

REPORT OF VIEWERS.

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, appointed by your Honorable Court and by the order hereto attached directed to view and determine as to the necessity for a public road to lead from a point on the Wilmore-Jamestown Road, near the residence of Andrew Lesko, eastward to a point on State Highway Route No. 53 near the residence of Lloyd Zook, as indicated on said order, respectfully report that: Having given due notice of view and the time and place of meeting of the viewers to the Commissioners of Cambria County and the Supervisors of the Township of Portage, and having had them accept service of notice, and to the traveling public by printed handbills posted in public and conspicuous places at and near the termini of the proposed road 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: All of us met at the point of beginning of said proposed road and having gone over and carefully viewed the site pointed out by the petitioners where the said piece of road was desired as indicated on the plot or draft hereto attached and made a part of this report, as follows:--

Beginning on the Munster-Jamestown Road; thence over land of Hughes Coal Company South sixty-nine (69) degrees fifty (50) minutes West six hundred eighty (680) feet; thence between properties of William Hogdson, John Patrick and Anthony Farren on the Northwesterly side and premises of Frank Zock, John Zock and Frank Krisko South seventy-one (71) degrees West nine hundred twenty-two (922) feet to a point on said draft indicated by the

letter "B"; thence South nine (9) degrees West one thousand sixty (1060) feet; South fifteen (15) degrees forty-five (45) minutes East five hundred fifteen (515) feet; South twenty-nine (29) degrees West six hundred eighty (680) feet to a dedicated narrow street or lane leading from Route 53 to what is known as the Old Moudy Brick Plant; thence over said dedicated land South forty-eight (48) degrees thirty (30) minutes East one hundred eighty-one (181) feet; and South seventy-one (71) degrees twenty (20) minutes East nine hundred twenty-four (924) feet to the point of ending on State Highway Route 53, between properties of Anthony Farren, Boniface Stager, Stanley Shrul on the Westerly side and John Zook, Frank Gurgle, Joe Krisko and Lloyd Zook on the Easterly side.

The viewers are all of the opinion that a public road between the point of beginning indicated on attached draft by the letter "A" and the point indicated by the letter "B" is necessary for the accommodation of the public and those living along said piece of road, but whereas the point of ending as designated on attached order of view terminates on Route 53 at a point where a cut approximately eight to nine feet deep would be necessary in order to approximate the grade of Route 53 and such cut would cause considerable damage to the Lloyd Zook property and some damage to the property on the opposite side of said proposed new road; and whereas to approach Route 53 through such a cut, at the termini designated, where the embankment arises eight to ten feet from just four feet from the edge of the concrete of said route 53; persons traveling over the proposed new road in automobiles would be required to be within less than ten feet of the fast traffic lane of Route 53 before being able to see more than a hundred feet or so either to right or left thus making such a hazardous termini that the viewers feel it should not be created and therefore report that the road between the termini as specified in the order of court should not be granted.

WITNESS our hands and seals this 12th day of
December, A.D., 1939.

A. M. Shoemaker (SEAL)

Louis E. Kaylor (SEAL)

James M. Cannon (SEAL)

VIEWERS.

NOTICE OF VIEW.

The undersigned viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the necessity for a public road in Portage Township, said County and State, between the termini set forth in the order of the said court, viz:

Beginning near the property of the Andrew Lesko Estate on Township Road No. 406 at a point One Thousand (1000) feet North of state highway route No. 53, and extending thence in a northerly direction for one half ($\frac{1}{2}$) mile, more or less, to a point on Route No. 53, near the Lloyd Zook Property:

Will meet at the point of beginning, above indicated, on township road, No. 406, in said township of Portage, Cambria County, Pennsylvania, on Monday, November 27, 1939, at 10:00 o'clock A.M., to perform the duties of their said appointment.

A.M. Shoemaker

L.E. Kaylor

James McCann.

Viewers.

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



NOTICE OF VIEW.

The undersigned viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine as to the necessity for a public road in Portage Township, said County and State, between the termini set forth in the order of the said court, viz:

Beginning near the property of the Andrew Lesko Estate on Township Road No. 406 at a point One Thousand (1000) feet North of state highway route No. 53, and extending thence in a northerly direction for one half ($\frac{1}{2}$) mile, more or less, to a point on Route No. 53, near the Lloyd Zook Property:

Will meet at the point of beginning, above indicated, on township road, No. 406, in said township of Portage, Cambria County, Pennsylvania, on Monday, November 27, 1939, at 10:00 o'clock A.M., to perform the duties of their said appointment.

A.M. Shoemaker

L.E. Kaylor

James McCann.

Viewers.

*Copy of notice served on Supervisors
of Portage Township
by A.M. Shoemaker*

Copy

REPORT OF VIEW

The undersigned viewers appointed by the Court of Quarter Sessions of Carleton County, Pennsylvania, to view and determine as to the necessity for a public road in Portage Township, said County and State, between the termini set forth in the order of the said court, view:

Beginning near the property of the Andrew Lecha Estate on Township Road No. 603 at a point One Thousand (1000) feet North of state highway Route No. 88, and extending thence in a northerly direction for one half (½) mile, more or less, to a point on Route No. 88 near the Lloyd Acott Property.

Will meet at the point of beginning, above indicated, on township road, No. 603, in said township of Portage, Carleton County, Pennsylvania on Monday, November 27, 1938, at 10:00 o'clock A.M., to perform the duties of their said appointment.

A.H. Schroeder

B.B. Taylor

James McGinnis

Viewers.

IN RE VIEW OF ROAD IN PORTAGE TOWNSHIP, CAMBRIA COUNTY, PA.

No. 3. September Sessions 1939.

County of Cambria

To A. M. Shoemaker,

Dr.

To preparing, serving and posting notices of view	- -	\$12.00.
Stenographer and stationery	- - - -	1.50
26 miles @ 10¢ per mile	- - - -	2.60
Day on View	- - - -	12.00
26 miles	- - - -	2.60
Survey, plotting and draft	- - - -	18.00
2 Chainmen @ 1.50 each	- - - -	3.00
Hearing and meeting with Supervisors and Viewers	- - - -	12.00
Stenographer and stationery	- - - -	1.25.
Report of Viewers	- - - -	12.00
		<u>\$76.95</u>

To L. E. Kaylor

To Day attending View	- - - -	\$12.00.
Day attending Hearing	- - - -	12.00
27 miles to and from view	- - - -	2.70
		<u>\$26.70</u>

To James McCann

To Day on View	- - - -	\$12.00
42 miles to and from view	- - - -	4.20
One day hearing and consultation of viewers	- - - -	12.00
36 miles	- - - -	3.60
		<u>\$31.80.</u>

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 6th day of November A. D. 1939, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Portage, in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from beginning near the Andrew Lesko Estate property on Township Road No. 406, said point being one thousand feet north of State Highway Route No. 53; thence in a northwesterly direction for a distance of one-half mile, more or less, to a point near the Lloyd Zook property on Route No. 53.

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

A. M. Shoemaker

surveyor, and

L. E. Kaylor 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.

Attest:

James M. Jones, Clerk.

11th March 1940

Approved

By the Court

McKenna

judice

June 12, 1940

Confirmed Absolutely
Joseph C. Thayer
Clerk

No 3 September SESSIONS, 1939

Order to Read In Portage Township.

and
Report of Viewers

CERTIFIED
County Clerk
COUNTY

A. M. Shoemaker

L. E. Kaylor

James McCann

Viewers

Clerk 90 cts.

Filed. Dec. 14 - 1939

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 and 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."

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

TO THE HONORABLE JUDGES OF SAID COURT:

The petition of the undersigned citizens of the Township of Portage, County of Cambria, and State of Pennsylvania, respectfully represents:

1.

That they labor under a great inconvenience by reason of the fact that they are in need of a road in said Portage Township. A particular description of said roadway is as follows:

Said road to begin near the Andrew Lesko Estate property on Township Road No. 406, said point being one thousand feet north of State Highway Route No. 53; thence in a northwesterly direction for a distance of one-half mile, more or less, to a point near the Lloyd Zook property on Route No. 53.

2.

That the proposed road will, if opened, provide an outlet from the properties of a number of citizens of said Township and will be a benefit to the public generally.

Your petitioners therefore pray the Court to inquire of and open said road, and for that purpose appoint Viewers according to law to view the site of said proposed road and to inquire of the premises and make return of their proceedings according to the Act of Assembly in such case made and provided.

Michael J. Krisko
Anthony Warren
William Hodgson
Frank Krisko Jr.
Frank Krisko Sr.
Mrs. Anna Zock
John Zock
James Zook
James Lutz
Frank Lopata

Frank Zock
James Lutz
Joseph James Beuk
Frank Zock
Catherine Zock
Sam Radtke
Alf Salowich
Anthony Lizar
Wade Zook
Madeline S. Krisko

State of Pennsylvania :

ss.

County of Cambria :

Michael J. Krisko, being duly sworn according to law, did depose and say that the statements set forth in the foregoing petition are true and correct, as he verily believes.

Affirmed and subscribed before me this

25th day of October, A. D., 1939.

Michael J. Krisko

John L. Hite
Notary

DECREE

And Now, November 6, 1939. the foregoing petition having

been read and considered, it is ordered that

Ann Shoemaker

L. E. Taylor & James McNamee

members of the Board of Viewers of Cambria County be, and hereby are, appointed to view and report on the above matter, according to law.

By the Court
McNamee
P. J.

And Now, October 30, 1939, we hereby acknowledge receipt of a copy of the within petition and notice of presentation thereof. We further waive the issuance of a Rule and agree to the appointment of Viewers.

Commissioners of Cambria County
BY W. J. Brown
Chief Clerk

14.3 *Agm. - November 1, 1939*

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA
IN RE ROAD IN PORTAGE TOWNSHIP
PETITION FOR APPOINTMENT OF VIEWERS
<p><i>CHIEF CLERK</i> <i>W. J. Brown</i> <i>CHIEF CLERK</i></p> <p><i>Filed: Nov. 6, 1939</i></p> <p>C. RANDOLPH MYERS ATTORNEY AT LAW EBENSBURG, PENNSYLVANIA</p>

*11. March, 1940 appeared.
by the Court
McKenzie*

And NOW, October 30, 1939, we hereby acknowledge receipt of a copy of the within petition and notice of presentation thereof. We further waive the issuance of a Rule and agree to the appointment of Viewers.

Commissioners of Cambria County

BY

H. J. Brown
Chief Clerk

No. 3 Sept. Term, 1939

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

IN RE ROAD IN PORTAGE TOWNSHIP

PETITION FOR APPOINTMENT OF
VIEWERS

CERTIFIED

Thos. L. Brown
COUNTY CLERK

Filed: Nov. 6, 1939

C. RANDOLPH MYERS
ATTORNEY AT LAW
EBENSBURG, PENNSYLVANIA

11. March, 1940 approved.

*By the Court
McKenney*