

Nat Microfilmed  
R0#4 Sept. 1934

Coremaugh Twp  
Layout and Vacate  
a new road.



IN RE LAYING OUT AND VACATING A  
PUBLIC ROAD IN THE TOWNSHIP OF  
CONEMAUGH, CAMBRIA COUNTY, PENN-  
SYLVANIA.

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

NO. 4 SEPTEMBER SESSIONS, 1934.

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, Pennsylvania as is shown upon the records of  
the Court.

That having given due public notice of the time and place of the  
said view, by posting notices as required by law, along the road and at the  
termini of said roads proposed to be supplied and vacated, by service of such  
notices on the Commissioners of Cambria County and upon Weimer & Bennet, Attorneys  
at Law, by D. P. Weimer, Esquire, Solicitor for the Township of Conemaugh as  
well as Counsel for a number of petitioners who were interested in the supplying  
of the road and the vacation of another portion, evidence of which is hereby  
shown by copies of said notices hereto attached and made a part of this report;  
that we met in accordance with the notices given on Friday, the 23rd day of Nov-  
ember, 1934, at ten o'clock, A. M. and proceeded with the duties of our appoint-  
ment, and viewed the premises—the road to be supplied as well as the road to be  
vacated.

That there were present at the said view all of the members of the  
Board of Viewers, D. P. Weimer, Solicitor for the Township of Conemaugh, together  
with a number of persons interested in the laying out of the new highway and the  
vacation of the old highway.

We viewed the section of highway or public road proposed to be laid  
out and the road proposed to be vacated, said road proposed to be laid out/<sup>being</sup>des-  
cribed as follows:

Leading from a point at the intersection of Griffith Street, a public highway, and East First Street in the Village of Bon Air in Conemaugh Township, a distance of Five Hundred and Seventy-five (575) feet from the intersection of said Griffith Street with the road leading from the Borough of Franklin to the Frankstown Road, commonly called the "Conemaugh Road", which is a public highway, and ending at a point on the road leading from the Borough of Franklin to the Frankstown Road at a point Eight Hundred (800) feet distant from the intersection of the "Conemaugh Road" with Griffith Street.

We also inspected the road to be vacated, and inquired of the necessity of vacating the public road now open from a point on the road leading from the Borough of Franklin to the Frankstown Road, distant in a Westerly direction Four Thousand Seven Hundred and Fifty (4750) feet from the intersection of said road with Main Street in the Borough of Franklin, and ending at a point at the intersection of Griffith Street and East First Street in the Village of Bon Air distant Five Hundred Seventy-five (575) feet from the intersection of the said Griffith Street with the road leading from the Borough of Franklin to the Frankstown Road.

We viewed the site and locality of the road proposed to be supplied and laid out and made a very careful personal inspection of the ground between the points designated in the Petitions and the Order. We are all of the opinion that the road prayed for in said Petition should be supplied, because of the dangerous condition and lay out of the road which we are about to vacate; said road meeting the highway leading from the Borough of Franklin to the Frankstown Road is exceedingly dangerous and almost inaccessible.

We, therefore, authorize the laying out of a public highway in the Township of Conemaugh, Cambria County, Pennsylvania, beginning at the intersection of said Griffith Street and Fourth Avenue, a public highway, and East First Street in the Village of Bon Air in Conemaugh Township, Cambria County, Pennsylvania, a distance of Six Hundred and Forty-two (642) feet from the intersection of said Griffith Street with the road leading from the Borough of Franklin to the Frankstown Road, Rural Route #110113, known as the Buckley Hill Road, sometimes called the Conemaugh Road; thence South Fifty-six (56) degrees, Twenty-two (22) minutes East, Four Hundred and Forty-six (446) feet; thence South Thirty-one

(31) degrees Thirty-eight (38) minutes West, Two Hundred Eighty-four (284) feet to the point of a curve to the left, having a radius of Two Hundred and Sixty-two (262) feet; thence by said curve an arc distance of One Hundred and Seventy-one and Forty Eight Hundredths (171.48) feet to a point of tangent; thence by said tangent South Five (5) degrees Fifty-two (52) minutes East, One Hundred and Seventy-five (175) feet to the place of ending in the Rural Route #110113, a distance of approximately Eight Hundred (800) feet Eastwardly from the intersection of Griffith Street. The total length of said road to be supplied and laid out is Ten Hundred and Seventy-six and Forty-eight Hundredths (1076.48) feet as is indicated on a blue print hereto attached and made a part of this report, said blue print showing the portion of the highway to be laid out being colored in green.

We have very carefully examined the road to be vacated and have found, as hereinabove stated, that the road as now used and prayed for vacation as was carefully examined, and we find as above stated the accessibility and the availability of the road as it leads off the Conemaugh Road leading from the Borough of Franklin to the Frankstown Road is hazardous and almost inaccessible, and, therefore, we are of the opinion and agree that the road be vacated as a public or Township highway and be retained as a private road, said road being in the Township of Conemaugh as aforesaid, being described as follows:

Beginning at a point in Rural Route #110113, known as the Buckley Hill Road, sometimes called the Conemaugh Road, leading from the Borough of Franklin to the Frankstown Road, at a point Eastwardly from the intersection of the said road with Main Street in the Borough of Franklin, a distance of Four Thousand Seven Hundred and Fifty (4750) feet measured along the center line of said road; thence South Seventy-eight (78) degrees Thirty minutes East Two Hundred (200) feet; thence North Fifty-two (52) degrees no minutes East Two Hundred and Eighty-four (284) feet; thence North Thirty-three (33) degrees, Thirty-eight (38) minutes East One Hundred and Thirty-two (132) feet; thence North Ten (10) degrees, Eighteen (18) minutes East Twenty-six (26) feet to the place of ending, at the intersection of Griffith Street, Fourth Avenue and East First Street in

the Village of Bon Air, a distance of Six Hundred and Forty-two (642) feet from the beginning at the intersection of Griffith Street with Rural Route #110113. Section of the highway thus vacated as a public road and to be retained as a private lane, being Six Hundred and Forty-two (642) feet in length and colored red on the blue print hereto attached and made a part hereof.

We are of the opinion and agree that a public road is necessary, and we authorize the laying out of the road according to the above descriptions and the accompanying drafts. The road extends through the property of the heirs of William Malzi, and we are informed that a release has been given by the legal heirs of William Malzi. We, therefore, assess no damages to the abutting property owners, through whose land the road we have hereinabove laid out passes.

We are also of the opinion that the road hereinabove described should be vacated and a private road made of same, that the same has become useless, burdensome and inconvenient.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS this First day of December, A. D. 1934.

W. E. Dick (SEAL)

Marlon J. Bannister (SEAL)

IN RE LAYING OUT AND VACATING A  
PUBLIC ROAD IN THE TOWNSHIP OF  
CONEMAUGH, CAMBRIA COUNTY, PENN-  
SYLVANIA.

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

NO. 4 SEPTEMBER SESSIONS, 1934:

APPROVED FOR PAYMENT

To MAHLON J. BAUMGARDNER, S. E. DICKEY  
AND JAMES McCANN, DRS.

*John Thomas*  
*Frank P. Hollen*  
COMMISSIONERS

Preparing and posting notices \$18.00  
Stenographer and stationery 3.00  
Mileage 1.00  
Making View 12.00  
Data and preparing Report 12.00  
Stenographer and stationery 2.00

Mahlon J. Baumgardner, Dr.

\$48.00

Making View  
Mileage

James McCann, Dr.

\$12.00  
1.00

\$13.00

*Blanche White - Subscribed*  
As per his statement. *Sworn to*  
S. E. Dickey, Dr.

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, S. E.  
DICKEY AND JAMES McCANN, who having first been duly sworn according to law de-  
pose and say that they are members of the Permanent Board of Viewers of Cambria  
County, appointed by the Court in the above Petition, and that the expenses,  
which are made a part of this petition, are true and correct.

Sworn to and subscribed  
to before me this 1st day  
of December, 1934.

*Blanche White*  
NOTARY PUBLIC  
My Commission Expires March 5, 1937

*Mahlon J. Baumgardner*  
*S. E. Dickey*

IN RE: LAYING OUT A PUBLIC ROAD  
IN THE VILLAGE OF BON AIR,  
CONELAUGH TOWNSHIP, CAMBRIA  
COUNTY, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY, PENNA.  
NO. 4, SEPTEMBER SESSIONS, 1934

To S. E. DICKEY Dr.

Nov. 23	- Making View, 1 day	\$ 12.00
	Mileage, 10 miles	1.00
" 24	- Data & survey, self & helpers $\frac{1}{2}$ day	12.00
	Mileage, 10 miles	1.00
" 26	- Preparing map & descriptions, 1 day	12.00
	Tracing cloth	.20
	Blue prints	.50
		<hr/>
		\$ 38.70

APPROVED FOR PAYMENT

*L. M. Kelly*  
*John Thomas*  
COMMISSIONERS



IN RE LAYING OUT A PUBLIC ROAD IN  
THE VILLAGE OF BON AIR, CONEMAUGH  
TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA

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

NO. 4, SEPTEMBER SESSIONS, 1934.

ORDER TO VIEW

We, the undersigned Viewers appointed by the above named Court to view and lay out a certain highway in the Township of Conemaugh, Cambria County, Pennsylvania, beginning at a point at the intersection of Griffith Street, a public highway, and East First Street, in the Village of Bon Air in Conemaugh Township, a distance of five hundred seventy-five (575) feet from the intersection of said Griffith Street with the road leading from the Borough of Franklin to the Frankstown Road, commonly called the "Conemaugh Road", which is a public highway, and ending at a point on the road leading from the Borough of Franklin to the Frankstown Road at a point eight hundred (800) feet distant from the intersection of the "Conemaugh Road" with Griffith Street, will meet at the point of beginning on Friday, November 23rd, 1934, at ten o'clock a. m., for the purpose of performing the duties of our appointment.

S. E. DICKEY

LEHLOF BAUGARDNER

JAMES MCCANN

VIEWERS.

AND NOW, the 13<sup>th</sup> day of November, 1934, I hereby accept service of the above Order to View, as Solicitor for the Supervisors of Conemaugh Township and the citizens thereof.

D. P. Miner

IN RE LAYING OUT A PUBLIC ROAD IN  
THE VILLAGE OF BON AIR, CONEMAUGH  
TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA

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

NO. 4, SEPTEMBER SESSIONS, 1934.

ORDER TO VIEW

We, the undersigned Viewers appointed by the above named Court to view and lay out a certain highway in the Township of Conemaugh, Cambria County, Pennsylvania, beginning at a point at the intersection of Griffith Street, a public highway, and East First Street, in the Village of Bon Air in Conemaugh Township, a distance of five hundred seventy-five (575) feet from the intersection of said Griffith Street with the road leading from the Borough of Franklin to the Frankstown Road, commonly called the "Conemaugh Road", which is a public highway, and ending at a point on the road leading from the Borough of Franklin to the Frankstown Road at a point eight hundred (800) feet distant from the intersection of the "Conemaugh Road" with Griffith Street, will meet at the point of beginning on Friday, November 23rd, 1934, at ten o'clock a. m., for the purpose of performing the duties of our appointment.

S. E. DICKEY

MAHLON BAUMGARDNER

JAMES McCANN

VIEWERS.

AND NOW, the 13 day of November, 1934, I hereby accept service of the above Order to View, as Chief Clerk of the County Commissioners of Cambria County.

W. F. Don

clerk.

IN RE LAYING OUT A PUBLIC ROAD  
IN THE VILLAGE OF BON AIR, IN  
THE TOWNSHIP OF CONEMAUGH, CAMBRIA  
COUNTY, PENNSYLVANIA.

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

NO. 4, SEPTEMBER SESSIONS, 1934

OUR DUTY TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view and lay out a certain highway in the Township of Conemaugh, Cambria County, Pennsylvania, beginning at a point at the intersection of Griffith Street, a public highway, and East First Street, in the Village of Bon Air in Conemaugh Township, a distance of five hundred seventy-five (575) feet from the intersection of said Griffith Street with the road leading from the Borough of Franklin to the Frankstown Road, commonly called the "Conemaugh Road", which is a public highway, and ending at a point on the road leading from the Borough of Franklin to the Frankstown Road at a point eight hundred (800) feet distant from the intersection of the "Conemaugh Road" with Griffith Street, will meet at the point of beginning on Friday, November 23rd, 1934, at ten o'clock A. M., for the purpose of performing the duties of our appointment.

S. E. DICKEY

MAHLON BAUGARDNER

JAMES McCANN  
VIEWERS.

73.5  
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 November A. D. 1934, 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 a point at the intersection of Griffith Street, a public highway, and

East First Street, in the Village of Bon Air in Conemaugh Township, a distance of five hundred seventy-five (575) feet from the intersection of said Griffith Street with the road leading from the Borough of Franklin to the Frankstown Road, commonly called the "Conemaugh Road", which is a public highway, and ending at a point on the road leading from the Borough of Franklin to the Frankstown Road at a point eight hundred (800) feet distant from the intersection of the "Conemaugh Road" with Griffith Street.

Your petitioners therefore prays the Court to appoint Viewers, according to law, to view the ground proposed for such road and if they should see occasion to lay out the same, to inquire of and vacate the public road now open from a point on the road leading from the Borough of Franklin to the Frankstown Road, distant in a westerly direction forty-seven hundred fifty (4750) feet from the intersection of said road with Main Street in the Borough of Franklin and ending at a point at the intersection of Griffith Street and East First Street in the Village of Bon Air distant five hundred seventy-five (575) feet from the intersection of said Griffith Street with the road leading from the Borough of Franklin to the Frankstown Road; which last mentioned road will, by reason of laying out of the proposed road, become useless and burdensome as a public highway and make report of their findings to the next term of Court.

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

Mahlon Baumgardner and James McCann

viewers, to view the ground proposed for said road, and if they 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, J.

Attest:

James M. Jones, Clerk.

NOTE  
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tained, it  
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e same, to  
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shall be the duty of all persons appointed in the several counties of this Commonwealth:  
public or private road or bridge, if they shall decide in favor of locating said road or  
e from the person or persons over whose land such location may be made releases f  
t might arise from the opening of such road or the building of such bridge; and  
ers shall fail to procure such releases, and it shall appear to them that any damag  
e their duty to assess the damages and make report thereof signed by a majority of  
same, together with all releases obtained, to the Court of Quarter Sessions, and the d  
essed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by  
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, agree-  
able 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 declina-  
tion of the road may be preserved within that limit."

No. 4, September SESSIONS, 1934

Order to view and lay out and  
vacate a public road in the  
Township of Conemaugh, Cambria  
County.

S. E. Dickey  
Mahlon Baumgardner  
James. McCann

Viewers

Clerk J. M. Jones

*Baumgardner*  
Filed Dec. 3-1934  
*Jm Jones*  
*Clerk.*

10 Dec. 1934 Approved and breadth fixed  
at forty feet  
By the Court  
Petitioner

"Mar. 1938 - Confirmed absolutely  
*Jm Jones*  
*Clerk*

PETITION OF RESIDENTS OF CONEMAUGH : IN THE COURT OF QUARTER SESSIONS  
TOWNSHIP TO LAY OUT AND VACATE A : OF CAMBRIA COUNTY, Pa.  
ROAD - : No. 4 *Sept.* ~~DECEMBER~~ SESSIONS,  
1934.

TO THE HONORABLE, THE JUDGES OF THE ABOVE-NAMED COURT:

The petition of the undersigned respectfully represents:

That they labor under inconvenience for want of a public road to begin at a point at the intersection of Griffith Street, a public highway, and East First Street, in the Village of Bon Air in Conemaugh Township, a distance of five hundred seventy-five (575) feet from the intersection of said Griffith Street with the road leading from the Borough of Franklin to the Frankstown Road, commonly called the "Conemaugh Road", which is a public highway, and ending at a point on the road leading from the Borough of Franklin to the Frankstown Road at a point eight hundred (800) feet distant from the intersection of the "Conemaugh Road" with Griffith Street.

Your petitioner therefore prays the Court to appoint Viewers, according to law, to view the ground proposed for such road and if they should see occasion to lay out the same, to inquire of and vacate the public road now open from a point on the road leading from the Borough of Franklin to the Frankstown Road, distant in a westerly direction forty-seven hundred fifty (4750) feet from the intersection of said road with Main Street in the Borough of Franklin and ending at a point at the intersection of Griffith Street and East First Street in the Village of Bon Air distant five hundred seventy-five (575) feet from the intersection of said Griffith Street with the road leading from the Borough of Franklin to the Frankstown Road; which last mentioned road will, by reason of laying out of the proposed road, become useless and burdensome as a public highway, and make report of their proceedings to the next term of Court.



CAMBRIA COUNTY, SS:

The undersigned being duly sworn according to law, deposes and says that the matters set forth in the above and foregoing Petition are true and correct, to the best of his knowledge and belief.

W. B. Berkebile

Sworn and subscribed to before

me this 31<sup>st</sup> day of

October 1934.

Helen Steing  
Notary Public - My Com. Ex.  
Mar. 7-1935

O R D E R

NOW, November 2<sup>nd</sup> 1934, the within petition having been presented and read upon consideration thereof the prayer of the petition

is granted and St. Denis, Nathan B. Langston  
James M. Lane are here appointed Viewers as within prayed for to view the premises and make report to the Court.

BY THE COURT

[Signature]



No.

4

September

DECEMBER SESSIONS, 1934.

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

PETITION OF RESIDENTS OF  
CONEMAUGH TOWNSHIP TO LAY OUT  
AND VACATE A ROAD -

Filed.

2-Nov 1934

12 05 P.M.

Jm Jones

WEIMER & BENNETT

~~OF CONEMAUGH TOWNSHIP~~

ATTORNEY AT LAW

JOHNSTOWN, PA.