

COPY

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

No. 5 ~~June~~ Term 1938.

GEORGE P. DUNEGAN and MARIE
L. DUNEGAN

VS.

THE BOROUGH OF EBENSBURG,
CAMBRIA COUNTY, PA.

PETITION FOR APPOINTMENT OF
VIEWERS TO ASSESS DAMAGES.
AND

REPORT OF VIEWERS.

Filed: July 29, 1938

H. A. ENGLEHART
ATTORNEY AT LAW
EBENSBURG, PA.

R E P O R T O F V I E W E R S .

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 to view and determine the damages, if any, which have been or which seem likely to be sustained by George P. Dunegan and Marie L. Dunegan by reason of the relocating, grading and constructing of State Highway Route No. 422, through and over their premises, situate in the West Ward of Ebensburg Borough, Cambria County, Pennsylvania, respectfully report:

That having given due notice of the view and of the time and place of meeting of the viewers to the Commissioners of the county of Cambria, to the Borough Council of Ebensburg Borough and to the petitioners and having each accept service of notices hereto attached and waiving newspaper publication, and by posting printed hand bill on the premises at and near the location of the taking, as required by the rules of court, and having been each first duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability and true report to make concerning all matters and things submitted to us, in relation to which we were authorized to inquire:

We met upon the premises of said Dunegans; a detailed description of which is contained in the attached order of court and made a part hereof; in accord with the notices served and posted as aforesaid and having gone over and carefully viewed the same noting in particular the location and portion of the Dunegan land condemned and taken for road purposes and the amount of land, shape and condition of the ground remaining to the owners, as well as the position and unsafe condition in which the house was left after having been moved, by the Contractor or Agents of the Borough, from its former location; that the whole of the frontage on the westerly side of High Street had been taken and only a

triangular piece of ground in the rear, to and from which no access can be had to said High Street, by pedestrians, except by walking over the right of way of said new road; the proximity of the house, in its new location, to the property lines particularly on the northerly and westerly sides, and the additional amount of work which will be required to make the house safely tenantable, and the amount of grading and labor required to make the said premises look reasonably respectable^{which}/will all mean very considerable expense, and then the property would only be marketable at a very low figure.

That after viewing the premises, a time and place was arranged for a hearing of which all parties concerned had due notice and were present, at which time the parties and their witnesses had an opportunity to offer their testimony relative to the matter of our inquiry, after which the viewers carefully considered the amount of land condemned and taken and all other evidence they saw upon the ground and the testimony offered and proceeded to prepare a schedule of benefits and damages; and after having given the parties in interest written notice of the time and place they would sit to exhibit same and hear such further testimony as the parties might see fit to offer, we met again at the Court House in Ebensburg, and after hearing such further testimony and reconsidering the amount of damages and benefits as originally contemplated, we exhibited our schedule of benefits and damages indicating that in the opinion of the viewers, the said Dunegans had sustained damages in excess of any benefits in the sum of thirty-one hundred and fifty dollars.

Therefore we report that George P. Dunegan and Marie L. Dunegan have sustained damages, by reason of the aforesaid taking and appropriating of their property as above indicated, in excess of benefits or any sum or sums already expended upon the premises in question, by the County of Cambria or Borough of Ebensburg, Pa., in the sum of Thirty One Hundred Fifty (\$3150.00) Dollars, which amount shall be paid to them by the Borough of Ebensburg, Pa.

Unless an appeal shall be filed from this award or exceptions thereto shall be taken within thirty days from the date of filing the same it shall be confirmed absolutely.

Witness our hands this 29th day of July, A. D., 1938.

A. M. Shoemaker.

James M. O'Connell

P. E. Dickey

Viewers.

NOTICE OF VIEW

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine the damages, if any, which have resulted or seem likely to result to George P. Dunegan and Marie L. Dunegan by reason of the change or alteration of the Route of State Highway Route 422, being the Benjamin Franklin Highway where the same now crosses through and over the premises of said Dunegans in the West Ward of the Borough of Ebensburg, Cambria County, Pennsylvania.

Said premises being bounded and described as follows:

(a) Beginning at a post at the southeast corner of the land of Schuyler C. Davis (formerly John L. Stough); thence along the westerly side of High Street South 44 degrees west 99 feet to an alley; thence along said alley North 46 degrees West 116½ feet to a post; thence North 44 degrees East 35 feet to a post; thence along line of land of said Schuyler C. Davis (formerly John L. Stough) South 72 degrees East 140½ feet to a post, the place of beginning.

(b) Beginning at a post on corner of lot of Mrs. Jennie Mulvehill; thence through the land of D. E. Park (formerly Thomas H. Heist) North 42 degrees West 114 feet to a post; thence by land of Schuyler C. Davis (formerly John L. Stough) South 69 degrees East 125 feet to a post, on line of lot (a) above described; thence South 44½ degrees West 66 feet to a post, the place of beginning.

The undersigned viewers will meet upon the premises of the said George P. Dunegan and Marie L. Dunegan, situate in the West Ward of the Borough of Ebensburg, on the 28th day of June, A. D., 1938 at 1:30 O'clock P.M. for the purpose of viewing said premises and otherwise performing the duties of their appointment.

A. M. Shoemaker, Esq.

S. E. Dickey

James McCann

Now, June 16, A. D., 1938 service of the above notice is hereby accepted and publication in Legal Journal and Newspapers waived.

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Joseph P. Dunegan
Attorney for George P. Dunegan
and Marie L. Dunegan.

NOTICE OF VIEW

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania to view and determine the damages, if any, which have resulted or seem likely to result to George P. Dunegan and Marie L. Dunegan by reason of the change or alteration of the route of State Highway Route 422, being the Benjamin Franklin Highway, where the same now crosses through and over the premises of the said Dunegans in the West Ward of the Borough of Ebensburg, Cambria County, Pennsylvania.

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(b) Beginning at a post on corner of lot of Mrs. Jennie Mulvehill; thence through land of D. E. Park (formerly Thomas H. Heist) North 42 degrees West 114 feet to a post; thence by land of Schuyler C. Davis (formerly John L. Stough) South 69 degrees East 125 feet to a post on line of lot (a) above described; thence South 44½ degrees West 66 feet to a post, the place of beginning.

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A. M. Shoemaker, Esq.

S. E. Dickey

James McCann

Viewers.

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D. H. Jewels
President of Council
Ebensburg Borough, Cambria
County, Pennsylvania.

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A. M. Shoemaker, Esq.

S. E. Dickey

James McCann

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Clerk for the Commissioners of
Cambria County.

NOTICE OF VIEW

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania to view and determine the damages, if any, which have resulted or seem likely to result to George P. Dunegan and Marie L. Dunegan by reason of the change or alteration of the route of State Highway Route 422, being the Benjamin Franklin Highway, where the same now crosses through and over the premises of the said Dunegans in the West Ward of the Borough of Ebensburg, Cambria County, Pennsylvania.

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The undersigned viewers will meet upon the premises of the said George P. Dunegan and Marie L. Dunegan, situate in the West Ward of the Borough of Ebensburg, on the _____ day of June, A. D., 1938 at 1:30 O'clock P. M., for the purpose of viewing said premises and otherwise performing the duties of their appointment.

A. M. Shoemaker, Esq.

S. E. Dickey

James McCann

Viewers.

Notice of Exhibition of Schedule.

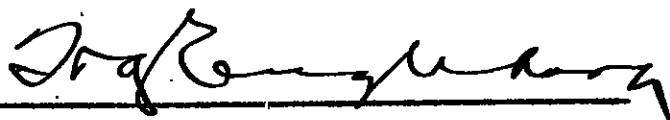
Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view and determine the damages, if any, which have been sustained or seem likely to be sustained by George P. Dunegan and Marie L. Dunegan by reason of the relocating, grading and constructing of State Highway Route No. 422., through and over their property situate in the West Ward of Ebensburg Borough, Cambria Co., Pa.; having viewed the premises heard and considered the testimony offered and having estimated and determined the benefits and damages resulting to said Dunegans, the petitioners, and having prepared a schedule of benefits and damages: We will sit at the Court House, Ebensburg, Pa., July 12th., 1938, at 10:00 a. m. for the purpose of exhibiting said schedule and hearing any further testimony the parties in interest may have to offer.

A. M. Shoemaker,

S. E. Dickey and

James McCann, Viewers.

Service of above notice is hereby accepted and general publication of said notice waived.



Atty. for George P. Dunegan and
Marie L. Dunegan.

Notice of Exhibition of Schedule.

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A. M. Shoemaker,

S. E. Dickey and

James McCann, Viewers.

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Atty. for Ebensburg Boro. Council.

Notice of Exhibition of Schedule.

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A. M. Shoemaker,

S. E. Dickey and

James McCann, Viewers.

Service of above notice is hereby accepted and general publication of said notice waived.

Clerk for Commissioners of Cambria
County, Pennsylvania.

S C H E D U L E .

In re View to determine the damages which have resulted or which seem likely to result to George P. Dunegan and Marie L. Dunegan by reason of the taking and appropriating of certain land, situate in the West Ward of Ebensburg Borough, Cambria County, Pa., belonging to said Dunegans; in connection with the relocating, grading and reconstructing of State Highway Route No. 422. through and over their said premises.

The undersigned Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, having viewed the said premises, heard and considered the testimony offered, have prepared and herewith submit the following schedule of benefits and damages, viz:

Benefits accruing or resulting to George P. Dunegan and	
Marie L. Dunegan	- - - - - None.

Damages resulting to said George P. and Marie L. Dunegan \$3150.00

Submitted by,

A. M. Shoemaker,
S. E. Dickey and
James McCann,
Viewers.

(In re Cond of
Property of
Geo + Marie
Dunigan
7/12/1938

V I E W E R ' S N O T I C E .

In re change of line and grade of State Highway Route No. 422, through and over the premises of George P. Dunegan and Marie L. Dunegan in the West Ward of Ebensburg Borough, Cambria County, Pa.

The undersigned Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, which have been sustained or which seem likely to be sustained by George P. Dunegan and Marie L. Dunegan by reason of the aforementioned change or alteration of the line and grade of said Highway Route No. 422, through and over their premises, having viewed the same, heard and considered the testimony, fixed and exhibited a schedule of damages:

We have this day, July 29th 1938, filed our report in the office of the Clerk of Courts of Cambria County, at Ebensburg, Pa., and unless exceptions thereto are filed or an appeal taken from said award within thirty days, from the date of filing the same, it shall be confirmed absolutely.

The schedule contained in the report as filed shows the damages which have been sustained by George P Dunegan and Marie L. Dunegan; over and above any sum or sums already expended by the Borough of Ebensburg or the County of Cambria; to be Thirty One Hundred Fifty (\$3150.00) Dollars, and the benefits accruing to the said Dunegans to be None. Which said amount of damages - (\$3150.00) - shall be paid to George P. Dunegan and Marie, L. Dunegan by the Borough of Ebensburg, Cambria County, Pennsylvania.


A. M. Shoemaker,


S. E. Dickey and

James McCann, Viewers,

We hereby accept service of the above notice and waive newspaper publication of same.


Atty for Ebensburg Boro. Council.


Clerk for Commissioners of County.


Atty. for George P. and Marie L. Dunegan.

In Re; Property of George P.
Dunegan & Marie L. Dunegan by
reason of relocating State High-
way Route #422 in the West Ward
of the Borough of Ebensburg,
Cambria County, Pa.,

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

To S. E. DICKEY Dr.

Making View, 1 day	\$ 12.00
Mileage	3.60
Taking testimony, 1 day	12.00
Mileage	3.60
Additional testimony & Exhibit of Schedule, 1 day	12.00
Mileage	<u>3.60</u>
	\$ 46.80

CERTIFIED
James P. ...
COUNTY CONTROLLER

APPROVED FOR PAYMENT

Frank P. ...
COMMISSIONER

Shenandoah Pa July 28

Shenandoah County Commissioners

To James McCame Dr.

To 1 day on Dunegan View \$12.00
Mileage 3.60

To 1 day hearing testimony 12.00
Mileage 3.60

To 1 day Additional Testimony +
And exhibit of schedule 12.00
Mileage 3.60

\$46.80

CERTIFIED
Shenandoah
COUNTY CONTROLLER

APPROVED FOR PAYMENT

Frank L. Pollock
COMMISSIONERS

Commissioners of Cambria County

To A. M. Shoemaker, - - - Dr.

To preparing notices of view, serving notices on Commissioners, on Ebensburg Boro. Council and Attorney for Petitioners; having each waive publication, and posting notices on premises \$18.00

Stenographer & stationery - - - - - 2.00

Day on View -- - - - - 12.00

Two (2) miles at 10 cents per mile - - - - .20

Day on hearing - - - - - 12.00

Preparing notice of sitting to exhibit schedule and hearing of additional testimony, and serving same -	}	12.00
Preparing Schedules -		
Preparing and serving notices of filing report -		

Exhibiting schedule and hearing additional testimony - - - 12.00

Preparing and filing Report - - - 12.00

Stenographer and Stationery - - - 2.50

\$82.70.

APPROVED FOR PAYMENT

Frank P. Voltera
COMMISSIONERS

CERTIFIED
James L. Brown
COUNTY CONTROLLER

GEORGE P. DUNEGAN and
MARIE L. DUNEGAN

vs.

THE BOROUGH OF EBENSBURG,
CAMBRIA COUNTY, PA.

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

: No. 5 *MARCH* Term 1938

PETITION FOR APPOINTMENT OF VIEWERS TO ASSESS DAMAGES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of George P. Dunegan and Marie L. Dunegan respectfully represents:

1. That they are the owners of two certain lots of ground, with buildings thereon erected, situate, lying and being in the West Ward of the Borough of Ebensburg, County of Cambria and State of Pennsylvania, bounded and described as follows:

(a) Beginning at a post at the southeast corner of the land of Schuyler C. Davis (formerly John L. Stough); thence along the westerly side of High Street South forty-four (44) degrees west ninety-nine (99) feet to an alley; thence along said alley North forty-six (46) degrees West one hundred sixteen and one-half ($116\frac{1}{2}$) feet to a post; thence North forty-four (44) degrees East thirty-five (35) feet to a post; thence along line of land of said Schuyler C. Davis (formerly John L. Stough) South seventy-two (72) degrees East one hundred forty and one-half ($140\frac{1}{2}$) feet to a post, the place of beginning.

(b) Beginning at a post on corner of lot of Mrs. Jennie Mulvehill; thence through the land of D. E. Park (formerly Thomas H. Heist) North forty-two (42) degrees West one hundred and fourteen (114) feet to a post; thence by land of Schuyler C. Davis (formerly John L. Stough) South sixty-nine (69) degrees East one hundred and twenty-five (125) feet to a post, on line of lot (a) above described; thence South forty-four and one-half ($44\frac{1}{2}$) degrees West sixty-six (66) feet to a post, the place of beginning.

Containing 3,192 feet.

2. That your petitioners have been the owners of said lots of ground prior to the time when the same were damaged as hereinafter complained of and when a part thereof was taken, injured and destroyed.

3. That prior to and at all times subsequent to the acquisition of said land by your petitioners, there has been laid out and in use for public travel a public highway, now known as Routes 22 and 422, and in the Borough of Ebensburg known as High Street, which said public highway ran adjoining to and in front of said lots of your petitioners in an easterly and westerly direction for a distance of ninety-nine feet.

4. That sometime in the year 1937, the Department of Highways of Pennsylvania, by virtue of the powers and authority vested in it, relocated public highway known as Route 422 through the land of your petitioners, by reason of which a part of your petitioners' land was taken and appropriated for highway and other purposes and damage resulted to the petitioners' said land.

5. That in relocating the said public highway known as Route 422, the said Highway Department took and appropriated for highway purposes a part of your petitioners' land described approximately as follows: beginning at a point at the Southeast corner of land of Minnie S. Davis; thence along the westerly side of High Street 99 feet to an alley; thence along said alley approximately 116½ feet to a point; thence along other land of your petitioners approximately 125 feet to a point on land of Minnie S. Davis; thence along said land of Minnie S. Davis approximately 58 feet to a point, the place of beginning.

6. That following the relocating of said Route 422 the defendant, the Borough of Ebensburg, moved the dwelling house of your petitioners from part of the land above described to other land of your petitioners, and in so doing greatly damaged the said dwelling.

house of your petitioners and left the said dwelling house in such condition that it is unsafe and dangerous to live in.

7. That following the relocating of said Route 422 the defendant, the Borough of Ebensburg, also destroyed certain trees and shubbery located on the lands of your petitioners.

8. That in relocating this Route 422 the said Highway Department fixed the grade of said highway at such an elevation that it greatly damaged the land of your petitioners which was not taken and appropriated for highway purposes.

9. That when said highway Route 422 is constructed your petitioners will have no means of ingress or egress to and from the portion of their land remaining in their possession except by traveling on said state highway, for the reason that no provision has been made for sidewalks along said highway.

10. That along the property of your petitioners fronting on Route 22 or High Street, there was a stone curbing along the entire frontage and no provision has been made for any curbing along the remaining property of your petitioners fronting on the new highway, or Route 422.

11. That your petitioners will at all times be deprived of the ownership of the land appropriated as aforesaid, and will also suffer injury and damage to the remaining land of your petitioners.

12. That your petitioners, by reason of the facts averred in this petition and by reason of many other items of damage not herein set forth in detail, have sustained damages, and that the said damages are payable and owing to them by the said defendant, the Borough of Ebensburg, pursuant to law.

13. That your petitioners and the Borough of Ebensburg can neither agree upon the amount of damages sustained nor are they able to arrive at an amicable settlement thereof.

Wherefore, your petitioners pray your Honorable Court to appoint Viewers to examine the said land and premises, as well as the land appropriated and taken, injured and destroyed, and make report of their proceedings according to law. And they will ever pray.

(sgd) George P. Dunegan

(Sgd) Marie L. Dunegan

State of Pennsylvania: :
County of Cambria :

SS:

George P. Dunegan and Marie L. Dunegan, being duly sworn according to law, depose and says that the facts set forth in the foregoing petition are true and correct as they verily believe.

Sworn and subscribed before
me this 4th day of June A. D.
1938.

(Sgd) George P. Dunegan

(Sgd) Marie L. Dunegan

(N.P. SEAL) (Sgd) Mary Luther
Notary Public

My commission expires March 20, 1939.

ORDER AND DECREE

And now, this 6th day of June, 1938, the within petition presented, read and considered, and the Court do thereupon appoint A. M. Shoemaker Esq., S. E. Dickey and JAMES McCANN, members of the Permanent Board of Viewers of the County of Cambria, as Viewers to view and examine the premises in said petition described, for the purpose of ascertaining the damages, if any, sustained by petitioners, and to make return of their proceedings according to law.

BY THE COURT

McKerrick J.

*Extract from the Record
Certified this 6th day
of June A. D. 1938*

*James M. Jones
Clerk of Court*

V I E W E R ' S N O T I C E .

In re change of line and grade of State Highway Route No. 422, through and over the premises of George P. Dunegan and Marie L. Dunegan in the West Ward of Ebensburg Borough, Cambria County, Pa.

The undersigned Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., to view and determine the damages, if any, which have been sustained or which seem likely to be sustained by George P. Dunegan and Marie L. Dunegan by reason of the aforementioned change or alteration of the line and grade of said Highway Route No. 422, through and over their premises, having viewed the same, heard and considered the testimony, fixed and exhibited a schedule of damages:

We have this day, July 29th 1938, filed our report in the office of the Clerk of Courts of Cambria County, at Ebensburg, Pa., and unless exceptions thereto are filed or an appeal taken from said award within thirty days, from the date of filing the same, it shall be confirmed absolutely.

The schedule contained in the report as filed shows the damages which have been sustained by George P. Dunegan and Marie L. Dunegan; over and above any sum or sums already expended by the Borough of Ebensburg or the County of Cambria to be Thirty One Hundred Fifty (\$3150.00) Dollars, and the benefits accruing to the said Dunegans to be None. Which said amount of damages - (\$3150.00) - shall be paid to George P. Dunegan and Marie L. Dunegan by the Borough of Ebensburg, Cambria County, Pennsylvania.

A. H. Shoemaker,
S. E. Dickey and
James McCann, Viewers,

In the Court of Quarter
Sessions of Cambria County, Pa.
No. 5 ~~June~~ Term 1938.
MARCH

GEORGE P. DUNEGAN and
MARIE L. DUNEGAN

vs.

THE BOROUGH OF EBENSBURG
CAMBRIA COUNTY, PA.

PETITION FOR APPOINTMENT OF
VIEWERS TO ASSESS DAMAGES.

Filed: June 6, 1938

H. A. ENGLEHART
ATTORNEY AT LAW
EBENSBURG, PA.

GEORGE P. DUNEGAN and
MARIE L. DUNEGAN

vs.

THE BOROUGH OF EBENSBURG,
CAMBRIA COUNTY, PA.

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

: No. 5 ^{March} ~~June~~ Term 1938

PETITION FOR APPOINTMENT OF VIEWERS TO ASSESS DAMAGES

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of George P. Dunegan and Marie L. Dunegan respectfully represents:

1. That they are the owners of two certain lots of ground, with buildings thereon erected, situate, lying and being in the West Ward of the Borough of Ebensburg, County of Cambria and State of Pennsylvania, bounded and described as follows:

(a) Beginning at a post at the southeast corner of the land of Schuyler C. Davis (formerly John L. Stough); thence along the westerly side of High Street South forty-four (44) degrees west ninety-nine (99) feet to an alley; thence along said alley North forty-six (46) degrees West one hundred sixteen and one-half ($116\frac{1}{2}$) feet to a post; thence North forty-four (44) degrees East thirty-five (35) feet to a post; thence along line of land of said Schuyler C. Davis (formerly John L. Stough) South seventy-two (72) degrees East one hundred forty and one-half ($140\frac{1}{2}$) feet to a post, the place of beginning.

(b) Beginning at a post on corner of lot of Mrs. Jennie Mulvehill; thence through the land of D. E. Park (formerly Thomas H. Heist) North forty-two (42) degrees West one hundred and fourteen (114) feet to a post; thence by land of Schuyler C. Davis (formerly John L. Stough) South sixty-nine (69) degrees East one hundred and twenty-five (125) feet to a post, on line of lot (a) above described; thence South forty-four and one-half ($44\frac{1}{2}$) degrees West sixty-six (66) feet to a post, the place of beginning.

Containing 3,192 feet.

2. That your petitioners have been the owners of said lots of ground prior to the time when the same were damaged as hereinafter complained of and when a part thereof was taken, injured and destroyed.

3. That prior to and at all times subsequent to the acquisition of said land by your petitioners, there has been laid out and in use for public travel a public highway, now known as Routes 22 and 422, and in the Borough of Ebensburg known as High Street, which said public highway ran adjoining to and in front of said lots of your petitioners in an easterly and westerly direction for a distance of ninety-nine feet.

4. That sometime in the year 1937, the Department of Highways of Pennsylvania, by virtue of the powers and authority vested in it, relocated public highway known as Route 422 through the land of your petitioners, by reason of which a part of your petitioners' land was taken and appropriated for highway and other purposes and damage resulted to the petitioners' said land.

5. That in relocating the said public highway known as Route 422, the said Highway Department took and appropriated for highway purposes a part of your petitioners' land described approximately as follows: beginning at a point at the Southeast corner of land of Minnie S. Davis; thence along the westerly side of High Street 99 feet to an alley; thence along said alley approximately $116\frac{1}{2}$ feet to a point; thence along other land of your petitioners approximately 125 feet to a point on land of Minnie S. Davis; thence along said land of Minnie S. Davis approximately 58 feet to a point, the place of beginning.

6. That following the relocating of said Route 422 the defendant, the Borough of Ebensburg, moved the dwelling house of your petitioners from part of the land above described to other land of your petitioners, and in so doing greatly damaged the said dwelling

house of your petitioners and left the said dwelling house in such condition that it is unsafe and dangerous to live in.

7. That following the relocating of said Route 422 the defendant, the Borough of Ebensburg, also destroyed certain trees and shubbery located on the lands of your petitioners.

8. That in relocating this Route 422 the said Highway Department fixed the grade of said highway at such an elevation that it greatly damaged the land of your petitioners which was not taken and appropriated for highway purposes.

9. That when said highway Route 422 is constructed your petitioners will have no means of ingress or egress to and from the portion of their land remaining in their possession except by traveling on said state highway, for the reason that no provision has been made for sidewalks along said highway.

10. That along the property of your petitioners fronting on Route 22 or High Street, there was a stone curbing along the entire frontage and no provision has been made for any curbing along the remaining property of your petitioners fronting on the new highway, or Route 422.

11. That your petitioners will at all times be deprived of the ownership of the land appropriated as aforesaid, and will also suffer injury and damage to the remaining land of your petitioners.

12. That your petitioners, by reason of the facts averred in this petition and by reason of many other items of damage not herein set forth in detail, have sustained damages, and that the said damages are payable and owing to them by the said defendant, the Borough of Ebensburg, pursuant to law.

13. That your petitioners and the Borough of Ebensburg can neither agree upon the amount of damages sustained nor are they able to arrive at an amicable settlement thereof.

Wherefore, your petitioners pray your Honorable Court to appoint Viewers to examine the said land and premises, as well as the land appropriated and taken, injured and destroyed, and make report of their proceedings according to law. And they will ever pray.

George P. Dunegan

Marie L. Dunegan

State of Pennsylvania:

: SS:

County of Cambria :

George P. Dunegan and Marie L. Dunegan, being duly sworn according to law, depose and says that the facts set forth in the foregoing petition are true and correct as they verily believe.

Sworn and subscribed before
me this 4th day of June A. D.
1938.

George P. Dunegan
Marie L. Dunegan

Mary Luther
Notary Public

My commission expires March 20, 1939.

ORDER AND DECREE

And now, this 6th day of June, 1938, the within petition presented, read and considered, and the Court do thereupon appoint A. H. Shover and B. E. Dieck and James McCann, members of the Permanent Board of Viewers of the County of Cambria, as Viewers to view and examine the premises in said petition described, for the purpose of ascertaining the damages, if any, sustained by petitioners, and to make return of their proceedings according to law.

BY THE COURT

McKenney