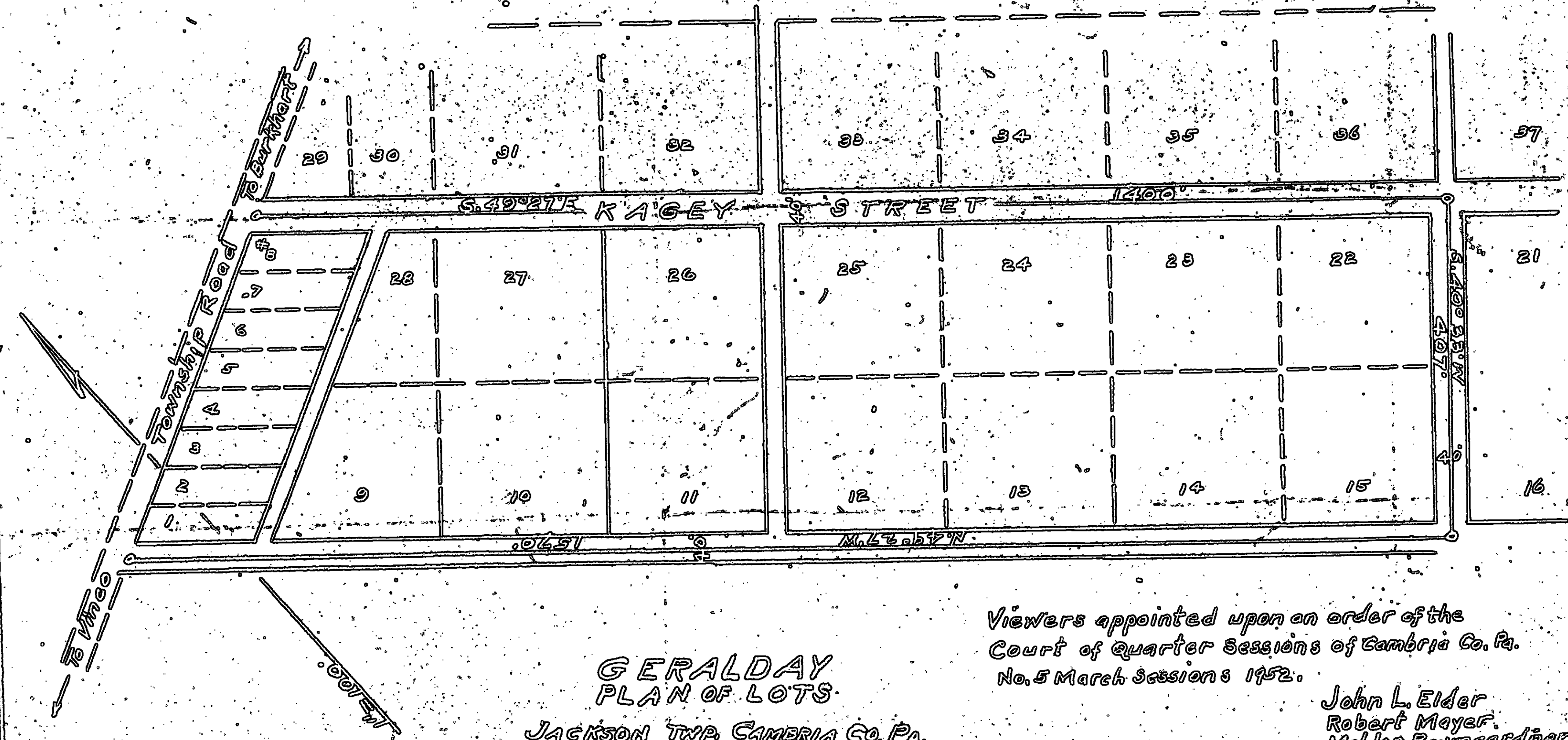


In the Court of Quarter
Sessions of Cambria
County, Penna

No 5 March Sess. 1952

In Re; Petition for Appoint-
ment of Viewers today Out
a Public Road in Jackson
Township, Near Vinco,
Cambria County, Penna.

Not Microfilmed

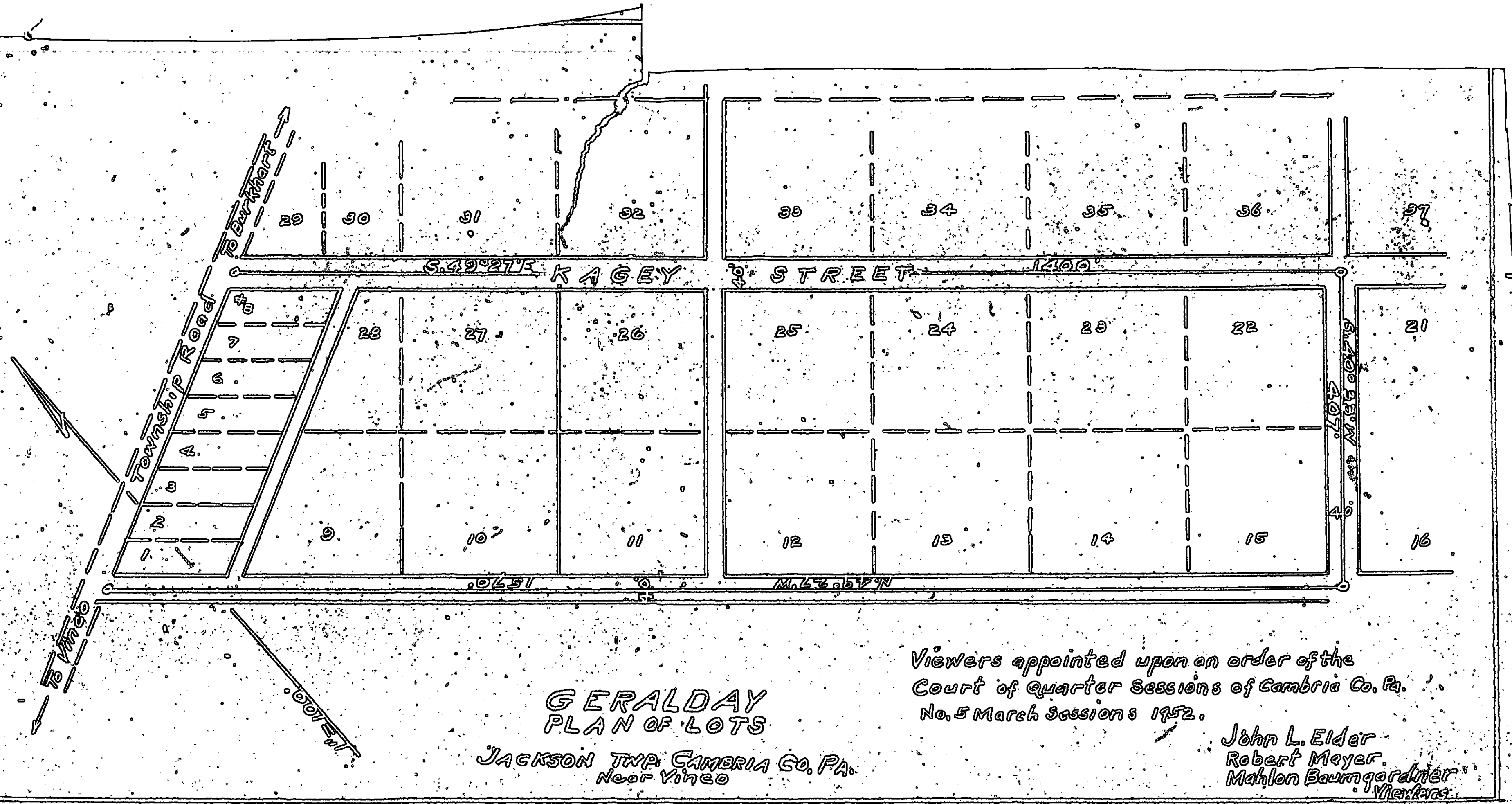


GERALDAY
 PLAN OF LOTS.
 JACKSON TWP. CAMBRIA CO. PA.
 Near Vinco

Viewers appointed upon an order of the
 Court of Quarter Sessions of Cambria Co. Pa.
 No. 5 March Sessions 1952.

John L. Elder
 Robert Meyer
 Mahlon Baumgardner
 Viewers

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GERALDAY
PLAN OF LOTS
JACKSON TWP. CAMBRIA CO. PA.
Near Vinco

Viewers appointed upon an order of the
Court of Quarter Sessions of Cambria Co. Pa.
No. 5 March Sessions 1952.

John L. Elder
Robert Meyer
Mahlon Baumgardner
Viewers

IN RE: Petition for the Appointment : In the Court of Quarter Sessions
of Viewers to Lay Out a Public Road : of Cambria County, Pennsylvania.
in Jackson Township, near Vinco in :
Cambria County, Pennsylvania. : No. 5 March Sessions, 1952

REPORT OF VIEWERS

WE, the undersigned Viewers appointed by the above named Court for the purpose of viewing a certain proposed public road being in the Village of Vinco, Jackson Township, Cambria County, Pennsylvania and determine the necessity for such public road make the following Report.

That we were duly sworn or affirmed as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of said Court; that due public notice of the time and place of the meeting of said Viewers was given by posting ten hand bills at the point of beginning and at the point of ending and along the line of said proposed public road; by the acceptance of service of Robert S. Glass, Esq., of Glass & Glass, Esqs, Counsel for the Petitioners; by acceptance of service of Thos. D. McGough, Asst. Chief Clerk to County Commissioners of Cambria County, Penna.; by the acceptance of service of Gail Howie, Secretary to the Board of Supervisors of Jackson Township, aforesaid at least ten days before time of view, all of which acceptances have been accompanied by a Copy of said Notice which were handed to same. All of the acceptances are hereto attached and made a part of this Report.

In pursuance to said notices we met upon the premises at the point of beginning on February 2, 1952 at 10 o'clock and proceeded with the duties of our appointment. There were present at the view the three members of the Board of Viewers designated by the Court to make inquiry; a number of the petitioners and several of the Supervisors of Jackson Township aforesaid.

W^h traveled over the proposed highway or public road proposed by the Petitioners which in many places has already been used by those adjoining said road which is a private road and took into consideration all of the facts as to the necessity of same ; WE THE VIEWERS unanimously agreed that the inhabitants living said proposed road are greatly inconvenienced for want of a public road and that where is occasion for such public road we proceeded to lay out same, having due respect for the shortest distance and the best ground for a road and in such a manner as shall do the least injury to the abutting property owners and also as far as practicable, agreeable to the desires of the petitioners and also to the property owners, we THEREFORE lay out a public road or highway, following in detail the draft accompanying this report hereto attached showing the courses and distances BEGINNING at the point of beginning as shown in the notices which point is in the center of Kagey Street at the edge of a public road leading from Vinco to Burkarts. Thence following the center of Kagey Street South 49 degrees 27 minutes fourteen hundred (1400) feet to a 40 feet wide unnamed street at intersection of lots 36 and 37 and 22 and 21; thence from said center point in Kagey Street South 40 degrees 33 minutes four hundred and seven (407) feet to the center of a 40 feet wide unnamed street; thence from said last mentioned center point on an unnamed 40 feet wide street North 49 degrees 27 minutes West Fifteen hundred and seventy (1570) feet to a point at the edge of a Public road leading from Vinco to Burkarts; thence along the edge of said Public Road leading from Vinco to Burkarts to the center line of Kagey street and the place of beginning. The said Plan of Lots is known as the Geralday Plan of Lots , Jackson Township, Cambria County Near Vinco which plan was used in going over the said public road the original draft being hereto attached and made a part of this proceedings and Report.

Many of the petitioners have homes along said road while many others are building homes now. The Board of Viewers assesses no damages against the Supervisors of Jackson Township for the reason that the benefits derived therefrom and accruing to the advantage of the property owners laiving along said public road are FAR in excess to any damages which they make claim. Therefore we assess no damages.

Members of the Board of Supervisors who attended the view are not opposed to the laying out of the public road hereimabove laid out.

IN WITNESS WHEREOF we have hereunto set our hands and seals this
23d day of February, A. D. 1952.

John Elder

Robert Mayer

William B. Zimmerman

Viewers

23 February 1952

IN RE: Petition for Appointment of	:	In the Court of Quarter Sessions
Viewers to Lay Out a Public Road	:	Cambria County, Pennsylvania
in Jackson Township, near Vinco,	:	
Cambria County, Pennsylvania	:	No. 5 March Sessions 1952

CAMBRIA COUNTY indebted to John L. Elder, Robert Mayer and Mahlon Baumgardner.

To John L. Elder:

Jan 23, 1952	- Posting Notice to View and acceptance of Service	\$12.00
	Mileage 12 miles at 10¢ and return 12 miles	2.40
Feb 2, 1952	Making View	12.00
	Mileage 24 miles at 10¢ per mile	2.40
Feb. 18, 1952	Making survey and blue prints	12.00
	Mileage 24 miles at 10¢ per mile	2.40
		<u>\$43.20</u>

To Robert Mayer:

Feb. 2, 1952	Making View	12.00
	Mileage 28 miles at 10¢ per mile	2.80
		<u>\$14.80</u>

To Mahlon Baumgardner:

Jan 19, 1952	Preparing Notices to View	\$12.00
Feb. 2, 1952	Making View	12.00
	Mileage 24 miles at 10¢ per mile	2.40
Feb. 23, 1952	Preparing Report	12.00
		<u>\$38.40</u>

TOTAL - - - - - \$96.40

IN RE: Petition for Appointment : In the Court of Quarter Sessions
of Viewers to Lay Out Public Road : of Cambria County, Pennsylvania
in Jackson Township, near Vinco :
Pennsylvania . : No. 5 March Sessions 1952.

NOTICE TO VIEW

We, the undersigned Viewers of the Permanent Board of Viewers of Cambria County, Pennsylvania, appointed by the above Honorable Court to view the premises for the laying out of a Public Road more particularly described as follows:

The point of beginning of the said highway or public road so needed as aforesaid is at the intersection of a township road known as Burkhardt's Road, Route No. 11-419 and Kagey Street, which said point is 400 feet in an easterly direction from the intersection of said public road known as Burkhardt's Road with another public road and ending at a point on the last mentioned public road in a southeasterly direction 1550 feet from the intersection of said last mentioned public road with the said public road known as Burkhardt's Road Route No. 11-419

Will meet at the place of Beginning on Saturday morning February 2nd., 1952 at 10 o'clock for the purpose of performing the duties of our appointment and take testimony and evidence as it pertains to same.

John L. Elder

Robert Mayer

Mahlon Baumgardner,

Viewers

19 January 1952.

NOW January 26 1952 we hereby accept service of the within Notice to View as Attorneys for the Petitioners and acknowledge to have received a copy of said Notice to View.

GLASS & GLASS, P.C.S.

By

Robert S. Glass

IN RE: Petition for Appointment : In the Court of Quarter Sessions
of Viewers to Lay Out Public Road : of Cambria County, Pennsylvania.
in Jackson Township, near Vinco :
Pennsylvania . : No. 5 March Sessions 1952.

NOTICE TO VIEW

We, the undersigned Viewers of the Permanent Board of Viewers of Cambria County, Pennsylvania, appointed by the above Honorable Court to view the premises for the laying out of a Public Road more particularly described as follows:

The point of beginning of the said highway or public road so needed as aforesaid is at the intersection of a township road known as Burkcharts Road, Route No 11-419 and Kagey Street, which said point is 400 feet in an easterly direction from the intersection of said public road known as Burkcharts Road with another public road and ending at a point on the last mentioned public road in a southeasterly direction 1550 feet from the intersection of said last mentioned public road with the said public road known as Burkcharts Road, Route No. 11-419.

Will meet at the place of Beginning on Saturday morning February 2nd., 1952 at 10 o'clock for the purpose of performing the duties of our appointment and take testimony and evidence as it pertains to same.

John L. Elder

Robert Mayer

Mahlon Baumgardner
Viewers

19 January 1952.

NOW January ²³ 1952 I hereby accept service for the Commissioners of Cambria County and acknowledge to have received a copy of said Notice to View.

Geo. J. M. Long
Chief Clerk to Co. Commissioners

Sec Board of Supervisors Jackson Township

IN RE: Petition for Appointment : In the Court of Quarter Sessions
of Viewers to Lay Out Public Road : of Cambria County, Pennsylvania.
in Jackson Township, near Vinco :
Pennsylvania . : No. 5 March Sessions 1952.

NOTICE TO VIEW

We, the undersigned Viewers of the Permanent Board of Viewers of Cambria County, Pennsylvania, appointed by the above Honorable Court to view the premises for the laying out of a Public Road more particularly described as follows:

The point of beginning of the said highway or public road so needed as aforesaid is at the intersection of a township road known as Burkhardt's Road, Route No 11-419 and Kagey Street, which said point is 400 feet in an easterly direction from the intersection of said public road known as Burkhardt's Road with another public road and ending at a point on the last mentioned public road in a southeasterly direction 1550 feet from the intersection of said last mentioned public road with the said public road known as Burkhardt's Road, Route No. 11-419.

Will meet at the place of Beginning on Saturday morning February 2nd., 1952 at 10 o'clock for the purpose of performing the duties of our appointment and take testimony and evidence as it pertains to same.

John L. Elder *Elder*

Robert Mayer

Mahlon Baumgardner.
Viewers

19 January 1952.

NOW January 23 1952 I hereby accept service for the Supervisors of Jackson Township, Cambria County, enna., as Secretary to the Board and acknowledge to have received a copy of said Notice to View.

Board of Supervisors Jackson Township
By *Maile Hume*
Secretary

IN R. Petition for the Appointment	:	In the Court of Quarter Sessions
of Viewers to Lay Out a Public Road	:	of Cambria County, Pennsylvania.
in Jackson Township, near Vinco in	:	
Cambria County, Pennsylvania.	:	No. 5 March Sessions, 1952

REPORT OF VIEWERS

WE, the undersigned Viewers appointed by the above named Court for the purpose of viewing a certain proposed public road being in the Village of Vinco, Jackson Township, Cambria County, Pennsylvania and determine the necessity for such public road make the following Report.

That we were duly sworn or affirmed as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of said Court; that due public notice of the time and place of the meeting of said Viewers was given by posting ten hand bills at the point of beginning and at the point of ending an along the line of said proposed public road; by the acceptance of service of Robert S. Glass, Esq., of Glass & Glass, Esqs, Counsel for the Petitioners; by acceptance of service of Theo. D. McGough, Esq. Chief Clerk to County Commissioners of Cambria County, Penna.; by the acceptance of service of Emil Howie, Secretary to the Board of Supervisors of Jackson Township, aforesaid at least ten days before time of view, all of which acceptances have been accompanied by a Copy of said Notice which were handed to same. All of the acceptances are hereto attached and made a part of this Report.

In pursuance to said notices we met upon the premises at the point of beginning on February 2, 1952 at 10 o'clock and proceeded with the duties of our appointment. There were present at the view the three members of the Board of Viewers designated by the Court to make inquiry; a number of the petitioners and several of the supervisors of Jackson Township aforesaid.

W^{as} traveled over the proposed highway or public road proposed by the Petitioners which in many places has already been used by those adjoining said road which is a private road and took into consideration all of the facts as to the necessity of same ; ~~WE~~ ~~THE~~ ~~VILLAGERS~~ unanimously agreed that the inhabitants living said proposed road are greatly inconvenienced for want of a public road and that where is occasion for such public road we proceeded to lay out same, having due respect for the shortest distance and the best ground for a road and in such a manner as shall do the least injury to the abutting property owners and also as far as practicable, agreeable to the desires of the petitioners and also to the property owners, we THEREFORE lay out a public road or highway, following in detail the draft accompanying this report hereto attached showing the courses and distances BEGINNING at the point of beginning as shown in the notices which point is in the center of Kagey Street at the edge of a public road leading from Vinco to Burkarts. Thence following the center of Kagey Street South 49 degrees 27 minutes fourteen hundred (1400) feet to a 40 feet wide unnamed street at intersection of lots 36 and 37 and 22 and 21; thence from said center point in Kagey Street South 40 degrees 33 minutes four hundred and seven (407) feet to the center of a 40 feet wide unnamed street; thence from said last mentioned center point on an unnamed 40 feet wide street North 49 degrees 27 minutes West Fifteen hundred and seventy (1570) feet to a point at the edge of a Public road leading from Vinco to Burkarts; thence along the edge of said Public Road leading from Vinco to Burkarts to the center line of Kagey street and the place of beginning. The said Plan of Lots is known as the Goralday Plan of Lots , Jackson Township, Cambria County Near Vinco which plan was used in going over the said public road the original draft being hereto attached and made a part of this proceedings and Report.

Many of the petitioners have homes along said road while many others are building homes now. The Board of Viewers assesses no damages against the Supervisors of Jackson Township for the reason that the benefits derived therefrom and accruing to the advantage of the property owners leaving along said public road are far in excess to any damages which they make claim. Therefore we assess no damages.

Members of the Board of Supervisors who attended the view are not opposed to the laying out of the public road heretofore laid out.

THESE FINDINGS we have herunto set our hands and seals this
23d day of February, A. D. 1932.

John Elder
Robert Meyer
Marion Baumgardner
Viewers

23 February 1932

In the Court of Quarter
Sessions of Cambria
County, Penna.
No 5 March Sess 1952

In Re: Petition for
Appointment of Viewers
to Lay Out a Public Road
in Jackson Township,
near Venice, Cambria
County, Penna.

Report of Viewers

[Faint handwritten notes, possibly "B. K. & Co."]

IN RE: Petition for Appointment	:	In the Court of Quarter Sessions
of Viewers to Lay Out Public Road	:	of Cambria County, Pennsylvania
in Jackson Township, near Vinco	:	
Pennsylvania .	:	No. 5 March Sessions 1952.

NOTICE TO VIEW

We, the undersigned Viewers of the Permanent Board of Viewers of Cambria County, Pennsylvania, appointed by the above Honorable Court to view the premises for the laying out of a Public Road more particularly described as follows:

The point of beginning of the said highway or public road so needed as aforesaid is at the intersection of a township road known as Burkhardt's Road, Route No. 11-419 and Kagay Street, which said point is 400 feet in an easterly direction from the intersection of said public road known as Burkhardt's Road with another public road and ending at a point on the last mentioned public road in a southeasterly direction 1550 feet from the intersection of said last mentioned public road with the said public road known as Burkhardt's Road Route No. 11-419

Will meet at the place of Beginning on Saturday morning February 2nd., 1952 at 10 o'clock for the purpose of performing the duties of our appointment and take testimony and evidence as it pertains to same.

John L. Elder

Robert Mayor

Mahlon Baumgardner,

Viewers

19 January 1952.

IN RE: Petition for Appointment
of Viewers to Lay Out Public Road
in Jackson Township, near Vinco
Pennsylvania.

: In the Court of Quarter Sessions
: of Cambria County, Pennsylvania.
:
: No. 5 March Sessions 1952.

NOTICE TO VIEW

We, the undersigned Viewers of the Permanent Board of Viewers
of Cambria County, Pennsylvania, appointed by the above Honorable
Court to view the premises for the laying out a Public Road more
particularly described as follows:

The point of beginning of the said highway or public
road so needed as aforesaid is at the intersection of a town-
ship road known as Burkhardt Road, Route No. 11-419, and
Kaggy Street, which said point is 400 feet in an easterly
direction from the intersection of said public road known as
Burkhardt Road with another public road and ending at a point
on the last mentioned public road in a southeasterly direction
1550 feet from the intersection of said last mentioned public
road with the said public road known as Burkhardt Road, Route
No. 11-419

Will meet at the place of beginning on Saturday morning
February 2nd., 1952 at 10 o'clock for the purpose of performing the
duties of our appointment and take testimony and evidence as it
pertains to same.

John L. Eldor

Robert Layet

Mahlon Baumgardner
Viewers

19 January 1952.

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 16th day of January A. D. 1952, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Jackson, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to lead from The point of beginning of the said highway or public road so needed as aforesaid is at the intersection of a township road known as Burkhardt's Road, Route No. 11-419, and Kagey Street, which said point is 400 feet in an easterly direction from the intersection of said public road known as Burkhardt's Road with another public road and ending at a point on the last mentioned public road in a southeasterly direction 1550 feet from the intersection of said last mentioned public road with the said public road known as Burkhardt's Road, Route No. 11-419.

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 John L. Elder surveyor, and Robert Mayer and Mahlon Baumgardner

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.
Griffith, Judge.

Attest:

Joseph C. Weiss, Clerk

NO. 5 March SESSSIONS, 1952

Order to view and Lay out
Public Road in Jackson
Township, near Vinco,
Cambria County, Pennsylvania.

John L. Elder

Robert Mayer

Mahlon Baumgardner

Viewers

Clerk

Joseph E. Wess

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."

*March 12, 1952 Report
Approved W. J. B.
By the Court
M. J. Baumgardner*

IN COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNA.

No. 5 March Sessions 1952

IN RE: Petition for Appoint-
ment of Viewers to Lay Out a Public
Road in Jackson Township, near
Vinco, Cambria County, Penna.

REPORT OF VIEWERS

*Filed
3/3/52*

MAHLON J. BAUMGARDNER
~~MAHLON J. BAUMGARDNER~~
~~MAHLON J. BAUMGARDNER~~

In Re: Petition for Appointment : In the Court of Quarter Sessions
of Viewers to Lay Out Public Road : of Cambria County, Pennsylvania.
in Jackson Township, near Vinco, :
Pennsylvania. : No. 5 March Sessions, 1952.

To the Honorable, the Judge of the above Court:

1. The undersigned petitioners are residents and/or property owners and taxpayers of the Township of Jackson, County of Cambria and State of Pennsylvania, a township of the second class.

2. Your petitioners, and other taxpayers and inhabitants of the County of Cambria, labor at great inconvenience for want of a public road or highway to begin and end at the points hereinafter designated, and such a public road or highway is necessary for public travel.

3. The point of beginning of the said highway or public road so needed as aforesaid is at the intersection of a township road known as Burkharts Road, Route No. 11-419, and Kagey Street, which said point is 400 feet in an easterly direction from the intersection of said public road known as Burkharts Road with another public road and ending at a point on the last mentioned public road in a southeasterly direction 1550 feet from the intersection of said last mentioned public road with the said public road known as Burkharts Road, Route No. 11-419.

4. The proposed public road lies wholly within the Township of Jackson, Cambria County, Pennsylvania, and the power to lay out and open said road in the first instance lies with the Road Supervisors of said township under the Act of May 2, 1949, P.L. 819, 53 P.S. 19093-1101.

5. On October 29, 1951, your petitioners presented a petition to the Road Supervisors of Jackson Township, Cambria County, Pennsylvania, to lay out and open said public road and on the same day said Road Supervisors refused to exercise jurisdiction and power conferred upon them by the said above mentioned Act of Assembly.

Your petitioners therefore pray that your Honorable Court appoint viewers as provided by law to view and lay out a public road as herein prayed for, and to make report of their proceedings to your Honorable Court at the next term thereof.

Fred Schellhammer Sr. Donald S. Gassner

Fred Schellhammer Jr. Donald M. Keller

Walter G. Reighard Sr. David P. Keller

Warren K. Leidey John J. Jafko

Andrew Sobush Walter Schmidt

John J. Jafko Erik Meincke

W. T. Gray Otto Schmid

Ralph J. Myers Erik Haak

Lyle C. Neeley

Carl Lindenberg

Walter E. Hill

Lawrence G. Durbin

Geo E. Martin

Geo W. Golden

Clarence C. Gossard

Henry F. Fustell

STATE OF PENNSYLVANIA:
: SS:
COUNTY OF CAMBERIA:

Donald S. Gaumer, being duly sworn according to law, deposes and says that he is one of the petitioners within named, and that the averments set forth in the foregoing Petition for Appointment of Viewers are true and correct.

Donald S. Gaumer

Sworn to and subscribed before me this 9th day of January; 1952, as witness my hand and official seal.

Ernest R. Gans
Notary Public
Johnstown, Pennsylvania
MY COMMISSION EXPIRES
FEBRUARY 1, 1953

DECREE

AND NOW, to wit, January 16, 1952, the within petition presented,
and John L. Elder, Robert Mayer
and Walter Bampgardner are hereby appointed viewers to view
the ground proposed for the road described in the within petition and to make
report of their proceedings to this court; returnable the first Monday of
March, 1952.

Griffith
J.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania
No. 5 March Sessions, 1952

In Re: Petition for Appointment
of Viewers to Lay Out Public
Road in Jackson Township, near
Vinco, Cambria County,
Pennsylvania.

Filed
1-16-52

GLASS AND GLASS
ATTORNEYS AT LAW
12 WOLF BLOCK
JOHNSTOWN, PA.

14
2
34
4
30

153
2
370