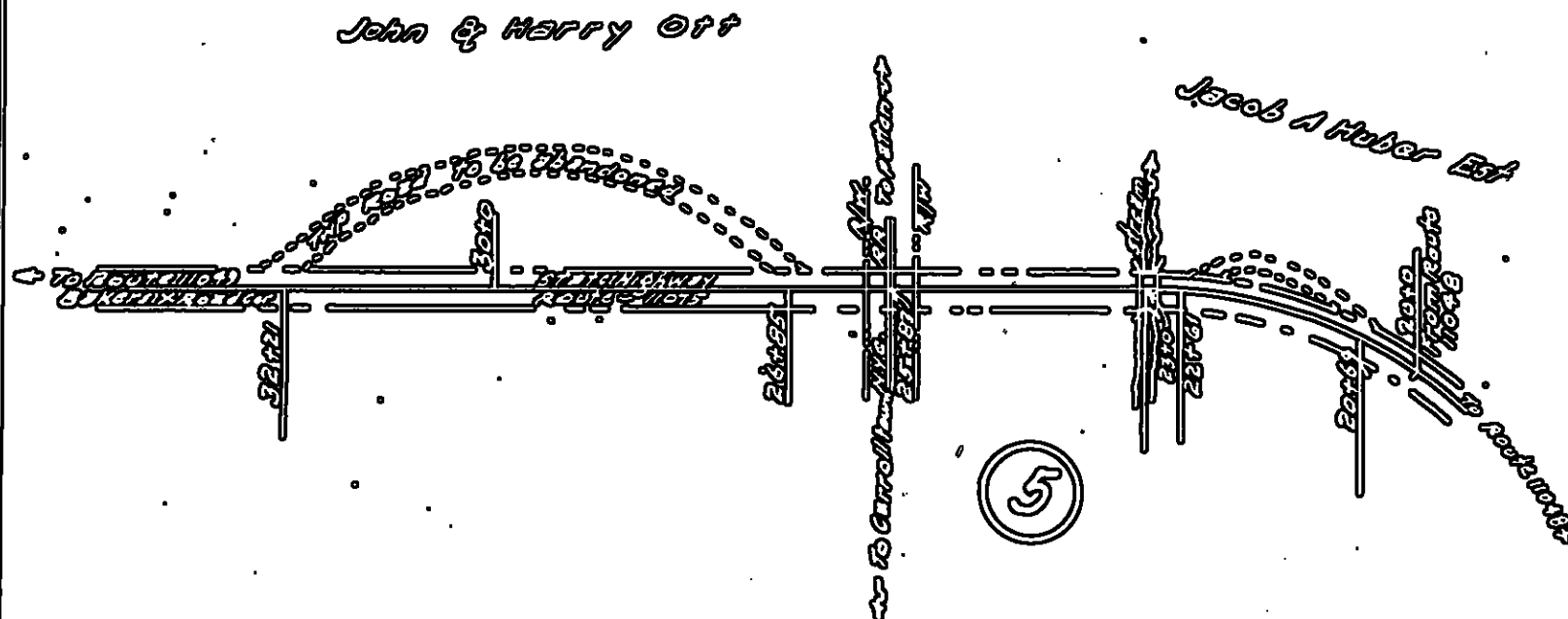


Rat microfilmed

RO#5 Mar. 1942



PLAN= Showing Twp. Road Sections  
to be vacated from Road System of  
East Carroll Twp, Cambria Co, Pa.  
All stations are State Highway Pluses.  
Located May 24<sup>th</sup> 1941

J. A. Huber

No. *5 March* Sessions, 1942.

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

In re Petition to Vacate Portions of  
a Public Road leading from the Carroll-  
town Patton road, now known as State  
Highway 'Route 11048, to the road to  
Bakers Crossroads, in the Township of  
East Carroll, in the County of Cambria  
and State of Pennsylvania.

PETITION FOR APPOINTMENT OF VIEWERS.

SHETTIG & SWOPE  
ATTORNEYS AT LAW  
EBENSBURG, PA.

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

In re Petition to Vacate Portions of a Public Road leading from the Carrolltown Patton road, now known as State Highway Route 11048, to the road to Bakers Cross-roads, in the Township of East Carroll, in the County of Cambria and State of Pennsylvania.

No. *5 March* Sessions, 1942.

Vacating Portions 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 and State of Pennsylvania known as the road from the Carrolltown-Patton Road to the road leading to Bakers Cross Roads, now known as State Highway Route No. 11075. Said road has been improved under said Highway number, and a map is hereto attached and made part of this petition.

2. Said road as described in paragraph 1 of this petition was laid out pursuant to a petition to the Court as recorded in Road Docket Vol. 3 at page 57, the same having been confirmed on April 4, 1866.

3. By reason of the improvement of said State Highway Route No. 11075 between Stations 20 plus 0 and 32 plus 21 as shown on the map attached hereto and made part hereof, and by reason of the straightening of the road, taking out two certain sharp curves and otherwise improving said highway, two certain portions of said road as described in paragraph 1 of this petition have become useless, inconvenient and burdensome to the tax payers and citizens of the Township of East Carroll, and the undersigned freeholders seek to have the same 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 distance from said point to the Carrolltown Patton road, now known as Highway Route No. 11048, measured along the said road known as State Highway 11075.

(1) First Portion to be Vacated.

The point of beginning of this portion is on the northerly line of said Highway Route 11075 as relocated and improved at a point which is 2069 feet northwest from the intersection of said Route 11075 with Highway Route No. 11048, said point of beginning being marked on the map hereto attached as Station 20+69. The point of ending of said portion is at Station 22+61 on said Route 11075, and is distant from the point of beginning 192 feet and a distance of 2261 feet from the intersection with Highway Route No. 11048 aforesaid.

(2) Second Portion to be Vacated.

The point of beginning of this portion of said road to be vacated is at Station 26+85 on said Route No. 11075, as marked on the map hereto attached, and is distant 2685 feet measured along said highway from the intersection aforesaid with said Carrolltown Patton road known as Highway Route No. 11048. The point of ending of said portion is at Station 32+21 on said Route No. 11075, as marked on said map, and is 536 feet distant from the point of beginning and 3221 feet from the point where said Route No. 11075 intersects with the Carrolltown Patton road known as Route No. 11048.

The said portions of roads to be vacated are further indicated on the map hereto attached by appearing thereon in dotted lines showing the same to be abandoned as State Highway.

5. On April 29, 1942, a petition was presented to the Court under Rule 301 $\frac{1}{2}$  of the Rules of Court 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 the 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 the 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 above mentioned road which is 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.

And they will ever pray, etc.

E. Paul Hoover

W. A. Westrich

H. P. Dismart

Supervisors of East Carroll Township

Walter Weabland

Grand W. Springer

J. P. Springer

Grace M. Miller

A. L. Miller

H. J. Lauer

Bertha E. Lauer

Louis Zarabough

B. J. Ayers

P. H. Herbstreich

T. C. Luther

Charles D. Roberts

W. W. Meisel

T. P. Springer

J. S. 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. G. Wren  
Clerk of Courts

|

John S. Springer

ORDER.

And now, May 18, 1942, the foregoing petition having been read and considered, IT IS ORDERED that James McLean, M. J. Bangerdan and A. T. Jusko, three members of the permanent Board of Viewers of Cambria County, be and they are hereby appointed to view said road and inquire of the premises and make return of their proceedings according to law.

BY THE COURT:

M. E. [Signature]



IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY  
PENNSYLVANIA.

NO. 5 MARCH SESSIONS, 1942

IN RE: APPOINTMENT OF  
VIEWERS TO VACATE CERTAIN  
PORTIONS OF PUBLIC ROAD  
ALONG STATE HIGHWAY ROUTE  
11075 IN EAST CARROLL TOWN-  
SHIP, CAMBRIA COUNTY, PENN-  
SYLVANIA

*Filed July 1, 1942*

ORDER OF COURT AND  
REPORT OF VIEWERS.

JAMES McCANN

M. J. BAURMGARDNER

S. H. JENCKS

VIEWERS.

*copy 12/21/42*

*Approved this 14<sup>th</sup> day  
of Sept. A.D. 1942  
by the Court.  
McKernan  
Judge*

map

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.  
11075 in East Carroll Township,  
Cambria County, Pennsylvania. ( NO. 5 MARCH SESSIONS  
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. 11075, 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.

That we met in accordance with the notices given, on Wednesday, June 10th., 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 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.

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

Portion 1. Along State Highway Route No. 11075, beginning at Station 20 + 69 and ending at Station 22 + 60 on said Route No. 11075.

Portion 2. Along State Highway Route No. 11075, beginning at Station 26 + 85 and ending at Station 32 + 21 on said Route No. 11075.

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 McNamee

A. H. J. J. J. J.

Mathew B. J. J. J.

VIEWERS.

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. 11075 in East Carroll Township, Cambria County, Pennsylvania

No. 5 March Sessions 1942

Cambria County Commissioners

To James McGann

Dr.

May 28, 1942	Posting and serving notices -	$\frac{1}{2}$ day	\$6.00
		42 miles -----	4.20
June 10, 1942	On view	$\frac{1}{2}$ day	6.00
		32 miles -----	3.20
	Preparing and filing report		6.00
	Preparing plans		6.00
	Stenographer		1.50
			<u>\$32.70</u>

JUL 6 1942 CERTIFIED

To S. H. Jencks

Dr.

June 10, 1942	On view	$\frac{1}{2}$ day	\$6.00
		16 miles -----	1.60
			<u>\$7.60</u>

JUL 6 1942 CERTIFIED

To M. J. Baumgardner

Dr.

June 10, 1942	On view	$\frac{1}{2}$ day	\$6.00
		16 miles -----	1.60
			<u>\$7.60</u>

JUL 6 1942 CERTIFIED

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

*James McGann*  
Chairman

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. 1924, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of East Carroll, in the said County, setting forth that they labor under inconvenience for ~~vacating~~ vacating a portion of public road or highway, to lead from  
See description and draft attached

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

James McCann, M. J. Baumgardner surveyor, and  
S. H. Jencks

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is ~~occasion~~ <sup>vacating</sup> 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.

Attest:

McCann

Joseph C. Wess, 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 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."

1942

No. 5 March Sessions, 192

Order to view and vacate a certain

portion of road in East Carroll

Township.

Viewers

James McUann

M. J. Baumgardner

S. H. Jencks

Clerk Joseph C. Hesse 90 cts.

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

In re Petition to Vacate Portions of a Public Road leading from the Carrolltown Patton road, now known as State Highway Route 11048, to the road to Bakers Cross-roads, in the Township of East Carroll, in the County of Cambria and State of Pennsylvania.

No. *5 March* Sessions, 1942.

Vacating Portions 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 and State of Pennsylvania known as the road from the Carrolltown-Patton Road to the road leading to Bakers Cross Roads, now known as State Highway Route No. 11076. Said road has been improved under said Highway number, and a map is hereto attached and made part of this petition.

2. Said road as described in paragraph 1 of this petition was laid out pursuant to a petition to the Court as recorded in Road Docket Vol. 3 at page 57, the same having been confirmed on April 4, 1866.

3. By reason of the improvement of said State Highway Route No. 11076 between Stations 20 plus 0 and 32 plus 21 as shown on the map attached hereto and made part hereof, and by reason of the straightening of the road, taking out two certain sharp curves and otherwise improving said highway, two certain portions of said road as described in paragraph 1 of this petition have become useless, inconvenient and burdensome to the tax payers and citizens of the Township of East Carroll, and the undersigned freeholders seek to have the same 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 distance from said point to the Carrolltown Patton road, now known as Highway Route No. 11048, measured along the said road known as State Highway 11076.

(1) First Portion to be Vacated.

The point of beginning of this portion is on the northerly line of said Highway Route 11075 as relocated and improved at a point which is 2069 feet northwest from the intersection of said Route 11075 with Highway Route No. 11048, said point of beginning being marked on the map hereto attached as Stations 20+69. The point of ending of said portion is at Station 22+61 on said Route 11075, and is distant from the point of beginning 192 feet and a distance of 2261 feet from the intersection with Highway Route No. 11048 aforesaid.

(2) Second Portion to be Vacated.

The point of beginning of this portion of said road to be vacated is at Station 26+85 on said Route No. 11075, as marked on the map hereto attached, and is distant 2685 feet measured along said highway from the intersection aforesaid with said Carrolltown Patton road known as Highway Route No. 11048. The point of ending of said portion is at Station 32+21 on said Route No. 11075, as marked on said map, and is 536 feet distant from the point of beginning and 3221 feet from the point where said Route No. 11075 intersects with the Carrolltown Patton road known as Route No. 11048.

The said portions of roads to be vacated are further indicated on the map hereto attached by appearing thereon in dotted lines showing the same to be abandoned as State Highway.

5. On April 29, 1942, a petition was presented to the Court under Rule 301 $\frac{1}{2}$  of the Rules of Court 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 the 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 the 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 above mentioned road which is 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.

And they will ever pray, etc.

Supervisors of East Carroll Township

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.

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 hereby appointed to view said road and inquire of the premises and make return of their proceedings according to law.

BY THE COURT:

\_\_\_\_\_

IN RE: appointment of Viewers to Vacate Two Portions of Public Road in East Carroll Township, Cambria County, Pennsylvania.

1942

We, the undersigned Viewers, appointed by the above named Court, to view and determine whether certain portions of Public Road 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.

Portion 1. Along State Highway Route No. 11075, beginning at Station 20 + 69 and ending at Station 22 + 60 on said Route No. 11075.

Portion 2. Along State Highway Route No. 11075, beginning at Station 26 + 85 and ending at Station 32 + 21 on said Route No. 11075.

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

Service Accepted.

W. A. Mestrich  
E. Paul Horner  
H. P. Dierckx

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

IN RE: Appointment of Viewers to  
Vacate Two Portions of Public Road  
in East Carroll Township, Cambria  
County, Pennsylvania.

{ NO. 5 MARCH SESSIONS

{ 1942

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view and determine whether certain portions of Public Road 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.

The portions of road to be vacated are located as follows:

Portion 1. Along State Highway Route No. 11075, beginning at Station 20 + 69 and ending at Station 22 + 60 on said Route No. 11075.

Portion 2. Along State Highway Route No. 11075, beginning at Station 26 + 85 and ending at Station 32 + 21 on said Route No. 11075.

Will meet at the place of Beginning, Station 20 + 69 on State Highway Route No. 11075, on Wednesday, June 10th., 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.

{ JAMES MCCANN  
VIEWERS { M. J. BAUMGARDNER  
{ S. H. JENCKS

*Accepted permi May 27-1942*  
*H-F Jones*  
*Clk*

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

IN RE: appointment of Viewers to  
Vacate Two Portions of Public Road  
in East Carroll Township, Cambria  
County, Pennsylvania.

NO. 5 MARCH SESSIONS

1942

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view and determine whether certain portions of Public Road 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.

The portions of road to be vacated are located as follows:

Portion 1. Along State Highway Route No. 11075, beginning at Station 20 + 69 and ending at Station 22 + 60 on said Route No. 11075.

Portion 2. Along State Highway Route No. 11075, beginning at Station 26 + 85 and ending at Station 32 + 21 on said Route No. 11075.

Will meet at the place of Beginning, Station 20 + 69 on State Highway Route No. 11075, on Wednesday, June 10th., 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

( H. J. BAUGARDNER

( S. H. JENCKS