

No 2 Sept Sess 1942

In the Court of Quarter
Sessions of Cambria County.

In the Matter of

The Petition of the Super-
visors of Lean Township,
Cambria County Pennsylvania,
to lay out a public Road
insaid Township.

Petition for View.

Filed Sept 25th 1942

MORGAN W. EVANS
ATTORNEY AT LAW
EBENSBURG, PENNSYLVANIA

Acceptance of Notice

And now, we the County Commissioners of
Cambria County, Pennsylvania, accept notice of the presenting of the with
petition for a view, on Sept. 24, 1942.

H. J. Doe

In the Court of Quarter Sessions of Cambria County.

To the Honorable John H. McCann, President Judge of said Court:

The petition of the undersigned, Supervisors of Dean Township, in the County of Cambria and State of Pennsylvania, respectfully represents:

First. That a public road has long since been laid out in Dean Township, beginning at a point on the line marking the boundary between the Borough of Ashville and Dean Township, which point of beginning is approximately Fifteen hundred feet in a northerly direction from the junction of State Highway Routes 221 and 234, thence continuing through the said Township of Dean in a northerly direction through the Villages of Dysart and Dean to a point on the line marking the boundary between said Township of Dean and the Township of Reade, which point is approximately one mile north of said Village of Dean, said road being originally known as the Ashville- Flinton Road.

Second. That said Road, was laid out originally as a Township Road, but subsequently thereto it was taken over by the Highway Department of the Commonwealth of Pennsylvania, and it was improved by the State Department of Highways, and is known in the State Highway System of Roads as Route No. 234.

Third. That, in the re-construction and improvement of said Road, the Department of Highways found it necessary and expedient to divert and change the course of said road, as originally laid out. That, by said diversion and change of the road, certain portions thereof were abandoned as a part of the State Highway System, and the portions thus abandoned reverted to Dean Township.

Fourth. That, on the eleventh day of April, 1932, the then Board of Supervisors of Dean Township presented a petition to your Honorable Court for the appointment of a Board of Viewers to enquire of and vacate those portions or parts of said Road that had been thus abandoned, said Petition and the proceedings thereon being entered to No. 2 March Sessions, 1932 of the Court of Quarter Sessions of Cambria County. (Road Docket, Vol. 6 at page 278.)

Fifth. That among the parts of said road that were vacated under said proceedings by the Court was a section of said Road, having its point of beginning on said Public Road at a point designated on the Map attached to the Report of Viewers in said proceedings as " Cement Bridge ", which point of beginning is found by beginning at the Center of the Road leading to Daugherty's Mine, thence north 8 degrees 30 minutes east 628 feet, north 28 degrees east 198 feet, north 50 degrees 30 minutes east 458 feet, north 40 degrees east 579 feet, and thence north 37 degrees east 280 feet to said Cement Bridge, and ending at station 1173 plus 42 on said State Highway Route No. 234.

Sixth. That, in the opinion of your petitioners, the part of the road vacated by decree of your Honorable Court, referred to in paragraph "Fifth" hereof, if not re-instated as a part of the Township system of Roads, will work a great inconvenience to the public of Dean Township.

Your petitioners, therefore, pray the Court to enquire of and lay out a public road having its place of beginning and ending as set forth and described in paragraph "Fifth" hereof, and for that purpose to appoint from the Permanent Board of Viewers three members thereof, qualified according to law, to view said road and enquire of the premises, and make return of their proceedings to the next Term of your honorable Court.

And they will ever pray, etc.

X Joe Bergamarelli
X Howard Lewis
X Herman E. Krug
Supervisors of Dean Township.

Cambria County, SS:

Joe Bergamarelli, Herman E. Krug, and
Howard Lewis, Supervisors of Dean Township,
Cambria County, Pennsylvania, being duly sworn according to law,
depose and say that the matters and statements contained and set
forth in the foregoing petition are true and correct as they
verily believe.

Sworn and subscribed before
me this 23 day of September,
1942.

Wm Parrish J.P.

X Joe Bergamarelli
X Howard Lewis
X Herman E. Krug
Supervisors of Dean Township

MY COMMISSION EXPIRES
FIRST MONDAY OF JANUARY 1943

Decree

And now, September 24, 1942, the within
petition having been presented, the same is read and considered,
and Mahlon J. Daumgardner, James M. Egan,
and Alfred B. Shoemaker, are hereby appointed Viewers
to View the road proposed to be laid out, and, if they see
occasion, lay out the same, and make report of their
proceedings to the next term of the Court of Quarter Sessions
of Cambria County, Pennsylvania.

By the Court
McGowan P. J.

County of Cambria

JOSEPH C. WESS
Clerk of Courts



PETER J. CULLITON
Deputy

Clerk of Courts Office

EBENSBURG, PA., March 16, 1943

Mr. John Shroyer, Sec of ~~Harrisburg~~
Harrisburg, Pa.

Attention : Township Engineer.

Dear Sir :

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

We also enclose bill for our fee.

Very truly yours,

Clerk of Courts.

Acting Clerk of Courts.

Chensburg, Pa., March 16, 1943

Cambria County Clerk of Courts

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

Certifying copy of the proceeding in opening of Road in the Township of Dean, Cambria County, Pennsylvania. Entered to No. 2 Sept Sessions 1942.	\$ 3.50
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Paid
April 15, 1943

IN RE: Petition of Supervisors for
a Public Road in Dean Township, Cam-
bria County, Pennsylvania for ap-
pointment of Viewers.

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

No. 2 Sept. Sessions 1942.

REPORT OF VIEWERS

We, the undersigned Viewers appointed by the above named Court to view a certain road or public highway leading from the "Cement Bridge" which is located by beginning at the center of the road leading to Daugherty's Mine, and running thence north 8 degrees 30 minutes east 628 feet, north 28 degrees east 198 feet, north 50 degrees 30 minutes east 458 feet, north 40 degrees east 579 feet, and thence north 37 degrees east 280 feet to said Cement Bridge and ending at Station 1173 plus 42 of State Highway Route No. 234 all in the Township of Dean, Cambria County, Pennsylvania, to view the location and determine the advisability or otherwise of either sustaining a former Board of Viewers in recommending the vacation of same which said proceedings are of record in the Office of the Clerk of Courts of Cambria County, Pennsylvania and entered to No. 2 March Sessions, 1932, respectfully report as follows:

That we have been duly qualified as Members of the permanent Board of Viewers as is shown by the records in said County; 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 proposed road and at the termini and by notice upon Morgan W. Evans, Esq., Solicitor to the Board of Supervisors of Dean Township aforesaid and upon Frank Dorr, Chief Clerk to the Board of County Commissioners of Cambria County, Pennsylvania, acceptances of services of same being hereto attached and made a part of the Report herein. Notice was also given by letter to the Secretary of the Board of Supervisors requesting said Supervisors to attend the view despite the fact that they the said Supervisors were the petitioners.

That we met at the place of beginning stipulated in the notices on Friday October 16, 1942 at 10 o'clock A. M. there being present James McCann, Alfred M. Shoemaker and Mahlon J. Baumgardner, the Viewers and Howard Lewis one of the Supervisors of Jean Township. Mr. Lewis informed the Viewers that the Secretary informed all of the members of the Board of Supervisors to be in attendance in addition to the notice given by the Solicitor to the Board of Supervisors aforesaid. We traversed the route recommended to be vacated and same was vacated by a previous Board of Viewers. The public road prayed for is a portion of the public highway heretofore vacated and we found it in excellent condition and in good state of repair. We were informed that citizens and others used the road continuously since its vacation in 1932 as is evidenced by the condition of the surface indicating constant use of the highway. The portion of highway prayed for is located or situated considerably lower than the improved highway and the approach to the improved Highway Route No. 234 is more advantageous and expeditious. There are a number of houses or properties which will be benefitted by reinstating a portion of the highway vacated and making proper approach. The portion of highway prayed for has been placed in a fine condition by the WPA and meets certain conditions which if vacated or continued to be vacated would be inconvenient to the users of same as this time, and there are many who travel the highway.

The Viewers carefully observed the route of the road described in the petition and noted the splendid condition the road presents at this time and the use to which the said portion of highway is now being put. All of the Supervisors being the petitioners are are favorable; the Viewers because of the facts seen and other elements which we believe are pertinent are unanimous of the opinion that a real need now exists for the road and we therefore recommend the laying out for public use a public highway or road to lead from the "Cement Bridge" which is located by beginning at the center of the road leading to Daugherty's Mine, and running thence north 8 degrees 30 minutes east 628 feet, north 28 degrees east 198 feet, north

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50 degrees 30 minutes east 458 feet, north 40 degrees east 579 feet, thence north 37 degrees east 280 feet to said Concrete Bridge, said township road road leading through the village of "ean; thence taking the following courses and distances from said Concrete Bridge North 51 degrees 18 minutes East one thousand three hundred twenty (1320) feet to a point; thence North 59 degrees 58 minutes ^{EAST} two hundred seventy eight and 8/10 (278.8) feet to a point thence South 52 d grees 24 minutes East ninety-four and 5/100 (94.5) feet to intersection of State Highway Route No. 234 the place of ending, the place of ending being five hundred seventy-nine (579) feet to Station 1173 plus 42 all of which is indicated in a Blue Print hereto attached and made a part of this Report.

WITNESS our hands and seals this 28th day of October , A. D. 1942.

Mablon J. Brannigan
James M. C. C. C.
T. M. Shoemaker
Viewers.

October 26, 1942.

Unimproved Land.

Location of proposed new township road.

Unimproved Land.

new township road.

Small
concrete
bridge.

TO DEAN AND
DOUGHERTY'S MINE.

To locate point of beginning at "H" indicated on draft with the following courses and distances from intersection of public road leading to Dougherty's mine with the township road leading through the village of Dean, northward along said east referred to township road N. 8° 30' E. 628'; N. 28° E. 198'; N. 50° 30' E. 458'; N. 40° E. 579' and N. 37° E. 280' to small concrete bridge.

HOUSE.

TO ASHVILLE.

State Highway Route No. 234.

579' TO STATION 1173+42
TO FRUGALITY.

Sketch showing the location of a proposed public road in Dean Township, Cambria County, Pennsylvania.

Viewed upon an Order of the Court of Quarter Sessions of said county and state entered to No 2 September Sessions 1942.

Mahlon J. Baumgardner
James McCarb and
A. M. Shoemaker,
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 24th day of september A. D. 1942, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Dean, in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from the "Cement Bridge" which is located by beginning at the center of the road leading to Daugherty's Mine, and running thence north 8 degrees 30 minutes east 628 feet, north 28 degrees east 198 feet, north 50 degrees 30 minutes east 458 feet, north 40 degrees east 599 feet, and thence north 37 degrees east 280 feet to said Cement Bridge, and ending at Station 1173 plus 42 on State Highway Route No. 234.

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 J. Baumgardner, James McCann and ~~xxxxxxx~~ Alfred M. Shoemaker,

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.

Attest:

Joseph E. Hess, 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 2 September sessions, 1942.

Order to view a Road in Dean

Township, Cambria Co., Pa.

Beginning at Cement Bridge

and ending at Sta. 1173+42 on

State Route No. 234.

and

REPORT OF VIEWERS.

Viewers

Mahlon J. Baumgardner,

James McCann and X

Alfred M. Shoemaker.

Clerk 90 cts.

Joseph C. Mue

Printed Oct. 29, 1942

1942

Approved this 14
day of Dec. 1942
William H. H. 409 feet
by the Court

McKensich

judged

Supervisor

IN RE PETITION TO VIEW A ROAD IN DEAN TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA, BEGINNING AT
CENTER BRIDGE AND ENDING AT STATION 1173 PLUS
42 on STATE ROUTE NO. 234.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA.
No. 2, SEPTEMBER SESSIONS, 1942.

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ORDER TO VIEW

WE, the undersigned Viewers appointed by the above named Court for the purpose of viewing and laying out a Public Road or Highway to lead from the "Cement Bridge" which is located by beginning at the center of the road leading to Daugherty's Mine, and running thence North 8 degrees 30 minutes East 628 feet; North 28 degrees East 198 feet; North 50 degrees 30 minutes East 458 feet; North 40 degrees East 579 feet and thence North 37 degrees East 280 feet to said Cement Bridge, and ending at Station 1173 plus 42 on State Highway Route No. 234, all in the Township of Dean, County of Cambria and State of Pennsylvania, will meet at the place of beginning first above mentioned, on FRIDAY, October 16, A. D., 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 or the taking of testimony pertinent thereto.

MAHLON J. BAUMGARDNER
JAMES McCANN
ALFRED M. SHOENAKER

October 1, 1942

Viewers.

NOW October 2, 1942 I hereby accept Service of the above Notice to View as Solicitor to the Supervisors of Dean Township, Cambria County, Pennsylvania and acknowledge to have received Copy of same.

Morgan D. Evans
Solicitor

IN RE PETITION TO VIEW A ROAD IN DEAN TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA, BEGINNING AT
CENTER BRIDGE AND ENDING AT STATION 1173 plus
42 on STATE ROUTE NO. 234.

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

No. 2, SEPTEMBER SESSIONS, 1942.

ORDER TO VIEW

We, the undersigned Viewers, appointed by the above named Court for the purpose of viewing and laying out a Public Highway or Road to lead from the "Cement Bridge" which is located by beginning at the center of the road leading to "Augherty's Mine, and running thence North 8 degrees 30 minutes East 628 feet; North 28 degrees East 198 feet; North 50 degrees 30 minutes East 458 feet; North 40 degrees East 579 feet, and thence North 37 degrees East 280 feet to said Cement Bridge, and ending at Station 1173 plus 42 on State Highway Route No. 234, all in the Township of Dean, County of Cambria and State of Pennsylvania, will meet at the place of beginning first above mentioned, on FRIDAY, October 16, A. D. 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 or the taking of testimony pertinent thereto.

MAHLON J. BAUMGARDNER
JAMES McCANN
ALFRED M. SHOEMAKER

October 1, 1942.

Viewers.

NOW October 2, 1942 I hereby acknowledge receipt of copy of the above notice to View and accept service thereof as Chief Clerk to the County Commissioners of Cambria County, Pennsylvania.

COUNTY COMMISSIONERS,

By

H. J. Jones
Chief Clerk

IN RE PETITION TO VIEW A ROAD IN DEAN TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA, BEGINNING AT
CENTER BRIDGE AND ENDING AT STATION 1173 plus
42 on STATE ROUTE NO. 234.

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

No. 2, SEPTEMBER SESSIONS, 1942.

ORDER TO VIEW

We, the undersigned Viewers, appointed by the above named Court for the purpose of viewing and laying out a Public Highway or Road to lead from the "Cement Bridge" which is located by beginning at the center of the road leading to Lougherty's Mine, and running thence North 8 degrees 30 minutes East 628 feet; North 28 degrees East 198 feet; North 50 degrees 30 minutes East 458 feet; North 40 degrees East 579 feet, and thence North 37 degrees East 280 feet to said Cement Bridge, and ending at Station 1173 plus 42 on State Highway Route No. 234, all in the Township of Dean, County of Cambria and State of Pennsylvania, will meet at the place of beginning first above mentioned, on FRIDAY, October 16, A. D. 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 or the taking of testimony pertinent thereto.

MAHLON J. BAUMGARDNER
JAMES McCANN
ALFRED M. SHOEMAKER

Viewers.

October 1, 1942.

IN RE: Petition of Supervisors for the } IN the Court of Quarter Sessions
Appointment of Viewers for a Public Road } of Cambria County, Pennsylvania.
in Dean Township, Cambria County, Penna ((No. 2 Sept. Sessions, 1942.

TO MAHLON J. BAUMGARDNER, JAMES McCANN
AND ALFRED M. SHOEMAKER, Drs.

To Mahlon J. Baumgardner

Oct. 1-	Preparing notices and acceptances of service	\$12.00	
" 4-	Posted Notices	12.00	
	Mileage 42 miles	4.20	
" 16-	Making of View	12.00	
	Mileage	4.20	
" 26-	Preparing Report	12.00	\$66.40
		<u>56.40</u>	

To Alfred M. Shoemaker

Oct. 16-	Making View	\$12.00	
	Mileage 42 miles	4.20	
Oct. 20-	Surveying and draft	12.00	
	Mileage	4.20	
	Blue prints and help on survey	6.00	
		<u>38.40</u>	

To James McCann

Oct. 16-	Making View	\$12.00	
	Mileage 74 miles	7.40	
		<u>19.40</u>	\$114.20

Now this 26th day October, 1942 I hereby certify the above to
be a true and correct copy of Statement of Costs in the above View as is
filed with the report of Viewers filed the 27 day of October, 1942.

Chairman of Board in the
above proceedings.