

Petition for the Appointment of Viewers to assess damages to the lands of Annie Gomish in the change of grade of Legislative Route 62 Section 11, O.R. 092, locally known as Traffic Route 219 or Main Street in the Borough of Carrolltown, Cambria County, Pennsylvania	} In the Court of Quarter Sessions } } of Cambria County, Pennsylvania } } No. _____ June Term 1953 } } Petition for Appointment of } Viewers.
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To the Honorable, the Judges of said Court.

The petition of Annie Gomish respectfully represents:

1. That she is a resident citizen of the Borough of Carrolltown, County of Cambria and State of Pennsylvania.
2. That she is the owner of all that certain piece or parcel of land situate in the Borough of Carrolltown, Cambria County, Pennsylvania, fronting one hundred feet on Main Street and extending back between the lot formerly owned by Dennis Murphy and the lot of Michael F. Volk, approximately one hundred fifty feet.
3. On or about the 25th day of April, 1947, the above mentioned change of grade in the Borough of Carrolltown was approved by the Commonwealth of Pennsylvania.
4. On or about the 25th day of April, 1947, the above mentioned change of grade in the Borough of Carrolltown was approved by the Council of the Borough of Carrolltown.
5. That pursuant to the said approvals, the grade on Main Street was changed by raising the same approximately two feet in front of the property of petitioner, said raise in the grade of said street having been consummated in 1947 or early 1948.
6. That the property of the said Owner above mentioned, abuts on said street and that the change so made in the grade of the said street by the Commonwealth of Pennsylvania and the Borough of Carrolltown, was without the consent of said Owner, and that the officers of said Borough have failed to agree with the Owner for the proper compensation for the damages done and sustained by reason of the change of grade of said street, and that

although damage has been caused to the owner of said property above mentioned, no compensation can be agreed upon between the said owner and the officers of said Borough.

7. The damages that have resulted from said change of grade are extensive, serious and permanent.

Wherefore, your petitioner prays your Honorable Court to appoint Viewers to assess and ascertain the damages done to said property of your petitioner and to make report thereof to the Court in accordance with the Acts of Assembly in such cases made and provided.

Annie Gomish
Annie Gomish

STATE OF PENNSYLVANIA X
 X SS.
COUNTY OF CAMBRIA X

Before the undersigned, a Notary Public,
in and for said County and State, personally appeared Annie
Gomish, petitioner within named, who being duly sworn according
to law, says that the matters set forth in the foregoing petition
are true and correct.

Annie Gomish
Sworn to and subscribed before me this 23 day of
April, 1953.

Modestus K.
Notary Public
By Commission expir-
March 9, 1957

D E C R E E.

And now, April 23rd ^{at 11 AM} 1953, on consideration of the within petition, the Court appoints Walter J. Baumgardner
Fred W. Chaplin and Robert Mayer
Viewers, to assess and ascertain the damage done by raising of the grade of Main Street, Carrolltown, Pennsylvania, to the property of petitioner referred to in the within petition, in accordance with the prayer thereof, and to make report thereof to Court in accordance with the Acts of Assembly in such cases made and provided.

BY THE COURT.

D. H. Kerner
Judge.

Now Sept. 8-1953 Report & returns is ready
Continued to West Monday December 1953

By the Court: *[Signature]*
[Signature]
Judge

Road Docket

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA
NO. 2 JUNE TERM 1953

Petition for the Appointment
of Viewers to assess damages
to the lands of Annie Go-
mish, in the change of grade
of Legislative Route 62
Section 11, O. R. 092,
locally known as Traffic
Route 219 or Main Street in
the Borough of Carrolltown,
Cambria County, Pennsylvania

Filed
4/23/53

[Signature]
LAW OFFICES OF
~~WESTOVER & LANTIER~~
FIRST NATIONAL BANK BUILDING
SPANGLER, PENNSYLVANIA

In re: Petition for the Appointment of Viewers to Assess Benefits or Damages to the land of ANNIE GOMISH in the change of grade of Legislative Route 62 Section 11 O. R. 092 locally known as Traffic Route 219 or Main Street, Borough of Carrolltown, Cambria County, Pennsylvania	:	No. 2 JUNE SESSIONS, 1953 Road Docket IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA. <u>CONDEMNATION PROCEEDINGS</u>
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EXCEPTION TO VIEWERS' REPORT

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:-

AND NOW, to wit: this tenth day of February, 1954, comes the Borough of Carrolltown, by its Solicitor, Fred J. Fees, and takes Exception to the Report of the Board of Viewers filed January 11, 1954 in the above entitled proceeding, as follows:-

1. That said Report of the Board of Viewers is defective for the reason that it fails to set forth in brief and concise paragraphic forms all Findings of Fact and Conclusions of Law.

2. That said Report of the Board of Viewers is defective for the reason that it fails to have filed with it a map or plan showing the property reportedly damaged by the change of grade.

3. That said Report of the Board of Viewers and Award of Damages are null and void and of no effect whatsoever for the reason that the Court of Common Pleas has exclusive jurisdiction in proceedings brought by an owner of property in a Borough, seeking an award of damages for a change in grade of an adjoining road against a Borough, and these proceedings have been brought in the Court of Quarter Sessions.

4. That said Report of the Board of Viewers and Award of Damages are null and void for the reason that the records do not indicate that the Viewers were duly sworn in the manner required by law, namely, P. L. 1621, Section 43, as amended on the 10th day of July, 1947.


5. That the petitioner in the above captioned proceeding expressly indicated at the hearing before your Honorable Board that if the extreme superelevation of the highway complained of, which caused the damages alleged, should be eliminated, corrected and improved, that she would forego any claim she may have for damages against said Borough, and hence the Award of the Viewers fixing damages at this time is premature and of no necessity, due to the fact that the Highway Department of the Commonwealth of Pennsylvania has assured said Borough that the conditions which brought about the proceedings in question will be remedied, as is evidenced by copy of letter hereto attached, made a part hereof and marked Exhibit A, and this being done, no Award of Damages should be made or allowed.

6. That as late as Tuesday, February 9, 1954, Mr. C. R. Forbes, District Engineer, District 9 of the Department of Highways of the Commonwealth of Pennsylvania, informed Fred J. Fees, Borough Solicitor, that the Plans and Specifications were about ready for the correction of the present condition existing in said Highway and that he hoped work would be begun to remedy and correct this condition not later than the first Monday of May, 1954.

7. That said Report of the Board of Viewers and Award of Damages made thereon are in error for the reason that the damages awarded are based on a permanent change in grade,

when, in fact, the present change in grade is but a temporary change which will be corrected, remedied and alleviated by the Highway Department as hereinabove recited, and this being accomplished, no damages should be awarded.

WHEREFORE, Fred J. Fees, Solicitor of Carrolltown Borough, pursuant to resolution adopted by said Borough, files these Exceptions, hereinabove set forth, to the Report of the Board of Viewers and Award of Damages against said Borough and prays that said Award and Report should be set aside.



Solicitor of
Carrolltown Borough

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF CAMBRIA :

FRED J. FEES being duly sworn according to law, deposes and says that he is Solicitor of Carrolltown Borough, Cambria County, Pennsylvania, and that the averments set forth in the foregoing Exceptions to Viewers' Report are true and correct to the best of his knowledge, information and belief.

Sworn and subscribed before
me this 10th day of February,
1954.

Martha C. Davis
Notary Public

My commission expires Jan. 7, 1955

EXHIBIT A

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HIGHWAYS

Hollidaysburg

October 5, 1953

In reply, refer to

Cambria County

L. R. 62

O. R. 091

Honorable Fred J. Fees, District Attorney
Cambria County
Ebensburg, Pennsylvania

Dear Sir:

I am pleased to inform you that Chief Engineer C. H. Buckius has approved the change of location of the super-elevated curve at the American Legion Home on Route 62, Carrolltown Borough, and I have been instructed to prepare the necessary plans for the correction of the present condition, which plans of course must be approved by the Borough Council. I know that you will be glad to have this information and can pass it along to those who are interested.

Very truly yours,

C. R. FORBES
District Engineer
District 9

No. 2 June Sessions, 1953 Rd.DKT.

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

In re: Petition for the Appointment of Viewers to Assess Benefits or Damages to the land of ANNIE GOMISH in the change of grade of Legislative Route 62, Section 11 O. R. 092 locally known as Traffic Route 219 or Main Street, Borough of Carrolltown, Cambria County, Pennsylvania.

EXCEPTIONS TO VIEWERS' REPORT

Filed 2-10-1954

LAW OFFICES
FRED. J. FEES
EBensburg, PENNSYLVANIA

file

IN RE: Petition for Appointment of	:	No. 2 June Sessions 1953. Rd. Dk
Viewers to Assess Benefits or Damages	:	in the Court of Quarter Sessions
to the land of Annie Gomish in the	:	of Cambria County, Pennsylvania
change of grade in Legislative Route	:	
62 Section 11, O.R. 092 locally known	:	
as Traffic Route 219 or Main Street in	:	
Carrolltown Borough, Cambria County, Pa.:	:	

CONDEMNATION PROCEEDINGS

REPORT OF VIEWERS

We, the undersigned Viewers, members of the Permanent Board of Viewers having been appointed by the above Court to view and inspect the land and premises owned by Annie Gomish of the Borough of Carrolltown, Cambria County, Penna. and to view and inspect said premises and determine and estimate the damages or benefits that have resulted or that may seem likely to result by in the change of grade of Legislative Route 62 Section 11, O. R. 092 locally known as Traffic Route 219 or Main Street in the Borough Carrolltown, County and State aforesaid and being more particularly described as follows:

All that certain piece or parcel of land situate in the Borough of Carrolltown, Cambria County, Pennsylvania, fronting one hundred feet on Main Street and extending back between the lot formerly owned by Dennis Murphy and the lot of Michael F. Volk, approximately one hundred fifty feet.

That we were duly sworn or affirmed as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the aforesaid Court; that due public notice of the time and place of the meeting of the viewers was given by posting of ten hand bills upon the premises of Annie Gomish at least ten days upon said premises and upon J. Harrison Westover, Esq. Attorney for Annie Gomish and on Annie Gomish the petitioner. Mrs. Gormish informed us that two other petitions were prepared for two of her neighbors- Michael F. Volk and Alma E. Volk, his wife and H. K. Mohler and Mary Edith Mohler his wife. W^h advised Mrs. Gomish that only one peti-

tion with names of Viewers was received. Whereupon Harrison Westover, Esq. was called by telephone concerning the Volk and Hohler petitioners. He immediately went to Ebensburg to make inquiry as to the two petitions which he presented to the Court having same Viewers on the three petitioners. Whereupon the posting of the Notices of the View was postponed until further information was available. Mr. Westover's inquiry proved that the Volk and Mohler petitions with the names of the Viewers with respective numbers of the Sessions were located in the office of the Clerk of Courts. Inadvertently the Volk and Mohler Notices to View were filed with the Gomish Number 2. It being the intent and purpose to have the three views at the same time. Upon receipt of the Orders to View and the preparation of the other 2 orders to View Notices to View were prepared in the Volk and Mohler Orders to View.

That we then served Notice to View Fred J. Fees, Esq., Solicitor for the Borough of Carrolltown, Cambria County, Penna and acknowledged to have received a copy of same. Personal Service was had upon C. R. Forbes, District Engineer for State Highway Department with Offices at Hollidaysburg, all of which have been a part of this Report.

Pursuant to said Notice to view we met upon the premises of Annie Gomish on June 24th, 1953 at 10 o'clock in the morning Eastern Daylight Time and proceeded with the duties of our appointment. All of the Viewers present, Mrs. Gomish and her son, the owners of the two other petitioners who have similar proceedings against the Borough of ^{GC} Carrolltown because of the improvements of the same highway. A very careful inspection was made of the premises as to the raise of the highway on their property. A very careful examination with reference with reference to the drainage problem. It is primarily a matter of proper drainage as it affects the property of Mrs. Annie Gomish. The location of the drain on the low side of the highway at the curve was inspected and the place where the water is released. All elements of the damages were gone into by the three viewers. No one representing the Borough of Carrolltown was present at the

at the time of the view. There was no agreement as to the time for having a hearing in the matter. After some delay the viewers agreed to have hearing on 8 July 1953 at 10 o'clock daylight time in the Borough Building in said Carrolltown Boro. Notices of the hearing were prepared and served upon Fred J. Fees, Solicitor for the Borough of Carrolltown aforesaid and upon J. Harrison Westover, Counsel for the petitioner acceptances of same are hereby attached and made a part of said Report. the Office of the District Engineer at Hollidaysburg was likewise notified.

Pursuant to said notices and acceptances of service of the attorneys representing the interested parties we met on July 8, 1953 at 10 o'clock daylight time in the morning in Council Room of the Borough Building and proceeded with the duties of our appointment. J. Harrison Westover, Esq., represented Mrs. Annie Gomish the owner and petitioner. Several witnesses were called by her counsel. Fred J. Fees, Solicitor for the Borough of Carrolltown attended the meeting but presented no witnesses. The State Highway Department had a witness Wallace Curry who was called and explained the plans and specifications followed in construction of the above designated highway. There was a great deal of discussion on the part of both parties of some misunderstanding on the part of the State Highway Department as it now affects the real estate involved in this curve, which it is claimed has too much of an elevation on the curve on which the property of the owner is located. Both attorneys asked for some more time in which to have certain matters and data examined and make report of some conclusions arrived at at a later date. The Viewers agreed to delay the time of the presenting their Award of Damages .

It was shown that the owner and petitioner merely wanted her property put in the best shape possible after the raising of the elevation of the curve condition as it affects her property. All of the evidence was taken into consideration together with other testimony that was offered at the time of the hearing.

We discussed fully and at length all of the testimony presented. We took in all the elements and matters pertinent thereto and determined and estimated the amount of damages. We had carefully and thoroughly viewed and inspected the premises involved in the proceedings and after a thorough inspection of same of same and hearing all the evidence and testimony concerning the high elevation of the public road in question as it affects the land and premises of Annie Gomish and its effects the same and having taken into consideration all of the elements concerning the same as it affects benefits or damages sustained by said raising of elevation of curve of said highway as it affects said lot and premises of said owner and petitioner, we have estimated and determined the quality and quantity of the land so used and injured by the said public highway and having made just allowances for any benefits accrued thereto and damages sustained thereby which have resulted or which may seem likely to result to Annie Gomish the said owner and petitioner, we have estimated and determined the amount of damages and have prepared a Schedule thereof.

Pursuant to the time fixed for the presentation of Said Schedule of Damages the viewers met at the Municipal Building at Carrolltown but more time was requested so that an agreement might be worked out by the State Highway Department of the Commonwealth of Pennsylvania and the Borough. No time was fixed for the presentation of the said Award of Damages. No word having been received from either of the attorneys involved for the Borough of Carrolltown and for Mrs. Annie Gomish notices were mailed to Mrs. Annie Gomish, J. Harrison Westover, Counsel for Mrs. Gomish and Fred J. Fees, Solicitor for the Borough of Carrolltown aforesaid and to the viewers fixing Wednesday December 23, 1953 at 10 o'clock in the morning at the Municipal Building, Carrolltown, Cambria County, Pennsylvania for the purpose of Exhibiting the Award of Damages in said proceeding.

In pursuance of the time set forth in the said Notice for the presenting of Schedule of Damages we met in the Council Rooms of the Municipal Building at Carrolltown, county and state aforesaid at 10 o'clock Wednesday morning December

23, 1953 and proceeded with the duties of our appointment. There were present the three Viewers, Mrs, Annie Gomish, the owner and Fred. J. Fees, Esq. Solicitor for the Borourg of Carrolltown aforesaid. There was no further testimony offered. There was considerable discussion at to status of changing the elevation of the grade at curve of the public highway as it affects the premises of Mrs. Annie Gomish. These discussions related to prpspective agreement that may be entered into by the Commonwealth of Pennsylvania Department of Highways and the Borough of Carrolltown. The Viewers ^Whoever, proceeded with the presenting the Schedule of the Award of Damages. Having taken into consideration all of the testimony offered and having vided the premises in question ~~w~~ we have agreed, estimated and determined the amount of damages and prepared a S_chedule thereof. That after hearing all exceptions and all the testimony offered and giving all matters before us due consideration, we are of the opinion that the land of the owner, Mrs. Annie Gomish, who was also the petitioner because of the high elevation of the grade at curve of said public highway and as it affects her land , we have assessed no benefits and damages in the sum of Nine hundred fifty (\$950.00) Dollars to be paid to Mrs. Annie Gomish by the Borough of Carrolltown, Cambria County and State of Pennsylvania as her interest may appear.

IN WITNESS WHEREOF we have set our hands and seal this seventh day of January, A. D. 1954.


MAHLON BAUMGARDNER


FRED W. CLARLIN


ROBERT MAYER
Viewers

28 December 1953

IN RE: Petition for Appointment of Viewers to Assess Benefits or Damages to land of Annie Gomish in change in grade of Legislative Route 62, Section 11 O.R.092 and locally known as Traffic Route 219 or Main Street in Boro of Carrolltown, Cambria County, Penna. : No 2 June Sessions 1953 Rd Dk : In the Court of Quarter Sessions : Of Cambria County, Penna. :
: CONDEMNATION PROCEEDINGS

CAMBRIA COUNTY in Account with Mahlon Baumgardner, Fred W. Claflin & Robert Mayer.

Mahlon Baumgardner

1953

June	6-	Prepared Notices to View	\$12.00	
"	8-	Posted Notices and acceptances of service	12.00	
		Mileage 14 mi	1.40	
"	9-	Served Notice to View on C.R.Forbes Distr Eng	12.00	
		Mileage 38 mi	3.80	
"	24-	Made View at Carrolltown	12.00	
		Mileage 14 mi	1.40	
"	28-	Prepared Notice for Hearing & acceptance service	12.00	
July	8-	Hearing at Carrolltown	12.00	
		Mileage 14 mi	1.40	
"	17-	Conference estimating and determining damages	12.00	
		Mileage to Johnstown 36 mi	3.60	
Aug	5-	Data and preparing Exhibit of Schedule	12.00	
"	11-	Exhibit of Schedule- contd by agreement	12.00	
		Mileage to Carrolltown 14 mi	1.40	
Dec	6-	Notified all parties in interest Ex Schedule 23 De	12.00	
"	23-	Exhibit Schedule of Damages -Carrolltown	12.00	
		Mileage 14 mi	1.40	
"	28-	Prepared Report to be filed Jan 11, 1954	12.00	\$158.40

Fred W. Claflin

J ne	24-	Making View at Carrolltown	12.00	
"		Mileage 64 mi	6.40	
July	8-	Hearing at Carrolltown	12.00	
		Mileage 62 mi	6.20	
"	17-	Conference estimating & determining damages	12.00	
		Mileage 6 mi	.60	
Aug	11-	Exhibit of Schedule contd by agmt for conferences	12.00	
		Mileage to Carrolltown 62 mi	6.20	
Dec	23-	Exhibit of Schedule of Damages -C rrolltown	12.00	
		Mileage 62 mi	6.20	\$85.60

Robert Mayer

J ne	24-	Making View at Carrolltown	12.00	
"		Mileage 62 mi	6.20	
July	8-	Hearing at Carrolltown taking testimony	12.00	
		Mileage 62 mi	6.20	
"	17-	Conference estimating & determining damages	12.00	
		Mileage 4 mi	.40	
Aug	11-	Exhibit Schedule -more conferenses d sired	12.00	
		Mileage 60 mi	6.00	
Dec	23-	Exhibit of Schedule at Carrolltown	12.00	
		Mileage 60 mi	6.00	\$84.60

IN RE: Petition for the Appointment of Viewers to Assess Benefits or Damages to the lands of Annie Gomish, in the change of grade of Legislative Route 62 Section 11, C. R. 692 locally known as Traffic Route 219 or Main Street in the Borough of Carrolltown, Cambria County, Pennsylvania.

No 3 June Sessions 1953 P. D. Jk
In the Court of Quarter Sessions
of Cambria County, Penna.

CONTINUATION PROCEEDINGS

EXHIBIT OF SCHEDULE OF DAMAGES

We, the undersigned Viewers appointed by the above named Court to view and inspect the above premises have performed the duty and have taken into consideration all of the benefits and damages that have resulted or that may seem likely to result to the real estate of Annie Gomish by reason in the change of grade of Legislative Route 62 Section 11, C. R. 692 locally known as Traffic Route 219 or Main Street in the Borough of Carrolltown, Cambria County, Pennsylvania and having taken into consideration all the elements and facts pertinent to the above proceedings have estimated, determined and assessed benefits and damages as follows:

<u>NAME</u>	<u>BENEFITS</u>	<u>DAMAGES</u>
Annie Gomish	NONE	\$950.00

The above award of damages to be paid by Borough of Carrolltown, Cambria County and State of Pennsylvania to Annie Gomish likewise of the Borough of Carrolltown, County and State aforesaid as her interest may appear.

Edison Baumgardner
Edison Baumgardner, Chairman

Fred W. G. Caplin
Fred W. G. Caplin

Robert Moyer
Robert Moyer
Viewers

IN RE: Petition for the Appointment of Viewers to Assess Benefits or Damages to lands of Annie Gomish, in the change of grade of Legislative Route 62 Section 11, O. R. 092 locally known as Traffic Route 219 or Main Street in the Borough of Carrolltown, Cambria County, Pennsylvania. : No 2 June Sessions 1953, RD DKT : In the Court of Quarter Sessions : Of Cambria County, penna.

CONDEMNATION PROCEEDINGS

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above Court to View and Inspect the premises and land of Annie Gomish of the Borough of Carrolltown, Cambria County, Penna. and the determine and estimate the benefits or damages that have resulted or that may seem likely to result by reason in the change of grade of Legislative Route 62 Section 11, O.R. 092 locally known as Traffic Route 219 or Main Street, Borough of Carrolltown, County and State aforesaid being more fully described as follows:

All that certain piece or parcel of land situate in the Borough of Carrolltown, Cambria County, Penna. fronting one hundred feet on Main Street and extending back between the lot formerly owned by Dennis Murphy and the lot of Michael F. Volk approximately one hundred fifty feet,

Will meet on the premises on Wednesday June 24th, 1953 at 10 o'clock in the morning Eastern Daylight Time for the purpose of performing the duties of our Appointment.

Mahlon J. Baumgardner

Fred W. Claflin

Robert Mayer
Viewers

6 June 1953

NOW 8 June 1953 I hereby accept service of the within Notice to View for the Commissioners of Cambria County and acknowledge to have received a copy of said Notice to View.

Maurice A. Springer

IN RE: Petition for the Appointment of
Viewers to Assess Benefits or Damages to
the lands of Annie Gomish, in the change
grade of Legislative Route 62 Section 11,
O. R. 092 locally known as Traffic Route
219 or Main Street in the Borough of Car-
rolltown, Cambria County, Pennsylvania.

: No 2 June Sess 1953. Rd Dkt
: In the Court of Quarter Sessions
: of Cambria County, Penna.

CONDEMNATION PROCEEDINGS

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above named Court to View
and Inspect the premises and land of Annie Gomish of the Borough of Car-
rolltown, Cambria County, Penna. and to determine and estimate the benefits
or damages that have resulted or that may seem likely to result by reason
in the change of grade of Legislative Route 62 Section 11, O. R. 092 local-
ly known as Traffic Route 219 or Main Street in the Borough of Carrolltown,
County and State aforesaid being more particularly described as follows:

All that certain piece or parcel of land situate in the
Borough of Carrolltown, Cambria County, Pennsylvania, fronting
one hundred feet on Main Street and extending back between the
lot formerly owned by Dennis Murphy and the lot of Michael F.
Volk, approximately one hundred fifty feet,

Will meet on the premises on Wednesday June 24th, 1953 at
10 o'clock in the morning Eastern Daylight Time for the purpose of
performing the duties of our Appointment.

Mahlon J. Baumgardner

Fred W. Claflin

Robert Mayer
Viewers

6 June 1953.

NOW June, 1953 I hereby accept service of the within
Notice to view and the petitioner and owner and acknowledge to have received
a copy of said Notice to View.

Annie Gomish
Owner and Petitioner

IN RE: Petition for the Appointment of Viewers to Assess Benefits or Damages to the lands of Annie Gomish, in the change grade of Legislative Route 62 Section 11, O. R. 092 locally known as Traffic Route 219 or Main Street in the Borough of Carrolltown, Cambria County, Pennsylvania.

: No 2 June Sess 1953. Rd Dkt
: In the Court of Quarter Sessions
: of Cambria County, Penna.
:
:
:
:
: CONDEMNATION PROCEEDINGS

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above named Court to View and Inspect the premises and land of Annie Gomish of the Borough of Carrolltown, Cambria County, Penna. and to determine and estimate the benefits or damages that have resulted or that may seem likely to result by reason in the change of grade of Legislative Route 62 Section 11, O. R. 092 locally known as Traffic Route 219 or Main Street in the Borough of Carrolltown, County and State aforesaid being more particularly described as follows:

All that certain piece or parcel of land situate in the Borough of Carrolltown, Cambria County, Pennsylvania, fronting one hundred feet on Main Street and extending back between the lot formerly owned by Dennis Murphy and the lot of Michael F. Volk, approximately one hundred fifty feet,

Will meet on the premises on Wednesday June 24th, 1953 at 10 o'clock in the morning Eastern Daylight Time for the purpose of performing the duties of our Appointment.

Mahlon J. Baumgardner

Fred W. Claflin

Robert Mayer
Viewers

6 June 1953

NOW 8 June 1953 I hereby accept service of the within Notice to View as Attorney for the petitioner Annie Gomish and acknowledge to have received a copy of said Notice to View.

Robert P. Lantry
Attorney for Annie Gomish

IN RE: Petition for the Appointment of Viewers to Assess Benefits or Damages to the lands of Annie Gomish, in the change of grade of Legislative Route 62 Section 11, O. R. 092 locally known as Traffic Route 219 or Main Street, Borough of Carrolltown, Cambria County, Pennsylvania.

: No 2 June Sessions 1953, Rd Dkt
: In the Court of Quarter Sessions
: of Cambria County, Penna.
:
:
: CONDEMNATION PROCEEDINGS

NOTICE TO VIEW

We, the undersigned Viewers appointed by the above Court to View and Inspect the premises and land of Annie Gomish of the Borough of Carrolltown, Cambria County, Penna. and to determine and estimate the benefits or damages that have resulted or that may seem likely to result by reason in the change of grade of Legislative Route 62 Section 11, O. R. 092 locally known as Traffic Route 219 or Main Street, Borough of Carrolltown, County and State aforesaid being more fully described as follows:

ALL that certain piece or parcel of land situate in the Borough of Carrolltown, Cambria County, Penna. fronting one hundred feet on Main Street and extending back between the lot formerly owned by Dennis Murphy and lot of Michael F. Volk, approximately one hundred fifty feet,

Will meet on the premises on Wednesday June 24th, 1953 at 10 o'clock in the morning Eastern Daylight Time for the purpose of performing the duties of our appointment.


Mahlon J. Baumgardner

Fred W. Claflin

Robert Mayer
Viewers

6 June 1953

NOW June 11th 1953 I hereby accept service of the above Notice to View as Solicitor for the Boro of Carrolltown and acknowledge the receipt of a copy of said Notice.


Solicitor Boro of Carrolltown

IN RE: Petition for the Appointment of Viewers to Assess Benefits or Damages to the lands of Annie Gomish, in the change of grade of Legislative Route 62 Section 11, O. R. 092 locally known as Traffic Route 219 or Main Street, Borough of Carrolltown, Cambria County, Penna. : No 2 June Sessions 1953 Rd Dkt : in Court of Quarter Sessions : of Cambria County, Penna.
: CONDEMNATION PROCEEDINGS

NOTICE TO VIEW

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ALL that certain lot or parcel of land situate in the Borough of Carrolltown, Cambria County, Penna., fronting one hundred feet on Main Street and extending back between the lot formerly owned by Dennis Murphy and lot of Michael F. Volk, approximately one hundred fifty feet,

Will meet on the premises on Wednesday June 24th, 1953 at 10 o'clock in the morning Eastern Daylight Time for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner

Fred W. Claflin

Robert Mayer
Viewers

6 June 1953

NOW 9 June 1953 I hereby accept service of the within notice to view for the State Highway Department with office at Hollidaysburg, Penna. and acknowledge to have received a copy of said Notice to View.

C. R. Forbes

IN RE: Petition for the Appointment of
Viewers to Assess Benefits or Damages to
the land of Annie Gomish in the change of
grade of Legislative Route 62 Section 11
O. R. 092 locally known as Traffic Route
219 or Main Street, Boro of Carrolltown,
Cambria County, Pennsylvania.

: No 2 June Sessions 1953 Rd Dkt
: in the Court of Quarter Sessions
: of Cambria County, Pennsylvania.

CONDEMNATION PROCEEDINGS

NOTICE OF HEARING

We, the undersigned Viewers appointed by the above named Court to View and Inspect the premises and land of Annie Gomish of the Borough of Carrolltown, Cambria County, Penna. and to determine and estimate the benefits or damages that have resulted or that may seem likely to result by reason in the change of grade of Legislative Route 62 Section 11, O. R. 092 locally known as Traffic Route 219 or Main Street in the Boro of Carrolltown, County and State aforesaid being more particularly described as follows;

All that certain piece or parcel of land situate in Borough of Carrolltown, Cambria County, Pennsylvania, fronting one hundred feet on Main Street and extending back between the lot formerly owned by Dennis Murphy and the lot of Michael F. Volk approximately one hundred fifty feet,

Will conduct a hearing in the above proceedings in the Council Room of the Borough of Carrolltown on Wednesday July 8, 1953 at 10 o'clock fast time in the morning for the purpose of taking testimony and you are hereby requested to bring with you plans and specifications and blue prints used during the construction of the above highway as it affects to land of the petitioner and owner.

Mahlon Baumgardner

Fred W. Claflin

Robert Mayer
Viewers

AND NOW 29 June 1953 I hereby accept service of the within Notice of Hearing for the State Highway Department of the Commonwealth of Pennsylvania and acknowledge to have received a copy of same.

Chas. Forbes
District Engineer

IN RE: Petition for the Appointment of Viewers to Assess Benefits or Damages to the lands of Annie Gomish, in the change of grade of Legislative Route 62 Section 11, O. R. 092 locally known as Traffic Route 219 or Main Street in the Borough of Carrolltown, Cambria County, Pennsylvania.

: No 2 June Sessions 1953 Rd Dk
: In the Court of Quarter Sessions
: of Cambria County, Penna.

CONDEMNATION PROCEEDINGS

EXHIBIT OF SCREDULE OF DAMAGES

We, the undersigned Viewers appointed by the above named Court to view and inspect the above premises have perfored the duty and have taken into consideration all of the benefits and damages that have resulted or that may seem likely to result to the real estate of Annie Gomish by reason in the change of grade of Legislative Route 62 Section 11, O. R. 092 locally known as Traffic Route 219 or Main Street in the Borough of Carrolltown, Cambria County, Pennsylvania and having taken into consideration all the elements and facts pertinent to the above proceedings have estimated, determined and assessed benefits and damages as follows:

<u>NAME</u>	<u>BENEFITS</u>	<u>DAMAGES</u>
Annie Gomish	NONE	\$950.00

The above award of damages to be paid by Borough of Carrolltown, Cambria County and State of Pennsylvania to Annie Gomish likewise of the Borough of Carrolltown, County and State aforesaid as her interest may appear.

Mahlon Baumgardner
Mahlon Baumgardner, Chairman

Fred W. Claflin
Fred W. Claflin

Robert Mayer
Robert Mayer
Viewers

Commonwealth of Pennsylvania, } **SS.**
County of Cambria }

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the 23rd day of April A. D. 19 53, before the Honorable Judge of the said Court: Upon the petition of Annie Gomish, Plaintiff, against the Commonwealth of Pennsylvania, Defendant, setting forth that they labor under great inconvenience from a road or highway, to lead from Annie Gomish, to assess and ascertain damages to her lands in the change of grade of Legislative Route No.62, Section 11, O.R. 092, locally known as Traffic Route 219 or Main Street in the Borough of Carrolltown, Cambria County, Penna.

and therefore praying the Court to appoint proper persons to view and ~~assess or ascertain~~
to law. The Court, upon due consideration had of the premises, do order and appoint _____
Mahlon Baumgardner _____ surveyor, and Fred Claflin
and Robert Mayer _____

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

McKenrick, Judge

Attest:

Joseph E. Weiss, Clerk

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NO. 2 June SESSSIONS, 19 53

Order to view and assess and
ascertain damages to the lands of
Annie Gomish of Carrolltown
Borough.

Mahlon Baumgardner

Fred Claflin

Robert Mayer

Viewers

Clerk

Joseph C. Weiss

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plan or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

No 2 June Sessions 1953
Court of Quarter Sessions
Cambria County, Penna.

Petition of Annie Gomish for
Appointment of Viewers to Assess
Damages to her land in Carroll-
town, Cambria County., Penna
on Route #219 or Main Street
is said Boro of Carrolltown

REPORT OF VIEWERS

Filed
1-11-54
10:00 A.M.

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

RELEASE OF DAMAGES.

WHEREAS, the State Highway Department in the construction and improvement of State Highway Route No. 219 in Carrolltown, Cambria County, has damaged the property of Annie Gomish, and

WHEREAS, by Agreement, the Borough of Carrolltown is liable for all damages caused by the change of location in the construction of the above mentioned highway route by the State Highway Department, and

WHEREAS, the Board of Viewers of Cambria County, have awarded Annie Gomish the sum of \$950.00 to be paid by the Borough of Carrolltown to compensate for damages to their properties,

AND WHEREAS, the State Highway Department is about to eliminate the causes of said damage by relocating the highway and reducing the grade in front of the property of Annie Gomish.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that I, Annie Gomish, in consideration for the removal of the causes that are now damaging my property by the State Highway Department, I have remised, released, quitclaimed and forever discharged, and by these presents, for myself, my heirs, executors and administrators, do remise, release, quitclaim and forever discharge the said Borough of Carrolltown of and from all and all manner of actions, awards of viewers, suits, debts, accounts, reckoning claims and demands, which I now have or which my heirs, executors or administrators can have against the said ^{Borough of Carrolltown} ~~Cambria County~~ for or by reason of the damage done to my property by the changing and improvement of State Highway Route No. 219 in Carrolltown, Cambria County.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th day of May, 1954.

Signed, sealed and delivered in the presence of:


John W. Weston

Annie Gomish (SEAL)

STATE OF PENNSYLVANIA Y
 Y SS.
COUNTY OF CAMBRIA Y

On the 19th day of May, 1954, before me the subscriber,
a Notary Public in and for the County of Cambria, Commonwealth of
Pennsylvania, came the above named Annie Gomish, and acknowledged
the above Indenture to be her act and deed and desired that the
same be recorded as such.

Witness my hand and official seal the day and year
aforesaid.


NOTARY PUBLIC
My Commission Expires January 15, 1959
Spangler Boro, Pa. Cambria County

Road Docket 2 June
1953

RELEASE OF DAMAGES

FROM

ANNIE GORMISH

-to-

BOROUGH OF CARROLLTOWN

Filed - 2-6-58 - J.C.W.

LAW OFFICES
FRED. J. FEES
EBensburg, PENNSYLVANIA