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IN RE; PETITION TO VIEW AND VACATE A PORTION OF STATE HIGHWAY ROUTE NO. 11089 IN THE TOWNSHIP OF ELDER, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA. } IN THE COURT OF QUARTER SESSIONS FOR THE COUNTY OF CAMBRIA, PENNSYLVANIA. } No. 6, June Sessions, 1942.

REPORT OF VIEWERS.

We, the undersigned Viewers appointed by the above name Court to for the purpose of vacating a certain portion of a public road or highway, so abandoned for road use by the Department of Highways of the Commonwealth of Pennsylvania being all that portion of State Highway Route No. 11089, Section 1, abandoned as State Highway, beginning at State Highway Station 33 plus 00 and extending to a point at Station 38 plus 00, a distance of approximately six hundred (600) feet more or less, all of which is in the Township of Elder, County of Cambria and State of Pennsylvania, respectfully report as follows:

That we are members of the Board of Permanent Viewers of Cambria County, Pennsylvania and that we have been duly qualified according to law as appears of record in said County of Cambria; that we gave due public notice of the time and place of the meeting of the Board of Viewers as required by law by posting ten notices along the route of the of road or highway proposed to be vacated and at the term thereof and by notice upon George M. Spence, Esq., Solicitor for the Township of Elder aforesaid and upon Frank Borr, Chief Clerk to the Commissioners of Cambria County, acceptances of service of same being hereto attached and made a part of this report.

Pursuant to said Notice the Board of Viewers met on Monday, September 21, 1942 at 10 o'clock A.M. at the point of beginning as above stated

and proceeded with the duties of our appointment. All of the members of the Board in the proceedings were present, to wit: Mahlon Baumgardner, Theodore Hunt and A. M. Shoemaker and Patrick McAndrew a member of the Board of Supervisors of the Township of Elder aforesaid together with Michael Endler, Secretary to the Board of Supervisors aforesaid. We went over the highway or public road to be vacated which said highway or public road is utterly abandoned and useless, for any purpose whatsoever. After making a careful inspection of same and taking all matters pertinent to the same and having due regard as to any use same may be applied as a public highway we are unanimously of the opinion that said portion of State Highway Route No. 11089, Section 1, beginning at State Highway Station 33 plus 00 and extending to a point at Station 38 plus 00, a distance of approximately six hundred (600) feet, which is now abandoned for public use is inconvenient, useless and burdensome and we therefore recommend its vacation. The portion of highway or public road recommended to be vacated is marked "Portion to be Abandoned as State Highway" on a Drawing Showing Abandoned Relocated Portion of Route 11089, Sec. 1, Elder Twp., Cambria Co., District furnished by H. G. Van Riper, Township Engineer of the Department of Highways of the Commonwealth of Pennsylvania and hereto attached and made a part of this Report.

In Witness whereof we have hereunto attached our hands on the 27 day of October, A. D. 1942.

October 28, 1942.

Mahlon Baumgardner

A. M. Shoemaker
Viewers.

IN RE: PETITION TO VIEW AND VACATE A : IN THE COURT OF QUARTER SESSIONS
 PORTION OF STATE HIGHWAY ROUTE NO. : FOR THE COUNTY OF CAMBRIA,
 11089 IN THE TOWNSHIP OF ELDER, : PENNSYLVANIA.
 COUNTY OF CAMBRIA AND STATE OF :
 PENNSYLVANIA. : NO. 6 JUNE SESSIONS, 1942.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court for the purpose of viewing and vacating a certain portion of a public road or highway, so abandoned for road use by the Department of Highways of the Commonwealth of Pennsylvania described as follows: ALL that portion of State Highway Route No. 11089, Section 1, abandoned as State Highway, beginning at State Highway Station 33 plus 00, and extending to a point of Station 38 plus 00, a distance of approximately 600 feet, more or less, all of which is in the Township of Elder, County and State aforesaid, will meet at the place of beginning first above mentioned on MONDAY, September, 21, 1942 at 10 o'clock A. M. for the purpose of performing the duties of our appointment and for the further purpose of hearing all evidence and the taking of testimony pertinent thereto.

Sept. 5, 1942.

MAHLON BAUMGARDNER
 THEODORE HUNT
 A. M. SHORMAKER
 Viewers.

NOW, September 5th 1942 I hereby accept service of the within notice to view as Solicitor to the Board of Supervisors of the Township of Elder, County of Cambria and State of Pennsylvania, and acknowledge receipt of copy of same.

George M. Spencer
 Solicitor,
 Supervisors, Elder Township.

IN RE: PETITION TO VIEW AND VACATE A	:	IN THE COURT OF QUARTER SESSIONS
PORTION OF STATE HIGHWAY ROUTE NO.	:	FOR THE COUNTY OF CAMBRIA,
11089 IN THE TOWNSHIP OF ELDER,	:	PENNSYLVANIA.
COUNTY OF CAMBRIA AND STATE OF	:	
PENNSYLVANIA.	:	NO. 6 JUNE SESSIONS, 1942.

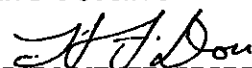
NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court for the purpose of viewing and vacating a certain portion of a public road or highway, so abandoned for road use by the Department of Highways of the Commonwealth of Pennsylvania described as follows: ALL that portion of State Highway Route No. 11089, Section 1, abandoned as State Highway, beginning at State Highway Station 33 plus 00, and extending to a point of Station 38 plus 00, a distance of approximately 600 feet, more or less, all of which is in the Township of Elder, County and State aforesaid, will meet at the place of beginning first above mentioned on MONDAY, September, 21, 1942 at 10 o'clock A. M. for the purpose of performing the duties of our appointment and for the further purpose of hearing all evidence and the taking of testimony pertinent thereto.

MAHLON BAUMGARDNER
THEODORE HUNT
A. M. SHOEMAKER
Viewers.

Sept. 5, 1942.

NOW September 7 1942 I hereby accept service of the within notice to view as Chief Clerk to the Commissioners of the County, of Cambria and State of Pennsylvania and acknowledge to have received a copy of the same.



Chief Clerk to
County Commissioners.

IN RE: PETITION TO VIEW AND VACATE A
PORTION OF STATE HIGHWAY ROUTE NO.
11089 IN THE TOWNSHIP OF ELDER,
COUNTY OF CAMBRIA AND STATE OF
PENNSYLVANIA.

: IN THE COURT OF QUARTER SESSIONS
: FOR THE COUNTY OF CAMBRIA,
: PENNSYLVANIA.
:
: NO. 6 JUNE SESSIONS 1942

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court, for the purpose of viewing and vacating a certain portion of a public road or highway, so abandoned for the purpose of road use by the Department of Highways of the Commonwealth of Pennsylvania described as follows: ALL that portion of State Highway Route No. 11089, Section 1, abandoned as State Highway, beginning at State Highway Station 33 plus 00, and extending to a point of Station 38 plus 00, a distance of approximately 600 feet, more or less, all in the township of Elder, County and State aforesaid, will meet at the place of beginning first above mentioned on Monday, September 21, at 10 o'clock A. M., for the purpose of performing the duties of our appointment and for the further purpose of hearing all evidence or the taking of testimony pertinent thereto.

Sept. 5, 1942.

MAHLON BAUMGARDNER
THEODORE HUNT
A. M. SHOEMAKER
Viewers.

IN RE; PETITION TO VIEW AND VACATE A
PORTION OF STATE HIGHWAY ROUTE NO.
11089 IN THE TOWNSHIP OF ELDER, COUNTY
OF CAMBRIA AND STATE OF PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS
FOR THE COUNTY OF CAMBRIA,
PENNSYLVANIA
No. 4 JUNE SESSIONS, 1942.

TO MAHLON BAUMGARDNER, THEODORE HUNT
AND A. M. SHOEMAKER, Drs.

To Mahlon Baumgardner

Sept. 5-	Data and preparing notices to view	\$12.00
" 7-	Posting Notices to View	12.00
	Mileage 40 miles	4.00
" 21-	Making View	12.00
	Mileage	4.00
Oct. 27-	Preparing Report	12.00
		<u>56.00</u>

Theodore Hunt

Sept. 21-	Making View	\$12.00
	Mileage 66 miles	6.60
		<u>\$18.60</u>

A. M. Shoemaker

Sept. 21-	Making View	\$12.00
	Mileage	4.00
		<u>16.00</u>
		\$90.60

NOW the 27th day of October, A. D. 1942 I hereby certify the
above and foregoing statement of costs is a true and correct copy of
the original filed in the Office of the Clerk of Courts of Cambria
County, Pennsylvania.

Chairman of Board in the
above proceedings.

No. 6 June SESSIONS, 1942

Order to view and vacate a

portion of State Highway

Route No. 11089 in the

Township of Elder, County

of Cambria, and State of

Pennsylvania.

AND

REPORT OF VIEWERS.

Part 6-1-1 3/23/43

Mahlon Baumgardner

Theodore Hunt X

A. M. Shoemaker

Viewers

Clerk Joseph A. Moore 90 cts.

Filed Oct. 29, 1942

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."

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 24th day of August A. D. 1942, be-
fore the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township
of Elder, in the said County, setting forth that they labor under incon-

venience for ~~the same~~ vacating a certain portion of road or highway, to lead from

The portion of highway so abandoned for road purpose by the
Department of Highways of the Commonwealth of Pennsylvania is des-
cribed as follows: All that portion of State Highway Route No. 11089,
Section 1, abandoned as State Highway, beginning at State Highway
Station 33+00, and extending to a point of Station 38+00, a distance
of approximately 600 feet, more or less, as fully described and shown
on drawing filed in the Clerk of Courts Office.

*Not. Woud you be kind enough to make
in triplicate the viewers report*

and therefore praying the Court to appoint proper persons to view and ^{vacate} ~~lay out~~ the same according
to law. The Court, upon due consideration had of the premises, do order and appoint

Mahlon Baumgardner, Theodore Hunt surveyor, and

A. M. Shoemaker

viewers, to view the ground proposed for ^{vacating} ~~road~~, and if they view the same, and shall
agree that there is occasion for such ^{vacating} ~~road~~, they shall proceed to lay out the same, having respect to the
shortest distance and the best ground for ^{vacation} ~~access~~, and in such manner as shall do the least injury to
private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that
they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County,
stating particularly whether they judge the same necessary for a public or private road, together with
a plot or draft thereof, and the courses and distances, and references to the improvements through
which it may pass.

By the Court.

Attest:

Griffith, J.

Joseph C. Wess, Clerk.

Ebensburg, Pa., March 16, 1943

Cambria County Clerk of Courts, Ebensburg, Pa.

To John Shroyer, Sec of Highways Dr.
Harrisburg, Pa.

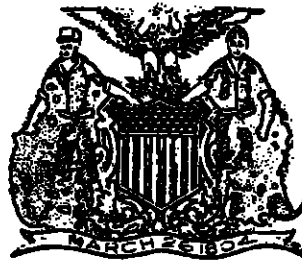
Recording and certifying proceedings
in the vacating of a Road in the Town-
ship of Elder, Cambria County, Pa., and
entered to No. 6 June Sessions 1942.

\$ 3.50

Paid
Apr 15-43

JOSEPH C. WESS
Clerk of Courts

County of Cambria



PETER J. CULLITON
Deputy

Clerk of Courts Office

EBENSBURG, PA. March 16, 1943.

Mr. John Shroyer, Sec. of Highways
Harrisburg, Pennsylvania.

Attention : Township Engineer.

Dear Sir :

Enclosed find certified copy of Viewers report
also draft in connection with public highway in Elder
Township, Cambria County, Pennsylvania.

We also enclose our fee bill.

Very truly yours,

Clerk of Courts,

Acting Clerk of Courts.

36 Hunk

No. 6

June
~~September~~ Sessions, 1942

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

RE: Petition for Viewers to
vacate a section of State High-
way Route No. 11089, Section 1,
located in the Township of Elder,
County of Cambria and State of
Pennsylvania.

PETITION FOR APPOINTMENT OF
THREE MEMBERS OF PERMANENT BOARD
OF VIEWERS TO VIEW ROAD

Filed

Aug 24. 42

J. M. Spence

GEORGE M. SPENCE

ATTORNEY AT LAW

FIRST NATIONAL BANK BLDG.

JOHNSTOWN, PENNSYLVANIA

map #2

RE: Petition for Viewers to vacate a section of State Highway Route No. 11089, Section 1, located in the Township of Elder, County of Cambria and State of Pennsylvania.

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

No. September Sessions, 1942.

To the Honorable, the Judges of said Court:

The petition of H. J. Holtz, Charles Thomas and Patrick McAndrew respectfully represents:

1 - Your petitioners are the duly elected and acting Road Supervisors of the Township of Elder, County of Cambria and State of Pennsylvania.

2 - By reason of the reconstruction, relocation and improvement of a portion of State Highway Route No. 11089, Section 1, in Elder Township, by the Department of Highways of the Commonwealth of Pennsylvania, a portion of said highway has been set out from the said highway and abandoned as a state highway, and has become useless, inconvenient and burdensome.

3 - The portion of said highway so abandoned for road purposes by the Department of Highways of the Commonwealth of Pennsylvania is described as follows: All that portion of State Highway Route No. 11089, Section 1, abandoned as a state highway, beginning at State Highway Station 33+00 and extending to a point at Station 38+00, a distance of approximately 600 feet, more or less, as more fully described and shown on the attached drawing made by the Department of Highways of the Commonwealth of Pennsylvania, and approved by the Governor of the Commonwealth on August 5, 1940.

WHEREFORE, your petitioners pray the Court to inquire of and vacate said road, 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.

H. J. Holtz
Charles Thomas
Patrick McAndrew

State of Pennsylvania, |
County of Cambria. | SS:

On this 8 day of June, A. D. 1942, personally appeared before me, the undersigned authority, H. J. Holtz, Charles Thomas and Patrick McAndrew, who, being duly sworn according to law, depose and say that they are the Road Supervisors of the Township of Elder, County of Cambria and State of Pennsylvania, and the petitioners above named, and that the facts set forth in the foregoing petition are true and correct.

H. J. Holtz
Charles Thomas
Patrick McAndrew

Sworn to and subscribed before me the day and year aforesaid,

Rose Franklin the Peck
Justice of
Notary Public
my com. exp. 1st. Mon. Jan. 1944

D E C R E E

And now, 24 Aug., 1942, the foregoing petition having been read and considered, it is ordered that Malala Bumpawan Thesara Thant and A. M. Llanuahu, three members of the permanent Board of Viewers of Cambria County, be and they hereby are appointed to view the road described in the foregoing petition and inquire of the premises and make a return of their proceedings.

BY THE COURT

Griffith
J.

RE: Petition for Viewers to
vacate a section of State High-
way Route No. 11089, Section 1,
located in the Township of Elder,
County of Cambria and State of
Pennsylvania.

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

No. September Sessions, 1942.

Now, August 24th, 1942, service of a true and correct copy of
the within petition is accepted by the Commissioners of Cambria County, and the
issuance of a rule upon the Commissioners of Cambria County to show cause why
Viewers should not be appointed as required by Rule of Court is hereby waived.

COMMISSIONERS OF CAMBRIA COUNTY

By

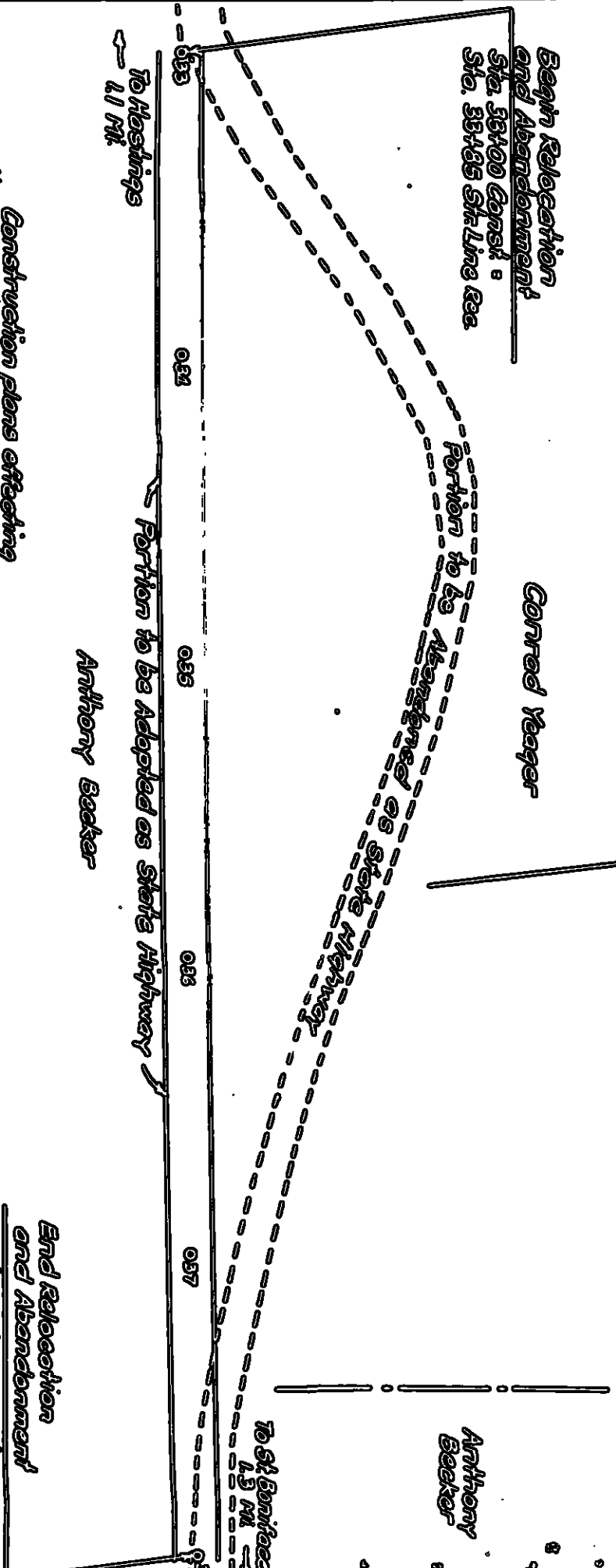
W. J. Dow
Chief Clerk

Rot Microplined

ROD 6 June 1942

map #1

**DRAWING SHOWING
ABANDONED & RELOCATED PORTION
OF
ROUTE 11039 SEC. 1
ELDER TWP. CAMBRIA CO.
DISTRICT 9
SCALE 1"=50'**



Construction plans affecting the relocation were approved by the Governor Aug. 5, 1940

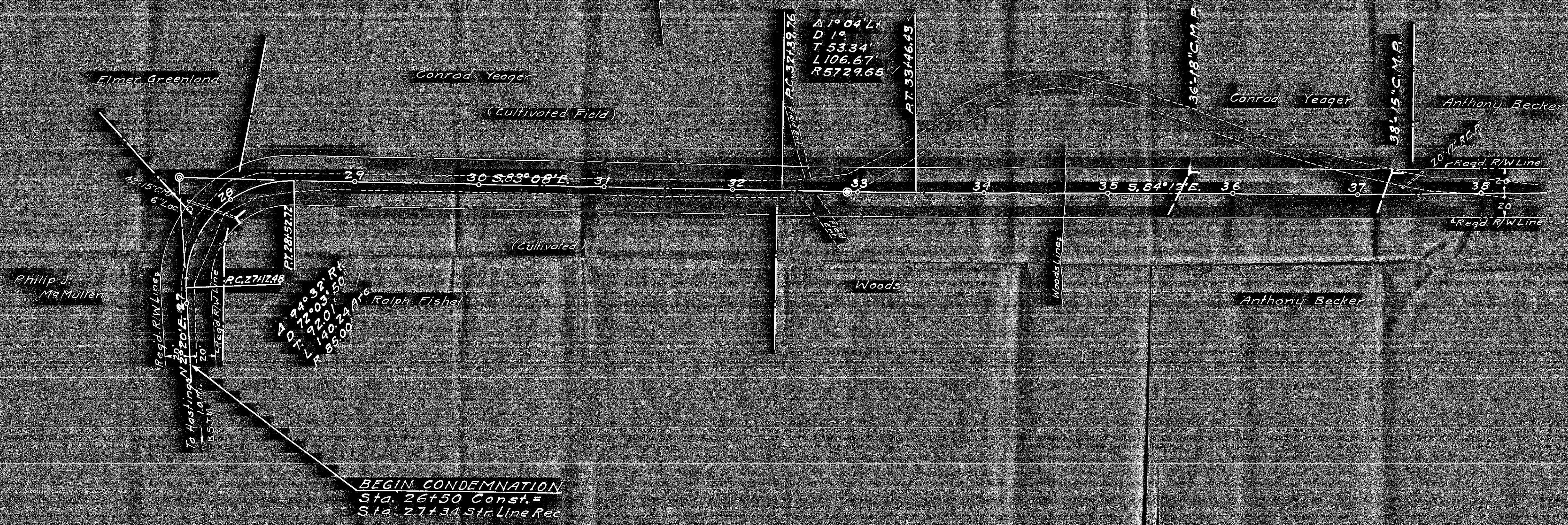
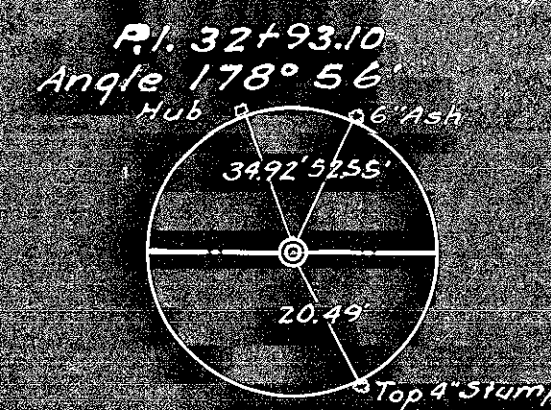
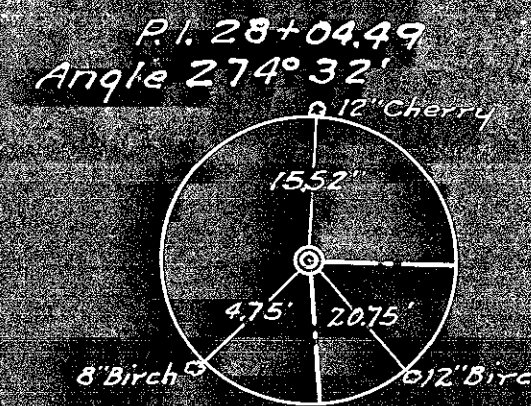
TABULATION OF CHANGES BY RELOCATION

STATIONS	RELOCATED			ABANDONED		
	EL	IN	Total	EL	IN	Total
33400 to 33400	500'	.0347				
33400 to 33416				531'	.1006	
33435 - 33416						531' .1006

End Relocation and Abandonment
Sta 33400 Consl =
Sta. 33416 Str Line Rec.

Not Microfilmed

RO[#] 6 June 1942
map[#] 2



BEGIN CONDEMNATION
 Sta. 26+50 Const. =
 Sta. 27+34 Str. Line Rec