

Not Microfilmed

RO# 1 June 1932

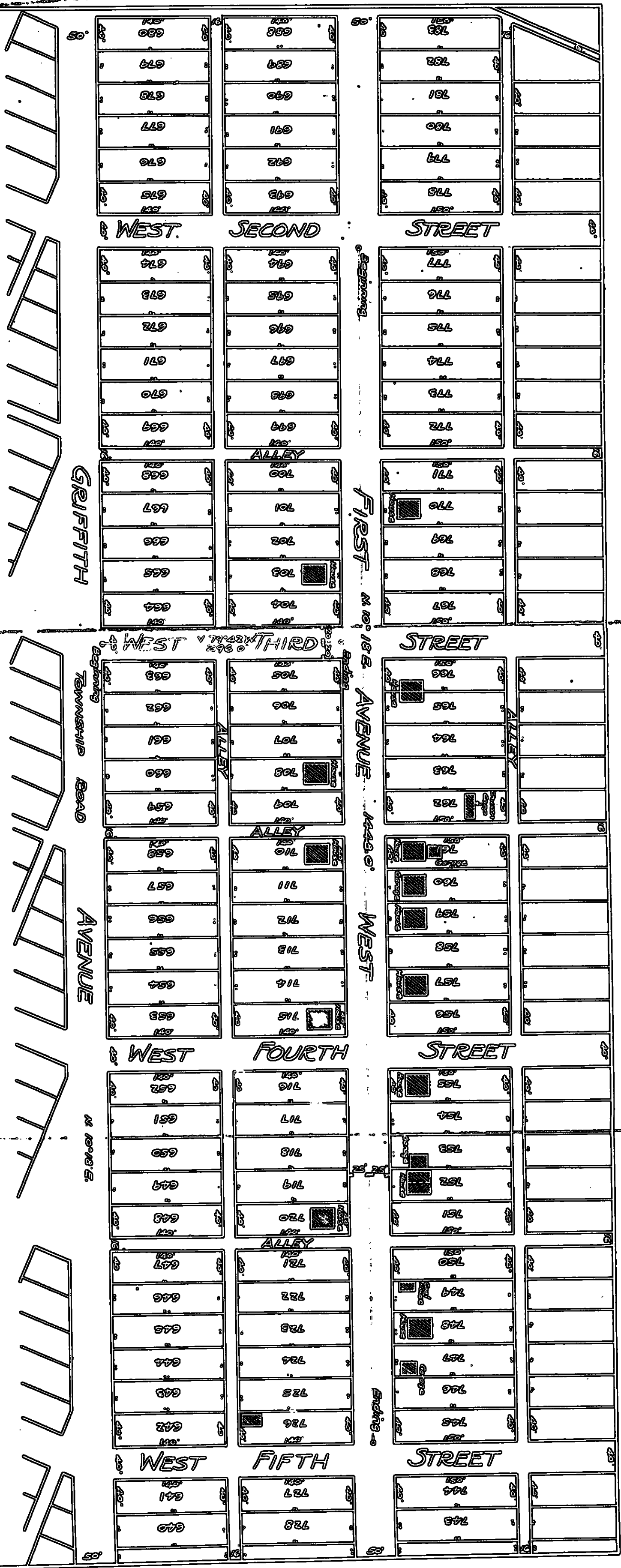
Conemaugh Twp.
A Public Road

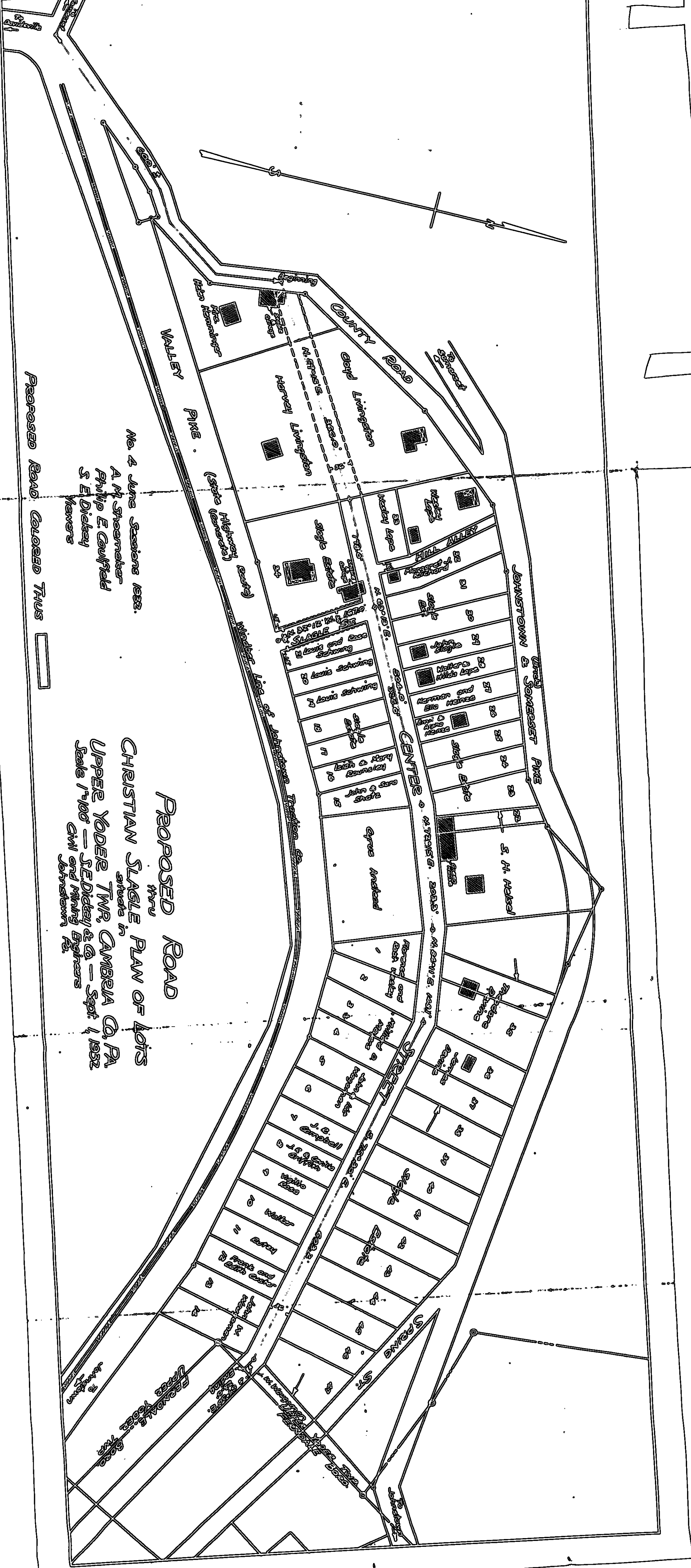
Nos. 1 and 2 June Sessions 1932
 Mahlon J. Baumgardner
 S. E. Dickey
 Dixon Tomb
 Weaver

No. 1 June Sessions colored thus
 No. 2 June Sessions colored thus



VIEW OF
 PROPOSED ROADS
 situated in
 CONEMAUGH TWP., CAMBRIA CO., PA.
 Scale 1"=100' — S.E. Dickey & Co. — Aug. 27, 1932.
 Civil and Mining Engineers
 Johnstown, Pa.





No. 4 June Sessions 1932.
 A. M. Shoemaker
 Philip E. Caulfield
 S. E. Dickey
 Meyers

PROPOSED ROAD
 thru
CHRISTIAN SLAGLE PLAN OF LOTS
 situate in
UPPER YODER TWP, CAMBRIA CO, PA.
 Scale 1"=100' — S.E. Dickey & Co. — Sept. 1, 1932
 C.W.I. and Mining Engineers
 Johnstown, Pa.

PROPOSED ROAD COLORED THUS

Johnstown
 Traction Co.
 Spring St. Trolley Line

Box # 2 June 1932
Not Microfilmed

Not Microfilmed

*In the Court of Quarter Sessions,
Cambria County, Pennsylvania,
No. 1, June Sessions, 1932.*

*In re: Laying Out Public
Road in Conemaugh Township,
Cambria County, Pennsylvania.*

1190
IN RE LAYING OUT PUBLIC
ROAD IN CONEMAUGH TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 1, JUNE SESSIONS, 1932.

REPORT OF VIEWERS.

We, the undersigned Viewers, appointed by the annexed order of Court to view the premises herein described for the purpose of determining as to the necessity of a public road in the Township of Conemaugh, Cambria County, Pennsylvania, leading from the intersection of West Third Street and the Western boundary line of Griffith Street, a Township Road, and to end at the intersection of West Third Street and the Eastern boundary line of First Avenue West, all of which is shown on the Plan of Franklin Extended, as laid out by the Franklin Land and Improvement Company, and recorded in the Recorder's Office of Cambria County, in Misc. Book Vol. 10, Page 481; West Third Street and First Avenue West being unopened streets, and the distance between the two intersections above set forth being approximately three hundred (300) feet, respectfully represent:-

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 meeting of said Viewers by hand bills posted on the premises and by notice served upon the Commissioners of Cambria County, Weimer and Bennett, Esqs., counsel for the Supervisors of Conemaugh Township, and Greer, Fox & Hahn, Esqs., counsel for the petitioners, all of which accepted service at least ten (10) days prior to the making of said view, evidence of which is shown by copies of said acceptances of service hereto attached and made a part of this report.

That we met upon the premises according to the notice given, on Friday, August 26, 1932, at ten thirty o'clock A. M., Eastern Daylight Savings Time, and proceeded with the duties of our appointment.

We viewed the site and locality of the road proposed to be laid out, making a personal inspection of the road between the points designated in the petition and order. There were present at said view the Supervisors of the Township of Conemaugh, and D. P. Weimer, Esq., their counsel; and Charles A. Greer, Esq. and Herbert Hahn, Esq., of the law firm of Greer, Fox & Hahn, counsel for the petitioners, as well as a large number of citizens interested in the laying out of the said road.

We are of the opinion and agree that a public road between the points designated is necessary, and we, therefore, authorize the laying out of a public road, according to the accompanying draft, viz: Beginning at the intersection of Griffith Avenue, now a Township Road, and West Third Street; thence following the center line of West Third Street, North $79^{\circ} 42'$ West a distance of 296 feet to the intersection of First Avenue West, all in the Township of Conemaugh aforesaid. X

We have attached to a similar report, entered to No. 2, June Sessions, 1932, a Release of Damages signed by property owners along said street, and as for those who have not released, we assess no damages for the reason that the benefits of said road when laid out and improved are far in excess to any damages that may accrue to such property owners.

We, therefore, authorize the laying out of the road hereinabove described for public use.

WITNESS our hands and seals this eighth day of September, A. D. 1932.

Mahlon J. Baumgardner
E. E. Dickey
Dixon Vorn
Viewers.

CALBRIA COUNTY, SS:

Personally appeared before me, the undersigned authority, a Notary Public in and for said State and County, MAHLON J. BAUMGARDNER, who having first been duly sworn according to law, doth depose and say that he is a member of the Permanent Board of Viewers of Cambria County; and further that his account, attached hereto, is true and correct.

Mahlon J. Baumgardner

Sworn to and subscribed
Before me this 8th day
of September, A. D. 1932.

Alice A. Sessler

IN RE LAYING OUT PUBLIC
ROAD IN CONELLAUGH TOWNSHIP,
CALBRIA COUNTY, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS,
CALBRIA COUNTY, PENNSYLVANIA,
NO. 1, JUNE SESSIONS, 1932.

TO MAHLON J. BAULGARDNER, S. E. DICKEY
and DIXON TOMB, DRS.

To Mahlon J. Baumgardner, Dr.

Data and preparing Report of Viewers	\$ 12.00	
Stenographer and stationery	<u>2.50</u>	\$ 14.50

To Alice A. Paessler, Notary

On taking affidavit of Viewers	-----	\$.50
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APPROVED FOR PAYMENT

L. M. McFalls
John Thomas
 Viewers

1 7: 0 4

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 18th day of July A. D. 1922, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Conemaugh, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to lead from the intersection of West Third Street and the Western boundary line of Griffith Street, a Township Road, and to end at the intersection of West Third Street and the Eastern boundary line of First Avenue West, all of which streets are laid out on the plan of Franklin Extended as laid out by the Franklin Land And Improvement Co, same being recorded in the office of the Recorder of Deeds of Cambria Co. Pa. in Misc. Book Vol. 10 page 481. West Third Street and First Avenue West are unopened streets. The distance between the two intersections above set forth is approximately Three Hundred (300) Feet.

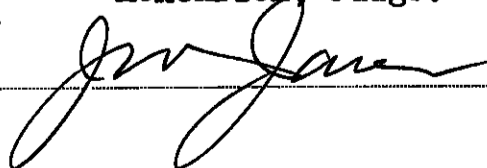
and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint

Mahlon Baumgardner Esq. surveyor, and S. E. Dickey and Dixon Tomb

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.
McKenrick, Judge.

Attest:

 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. 1 June SESSIONS, 1923

Order to view and layout road

In Conemaugh Township.

Mahlon Baumgardner

S. E. Dickey

Dixon Tomb

Viewers

Clerk J. M. Jones

52cts.

In re: Laying out Public
Road in Conemaugh Township,
Cambria County, Pennsylvania.

In the Court of Quarter Sessions,
Cambria County, Pennsylvania.
No. 1, June Sessions, 1932.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above order of Court to view the premises described herein, and to determine as to the necessity for a public road, as prayed for by the Petitioners, to lead from the intersection of West Third Street and the Western boundary line of Griffith Street, a Township Road, and to end at the intersection of West Third Street and the Eastern boundary line of First Avenue West, all of which streets are laid out on the Plan of Franklin Extended, as laid out by the Franklin Land and Improvement Company, and recorded in the office for the Recording of Deeds in and for Cambria County in Misc. Book Vol. 10, Page 481, (West Third Street and First Avenue West being unopened streets, and the distance between the two intersections above set forth is approximately 300 feet) will meet at the place of beginning of said proposed road on Friday, August 26, 1932, at ten o'clock A. M., Eastern Daylight Savings Time, for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

MAHLON J. BAUMGARDNER,
S. E. DICKEY,
DIXON TOMB.

Viewers.

Dated August 1, 1932.

AND NOW, this ^{15th} ~~first~~ day of August, 1932, I hereby accept service of the above Notice to View as Counsel for the Commissioners of Cambria County, and acknowledge to have received a copy of same.

J. J. Dixon clerk
Counsel for the Commissioners
of Cambria County.

In re: Laying out Public
Road in Conemaugh Township,
Cambria County, Pennsylvania.

§ In the Court of Quarter Sessions,
§ Cambria County, Pennsylvania.
§ No. 1, June Sessions, 1932.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above order of Court to view the premises described herein, and to determine as to the necessity for a public road, as prayed for by the Petitioners, to lead from the intersection of West Third Street and the Western boundary line of Griffith Street, a Township Road, and to end at the intersection of West Third Street and the Eastern boundary line of First Avenue West, all of which streets are laid out on the Plan of Franklin Extended, as laid out by the Franklin Land and Improvement Company, and recorded in the office for the Recording of Deeds in and for Cambria County in Misc. Book Vol. 10, Page 481, (West Third Street and First Avenue West being unopened streets, and the distance between the two intersections above set forth is approximately 300 feet) will meet at the place of beginning of said proposed road on Friday, August 26, 1932, at ten o'clock A. M., Eastern Daylight Savings Time, for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

MAHLON J. BAUHARDNER,
S. E. DICKEY,
DIXON TOLB.

Viewers.

Dated August 1, 1932.

AND NOW, this ~~first~~^{17th} day of August, 1932, I hereby accept service of the above Notice to View, as Counsel for the Petitioners, and acknowledge to have received a copy of same.

Irvin Fox & Mahon
Counsel for Petitioners.

In re: Laying out Public
Road in Conemaugh Township,
Cambria County, Pennsylvania.

In the Court of Quarter Sessions,
Cambria County, Pennsylvania.
No. 1, June Sessions, 1932.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above order of Court to view the premises described herein, and to determine as to the necessity for a public road, as prayed for by the Petitioners, to lead from the intersection of West Third Street and the Western boundary line of Griffith Street, a Township Road, and to end at the intersection of West Third Street and the Eastern boundary line of First Avenue West, all of which streets are laid out on the Plan of Franklin Extended, as laid out by the Franklin Land and Improvement Company, and recorded in the office for the Recording of Deeds in and for Cambria County in Misc. Book Vol. 10, Page 481, (West Third Street and First Avenue West being unopened streets, and the distance between the two intersections above set forth is approximately 300 feet) will meet at the place of beginning of said proposed road on Friday, August 26, 1932, at ten o'clock A. M., Eastern Daylight Savings Time, for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

MAHLON J. BAUMGARDNER,
S. E. DICKEY,
DIXON TOMB.
Viewers.

Dated August 1, 1932.

AND NOW, this ¹⁷~~first~~ day of August, 1932, I hereby accept service of the above Notice to View, as Counsel for the Supervisors of Conemaugh Township, and acknowledge to have received a copy of same.


Counsel for Supervisors of
Conemaugh Township.

In re: Laying out Public
Road in Conemaugh Township,
Cambria County, Pennsylvania.

In the Court of Quarter Sessions,
Cambria County, Pennsylvania.
No. 1, June Sessions, 1932.

NOTICE TO VIEW.

By, the undersigned Viewers, appointed by the above order of Court to view the premises described herein, and to determine as to the necessity for a public road, as prayed for by the Petitioners, to lead from the intersection of West Third Street and the Western boundary line of Griffith Street, a Township Road, and to end at the intersection of West Third Street and the Eastern boundary line of First Avenue West, all of which streets are laid out on the Plan of Franklin Extended, as laid out by the Franklin Land and Improvement Company, and recorded in the office for the Recording of Deeds in and for Cambria County in Misc. Book Vol. 10, Page 481, (West Third Street and First Avenue West being unopened streets, and the distance between the two intersections above set forth is approximately 300 feet) will meet at the place of beginning of said proposed road on Friday, August 26, 1932, at ten o'clock A. M., Eastern Daylight Savings Time, for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

HAMILTON J. BAUEGARDNER,
S. E. DICKEY,
DIXON TOMB.

Viewers.

Dated August 1, 1932.

IN THE COURT OF QUARTER SESSIONS,
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 1, JUNE SESSIONS, 1932.

IN RE LAYING OUT PUBLIC ROAD
IN CONELAUGH TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA.

REPORT OF VIEWERS.

189
157
32

Filed. Sept. 12, 1932

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

*12 Sept. 1932 Approved and with find at foot last.
By the Court
Mastover*

IN THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CAMBRIA

PENNSYLVANIA.

In Re: - Petition of the inhabitants
of the Township of Conemaugh, County
of Cambria and State of Pennsylvania.

No. 1 June ~~September~~ Sessions 1932.

To the Honorable, the Judges of said Court:-

The petition of the undersigned, inhabitants of the Township
of Conemaugh, County of Cambria and State of Pennsylvania, respectfully
represents:-

That they labor under great inconvenience for want of a
public road to begin at the intersection of West Third Street and the Western
boundary line of Griffith Street, a Township Road, and to end at the intersection
of West Third Street and the Eastern boundary line of First Avenue West, all of
which streets are laid out on the Plan of Franklin Extended as laid out by the
Franklin Land and Improvement Company, same being recorded in the office of
the Recorder of Deeds of Cambria County, Pennsylvania, in Miscellaneous Book Vol.
10 page 481. West Third Street and First Avenue West are unopened streets.
The distance between the two intersections above set forth is approximately
Three hundred (300) feet.

Your petitioners therefore pray your Honorable Court to
appoint three (3) persons, qualified according to law, to view the ground
proposed for such road, and, if they see occasion, lay out the same and make
report of their proceedings in the next session of court.

Peter Bukovec
John Zukas
John Jacobs
John Ponzek
John Tomer

Joseph Mehara

H B Engle

John Mikovics

John Klajder

John Medle

Anton Gynetz

John Dzelan

Frank Pristover

Frank Mastovic

Joseph Luzar

State of Pennsylvania,

SS.

County of Cambria.

On this 16th day of July, A. D. 1932, before me, the undersigned authority, a Notary Public in and for said county and state, personally came Peter Bukovec, one of the petitioners above named, who having been duly sworn according to law, says the statements made in the foregoing petition are true and correct to the best of his knowledge and belief.

Peter Bukovec

One of Petitioners.

Sworn to and subscribed before me
this 16 day of July A. D. 1932.

Mrs. Rose Ballouf

Notary Public

My commission expires.

BY COMMISSION EXPIRES END
OF NEXT SESSION OF SENATE

TO THE SUPERVISORS OF THE TOWNSHIP OF
CONEMAUGH, COUNTY OF CAMBRIA AND
STATE OF PENNSYLVANIA.

GENTLEMEN:-

Please take notice and you are hereby notified
that the undersigned will present a certain petition, a copy of which has been
acknowledged to have been received by you, applying for the appointment of
Viewers to open a certain road, more fully set forth in the said petition,
to the Court of Quarter Sessions of the County of Cambria and State of
Pennsylvania, at 10:00 A. M. Monday, the 18th., day of July, A. D. 1932.

Greer, Fox and Hahn, Attorneys for Petitioners.

By Hubert Hahn

July 16 A. D. 1932.

A Written notice, of which the above is a true
and exact copy, was served on the 15th and 16th day of July, A. D.
1932, on Otto Senft, George Kohler and William Berkebile, Supervisors of the
Township of Conemaugh, County of Cambria and State of Pennsylvania.

ATTEST

Charles A. Greer

DE C R E E

AND NOW, the 18th day of July, A. D. 1932, the within
petition read and upon due consideration, Mathew Baunger over Est.
J. E. McCreary and Dixon Trout
are appointed Viewers as prayed for.

BY THE COURT

McKennis
J

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

In Re: Petition of the residents
of Conemaugh Township, Cambria
County, Pennsylvania, for laying
out road, to have Viewers appoint-
ed.

P E T I T I O N

We hereby acknowledge to have
received a true and correct
copy of the within petition.

Otto Lemps

Filed July 18, 1932

GREER, FOX & HAHN
LAW OFFICES
JOHNSTOWN, PENNA.

506-507 U. S. NATIONAL BANK BUILDING

IN THE COURT OF QUARTER SESSIONS OF THE COUNTY OF CAMBRIA

IN RE: PETITION OF THE INHABI- :
TANTS OF THE TOWNSHIP OF CONEMAUGH, : No. 1 September Sessions, 1932.
COUNTY OF CAMBRIA AND STATE OF :
PENNSYLVANIA :

NOW, the 16th day of September, 1932, comes Township of Conemaugh,
By WEIMER & BENNETT, Esqs., its attorneys, and files the following exceptions
to the Report of the Viewers:

FIRST - The petition does not state a definite point of
beginning by giving exact distance from intersecting road,
street or railroad already opened, as provided by Act of
April 23, 1909, P. L. 142.

SECOND - The petition does not state a definite point of
ending by giving the exact distance from intersecting road,
street or railroad already opened, as provided by Act of
April 23, 1909, P. L. 142.

Weimer Bennett
Attorneys for Township of
Conemaugh -

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

IN RE: PETITION OF THE INHABI-
TANTS OF THE TOWNSHIP OF
CONEMAUGH, COUNTY OF CAMBRIA
AND STATE OF PENNSYLVANIA

EXCEPTIONS TO REPORT
OF
VIEWERS

Filed: Sept. 19, 1932

WEIMER & BENNETT
~~XXXXXXXXXXXX~~
ATTORNEY AT LAW
JOHNSTOWN, PA.

I hereby accept service of a copy of the within

Exceptions.

Sept. 17th, 1932.

James J. Weimer and Bennett
Attorneys for Petitioners -

IN RE PETITION OF THE IN-
HABITANTS OF CONEMAUGH TOWNSHIP
FOR PUBLIC ROAD

IN THE COURT OF QUARTER SESSIONS OF CAL-
CRIA COUNTY, PENNSYLVANIA.
No. 1 June Sessions, 1932.

OPINION OF THE COURT

Heard before McKenrick, J. and Greer, J.

GREER, J.:

A petition was presented by certain inhabitants of the Township of Conemaugh for a public road in the said township beginning at the intersection of West Third Street and the Western boundary line of Griffith ^{Avenue} Street, a township road, and ending at the intersection of West Third Street and the Eastern boundary line of First Avenue West, all of which streets are laid out on the plan of Franklin Extended as recorded in the office of the Recorder of Deeds of Cambria County in Miscellaneous Record Book Vol. 10 page 481, and further averring that the said West Third Street and First Avenue West are unopened streets.

Exceptions were filed to the report of Viewers setting forth failure to comply with the provisions of the Act of April 23, 1909, P. L. 142, on the part of the Township of Conemaugh.

A reference to the plan filed of a portion of the said plan of Franklin Extended reveals that only one terminus of the proposed road is on a public highway, the other terminus being on a dedicated street as yet unopened. It would therefore be impossible to comply literally with the provisions of the Act of 1909, the purpose of which is to enable the Department of Highways to locate accurately all new public highways. Had the Viewers returned the complete map of Franklin Extended it would have shown the junction of Griffith Avenue with another highway in the said township, as will be seen by reference to the said recorded plan.

Therefore the report of Viewers is remanded for the purpose of having the map enlarged to include the point of intersection of Griffith Avenue and another intersection highway, this 30th day of December, A. D. 1932.

BY THE COURT,

Charles Greer

EXCEPTION

To all of which counsel for exceptants excepts and prays that an exception be noted and bill sealed, all of which is, the day and year aforesaid, accordingly done.

CHARLES C. GREER, J. (SEAL)

IN THE COURT OF QUARTER SESSIONS
OF CALDERIA COUNTY, PENNSA
No. 1 June Sossions, 1932.

IN RE PARTITION OF THE IN-
HERITMENTS OF CONEYBURY TOWNSHIP FOR PUBLIC ROAD.

OINION OF THE COURT

Filed: Dec. 30, 1932