

CATHERINE C. STOLTZ : IN THE COURT OF QUARTER SESSIONS OF
: CAMBRIA COUNTY, PENNSYLVANIA.
-VS- :
: COUNTY OF CAMBRIA : NO. _____ SEPTEMBER SESSIONS, 1931.

PETITION FOR THE APPOINTMENT OF VIEWERS TO
ASSESS DAMAGES.

TO THE HONORABLE THE JUDGES OF SAID COURT:

The petition of CATHERINE C. STOLTZ respectfully represents:

1.- That she is the owner of certain lots or piece of ground situate in the Borough of Ashville, County of Cambria and State of Pennsylvania, fronting one hundred and sixty-eight (168) feet on the East side of Market Street, and extending back, between parallel lines, one hundred and ten (110) feet to Cherry Alley.

2.- That your petitioner had been the owner of said lots or piece of ground prior to the time when the same was damaged, as hereinafter complained of, and when a part thereof was taken, injured and destroyed.

3.- That prior to and at all times subsequent to the acquisition of said land by your petitioner there had been laid out, and in use for public travel, a highway known as Market Street, which forms a part of State Highway Route No. 234, running in a North-easterly direction along the land of your petitioner for a distance of one hundred and sixty-eight (168) feet.

4.- That sometime in the year 1930 the Department of Highways of Pennsylvania, by virtue of the powers and authority vested in it, re-located, re-built and widened said public highway, known as State Highway Route No. 234, along the land of your petitioner.

5.- That in re-locating and re-building said highway said Highway Department took and appropriated for highway purposes a part of your petitioner's land, fronting on said Market Street or Route No. 234.

6.- That in laying out and constructing said road said Highway Department encroached on said land within approximately five (5) feet of the porch of the residence thereon erected, and lowered the former level of the street so that the level of the improved highway is now at some points as much as twelve (12) feet below the present level of the ground in front of said residence.

7.- That in making said improvements and excavations your petitioner was cut off from access to her house from said Market Street, leaving the only means of ingress and egress up or down over the side of said excavation or cut.

8.- That said cut has been made so close to the residence of your petitioner, located on said piece of ground, that unless a retaining wall or some other method is used the natural settling of the side of the cut will undermine the front side of said residence.

9.- That prior to said improvement your petitioner had constructed a sewer line in connection with the use of her property, and during the construction of the improvement the same was torn up by steam shovels, and your petitioner was required to re-locate and re-build the same.

10.- That the property of your petitioner was further damaged in connection with said improvement by the said Highway Department entering upon said premises and digging ditches to handle surface water, which resulted in a large quantity of water, which naturally would not have reached said premises, being discharged upon the same.

11.- That said improvement has been entirely completed.

12.- That your petitioner will at all times be deprived of the ownership of the land appropriated, as aforesaid, and will also be greatly inconvenienced in the use of the dwelling house erected upon the remaining portion of said land.

13.- That your petitioner, by reason of the facts averred

in this petition, and by reason of other items of damages not here in set forth in detail, has sustained damages, and that the said damages are payable and owing to her by the said defendant, County of Cambria, pursuant to law.

14.- That your petitioner and the Commissioners of Cambria County can neither agree upon the amount of damages sustained, nor are they able to arrive at an amicable settlement therefor.

WHEREFORE, your petitioner prays the Court to appoint Viewers to examine the said land and premises, as well as the land appropriated and taken, injured and destroyed, and make report of their proceedings according to law.

And she will ever pray, &c.

C.C. Catherine C. Stoltz

STATE OF PENNSYLVANIA :
 : SS:
COUNTY OF CAMBRIA :

Before me, the subscriber, a Justice of the Peace in and for said County and State, personally came the above named CATHERINE C. STOLTZ, who being duly sworn according to law doth depose and say that the matters set forth in the above and foregoing petition are true and correct, as she verily believes.

C.C. Catherine C. Stoltz

Sworn and subscribed before me

this 12 day of October,

A.D., 1931.

John Lawley Jr
Justice of the Peace.
My commission expires 11-1-31

DECREE.

AND NOW, 19th October, A. D., 1931, the within petition presented, read and considered, and ~~the~~ Court ~~do~~ thereupon appoint Am. Hoemaker Esq and Philip E. Colwell and J. D. Ritter, members of the Permanent Board of Viewers of the County of Cambria, as Viewers to view and examine the premises in said petition described, for the purpose of ascertaining the damages, if any, sustained by the petitioner, and make return of their proceedings according to law.

By the Court
McKenrick

No. 4 Sept. Sess., 1931.
In the Court of Quarter Ses-
sions of Cambria County,
Pennsylvania.

CATHERINE C. STOLTZ

-vs-

COUNTY OF CAMBRIA.

PETITION FOR THE APPOINTMENT
OF VIEWERS TO ASSESS DAM-
AGES.

Filed 19 October 1931.

LAW OFFICES
EVANS & EVANS
EBENSBURG, PA.

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, Pa., appointed by your honorable Court upon the attached order and therein directed to view and determine the damages, if any, sustained by Catherine C. Stoltz by reason of the laying out and constructing of State Highway Route No. 234 along and over her premises, situate in the Borough of Ashville, said county and state; respectfully report:

That having given due and legal notice of the view and of the time and place of meeting of the viewers, to the Commissioners of Cambria County and to Catherine C. Stoltz and having them accept service thereof, and to the general public by printed hand bills posted, ten days prior to the day of the view, in public and conspicuous places on and near the said premises and along the public highway, Route No. 234, where same passes along and over the said premises of Catherine C. Stoltz, in the Borough of Ashville, Cambria County, Pa., and each having been first duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment, and true report to make concerning all matters and things submitted to us in relation to which we were authorized to inquire.

All of us met upon the premises, in the Borough of Ashville, in accord with the notices given and served as aforesaid, and having gone over and carefully viewed same and examined the said property to determine the manner and, as nearly as possible, the extent to which the same was damaged and then retired into the house of the said Catherine C. Stoltz where, in the presence of the attorney for the said Catherine C. Stoltz and the solicitor for the Commissioners of the County of Cambria were present, when and where the parties interested had an opportunity to be heard.

Later, after having carefully considered the testimony and

estimated the advantages and disadvantages and off setting one against the other, we prepared a schedule of benefits and damages and having given due notice to the parties interested of the time and place of sitting to exhibit same, when and where they might appear and offer any further testimony, if any they had, or make such objections to the amount of damages or benefits as they should think proper; we sat to exhibit same at the Court House, Ebensburg, Pa. Dec. 7th., 1931, at which time and place neither of the parties nor their attorneys appeared.

Said schedule showed the damages, as estimated by the viewers, to be the sum of three thousand (\$3000.00) dollars and the benefits one hundred fifty (\$150.00.) dollars, and offsetting one against the other we estimated that the said Catherine C. Stoltz should be paid, by the County of Cambria, the sum of Twenty Eight Hundred Fifty (\$2850.00) Dollars.

A plot or sketch showing the location of the premises of the said Catherine C. Stoltz, with relation to the State Highway Route No. 234., showing also the location of the house erected thereon and indicating the interruption of the access thereto by a deep cut in front of the property and in such close proximity thereto that, if said highway is graded to the right-of-way line, the foundation of the property will in all probability slip and allow the house to topple into the highway unless protected by a high and very substantial retaining wall-estimated to cost approximately \$2150.00, or over. Access to the house is made so difficult that same cannot be used by the owner to the same advantage and for the same purpose as it previously had been used, viz, for serving meals to parties boarding and mealing roomers &c. Access to the garage on the premises has been made so awkward that same cannot be rented to same advantage as previously; and the owner has been otherwise damaged and inconvenienced.

Notice of the filing of this report has been given to the parties interested and unless an appeal be taken therefrom or exceptions filed to said report within thirty days from the date of filing same, this report shall be confirmed absolutely.

Witness our hands this

day of December, A. D., 1931.

Philip C. Campbell

J. D. Ritten

A. M. Shoemaker

Viewers.

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., and directed to view and determine as to the damages, if any, sustained by Catherine C. Stoltz of Ashville, Pa. by reason of the re-locating, re-building and widening of State Highway Route No. 234, along and over her premises, situate in the Borough of Ashville, Cambria Co., Pa., and fronting 168 feet on Market Street; now part of State Highway Route No. 234; and extending back between parallel lines a distance of 110 feet to Cherry Alley;

Said viewers appointed as aforesaid, will meet upon the premises in the Borough of Ashville, Cambria Co., Pa., on Tuesday December 1st., 1931, at 9:30 a. m., for the purpose of viewing said premises and hearing such testimony as the parties in interest may have to offer relative to the matter of our enquiry.

Philip E. Caulfield,

J. D. Ritter and

A. M. Shoemaker,

Viewers.

Service of the above notice is hereby accepted for the Commissioners of Cambria County, Penna.



Clerk.

NOTICE OF VIEW.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., and directed to view and determine the damage, if any, sustained by Catherine C. Stoltz of Ashville, Pa. by reason of the re-locating, re-building and widening of State Highway Route No. 234, along and over her premises, situate in the Borough of Ashville, Cambria Co., Pa. and fronting 168 feet on Market Street; now State Highway Route No. 234; and extending back between parallel lines a distance of 110 feet to Cherry Alley:

Said Viewers appointed as aforesaid, will meet upon the premises in the Borough of Ashville, Cambria County, Pa., on Tuesday December 1st., 1931, at 9:30 a. m., for the purpose of viewing the premises and hearing such testimony as the parties in interest may have to offer relative to the matter of our enquiry.

Philip E. Caulfield,

J. D. Ritter and

A. M. Shoemaker,

Viewers.

Service of the above notice is hereby accepted by the undersigned petitioner.

Catherine C. Stoltz

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., and directed to view and determine the damages, if any, sustained by Catherine C. Stoltz of Ashville, Pa., by reason of the re-locating, and widening and re-building of State Highway Route No. 234 along and over her premises, situate in the Borough of Ashville, Cambria County, Pa. and fronting 168 feet on Market Street; now State Highway Route No. 234; and extending back between parallel lines 110 feet to Cherry Alley: Said viewers appointed as aforesaid will meet upon the premises, in the Borough of Ashville aforesaid, on Tuesday December 1st., 1931, ^{9:30 a.m.} for the purpose of viewing same and hearing such testimony as the parties in interest may have to offer.

A. H. Shoemaker,
J. D. Ritter and
Phillip E. Caulfield,
Viewers.

N O T I C E.

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 Catherine C. Stoltz by reason of the laying out and constructing of State Highway Route No. 234, through and over her property in the Borough of Ashville, said county and state; having viewed the premises, heard and considered the testimony offered and estimated and determined the benefits and damages resulting to the said Catherine C. Stoltz, the Petitioner, and prepared a schedule of benefits and damages; we will sit at the Court House, in Ebensburg, Pa. December 7th., 1931, at 10:00 o'clock a. m., for the purpose of exhibiting said schedule of benefits and damages and hearing any further testimony the parties in interest may have to offer.

Philip E. Caulfield,

J. D. Ritter and

A. M. Shoemaker,

Commissioners.

Service of the above notice is hereby accepted for the Commissioners of Cambria County, Pa.

W. F. Don
clerk

N O T I C E.

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 Catherine C. Stoltz by reason of the laying out and constructing of State Highway Route No. 234, through and over her property in the Borough of Ashville, said county and state; having viewed the premises, heard and considered the testimony offered and estimated and determined the benefits and damages resulting to the said Catherine C. Stoltz, the Petitioner, and prepared a schedule of benefits and damages; we will sit at the Court House, in Ebensburg, Pa. December 7th., 1931, at 10:00 o'clock a. m., for the purpose of exhibiting said schedule of benefits and damages and hearing any further testimony the parties in interest may have to offer.

Philip E. Caulfield,

J. D. Ritter and

A. M. Shoemaker,

Commissioners.

Service of the above notice is hereby accepted for Catherine C. Stoltz

Ernest Ernie

Attorney for Catherine C. Stoltz

SCHEDULE .

We, the undersigned viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, sustained by Catherine C. Stoltz, by reason of the laying out and constructing of State Highway Route No. 234, through and over her property, in the Borough of Ashville, said county and state, having viewed the premises, heard and considered the testimony offered by the parties in interest and estimated the damages and benefits resulting to the said Catherine C. Stoltz by reason of the taking and appropriating, aforesaid, have concluded that the said Catherine C. Stoltz has been benefitted by reason of the construction of the said new highway in the sum of One Hundred Fifty (\$150.00) Dollars, and has sustained damages in the sum of Three Thousand (\$3000.00) Dollars, and offsetting the benefits against the damages that the said Catherine C. Stoltz should receive, from the County of Cambria, the sum of Twenty Eight Hundred Fifty (\$2850.00) Dollars.

Philip E. Caulfield,
J. D. Ritter and
A. M. Shoemaker,
Commissioners.

Costs of View

A. M. Shoemaker

Preparing, serving, & posting notices of view and notifying viewers	18 ⁰⁰
30 miles @ 10¢ per mi	3 ⁰⁰
Stenographer & stationery	2 ⁷⁵
View and hearing testimony	12 ⁰⁰
30 miles @ 10 cts per mile	3 ⁰⁰
Preparing notices of exhibition of schedule, preparing schedules & serving same	9 ⁰⁰
Consultation & exhibition of schedule	9 ⁰⁰
Making, survey, plotting drafting helpers & transportation	29 ⁰⁰
Preparing, having signed assembling & filing report for viewers & notifying parties of filing same	18 ⁰⁰
Stenographer & stationery	2 ⁰⁰
Deduct \$20 ⁰⁰ from item \$29 ⁰⁰	\$106 ³⁵
	20 ⁰⁰
	\$86 ³⁵

J. D. Ritter

View and Hearing	12 ⁰⁰
64 miles @ 10¢	6 ⁴⁰
Consultation & exhibition of schedule	9 ⁰⁰
34 miles	3 ⁴⁰
	\$30 ⁸⁰

Philip E. Caulfield

View & hearing	12 ⁰⁰
66 miles	6 ⁶⁰
Exhibition of schedule & consultation	9 ⁰⁰
36 miles	3 ⁶⁰
	\$31 ²⁰

APPROVED FOR FILING

COMMISSIONER

J. D. Ritter

Philip E. Caulfield

State of Pennsylvania

SS.

County of Cambria

Before me, James McClune, Deputy Controller, personally came A. M. Shoemaker, one of the viewers named on the attached order of Court, who being duly sworn according to law deposes and says that the items contained in the attached bill relative to time of employment, milage, stenographer stationery postage &c. are true and correct and the expense of auto hire help stenographer, stationery, help &c. paid and settled as he varily believes.

A. M. Shoemaker

Sworn and subscribed to this 18th.

day of December, A..D., 1931.

James McClune

Deputy Controller.

CATHERINE C. STOLTZ

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

COUNTY OF CAMBRIA

NO. 14 SEPTEMBER SESSIONS, 1931

PETITION FOR THE APPOINTMENT OF VIEWERS, TO
ASSESS DAMAGES.

TO THE HONORABLE THE JUDGES OF SAID COURT:

The petition of CATHERINE C. STOLTZ respectfully represents:

1.- That she is the owner of certain lots or piece of ground situate in the Borough of Ashville, County of Cambria and State of Pennsylvania, fronting one hundred and sixty-eight (168) feet on the East side of Market Street, and extending back, between parallel lines, one hundred and ten (110) feet to Cherry Alley.

2.- That your petitioner had been the owner of said lots or piece of ground prior to the time when the same was damaged, as hereinafter complained of, and when a part thereof was taken, injured and destroyed.

3.- That prior to and at all times subsequent to the acquisition of said land by your petitioner there had been laid out, and in use for public travel, a highway known as Market Street, which forms a part of State Highway Route No. 234, running in a North-easterly direction along the land of your petitioner for a distance of one hundred and sixty-eight (168) feet.

4.- That sometime in the year 1930 the Department of Highways of Pennsylvania, by virtue of the powers and authority vested in it, re-located, re-built and widened said public highway, known as State Highway Route No. 234, along the land of your petitioner.

5.- That in re-locating and re-building said highway said Highway Department took and appropriated for highway purposes a part of your petitioner's land, fronting on said Market Street or Route No. 234.

6.- That in laying out and constructing said road said Highway Department encroached on said land within approximately five (5) feet of the porch of the residence thereon erected, and lowered the former level of the street so that the level of the improved highway is now at some points as much as twelve (12) feet below the present level of the ground in front of said residence.

7.- That in making said improvements and excavations your petitioner was cut off from access to her house from said Market Street, leaving the only means of ingress and egress up or down over the side of said excavation or cut.

8.- That said cut has been made so close to the residence of your petitioner, located on said piece of ground, that unless a retaining wall or some other method is used the natural settling of the side of the cut will undermine the front side of said residence.

9.- That prior to said improvement your petitioner had constructed a sewer line in connection with the use of her property, and during the construction of the improvement the same was torn up by steam shovels, and your petitioner was required to re-locate and re-build the same.

10.- That the property of your petitioner was further damaged in connection with said improvement by the said Highway Department entering upon said premises and digging ditches to handle surface water, which resulted in a large quantity of water, which naturally would not have reached said premises, being discharged upon the same.

11.- That said improvement has been entirely completed.

12.- That your petitioner will at all times be deprived of the ownership of the land appropriated, as aforesaid, and will also be greatly inconvenienced in the use of the dwelling house erected upon the remaining portion of said land.

13.- That your petitioner, by reason of the facts averred

in this petition, and by reason of other items of damages not here in set forth in detail, has sustained damages, and that the said damages are payable and owing to her by the said defendant, County of Cambria, pursuant to law.

14.- That your petitioner and the Commissioners of Cambria County can neither agree upon the amount of damages sustained, nor are they able to arrive at an amicable settlement therefor.

WHEREFORE, your petitioner prays the Court to appoint Viewers to examine the said land and premises, as well as the land appropriated and taken, injured and destroyed, and make report of their proceedings according to law.

And she will ever pray, &c.

Catherine C. Stoltz

STATE OF PENNSYLVANIA :
 : SS:
COUNTY OF CAMBRIA :

Before me, the subscriber, a Justice of the Peace in and for said County and State, personally came the above named CATHERINE C. STOLTZ, who being duly sworn according to law doth depose and say that the matters set forth in the above and foregoing petition are true and correct, as she verily believes.

Catherine C. Stoltz

Sworn and subscribed before me
this 12 day of October,
A.D., 1931.

(Seal)

John Leawley, J.P.
Justice of the Peace.
My commission expires 1st Mon. Jan'y 1934

DECREE.

AND NOW, 19th October, A. D., 1931, the within petition presented, read and considered, and the Court do thereupon appoint A. M. Shoemaker, Esq. and Philip E. Campbell and J. D. Patton, members of the Permanent Board of Viewers of the County of Cambria, as Viewers to view and examine the premises in said petition described, for the purpose of ascertaining the damages, if any, sustained by the petitioner, and make return of their proceedings according to law.

By the Court
McKinnick, J.

certified October 19, 1931

Frank C. Robt
clerk.

Mr. Feb. 23, 1932, this

Report approved by [Signature]

13 June 1932 Confirmed absolutely by M. [Signature] J.P.

No 4 Sept Sess. 1931.
In the Court of Quar-
ter Sessions of Camb-
ria County, Penn.

In re View to assess
damages, if any, to
Catherine C. Stoltz of
Ashville Cambria
County, Penn.

Order to View
and

Report of Viewers

Filed 18 December 1931

Ashville

Market Street

← To Altoona. Main Street

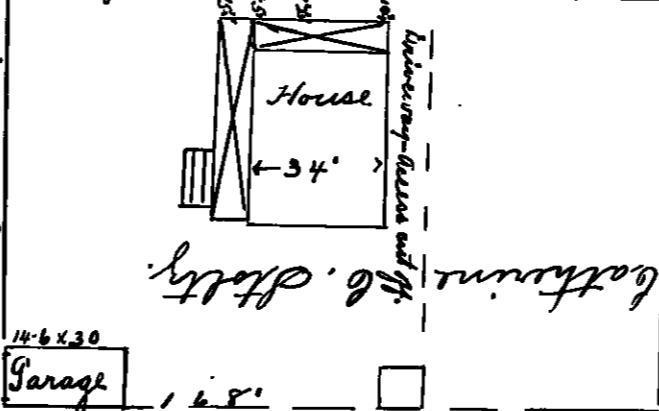
To Chest Springs. →

Borough

Right of way line west side of highway

State Highway Route No. 234. To Frugality. →

Top of cut - approximately 9 to 12.5' at old fence.



East side of right of way

Vacant lot.

Plot or sketch showing the location of property of Mrs. Catherine C. Stoltz, of Ashville Borough, Cambria County, Pa.; with reference to State Highway Route No. 234, as laid out and opened, through and over her premises & along what was formerly Market Street; and also the location of house, on said property, in front of which is a cut of approximately ten to twelve & one half feet.

Viewed upon an order of the Court of Quarter Sessions of Cambria Co., Pa., dated the 19th day of October, A. D. 1931. and entered to No. 4 Sept Sess. 1931.
A. M. Shoemaker, Philip E. Caulfield and J. D. Ritter,
Viewers.