

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA,
NO. 7 MARCH SESSIONS, 1930.

IN RE VACATION OF A PUBLIC
ROAD KNOWN AS THE MOUNTAIN
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

REPORT OF VIEWERS.

*And now June
9th the same
report of viewers
is marked to be
filed as of June
7th 1930
By the Court*

Filed 7 June 1930

CERT.

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

9 June 1930 Approved

*By the Court
Circuit*

8 Sept. 1930 Confirmed absolutely

March 2. 1931

John

IN RE VACATION OF A PUBLIC
ROAD KNOWN AS THE MOUNTAIN
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

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

NO. 7 MARCH SESSIONS, 1930.

REPORT OF VIEWERS.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

We, the undersigned Viewers; appointed by the attached order of the above Court to view the road within mentioned, respectfully report:-

That we were duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, as shown by the records of said Court; that we gave due public notice of the time and place of said view by posting notices, as required by law, along the route and at the termini of said road to be vacated, and by service of such notice upon the Commissioners of Cambria County, and John M. Bennett, Counsel for the Petitioners, and V. J. Monahan, a member of the Board of Supervisors of the Township of Washington, all of which acceptances of service are hereto attached and made a part of this report; that we met upon the premises according to the notice given on Thursday, May 29, 1930, at ten o'clock A. M., Eastern Standard Time. A. M. Shoemaker, a member of the Board of Viewers, was present and continued the hearing from that date until one thirty o'clock P. M., Eastern Standard Time, of the same day. Pursuant to said continuance we met upon the premises on Thursday, May 29, 1930, at one thirty o'clock P. M., Eastern Standard Time, and proceeded with the duties of our appointment.

That we viewed the site and locality of the premises and the route of the proposed road to be vacated. All of the Supervisors of the Township of Washington were in attendance at the view, as well as a number of the citizens who opposed the vacation of said road. We followed the entire route of said road, beginning at a point where said road intersects the county line between Cambria County and Blair County, following in a Westerly direction over the mountain and ending where said road intersects at the Easterly boundary of the John Kuntz farm, said distance being approximately two miles. Due to the opposition which developed at the view, the Viewers continued, by agreement, until Monday, June 2, 1930, at nine thirty o'clock A. M., Eastern Standard Time, at the Court House, Ebensburg, Cambria County, Pennsylvania, for the purpose of taking testimony and hearing such evidence as may be offered. All parties in interest having agreed to said continuance and as to the time and place without written notice, and without acceptance of service of same. Pursuant to said continuance we met at the Court House on Monday, June 2, 1930, at nine thirty o'clock A. M., Eastern Standard Time. All the Supervisors of the Township of Washington, together with their counsel, John M. Bennett, Esq., and certain other citizens who were favorable to the vacation of said road, and a number of protestants with their counsel, A. A. Nelson, Esq. were present at that time, as well as all the Viewers. A large number of citizens were called on the part of both the Supervisors and the citizens who desired the vacation of said road, and on the part of the persons who opposed the vacation. It developed at the hearing that the valuation of said district was approximately \$558,900.00, and that the real estate abutting on said road to be vacated, together with real estate immediately adjacent thereto, had a valuation of approximately \$110,000.00. The road is not used to any great extent, but is a connecting road between the County of Blair and County of Cambria.




We found the road to be in fairly good condition, but it is extremely narrow and can be used only as a one-way road, there being places, however, at certain points where there are turn outs. It further developed in the testimony offered at the hearing, that to properly make and maintain said road it would take approximately eight thousand (\$8000.00) dollars. There are no property owners, abutting on the highway, who have residences on their real estate, and the entire distance of approximately two miles has no abutting owner who resides on said land.

The Board of Viewers at first felt that the said road should be made a private road, but after hearing the testimony we are of the opinion, and agree that the said road should not be vacated.

We, therefore, recommend that the said road, bearing the following courses and distances, should not be vacated, to wit: Beginning on the Mountain Road at a point where the line dividing the Counties of Blair and Cambria intersect said road in extending thence into Washington Township, Cambria County, Pennsylvania, the following courses and distances, viz:

North 33° West 198 feet, North 20° West 399 feet, North 25° 30' West 327 feet, North 42° 45' West 321.5 feet, North 29° West 172 feet, North 30° West 136 feet, North 14° West 263 feet, North 29° 50' West 353 feet, North 32° 30' West 206 feet, North 44° 30' West 287 feet, North 49° 35' West 335 feet, North 48° 30' West 314 feet, North 30° West 238 feet, North 28° 50' West 878 feet, North 38° 30' West 465 feet, North 66° West 406 feet, North 72° 30' West 408 feet, North 76° West 101 feet, North 89° 30' West 151 feet, North 75° 30' West 223 feet, South 85° West 291 feet, South 74° West 345 feet, South 74° 30' West 293 feet, North 86° West 343 feet, North 82° West 224.5 feet, South 83° 30' West 247 feet, North 89° 15' West 324 feet, North 84° West 387 feet, South 75° 15' West 710 feet, South 82° West 341 feet, South 88° West 414 feet, and South 73° West 428 feet, to a point on said Mountain Road where the lane leading to the John Kuntz farm leads from said Mountain Road, as indicated on the draft hereto attached and made a part of this report.

WITNESS our hands and seals this 5th day of June, A. D..1930.

 (SEAL)
 (SEAL)
 (SEAL)
Viewers.

IN RE VACATION OF A PUBLIC
ROAD KNOWN AS THE MOUNTAIN
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 7 MARCH SESSIONS, 1930.

TO MAHLON J. BAUMGARDNER, A. M. SHOEMAKER
AND PHILIP CAULFIELD, DRS.

Mahlon J. Baumgardner, Dr. .

Data and preparing Notices to View	\$ 12.00	
Stenographer and Stationery	3.50	
Posting Notices to View	12.00	
Mileage	5.40	
Obtaining acceptance of service on all parties	12.00	
Making View	12.00	
Mileage	5.40	
Taking Testimony at Ebensburg	12.00	
Mileage	3.60	
Conference re taking testimony	12.00	
Data and preparing Report of Viewers	12.00	
Stenographer and Stationery	5.00	\$ 106.90

A. M. Shoemaker, Dr.

Making View	\$ 12.00	
Mileage	4.60	
Hearing at Ebensburg	12.00	
Conference re taking of testimony	12.00	
Engineering work	137.45	\$ 178.05

Philip Caulfield, Dr.

Making View	\$ 12.00	
Mileage	5.40	
Hearing testimony at Ebensburg	12.00	
Mileage	3.60	
Conference re taking of testimony	12.00	\$ 45.00

[Handwritten signatures]

IN RE VACATION OF A PUBLIC
ROAD KNOWN AS THE MOUNTIAN
ROAD IN WASHINGTON TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

No. 7 MARCH SESSIONS 1930.

NOTICE TO VIEW.

Notice is hereby given that the Viewers appointed by the above Court to view and determine as to the propriety of vacating a piece of road known as the Mountain Road in Washington Township Cambria County, Pennsylvania, beginning at a point in said road where it intersects the County line between Cambria and Blair County and westerly direction over the mountain and ending where said road intersects the easterly boundary of the John Kuntz's farm, will meet at the place of beginning first above mentioned on Thursday May 29th., 1930 at 9:00 o'clock A. M. Eastern Standard Time for the purpose of performing the duties of our appointment.

A. M. SHOEMAKER,
MAHLON BAUMGARDNER,
PHILIP CAULFIELD.

Viewers.

AND NOW, this 14 day of May A. D. 1930 I hereby accept service of the above Notice to View as Chief Clerk for the Commissioners of Cambria County, Pennsylvania.


Chief Clerk, Commissioners of
Cambria County.

IN RE VACATION OF A PUBLIC
ROAD KNOWN AS THE MOUNTAIN
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

No 7 March Sessions, 1930.

NOTICE TO VIEW.

Notice is hereby given that the Viewers appointed by the above Court to view and determine as to the propriety of vacating a piece of road known as the Mountain road in Washington Township, Cambria County, Pennsylvania, beginning at a point in said road where it intersects the County line between Cambria and Blair County and westerly direction over the mountain and ending where said road intersects the easterly boundary of the John Kuntz's farm, will meet at the place of beginning first above mentioned on Thursday May 29th., 1930 at 9:00 o'clock A. M. Eastern Standard Time, for the purpose of performing the duties of our appointment.

A. M. SHOEMAKER,

MAHLON BAUMGARDNER.

PHILIP CAULDFIELD.

And now this 15th day of May A. D. 1930 I hereby accept
service of the above Notice to View as Counsel for the petitioners.

VIEWERS.

John W. Brunett
Counsel for Petitioners.

IN RE VACATION OF A PUBLIC
ROAD KNOWN AS THE MOUNTAIN
ROAD IN WASHINGTON TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

No. 7 MARCH SESSIONS 1930

NOTICE TO VIEW

Notice is hereby given that the Viewers appointed by the above court to view and determine as to the propriety of vacating a piece of road known as the Mountain Road in Washington Township Cambria County, Pennsylvania, beginning at a point in said road where it intersects the County line between Cambria and Blair C
Cambria and Blair County and westerly direction over the mountain and ending where said road intersects the easterly boundary of the John Kuntz's farm, will meet at the place of beginning first above mentioned on Thursday May 29th, 1930 at 9:00 o'clock A.M. Eastern Standard Time for the purpose of performing the duties of our appointment.

A. M. Shoemaker,

Mahlon Baumgardner,

Philip Caulfield.

Viewers.

*How May 1930 I accept service of the
written notice to view for the improvement of
Washington Township, Cambria County, Pa.*

W. J. Monahan

IN RE VACATION OF A PUBLIC
ROAD KNOWN AS THE MOUNTAIN
ROAD IN WASHINGTON TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

No 7 March Sessions, 1930.

NOTICE TO VIEW.

Notice is hereby given that the Viewers appointed by the above Court to view and determine as to the propriety of vacating a piece of road known as the Mountain road in Washington Township, Cambria County, Pennsylvania, beginning at a point in said road where it intersects the County line between Cambria and Blair County and westerly direction over the mountain and ending where said road intersects the easterly boundary of the John Kuntz's farm, will meet at the place of beginning first above mentioned on Thursday May 29th., 1930 at 9:00 o'clock A. M. Eastern Standard Time, for the purpose of performing the duties of our appointment.

A. M. SHOEMAKER,

MAHLON BAUMGARDNER.

PHILIP CAULFIELD.

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 13th day of May A. D. 1930, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Washington, in the said County, setting forth that ~~they have been unable to locate, in the Road Dockets, in the office of the Clerk of Courts of Quarter Sessions, a reference to the number and term of the original case laying out the above described road.~~

a portion of the public road known as the Mountain Road is situate within the limits of Washington Township.

That after diligent search your petitioners have been unable to locate, in the Road Dockets, in the office of the Clerk of Courts of Quarter Sessions, a reference to the number and term of the original case laying out the above described road.

It is the opinion and belief of your petitioners that the road above referred to never was laid out but that the same was a logging road and became a township road by user.

That all of that portion of the Mountain Road situate within the limits of Washington Township, beginning at a point in said road where it intersects the County line between Cambria County and Blair County and westerly direction over the mountain and ending where said road intersects the easterly boundary of John Kuntz's farm, has become useless, inconvenient and burdensome.

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

A. M. Shoemaker surveyor, and

Philip Caulfield and Mahlon Baumgardner viewers, to view the ground proposed for said ~~road~~ vacation, and if they agree that there is occasion for such ~~road~~ vacation, they shall proceed to ~~locate~~ vacate 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:

Frank L. Rolt, Clerk.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to 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 rivers and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

NO. 7, March SESSIONS, 1930

Order to view and vacate road

in Washington Township

A. M. Shoemaker

Mahlon Baumgardner

Philip Caulfield

Viewers

Clerk 90 cts.

IN RE PETITION TO VACATE
PORTION OF ROAD KNOWN AS
THE MOUNTAIN ROAD, IN
WASHINGTON TOWNSHIP, CAMBRIA
COUNTY, PENNA.

: In the Court of Quarter Sessions
of
: Cambria County, Pa.
: No. _____ June Sessions, 1930

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT: -

The petition of the undersigned, inhabitants of the Township of Washington, in said county, respectfully represents:

That a portion of the public road known as the Mountain Road is situate within the limits of Washington Township.

That after diligent search your petitioners have been unable to locate, in the Road Dockets, in the office of the Clerk of Courts of Quarter Session, a reference to the number and term of the original case laying out the above described road.

It is the opinion and belief of your petitioners that the road above referred to never was laid out but that the same was a logging road and became a township road by user.

That all of that portion of the Mountain Road situate within the limits of Washington Township, beginning at a point in said road where it intersects the County line between Cambria County and Blair County and westerly direction over the mountain and ending where said road intersects the easterly boundary of John Kuntz's farm, has become useless, inconvenient and burdensome.

Your petitioners therefore pray the Court that the said road
 may be vacated, agreeably to the Act of General Assembly in such case
 made and provided and they will ever pray.

Jacob Eckenrode
 Joseph J. Evans
 Thomas Hooder
 Atgatha Brown
 Joseph M. Earnest
 Mrs. Annie Eckenrode
 Mrs. Martine Myers
 Nicholas Juritza
 Joseph Lengyel
 John Wm Storey
 Mrs. Thomas Leap
 John Pramuti
 Michael Pramuti
 Emil Merchat
 Baumgardner X
 Alex Weyers

Cassandra Pa
 Lilly Pa R & L
 Lilly R & L
 Lilly P & P
 Lilly R & P
 Cassandra Pa
 Cassandra
 Cassandra Pa
 Cassandra Pa
 Cassandra Pa
 Cassandra Pa
 Lilly Pa
 Lilly Pa
 Lilly P & P
 Lilly P & P
 Lilly P & P

CAMBRIA COUNTY, SS:

The undersigned being duly sworn according to law, deposes and says that the matters set forth in the above and foregoing petition are true and correct to the best of his knowledge and belief.

W. J. Monahan

Sworn and subscribed to before

me this 5th day of May, ~~1930~~,

1930.

Helen Keinge
Notary Public

My commission expires Mar. 7-1931

O R D E R

Upon the petition of divers inhabitants of the Township of Washington, county of Cambria and state of Pennsylvania, stating that a portion of the Mountain Road, situate within the Township of Washington, the courses and distances of which are more specifically set forth in the within petition, has become useless, inconvenient and burdensome; the Court on due consideration, orders and appoints Philip Canfield and Mahm Baumgardner who are to view the road in the said petition prayed to be vacated, and to consider and judge whether it has become useless, inconvenient and burdensome, and if they agree that the same has become useless, inconvenient and burdensome as aforesaid, they shall make report accordingly to the within Court of Quarter Sessions to be held for the said County.

BY THE COURT

M. Baumgardner

May - 13 1930.

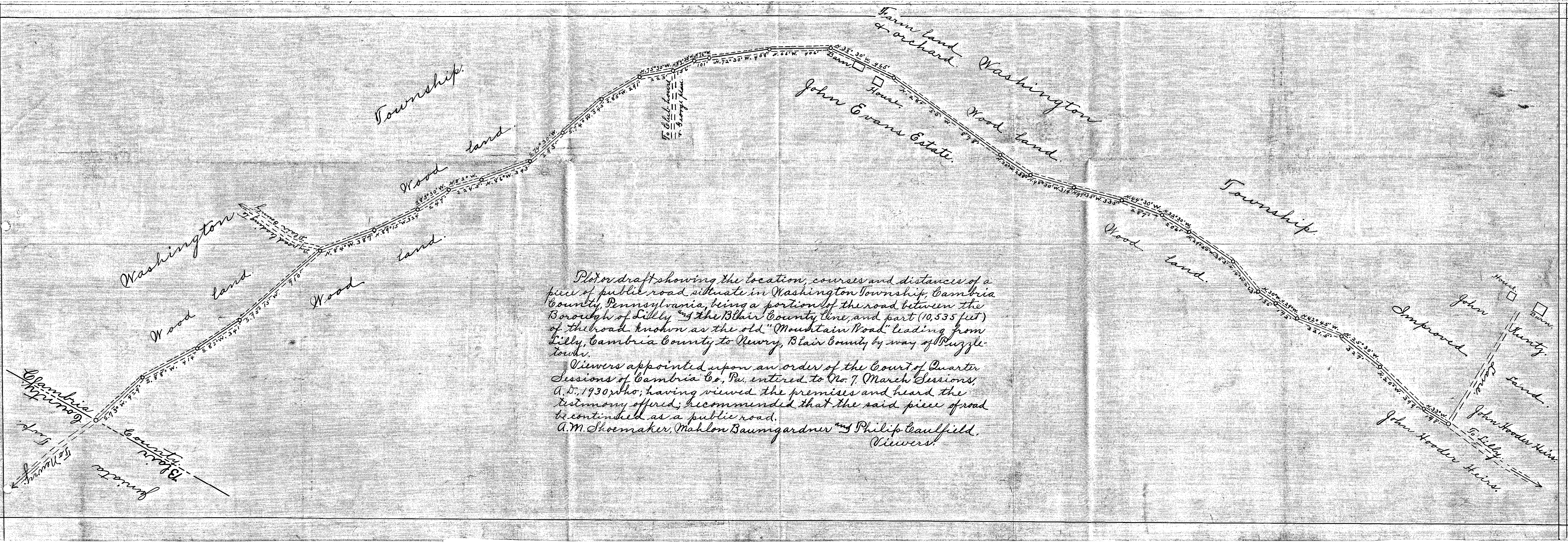
No. *7* *March* ~~June~~ Sessions, 1930.

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

IN RE PETITION TO VACATE POR-
TION OF ROAD KNOWN AS THE MOUN-
TAIN ROAD, IN WASHINGTON TOWN-
SHIP, CAMBRIA COUNTY, PENNA.

Filed 13 May 1930

JOHN M. BENNETT
ATTORNEY AT LAW
OTTO BLDG.
JOHNSTOWN, PENNA.



Plot or draft showing the location, courses and distances of a piece of public road situate in Washington Township, Cambria County, Pennsylvania, being a portion of the road between the Borough of Lilly and the Blair County line, and part (10,535 feet) of the road known as the old "Mountain Road" leading from Lilly, Cambria County to Newry, Blair County by way of Puzzle town.

Viewers appointed upon an order of the Court of Quarter Sessions of Cambria Co., Pa. entered to No. 7. March Sessions, A. D., 1930, who, having viewed the premises and heard the testimony offered, recommended that the said piece of road be continued as a public road.
A. M. Shoemaker, Mahlon Baumgardner and Philip Caulfield.
Viewers.