

IN RE: THE LAYING-OUT, OPENING ()
AND EXTENDING OF A PUBLIC STREET) IN THE COURT OF QUARTER SESSIONS
KNOWN AS OCALA AVENUE, FORMERLY (OF CAMBRIA COUNTY, PENNA.
LOCUST AVENUE, FROM FERG STREET,)
FORMERLY KING STREET, TO OAKLAND ()
STREET, IN THE TOWNSHIP OF) NO. DECEMBER SESSIONS, 1953
STONYCREEK, COUNTY OF CAMBRIA AND ()
STATE OF PENNSYLVANIA)

PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF THE COURT OF QUARTER SESSIONS IN
AND FOR CAMBRIA COUNTY, PENNSYLVANIA:

The petition of the undersigned inhabitants,
citizens and taxpayers of the Township of Stonycreek, in the
County aforesaid, respectfully represents:

(1) That on August 30, 1921, the Plan of Oakland
in the said Township was recorded in the Recorder's Office in and
for Cambria County in Plat Book Vol., Page 219, and in said Plan,
among other streets, was dedicated as a public street Locust
Avenue, now Ocala Avenue, from Arthur Street to King Street, now
Ferg Street, which portion of street was in the Sara Arthur Plan
of Lots and also in the Lowman Griffith Plan of Lots.

(2) That on the 29th day of September, 1925,
I. E. Griffith laid-out a plan of lots, which plan was approved
by the then Commissioners of Stonycreek Township on November 4,
1929, and was likewise approved by the City Planning Commission
on the 19th of November, 1929, which plan was acknowledged by
Roy B. Griffith on the 4th day of November, 1929, before Robert V.
Raab, Notary Public, and which plan was recorded in the Office
of the Recorder of Deeds in and for Cambria County on July 29,
1930, in Plat Book Vol. 3, Page 75, and which plan laid-out
and extended the said Locust Avenue, now Ocala Avenue, from
King Street, now Ferg Street, to Oakland Street, and by reason
whereof, the said Locust Avenue, now Ocala Avenue, from the said

points was a dedicated street forty (40) feet in width running a course South thirty-seven (37) degrees, forty (40) minutes East, a distance of 252.84 feet, more or less.

(3) That on the 25th day of July, 1941, the Estate of Emma Lenhart, by deed of conveyance recorded in the Recorder's Office in and for Cambria County on the 28th day of July, 1941, in Deed Book Vol. 502, at Page 132, conveyed the land upon which a part of the said Ocala Avenue was dedicated, to Lula P. Butler and Lela M. Boyd, said deed of conveyance containing land which was dedicated as a public street on the I. E. Griffith Plan of Lots.

(4) That Isaac E. Griffith, by deed dated October 1925 and recorded September 7, 1925, which deed is recorded in Deed Book Vol. 400, Page 239, conveyed to Roy Griffith Lots 14 to 20, which included the Northern sixteen (16) feet of the said dedicated Locust Avenue, now Ocala Avenue, and through various deeds of conveyances thereafter, the said sixteen (16) feet was conveyed from Oral A. Brown to Thomas J. Gelet by deed dated 12th of October, 1952, and recorded 15th of October, 1952, in Deed Book Vol. 635, at Page 30.

(5) That the said I. E. Griffith, by deed dated October 30, 1925, and recorded December 7, 1925, in Deed Book Vol. 400, at Page 236, conveyed lots 21 to 27 inclusive and the other twenty-four (24) feet of the said dedicated street to Fred J. Griffith, his son, and subsequently, by various deeds of conveyances, the said twenty-four (24) feet became vested into Miles H. Bumbarger by deed from Glenn C. Corle, dated 20th of May, 1953, and recorded June 1, 1953, in Deed Book Vol. 645, at Page 575.

(6) That by reason of the above recited conveyances, the fee of the land upon which the said Locust Avenue, now Ocala Avenue, is reported to be conveyed to Lula P. Butler and Lela M.

Boyd and to Miles H. Bumbarger and Thomas J. Gelet, the said alleged owner threatened to erect permanent improvements on the land which was the dedicated public street on the I. E. Griffith Plan of Lots hereinbefore set forth.

(7) That your petitioners did on August 11, 1953, at 8:00 P. M. at a regular meeting of the Board of Commissioners of the Township of Stonycreek, present their petition requesting the said Board of Commissioners to open, lay-out and extend the said Ocala Avenue (formerly Locust Avenue) from Ferg Street (formerly King Street) to Oakland Street, and in their said petition they averred the facts hereinbefore set forth.

(8) That the Commissioners of Stonycreek received the said petition and took the same under advisement and at their meeting held at the Oakland School on October 13, 1953, at 8:00 P. M., refused to grant the prayer of the petition and advised the petitioners to present this petition to your Honorable Court asking for the appointment of viewers to lay-out, open and extend the said Ocala Avenue.

(9) Your petitioners labor under great inconvenience for want of a public highway extending Ocala Avenue from Ferg Street to Oakland Street, a distance of 252.84 feet, more or less, running a course South $37^{\circ} 48$ minutes East, and a width of 40 feet.

(10) That your petitioners not only labor under great inconvenience for want of the said extension of Ocala Avenue, but they have been informed, believe and therefore aver that unless the said Ocala Avenue is extended as aforesaid immediately, the person alleging ownership of the surface of the said street, as hereinabove set forth, threaten to erect permanent structures and improvements on the said land, so as to cause great and irreparable damage to all and sundry your

petitioners who have bought property lying on the I. E. Griffith Plan of Lots hereinbefore set forth, in which the said Ocala Avenue was dedicated as a public street or highway from Ferg Street to Oakland Street.

(11) Your petitioners aver that the said extension is one that is necessary for the public travel of the citizens and residents of the Township of Stonycreek.

(12) That a written notice to the Commissioners of the said Stonycreek Township of the intended presentation of this petition with an acceptance of service thereon to the laying-out, opening and extension of the said road is hereto attached, made part hereof, and marked Exhibit A."

(13) That a release of damages, whereby the petitioners, owners of property abutting in and about the said proposed Ocala Avenue, release the Township of Stonycreek from all damages by reason of the opening, laying-out and extending, grading, draining, improving and maintaining of the said proposed highway, is hereto attached, made part hereof, marked "Exhibit B".

WHEREFORE, your petitioners pray your Honorable Court to appoint three members of the Permanent Board of Viewers of Cambria County to view the ground proposed for the extension of Ocala Avenue, and if they see the necessity therefor, lay-out the same and make a report of their proceedings to the next sessions of your Honorable Court.

*James H. Boyd - agent for
Lula P. Butler and Lela M. Boyd*

Mary A. Veckin

Benjamin S. Douchey

Sam W. Hooley

Robt. F. Huebner

June Donsley

Alfred L. Huebner

Daniel Lehman

John A. Veckin

Freda Lehman

William F. Heidorn

Helen M. Heidorn

Charles H. Desch

Marie Desch

John Clark

Velma C. Clark

Elizabeth A. Shagle

Benton H. Shagle

+ Pearl J. Wagner

Rose E. Wagner

Leonard A. King

Helen M. King

Ellen McCall Shaffer

Edward C. Hoffman

H. S. Helsel

Arvella C. Helsel

A. C. McClelland

E. Lewis Deffenbaugh

Bess M. Deffenbaugh

Sam Bruno

L. J. Burkholder

Mabel E. Carbaugh

Paul A. Conner

Bessie Y. Conner

James P. Conner

Louis C. Conner

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF CAMBRIA

Personally appeared before me, a Notary Public in and for said County and State, BENJAMIN S. DONAHEY, who being duly sworn according to law, deposes and says that he is one of the petitioners within set forth, and that the statements contained in said petition are true and correct.

Benjamin S. Donahey

SWORN and subscribed before me
this 10th day of November, 1953.

Samuel R. Donahoe
Notary Public

MY COMMISSION EXPIRES
APRIL 13, 1957

73631

Clayton

IN RE: THE LAYING-OUT, OPENING
AND EXTENDING OF A PUBLIC STREET
KNOWN AS OCALA AVENUE, FORMERLY
LOCUST AVENUE, FROM FERG STREET,
FORMERLY KING STREET, TO OAKLAND
STREET, IN THE TOWNSHIP OF
STONYCREEK, COUNTY OF CAMBRIA AND
STATE OF PENNSYLVANIA

(
) IN THE COURT OF QUARTER SESS ON:
) OF CAMBRIA COUNT, PENNA.
(
) NO. DECEMBER SESSIONS, 1953
)

DECREE

AND NOW, this 23 day of November 1953, the within
petition having been read and considered, the Court appoints
Frank Cofflin, and *Robert Weyer*, and
~~*Walter Baumgardner*~~ Viewers to view the road herein referred
to and make a report of their proceedings to the *March* Term of
the Court of Quarter Sessions of said County.

Griffith J.

EXHIBIT A

IN RE: THE LAYING-OUT, OPENING AND EXTENDING OF A PUBLIC STREET KNOWN AS OCALA AVENUE, FORMERLY LOCUST AVENUE, FROM FERG STREET, FORMERLY KING STREET, TO OAKLAND STREET, IN THE TOWNSHIP OF STONYCREEK, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA (IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNA. NO. DECEMBER SESSIONS, 1953)

NOTICE TO COMMISSIONERS

TO: WALTER GRIFFITH, CHALMER HOLSINGER, BARTON ROBERTS, HARRY WALLS, AND ARTHUR REAM, COMMISSIONERS OF THE TOWNSHIP OF STONYCREEK, CAMBRIA COUNTY, PENNSYLVANIA:

You will please take notice that there will be a petition presented to the Court of Quarter Sessions of Cambria County at Ebensburg, Pennsylvania, in the said County at 10:00 o'clock A.M., the 23rd day of November, 1953, asking the Court for the appointment of viewers to view, lay-out, open and extend Ocala Avenue in the Township of Stonycreek, to begin at Ferg Street, formerly King Street and to extend South 37 degrees 48 minutes East, a distance of 252.84 feet, more or less, to Oakland Street, the said street being 40 feet in width.

You may be present at the above time and place if you wish to be heard on the presentation of the said petition.


Attorney for Petitioners

NOW, the 11th day of November, 1953, service of the above stated notice is hereby accepted.



Secretary of the Board of Commissioners of the Township of Stonycreek

EXHIBIT B

IN RE: LAYING-OUT, OPENING AND
EXTENDING OF A PUBLIC STREET
KNOWN AS OCALA AVENUE, FORMERLY
LOCUST AVENUE, FROM FERG STREET,
FORMERLY KING STREET, TO OAKLAND
STREET, IN THE TOWNSHIP OF
STONYCREEK, COUNTY OF CAMBRIA AND
STATE OF PENNSYLVANIA

(IN THE COURT OF QUARTER SESSION
(OF CAMBRIA COUNTY, PENNA.
(
(NO. DECEMBER SESSIONS, 1953
(

RELEASE OF DAMAGES

We, the undersigned, in consideration of the advantages
to us from road mentioned in the annexed petition to lay-out,
open and extend Ocala Avenue from Ferg Street to Oakland Street,
do hereby release all claims to damages that may arise to us from
the laying-out, opening and extending, grading, draining,
improving, and maintaining of the said proposed highway.

IN WITNESS WHEREOF we have hereunto set our hands and
seals this 9th day of November, 1953.

*James N. Boyd - agent for
Lula P. Butler and Lela M. Boyd*

<i>Beyssun S. Donahay</i>	<i>William F. Heidorn</i>
<i>Daniel Lehman</i>	<i>Helen M. Heidorn</i>
<i>Freda Lehman</i>	<i>Charles H. Desch</i>
<i>John A. Verkin</i>	<i>Marie Desch</i>
<i>May A. Verkin</i>	<i>John Clark</i>
<i>Leon V. Donahay</i>	<i>Velma E. Clark</i>
<i>Jane Donahay</i>	<i>Merle J. Wagner</i>
<i>Robt. F. Huebner</i>	<i>Rose E. Wagner</i>
<i>Alice L. Huebner</i>	<i>Leonard A. King</i>

Helen M. King
Ellen McCall Shaffer
Edward C. Thomas
W. S. Helsel
Anella C. Helsel
A. C. McClelland
E. Lewis Deffenbaugh
Bess M. Deffenbaugh
Sam. Bruno
L. Buckholder
Mabel E. Carbaugh
Beulah Y. Conner
Paul C. Conner
Lois E. Conner
James P. Conner

ROAD
NO. 8 DECEMBER SESSIONS, 1953

IN THE COURT OF QUARTER SESSIONS
OF
CAMBRIA COUNTY, PENNSYLVANIA

IN RE: THE LAYING-OUT,
OPENING AND EXTENDING OF A
PUBLIC STREET KNOWN AS
OCALA AVENUE, FORMERLY
LOCUST AVENUE, FROM FERG
STREET, FORMERLY KING STREET,
TO OAKLAND STREET, IN THE
TOWNSHIP OF STONYPARK,
COUNTY OF CAMBRIA AND STATE
OF PENNSYLVANIA.

PETITION FOR APPOINTMENT
OF VIEWERS

*Filed
11/20/53*

LAW OFFICES
SAMUEL R. DI FRANCESCO
FIRST NATIONAL BANK BLDG.
JOHNSTOWN, PENNSYLVANIA