

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In Re: Petition of ERNEST J. KUCKENBROD ¶ No. *6 March* Sessions, 1959
for the Appointment of Viewers to :
Assess Damages for the Relocation :
of Highway Route 22 from the land :
of your Petitioner. ¶ PETITION FOR APPOINTMENT OF VIEWERS

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

The petition of ERNEST J. KUCKENBROD, a resident of Jackson Township, Cambria County, Pennsylvania, respectfully represents:

1. That he is the owner of all that certain tract of land, situated in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a White Oak on the northeast corner of this tract of land and being the corner of lands now or late of Horrel & Wagner and lands now or late of Henry Strayer; thence along the line of land now or late of the said Henry Strayer south sixty-nine degrees and six minutes West, one thousand five hundred thirty (1530) feet to a post; thence by land now or late of Roy C. Ling south twenty-eight degrees and forty-five minutes West, seven hundred five (705) feet to a post; thence by same lands and by land conveyed by said Roy C. Ling to David Jenkins, north forty degrees and six minutes east, nine hundred seventy-three (973) feet to a post; thence by same land of said David Jenkins, north seventeen degrees and fifty-one minutes east, five hundred twenty-eight (528) feet to a point in the center of William Penn Highway; thence along the center line of William Penn Highway, south fifty-six degrees and fifteen minutes east, three hundred eighty-four (384) feet to a point in center of said Highway; thence south fifty-one degrees and fifty minutes east, one hundred (100) feet to a point in the center of said Highway; thence south forty-six degrees and thirty-five minutes east, four hundred twenty (420) feet to a point in center of said William Penn Highway; thence south thirty-six degrees east, three hundred thirty-one (331) feet to a point in said William Penn Highway; thence by lands now or late of Horrel & Wagner, south nine degrees and nine minutes east, four hundred eighty-seven (487) feet to the place of beginning.

CONTAINING 36.76 Acres, more or less.

SUBJECT nevertheless to the exceptions and reservations in former deeds contained.

BEING the same tract of land which George Beard, et ux, by their deed dated the 9th day of February, 1927, and recorded in the Recorder's Office in and for Cambria County, in Deed Book Volume 414 at page 207, conveyed to Ernest J. Kuckenbrod, the within petitioner.

2. That the Secretary of Highways has caused to be constructed a highway, known as Route No. 22, and the same crosses over and through the land of your petitioner, and in so doing, the State has taken and appropriated to its own use or to the use of the public a portion of said land belonging to your petitioner.

3. That the County Commissioners of Cambria County have consented and approved of the width, location and relocation or change of said highway through land of your petitioner, and are therefore liable for any damages sustained by your petitioner for change of said width, location and relocation of said road. Your petitioner is therefore entitled to damage under and in pursuance of the Acts of Assembly in such case made and provided, for the change of the width, location and relocation of said highway Route No. 22 over the land of your petitioner. A detailed description of the construction, relocation and change of said road is on file in the office of the County Commissioners of Cambria County.

4. Your petitioner therefore prays your Honorable Court to appoint three viewers from among the Board of Viewers of Cambria County, one of whom shall be learned in the law, to assess the damages occasioned to your petitioner, and make report thereof to the next term of said Court.

And thus he will ever pray, etc.


Petitioner.

STATE OF PENNSYLVANIA ◊
: SS:
COUNTY OF CAMBERIA ◊

Personally appeared before me, the undersigned authority,
a Notary Public in and for said State and County, ERNEST J. KUCKENBROD, who,
being duly sworn according to law, deposes and says that he is the petitioner
herein, and that the averments of fact set forth in the foregoing petition are
true and correct, as he verily believes.

Ernest J. Kuckenbrod

Sworn and subscribed to before me this
29th day of May, A.D. 1939.

Esther E. Weaver
Notary Public

My commission expires August 2, 1942.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In Re: Petition of ERNEST J. KUCKENBROD,) No. Sessions, 1939
for the Appointment of Viewers to :
Assess Damages for the Relocation :
of Highway Route 22 from the Land :
of your Petitioner) RULE TO SHOW CAUSE

AND NOW, June 1, A. D. 1939, a rule is granted
on the County Commissioners to show cause why the above petition should not be
granted.

Rule returnable ten days hence.

By: the Court
McKenrick
✓

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In Re: Petition of ERNEST J. KUCKENBROD ☐ No.
for the Appointment of Viewers to :
Assess Damages for the Relocation :
of Highway Route 22 from the Land :
of your Petitioner ☐

Sessions, 1939

ORDER AND DECREE

AND NOW, Aug 10 A. D. 1939, the fore-

going petition having been read and considered, the Court appoints

James McCann and F. B. Kayler
and A. M. Shoemaker Viewers, who, in accordance with

the Acts of Assembly in such case made and provided shall view the premises and make an award as to them shall seem just and proper; report of the Viewers to be filed on or before the next term of this Court, and notice of the filing of this report shall be given to the County Commissioners of Cambria County, and to the attorney for the petitioner.

By the Court
McKenrick

SUBJECT nevertheless to the exceptions and reservations in former deeds contained.

BEING the same tract of land which George Beard, et ux, by their deed dated the 9th day of February, 1927, and recorded in the Recorder's Office in and for Cambria County, in Deed Book Volume 414 at page 207, conveyed to Ernest J. Kuckenbrod, the within petitioner.

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3. That the County Commissioners of Cambria County have consented and approved of the width, location and relocation or change of said highway through land of your petitioner, and are therefore liable for any damages sustained by your petitioner for change of said width, location and relocation of said road. Your petitioner is therefore entitled to damage under and in pursuance of the Acts of Assembly in such case made and provided, for the change of the width, location and relocation of said highway Route No. 22 over the land of your petitioner. A detailed description of the construction, relocation and change of said road is on file in the office of the County Commissioners of Cambria County.

4. Your petitioner therefore prays your Honorable Court to appoint three viewers from among the Board of Viewers of Cambria County, one of whom shall be learned in the law, to assess the damages occasioned to your petitioner, and make report thereof to the next term of said Court.

And thus he will ever pray, etc.

ERNEST J. KUCKENBROD

Petitioner.

STATE OF PENNSYLVANIA 0
: SS:
COUNTY OF CAMBERIA 0

Personally appeared before me, the undersigned authority,
a Notary Public in and for said State and County, ERNEST J. KUCKENBROD, who,
being duly sworn according to law, deposes and says that he is the petitioner
herein, and that the averments of fact set forth in the foregoing petition are
true and correct, as he verily believes.

ERNEST J. KUCKENBROD

Sworn and subscribed to before me this

29th day of May, A.D. 1939.

ESTHER E. WEAVER

Notary Public

My commission expires August 2, 1942.

(NOTARY SEAL AFFIXED)

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

In Re: Petition of ERNEST J. KUCKENBROD, ¶ No.
for the Appointment of Viewers to :
Assess Damages for the Relocation :
of Highway Route 22 from the Land :
of your Petitioner ¶

Sessions, 1939

RULE TO SHOW CAUSE

AND NOW, JUNE 1, A. D. 1939, a rule is granted
on the County Commissioners to show cause why the above petition should not be
granted.

Rule returnable ten days hence.

By the Court
McKernick

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

IN RE:- Petition of Ernest J. Kuckenbrod for the appointment of Viewers to assess Damages for the relocation of State Highway Route, # 22, from the land of your petitioner.

No. 6 March Sessions, 1939.

Report of Viewers.

To the Honorable, the judges of the above named Court, we the viewers appointed by the attached order of Court, to view the premises of Ernest J. Kuckenbrod, located in Jackson Township, Cambria County and State of Pennsylvania, to estimate and determine the damages, if any, they have sustained or seem likely to sustain by reason of the relocation of State Highway Route, # 22, which passes over their lands, beg leave to report as follows:

That we were duly sworn according to law, as attested by the records of the Court, and that due notice had been given to all interested parties by personal service and by posting notices at and adjacent to the property above described, copies of which notices are hereto attached and made a part of this report. These notices set forth the day, the hour, and the place of meeting and were served at least ten days prior to said meeting. The Commissioners of Cambria County were also notified of the time and place of the meeting, a copy of which notice was also attached and made part of this report; In accordance with these notices the viewers met on the premises of the petitioner on Thursday, September seventh, 1939, at 9:30 A. M. and proceeded to perform the duties of their appointment. They carefully viewed the situation brought about by the relocation of highway and considered all matters affecting the question at issue. After learning all the facts they set Thursday, September 14th, 1939, at 10, 0'clock, A. M., and the Court House, at Ebensburg, as the place to hear testimony of witnesses. There were present at the hearing Ray Patton Smith, Esq., attorney for the petitioners and H. F. Dorr, representing the County Commissioners, and also a number of witnesses, who being duly sworn gave testimony as to the damage caused to the property of the petitioner due to the relocation of the above named highway both immediately before and after the relocation of the highway. The Viewers held a meeting after the hearing and considered the question of damages caused by the relocation the highway and adjourned to meet again, on Monday, September 18th., 1939 at 10, o'clock, A. M. for the purpose of exhibiting the schedule of damages or benefits arrived at. This meeting had been agreed to at a prior date so that legal notice had been given. No arguments or further evidence being presented.

The Schedule exhibited showed that in our opinion the premises of Ernest J. Kuckenbrod had been damaged by the relocation of State Highway, Route # 22 as follows:

Benefits,
none

Damages,
\$595.00

We are of the opinion that the sum of five hundred and ninety-five dollars is due Ernest J. Kuckenbrod and should be paid to him by Cambria County as his interest appears on the record.

Witness our hands this 25th. day of September, 1939.

James M. Camm
A. M. Shoemaker
Louis C. Taylor,
V.I.E.S.

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

In Re:- Petition of Ernest J Kuck-
enbrod for the appointment of Viewers
to assess damages for the relocation
of Highway Route #22 from the land
of your petitioner.

DO. 6, March Sessions, 1939

SCHEDULE OF DAMAGES

We, the undersigned Viewers, appointed by the above named Court to view the premises of Ernest J. Kuckenbrod, situate in Jackson Town-
ship, Cambria County, Pennsylvania, to estimate and determine the
damages, if any, that have resulted or that may seem likely to result
to said premises by reason of the relocation of Highway, No. 22 over
and through land of the petitioner, and, having viewed the land of the
petitioner and taken into consideration all evidence and testimony
before us, have estimated and assessed benefits and damages as follows:-

Benefits
none

Damages
\$ 595.00

Said damages to be paid by the County of Cambria to Ernest J.
Kuckenbrod, named in the petition, as his interest may appear.

James M. Camm
A. M. Showmaker
Louis E. Taylor

In Re:- Petition of Ernest J. Kuckenbrod, to assess damages.

In the Court of Quarter Sessions of Cambria County, Pennsylvania, No. 2, March Sessions, 1939

Commissioners of cambria County, To James McCann, Dr.

To preparing notices, gathering data, and posting and serving notices,	\$12.00
" Stenographer,	1.50
" Mileage, 36 miles,	3.60
" Lay on view,	12.00
2 mileage, 36 E	3.60
" One Day taking testimony,	12.00
" Mileage, 36 miles,	3.60
" one day, exhibit of Schedule,	12.00
" Mileage, 36 miles,	3.60
" preparing and filing report,	12.00
" Stenographer,	1.50

\$77.20

To Louis E. Taylor, Dr.

To Day on View,	\$ 12.00
" mileage, 28 miles,	2.80
" one day at hearing,	12.00
" one day at Exhibit of Schedule of Damages	12.00

\$38.80

To Alfred M. Shoemaker, Dr.

To Day on View,	\$ 12.00
" Mileage, 28 Miles,	2.80
" One day at hearing,	12.00
" One day at exhibition of Schedule,	12.00

\$38.80

I hereby certify that this is an exact duplicate of the bill presented to the County Commissioners for payment,

James McCann

CERTIFIED
COUNTY COMMISSIONERS
ED. J. ...

In re: Petition of Ernest J. Kuckenbrod
for the appointment of Viewers to assess
damages if any for the relocation of
State Highway Route #22 from the land
of your petitioners in Jackson Township.

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IN THE COURT OF QUARTER
SESSIONS OF CAMBERIA COUNTY
PENNSYLVANIA

No. 6 March Sessions 1939.

NOTICE OF VIEW

We, the undersigned viewers appointed by the above Court to view the premises above described and determine and estimate damages and benefits that have resulted or that may seem likely to result by reason of the changing of Pennsylvania State Highway known as Route #22 passing through the land of the petitioners will meet at the premises on Thursday, September 7th, 1939 at 9:30 A. M., for the purpose of performing the duties of our appointment. At which time and place all persons interested may appear and be heard if they think proper.

JAMES McCANN

A. M. SHOEMAKER

L. E. KAYLOR

VIEWERS

*Aug. 29th - 1939
H. J. Dow. clerk.*

In re: Petition of Ernest J. Kuchambrod
for the appointment of Viewers to assess
damages caused by the relocation of
State Highway Route #22 from the land
of your petitioners in Jackson Township.
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IN THE COURT OF QUARTERS
JUDICIAL OF CALHOUN CO.
PENNSYLVANIA

No. 3 March Sessions 1939.

NOTICE OF VIEW

We, the undersigned viewers appointed by the above Court to view the premises above described and determine and estimate damages and benefits that have resulted or that may soon likely to result by reason of the changing of Pennsylvania State Highway known as Route #22 passing through the land of the petitioners will meet at the premises on Thursday, September 7th, 1939 at 9:30 A. M. for the purpose of performing the duties of our appointment. At which time and place all persons interested may appear and be heard if they think proper.

JAMES HOGAN

A. L. GREENBAKER

L. E. HAYLER

VIEWERS

In re: Petition of Ernest J. Kuckenbrod x
for the appointment of Viewers to assess x
damages if any for the relocation of x
State Highway Route #22 from the land x
of your petitioner in Jackson Township. x

IN THE COURT OF QUARTER
SESSIONS OF CAMBERIA COUNTY
PENNSYLVANIA

No. 6 March Sessions 1939.

NOTICE OF VIEW

We, the undersigned viewers appointed by the above Court to view the premises above described and determine and estimate damages and benefits that have resulted or that may seem likely to result by reason of the changing of Pennsylvania State Highway known as Route #22 passing through the land of the petitioners will meet at the premises on ~~Monday~~ Thursday, September 7th, 1939 at 9:30 A. M., for the purpose of performing the duties of our appointment. At which time and place all persons interested may appear and be heard if they think proper.

JAMES McCANN

A. H. SHOEMAKER

L. E. KAYLOR

VIEWERS

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

NO. 6 MARCH SESSIONS, 1939.

In Re:

Petition of ERNEST J. KUCKENBROD
for the Appointment of Viewers
to Assess Damages for the
Relocation of Highway Route 22
from the land of your Petitioner

PETITION FOR APPOINTMENT OF
VIEWERS
REPORT OF VIEWERS

*Agreed to be filed in
Common Pleas to No
175 One Term 1939*

Filed: Sept. 25, 1939

CERTIFIED

Joseph L. Cannon

COUNTY CLERK