. 553 aforesaid. A present road exists between the two points on Route No. 553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne. The said plan of lots have never been recorded; however, the deeds of adjacent landowners indicate the streets above designated.

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 Mahlon Baumgardner, John L. Elder, surveyor, and A. F. Dunegan

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.

McCann, P. J.

McKenrick

Griffith

Attest:

Joseph C. Hesse, Clerk

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."

R.D.
NO. 4. June SESSIONS, 1949.

Order to view and lay out a road

in Susquehanna Township, Cambria Co.

Pa. (see description inside)

Viewers

MAHLON BAUMGARDNER

JOHN L. ELDER

A. F. DUNEGAN

Clerk

Joseph C. Mason

Viewers appointed upon an order of the
Court of Quarter Sessions of Cambria Co. Pa.
No. 4 June Sessions 1949

Mahlon J. Baumgardner
John L. Elder
E. F. Dunegan

Joseph
Foxhall

Henry
Sansom

SARAH ST.

L. Jones
Zita
Illig

Andy
Motil

ANNE ST.

John
Davis
John
Gresko

THOMAS ST.

Frank
Klimak

PROSSER ST.

KNIGHT ST.

George
Laban
Earl
Kinsey

McCLAIN ST.

Francis
Shortencarrier

to Spangler 562
Borough Line
L. Miller

Lewis Vozar
Russell
Woods
Peter
Rayba
Frank
John
Urda

Mike Trefero
Gabriel Yuhas
Joseph Urbas

Mike
Antos

Thomas Stawiaz

PLAN
of

PROPOSED PUBLIC ROAD
in

Susquehanna Township, Cambria Co. Pa.

Scale: 1" = 100.

Sept. 1, 1949.

John L. Elder
Reg. Engr.

1" = 100'

This is a
Copy

IS AS: Petition of Inhabitants of Township
of Sunquahanna, County of Cambria, Penna.
for the appointment of Viewers for the
laying out of a Public Road in the said
Township.

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

No. 6 June Sessions, 1940

NOTICE TO VIEW

We, the undersigned, Members of the Permanent Board of Viewers of
Cambria County, appointed by the above named Court to view a proposed public
road or highway in the Township of Sunquahanna, County of Cambria, Penna.,
BEGINNING at a point on a Township Road known and designated as Route #553,
said point being approximately six hundred forty three (643) feet from the
Spangler Borough line, said Route No. 553 being a continuation of North 15th
Street in said Borough, thence by convenient route along the properties
of the petitioners to a point of ending which is at the intersection of
Thomas Street and Township Road No. 553 aforesaid. A present road exists
between the two points on Route #553 but is not improved in any manner
and is not adequate for vehicular traffic. The said road was dedicated
as streets by Thomas Byrne on various plans of lots by the said Thomas
Byrne will meet at the place of BEGINNING on Tuesday July 16th, 1940
at 10 o'clock Eastern Daylight Time for the purpose of performing the
duties of our appointment and for the purpose of taking testimony and
hearing all matters pertaining to same.

Hablen Baumgardner

John L. Eldor,

E. F. Baumgardner

Viewers.

25 July 1940

IN COURT QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.

NO. 4 JUNE SESSIONS, 1949

RE: Petition of Inhabitants
of Township of Susquehanna, County
of Cambria, Pennsylvania for the
Laying Out a Public Road.

Report of Viewers

MAHLON J. BAUMGARDNER
ATTORNEY AT LAW
JOHNSTOWN, PENNA.
SWANK BLDG.

IN RE: Petition of Inhabitants of
the Township of Susquehanna in the
County of Cambria, Penna., for the
Laying Out of a Public Road

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

No. 4 June Sessions, 1949

REPORT OF VIEWERS

We, the undersigned Viewers, appointed by the above named Court by its order which is hereto attached and made a part of this Report, the order being the regular legal order issued out of the Office of the Clerk of Court in and for said County of Cambria said order specifically setting forth that divers inhabitants of the Township of Susquehanna County and State aforesaid and that they labor under inconvenience for want of a public road or highway and directing the Viewers all of whom are members of the Permanent Board of Viewers of Cambria County to view a proposed public road or highway in the Township of Susquehanna Beginning at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is the intersection of Thomas Street and Township Road No. 553 aforesaid, A present road exists between the two points on Route No. 553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne, respectfully report:

That we were duly sworn or affirmed as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the Records of the aforesaid Court; that due public notice of the time and place of the view and the meeting of said Viewers was given by posting ten handbills at the points of beginning and ending and along the route of the proposed highway and by personal service on Smorto, Wildeman and Peduzzi, Esqs, Counsel for

Petitioners acceptance of same being hereto attached and made a part of this Report, by personal service also on J. Harrison Westover, Solicitor for the Supervisors of the Township of Susquehanna, acceptance of which is hereby attached and made a part of this Report; likewise personal service on Thomas D. McGough, Asst. Chief Clerk to the Commissioners of Cambria County, acceptance of same also attached and made a part of the Report at least ten days or more to the time of the meeting of the Viewers as is evidenced by said notices being attached as aforesaid and thereby made a part of this Report.

In pursuance of the said Notices we met at the point of beginning on Tuesday July 12th, 1949 at 10 o'clock A. M. DLT and proceeded with the duties of our appointment. There were present at said view Mahlon Baumgardner and John L. Elder, two of the members of the Viewers designated to make the view and a number of interested property owners. The Solicitor for the Supervisors of Susquehanna Township or any of the Supervisors were present at the view nor was any member of the law firm representing the Petitioners in attendance; there were a large number of property owners present. Many deeds were presented to the two Viewers showing continual residence on the part of some for over half a century. On Thursday July 14, the Chairman of the Board accompanied E. F. Dunegan to the premises. The viewers as heretofore went over the proposed road its entire length; a very careful inspection was made having respect to the shortest distance and the best ground for a public road or highway and in such a manner as shall do the least injury to the private property, and also be as far as practicable agreeable to the desires of the petitioners. All of the viewers agree that there is occasion for a public road and we hereby lay out the same, in accordance with the wishes of the Petitioners as follows: BEGINNING at a point on a public highway known and designated as Route No. 553 and intersection of land of Francis Shertencarrier which said point is distant 562 feet from the Spangler Boro line; thence from said point of Beginning South fifty-three (53°) degrees twenty (20') minutes East a distance of two hundred two (202) feet to a point at intersection of land of Francis Shertencarrier and Mike Trefero South eighty-four (84°) degrees forty-five (45') minutes

east four hundred thirty-six (436) feet which two distances are known as McClain Street having lands of Francis Sheorencarrier, Mike Trefero, Gabriel Yuhas, Joseph Urbas, Thomas Stanwicz, Mike Antes, Lewis Yozar, Russell Wooss, Peter Rayba, Frank Sreka and John Urda as adjoining on each side; thence from said point on McClain Street and along Prosser Street North five (5°) degrees fifteen (15') minutes East one hundred forty (140) feet to intersection of Knight Street this portion described having lands of John Urda and George Laban as adjoiners on both sides; thence from said point on Knight Street aforesaid South eighty-four (84°) degrees forty-five (45') minutes East along the center of Knight Street three hundred (300) feet to a point center line of the said street and Thomas Street there being as adjoiners on McKnight Street George Laban and Earl Kinsey, John Davis and John Gresko; thence from center point on Thomas Street aforesaid South five (5°) degrees fifteen (15') minutes East a distance of four hundred ten (410) feet to a point on State Highway Route or Township Road Route #553 the place of ending having as adjoiners on this portion of Thomas Street John Gresko, Rita Illig, Joseph Foxall, Frank Kimak, Andy Notil and Henry Sansom and we reaffirm the laying out of the above described highway for public use. There has been a private road used by the above named petitioners and by many others before them for many years and we are all of the opinion that a necessity exists for said public road and that the petitioners have been at a great inconvenience for the want of a public road. In view of the fact that a plan of the streets was presented to them as viewers, the viewers followed the said plan as per courses and distances above recited. The Viewers are of the opinion that the benefits accruing to the property owners who adjoin the above laid out public road or highway are far greater than any damages incurred by the laying out of same THEREFORE we assess no DAMAGES in behalf of any of the above named property owners and thereby keep the Township of Susquehanna free from the payment or assessment of any damages any of the above named property owners feel that they may have. The public road benefits each and every property owner who abuts the same.

We Therefore lay out for the use of the public a public road or highway as shown by the above courses and distances and as shown on a draft or blue print hereto attached and made a part of this report.

IN WITNESS WHEREOF we have hereunto set our hands this third day of September in the year of our Lord one thousand nine hundred and forty-nine (1949.)

Mathew Barryman

E. J. McNeegan

John A. Elder
Viewers

IN COURT QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNA.
NO. 4 JUNE SESSIONS, 1949

Re: Petition of Inhabitants
of Township of Susquehanna, County
of Cambria, Penna., for the Laying
Out a Public Road.

Report of Viewers

MAHLON J. BAUMGARDNER
ATTORNEY AT LAW
JOHNSTOWN, PENNA.
SWANK BLDG.

IN RE: Petition of Inhabitants of
the Township of Susquehanna in the
County of Cambria, Penna., for the
Laying Out of a Public Road

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

No. 4 June Sessions, 1949

REPORT OF VIEWERS

We, the undersigned Viewers, appointed by the above named Court by its order which is hereto attached and made a part of this Report, the order being the regular legal order issued out of the Office of the Clerk of Court in and for said County of Cambria said order specifically setting forth that divers inhabitants of the Township of Susquehanna County and State aforesaid and that they labor under inconvenience for want of a public road or highway and directing the Viewers all of whom are members of the Permanent Board of Viewers of Cambria County to view a proposed public road or highway in the Township of Susquehanna Beginning at a point on a Township Road known and designated as Route No. 553, said point being approximately six hundred six hundred forty-three (643) feet from the Spangler Borough line, said Route No. 553 being a continuation of North 15th Street in said Borough; thence by convenient route along the properties of the petitioners to a point of ending which is the intersection of Thomas Street and Township Road No. 553 aforesaid, A present road exists between the two points on Route No. 553 but is not improved in any manner and is not adequate for vehicular traffic. The said road was dedicated as streets by Thomas Byrne on various plans of lots created by the said Thomas Byrne, respectfully report:

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Petitioners acceptance of same being hereto attached and made a part of this Report; by personal service also on J. Harrison Westover, Solicitor for the Supervisors of the Township of Susquehanna, acceptance of which is hereby attached and made a part of this Report; likewise personal service on Thomas D. McGough, Asst. Chief Clerk to the Commissioners of Cambria County, acceptance of same also attached and made a part of the Report at least ten days or more to the time of the meeting of the Viewers as is evidenced by said notices being attached as aforesaid and thereby made a part of this Report.

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east four hundred thirty-six (436) feet which two distances are known as McClain Street having lands of Francis Sheorencarrier, Mike Trefero, Gabriel Yuhas, Joseph Urbas, Thomas Stanwiss, Mike Antes, Lewis Yozar, Russell Woosa, Peter Rayba, Frank Greka and John Urda as adjoining on each side; thence from said point on McClain Street and along Prosser Street North five (5°) degrees fifteen (15') minutes East one hundred forty (140) feet to intersection of Knight Street this portion described having lands of John Urda and George Laban as adjoiners on both sides; thence from said point on Knight Street aforesaid South eighty-four (84°) degrees forty-five (45') minutes East along the center of Knight Street three hundred (300) feet to a point center line of the said street and Thomas Street there being as adjoiners on McKnight Street George Laban and Earl Kinsey, John Davis and John Gresko; thence from center point on Thomas Street aforesaid South five (5°) degrees fifteen (15') minutes East a distance of four hundred ten (410) feet to a point on State Highway Route or Township Road Route #553 the place of ending having as adjoiners on this portion of Thomas Street John Gresko, Rita Illig, Joseph Foxall, Frank Kimak, Andy Notil and Henry Sanson and we reaffirm the laying out of the above described highway for public use. There has been a private road used by the above named petitioners and by many others before them for many years and we are all of the opinion that a necessity exists for said public road and that the petitioners have been at a great inconvenience for the want of a public road. In view of the fact that a plan of the streets was presented to them as viewers, the viewers followed the said plan as per courses and distances above recited. The Viewers are of the opinion that the benefits accruing to the property owners who adjoin the above laid out public road or highway are far greater than any damages incurred by the laying out of same THEREFORE we assess no DAMAGES in behalf of any of the above named property owners and thereby keep the Township of Susquehanna free from the payment or assessment of any damages any of the above named property owners feel that they may have. The public road benefits each and every property owner who abuts the same.

We Therefore lay out for the use of the public a public road or highway as shown by the above courses and distances and as shown on a draft or blue print hereto attached and made a part of this report.

IN WITNESS WHEREOF we have hereunto set our hands this third day of September in the year of our Lord one thousand nine hundred and forty-nine (1949.)

Michael Benjamin

E. F. L. Mcneegan

John Elder
Viewers

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

No. 4 June Sessions, 1949.

In Re: Petition of Inhabi-
tants of the Township of
Susquehanna, County of Cam-
bria and State of Pennsyl-
vania, for the laying out of
a public road.

EXCEPTION TO THE PETITION
AND REPORT OF VIEWERS.

Filed Nov. 7-1949

LAW OFFICES OF
J. HARRISON WESTOVER
FIRST NATIONAL BANK BUILDING
SPANGLER, PENNSYLVANIA

*Grand Jury. Nov. 7, 1949, received of the
petition to the Petition and Report of Viewers
together with a true copy thereof is hereby
accepted.*

*Forw'd. J. H. Westover
Attorney for Petitioner*

In Re: Petition of Inhabitants
of the Township of Susquehanna,
County of Cambria and State of
Pennsylvania, for the laying out
of a public road.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 4 June Sessions 1949.

EXCEPTIONS TO THE PETITION AND REPORT OF VIEWERS.

The Supervisors of the Township of Susquehanna, County of Cambria and State of Pennsylvania, file the following exceptions to the Petition and the Report of Viewers in the above stated matter.

1. This present petition, entered to #4 June Sessions 1949, of the Court of Quarter Sessions of Cambria County, and the Report of Viewers thereon, is for the same road applied for under petition filed to #2 June Sessions 1948 of the Court of Quarter Sessions of Cambria County. On February 8, 1949, the Court sustained exceptions to the Report of Viewers filed to #2 June Sessions 1948, of the Court of Quarter Sessions of Cambria County.

Rule #306 of the Rules of Court of Cambria County provides as follows: "When a procedure to obtain a road, bridge or division of a township has failed, another application shall not be acted upon within one year from the sessions at which the same was rejected."

The present petition was filed May 23, 1949, which is within one year from the sessions at which the other petition entered to #2 June Sessions 1948 was rejected, and the filing of same within said year is therefore in violation of rule #306 above referred to, so that the present petition and report of viewers thereon must be dismissed.

2. That the petition for the view is irregular in form and is, therefore, fatally defective in that it limits and restricts

the viewers by describing the line of the proposed road and naming intermediate points along the line of said road.

3. It was entirely irregular to furnish the viewers with a plan of the streets. Their report contains the following; "In view of the fact that a plan of the streets was presented to them as viewers, the viewers followed the said plan as per courses and distances above recited". This action renders the report of the viewers fatally defective.

4. The report of the viewers is fatally defective in that the place of beginning of the proposed public road is fixed at 562 feet from the Spangler Borough Line, whereas the place of beginning as fixed in the petition for the road is fixed as approximately 643 feet from the Spangler Borough Line.

5. The petition for the view is irregular in form and is, therefore, fatally defective, for the reason that it does not define the termini of the proposed road with certainty as provided by the Act of April 23, 1909, as amended by Act of April 7, 1927, P. L. 137. Section one of said Act provides as follows: "That hereafter all petitions for the laying out or for the vacation of a public road, in any County of the Commonwealth, shall fix definitely the point of beginning and the point of ending, mentioned in said petition, by giving the exact distance from an intersecting public road, street or railroad, already opened. Clearly the petition does not fix the termini of the proposed road in accordance with this act nor do the viewers in their report correct this defect, so that the whole proceedings must be dismissed.

6. The proposed road is entirely unnecessary for public use and the construction and maintenance of the road would be very burdensome to the inhabitants and taxpayers of the Township of Susquehanna.

7. The entire proceedings are illegal and void and must
be dismissed.

Respectfully submitted,

John W. [Signature]
Attorney for exceptants.