

R.O. #4 - Mar. 1925

Not Microfilmed

A. M. Linnaker

In re Petition for the Appointment of Viewers to Assess Damages occasioned by the Improvement of the State Highway in Stonycreek Township, County of Cambria and State of Pennsylvania, as affecting the property of Curtis W. Schrader.

In the Court of Quarter Sessions of Cambria County Pennsylvania.
No. December Sess. 1924

TO THE HONORABLE, THE JUDGES OF SAID COURT:—

The petition of Curtis Schrader, respectfully sets forth:—

First. That he is a resident of the Borough of Stoyestown, County of Somerset and State of Pennsylvania, and the owner of certain real estate situate in the Township of Stonycreek, County of Cambria and State of Pennsylvania, abutting and being traversed by a public State Highway, more particularly described as follows:

All those two certain lots or pieces of ground situate, lying and being in the Township of Stonycreek, County of Cambria and State of Pennsylvania, bounded and described as follows:—

No. 1 BEGINNING at a point on the Westerly side of Bedford Street at the corner of land now of Eugene Schrader; thence along the line of Bedford Street South 58° East 264.63 feet to a public road; thence along the said road South 11° East 166.21 feet to a point at an alley; thence along the line of said alley 379.64 feet to land of Eugene Schrader; thence by line of said last mentioned land 120 feet to Bedford Street, the place of beginning.

No. 2 BEGINNING at a point on the Easterly side of Bennett Street at the corner of line of land of Eugene Schrader; thence along said Bennett Street South 58° East 405.1 feet to a point; thence North 22° 10' East 121.79 feet to an alley; thence along the line of said alley 384.3 feet to land of Eugene Schrader; thence by same by line at right angles 120 feet to Bennett Street, the place of beginning.

Second: That the aforesaid State Highway has within the last year been improved and that by the laying out, opening, widening, changing of location and changing of grade of said road as aforesaid your petitioner has sustained great injury and damage, among other things as follows:—

(a). That said road appropriates a large part of said land.

(b). That the said road renders the rest of said land less valuable.

(c). That the said road in the course of its construction necessitated a wide fill across a portion of said land causing said land to be greatly less in value.

(d). That a position of said land is rendered, by reason of said road, less accessible.

(e). That said land is rendered less valuable by reason of the grade being made different than the abutting land and different than the grade of the former road.

(f). That the change from the former public road to the present location greatly damages your petitioner's said land.

(g). That in various other ways the said land is rendered less valuable by reason of the laying out, opening, widening, changing of location, changing of grade and changing and constructing of said road.

Third: That the County of Cambria agreed to pay all damages occasioned to the property owners by reason of laying out and building of said road.

Fourth: That the County of Cambria and your petitioner are unable to agree upon the amount of damages sustained by reason of construction of said road.

Fifth: That no viewers ever passed upon the question of damages done your petitioner in the construction of said Highway.

Your petitioner therefore prays, your Honorable Court to appoint three disinterested persons to view the premises and assess the damages occasioned him, by reason of the laying out, and construction of a Highway over the land above described.

And he will ever pray,


Petitioner.

COMMONWEALTH OF PENNSYLVANIA, |

COUNTY OF CAMBERIA

SS

Personally appeared before me a Notary Public in and for said County and State, CURTIS F. SCHRADER, the within named petitioner, who being duly sworn according to law deposes and says that the statements set forth in the within petition are true and correct.

Curtis F. Schrader

Sworn and subscribed to before
me this 9th. day of January
A. D. 1925.

Rose Schultz
Notary Public.

MY COMMISSION EXPIRES END
OF NEXT SESSION OF SENATE

D E C R E E

And now the 13th day of ^{April} January A. D. 1925, the within petition having been read and considered AM. Hummer

SE. Ducky and Phil C. Cresswell

are appointed Viewers for the purposes within set forth, returnable the first Monday of June A.D. 1925.

By the Court
Samuel Hummer
C. J. C. P.

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

NO 4 ^{March}
~~DECEMBER~~ SESS. 1925

IN RE PETITION FOR THE
APPOINTMENT OF VIEWERS TO
ASSESS DAMAGES OCCASIONED BY
THE IMPROVEMENT OF THE STATE
HIGHWAY IN STONYCREEK TOWN-
SHIP, CAMBRIA COUNTY, PENNA.
AS AFFECTING THE PROPERTY
OF CURTIS F. SCHRADER

PETITION FOR VIEWERS.

Decree inside.

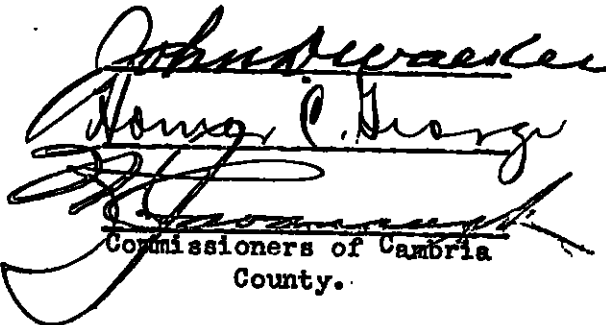
Filed 13 April 1925
11:00 A.M.

MAHLON J. BAUMGARDNER
ATTORNEY AT LAW
JOHNSTOWN, PENNA.
SWANK BLDG.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA, NO. 4, MARCH
SESSIONS, 1925.

In re Petition of Curtis F. Schrader for appointment of viewers to
assess damages.


We, the undersigned, being the Commissioners of Cambria County, for
Cambria County, hereby appeal from the award of the viewers as filed on June 1,
1925, in the above entitled proceeding.

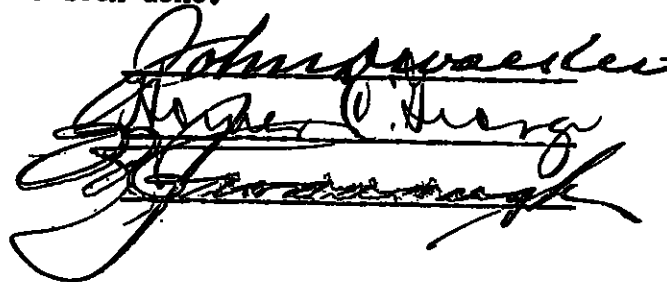

Commissioners of Cambria
County.

CAMBRIA COUNTY, SS:

John D. Walker, Homer C. George and W. J. Cavanaugh, being duly
sworn according to law, depose and say that they are the Commissioners of Cambria
County and that this appeal is not taken for the purpose of delay, but because
your affiants firmly believe that injustice has been done.

Sworn and subscribed before me
this 21st day of June, 1925.


Clerk



No. 4, March Sessions, 1925.

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

IN RE PETITION OF CURTIS F.
SCHRADER FOR APPOINTMENT OF
VIEWERS TO ASSESS DAMAGES.

APPEAL

Filed 26 June 1925-
10:00 A.M.

L. S. Jones,
Solicitor

Notice of View!

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained by Curtis F. Schrader in Stonycreek Twp., Cambria Co., Pa., by reason of the relocating, opening and widening of the State Highway through, along and over his premises in said township, county and state:

will meet ON THE PREMISES in the
Township of Stonycreek aforesaid
on the 9th. day May 1925., at 10:00 o'clock A.
M., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

S. E. Dickey and

Philip E. Caulfield,
Viewers.

Ebensburg, Pa. April 22nd., 1925.

Now, April 30, 1925, service of the within notice is hereby accepted for the Commissioners of Cambria County, Pa.

J. J. Kieckhefer
Clerk,

Notice of View!

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained by Curtis E. Schrader in Stonycreek Twp., Cambria Co., Pa., by reason of the relocating, opening and widening of the State Highway through, along and over his premises in said township, county and state:

will meet ON THE PREMISES in the
Township of Stonycreek aforesaid
on the 9th. day May 19 25., at 10:00 o'clock A.
M., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,
S. E. Dickey and
Philip E. Caulfield,
Ebensburg, Pa. April 22nd., 1925. Viewers.

Ex of. Sched on Fri 4/24/25 (15th 9:30 A.M.)

Now, April 85 1925, service of the within notice is hereby
accepted for the within named petitioner, Curtis F. Schrader.

Mahlon J. Baingach

Notice of View!

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained by Curtis F. Scharader in Stonycreek Twp., Cambria Co., Pa., by reason of the relocating, opening and widening of the State Highway through, along and over his premises in said township, county and state:

will meet ON THE PREMISES in the Township of Stonycreek aforesaid on the 9th. day May 19 25, at 10:00 o'clock A. M., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

S. E. Dickey and

Philip E. Caulfield,
Viewers.

Ebensburg, Pa., April 22nd, 1925.

Now, April 20th 1925, service of the within notice is hereby
accepted for the Supervisors of the Township of Stonycreek, Cambria
County, Pennsylvania.

Howard H. Stull
Solicitor.

Atty, Stull

Notice of View!

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained by Curtia E. Schrader in Stonycreek Twp., Cambria Co., Pa., by reason of the relocating, opening and widening of the State Highway through, along and over his premises in said township, county and state:

will meet ON THE PREMISES in the Township of Stonycreek aforesaid on the 9th day May 1925, at 10:00 o'clock A. M., for the purpose of performing the duties of their appointment.

A. M. Shoenaker,

S. D. Dickey and

Philip E. Caulfield,
Viewers.

Shensburg, Pa. April 22nd., 1925.

N O T I C E .

In re Viewsto assess damages, if any, to Curtis F. Schrader and the Heirs of Lena Schrader, deceased, by reason of the reconstruction and alteration of location of the ~~of-the~~ State Highway, through and over the respective premises, in Stonycreek Twp., Cambria Co., Pa.

The Viewers appointed by the Court in the above referred to cases will sit on May 15th. at 9:30 a. m., 1925, at the Viewers Room in the Nathan Bldg., Franklin St., Johnstown, Pa. to hear such testimony as the parties in interest have to offer; and will sit again at the same place and hour on May ^{22nd}~~20th.~~, 1925, to exhibit a schedule of the awards and damages as shall be fixed by them.

A. M. Shoemaker,

S. E. Dickey and

Philip E. Caulfield,

Viewers.

Now, May 12th 1925, service of the
within notice is hereby ac-
cepted for the Commissioners
of Cambria County, Penna

L. S. Jones
of the County of Cambria Penna
do hereby certify that the within notice
has been duly served on the

persons named in the within notice
and that the same has been duly

filed for record in the office of the
County Clerk of Cambria Penna

this 12th day of May 1925
at Cambria Penna

SCHEDULE .

In re View to determine the damages sustained by Curtis F. Schrader, of Somerset, Pa., by reason of the change and alteration of the line and grade, and the widening of the State Highway, through, along and over his premises in Stonycreek Township, Cambria Co., Pa.

The Viewers appointed by the Court of Quarter Sessions, in the above stated matter having viewed the premises, heard and considered the testimony offered by the parties in interest, have ascertained and determined that Curtis F. Schrader has sustained damages in the sum of \$5,117.00. and no benefits.

A. M. Shoemaker,

S. E. Dickey and

Philip E. Caulfield,

Viewers.

A careful search of the records of Cambria Co., Pa., against Curtis F. Schrader discloses no liens except the following referred to mortgage, of which this is a brief summary —

Curtis F. Schrader	{	Dated Jan'y 25 th 1921.
Florence H. Schrader, his wife		Recorded in Mortgage
To First National Bank of Davidsville, Pa.		Book, Vol. 103 page 540

Reciting:

Whereas the parties of the first part in and by their certain bankable note or commercial paper bearing even date herewith stand indebted to the said party of the second part in the sum of \$1500⁰⁰ Dollars, payable three months from the date hereof, with legal interest --- to secure same and any further sum or sums of money which may hereafter be advanced by said party of the second part to said party of the first part by way of any loan or way of any renewal of said bankable note or commercial paper --- and in consideration of the sum of \$1⁰⁰.

A. M. Shoemaker,
May 28th 1925.

JOHNSTOWN, PA May 20 1925

Cambridge County, No. 4, March Session 1925

TO S.E.DICKEY & CO. DR.
CIVIL MINING AND CONSULTING ENGINEERS
809-811 JOHNSTOWN TRUST BLDG.
JOHNSTOWN, PENNA.

NATURE OF WORK

TERMS NET CASH STATEMENTS RENDERED MONTHLY

Making view	\$	7	50
Mileage			50
Taking testimony & estimating damages		7	50
Making draft		7	50
Tracing cloth			60
Blue prints			50
Exhibit of schedule		7	50
	\$	31	60

APPROVED FOR PAYMENT
James C. Hoffmann
COUNTY CONTROLLER

C. F. S.

Cost of View

A. M. Shoemaker

~~8~~ Lifting Order ————— \$.90

8 1/2 Days ————— 63.75

76 miles ————— 3.80

Johnstown Tribune ————— 8.50

Cambria Co. Legal Journal ————— 6.00

82.95

Jacob Hoffman
COUNTY CONTROLLER

Philip E. Caulfield

4 Days

12 miles

CERTIFIED

Jacob M. Hoffman
COUNTY CONTROLLER

\$ 30.00

60

30.60

S. E. Dickey

See Bill attached

APPROVED FOR PAYMENT

George
COMMISSIONERS

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

No. 4 March Sessions, 1925.

In re Petition for the Appointment of Viewers to Assess Damages occasioned by the Improvement of the State Highway in Stonycreek Township, County of Cambria and State of Pennsylvania, as affecting the property of Curtis F. Schrader.

TO THE HONORABLE, THE JUDGES OF SAID COURT:-

The petition of Curtis Schrader, respectfully sets forth:-

First. That he is a resident of the Borough of Stoyestown, County of Somerset and State of Pennsylvania, and the owner of certain Real Estate situate in the Township of Stonycreek, County of Cambria and State of Pennsylvania, abutting and being traversed by a public State Highway, more particularly described as follows:

All those two certain lots or pieces of ground situate, lying and being in the Township of Stonycreek, County of Cambria and State of Pennsylvania, bounded and described as follows:-

No. 1. BEGINNING at a point on the Westerly side of Bedford Street at the corner of land now of Eugene Schrader; thence along the line of Bedford Street South 58° East 264.63 feet to a public road; thence along the said road South 11° East 166.21 feet to a point at an alley; thence along the line of said alley 379.64 feet to land of Eugene Schrader; thence by line of said last mentioned land 120 feet to Bedford Street, the place of beginning.

No. 2. BEGINNING at a point on the Easterly side of Bennett Street at the corner of line of land of Eugene Schrader; thence along said Bennett Street South 58° East 405.1 feet to a point; thence North $22^{\circ} 10'$ East 121.79 feet to an alley; thence along the line of said alley 384.3 feet to land of Eugene Schrader; thence by same by line at right angles 120 feet to Bennett Street, the place of beginning.

Second: That the aforesaid State Highway has within the last year been improved and that by the laying out, opening, widening, changing of location and changing of grade of said road as aforesaid your petitioner has sustained great injury and damage, among other things as follows:-

(a). That said road appropriates a large part of said land.

(b). That the said road renders the rest of said land less valuable.

(c). That the said road in the course of its construction necessitated a wide fill across a portion of said land causing said land to be greatly less in value.

(d). That a portion of said land is rendered, by reason of said road, less accessible.

(e). That said land is rendered less valuable by reason of the grade being made different than the abutting land and different than the grade of the former road.

(f). That the change from the former public road to the present location greatly damages your petitioner's said land.

(g). That in various other ways the said land is rendered less valuable by reason of the laying out, opening, widening, changing of location, changing of grade and changing and constructing of said road.

Third: That the County of Cambria agreed to pay all damages occasioned to the property owners by reason of laying out and building of said road.

Fourth: That the County of Cambria and your petitioner are unable to agree upon the amount of damages sustained by reason of construction of said road.

Fifth: That no viewers ever passed upon the question of damages done your petitioner in the construction of said Highway.

Your petitioner therefore prays, your Honorable Court to appoint three disinterested persons to view the premises and assess the damages occasioned him, by reason of the laying out, and construction of a Highway over the land above described.

And he will ever pray,

Curtis F. Schrader,
Petitioner.

And now the 13th day of April, A. D. 1925, the within petition having been read and considered A. M. Shoemaker, Esq., S. E. Dickey and Phil Caulfield are appointed Viewers for the purposes within set forth, returnable the first Monday of June, A. D. 1925.

By the Court,
Samuel Lemmon Reed,
P.J.O.C.S.P.

Extract from the Record.

Certified this 13th day
of April, A. D. 1925.

Franklin A. Riddle

Clerk Q. S.

No 4 Mar. Sess. 1925
 In re Petition for Viewers
 to Assess Damages,
 if any, to Curtis
 M. Schrader Stony
 Creek Twp., Cambria
 Co., Pa.
Order to View
and
Report of Viewers

Filed June 1925
 12:00 P. M.
 CERTIFIED
 Jacob M. Hoffman
 COUNTY CONTROLLER

8 June 1925 Approved
 By the Court
 E

REPORT OF VIEWERS .

To the Honorable, the Judges of the Court of Quarter Sessions of
Cambria County, Pennsylvania.

We, the undersigned members of the Board of Viewers of Cambria County, appointed by your honorable Court to view and ascertain the damages, if any, sustained by Curti F. Schrader by reason of the change of the line and grade of a public State Highway, through, along and over his premises in Stonycreek Township, Cambria County, Pennsylvania, respectfully report:-

That having given due notice of the view and of the time and place of meeting of the viewers to the Commissioners of Cambria County, the Supervisors of said township and to the general public by printed hand bills posted in public and conspicuous places along and near said premises, and serving notice on the petitioner and by publication in the Cambria County Legal Journal and the Johnstown Tribune, as required by the Act of Assembly and the Rules of Court.

We met upon the premises, in accord with the notices given, and having carefully viewed the premises we adjourned to a day then fixed to meet at a time and place of which all parties interested had notice, to take testimony relative to the matter of our enquiry, when and where the parties interested appeared with their attorney and were heard. Later, in accord with written notice given the parties, we met and exhibited our schedule of benefits and damages.

From viewing the premises and hearing the testimony of the witnesses produced we ascertained that Curtis F. Schrader was the owner of some eighteen lots of ground, through and over which the new State Highway had been laid out.

That the majority of said lots or portions thereof had been taken and occupied by the new location of the road through and over same.

That a portion of said plot had been entirely cut off from the remainder in such a manner as to render same practically useless.

That the value of said lots was approximately six hundred fifty dollars each.

That the remaining lots not cut up or taken for road purposes were very very little, if any, enhanced in value by reason of the construction of the new road as the owner already had had an outlet to an improved hard surfaced road.

Accordingly the viewers determined that Curtis F. Schrader had not been benefitted by the new road but had sustained damages, which should be paid him by the County of Cambria, in excess of all benefits, in the sum of \$5,117.00.

A plot or draft showing the change in the line of the improved road and also the property of said petitioner is hereto attached and made a part of this report.

Witness our hands this 26th. day of May A. D., 1925.

S. E. Dickey
Philip E. Langfield
A. M. Shoemaker.
Viewers.

Duplicate

