

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

*No 3 Mar. 1942*

In the Matter of the Proposed Vac-  
ation of Several Portions of certain  
Highways in the Township of East  
Carroll, in the County of Cambria  
and State of Pennsylvania.

PETITION FOR RULE TO SHOW CAUSE WHY  
VIEWERS SHOULD NOT BE APPOINTED FOR  
SAID PURPOSE.

*Filed May 11, 1942*

**SHETTIG & SWOPE**  
ATTORNEYS AT LAW  
EBENSBURG, PA.

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

In the Matter of the Proposed Vacation of Several Portions of certain Highways in the Township of East Carroll, in the County of Cambria and State of Pennsylvania.

PETITION FOR RULE TO SHOW CAUSE WHY VIEWERS SHOULD NOT BE APPOINTED FOR SAID PURPOSE.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The petition of E. Paul Hoover, William A. Westrick and H. P. Dishart, Road Supervisors of the Township of East Carroll, in said County of Cambria, respectfully represents:

1. This petition is presented under a Rule 301 $\frac{1}{2}$  of the Rules of the Courts of Oyer and Terminer and Quarter Sessions of the Peace of the County of Cambria aforesaid, which provides, inter alia, that viewers will not be appointed for the purpose of laying out, relocating or vacating any public highway within the County of Cambria \* \* \*, excepting after issuance of a rule upon the County Commissioners of said County to appear and show cause, if any they have, why viewers should not be appointed, and the service of such Rule along with a copy of the petition must be made upon the County Commissioners not less than ten days before the return day.

2. Certain public roads within the territory now comprised in said Township of East Carroll were laid out by the authority of the Court long since, and by reason of improvement thereof by the substitution therefor of State Highways or State improved highways, making certain changes therein, portions of said public roads have become and are wholly useless to the traveling public.

3. The roads in question are as follows:

(a) Public highway leading from a point at the southern extremity of the Borough of Carrolltown where said road intersects National and Pennsylvania Highway Route No. 219 known locally as the road from Carrolltown to Ebensburg, and extending thence to the Township line between the Township of East Carroll and the Township of Allegheny between Bradley Junction and Eckenrodes Mill.

Certain portions of the road above described have been superseded through the straightening thereof and the elimination of grades so that the same are no longer used, said portions being shown upon the blueprint map of survey by H. F. Dorr attached to this petition and made part hereof, and thereon designated by the figure (1).

(b). Public Highway leading from Eckenrodes Mill at the township line between the Townships of East Carroll and Clearfield to a point on the public road leading from Carrolltown to Patton, at or near the farm of Emma Thomas, said road being now designated as State Highway Route No. 11041. Two portions of said road above described have been superseded through the straightening thereof and the elimination of grades so that the same are no longer used, said portions being shown upon the blueprint map of survey by H. F. Dorr attached to this petition and made part hereof, and thereon designated by the figures (2) and (3).

(c). Road leading from Carrolltown to Patton and known as State Highway Route No. 11048, and road leading from last mentioned road at farm of Harry J. Hoover to public road known as 11049. By reason of recent straightening of the first above mentioned public road, a portion thereof beginning at a point on the road leading to Route No. 11049 at land of Harry J. Hoover and William J. Hoover, and ending on said Carrolltown-Patton Road, Route No. 11048, at land of said William J. Hoover, has been entirely superseded and is no longer useful to the traveling public. The portion of the new and superseded road involved is shown on said map hereto attached and designated by the figure (4).

(d). A road leading from the Carrolltown-Patton Road and being known as State Highway 11075 leading to State Highway Route 11049 as mentioned in the last preceding clause where Route 11075 connects with Route 11049 at a point known as Bakers Cross Roads. By reason of the recent straightening of said last mentioned road, two portions thereof have been superseded by the straightened highway and are no longer useful to the traveling public. The portions of said road thus affected are shown on said blueprint hereto attached and identified by the figure (5).

(e). A road leading from Route No. 219, commonly known as the Carrolltown-Ebensburg Road, at a point near the farm of Herman Haas and leading thence to the line between East Carroll Township and Cambria Township. This road has been supplied by a new construction made by the Highway Department and known as Route No. 219. Certain sections of said first mentioned road which is now known as Route 11034 have been superseded and rendered useless to the public by the construction of said new highway known as Route No. 219.

WHEREFORE, the petitioners pray the Court for a Rule upon the County Commissioners of said County of Cambria to appear in said Court and show cause if any they have why viewers should not be appointed for the vacation of several portions of the respective public roads hereinabove designated.

And they will ever pray, etc.

E. Paul Hoover

W. A. Vutrick

H. P. Dishart

Road Supervisors of East Carroll

Township.

State of Pennsylvania    §  
                                  §    SS:  
County of Cambria       §

John S. Springer, being duly sworn according to law, says that he is Secretary of Road Supervisors of East Carroll Township, Cambria County, Pennsylvania, and duly authorized on behalf of said Board to make this affidavit, and that the matters hereinabove averred are true and correct as he verily believes.

Sworn and subscribed before me  
this 27<sup>th</sup> day of April, 1942.

John L. Nife  
Prothonotary

John S. Springer

ACCEPTANCE OF SERVICE AND WAIVER OF PRO-  
VISIONS OF RULE 301 $\frac{1}{2}$  IN CERTAIN RESPECTS.

Now, April 27~~th~~, 1942, the County Commissioners of the County of Cambria hereby accept service of the within petition and waive the issuing and service of a Rule to show cause thereon, and hereby endorse and consent to the presentation of a petition or petitions on behalf of the residents of the Township of East Carroll, in said County of Cambria, for the vacation of the various portions of the several public roads mentioned in said petition. This Acceptance of Service and Waiver to be effective as if all of the provisions of said Rule 301 $\frac{1}{2}$  had been complied with, particularly the ten day period which is provided to elapse between the service of said Rule and the return day, and we hereby agree that the date hereof shall be considered as the return day of said Rule.

THE COUNTY COMMISSIONERS OF THE COUNTY  
OF CAMBRIA

By \_\_\_\_\_

*H. F. Don*  
Chief Clerk.

ORDER.

Now, April 29<sup>th</sup>, 1942, the within petition having been read and presented to the Court, and it appearing therefrom that its purpose is to comply with Rule 301 $\frac{1}{2}$  of the Rules of this Court providing for notice to the County Commissioners of the intention to present a petition or petitions for the vacation of public roads, and that the County Commissioners of said County have accepted service thereof and have waived the issuing and service of a Rule to show cause, and have agreed to the presentation of a petition for the vacation of said portions of the highways within designated, and that the date of their Acceptance of Service shall be considered the return day of the Rule:

IT IS THEREFORE ORDERED AND DECREED THAT the petitioners and other residents and freeholders of the Township of East Carroll, in said County of Cambria, may present appropriate petitions to the Court for the vacation of the several portions of public roads within described.

BY THE COURT.



No. 3 *March* Sessions, 1942.

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

In re Petition to Vacate a Portion  
of a Public Road known as the Dutch  
Road in the Township of East Carroll,  
in the County of Cambria and State of  
Pennsylvania.

*Filed May 20, 1942*  
PETITION FOR APPOINTMENT OF VIEWERS.

SHETTIG & SWOPE  
ATTORNEYS AT LAW  
EBENSBURG, PA.



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A. A. Grosser.

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Box # 277

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

In re Petition to Vacate a Portion of  
a Public Road known as the Dutch Road  
in the Township of East Carroll, in  
the County of Cambria and State of  
Pennsylvania.

No. *3 March* Sessions, 1942.

Vacating Portion of Public Road.

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 East Carroll, County of Cambria and State of Pennsylvania, respectfully represents:

1. That a road has been long since laid out and opened in the Township of East Carroll, in the County of Cambria and State of Pennsylvania, being known as the Dutch Road, leading from the center of Chest Creek at the Allegheny--East Carroll Township line in a northwesterly direction past the Carrolltown Borough Water Works to the Borough of Carrolltown, where the same ends at State Highway Route No. 62 (Travel Route No. 219), known as the Carrolltown-Ebensburg Road. The improved portion of said Dutch Road is known as State Highway Route No. 11038, Section 2, as shown on the map attached hereto.

2. Said road as described in Paragraph 1 of this petition was laid out by a petition to the Court as recorded in Road Docket Vol. 2, page 438, being No. 558, and confirmed by the Court on July 7, 1860. The petition for the laying out of said road did not give a width to the same. See also Road Docket Vol. 2, page 89, No. 100, confirmed by the Court on January 11, 1851.

3. By reason of the improvement of said State Highway Route No. 11038, Section 2, between Station No. 107+10 and Station No. 321+0, as shown on the map attached hereto and made part hereof, and by reason of the straightening of the road, taking out certain sharp curves and otherwise improving said highway, certain portions of said road as described in Paragraph 1 of this petition have become useless, inconvenient and burdensome to the taxpayers and citizens of the Township of East Carroll, and the undersigned freeholders seek to have it vacated.

4. The portions of said road sought to be vacated are described as follows, the point of beginning and the point of ending of each of said portions being located with respect to the Pennsylvania Railroad line leading from Bradley Junction to the Borough of Patton, which said railroad intersects the aforesaid highway known as the Dutch Road, and said point of intersection being 749.6 feet from the center line of a concrete and steel bridge crossing the Chest Creek. The points of ending of each of said portions are likewise identified by their respective distances from said intersecting railroad.

(1). First Portion to be Vacated.

The point of beginning of this portion is on the center line of the above mentioned highway and is distant from said Pennsylvania Railroad line measured along said Highway 290 feet, said point of beginning being noted on the State Highway map attached hereto as Station 117+50. The point of ending of the portion to be vacated is at a point numbered Station 119+80, which is distant 230 feet from the point of beginning and is distant from said railroad intersection 520 feet.

(2) Second Portion to be Vacated.

The point of beginning of said portion to be vacated is at Station marked 172+0 on the aforesaid highway, as shown on the map attached, said point of beginning being a distance of 5740.6 feet from said intersecting railroad. The point of ending of said portion is at a point numbered 177+0 on said highway and a distance of 6240.6 feet from said railroad intersection.

(3) Third Portion to be Vacated.

The point of beginning of this portion of said road to be vacated is at Station 194+50, which said point of beginning is distant measured along said road 7990.4 feet in a northwesterly direction from the above mentioned intersecting railroad, and the place of ending of said portion to be vacated is at Station 222+0, as shown on said map, and is distant from said intersecting railroad 10740.4 feet.

(4) Fourth Portion to be Vacated.

The point of beginning of this portion of the road to be vacated is Station No. 227+50 on said highway as shown on said map attached, said point being distant along said highway in a northwesterly direction from the above mentioned intersecting railroad 11290.4 feet, and the place of ending of said portion is at Station 231+50 in said highway, and shown on said map attached, and is distant from said intersecting railroad 11690.4 feet.

(5) Fifth Portion to be Vacated.

The point of beginning of this portion of the road to be vacated is at Station No. 237+8 on said highway, and shown on said map hereto attached, said point being distant measured along said highway in a northwesterly direction from said intersecting railroad 12240 feet. The place of ending of said portion is at Station No. 246+50 on said highway and as shown on said map attached, and is distant measured along said highway from said intersecting railroad 13190 feet.

(6) Sixth Portion to be Vacated.

The point of beginning of this portion of the road to be vacated is at Station No. 254+30 in said highway, as shown on said map attached, which said point is distant in a northerly direction along said highway from said intersecting railroad 14480 feet. The place of ending of said portion is at Station 241+50 in said highway, shown on map attached, and is measured along said highway from said intersecting railroad 16690 feet.

(7) Seventh Portion to be Vacated.

The point of beginning of this portion of the road to be vacated is at Station 291+0 in said highway shown on said map hereto attached, and is distant in a northwesterly direction measured on said highway from said intersecting railroad 17640 feet. The place of ending of said portion is at Station 321+0 in said highway, shown on the map attached, and is distant along said highway from said intersecting railroad 20640 feet.

The portions of said road sought to be vacated are further

indicated on the map hereto attached by appearing thereon in dotted lines, and each of said portions as above numbered are identified on said map by the number in red crayon which corresponds to the number in the foregoing description.

5. On April 29, 1942, a petition was presented to the Court under Rule 301 $\frac{1}{2}$  of the Rules of 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 issuing and service 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, April 27, 1942, should be considered as return day of the rule. Upon said petition, the Court made an order permitting the presentation of appropriate petitions to the Court for the vacation of the several portions of the public road above described.

6. The Supervisors of said Township of East Carroll 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.

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

E. Paul Hoover  
W. A. Westrich  
H. P. Dishart  
Supervisors of East Carroll Township.

walter weakland  
gerald m. springer  
J. P. Springer  
Grace M. Miller  
A. L. Miller  
H. J. Lauer  
Bertha E. Lauer  
Louis Farabaugh  
B. J. Sawyer  
E. H. Kirkpatrick  
T. O. Galt  
Jacob L. Dandland  
H. W. Meisel  
R. H. Springer  
J. E. Springer

State of Pennsylvania |  
County of Cambria | SS:

John S. Springer, 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 14 day of May, A.D. 1942.

J. W. ...  
Clerk of Courts

John S. Springer

ORDER.

And now, May 18<sup>th</sup>, 1942, the foregoing petition having been read and considered, IT IS ORDERED that James McEuen, M. J. Bangardner, and B. N. Jendko, three members of the permanent Board of Viewers of Cambria County, be and they are appointed to view said road and inquire of the premises and make return of their proceedings according to law.

BY THE COURT:

James McEuen



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

IN RE: Appointment of Viewers to vacate certain portions of Public Road along State Highway Route No. 11038 in East Carroll Township, Cambria County, Pennsylvania.

NO. 3 MARCH SESSIONS

1942

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view and determine whether certain portions of a public road along State Highway, Route No. 11038, in East Carroll Township, Cambria County, Pennsylvania, should be vacated because of changes and improvements made by the State Highway Department making said portions of public road useless and burdensome to maintain.

Said portions of public road are located as follows:

- Portion 1. Beginning at Station 117 + 50 and ending at Station 119 + 80.
- Portion 2. Beginning at Station 172 + 0 and ending at Station 177 + 80.
- Portion 3. Beginning at Station 194 + 50 and ending at Station 222 + 0.
- Portion 4. Beginning at Station 227 + 50 and ending at Station 231 + 50.
- Portion 5. Beginning at Station 237 + 8 and ending at Station 246 + 50.
- Portion 6. Beginning at Station 259 + 30 and ending at Station 281 + 0.
- Portion 7. Beginning at Station 291 and ending at Station 321 + 0.

*9th* Will meet at the place of Beginning, Station 117 + 50, on Tuesday, June 9th, 1942, at 10 o'clock A.M., to attend to the duties of our appointment, at which time and place all interested parties may appear and be heard if they think proper.

VIEWERS

( JAMES McCANN

( M. J. BAUGARDNER

( S. H. JENCKS

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

IN RE: Appointment of Viewers to vacate certain portions of Public Road along State Highway Route No. 11038 in East Carroll Township, Cambria County, Pennsylvania.

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- Portion 3. Beginning at Station 194 + 50 and ending at Station 222 + 0.
- Portion 4. Beginning at Station 227 + 50 and ending at Station 231 + 50.
- Portion 5. Beginning at Station 237 + 8 and ending at Station 246 + 50.
- Portion 6. Beginning at Station 259 + 30 and ending at Station 281 + 0.
- Portion 7. Beginning at Station 291 and ending at Station 321 + 0.

Will meet at the place of Beginning, Station 117 + 50, on Tuesday, June 2<sup>nd</sup>, 1942, at 10 o'clock A.M., to attend to the duties of our appointment, at which time and place all interested parties may appear and be heard if they think proper.

*Service Accepted*

VIEWERS

JAMES McCANN

M. J. BAUNGARDNER

S. H. JENCKS

*Walworth*  
*E. Paul Hoover*  
*H. P. Dishart*

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

IN RE: Appointment of Viewers to vacate certain portions of Public Road along State Highway Route No. 11038 in East Carroll Township, Cambria County, Pennsylvania.

NO. 3 MARCH SESSIONS

1942

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We, the undersigned Viewers, appointed by the above named Court, to view and determine whether certain portions of a public road along State Highway, Route No. 11038, in East Carroll Township, Cambria County, Pennsylvania, should be vacated because of changes and improvements made by the State Highway Department making said portions of public road useless and burdensome to maintain.

Said portions of public road are located as follows:

- Portion 1. Beginning at Station 117 + 50 and ending at Station 119 + 80.
- Portion 2. Beginning at Station 172 + 0 and ending at Station 177 + 80.
- Portion 3. Beginning at Station 194 + 50 and ending at Station 222 + 0.
- Portion 4. Beginning at Station 227 + 50 and ending at Station 231 + 50.
- Portion 5. Beginning at Station 237 + 8 and ending at Station 246 + 50.
- Portion 6. Beginning at Station 259 + 30 and ending at Station 281 + 0.
- Portion 7. Beginning at Station 291 and ending at Station 321 + 0.

Will meet at the place of Beginning, Station 117 + 50, on Tuesday, June 2nd., 1942, at 10 o'clock A.M., to attend to the duties of our appointment, at which time and place all interested parties may appear and be heard if they think proper.

*9th of*

VIEWERS

- ( JAMES McCANN
- )
- ( M. J. BAUMGARDNER
- )
- ( S. H. JENCKS

*accepted per via  
June 27 - 1942  
H. J. Jones  
clerk*

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY  
PENNSYLVANIA.  
NO. 3 MARCH SESSIONS, 1942

IN RE: APPOINTMENT OF  
VIEWERS TO VACATE CERTAIN  
PORTIONS OF PUBLIC ROAD  
ALONG STATE HIGHWAY ROUTE  
11038 IN EAST CARROLL TOWN-  
SHIP, CAMBRIA COUNTY, PENN-  
SYLVANIA.

ORDER OF COURT AND RE-  
PORT OF VIEWERS

*Filed June 29, 1942*

JAMES McCANN  
M. J. BAUMGARDNER  
S. H. JENCKS  
VIEWERS.

*Approved by the Court  
this 14th day of Sept. 1942  
By the Court  
McKinney  
Judge*

*copy*

mad.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: Appointment of Viewers to	(	NO. 3 MARCH SESSIONS
Vacate Certain Portions of Public	)	
Road along State Highway Route No.	(	
11038 in East Carroll Township,	)	
Cambria County, Pennsylvania.	(	1942

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 certain portions of Public Road along State Highway Route No. 11038, in East Carroll Township, Cambria County, Pennsylvania, should be vacated because of changes and improvements made by the State Highway Department making such portions of public road useless and burdensome to maintain, respectfully report:

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 to view the road in question, by the posting of notices at the termini of said portions of road, along the route, and at points adjacent thereto, and by the serving of notices on the Commissioners of Cambria County and the Supervisors of East Carroll Township, copies of all these notices being hereto attached and made a part of this report as proof of service. A personal call was also made at the homes of those whose dwelling houses abutted on these portions of road to be vacated.

That we met in accordance with the notices given, on Tuesday, June 9th., 1942, at 10:00 o'clock A. M., and proceeded to view the portions of road to be vacated. There were present the three Viewers and Mr. Springer, Secretary of the Board of Road Supervisors of the above named Township. The members of the Board of Road Supervisors had been contacted personally when acknowledgement of receiving notice of view was received and expressed themselves as being in favor of the vacating of all the portions of public road as indicated below. All the parties who live in residences abutting on the roads to be vacated were strongly in favor of vacating portions of roads in question.

Said portions of roads to be vacated are located as follows:

- Portion 1. Beginning at Station 117 + 50 and ending at Station 119 + 80.
- Portion 2. Beginning at Station 172 + 0 and ending at Station 177 + 80.
- Portion 3. Beginning at Station 194 + 50 and ending at Station 222 + 0.
- Portion 4. Beginning at Station 227 + 50 and ending at Station 231 + 50.
- Portion 5. Beginning at Station 237 + 8 and ending at Station 246 + 50.
- Portion 6. Beginning at Station 259 + 30 and ending at Station 281 + 0.
- Portion 7. Beginning at Station 291 and ending at Station 321 + 0.

Included in these portions there were actually 20 portions of road to be vacated as they crossed and recrossed the new road at many points. All the portions of roads to be vacated were carefully gone over by the Viewers, accompanied by Mr. Springer, Secretary, and at the conclusion of the View all the Viewers were agreed that the prayer of the petitioners should be granted and all the portions of road indicated on maps attached and on this report should be vacated because of being useless and burdensome to maintain.

This was accordingly done and by unanimous vote of the Viewers the roads were ordered vacated.

Respectfully submitted,

James M. Coan  
A. H. Jewers  
Walter B. Brown

VIEWERS.

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 18<sup>th</sup> day of May A. D. 192<sup>4</sup>, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of East Carroll Twp., in the said County, setting forth that they labor under inconvenience for want of a Vacating a Portion of road or highway, to lead from  
See attached description and draft.

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 McCahn, M. J. Baumgardner

surveyor, and

B. H. Jenks

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

Attest:

Joseph C. Hise 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."

NO. 3 March 1942 SESSIONS, 182

Order to view and vacate a portion of road in East Carroll Twp.

Viewers

James McCann

M. J. Baumgardner

B. H. Jenccks

Clerk

90 cts.

*Joseph C. Horn*



IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In Re: Appointment of Viewers to vacate certain portions of public road along State highway route No. 11038 in East Carroll Township, Cambria County, Pennsylvania

No. 3 - March Sessions 1942

Cambria County Commissioners

To James McCann

Dr.

May 26, 1942	Gathering data, preparing notices - 1 day	\$12.00
	Stenographer	3.00
May 27, 1942	Posting and serving notices - 1/2 day	6.00
	42 miles -----	4.20
June 9, 1942	On view - 1/2 day	6.00
	34 miles -----	3.40
	Paper & Postage	.50
	Preparing and filing report - 1/2 day	6.00
	Stenographer	1.50
	Preparing plans	<u>6.00</u>

*June 30*  
*June 30*

Dr. \$48.60

JUL 9 1942 RECEIVED

To S. H. Jencks

June 9, 1942

On view	1/2 day	\$6.00
	18 miles -----	<u>1.80</u>
		\$7.80

JUL 9 1942 RECEIVED

To M. J. Baumgardner


June 9, 1942

Dr.

On view	1/2 day	\$6.00
	18 miles -----	<u>1.80</u>
		\$7.80

JUL 9 1942 RECEIVED

I hereby certify that the above bill is an exact duplicate of that filed with the County Commissioners.

  
Chairman

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

In re Petition to Vacate a Portion of  
a Public Road known as the Dutch Road  
in the Township of East Carroll, in  
the County of Cambria and State of  
Pennsylvania.

No. *2 March* Sessions, 1942.

Vacating Portion of Public Road.

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 East Carroll, County of Cambria and State of Pennsylvania, respectfully reports:

1. That a road has been long since laid out and opened in the Township of East Carroll, in the County of Cambria and State of Pennsylvania, being known as the Dutch Road, leading from the center of Chest Creek at the Allegheny—East Carroll Township line in a northeasterly direction past the Carrolltown Borough Water Works to the Borough of Carrolltown, where the same ends at State Highway Route No. 62 (Travel Route No. 219), known as the Carrolltown-Ebensburg Road. The improved portion of said Dutch Road is known as State Highway Route No. 11038, Section 2, as shown on the map attached hereto.

2. Said road as described in Paragraph 1 of this petition was laid out by a petition to the Court as recorded in Road Docket Vol. 2, page 438, being No. 858, and confirmed by the Court on July 7, 1860. The petition for the laying out of said road did not give a width to the same. See also Road Docket Vol. 2, page 89, No. 100, confirmed by the Court on January 11, 1851.

3. By reason of the improvement of said State Highway Route No. 11038, Section 2, between Station No. 107+10 and Station No. 321+0, as shown on the map attached hereto and made part hereof, and by reason of the straightening of the road, taking out certain sharp curves and otherwise improving said highway, certain portions of said road as described in Paragraph 1 of this petition have become useless, inconvenient and burdensome to the taxpayers and citizens of the Township of East Carroll, and the undersigned freeholders seek to have it vacated.

4. The portions of said road sought to be vacated are described as follows, the point of beginning and the point of ending of each of said portions being located with respect to the Pennsylvania Railroad line leading from Bradley Junction to the Borough of Fatten, which said railroad intersects the aforesaid highway known as the Dutch Road, and said point of intersection being 749.6 feet from the center line of a concrete and steel bridge crossing the Chest Creek. The points of ending of each of said portions are likewise identified by their respective distances from said intersecting railroad.

(1). First Portion to be Vacated.

The point of beginning of this portion is on the center line of the above mentioned highway and is distant from said Pennsylvania Railroad line measured along said Highway 290 feet, said point of beginning being noted on the State Highway map attached hereto as Station 117+50. The point of ending of the portion to be vacated is at a point numbered Station 119+80, which is distant 230 feet from the point of beginning and is distant from said railroad intersection 520 feet.

(2) Second Portion to be Vacated.

The point of beginning of said portion to be vacated is at Station marked 172+0 on the aforesaid highway, as shown on the map attached, said point of beginning being a distance of 5740.6 feet from said intersecting railroad. The point of ending of said portion is at a point numbered 177+0 on said highway and a distance of 5240.6 feet from said railroad intersection.

(3) Third Portion to be Vacated.

The point of beginning of this portion of said road to be vacated is at Station 194+50, which said point of beginning is distant measured along said road 7990.4 feet in a northwesterly direction from the above mentioned intersecting railroad, and the place of ending of said portion to be vacated is at Station 222+0, as shown on said map, and is distant from said intersecting railroad 10740.4 feet.

(4) Fourth Portion to be Vacated.

The point of beginning of this portion of the road to be vacated is Station No. 227+50 on said highway as shown on said map attached, said point being distant along said highway in a northwesterly direction from the above mentioned intersecting railroad 11290.4 feet, and the place of ending of said portion is at Station 231+50 in said highway, and shown on said map attached, and is distant from said intersecting railroad 11690.4 feet.

(5) Fifth Portion to be Vacated.

The point of beginning of this portion of the road to be vacated is at Station No. 237+8 on said highway, and shown on said map hereto attached, said point being distant measured along said highway in a northwesterly direction from said intersecting railroad 12240 feet. The place of ending of said portion is at Station No. 246+50 on said highway and as shown on said map attached, and is distant measured along said highway from said intersecting railroad 13190 feet.

(6) Sixth Portion to be Vacated.

The point of beginning of this portion of the road to be vacated is at Station No. 284+30 in said highway, as shown on said map attached, which said point is distant in a northerly direction along said highway from said intersecting railroad 14380 feet. The place of ending of said portion is at Station 241+50 in said highway, shown on map attached, and is measured along said highway from said intersecting railroad 16690 feet.

(7) Seventh Portion to be Vacated.

The point of beginning of this portion of the road to be vacated is at Station 291+0 in said highway shown on said map hereto attached, and is distant in a northwesterly direction measured on said highway from said intersecting railroad 17640 feet. The place of ending of said portion is at Station 321+0 in said highway, shown on the map attached, and is distant along said highway from said intersecting railroad 20640 feet.

The portions of said road sought to be vacated are further

indicated on the map hereto attached by appearing thereon in dotted lines, and each of said portions as above numbered are identified on said map by the number in red crayon which corresponds to the number in the foregoing description.

5. On April 29, 1942, a petition was presented to the Court under Rule 301 $\frac{1}{2}$  of the Rules of Courts of Civ. & Termineer 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 issuing and service 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, April 27, 1942, should be considered as return day of the rule. Upon said petition, the Court made an order permitting the presentation of appropriate petitions to the Court for the vacation of the several portions of the public road above described.

6. The Supervisors of said Township of East Carroll 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.

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

CERTIFIED on this,

the 20 day of May

A. D., 1942

*Joseph C. Murr*  
Clerk of Courts

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Supervisors of East Carroll Township

Blank lined writing area consisting of 25 horizontal lines.

State of Pennsylvania }  
County of Cambria } SS:

John S. Springer, 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 \_\_\_\_\_ day of May, A.D. 1942.

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**ORDER.**

And now, May \_\_\_\_\_, 1942, the foregoing petition having been read and considered, IT IS ORDERED that \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, three members of the permanent Board of Viewers of Cambria County, be and they are appointed to view said road and inquire of the premises and make return of their proceedings according to law.

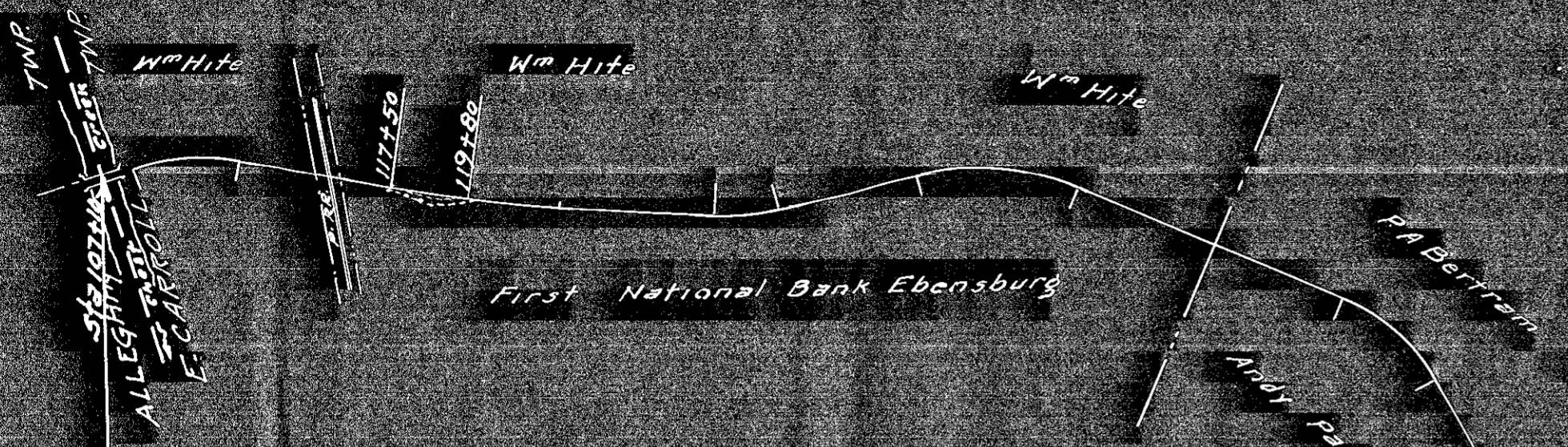
**BY THE COURT:**

\_\_\_\_\_

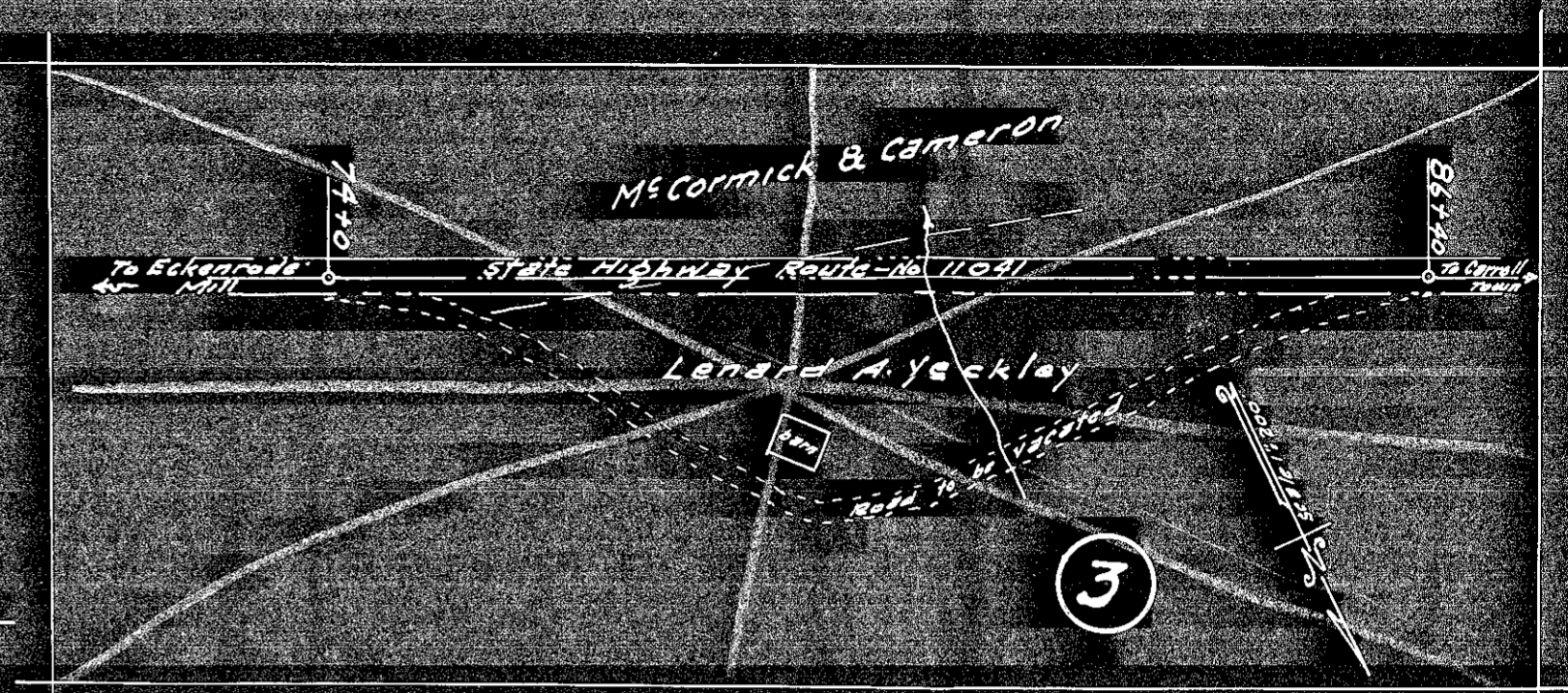
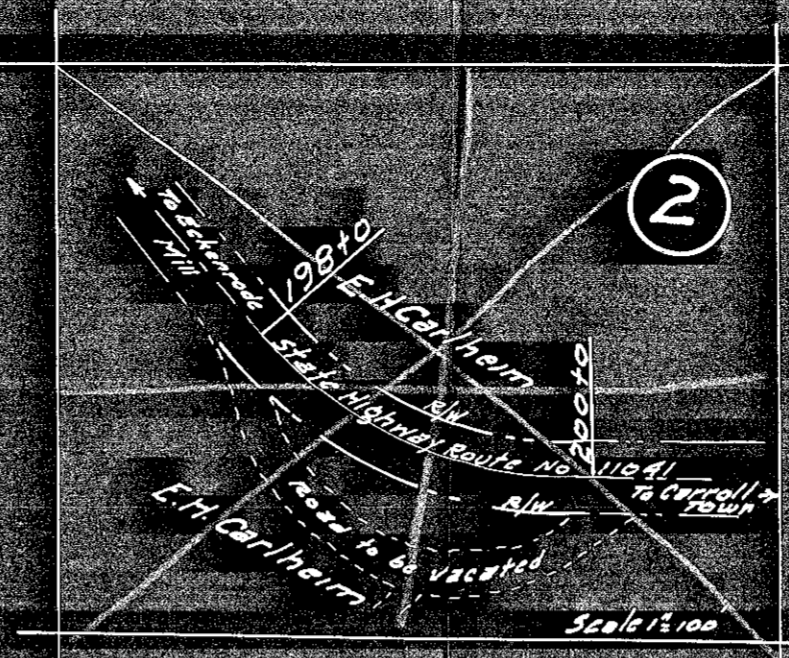


Not Microfilmed

RD# 3 Mar. 1942



Note - The Center of Chest Creek - line between Allegheny & East Carroll Twp also Station 107+10 shown on State Highway Plan of Route 11038-520-2 Vacate between Stations as shown



Center line of State Highway Route 11038  
 ----- Abandoned Twp Roads to be Vacated



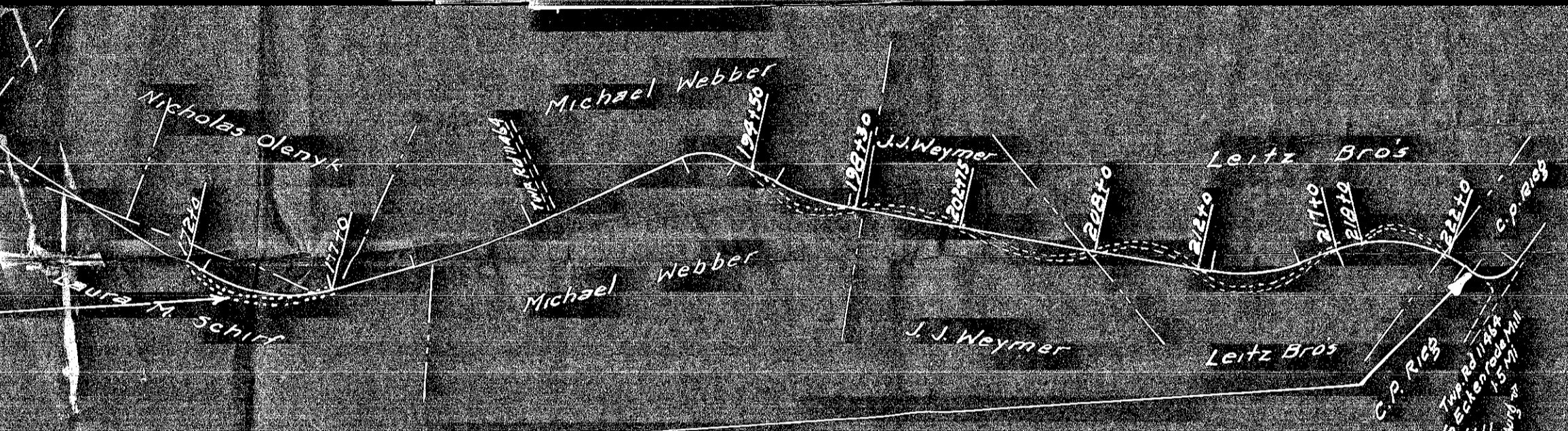
Twp Rd 11574  
 To Carroll Twp  
 5+00

Twp Rd 11474  
 To Eckersville  
 1+00

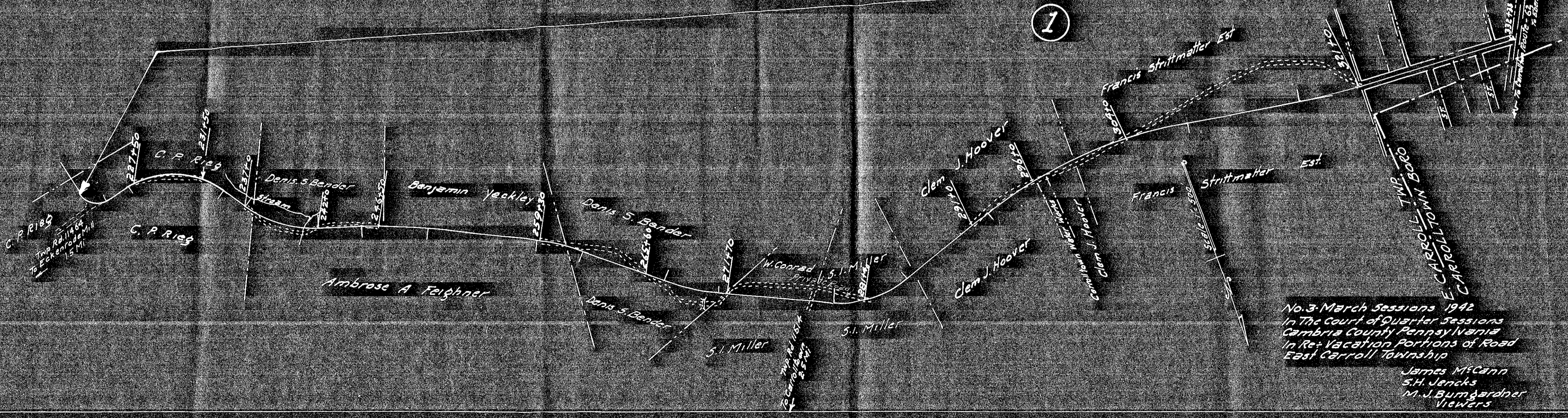


Note - the Center of Chest Creek = line between Allegheny & East Carroll Twp. also Station 107+10 shown on State Highway Plan of Route 1103B - Sec 2 vacate between stations as shown

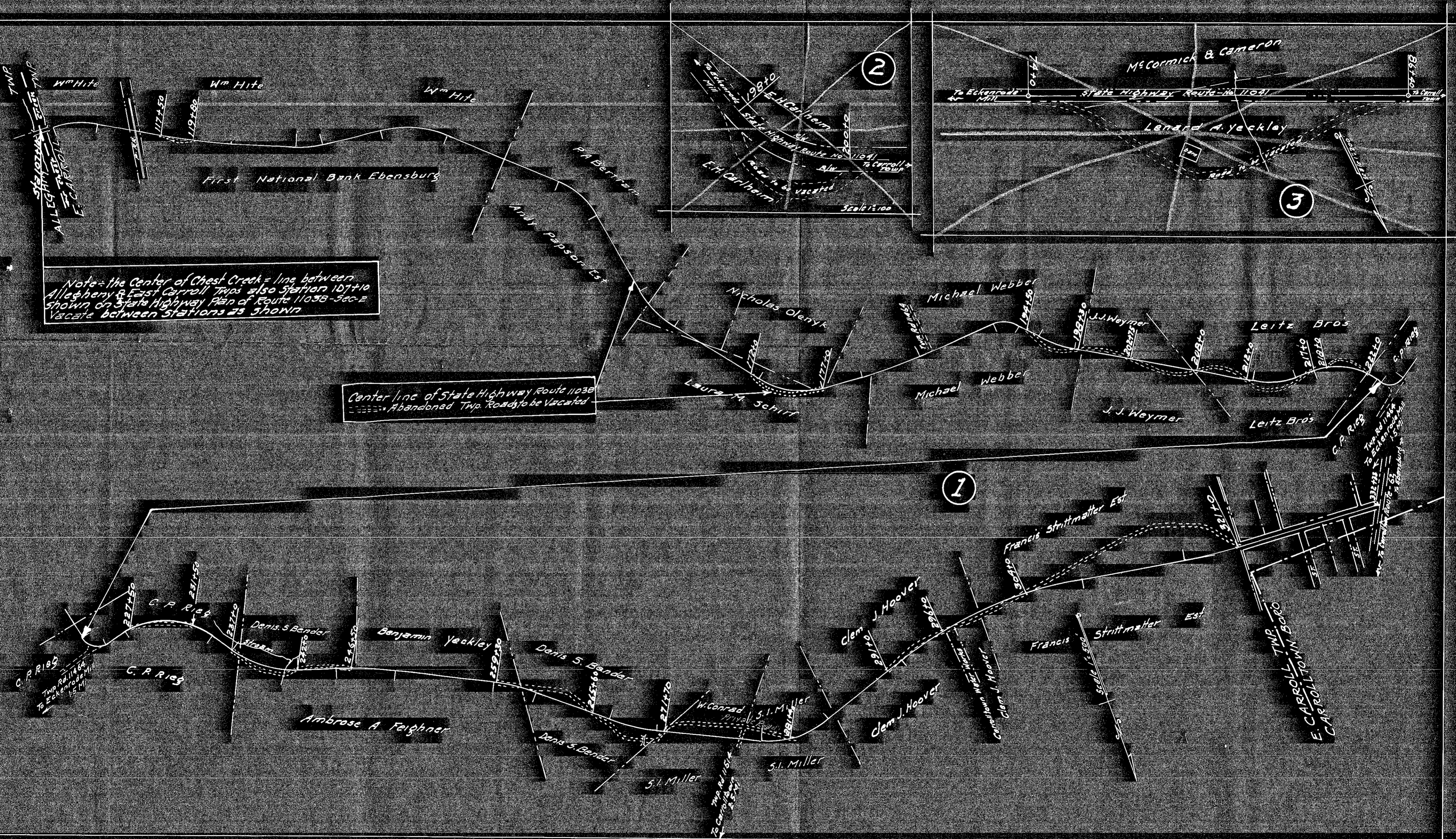
Center line of State Highway Route 1103B  
 --- Abandoned Twp. Roads to be Vacated



1

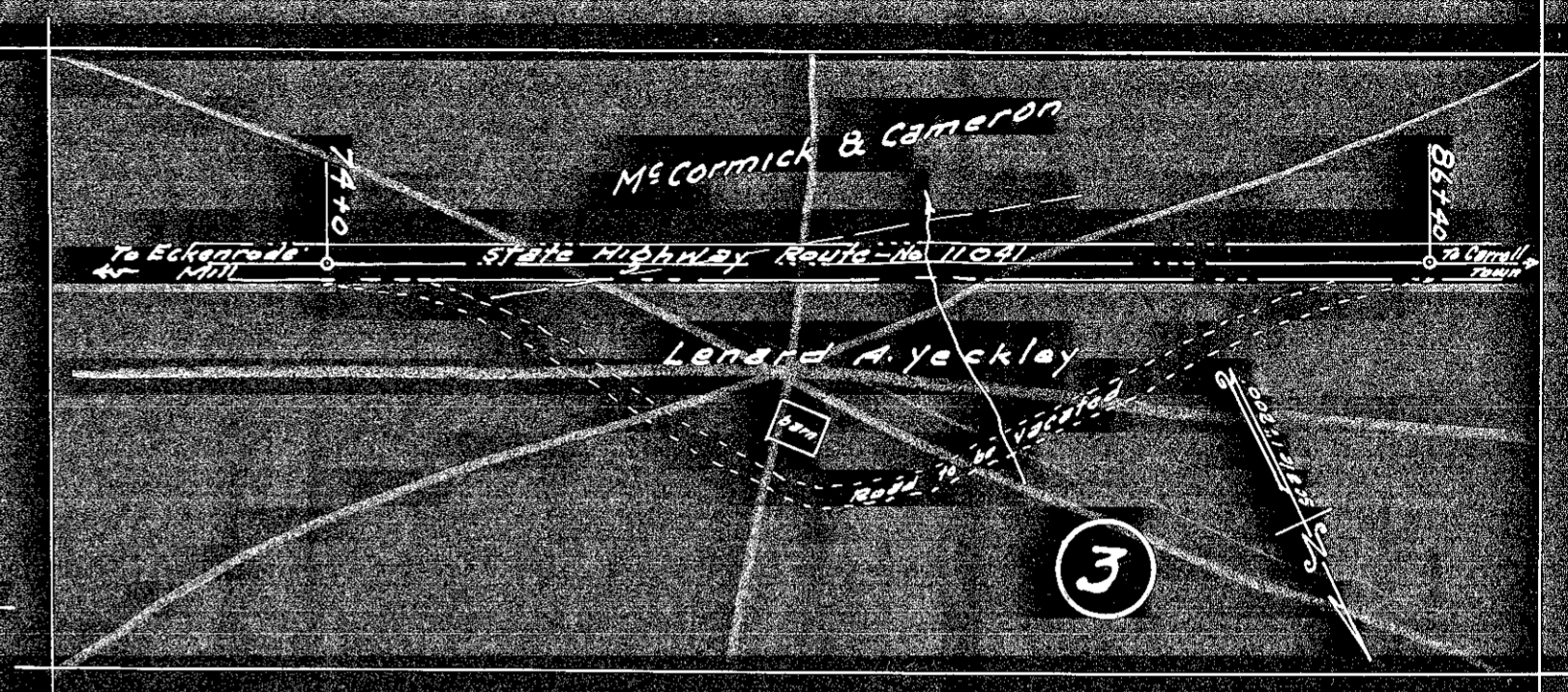
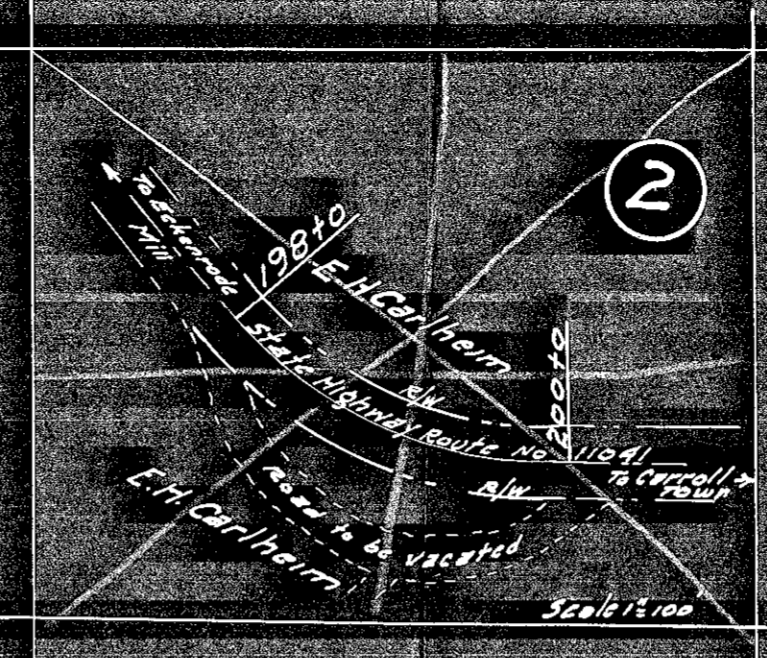


No. 3 March Sessions 1942  
 In The Court of Quarter Sessions  
 Cambria County Pennsylvania  
 In Re: Vacation Portions of Road  
 East Carroll Township  
 James McCann  
 S.H. Jencks  
 M.J. Bumgardner  
 Viewers



Note: The center of Chest Creek = line between Allegheny & East Carroll Twp. also station 107+10 shown on State Highway Plan of Route 11038-5cc-2 Vacate between Stations as shown

Center line of State Highway Route 11038  
 --- Abandoned Twp. Road to be vacated



1

2

3

