

mcg
In re: vacating two public
roads and supplying a public
road in Adams Township.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 4, September Session, 1935

REPORT OF VIEWERS

To the Honorable, the Judges of the above mentioned Court, we the undersigned Viewers appointed by the attached order of the Court to view the roads within mentioned, respectfully report;

That we have been duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, as shown by the records of the Court; that having given due public notice of said view and of the time and place of meeting by posting notices as required by law along the route and at the termini of said proposed roads to be vacated and supplied and by service of such notice on the Commissioners of Cambria County and the Supervisors and Counsel of Adams Township, acceptance of said notices by the Commissioners, ^X Supervisors and Counsel being hereto attached; that we met in accordance with the notice given on the 7th day of November A. D. 1935 at 10:00 o'clock A. M. and proceeded with the duties of our appointment and viewed the sections of road proposed to be vacated and the premises and route of the proposed new road; that a number of residents residing in Adams Township and in the vicinity of the sections of road proposed to be vacated and supplied and the Supervisors and Solicitor of Adams Township were present and accompanied us on the view.

After hearing all evidence and taking into consideration all matters before us, we find that the opening, improving and maintaining of the two sections of public road proposed to be vacated will be burdensome and inconvenient to the taxpayers of Adams Township, therefore, we are of the opinion that these sections of public road should be vacated, described as follows:

(1) Beginning at a point in the new concrete road leading from South Fork to Johnstown and known as State Highway Route #53 at a distance of 4500.0 feet measured along the center line of said Frankstown Road in a southwesterly direction from the intersection of a brick road leading from the Frankstown Road to St. Michael; thence N. $22^{\circ} 07'$ W. 40.0 feet to a point of a curve to the right having a radius of 80.0 feet; thence by said curve an arc distance of 122.57 feet to a point of tangent; thence N. $65^{\circ} 40'$ E. 180 feet to a point of a curve to the left having a radius of 360 feet; thence by said curve an arc distance of 370.17 feet to a point of tangent; thence N. $6^{\circ} 45'$ E. 423.0 feet to a point in the center of the old Frankstown Road, the place of ending, said ending being at a distance of 4126.9 feet measured along the center line of the old Frankstown Road in an easterly direction from the intersection of the Viaduct Road at the Mt. Hope Evangelical Church and Cemetery.

(2) Beginning at a point in the old Frankstown Road at the intersection of the Viaduct Road at the Mt. Hope Evangelical Church and Cemetery; thence S. $5^{\circ} 39'$ W. 1462.2 feet to a point in the center of the new concrete road known as State Highway Route #53, the place of ending, said ending being at a distance of 2920.0 feet measured along the center line of said new concrete road known as State Highway Route #53 in an easterly direction from its intersection with the old Frankstown Road.

Said sections of road proposed to be vacated are colored green on the blue print hereto attached and made a part hereof.

That by reason of the vacating of the two sections of road above described, we are of the opinion that there is a necessity for the supplying of the public road as prayed for by the Petitioners, therefore, we proceeded to lay out said new road, having due respect for the shortest distance and the best ground for a road and in such a manner as would be as near as practicably agreeable to the desire of the Petitioners and at the same time

do the least injury to private property. Said road proposed to be supplied is described as follows: Beginning at a point in the old Frankstown Road at a distance of 2316.0 feet, measured along the center line of said old Frankstown Road in an easterly direction from the intersection of the Viaduct Road at the Mt. Hope Evangelical Church and Cemetery; thence S. 7° 14' W. 1106.0 feet; thence S. 37° 31' W. 680.0 feet to a point in the new concrete road known as State Highway Route #53, the place of ending, said ending being at a distance of 4905.0 feet measured along the center line of said new concrete road known as State Highway Route #53 in an easterly direction from its intersection with the old Frankstown Road.

Said section of road proposed to be supplied is colored in red on the blue print hereto attached and made a part hereof.

Said plot or draft attached hereto shows the improvements along said roads proposed to be vacated and supplied and the names of the abutting property owners. During the view we made an effort to secure a release of damages, being unable however to secure releases from the property owners, therefore, taking into consideration the damages sustained and the benefits derived by the vacation of said portion of public roads and the supplying of the new section of public road, improving and maintaining of said new road, we assess no benefits and no damages to any of the abutting property owners.

After carefully considering all matters before us, we are of the opinion that those sections of public road colored green on the blue print should be vacated and that section of proposed new road colored red on the blue print should be supplied as prayed for by the Petitioners.

Witness our hands this 20th day of November A. D. 1935.

S. E. Dickey
Dijon Tomb
James McEann
Viewers

In Re: Vacating two public
roads and supplying a public
road in Adams Township.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 4, September Session, 1935

To S. E. DICKEY, DIXON TOMB & JAMES McCANN Dr.

To S. E. DICKEY Dr.

Data on location, preparing, serving and posting notices of view, 1½ days	\$ 18.00	✓
Mileage, 16 miles @ 10 cts.	1.60	✓
Stenographer, stationery & postage	2.00	✓
Making View	12.00	✓
Mileage, 16 miles @ 10 cts.	1.60	✓
Preparing Plan	12.00	✓
Tracing cloth	1.00	✓
Preparing Report	12.00	✓
Blue prints	1.50	✓
Stenographer, taking dictation, writing report and stationery	4.00	✓
	\$ 65.70	

To DIXON TOMB Dr.

Making View	\$ 12.00	✓
Mileage, 16 miles @ 10 cts.	1.60	✓
	\$ 13.60	

To JAMES McCANN Dr.

Making View	\$ 12.00	
Mileage, 16 miles @ 10 cts.	1.60	
	\$ 13.60	

Total cost of View \$ 92.90

APPROVED FOR PAYMENT

[Handwritten signature]
J. H. Thompson
Clerk

In re: Vacation & Supply of
Roads in Adams Township,
Cambria County, Pa.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 4, September Session, 1935

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above Court
to view for the purpose of supplying a public road and vacating two
sections of public roads in Adams Township, Cambria County, Pa.,
described as follows:

Section to be supplied: Beginning at a point on the old
Frankstown Road, two thousand three hundred and four (2,304) feet
distant from the intersection of said Frankstown Road and a road
known as the Viaduct Road; thence from said point the place of
beginning, in a southeasterly direction approximately one thousand
seven hundred eighty-three and five-tenths (1,783.5) feet to the
place of ending, which is approximately five thousand three hundred
and fifty (5,350) feet distant from the intersection of the said
Frankstown Road known as State Highway Route #53 and a brick road
leading to the Village of St. Michael.

Sections to be vacated:

1. Beginning at a point in the new concrete road extend-
ing from South Fork to Johnstown and known as State Highway Route
#53, four thousand five hundred (4,500) feet measured along the
center line of said Frankstown Road in a southerly direction from
its intersection with the Brick Road leading from Frankstown Road
to St. Michael and ending in the old Frankstown Road at a point
four thousand one hundred twenty-six and nine-tenths (4,126.9)
feet measured in an easterly direction along the center line of
the old Frankstown Road from the intersection of the Viaduct Road
at the Mt. Hope Evangelical Church and Cemetery.

2. Beginning at a point in the old Frankstown Road at
the intersection of the Viaduct Road at the Mt. Hope Evangelical
Church and Cemetery and extending in a southerly direction one
thousand four hundred sixty-two (1,462) feet to the new concrete
road known as State Highway Route #53, said ending being in the
said Route #53, being in an easterly direction a distance of two
thousand nine hundred and twenty (2,920) feet measured along the
center line of said concrete road from its intersection with the
old Frankstown Road.

Will meet at the intersection of the Viaduct Road and
the old Frankstown Road at the Mt. Hope Evangelical Church and
Cemetery on the 7th day of November A. D. 1935 at 10:00 o'clock
A. M. for the purpose of performing the duties of our appointment,
at which time and place all interested persons may appear and be
heard.

C. D. TICKET
DORIS TINE
JAMES BECAKE
Viewers

In re: Vacation & Supply of
Roads in Adams Township,
Cambria County, Pa.,

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 4, September Session, 1935

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above Court to view for the purpose of supplying a public road and vacating two sections of public roads in Adams Township, Cambria County, Pa., described as follows:

Section to be supplied: Beginning at a point on the old Frankstown Road, two thousand three hundred and four (2,304) feet distant from the intersection of said Frankstown Road and a road known as the Viaduct Road; thence from said point the place of beginning, in a southwesterly direction approximately one thousand seven hundred eighty-three and five-tenths (1,783.5) feet the place of ending, which is approximately five thousand three hundred and fifty (5,350) feet distant from the intersection of the said Frankstown Road known as State Highway Route #53 and a brick road leading to the Village of St. Michael.

Sections to be vacated:

1. Beginning at a point in the new concrete road extending from South Fork to Johnstown and known as State Highway Route #53, four thousand five hundred (4,500) feet measured along the center line of said Frankstown Road in a southerly direction from its intersection with the Brick Road leading from Frankstown Road to St. Michael and ending in the old Frankstown Road at a point four thousand one hundred twenty-six and nine-tenths (4,126.9) feet measured in an easterly direction along the center line of the old Frankstown Road from the intersection of the Viaduct Road at the Mt. Hope Evangelical Church and Cemetery.

2. Beginning at a point in the old Frankstown Road at the intersection of the Viaduct Road at the Mt. Hope Evangelical Church and Cemetery and extending in a southerly direction one thousand four hundred sixty-two (1,462) feet to the new concrete road known as State Highway Route #53, said ending being in the said Route #53, being in an easterly direction a distance of two thousand nine hundred and twenty (2,920) feet measured along the center line of said concrete road from its intersection with the old Frankstown Road.

Will meet at the intersection of the Viaduct Road and the old Frankstown Road at the Mt. Hope Evangelical Church and Cemetery on the 7th day of November A. D. 1935 at 10:00 o'clock A.M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear and be heard.

S. E. DICKEY
DIXON TOMB
JAMES MCCANN
Viewers

Now this 30th day of October A. D. 1935
services of the above notice is hereby accepted by the Commissioners
of Cambria County, Penna.

H. J. Don
Chief Clerk

Oct. 25, 1935

In re: Vacation & Supply of
Roads in Adams Township,
Cambria County, Pa.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 4, September Session, 1935

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above Court to view for the purpose of supplying a public road and vacating two sections of public roads in Adams Township, Cambria County, Pa., described as follows:

Section to be supplied: Beginning at a point on the old Frankstown Road, two thousand three hundred and four (2,304) feet distant from the intersection of said Frankstown Road and a road known as the Viaduct Road; thence from said point the place of beginning, in a southwesterly direction approximately one thousand seven hundred eightythree and five-tenths (1,783.5) feet the place of ending, which is approximately five thousand three hundred and fifty (5,350) feet distant from the intersection of the said Frankstown Road known as State Highway Route #53 and a brick road leading to the Village of St. Michael.

Sections to be vacated:

1. Beginning at a point in the new concrete road extending from South Fork to Johnstown and known as State Highway Route #53, four thousand five hundred (4,500) feet measured along the center line of said Frankstown Road in a southerly direction from its intersection with the Brick Road leading from Frankstown Road to St. Michael and ending in the old Frankstown Road at a point four thousand one hundred twenty-six and nine-tenths (4,126.9) feet measured in an easterly direction along the center line of the old Frankstown Road from the intersection of the Viaduct Road at the Mt. Hope Evangelical Church and Cemetery.

2. Beginning at a point in the old Frankstown Road at the intersection of the Viaduct Road at the Mt. Hope Evangelical Church and Cemetery and extending in a southerly direction one thousand four hundred sixty-two (1,462) feet to the new concrete road known as State Highway Route #53, said ending being in the said Route #53, being in an easterly direction a distance of two thousand nine hundred and twenty (2,920) feet measured along the center line of said concrete road from its intersection with the old Frankstown Road.

Will meet at the intersection of the Viaduct Road and the old Frankstown Road at the Mt. Hope Evangelical Church and Cemetery on the 7th day of November A. D. 1935 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear and be heard.

S. E. DICKEY
DEXON TOMB
JAMES McCANN
Viewers

Now this 29 day of Oct A. D. 1935,
services of the above notice is hereby accepted by the Supervisors
of Adams Township, Cambria County, Pa.

Mathew Brown
Township Solicitor

J. E. Wingard
Frank Nagler
E. W. Wright
Supervisors

Oct. 25, 1935

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 21st day of October A. D. 1925, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Adams, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to lead from

Beginning, at a point on the old Frankstown Road, two thousand, three hundred and four (2,304) feet distant from the intersection of said Frankstown Road and a road known as the Viaduct Road; thence from said point the place of beginning, in a south westerly direction approximately one thousand, seven hundred, eighty-three and five tenths (1,783.5) feet to a point on the new Frankstown Road known as State Highway Route #53 which is a point of ending and is approximately five thousand, three hundred and fifty (5,350) feet distant from the intersection of the said Frankstown Road known as State Highway Route #53, and a brick road leading to the village of St. Michael.

The Petitioners further set forth;

(1) That a road, Beginning at the new concrete road extending from South Fork to Johnstown and known as State Highway Route #53, four thousand, five hundred (4,500) feet measured along the center line of said Frankstown Road in a southerly direction from its intersection with the Brick Road leading from Frankstown Road to St. Michael and ending in the old Frankstown Road at a point four thousand, one hundred, twenty six and nine tenths (4,126.9) feet measured in an easterly direction along the center line of the old Frankstown Road from the intersection of the Viaduct Road at the Mt. Hope Evangelical Church and Cemetery, // has become useless, inconvenient, and burdensome, and likewise;

(2) A Road, beginning at a point on the old Frankstown Road at the intersection of the Viaduct Road at the Mt. Hope Evangelical Church and Cemetery and extending in a southerly direction one thousand, four hundred, sixty-two (1,462) feet to the new concrete road known as State Highway Route #53, said ending being in the said Route #53 being in an easterly direction, a distance of two thousand nine hundred and twenty (2,920) feet measured along the center line of said concrete road from its intersection with the old Frankstown Road; likewise, these said two roads prayed for vacation are entered to record in the Clerk of Court of Quarter Sessions of Cambria County, Pennsylvania, to #5, December Sessions. 1928.

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

S.E. Dickey

surveyor, and

Dixon Tomb, and James McCann

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.

Greer. Judge.

Attest:

James M. Jones, 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. 4 September SESSIONS, 1935

Order to view and Vacating Two
Public Roads, and Supplying
A Public Highway in Adams
Township.

Filed - Nov 25 - 1935.

S.E. Dickey
Dixon Tomb
James. McCann.

Viewers

Clerk James. M. Jones 90 cts.

CERTIFICATE
Thos. J. Jones
COUNTY CONTROLLER

2 December 1935 Opposed and Resisted Fined at forty feet

2 Mar. 1936

By the Circuit Court of Adams County
Confirmed absolutely
for Jones
sent

IN RE VACATING TWO PUBLIC
ROADS, AND SUPPLYING A PUBLIC
HIGHWAY IN ADAMS TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS

NO.

Term 1935.

PETITION FOR THE APPOINTMENT
OF VIEWERS
TO
VACATE AND SUPPLY ROADS

The petition of J. E. Wingard, G. W. Wright, and Frank Naglic, respectively sets forth;

That they are the duly elected, qualified and acting Supervisors of the Township of Adams, Cambria County, Pennsylvania;

That your petitioners labor under great inconvenience for the want of a public road or highway;

BEGINNING, at a point on the old Frankstown Road, two thousand, three hundred and four (2,304) feet distant from intersection of said Frankstown Road and a road known as the Viaduct Road; thence from said point the place of beginning, in a south westerly direction approximately one thousand, seven hundred, eighty-three and five tenths (1,783.5) feet to a point on the new Frankstown Road known as State Highway Route #53, which is a point of ending and is approximately five thousand, three hundred and fifty (5,350) feet distant from the intersection of the said Frankstown Road known as State Highway Route #53, and a brick road leading to the Village of St. Michael.

Your petitioners further set forth;

(1) That a road, BEGINNING at the new concrete road extending from South Fork to Johnstown and known as State Highway Route #53, four thousand, five hundred (4,500) feet measured along the center line of said Frankstown Road in a southerly direction from its intersection with the Brick Road leading from Frankstown Road to St. Michael and ending in the old Frankstown Road at a point four thousand, one hundred, twenty-six and nine tenths (4,126.9) feet measured in an easterly direction along the center line of the old Frankstown Road from the intersection of the Viaduct Road at the Mt. Hope Evangelical Church and Cemetery, has become useless, inconvenient, and burdensome, and likewise;

(2) A road, BEGINNING at a point on the old Frankstown Road at the intersection of the Viaduct Road at Mt. Hope Evangelical Church and Cemetery and extending in a southerly direction one thousand, four hundred, sixty-two (1,462) feet to the new concrete road known as State Highway Route #53, said ending being in the said Route #53 being in an easterly direction, a distance of two thousand nine hundred and twenty (2,920) feet measured along the center line of said concrete road from its intersection with the old Frankstown Road, likewise, has become useless, inconvenient, and burdensome, These said two roads prayed for vacation are entered to record in the Clerk of Court of Quarter Sessions of Cambria County, Pennsylvania, to #5, December Sessions 1928

WHEREFORE, your petitioners pray the Court to appoint three persons qualified according to law as Viewers to view the ground proposed for such road and if they see occasion to lay out the same; to inquire and vacate the two roads now open, and hereinabove described by reason of the laying out of the proposed road have become useless, inconvenient and burdensome, and make report of proceedings to the next term of Court.

WITNESS

J. E. Wingard
G. W. Wright
Frank Naglic

CAMBRIA COUNTY
PENNSYLVANIA

SS.

Before me, the undersigned authority, a Notary Public, personally came, G. W. Wright, J. E. Wingard, and Frank Naglic, who having been sworn according to law, doth depose and say that they are the duly elected Supervisors of the Township of Adams, County of Cambria and State of Pennsylvania; and that the facts contained in the above petition are true and correct.

J. E. Wingard
G. W. Wright
Frank Naglic

Sworn and subscribed before
me, this 30th day
of September, 1935.

Walter M. Baumgardner
Notary Public

My commission expires first Monday in January, 1936

DE C R E E

AND now, this twenty-first (21) day of October, A. D. 1935, the foregoing Petition having been read and considered, the Court hereby appoints Byron B. Bunc Chairman, Disen Lamb and James McCann Viewers; to view the within premises and make report to the next term of court.

Byron B. Bunc
Guery

IN THE COURT OF QUARTER SESSION

NO. *4 - Sept.* Term 1935

IN RE VACATING TWO PUBLIC ROADS
AND SUPPLYING A PUBLIC HIGHWAY
IN ADAMS TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

PETITION FOR THE APPOINTMENT OF
VIEWERS TO
VACATE AND SUPPLY ROADS

1:35 P.M.

Filed. Oct. 21-1935.

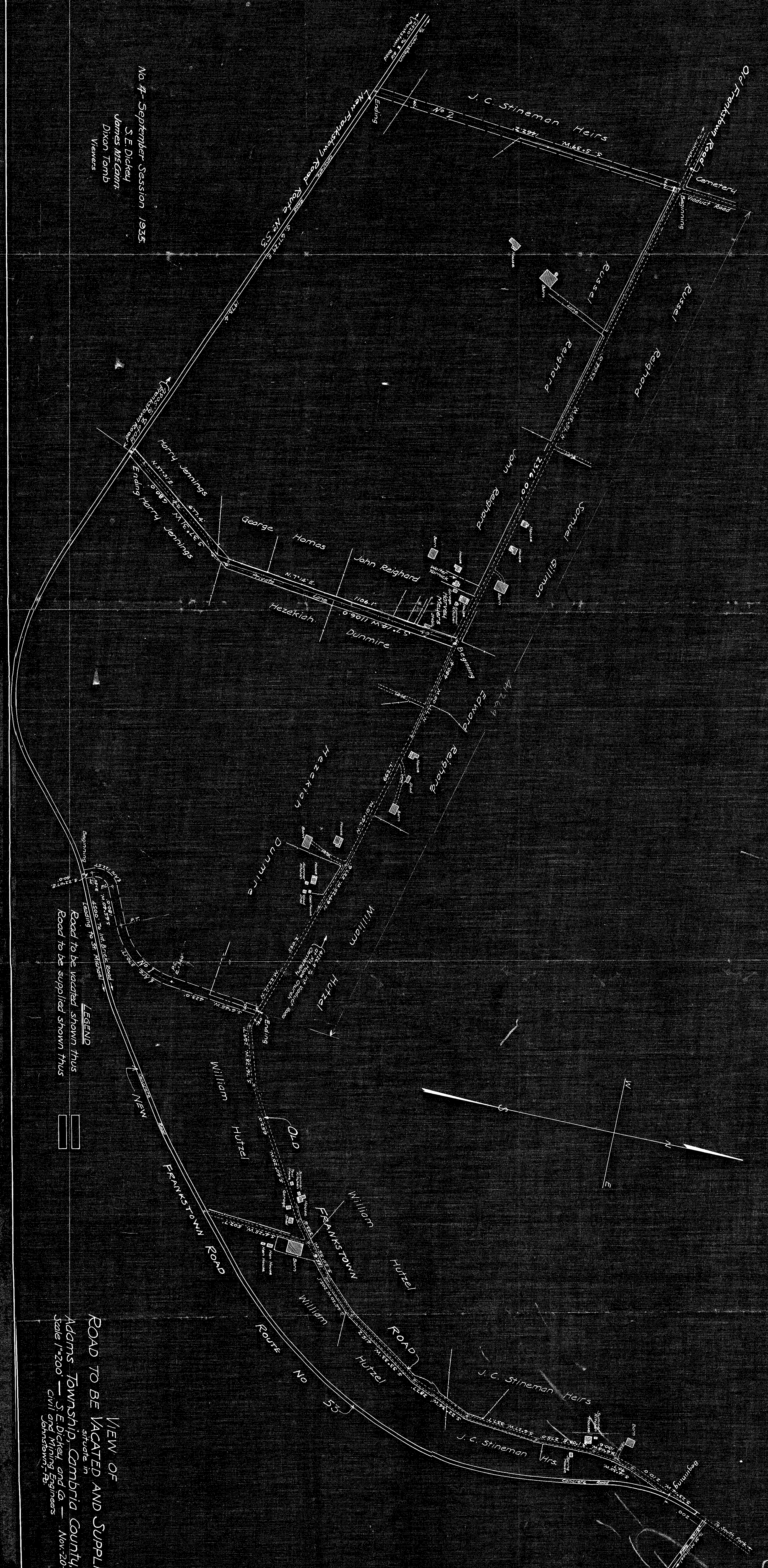
MAHLON J. BAUMGARDNER
ATTORNEY AT LAW
JOHNSTOWN, PENNA.
SWANK BLDG.

Not Microfilmed

RO-11 Sept. 1935

Adams Twp. Vacating
2 Public Roads &
Supplying a highway

No. 4-September Session 1935.
S. E. Dickey
James McCann
Dixon Tomb
Viewers



LEGEND
Road to be vacated shown thus
Road to be supplied shown thus

VIEW OF
ROAD TO BE VACATED AND SUPPLIED
situate in
Adams Township, Cambria County, Pa.
Scale 1"=200 — S. E. Dickey, and Co. — Nov-20-1935
Civil and Mining Engrs.
Johnstown, Pa.