

R E P O R T O F V I E W E R S .

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

We, the undersigned members of the Permanent Board of Viewers of Cambria County, appointed by your honorable Court and in the attached order directed to view and determine as to the expediency of vacating a certain piece of public road extending from the Borough line of the Borough of Gallitzin, through Gallitzin Township and into Cresson Township to a point near the Cemetery, approximately fifteen hundred feet from the juncture of the road from Gallitzin to the Summit, of which the road proposed to be vacated is a part, with the Pittsburgh - Philadelphia Turnpike at the Summit, in Cresson Township; 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, and having them accept service of a notice hereto attached, and to the Supervisors of the townships of Gallitzin and Cresson by mailing notices to each, and to the traveling public by posting ten printed hand bills in public and conspicuous places at and near the termini and along the route of the piece of road described in said order; and having been each duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability:

All of us met at the time and place appointed, in accord with the notices served and posted as aforesaid, and having gone over and carefully viewed the premises, noting the alignment and grade of the same and the territory through and over which it passes and the fact that there is no one living along the section of road and that it is not generally used by the public and from all indications and evidence is used only by a few persons who chance to be employed at the Taylor and McCoy mines and live near the Summit who go back and forth over this piece of road so far as the mines.

The section of road is not kept in repair for general traffic

and is in very poor condition for vehicular traffic of any kind and the several hills along the course of the same are comparatively long and steep.

Accordingly we are all of the opinion that the piece of road designated in the attached order and shown on the plot or draft hereto attached and made a part of this report should not be maintained as a public road and continue to be a burden to the taxpayers of the townships or left in a dangerous condition for public traffic so long as it is not necessary for the accomodation of the public, who already have another and much better road by which they can and gennerally do travel between the points of beginning and ending, viz the hard surfaced road or State Highways.

Therefore we recommend that the road designated on said attached order be vacated; thus relieving the townships of the responsibility for the upkeep and also for the expense of repairs and maintenance: However we suggest that in our opinion the road should be left open as a private road for the accomodation of those who desire to use the same for their own convenience and at their own risk.

The above mentioned road, as indicated on the attached draft, takes the following courses and distances, viz: Beginning at the line dividing the Borough of Gallitzin from Gallitzin Township at the southerly end of Main Street of said borough, and extending thence through Gal'itzin Township and into Cresson Township, as follows, south 14° 05' west 129 feet, south 25° 15' east 151 feet, south 12° west 75 feet, south 40° 30' west 140 feet, south 6° west 68 feet, south 30° east 311 feet, south 34° east 266 feet, south 27° 30' east 277 feet, south 4° 45' west 342 feet, south 71° 30' west 239 feet, south 80° west 339 feet, south 72° 30' west 361 feet, south 32° west 482 feet, south 33° west 349 feet, south 52° 30' west 233 feet, south 72° 15' west 466 feet, south 53° west 198 feet, south 9° 30' west 524 feet, south 37° west 232 feet, south 32° west 330 feet, south 73° 45' west 130 feet, south 82° 45' east 362 feet, south 78° 15' west 412 feet, south 41° west 197 feet, south 23° 30' west 148 feet, and south 63° 30' west 400 feet

to the northerly end of the old Union Cemetery, and point of ending approximately fifteen hundred feet northward along said road from the Pittsburgh - Philadelphia Turnpike, at the Summit.

Witness our hands this day of April, A. D., 1930.

A. M. Shoemaker

J. D. Ritter

Adam Shuman

Viewers.

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 as to the propriety of vacating a certain piece of public road extending from the Gallitzin Borough line, through Gallitzin Township, to a point approximately feet from the juncture of said piece of road proposed to be vacated with the Pittsburgh - Philadelphia Turnpike, ^{near the cemetery} at the Summit in Cresson Township, all in said county and state; will meet at the southerly termini of the piece of road proposed to be vacated, in Cresson Township, near the Summit, on the ^{15th} day of *April* A. D., 1930, at 9:30 O'clock a.m., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

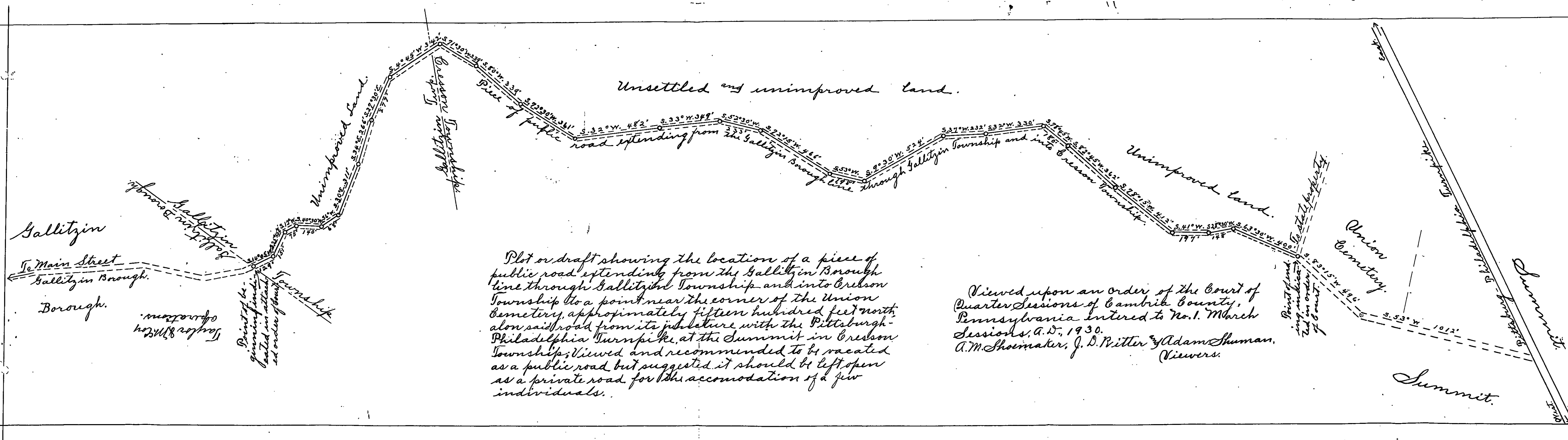
J. D. Ritter and

Adam Shuman,

Viewers.

Now, ^{*Apr 3*} ~~March~~ 1930, service of the above notice is hereby accepted for the Commissioners of Cambria County, Pennsylvania.

George E. Kerby
Comm



Plot or draft showing the location of a piece of public road extending from the Gallitzin Borough line through Gallitzin Township and into Cresson Township to a point near the corner of the Union Cemetery, approximately fifteen hundred feet north along said road from its juncture with the Pittsburgh-Philadelphia Turnpike, at the Summit in Cresson Township; Viewed and recommended to be vacated as a public road but suggested it should be left open as a private road for the accomodation of a few individuals.

Viewed upon an order of the Court of Quarter Sessions of Cambria County, Pennsylvania entered to No. 1. March Sessions, A.D. 1930.
A.M. Shoemaker, J.D. Ritter & Adam Shuman,
Viewers.

Point of beginning indicated in order of Court.

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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 as to the propriety of vacating a certain piece of public road extending from the Gallitzin Borough line, through Gallitzin Township, to a point approximately _____ feet from the juncture of said piece of road proposed to be vacated with the Pittsburgh - Philadelphia Turnpike, at the Summit in Cresson Township, all in said county and state; will meet at the southerly termini of the piece of road proposed to be vacated, in Cresson Township, near the Summit, on the 14th day of April A. D., 1930, at 9:30 O'clock a.m., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

J. D. Ritter and _____

Adam Shuman,

Viewers.

Now, March 20th 1930, service of the above notice is hereby accepted by the undersigned Supervisors of the Township of Gallitzin Cambria County, Pa.

Warren Delozier

Supervisors.

Costs of View

To A. M. Shoemaker

Preparing notices of view \$12.00

Serving notices of view, ^{and}
notifying viewers and
posting notices of view 12.00

Stenographer and stationery 3.25

Day on view 12.00

56 miles (two trips) 5.60

Survey, plotting, drafting, ^{\$132.50}
help + transportation ^{\$5.80} 144.30

Consultations with viewers 6.00

Preparing ~~survey~~ having
signed assembling & fil-
ing report of viewers 2 da 24.00

Stenographer & stationery 2.50

J. D. Ritter

Day on view 12.00

Day for consultations 12.00

92 miles (two trips) 9.20

\$33.20

Adam Shuman

Day on view 12.00

Day consultations &

going on view 2 out time 12.00

104 miles @ 10¢ per mi. 10.40

\$34.40

CERTIFICATE
J. D. Ritter
Adam Shuman
J. D. Ritter
McCowley
Boonmough

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 2nd day of April A. D. 1930, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Cresson & Gallitzin, in the said County, setting forth that ~~they have~~

~~vacated for local use~~ ~~road on highway on road from~~

a certain road has long since been laid out from the Borough of Gallitzin to the Pittsburgh and Philadelphia Turnpike, at the Summit, passing through the townships of Gallitzin and Cresson, in said county and state. That since the construction of the new improved state highway between Gallitzin and Cresson the above referred to public road has fallen into disuse and has become useless, inconvenient and burdensome to the tax payers of the said townships of Cresson and Gallitzin; Therefore your petitioners respectfully pray and determine the expediency of vacating the portion of the above referred to public road which extends from the Borough line of the Borough of Gallitzin, in a southerly direction; through the townships of Gallitzin and Cresson, to a point at or near the cemetery, along said road, at approximately feet northward from the juncture of said road with the said Pittsburgh Philadelphia Turnpike, at the Summit, in Cresson Township; and that they be directed to report of the next term of said court.

1500

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

A. M. Shoemaker

surveyor, and

Adam Shuman and J. D. Ritter

viewers, to ^{vacation} view the ground proposed for said ~~road~~, and if they ^{vacation} view the same, and shall agree that there is occasion for such ~~road~~, they shall proceed to ^{vacate} ~~lay out~~ the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

Frank L. Roth, 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, March SESSIONS, 19230

Order to view ~~and vacate public~~
~~road in Townships of Cresson~~
~~and Gallitzin~~

and
Report of Viewers

Filed 16 April 1920

CERTIFIED

James F. Brown

Clerk of Court

A. M. Shoemaker

J. D. Ritter

Adam Shuman

Viewers

Clerk 90 cts.

2 June 1930 Appraised

By the Court

8. Sept. 1930 Appraised absolutely

March 2, 1931
Book

Petition for the Vacation of a Public Road in Cresson and
Gallitzin Townships, Cambria County, Pennsylvania.

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

The Petition of the undersigned citizens and property owners of
the townships of Cresson and Gallitzin, respectfully represent:

That a certain public road has long since been laid out from
the Borough of Gallitzin to the Pittsburgh and Philadelphia Turnpike,
at the Summit, passing through the townships of Gallitzin and Cresson,
in said county and state.

That since the construction of the new improved state highway
between Gallitzin and Cresson the above referred to public road has
fallen into disuse and has become useless, inconvenient and burden-
some to the tax payers of the said townships of Cresson and Gallitzin;

Therefore your petitioners respectfully pray your honorable Court
to appoint viewers, according to law, to view and determine ^{the} expediency
of vacating the portion of the above referred to public road which
extends from the Borough line of the Borough of Gallitzin, in a south-
erly direction; through the townships of Gallitzin and Cresson; to a
point at or near the cemetery, along said road, at approximately
feet northward from the juncture of said road with the said Pittsburgh
Philadelphia Turnpike, at the Summit, in Cresson Township; and that
they be directed to report to the next term of said court according to
the Act of the General Assembly in such cases made and provided.

And they will ever pray, etc.

<u>Wm. T. Robbins</u> ^{Gallitzin} <u>Twp.</u>	<u>James E. Holmberg</u> ^{Gallitzin} <u>Twp.</u>
<u>W. F. Robbins</u> ^{Gallitzin} <u>Twp.</u>	<u>Geo. Wallace Gallitzin</u> ^{Gallitzin} <u>Twp.</u>
<u>B. W. Delozier</u> ^{Cresson} <u>Twp.</u>	<u>Wm. Ventoria</u> ["] <u>"</u>
<u>R. A. Luther</u> ^{Gallitzin} <u>Twp.</u>	<u>Mrs. G. Ventoria</u> ["] <u>"</u>
<u>J. W. Delozier</u> ^{Gallitzin} <u>Twp.</u>	<u>M. J. Cuppelo Jr.</u> ^{Cresson} <u>Twp.</u>
<u>Mrs. Jas E. Holmberg</u> ^{Gallitzin} <u>Twp.</u>	<u>Thomas A. Bonwag</u> ["] <u>"</u>

J. C. Shultz Gallitzin
Mrs. Matilda Delozier Gallitzin
Sarah Mon Delozier Gallitzin
James Litzinger Gallitzin

State of Pennsylvania
County of Cambria. SS.

Before me, the subscriber, a Notary Public in and for said county and state, personally came one of the petitioners for the vacation of said piece of public road above described, who being by me duly sworn according to law deposes and says that the matters set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Petitioner:
sign here.

J. W. Delozier

Sworn and subscribed to before me this 29 day of March, A. D., 1930.

Charles McKechnie

Corrected for the first time
Filed in January 1931

DECREE OF THE COURT

Now, March 1930, the within petition read and considered and the Court does hereby appoint _____ surveyor, and _____ and _____ viewers, to view and determine as to the propriety of vacating the within described piece of public road, beginning where the borough line separates the Borough of Gallitzin from Gallitzin Township, at the south end of Main Street of said borough and extending in a southerly direction to a point at or near the cemetery, approximately

feet from the juncture of said Gallitzin - Summit road with the Pittsburgh - Philadelphia Turnpike at the Summit; said piece of road extending through Gallitzin and Cresson Townships; and if they shall view and find said piece of road to have become useless, inconvenient and burdensome, that they shall proceed according to law to vacate same and return a plot or draft together with a report of their proceedings to the next Court of Quarter Sessions as by the Act of Assembly in such cases made and provided.

N O T I C E .

Notice of the presentation of the foregoing petition is hereby accepted for the Commissioners of Cambria County, Pennsylvania.

George E. Kertay
Clerk

N O T I C E .

Now, March 1930, service of notice that a petition will
be presented *on or before Monday Mar., 1930.* to the Court of Quarter Sessions of Cambria County,
Pa. asking for the appointment of viewers to view and vacate a
certain piece of public road which leads from the Borough line of
Gallitzin Borough, through Gallitzin Township and to a point at or
near the cemetery, on the Gallitzin - Summit road, feet from
the juncture of said road with the Pittsburgh - Philadelphia Turn-
pike, in Cresson Township; is hereby accepted by the undersigned
Supervisors.

Supervisors.

160. 1 March Sessions 1930
In The Court of Quarter
Sessions of Cambria County,
Pennsylvania.

Petition of Citizens of the
Townships of Cresson and
Gallitzin for the vacation
of a Piece of Public Road
in Said Townships, Cambria
County, Pennsylvania.

Filed 3 April 1930

Nov. 22 - 1930
Petitioners and counsel
and Am Shuman
Frank Shuman and
J. S. Butler are appointed
viewers to view and
report according to
law. By the Court
McKensie

ALBERT L. O'CONNOR
ATTORNEY-AT-LAW
TRUST COMPANY BUILDING
EBENSBURG, PENNA.