

NO. 5, JUNE SESSIONS, 1938.

IN THE COURT OF COMMON PLEAS OF
CAMBRIA COUNTY, PENNSYLVANIA.

IN RE: PETITION OF HERMAN
VARNER FOR THE APPOINTMENT OF
VIEWERS TO ASSESS DAMAGES FOR
THE RE-LOCATION OF HIGHWAY
ROUTE 219

Filed Mch-22-1939

IN RE: PETITION OF
HERMAN VARNER FOR THE
APPOINTMENT OF VIEWERS
TO ASSESS DAMAGES FOR THE
RE-LOCATION OF HIGHWAY
ROUTE 219

(IN THE COURT OF QUARTER SESSIONS OF CAMBRIA
COUNTY, PENNSYLVANIA.
(
(NO. 5, JUNE SESSIONS, 1938.
(

5 Dec 1938
12 " award
13 Mar 1939

And now, March 14th, 1939, the undersigned

acknowledges receipt of the sum of EIGHTEEN HUNDRED (\$1800.00) DOLLARS
with interest
from the Commissioners of Cambria County in full settlement of the
award of the Board of Viewers in his favor filed at the above number
and Term of the Court of Quarter Sessions of Cambria County.

Herman Varner.

Mr from 5 Dec 1938

Will not accept without interest

Russell R. H. 1938

Mar 22 1939

Above requirement interest

Russell R. H. 1938

IN THE COURT OF QUARTER SES-
SIONS OF CAMBRIA COUNTY, PA.
No. 5, JUNE SESSIONS 1938.

In Re: Petition of Herman
Varner for the Appointment
of Viewers to Assess Damages
for the Relocation of High-
way Route 219.

REPORT OF VIEWERS

Filed Dec. 5-1938

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

12 Dec. 1938 Approved

By the Court
H. Osterman

13 March 1939 Confirmed Absolutely
J. J. Jones
Clerk

In Re: Petition of Herman Varner
for the Appointment of Viewers to
Assess Damages for the Relocation
of Highway Route 219.

In The Court of Quarter Sessions
of Cambria County, Pennsylvania
No. 5, June Sessions, 1938.

REPORT OF VIEWERS

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 or that may seem likely to result by reason of the relocating of State Highway Route 219, where said highway passes over and through the land of Herman Varner, and in so doing the Commonwealth of Pennsylvania has taken and appropriated to its own use or the use of the public, approximately two acres of land in Parcel No. 1, which said parcel is described as follows:

ALL THAT CERTAIN TRACT OF LAND, with the buildings and improvements thereon erected, situate in East Taylor Township, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the Ebensburg Road corner of School lot; thence along the Ebensburg Road north 10 degrees 45 minutes east 416.6 feet to a post; thence along line of same north 23 degrees 15 minutes east 709.5 feet to a post; thence along line of same north 34 degrees 5 minutes east 136 feet to a post; thence by land now or formerly of Catherine Colbert north 42 degrees 50 minutes west 2160 feet to a point on a public road at corner of land now or formerly of J. I. C. Hunt; thence along line of same south 48 degrees 30 minutes west 743 feet to a post; thence along Angus lands south 43 degrees 20 minutes east 871 feet to a post; thence along same south 14 degrees 30 minutes west 1576 feet to a hemlock stump; thence along line of land now or formerly of William Shaffer south 41 degrees east 418 feet to a post; thence north 58 degrees 45 minutes east 154.5 feet to a post; thence south 33 degrees east 129 feet to a post; thence along a private road and along line of land now or formerly of William Killen north 69 degrees east 431.5 feet to a post; thence along same and along line of School lot north 80 degrees 30 minutes east 534 feet to the place of beginning, containing 75.95 acres, more or less; having thereon erected two dwelling houses, barn, spring house, ware-rooms, and other improvements.

Also a portion of Parcel No. 2, hereinafter described, consisting of a narrow strip from the front of said lot and also changing the grade where it passes over and across the land of Herman Varner, said Parcel No. 2 being described as follows:

ALL THAT CERTAIN piece of land, with the buildings and improvements thereon erected, situate in East Taylor Township, Cambria County, Pa., bounded and described as follows:

BEGINNING at a post on the northerly side of Ebensburg Road corner of lots Nos. 2 and 3 on the plan of "Killen View" as laid out by O. P. Thomas on January 23, 1922, and recorded in the Office of the Recorder of Deeds of Cambria County in Plat Book Vol. ____, Page ____ thence along line of lot No. 3 north 75 degrees 48 minutes west 120 feet to a post; thence through lot No. 2 on the plan aforesaid north 19 degrees no minutes east 100 feet to a post; thence continuing through said lot south 75 degrees 48 minutes east 118.73

feet to Ebensburg Road; thence along said Ebensburg Road by a curve with a radius of 1134.14 feet a distance of 100 feet to the place of beginning, and being part of Lot No. 2 on the aforesaid plan, having thereon erected a frame dwelling house.

Respectfully report that we were duly sworn or affirmed as members of the Permanent Board of Viewers of said County as is shown by the records of said Court; that we gave due public notice of the time and place of meeting of Viewers by posting handbills upon the premises as well as by acceptance of service of said notice upon Russell R. Yost, Esq., Attorney for Herman Varner and upon H. Frank Doerr, Chief Clerk to the County Commissioners of Cambria County, Pa., evidence of which is shown by copies of said notices hereto attached and made a part of this Report.

That we met upon the premises according to notice given, on Tuesday, September 9, 1938 at 10:00 o'clock A. M. and proceeded with the duties of our appointment. S. E. Dickey and Mahlon J. Baumgardner, members of the Board of Viewers, were in attendance at said View, as well as Russell R. Yost, Esq., counsel for Herman Varner, the petitioner and Herman Varner and H. Frank Doerr, clerk to the County Commissioners. James McCann, the other Viewer, not being present, later made an inspection of the properties involved in the proceedings. A very thorough inspection of all the grounds was made, carefully going over the questions raised in the petition with reference to the taking of land and soil damages resulting from lack of drainage, and all other things relative to said improvement, together with an inspection made of the house and lot hereinabove described as Parcel No. 2.

It was mutually agreed by and between all the parties present who were interested in said View to continue said hearing until Friday, September 16. It not being convenient for all parties to meet at that time, it was further continued until Friday, Sept. 23, at 10:00 o'clock a.m., all parties having had notice of said changes. It being impossible for all parties interested to meet at that time, it was continued, by mutual agreement, until Tuesday, September 27, 1938 at 10:00 o'clock in the Viewers' Rooms, occupied by Judge Greer in the United States Bank Building, Franklin Street, Johnstown, Cambria County, Pennsylvania. All the parties in interest, to-wit, the Viewers, Russell R. Yost, Esq., counsel for Herman Varner and H. Frank Doerr, Chief Clerk to the County Commissioners, agreed to said continuances from time to time and that pursuant to said continuance we met on Tuesday, September 27, 1938 at 10:00 A. M. in the Viewers' Rooms aforesaid, occupied by Judge Greer, and heard all the testimony and evidence offered.

The Viewers met at that time with Russell R. Yost, Esq., counsel for Herman Varner, and Herman Varner, the petitioner. For the petitioner were called as witnesses, E. A. Hower and John S. Kenny. George Spence, Esq., solicitor for the Commissioners of Cambria County, appeared in behalf of the County Commissioners, together with John Thomas, Jr., President of the Board of County Commissioners. The County Commissioners did not present the Members of the Board of Viewers maps showing the relocation of the road,

nor maps of any sort whatsoever to aid the Viewers in performance of their duties. The county offered no witnesses in behalf of the County Commissioners.

The Board of Viewers met in the office of Mahlon J. Baumgardner, Swank Building, Johnstown, Cambria County, Pennsylvania, at 10:00 o'clock A. M., November 15, 1938, for the purpose of going over the testimony adduced by the petitioner, Herman Varner, and to arrive at and determine the amount of damages due and owing Herman Varner, the petitioner.

Notice of the Exhibit of Schedule, setting forth the place of meeting at City Council Rooms in City Hall, City of Johnstown on Tuesday, November 29 at 10:00 o'clock, A. M. as the time. Acceptance of said notice having been given to Russell R. Yost, Esq. counsel for Herman Varner, and H. Frank Doerr, Chief Clerk to the County Commissioners of Cambria County, copies of which acceptances of service are hereto attached and made a part of this Report, at which time and place a Schedule of Damages was exhibited and evidence thereto was heard.

After hearing all exceptions and testimony offered and giving all matters before us due consideration, we are of the opinion that by reason of the relocation of highway route #219 as affecting the property of Herman Varner, an abutting property owner, situate along said highway in East Taylor Township, Cambria County, Pennsylvania, we assess benefits - none and damages - EIGHTEEN HUNDRED (\$1,800) DOLLARS. We have not checked the record in the respective offices in Ebensburg with reference to liens that may be outstanding against the hereinabove described property but award said damages to be paid to the said Herman Varner as his interest may appear.

Mahlon J. Baumgardner
S. E. Dickey
James M. Carr

Dated: December 3, 1938.

VIEWERS

In Re: Petition of Herman Varner
for the Appointment of Viewers to
Assess Damages for the Relocation
of Highway Route 219.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 5, June Sessions, 1938.

TO: MAHLON J. BAUMGARDNER, S. E.
DICKY & JAMES McCANN, DRS.

Mahlon J. Baumgardner, Dr.

Data and Preparing Notices to View	\$12.00
Stenographer and Stationery	2.00
Posting Notices to View & Acceptance of Service	12.00
Mileage	.80
Making View	12.00
Mileage	.80
Taking Testimony	12.00
Considering Testimony & determining amount of damages	12.00
Exhibit of Schedule	12.00
Data and Preparing Report of Viewers	12.00
Stenographer and Stationery	3.00
Advertising Notice of Filing Report, Tribune	<u>3.75</u>

Total - - - - - \$94.35

S. E. Dickey, Dr.

Making View	12.00
Mileage	.80
Hearing	12.00
Going over Testimony & Determining amount of damages	12.00
Exhibit of Schedule	<u>12.00</u>

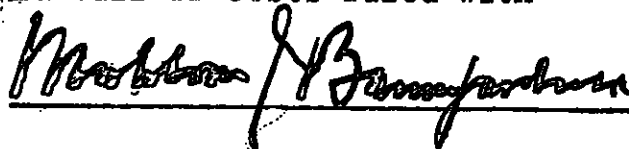
Total - - - - - \$48.80

James McCann, Dr.

Making View	12.00
Mileage	.80
Going over Testimony & Determining amount of damages	12.00
Exhibit of Schedule	<u>12.00</u>

Total - - - - - \$36.80

I hereby certify that the above Bill of Costs is true and
correct and is an exact copy of said bill of costs filed with
the County Commissioners.



In re Petition of Herman Varner
for the Appointment of Viewers
to Assess Damages for the Re-
location of Highway Route 219, as
affecting property of the Petition-
er, situate along said highway in
East Taylor Township, Cambria County
Pennsylvania.

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

No. 5, June Sessions, 1938.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above Court to View the
above premises and determine the amount of damages and benefits that have
resulted or that may seem likely to result by reason of the changing of the
width, location and grade and changes made in said Route No. 219, through
the land of your petitioner, bounded and described as follows:

PARCEL NO. 1 ALL THAT CERTAIN tract of land, with the buildings
and improvements thereon erected, situate in East Taylor Township,
Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the Ebensburg Road corner of School lot; thence
along Ebensburg Road north 10 degrees 45 minutes east 416.6 feet
to a post; thence along line of same north 23 degrees 15 minutes east
709.5 feet to a post; thence along line of same north 34 degrees 5
minutes east 136 feet to a post; thence by land now or formerly of
Catherine Colbert north 42 degrees 50 minutes west 2160 feet to a
point on a public road at corner of land now or formerly of J. I. C.
Hunt; thence along line of same south 48 degrees 30 minutes west 743
feet to a post; thence along Angus lands south 43 degrees 20 minutes
east 871 feet to a post; thence along same south 14 degrees 30 minutes
west 1576 feet to a hemlock stump thence along line of land now or
formerly of William Shaffer south 41 degrees east 418 feet to a post;
thence north 58 degrees 45 minutes east 154.5 feet to a post; thence
south 33 degrees east 129 feet to a post; thence along a private road
and along line of land now or formerly of William Killen north 69
degrees east 431.5 feet to a post; thence along same and along line of
School lot north 80 degrees 30 minutes east 534 feet to the place of
beginning, containing 75.95 acres, more or less; having thereon erected
2 dwelling houses, barn, spring house, ware-rooms, and other improvements.

PARCEL NO. 2 ALL THAT CERTAIN piece of land, with the buildings and
improvements thereon erected, situate in East Taylor Township, Cambria
County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the northerly side of Ebensburg Road at corner of
lots Nos. 2 and 3 on the plan of "Killen View" as laid out by O. P.
Thomas on January 23, 1922, and recorded in the Office of the Recorder
of Deeds of Cambria County in Plat Book Vol. _____, Page _____; thence
along line of lot No. 3 north 75 degrees 48 minutes west 120 feet to a
post; thence through lot No. 2 on the plan aforesaid north 19 degrees
no minutes east 100 feet to a post; thence continuing through said
lot south 75 degrees 48 minutes east 118.73 feet to Ebensburg Road;
thence along said Ebensburg Road by a curve with a radius of 1134.14
feet a distance of 100 feet to the place of beginning, and being part
of Lot No. 2 on the aforesaid plan; having thereon erected a frame
dwelling house.

We, the undersigned Viewers, will meet upon the premises on Friday,
September 9, 1938, at 10:00 o'clock A. L. for the purpose of performing
the duties of our appointment.

S. E. DICKEY
LAHLON J. BAUL GARDNER
JAMES MCCANN

Viewers

AND NOW the 29th day of August, 1938, I hereby accept service of the within
Notice to View as Attorney for Herman Varner and acknowledge to have re-
ceived copy of same.

Herman Varner

In re Petition of Herman Varner
for the Appointment of Viewers
to Assess Damages for the Re-
location of Highway Route 219, as
affecting property of the Petition-
er, situate along said highway in
East Taylor Township, Cambria County
Pennsylvania.

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

No. 5, June Sessions, 1938.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above Court to View the
above premises and determine the amount of damages and benefits that have
resulted or that may seem likely to result by reason of the changing of the
width, location and grade and changes made in said Route No. 219, through
the land of your petitioner, bounded and described as follows:

PARCEL NO. 1 ALL THAT CERTAIN tract of land, with the buildings
and improvements thereon erected, situate in East Taylor Township,
Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the Ebensburg Road corner of School lot; thence
along Ebensburg Road north 10 degrees 45 minutes east 416.6 feet
to a post; thence along line of same north 23 degrees 15 minutes east
709.5 feet to a post; thence along line of same north 34 degrees 5
minutes east 136 feet to a post; thence by land now or formerly of
Catherine Colbert north 42 degrees 50 minutes west 2160 feet to a
point on a public road at corner of land now or formerly of J. I. C.
Hunt; thence along line of same south 48 degrees 30 minutes west 743
feet to a post; thence along Angus lands south 43 degrees 20 minutes
east 871 feet to a post; thence along same south 14 degrees 30 minutes
west 1576 feet to a hemlock stump thence along line of land now or
formerly of William Shaffer north 41 degrees east 418 feet to a post;
thence north 58 degrees 45 minutes east 154.5 feet to a post; thence
south 33 degrees east 129 feet to a post; thence along a private road
and along line of land now or formerly of William Killen north 69
degrees east 431.5 feet to a post; thence along same and along line of
School lot north 80 degrees 30 minutes east 534 feet to the place of
beginning, containing 75.95 acres, more or less; having thereon erected
2 dwelling houses, barn, spring house, ware-rooms, and other improvements.

PARCEL NO. 2 ALL THAT CERTAIN piece of land, with the buildings and
improvements thereon erected, situate in East Taylor Township, Cambria
County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the northerly side of Ebensburg Road at corner of
lots Nos. 2 and 3 on the plan of "Killen View" as laid out by O. P.
Thomas on January 23, 1922, and recorded in the Office of the Recorder
of Deeds of Cambria County in Plat Book Vol. _____, Page _____; thence
along line of lot No. 3 north 75 degrees 48 minutes west 120 feet to a
post; thence through lot No. 2 on the plan aforesaid north 19 degrees
no minutes east 100 feet to a post; thence continuing through said
lot south 75 degrees 48 minutes east 118.73 feet to Ebensburg Road;
thence along said Ebensburg Road by a curve with a radius of 1134.14
feet a distance of 100 feet to the place of beginning, and being part
of Lot No. 2 on the aforesaid plan; having thereon erected a frame
dwelling house.

We, the undersigned Viewers, will meet upon the premises on Friday,
September 9, 1938, at 10:00 o'clock A. M. for the purpose of performing
the duties of our appointment.

S. E. DICKEY
MAHLON J. BAULGARDNER
JAMES McCANN

Viewers

AND NOW the 27 day of August, A. D. 1938, I hereby accept service of the
within Notice to View as Chief Clerk for the County Commissioners and ac-
knowledge to have received copy of same.

A. J. Dorn
Clerk

In Re: Petition of Herman Varner
for the Appointment of Viewers to
assess damages for the Relocation
of Highway Route 219, as affecting
property of the Petitioner, situate
along said highway in East Taylor
Township, Cambria County, Penna.

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

No. 5, June Sessions, 1938.

NOTICE OF EXHIBIT OF SCHEDULE

We, the undersigned Viewers, appointed by the above Court to View the
above premises and determine the amount of damages and benefits that have
resulted or that may seem likely to result by reason of the changing of the
width, location and grade and changes made in said Route 219 through the
land of Herman Varner, bounded and described as follows:

PARCEL NO. 1 ALL THAT CERTAIN tract of land, with the buildings and
improvements thereon erected, situate in East Taylor Township, Cambria
County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Ebensburg Road corner of School lot; thence
along Ebensburg Road north 10 degrees 45 minutes east 416.6 feet to a
post; thence along line of same north 23 degrees 15 minutes east 709.5
feet to a post; thence along line of same north 34 degrees 5 minutes
east 136 feet to a post; thence by land now or formerly of Catherine
Colbert north 42 degrees 50 minutes west 2160 feet to a point on a pub-
lic road at corner of land now or formerly of J.I.C. Hunt; thence along
line of same south 48 degrees 30 minutes west 743 feet to a post; thence
along Angus lands south 43 degrees 20 minutes east 871 feet to a post;
thence along same south 14 degrees 30 minutes west 1576 feet to a hemlock
stump; thence along line of land now or formerly of William Shaffer south
41 degrees east 418 feet to a post; thence north 58 degrees 45 minutes
east 154.5 feet to a post; thence south 33 degrees east 129 feet to a
post; thence along a private road and along line of land now or formerly
of William Killen north 69 degrees east 431.5 feet to a post; thence
along same and along line of School lot north 80 degrees 30 minutes east
534 feet to the place of beginning, containing 75.95 acres, more or less
having thereon erected 2 dwelling houses, barn, spring house, ware rooms
and other improvements.

PARCEL NO. 2 ALL THAT CERTAIN piece of land, with the buildings and im-
provements thereon erected, situate in East Taylor Township, Cambria
County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the northerly side of Ebensburg Road at corner of
lots Nos. 2 and 3 on the plan of "Killen View" as laid out by O. P.
Thomas on January 23, 1922, and recorded in the Office of the Recorder
of Deeds of Cambria County in Plat Book Vol. _____, Page _____; thence
along line of lot No. 3 North 75 degrees 48 minutes west 120 feet to a
post; thence through lot No. 2 on the plan aforesaid north 19 degrees
no minutes east 100 feet to a post; thence continuing through said lot
south 75 degrees 48 minutes east 118.73 feet to Ebensburg Road; thence
along said Ebensburg Road by a curve with a radius of 1134.14 feet a
distance of 100 feet to the place of beginning, and being part of Lot
No. 2 on the aforesaid plan; having thereon erected a frame dwelling.

Will meet in Council Rooms, City Hall, corner of Main and Marker Streets on
November 29, 1938, at 10:00 o'clock A. M. at which time a Schedule of Damage
will be exhibited and all exceptions thereto and evidence will be heard.

S. E. DICKEY
MAHLON J. BAUMGARDNER
JAMES McCANN

Viewers

AND NOW the 16 day of November, 1938, I hereby accept service of the within
Notice of Exhibit of Schedule as Attorney for Herman Varner and acknowledge
to have received copy of same.

Graham W. Meyers

In Re: Petition of Herman Varner
for the Appointment of Viewers
to Assess Damages for the Re-
location of Highway Route 219, as
affecting property of the Petition-
er, situate along said highway in
East Taylor Township, Cambria County,
Pennsylvania.

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA.
NO. 5, JUNE SESSIONS, 1938

NOTICE OF EXHIBIT OF SCHEDULE

We, the undersigned Viewers, appointed by the above Court to View the above premises and determine the amount of damages and benefits that have resulted or that may seem likely to result by reason of the changing of the width, location and grade and changes made in said Route 219 through the land of Herman Varner, bounded and described as follows:

PARCEL NO. 1 ALL THAT CERTAIN tract of land, with the buildings and improve-
ments thereon erected, situate in East Taylor Township, Cambria County, Pa.,
bounded and described as follows: BEGINNING at a post on the Ebensburg Road
corner of School lot; thence along Ebensburg Road north 10 degrees 45 minutes
east 416.6 feet to a post; thence along line of same north 23 degrees 15
minutes east 709.5 feet to a post; thence along line of same north 34 degrees
5 minutes east 136 feet to a post; thence by land now or formerly of Catherine
Colbert north 42 degrees 50 minutes west 2160 feet to a point on a public road
at corner of land now or formerly of J.I.C. Hunt; thence along line of same
south 48 degrees 30 minutes west 743 feet to a post; thence along Angus lands
south 43 degrees 20 minutes east 871 feet to a post; thence along same south
14 degrees 30 minutes west 1576 feet to a hemlock stump; thence along line of
land now or formerly of William Shaffer south 41 degrees east 418 feet to a
post; thence north 58 degrees 45 minutes east 418 feet to a post; thence
north 58 degrees 45 minutes east 154.5 feet to a post; thence south 33 degree
east 129 feet to a post; thence along a private road and along line of land
now or formerly of William Killen north 69 degrees east 431.5 feet to a post;
thence along same and along line of School lot north 80 degrees 30 minutes
east 534 feet to the place of beginning, containing 75.95 acres, more or less
having thereon erected 2 dwelling houses, barn, spring house, ware-rooms, and
other improvements.

PARCEL NO. 2 ALL THAT CERTAIN piece of land, with the buildings and improve-
ments thereon erected, situate in East Taylor Township, Cambria County, Pa.,
bounded and described as follows: BEGINNING at a post on the northerly side
of Ebensburg Road at corner of lots Nos. 2 and 3 on the plan of "Killen View"
as laid out by O. P. Thomas on January 23, 1922, and recorded in the Office
of the Recorder of Deeds of Cambria County in Plat Book Vol. ____, Page ____;
thence along line of lot No. 3 north 75 degrees 48 minutes west 120 feet to
a post; thence through lot No. 2 on the plan aforesaid north 19 degrees no
minutes east 100 feet to a post; thence continuing through said lot south
75 degrees 48 minutes east 118.73 feet to Ebensburg Road; thence along said
Ebensburg Road by a curve with a radius of 1134.14 feet a distance of 100
feet to the place of beginning, and being part of Lot No. 2 on the aforesaid
plan; having thereon erected a frame dwelling house.

Will meet in Council Rooms, City Hall, corner of Main and Market Streets on
November 29, 1938, at 10:00 o'clock A.M. at which time a Schedule of Damages
will be Exhibited and all exceptions thereto and evidence will be heard.

S. E. DICKEY
MAHLON J. BAUMGARDNER
JAMES McCANN

Viewers.

AND NOW, this 12 day of November, 1938, I hereby accept service of the
within Notice of Exhibit of Schedule and Acknowledge to have received
copy of same for the Commissioners of Cambria County.

H. J. Low

the Petition of Herman Varner
for the Appointment of Viewers
to Assess Damages for the Re-
location of Highway Route 219, as
affecting property of the Petition-
er, situate along said highway in
East Taylor Township, Cambria
County, Pennsylvania.

In the Court of Quarter Sess.

Cambria County, Pennsylvania.

No. 5 June Sessions 1938.

We, the undersigned Viewers, appointed by the above Court to View the
above premises and determine the amount of damages and benefits that have
resulted or that may seem likely to result by reason of the changing of the
width, location and grade and changes made in said Route No. 219, through the
land of your petitioner, bounded and described as follows:

PARCEL NO. 1 ALL THAT CERTAIN tract of land, with the buildings
and improvements thereon erected, situate in East Taylor Township,
Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the Ebensburg Road corner of School lot; thence
along the Ebensburg Road north 10 degrees 45 minutes east 416.6 feet
to a post; thence along line of same north 23 degrees 15 minutes east
709.5 feet to a post; thence along line of same north 34 degrees 5
minutes east 136 feet to a post; thence by land now or formerly of
Catherine Colbert north 42 degrees 50 minutes west 2160 feet to a
point on a public road at corner of land now or formerly of J. I. C.
Hunt; thence along line of same south 48 degrees 30 minutes west 743
feet to a post; thence along Angus lands south 43 degrees 20 minutes
east 871 feet to a post; thence along same south 14 degrees 30 minutes
west 1576 feet to a hamlock stump; thence along line of land now or
formerly of William Shaffer south 41 degrees east 418 feet to a post;
thence north 58 degrees 45 minutes east 154.5 feet to a post; thence
south 33 degrees east 129 feet to a post; thence along a private road
and along line of land now or formerly of William Killen north 69
degrees east 431.5 feet to a post; thence along same and along line of
School lot north 80 degrees 30 minutes east 534 feet to the place of
beginning, containing 75.95 acres, more or less; having thereon erected
2 dwelling houses, barn, spring house, ware-rooms, and other improvements.

PARCEL NO. 2 ALL THAT CERTAIN piece of land, with the buildings
and improvements thereon erected, situate in East Taylor Township,
Cambria County, Pa., bounded and described as follows:

BEGINNING at a post on the northerly side of Ebensburg Road corner of
lots Nos. 2 and 3 on the plan of "Killen View" as laid out by O. P.
Thomas on January 23, 1922, and recorded in the Office of the Recorder
of Deeds of Cambria County in Plat Book Vol. _____, page _____; thence
along line of lot No. 3 north 75 degrees 48 minutes west 120 feet to a
post; thence through lot No. 2 on the plan aforesaid north 19 degrees
no minutes east 100 feet to a post; thence continuing through said
lot south 75 degrees 48 minutes east 118.73 feet to Ebensburg Road;
thence along said Ebensburg Road by a curve with a radius of 1134.14
feet a distance of 100 feet to the place of beginning, and being part
of Lot No. 2 on the aforesaid plan; having thereon erected a frame
dwelling house.

We, the undersigned Viewers, will meet upon the premises on Friday,
September 9, 1938 at 10:00 o'clock A. M. for the purpose of performing
the duties of our appointment.

S. E. DICKEY
MAHLON J. BAUMGARDNER
JAMES McCANN

Viewers

No. 5 *June* Sessions, 1938.

In re Petition of Herman Varner
for the Appointment of Viewers
to Assess Damages for the
Relocation of Highway Route 219.

GRAHAM, YOST & MEYERS
ATTORNEYS AT LAW
JOHNSTOWN, PA.

In re Petition of Herman Varner
for the Appointment of Viewers
to Assess Damages for the
Relocation of Highway Route 219

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

No. *No 5 June* Sessions, 1938.

TO THE HONORABLE THE JUDGES OF THE ABOVE COURT:

The petition of Herman Varner respectfully represents:

1. Your petitioner is the owner of a farm hereinafter described as Parcel No. 1; and of a piece or parcel of land with a dwelling house thereon erected, hereinafter described as Parcel No. 2, situate in East Taylor Township, Cambria County, Pennsylvania, a description of your petitioner's lands being as follows:

PARCEL NO. 1 ALL THAT CERTAIN tract of land, with the buildings and improvements thereon erected, situate in East Taylor Township, Cambria County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the Ebensburg Road corner of School lot; thence along the Ebensburg Road north 10 degrees 45 minutes east 416.6 feet to a post; thence along line of same north 23 degrees 15 minutes east 709.5 feet to a post; thence along line of same north 34 degrees 5 minutes east 136 feet to a post; thence by land now or formerly of Catherine Colbert north 42 degrees 50 minutes west 2160 feet to a point on a public road at corner of land now or formerly of J. I. C. Hunt; thence along line of same south 48 degrees 30 minutes west 743 feet to a post; thence along Angus lands south 43 degrees 20 minutes east 871 feet to a post; thence along same south 14 degrees 30 minutes west 1576 feet to a hemlock stump; thence along line of land now or formerly of William Shaffer south 41 degrees east 418 feet to a post; thence north 58 degrees 45 minutes east 154.5 feet to a post; thence south 33 degrees east 129 feet to a post; thence along a private road and along line of land now or formerly of William Killen north 69 degrees east 431.5 feet to a post; thence along same and along line of School lot north 80 degrees 30 minutes east 534 feet to the place of beginning, containing 75.95 acres, more or less, having thereon erected 2 dwelling houses, barn, spring house, ware-rooms, and other improvements.

PARCEL NO. 2 ALL THAT CERTAIN piece of land, with the buildings and improvements thereon erected, situate in East Taylor Township, Cambria County, Pa., bounded and described as follows:

BEGINNING at a post on the northerly side of Ebensburg Road corner of lots Nos. 2 and 3 on the plan of "Killen View" as laid out by O. P.

Thomas on January 23, 1922, and recorded in the Office of the Recorder of Deeds of Cambria County in Plat Book Vol. _____, Page _____; thence along line of lot No. 3 north 75 degrees 48 minutes west 120 feet to a post; thence through lot No. 2 on the plan aforesaid north 19 degrees no minutes east 100 feet to a post; thence continuing through said lot south 75 degrees 48 minutes east 118.73 feet to Ebensburg Road; thence along said Ebensburg Road by a curve with a radius of 1134.14 feet a distance of 100 feet to the place of beginning, and being part of Lot No. 2 on the aforesaid plan; having thereon erected a frame dwelling house.

2. The Secretary of Highways has caused to be constructed a highway known as Route No. 219, where the same passes over and through the land of your petitioner hereinabove described, and in so doing the Commonwealth of Pennsylvania has taken and appropriated to its own use or to the use of the public approximately two acres of Parcel No. 1 hereinabove described, and also a portion of Parcel No. 2 hereinabove described, consisting of a narrow strip of land from the front of said lot, and has also changed the grade of said highway where it passes over and across the land of your petitioner.

3. The Commissioners of Cambria County, Pa., have consented and approved the width, location, grade and changes made in said highway through the land of your petitioner, and are therefore liable for any damages sustained by your petitioner for change in the width, grade, location and relocation of said road, a detailed description of the changes so made being on file in the office of the Commissioners of Cambria County aforesaid, in accordance with the provisions of the Act of Assembly in such case made and provided.

4. That compensation for the damages done and any benefits accruing from the improvement hereinabove described has not been agreed upon between the County of Cambria aforesaid and your petitioner, the owner of the property, and the same cannot be amicably agreed upon.

Your petitioner therefore prays that viewers may be appointed to assess damages in favor of your petitioner for the land so taken and damaged by the improvement aforesaid.

Herman Varner

STATE OF PENNSYLVANIA :
COUNTY OF CAMBRIA : 188

Herman Varner, being duly sworn according to law, deposes and says that he is the petitioner within mentioned, and that the statements contained in the above petition are true.

Herman Varner

Sworn to and subscribed before me
this 22nd day of July, 1938.

Edith M. Butts
Notary Public
My Commission Expires March 6, 1941.
(seal)

D e c r e e

AND NOW, to-wit, the 8th day of August, 1938, the within petition presented, and a rule is hereby granted upon the Commissioners of Cambria County, Pa., to show cause why the prayer of the within petition should not be granted and viewers appointed as therein prayed for, returnable in ten days.


D e c r e e

AND NOW, to-wit, the 22 day of July, 1938, the petition of Herman Varner presented; upon motion of Graham, Yost & Meyers, counsel for the petitioner, the court hereby grants the prayer of said petition and appoints E. Dickey, Esq., Mahlon J. Baumgardner, Esq. and James McCann, viewers, who shall meet on the line of the improvement, where it passes through the lands of petitioner, and view and ascertain the damages done and the benefits which have accrued by reason of said taking, use and improvement, proper notice to be given to all parties interested, and report to be made to this court showing the result of their findings, returnable the first Monday of September, 1938.

By the Court
Greer, J.

Extract from the Record.

Certified this 22nd day
of August A. D. 1938.


Clerk of Courts

No. *5 June* Sessions, 1938.

In re Petition of Herman Varner
for the Appointment of Viewers
to Assess Damages for the
Relocation of Highway Route 219.

AND NOW, to-wit, August 8, 1938, service of the within rule
on the Commissioners of Cambria County is hereby accepted.

George W. Spencer
County Solicitor

Filed: Aug. 8, 1938

GRAHAM, YOST & MEYERS
ATTORNEYS AT LAW
JOHNSTOWN, PA.

In re Petition of Herman Varner
for the Appointment of Viewers
to Assess Damages for the
Relocation of Highway Route 219

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

No. *5 June* Sessions, 1938.

TO THE HONORABLE THE JUDGES OF THE ABOVE COURT:

The petition of Herman Varner respectfully represents:

1. Your petitioner is the owner of a farm hereinafter described as Parcel No. 1, and of a piece or parcel of land with a dwelling house thereon erected, hereinafter described as Parcel No. 2, situate in East Taylor Township, Cambria County, Pennsylvania, a description of your petitioner's lands being as follows:

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3. The Commissioners of Cambria County, Pa., have consented and approved the width, location, grade and changes made in said highway through the land of your petitioner, and are therefore liable for any damages sustained by your petitioner for change in the width, grade, location and relocation of said road, a detailed description of the changes so made being on file in the office of the Commissioners of Cambria County aforesaid, in accordance with the provisions of the Act of Assembly in such case made and provided.

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Herman Varner

STATE OF PENNSYLVANIA :
COUNTY OF CAMBRIA :SS

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Herman Varner

Sworn to and subscribed before me
this 22nd day of July, 1938.

Edith M. Butts
Notary Public

My Commission Expires March 6, 1941.

D e c r e e

AND NOW, to-wit, the 8th day of August, 1938, the within petition presented, and a rule is hereby granted upon the Commissioners of Cambria County, Pa., to show cause why the prayer of the within petition should not be granted and viewers appointed as therein prayed for, returnable in ten days.

*By the Court,
W. H. H. H.*

D e c r e e

AND NOW, to-wit, the 22 day of Aug., 1938, the petition of Herman Varner presented; upon motion of Graham, Yost & Meyers, counsel for the petitioner, the court hereby grants the prayer of said petition and appoints J. E. Reber, Esq., M. J. Baumgardner, Esq. and James M. Gurf, viewers, who shall meet on the line of the improvement, where it passes through the lands of petitioner, and view and ascertain the damages done and the benefits which have accrued by reason of said taking, use and improvement, proper notice to be given to all parties interested, and report to be made to this court showing the result of their findings, returnable the first Monday of September, 1938.

By the Court
James