

No. 6 March Sessions 1937.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.

In Re: Petition of Vincent D.
Huber for Appointment of
Viewers to Assess Damages.

Certified Copy of Petition and
Order to View.

AND REPORT OF VIEWERS

Viewers:

Louis E. Kaylor

A. M. Shoemaker

James McCann.

Filed: June 9, 1937

CERTIFIED

James McCann
COUNTY CONTROLLER

In Re:- Petition of Vincent D. Huber : In the Court c : ter
of Munster Township, county of Cambria : Sessions of Ca : County
and State of Pennsylvania, for appraisal: : Mo. 6, March Sessions, 1937.
of damages as a result of changing the :
location of Route 22, State Highway of :
Pennsylvania through his property at :
The Village of Munster, Cambria County. :

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court.

We the undersigned Viewers, appointed by the attached order of the Court to view the premises of the above petitioner respectfully report:-

That we have been duly sworn 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 the time and place of Meeting by having posted notices as required by law on and in the neighborhood of the property of said Vincent D. Huber and having served notice on the attorney for the petitioner, the County Commissioners and the Township Supervisors of Munster Township, evidenced by the endorsed copies of said notice hereto attached and made a part of this report, that we met in accordance with the notice given, on the 25th. day of May, 1937, at 10:30'clock A. M. and proceeded with the duties of our appointment and carefully examined the property to arrive at a fair estimate of its former and present situation, condition and present value.

The location and legal boundaries of the property are fully set forth in the copy of the petition filed and made a part of this report. We find that in changing the course and widening the highway a strip of the petitioner's land has been taken directly in front of his residence so that where he formerly had a front yard and spacious shade trees, lawn, shrubbery and fruit, there remains but a wedge shaped piece the point of which is against the front porch and while formerly the highway was practically on a level with the lawn it is now three feet lower than formerly. While the original level of the highway was about the same as the land adjoining now the cut at the western side of the Huber property is perhaps three feet and the fill and guard rail erected on the east side is perhaps five feet higher than the adjoining land and practically eliminates it for building uses. A drain from the basement of the house has been closed so that after heavy rains water rises in the cellar so that gum boots are necessary to get up supplies. this condition is evidenced by the water line on cellar wall.

Sworn testimony, taken at the Viewers hearing on Thursday May 27th., and given by reliable and experienced witnesses as to property values established the present value of the Hoover property to be \$2,500.00 less than it was before the road was relocated.

The altered value of the property caused by the fill at the east end and the cut at the west end cannot be remedied and the lawn cannot be restored except by moving the residence back to allow room for the long task of establishing lawn, fruit and shade trees.

Being located on a curve with the right of way taken up to and practically against one end of the porch and taking into consideration the dangerous speed of traffic on this particular highway the situation now existing is a serious menace to the lives of the occupants of the dwelling.

We decided that the taking of sworn testimony was advisable and called a meeting or hearing for this purpose, notices of which are made a part of this report, on Thursday, the 27th. day of May, at 9 o'clock, when we decided to award the petitioner the sum of \$1,950.00 damages.

Witness our hands this 7th. day of June, 1937.

VIEWERS,

Louis E. Taylor
A. M. Shoemaker
James M. Carey

County of Cambria

To A. M. Shoemaker, Dr.

Day on View ————— \$12⁰⁰
10 miles @ 10¢ per mi 1⁰⁰

Hearing & consultation 12⁰⁰

Exhibition Schedule 12⁰⁰
\$37⁰⁰

CERTIFIED
By *John P. Sullivan*
COUNTY CONTROLLER

APPROVED FOR PAYMENT
John P. Sullivan
Grant P. Sullivan
COMMISSIONERS

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of Vincent D. Huber, respectfully represents:

1.

That he is the owner of a tract of land situate, lying and being in the Township of Munster, County of Cambria, and State of Pennsylvania, bounded and described as follows:

Beginning at an iron pin on line of land of estate of Augustine Durbin, deceased; at a corner of land of estate of Cornelius Dever, deceased, thence by said Dever land, South $83^{\circ} 33'$ East three hundred sixty (360) feet to an iron pin at a corner of land of W. W. Ambry (formerly estate of Phillip Farron, deceased); thence by said land of W. W. Ambry, South $74^{\circ} 38'$ East twelve hundred fourteen (1214) feet to a post at a corner of land of James Noon; thence by said land of James Noon, South $3^{\circ} 55'$ West eleven hundred forty-six (1146) feet to a post at a corner of land of Matilda Farron; thence by said land of Matilda Farron, South $4^{\circ} 41'$ West twenty-six hundred fourteen (2614) feet to a post on line of land of estate of Patrick Connery; thence by said Connery land North $65^{\circ} 50'$ West six hundred seventy-one (671) feet to a post at land of estate of James Durbin, deceased; thence by said Durbin land the following three courses and distances, viz: North $7^{\circ} 7'$ East one hundred ninety-seven (197) feet to a stone, North $4^{\circ} 40'$ East thirty-two hundred seventeen (3217) feet to a hickory, and North $66^{\circ} 36'$ West five hundred thirty-five (535) feet to a post, at land of the estate of Cornelius Dever, deceased; thence by said Dever land North $5^{\circ} 4'$ East three hundred sixty-six (366) feet to a post and North $84^{\circ} 45'$ West three hundred sixty-eight (368) feet to a post on line of land of estate of Augustine Durbin, deceased; thence by said last mentioned land North $4^{\circ} 6'$ East two hundred twenty-three (223) feet to an iron pin, the place of beginning. Containing 66 acres and 61 perches.

Excepting and reserving a tract of land conveyed by the petitioner to Julia Fodor, by deed dated January 23, 1931 and recorded in Cambria County in Deed Book Vol. 444, at page 69, containing 40 acres, more or less.

Also excepting and reserving the coal, mining rights, and privileges, as excepted and reserved in prior conveyances.

2.

That a public highway, known as State Highway Route No. 22, has been laid out by the Commonwealth of Pennsylvania through the tract of land above described. Said highway is the main road connecting the Boroughs of Ebensburg and Cresson in the County of Cambria and State of Pennsylvania, and travels through the petitioner's land at a point near the Village of Munster, Munster Township, Cambria County, Pennsylvania.

3.

That improvements on said highway have been made by the Department of Highways of the Commonwealth of Pennsylvania.

4.

That as a result of the improvements so made there has been appropriated a portion of petitioner's land, being that portion directly in front of his residence. A change of grade has been made and the widening of said road has made the entrance to his home and buildings inconvenient and burdensome. That certain valuable trees and shrubbery have been destroyed; the drainage from the house has been interfered with; a well on said premises has been destroyed; and the house on said land has been left so that the eaves protrude over the right-of-way. The lawn adjacent to the house has been destroyed and roots, stumps, and debris have been left on the premises.

5.

Your petitioner further avers that no compensation for this damage has been paid to him and no agreement has been made for the payment of damages between him and the County of Cambria.

WHEREFORE, your petitioner prays your Honorable Court to appoint viewers to assess the damages arising by reason of the appropriation of said land, the change of grade, and the widening of said road, as aforesaid, and report the same to your Honorable Court agreeably to the Acts

of Assembly in such case made and provided.

And your petitioner will ever pray.

sgd
Vincent D. Huber

STATE OF PENNSYLVANIA :
COUNTY OF CAMERIA : ss,

Vincent D. Huber, being duly sworn according to law, deposes and says that he is the petitioner above named and that the facts set forth in the foregoing petition are true, to the best of his knowledge, information and belief.

sgd
Vincent D. Huber

Sworn and subscribed before me this
30 day of April, A. D. 1937.

John L. Hite
Prothonotary

(Seal)

In Re: Petition of Vincent D. Huber
for appraisment of damages by
reason of the relocation of State
Highway Route No. 22, in Munster
Township, Cambria County, Pennsylvania.:

In the Court of Quarter
Sessions, of Cambria
County, Pennsylvania.
No. 6, March Term, 1937

NOTICE OF VIEW.

We, the undersigned Members of the Permanent Board of Viewers, of Cambria County, appointed by the above named Court to view the Premises and determine the amount of damages sustained by the petitioner, Vincent D. Huber, by reason of the relocation of Route No. 22, State Highway abutting his residence property near the Village of Munster, in Munster Township, County of Cambria and State of Pennsylvania, Will Meet at the Huber Property at Munster on Tuesday Morning, the 25th. day of May, 1937, at 10:30 o'clock for the purpose of performing the duties of our appointment and when and where all persons interested may appear if they so desire.

VIEWERS,

LOUIS E. KAYLOR,
A. M. SHOEMAKER, Esq.,
JAMES McCANN,

In Re: Petition of Vincent D. Huber;	:	In the Court of Quarter
for appraisement of damages to	:	Sessions of Cambria County
his property at Munster, Munster	:	State of Pennsylvania,
Township and State of Pennsylvania,	:	No 6, March Term 1937.
by reason of the relocation of	:	
Route 22, State Highway.	:	

NOTICE OF VIEW.

We, the undersigned members of the Permanent Board of Viewers, of Cambria County, State of Pennsylvania, appointed by the above named Court to View the property and determine the amount of damages sustained by the petitioner by reason of the relocation of that section of Route 22, State Highway adjacent to his property at Munster, in the Township of Munster, County of Cambria and State of Pennsylvania, will meet for the purpose of performing the duties of our appointment at the Hoover Property at Munster on Tuesday Morning, May 25th. 1937 at 10:30 for the purpose above mentioned and at which time and place persons interested should be present.

Service of this notice to the
Supervisors of Munster Township
acknowledged by,

L. E. KAYLOR,
A. M. SHOEMAKER, Esq.,
JAMES McCann,

VIEWERS.

F. A. Noel Treas
5/14-1937

Supervisors of Munster Township

In Re: Petition of Vincent D. Huber : IN The Court o. rter
for appraisement of damages to his : Sessions of Cambria County,
property at Munster, Munster Township, ; and State of Pennsylvania,
Cambria County and State of Pennsylvania.: No. 6, March Term, 1937.

NOTICE OF VIEW.

We, the undersigned members of the Permanent Board of Viewers, of Cambria County, appointed by the above named Court to view the premises and determine the amount of damages sustained by the petitioner to his residence property by reason of the relocation of State Highway, Route No. 22, near the Village of Munster, in Munster Township and the State of Pennsylvania, will meet at the Huber property, at munster in Munster Township, State of Pennsylvania, on Tuesday, the 25th. day of May, 1937 at 10:30 O'Clock for the purpose of performing the duties of our appointment and when and where all persons interested may be present if so inclined.

Received 5-14-37
N-JD

VIEWERS,

LOUIS E. KAYLOR,
A. M. SHOENMAKER, Esq.
JAMES McCANN.

In Re: View to estimate and assess damages :
to property of Vincent D. Huber, of Village :
of Munster, Cambria County Pennsylvania. :

In the Court of Quarter
Sessions of Cambria County
Pennsylvania,
March Sessions, No. 6, 193

To James McCann, Dr.

To making View,	May 25th.	\$12.00✓
" Mileage,	" "	4.60
" Hearing,	" 27 "	12.00
" Mileage,	" " "	3.60
" Meeting of Viewers to exhibit schedule,	June 8th	12.00
" Mileage	" " "	3.60
		<u>\$ 47.80</u>

CERTIFIED
COUNTY CONTROLLER

To L. E. Kaylor, Dr.

Making Serving and posting Notices
Making View, May 25th
Mileage on both of above items,
Hearing for taking of testimony, May 27th.
Hearing for Exhibit of Schedule, June 7th.
Preparing and filing report,
Stenography and stationery,

\$	12.00
	12.00
	1.80
	12.00
	12.00
	12.00
	1.00
<u>\$</u>	<u>62.80</u>

FEB 6 1940 CERTIFIED

APPROVED FOR PAYMENT

John T. ...

Frank P. ...

RECEIVED

In Re:-	damages and Benefits	:	IN THE COURT	:	MON PLEAS
reason	changing location of	:	OF CAMBRIA CO	:	PENNSYL-
Route #22,	State Highway of Penn-	:	VANIA,	:	
sylvania	through property of Vincent	:	No. 6 march Sessions, 1937	:	
D. Huber	at Munster, Munster Township,:	:		:	
Cambria County,	Pennsylvania.	:		:	

SCHEDULE OF DAMAGES

We, the undersigned Viewers, appointed by the above Court to view the above premises and determine and estimate the damages and benefits that have resulted and will result by reason of the relocation of State Highway, Route No. 22 through the property of the above mentioned petitioner, at the Village of Munster, County of Cambria and State of Pennsylvania, have estimated, determined and assessed benefits and damages as follows:-

NAME	BENEFITS	DAMAGES,
V		
VINCENT D. HUBER,	NONE	\$1,950.00

June 7th. 1937.

Louis E. Taylor
A. M. Shoemaker
James M. Baum
 Viewers.

In Re: Petition of Vincent D. Huber : In the Court of Quarter
for View to appraise damages : Sessions of Cambria County,
to his property at Munster, in : State of Pennsylvania, March
Munster Township, Cambria County : Term, 1937. Entered to No. 6.
and State of Pennsylvania by :
relocation of Route # 22, :

Notice of Public Hearing to take Testimony
and exhibition of schedule.

We, the undersigned Viewers, appointed by the above named Court to view the premises and appraise damages to the property of the above petitioner have examined the premises as directed by the Court and have advised the petitioner that a public hearing to take testimony in this case will be held in Court Room No. 4, in the court house in Ebensburg on Thursday morning, the 27th day of May, at 9 O'clock when all persons interested may be present. Both parties at interest will present their own witnesses. Also: a meeting of the viewers for the purpose of exhibiting a schedule of the results of our findings will be held in Court room No. 4 on Monday, the 7th day of June, 1937, at 9 O'clock, A. M. when all parties at interest will be expected to be present.

L. E. Kaylor,
A. M. Shoemaker,
James McCann,

VIEWERS.

Received May - 26 - 37
H. F. D. Clerk

DECREE

And Now, May 3rd, 1937, the foregoing petition having been read and considered, it is ordered that Louis E. Kaylor, A. M. Shoemaker, Esq., and James McCann, members of the Board of Viewers of Cambria County, be and hereby are appointed to view the said land, and it is further ordered that the said Board of Viewers shall hold its first meeting as required by law, Acts of Assembly and Rules of Court, after having given due notice of said meeting, as required by law, and make report of their findings to this Court.

By the Court,
McKenrick, J.

Extract from the Record.

Certified this 3rd day
of May A. D. 1937.


Clerk of Courts

No. 6 March Sessions 1937

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

PETITION OF VINCENT D. HUBER
FOR APPOINTMENT OF VIEWERS,
AND DECREE

Filed: May 3, 1937

C. RANDOLPH MYERS
ATTORNEY AT LAW
EBENSBURG, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of Vincent D. Huber, respectfully represents:

1.

That he is the owner of a tract of land situate, lying and being in the Township of Munster, County of Cambria, and State of Pennsylvania, bounded and described as follows:

Beginning at an iron pin on line of land of estate of Augustine Durbin, deceased, at a corner of land of estate of Cornelius Dever, deceased, thence by said Dever land, South $83^{\circ} 33'$ East three hundred sixty (360) feet to an iron pin at a corner of land of W. W. Amsbry (formerly estate of Phillip Farren, deceased); thence by said land of W. W. Amsbry, South $74^{\circ} 38'$ East twelve hundred fourteen (1214) feet to a post at a corner of land of James Noon; thence by said land of James Noon, South $3^{\circ} 55'$ West eleven hundred forty-six (1146) feet to a post at a corner of land of Matilda Farren; thence by said land of Matilda Farren, South $4^{\circ} 41'$ West twenty-six hundred fourteen (2614) feet to a post on line of land of estate of Patrick Connery; thence by said Connery land North $85^{\circ} 50'$ West six hundred seventy-one (671) feet to a post at land of estate of James Durbin, deceased; thence by said Durbin land the following three courses and distances, viz: North $7^{\circ} 7'$ East one hundred ninety-seven (197) feet to a stone, North $4^{\circ} 40'$ East thirty-two hundred seventeen (3217) feet to a hickory, and North $86^{\circ} 38'$ West five hundred thirty-five (535) feet to a post, at land of the estate of Cornelius Dever, deceased; thence by said Dever land North $5^{\circ} 4'$ East three hundred sixty-six (366) feet to a post and North $84^{\circ} 45'$ West three hundred sixty-eight (368) feet to a post on line of land of estate of Augustine Durbin, deceased; thence by said last mentioned land North $4^{\circ} 6'$ East two hundred twenty-three (223) feet to an iron pin, the place of beginning. Containing 66 acres and 61 perches.

Excepting and reserving a tract of land conveyed by the petitioner to Julia Fodor, by deed dated January 28, 1931 and recorded in Cambria County in Deed Book Vol. 444, at page 69, containing 40 acres, more or less.

Also excepting and reserving the coal, mining rights, and privileges, as excepted and reserved in prior conveyances.

2.

That a public highway, known as State Highway Route No. 22, has been laid out by the Commonwealth of Pennsylvania through the tract of land above described. Said highway is the main road connecting the Boroughs of Ebensburg and Cresson in the County of Cambria and State of Pennsylvania, and travels through the petitioner's land at a point near the Village of Munster, Munster Township, Cambria County, Pennsylvania.

3.

That improvements on said highway have been made by the Department of Highways of the Commonwealth of Pennsylvania.

4.

That as a result of the improvements so made there has been appropriated a portion of petitioner's land, being that portion directly in front of his residence. A change of grade has been made and the widening of said road has made the entrance to his home and buildings inconvenient and burdensome. That certain valuable trees and shrubbery have been destroyed; the drainage from the house has been interfered with; a well on said premises has been destroyed; and the house on said land has been left so that the eaves protrude over the right-of-way. The lawn adjacent to the house has been destroyed and roots, stumps, and debris have been left on the premises.

5.

Your petitioner further avers that no compensation for this damage has been paid to him and no agreement has been made for the payment of damages between him and the County of Cambria.

WHEREFORE, your petitioner prays your Honorable Court to appoint viewers to assess the damages arising by reason of the appropriation of said land, the change of grade, and the widening of said road, as aforesaid, and report the same to your Honorable Court agreeably to the Acts

of Assembly in such case made and provided.

And your petitioner will ever pray.

Vincent D. Huber

STATE OF PENNSYLVANIA :
COUNTY OF CAMBERIA : ss.

Vincent D. Huber, being duly sworn according to law, deposes and says that he is the petitioner above named and that the facts set forth in the foregoing petition are true, to the best of his knowledge, information and belief.

Vincent D. Huber

Sworn and subscribed before me this
30 day of April, A. D. 1937.

John L. Hite
Prothonotary

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D E C R E E

And Now, May 3rd, 1937, the foregoing petition having been read and considered, it is ordered that Louis E. Kayler, Wm. Shoemaker, Jr., and James McCann, members of the Board of Viewers of Cambria County, be and hereby are appointed to view the said land, and it is further ordered that the said Board of Viewers shall hold its first meeting as required by law, Acts of Assembly and Rules of Court, after having given due notice of said meeting, as required by law, and make report of their findings to this Court.

By the Court
Maximilian