

LESTER LARIMER
and
LESTER LARIMER, TRUSTEE FOR
LOUIS MacN. DAVIS

VS

COUNTY OF CAMBRIA

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

NO. 1, SEPTEMBER SESSIONS, 1934.

CONDEMNATION

REPORT OF VIEWERS

We, the undersigned Viewers, appointed by the above Court to view the above premises and to determine and estimate the damages and benefits that have resulted, or that may seem likely to result by reason of the opening, laying-out, condemning, reconstructing, improving and relocating a public highway known as the William Penn Highway, State Route #22, in the Township of Jackson, County of Cambria and State of Pennsylvania, going through and over the land of Lester Larimer, and Lester Larimer, Trustee for Louis MacN. Davis, abutting property owners, respectfully report:-

That we were duly sworn or affirmed as members of the permanent Board of Viewers of Cambria County as shown by the records of said County; it was mutually agreed by and between H. Frank Dorr, Chief Clerk of the County Commissioners of Cambria County, Pennsylvania, Lester Larimer, the petitioner, and Paul Larimer, Esquire, Counsel for the petitioner, that the usual ten day's notice as required by law for the making of a view be waived, and it was further agreed that the posting of notices in and about the premises effected by the above circumstance, likewise be waived, and that the time as stipulated in said waiver for the making of the view be held on Tuesday, August 21, 1934, at 9 o'clock, Eastern Standard Time for the purpose of performing the duties of our appointment. The notice of the waivers, both as to the ten day's notice of the time of the view and the posting of notices, were executed on the 17th day of August, 1934, by H. Frank Dorr, Chief Clerk to the County Commissioners, for the County Commissioners, and Lester Larimer, for himself and as Trustee for Louis MacN. Davis, both acceptances are hereto attached and made a part of this report; the said notice including the time for the making of the view.

That we met upon the premises, according to the notice given, on Tuesday, August 21, 1934 at 9:30 o'clock, Eastern Standard Time, and proceeded with the duties of our appointment. There were present at said view, A. M. Shoemaker, P.M. Kinney and Mahlon J. Baumgardner, the Viewers appointed by the Court to view the premises, Lester Larimer, one of the owners and petitioners, and Paul Larimer, Esquire, Counsel for the petitioners, and H. Frank Dorr, Chief Clerk to the County Commissioners, and Gilbert Noel, of the State Highway Department. No members of the Board of Commissioners of Cambria County nor their Solicitors were present. We viewed the entire premises from beginning to end, both the old road and the new road, improved.

Pursuant to said view, it was mutually agreed by and between the parties in interest that the meeting of the Viewers be continued until Friday, August 24, 1934, at 1:30 o'clock, P.M. Eastern Standard Time, in the Court House, in the Borough of Ebensburg, County of Cambria, Pennsylvania, for the purpose of taking testimony and hearing evidence. Pursuant to said adjournment had thereto, the Viewers met in Court Room #4 in the Court House at Ebensburg, on Friday, August 24, 1934, at 1:30 o'clock P.M., Eastern Standard Time, for the purpose of taking testimony and hearing all evidence.

There were present at the hearing, Lester Larimer, petitioner and one of the owners, and his counsel, Paul Larimer, Esquire, who in their behalf called a number of witnesses, H. Frank Dorr, Chief Clerk to the County Commissioners, and Gilbert Noel, of the State Highway Department, who were there in behalf of the County of Cambria. No member of the Board of County Commissioners was present, nor was their Solicitor there.

That having viewed said premises and hearing all evidence and testimony, and taking into consideration all of the matters before us, we estimated and determined the quality and quantity of damages, as affecting the property aforesaid by reason of the opening, laying out, condemning, reconstructing, improving and relocating of the State Highway in the Township of Jackson, Cambria County, Pennsylvania, and having due regard to and making just allowances of the damages which have resulted or which may seem likely to result to the owners of said premises, as affected by the opening, laying out, condemning, reconstructing, improving and relocating of said State Highway, we estimated and determined the amount of damages accruing to the petitioners.

We have, therefore, assessed no benefits and damages in the sum of One thousand (\$1000) dollars.

The usual procedure of the notice of exhibit of schedule was waived by all the parties interested. The parties in interest to wit:- Paul Larimer, Esquire, counsel for the petitioner and owners, and H. Frank Dorr, Chief Clerk to the County Commissioners, were notified by letter from the Chairman of the Board of Viewers under date of August 29, 1934, that the Board of Viewers had estimated and determined the amount of damages, growing out of the above matter, in the sum of One thousand (\$1000) dollars, and that their report would be filed on September 3, 1934.

We are of the opinion that the damages, in the sum of One thousand (\$1000) dollars, above shown, are due and should be paid to Lester Larimer and Lester Larimer, Trustee for Louis MacN. Davis, as their interest may appear, by the County of Cambria.

Witness our hands and seals this third day of August, 1934.

A. M. Shoemaker
P. M. Kinney
Mahlon J. Baumgardner

STATE OF PENNSYLVANIA

:SS:

COUNTY OF CAMBRIA :

Personally appeared before me, the undersigned authority, a Notary Public in and for said state and county, MAHLON J. BAUMGARDNER, who being first duly sworn according to law, doth depose and say that your deponent, A.M. Shoemaker, and P.M. Kinney, were the Viewers appointed by the Court in the above matter, and that they are members of the Permanent Board of Viewers of Cambria County, and further that their respective accounts, attached hereto and made a part of this report, are true and correct.

Sworn to and subscribed
before me this 1st day
of August, A.D. 1934.

Mahlon J. Baumgardner

Paul Marie Kuckner

NOTARY PUBLIC
IN AND FOR THE COUNTY OF CAMBRIA

LESTER LARIMER
and
LESTER LARIMER, TRUSTEE FOR
LOUIS MacN. DAVIS

VS

COUNTY OF CAMBRIA

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

NO. 1, SEPTEMBER SESSIONS, 1934.

CONDEMNATION.

TO MAHLON J. BAUMGARDNER, A.M. SHOEMAKER, AND P.M. KINNEY, DRS.

To Mahlon J. Baumgardner, Dr.

Data and preparing Notices to View, obtaining acceptances of service and preparing data for notices of filing of report	\$12.00 ✓
Stenographer, Stationery and Stamps	2.00 ✓
Making View	12.00 ✓
Mileage	2.70 ✓
Taking testimony and hearing evidence	12.00 ✓
Mileage	4.00 ✓
Going over testimony and determining amount of damages	12.00 ✓
Mileage	4.00 ✓
Preparing Report of Viewers, etc.	12.00 ✓
Stenographer, Stationery and Stamps	2.00 ✓
Advertising Report of Viewers	4.00 ✓
	<u>3.14</u>
	\$78.70 77, 85

To A. M. Shoemaker, Dr.

Making View	\$12.00
Mileage	.80
Taking Testimony	12.00
Going over Testimony and determining amount of damages	12.00
	<u>36.80</u>

*9/10/34
Cut to C. Treas*

To P. M. Kinney, Dr.

Making View	\$12.00
Mileage	2.40
Taking Testimony	12.00
Mileage	2.20
Going over testimony and determining amount of damages	12.00
Mileage	2.20
	<u>42.80</u>

*Rose Marie Brundage - Notary
Susan R. R. R.
Johnson*

APPROVED FOR PAYMENT

L. M. Keller
John H. Kinney
Frank L. Volker
COMMISSIONERS

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

NO. 1. SEPTEMBER TERM, 1934.

CONDEMNATION.

LESTER LARIMER and LESTER
LARIMER, TRUSTEE FOR LOUIS
MACN. DAVIS. *Jackson*

Immob.

VS

COUNTY OF CAMBRIA.

REPORT OF VIEWERS.

*Filed
September - 3 - 1934*

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

LESTER LARIMER	:	In the Court of Quarter Sessions of
and	:	
LESTER LARIMER, TRUSTEE FOR	:	Cambria County, Pennsylvania.
LOUIS MacN. DAVIS	:	
	:	
vs	:	
	:	No. 1 September Sessions, 1934.
COUNTY OF CAMBRIA	:	

PETITION FOR THE APPOINTMENT OF VIEWERS
TO ASSESS DAMAGES.

To the Honorable, the Judges of said Court:

The petition of Lester Larimer and Lester Larimer, Trustee for Louis MacN. Davis respectfully represents:

1. That they are the owners of a certain tract of land, with buildings thereon erected, situate in Jackson Township, Cambria County and State of Pennsylvania, known as the "Sherwood Tract", containing two hundred and forty (240) acres more or less, and have owned same for a number of years.

2. That your petitioners have been the owners of said tract of land 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 petitioners, there had been laid out and in use for public travel a public highway (now known as the "William Penn Highway, Route 22). which said public highway runs through the lands of your petitioners in an easterly and westerly direction, for a distance of 2300 feet.

4. That some time in the year 1933, the department of Highways of Pennsylvania, by virtue of the powers and authority vested in it, relocated said public highway known as the "William Penn Highway" through the land of your petitioners, wherein a change of width and of existing lines was made, and damage resulted to your petitioners' said land.

5. That in re-locating the said "William Penn Highway" the said Highway Department took and appropriated for highway purposes a part of your petitioners' land, being a strip of land running in an easterly and westerly direction approximately twenty three hundred (2300) feet in length and varying in width from forty (40) to three hundred and fifty (350) feet.

6. That in laying out and constructing said new road, said Highway Department injured, destroyed and practically made useless a strip of land belonging to your petitioners, on the northern part of said land, being nineteen hundred (1900) feet in length and varying in width from zero (0) to sixty eight (68) feet, said strip of land being on the north side of the new highway.

7. That in laying out and constructing said new road, said Highway Department injured, destroyed and practically made useless a strip of land, belonging to your petitioners, being thirteen hundred (1300) feet in length and varying in width from zero (0) to two hundred and twenty five (225) feet, said strip being between the new highway and the old highway, beginning at the junction of the Summerhill Township road and extending westward.

8. That in laying out and constructing said new road, said Highway Department injured, destroyed and practically made useless a strip of land, belonging to your petitioners, being three hundred (300) feet in length and varying in width from zero (0) to twenty five (25) feet, said strip being between Stewart's Run and the junction of the Summerhill Township Road.

9. That laying out and constructing said new road, said Highway Department injured, destroyed and practically made useless a piece of land, belonging to your petitioners, five hundred fifty (550) feet in length, said piece of land being on the South side of the new Highway and on the extreme western end of your petitioners' land.

10. That prior to the re-locating of the new road, your petitioners had frontage on the North and South side of the old road a distance of nineteen hundred (1900) feet, said piece being between the summerhill Township road and the extreme west point of your petitioners' land; that now, by reason of the construction of the new road, your petitioners are deprived of all of said frontage to their great damage.

11. That prior to the re-locating of the new road, your petitioners had a frontage on the South side of the old road a distance of five hundred (500) feet, it being between the Summerhill Township Road and Stewart's Run; that now, by reason of the construction of the new road, your petitioners are deprived of all of said frontage to their great damage.

12. That erected on the land of your petitioners, at the South side of the old William Penn Highway and the junction of the Summerhill Township road, is a Roadhouse and Gasoline Station, known as the Mountain Springs Inn (formerly known as the Bluebird Inn). That prior to the construction of the new highway, there was an approach from said old highway to said Inn in an easterly and westerly direction; upon the construction of the new road, there is only an approach from the Summerhill Township Road, by reason of which your petitioners are greatly damaged.

13. That prior to the erection and construction of the new road, there was erected at the said Inn, a sewer line which carried away the sewerage of said Inn and also the surface water on the Western side of the Summerhill Township Road; under the plan of the new road there is no provision made for the carrying away of said sewerage and surface water, all of which has caused and will continue to cause great damage to your petitioners.

14. That in constructing said highway, two (2) certain "Street Cars" belonging to your petitioners, located on the North side of said new highway, were rendered useless to the great damage of your petitioners.

15. That in constructing said highway, a certain Refreshment stand, known as Moore's Stand, located on the Southern side of said old road in front of farmhouse situated on land of your petitioners, was rendered useless to the great damage of your petitioners, by reason that said construction of the new road eliminated all approach to said stand.

16. That the said Department of Highways has practically completed the work on said new road as it passes through your petitioners' land, by constructing on said land appropriated and taken from them a permanent highway.

17. That your petitioners will at all times be deprived of the ownership of the land appropriated as aforesaid and will also be deprived of the use of the other land injured and destroyed as hereinabove set forth.

18. That your petitioners by reason of the facts averred in this petition, and by reason of many other items of damages not herein set forth in detail, have sustained damages and that the said damages are payable and owing to them by the said defendant, the County of Cambria, pursuant to law.

19. That your petitioners 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 thereof.

WHEREFORE, your petitioners pray your Honorable 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 they will ever pray.

Lester Larimer

Lester Larimer Trustee

ORDER AND DECREE

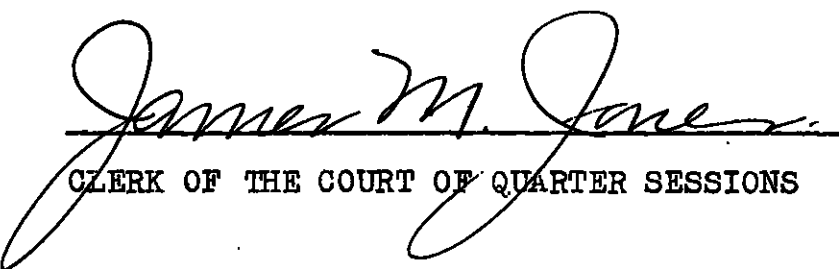
And now, this 13th, day of August, 1934, the within petition presented, read and considered, and the Court do hereupon appoint M. J. Baumgardner, Esq., Chairman, A. M. Shoemaker and P. M. Kinney, members of the Permanent Board of Viewers of the County of Cambria, as Viewers to view and examine the premises in said petition described, for the purpose of ascertaining the damages, if any, sustained by the petitioners, and to make return of their proceedings according to law.

By the Court

Greer, J.

Extract from the Record.

Certified this 13th day
of August, 1934.


CLERK OF THE COURT OF QUARTER SESSIONS

No. 1 September Sessions 1934.

Lester Larimer
and
Lester Larimer, Trustee
for Louis MacN. Davis

vs

County of Cambria

Appointment of Viewers

to

Assess Damages.

LESTER LARIMER
and
LESTER LARIMER, TRUSTEE FOR
LOUIS MacN. DAVIS

VS

COUNTY OF CAMBRIA

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

NO. 1, SEPTEMBER SESSIONS, 1934.

TO LESTER LARIMER, ESQUIRE
EBENSBURG, PENNSYLVANIA.

We, the undersigned appointed by the above Court to view the above premises to determine and estimate the damages and benefits that seem likely to result by reason of the opening, laying out, condemning, reconstructing, improving and relocating a public highway known as the William Penn Highway, Route #22, as it effects the property of Lester Larimer and Lester Larimer, Trustee for Louis MacN. Davis, in the Township of Jackson, County of Cambria, Pa., will meet upon the premises on Tuesday, August 21, 1934, at 9:30 o'clock, Eastern Standard Time, for the purpose of performing the duties of our appointment.

We also waive the legal ten days notice of the time of making said view, and further that we also waive the posting of notices ten days prior to the date of the view as required by law, that in acceptance of service of the within notice, we waive the ten days notice and the posting of notices as hereinabove stipulated, and accept service of same as to the date of the making of said view.

Mahlon J. Baumgardner, Esquire
Chairman

A. M. Shoemaker

P. M. Kinney
VIEWERS.

Dated the fifteenth day of
August, A. D. 1934.

And Now, the 17th day of August, 1934, I hereby accept service
of the above Notice to View as the owner and petitioner in said proceedings.

Lester Larimer
Owner.
Lester Larimer Trustee
for Louis MacN. Davis

LESTER LARIMER
and
LESTER LARIMER, TRUSTEE FOR
LOUIS MacN. DAVIS

VS

COUNTY OF CAMBRIA

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

NO. 1, SEPTEMBER SESSIONS, 1934.

TO H. FRANK DORR, CHIEF CLERK COMMISSIONERS OF CAMBRIA COUNTY,
EBENSBURG, PENNSYLVANIA.

We, the undersigned Viewers appointed by the above Court to view the above premises and determine and estimate the damages and benefits that seem likely to result by reason of the opening, laying out, condemning, reconstructing, improving and relocating a public highway known as the William Penn Highway, Route #22, as it effects the land of Lester Larimer, and Lester Larimer, Trustee for Louis MacN. Davis, in the Township of Jackson, Cambria County, Pa., will meet on the premises on Tuesday, August 21, 1934, at 9:30 o'clock Eastern Standard Time for the purpose of performing the duties of our appointment. And further that the County of Cambria waives the formality of a ten days acceptance of service before the date of the view; and further that the County of Cambria waives the formality as required by law in posting notices in and about the premises alleged to have been damaged; and that in acceptance of the time of the view, the Commissioners of Cambria County waive the stipulation hereinabove referred to and acceptance of notice as to the time of the view.

Mahlon J. Baumgardner, Esquire
Chairman

A. M. Shoemaker

P. M. Kinney
VIEWERS.

Dated the fifteenth day of
August, A. D. 1934.

And now, the 17 day of August, 1934, I hereby accept service of
the within Notice to View for the Commissioners of Cambria County, Pa.

H. F. Dor
Clerk to the County Commissioners.

COMMONWEALTH OF PENNSYLVANIA

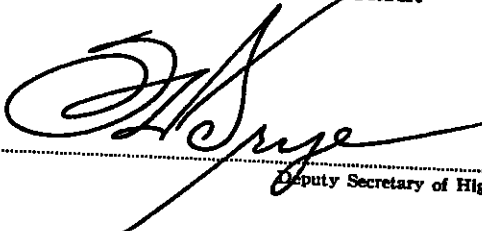
DEPARTMENT OF HIGHWAYS

Harrisburg, Pa. August 29 19 34

PENNSYLVANIA, ss:

I HEREBY CERTIFY, That the attached is a full, true and correct copy of reconstruction and condemnation of right-of-way drawings covering the construction of State Highway Route 52, Section R2, in Cambria County, from station 216/99.30 to station 378/77.35, as the same remain on file in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of this department the day and year aforesaid.


Deputy Secretary of Highways

Rat Microfilm 2

RD-1. Sept. 1954
section up to 100

Macr. Davis

#1

Rat Microfilmed^o

RD# 1 S. 1734
Jackson Township
Main, Iowa

#2

Rat Microfilm

RD# 1. Sept. 1934
Jackson-Tupelo
mac. L. 1934

#3

COMMONWEALTH OF PENNSYLVANIA

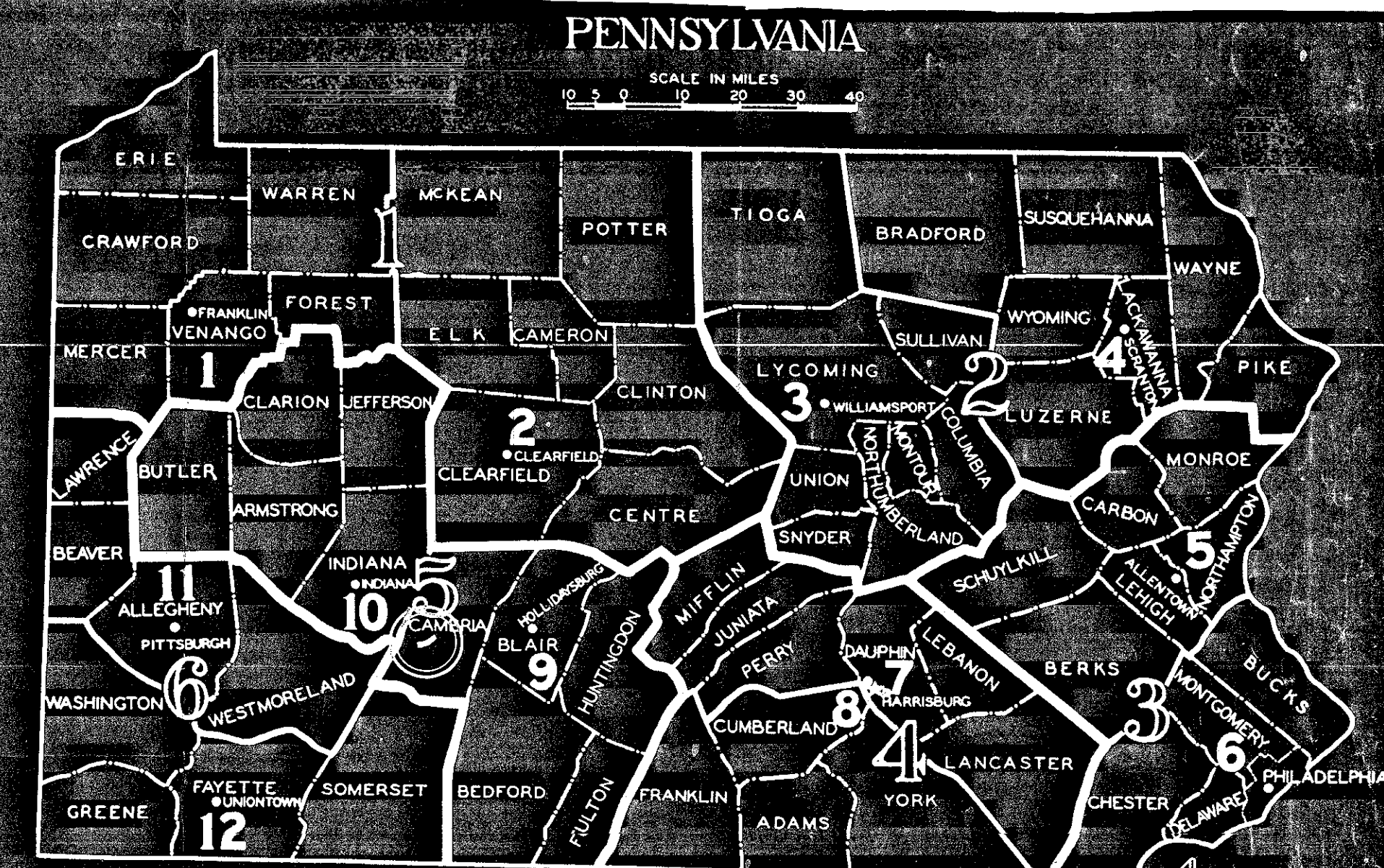


DEPARTMENT OF HIGHWAYS

DRAWINGS FOR RECONSTRUCTION AND CONDEMNATION OF RIGHT OF WAY ROUTE NO. 52 SECTION NO. R-2 IN CAMBRIA COUNTY From Sta. 216+99.30 To Sta. 378+77.85

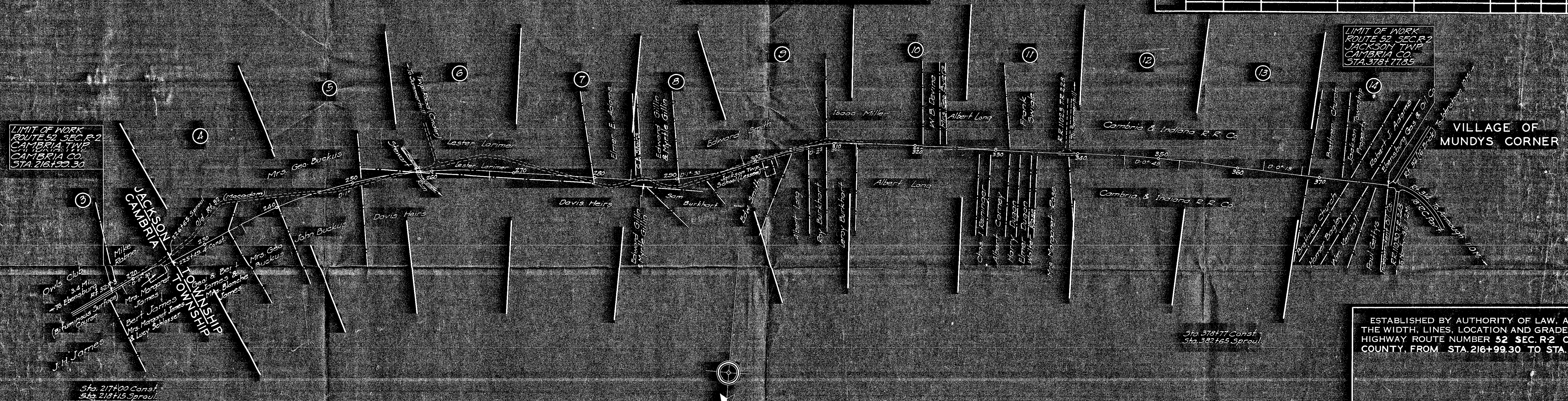
Length 16,179.69 Ft. 3.06 Miles

Scales (Plan: 1 in. = 50 Ft.
Profile: Hor. 1 in. = 50 Ft. Vert. 1 in. = 10 Ft.)



NATIONAL RECOVERY PROJECT NO. N.R.H. 159-D

DIVISION	DISTRICT	COUNTY	TOWNSHIP	BOROUGH	ROUTE	SECT.	APPL.	TOTAL SHEETS
5	9	Cambria	Cambria & Jackson		52	R-2		14



CONVENTIONAL SIGNS

County Line	---+---
City or Borough Line	---+---
Township Line	---+---
Property, Right of Way Line	---+---
Reservation	---+---
Power Line	---+---
Proposed Road	---+---
Traveled Road	---+---
Rail Road	---+---
Electric Railway	---+---
Bridge	---+---
Present Culvert	---+---
Proposed "	---+---
Telegraph Pole	---+---
Electric Railway Pole	---+---
Fence	---+---
Hedge	---+---
Stone Wall	---+---
Trees	---+---
Side Stake	---+---

INDEX MAP
SCALE: 1"=600'

ESTABLISHED BY AUTHORITY OF LAW, AS AND FOR THE WIDTH, LINES, LOCATION AND GRADES OF STATE HIGHWAY ROUTE NUMBER 52 SEC. R-2 CAMBRIA COUNTY, FROM STA. 216+99.30 TO STA. 378+77.85

RECOMMENDED June 24, 1935
DISTRICT ENGINEER
RECOMMENDED Aug 11, 1935
CHIEF ENGINEER
APPROVED Aug 11, 1935
SECRETARY OF HIGHWAYS
APPROVED Aug 15, 1935
GOVERNOR

B.M. Spike in Root of 18" Hemlock
150' Lt. of Sta. 270+80
Elev. 1909.63

B.M. Spike in Root of 12" Maple
80' Lt. of Sta. 279+70
Elev. 1957.42

DIV.	DIST.	COUNTY	ROUTE	SEG.	SHEET
5	9	Cambria	52	22	7 of 14
Jackson Township					

REQUIRED LIST.

- Sta. 272+
52' 18" R.C.P.
1' 0" E.W. Lt.
2 C.Y. Ex. Inlet Ditch
1 " " Outlet "
- Sta. 275+
43' 15" R.C.P.
1' 0" E.W. Lt.
2 C.Y. Ex. Inlet Ditch
1 " " Outlet "
- Sta. 276+30 to Sta. 280+50
420' 4" T.U.D. on Lt.
30' 4" Tile Laterals
20' 4" " Outlet
- Sta. 276+
53' 15" R.C.P.
1' 0" E.W. Lt.
15 C.Y. Ex. Inlet Ditch
25 " " Outlet "
1 " " Excav. Extra Depth
- Sta. 277+20 to Sta. 283+30
Remove Rock Below Subgrade
249 C.Y. Ex.
- Sta. 281+ to Sta. 283+
Grade Appr. Lt.
301 C.Y. Excav.
- Sta. 283+
Grade Appr. Lt.
1 C.Y. Excav. 1 C.Y. Fill

