

Rd #1 Dec. 1956

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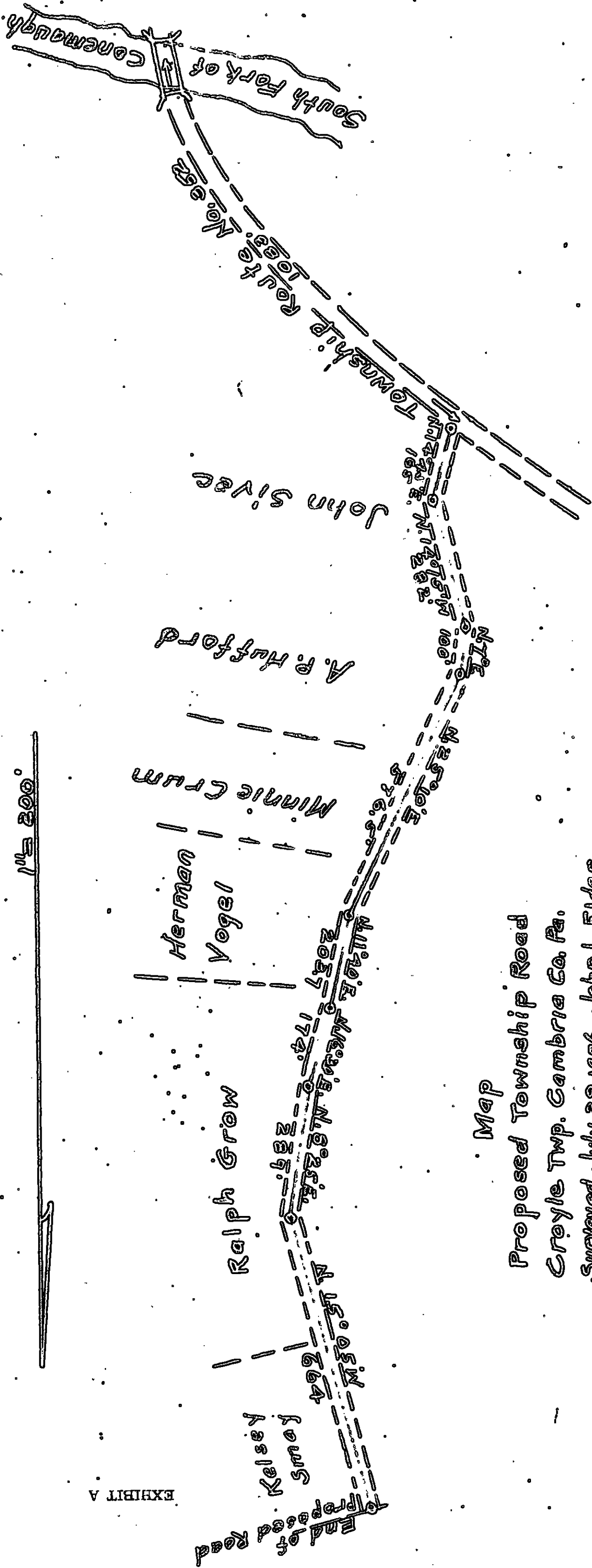


EXHIBIT A

NO. 1 DEC. SESSIONS, 1956, R. D.  
IN THE COURT OF QUARTER SESSIONS  
OF  
CAMBRIA COUNTY, PENNSYLVANIA

IN RE: LAYING-OUT, OPENING  
AND ACCEPTING PORTIONS OF  
A PROPOSED ROAD IN THE  
TOWNSHIP OF CROYLE, CAMBRIA  
COUNTY, PENNSYLVANIA

*Filed Dec. 14, 1956.*

PETITION FOR AMENDED  
DECREE

*2 copies*

LAW OFFICES

SAMUEL R. DI FRANCESCO

303 SICILIANO BUILDING - 422 LINCOLN STREET

JOHNSTOWN, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: LAYING-OUT, OPENING (   
AND ACCEPTING PORTIONS OF A )   
PROPOSED ROAD IN THE TOWNSHIP ( NO. 1 DEC. SESSIONS, 1956   
OF CROYLE, CAMBRIA COUNTY, )   
PENNSYLVANIA ( ROAD DOCKET

PETITION FOR AMENDED DECREE

The Petition of SAMUEL R. DI FRANCESCO,  
solicitor for the Township of Croyle, respectfully represents:

(1) That on the 20th day of September, 1956,  
your Honorable Court did direct a Petition to be filed with Report and exhibits  
attached thereto, laying-out, opening and accepting portions of a proposed road  
in the Township of Croyle, said Petition and Report being filed to the above  
number and term.

(2) That the said Court did, on the 22nd day of  
October, 1956, enter a Final Decree whereby the described road therein was  
confirmed as a township road and declared to be a part of the public road and  
highway system of the said Township of Croyle, said Decree having been  
signed by the Honorable A. A. McDonald, Judge.

(3) That the width of the said road as set forth in  
the said Petition and Final Decree was provided to be thirty foot wide, which  
width was then contrary to and in violation of the Act of Assembly in such  
case made and provided, which requires that no township road be less than  
thirty-three foot in width.

(4) That since the said Final Decree was signed  
by your Honorable Court, the Department of Highways of the Commonwealth  
of Pennsylvania has refused to recognize the said road for the reason that the  
same is not laid out with a thirty-three foot width.

(5) That in compliance with the request of the Pennsylvania Department of Highways, the Supervisors of the Township of Croyle enacted an amendment to the Ordinance, providing that the said road shall be thirty-three foot in width, a copy of which Ordinance is hereto attached and made part hereof and marked "Exhibit A."

(6) That attached hereto and made a part hereof is a newly executed petition and release of damages signed by the owners of the property abutting on the said proposed portion of the thirty-three foot wide road, marked and designated as "Exhibit B."

WHEREFORE, your petitioner prays that the Final Decree of the Court be amended to provide that the description of the road be as follows:

BEGINNING on Township Route No. 362; thence North  $14^{\circ} 45'$  East 165 feet; thence North  $14^{\circ} 15'$  West 282 feet; thence North  $7^{\circ}$  East 100 feet; thence North  $25^{\circ} 10'$  East 576.5 feet; thence North  $11^{\circ} 40'$  East 203.7 feet; thence North  $16^{\circ} 30'$  East 174 feet; thence North  $8^{\circ} 25'$  East 289 feet; thence North  $15^{\circ} 05'$  West 664 feet to the end of property line of Kelsey Smay, said road being a thirty-three foot wide road.

And the petitioner will ever pray.

James R. Hauer

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CAMBRIA

(  
) SS:  
(

Personally appeared before me, a Notary Public  
in and for said County and State, SAMUEL R. DI FRANCESCO, who being  
duly sworn according to law, deposes and says that the matters and facts set  
forth in the within Petition are true and correct to the best of his knowledge,  
information and belief.

Samuel R. Di Francesco

SWORN and subscribed before me  
this 5th day of December, 1956.

Janet M. Leber  
Notary Public

MY COMMISSION EXPIRES  
APRIL 8, 1958

**AMENDED ORDINANCE**

**EXHIBIT A**

**AN ORDINANCE AMENDING PREVIOUS ORDINANCE  
ENACTED BY THE TOWNSHIP OF CROYLE IN THE  
LAYING-OUT, OPENING AND ACCEPTING OF  
TOWNSHIP ROUTE NO. 352, PROVIDING THAT THE  
SAID ROAD SHALL BE OF 33 FOOT WIDTH INSTEAD  
OF 30 FOOT WIDTH**

**WHEREAS, heretofore the Township of Croyle  
laid out, opened and accepted Township Route No. 352, which is described  
in the aforesaid Ordinance, and provided that the said Township Route shall  
be of thirty foot width; and**

**WHEREAS, the Township Code then provided that  
no township road should be less than thirty-three foot in width and in order  
to comply therewith and likewise to comply with the requirements of the  
Department of Highways of the Commonwealth of Pennsylvania;**

**NOW, THEREFORE, it is resolved that the preceding  
Ordinance laying-out the aforesaid Route be amended so that such portion of  
road will be described as follows:**

**BEGINNING on Township Route No. 352; thence North  
14° 45' East 165 feet; thence North 14° 15' West 282 feet;  
thence North 7° East 100 feet; thence North 25° 10' East  
576.5 feet; thence North 11° 40' East 203.7 feet; thence  
North 16° 30' East 174 feet; thence North 8° 25' East  
289 feet; thence North 15° 05' West 664 feet to the end  
of property line of Kelsey Smay, said road being a thirty-  
three foot wide road.**

**AND BE IT FURTHER RESOLVED, that a copy  
of the within Ordinance be attached to a Petition to the Court of quarter  
Sessions of Cambria County, Pennsylvania, requesting an amendment to the  
Final Decree of the said Court dated October 22, 1956, and entered to No. 1  
December Sessions, 1956, in accordance with the within Amended Ordinance.**

**Enacted this 30th day of November, 1956.**

**TOWNSHIP OF CROYLE**

**Attest:**

**By /s/ Joseph Huber  
President**

**/s/ Michael Kishlock (SEAL)  
Secretary**

EXHIBIT B

PETITION AND RELEASE OF DAMAGES

We, the undersigned, citizens and property owners in the Township of Croyle, Cambria County, Pennsylvania, respectfully petition the Honorable Board of Supervisors of the said Township to lay-out, open and accept the following described road which abuts along side of our respective properties:

BEGINNING on Township Route No. 352; thence North 14° 45' East 165 feet; thence North 14° 15' West 282 feet; thence North 7° East 100 feet; thence North 25° 10' East 576.5 feet; thence North 11° 40' East 203.7 feet; thence North 16° 30' East 174 feet; thence North 8° 25' East 289 feet; thence North 15° 05' West 664 feet to the end of property line of Kelsey Smay, said road being a thirty-three foot wide road.

In consideration of the opening of the said road, we, the undersigned, do hereby remise, release and discharge the Township of Croyle of and from all and all manner of actions or causes of actions in law or in equity, especially from a claim for damages arising out of the laying-out, opening and accepting of the above described road, and we release the Township for ourselves, our heirs, executors, administrators, successors and assigns, and we further hereby waive our right to receive a ten days' notice of the intention of the Supervisors to adopt an ordinance for the purpose of laying-out, opening and accepting the above road.

|                          |        |                    |        |
|--------------------------|--------|--------------------|--------|
| <u>John Sives</u>        | (SEAL) | <u>Helen Grow</u>  | (SEAL) |
| <u>Mary L. Sives</u>     | (SEAL) | <u>Rachel Grow</u> | (SEAL) |
| <u>Elsie Smay</u>        | (SEAL) |                    | (SEAL) |
| <u>Kelsey Smay</u>       | (SEAL) |                    | (SEAL) |
| <u>A. P. H. Stafford</u> | (SEAL) |                    | (SEAL) |
| <u>Martha Stafford</u>   | (SEAL) |                    | (SEAL) |
| <u>N. J. Vogel</u>       | (SEAL) |                    | (SEAL) |
| <u>Alvira Vogel</u>      | (SEAL) |                    | (SEAL) |
| <u>Minnie Cress</u>      | (SEAL) |                    | (SEAL) |



IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: LAYING-OUT, OPENING ( )  
AND ACCEPTING PORTIONS OF A )  
PROPOSED ROAD IN THE TOWNSHIP ( NO. 1 DEC. SESSIONS, 1956  
OF CROYLE, CAMBRIA COUNTY, )  
PENNSYLVANIA ( ROAD DOCKET

AMENDED FINAL DECREE

NOW, the 14<sup>TH</sup> day of December, 1956, the  
within Petition having been read and considered, the prayer thereof is granted  
and the Final Decree heretofore entered to the above number and term on  
October 22, 1956, be and is hereby amended to read as follows:

IT IS ORDERED AND DIRECTED that the said portion  
of a proposed road in Croyle Township, Cambria County, Pennsylvania,  
described as follows: BEGINNING on Township Route No. 352; thence North  
14° 45' East 165 feet; thence North 14° 15' West 282 feet; thence North 7° East  
100 feet; thence North 25° 10' East 576.5 feet; thence North 11° 40' East 203.7  
feet; thence North 16° 30' East 174 feet; thence North 8° 25' East 289 feet;  
thence North 15° 05' West 664 feet to the end of property line of Kelsey Smay,  
said road being a thirty-three foot wide road, be and is hereby confirmed as  
a Township road and declared to be a part of the public road and highways  
system of the said Township of Croyle.

BY THE COURT,



J.

*Road Docket*

NO. 1 *Dec.* SESSIONS, 1956

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY,  
PENNSYLVANIA

IN RE: LAYING-OUT,  
  
OPENING AND ACCEPTING  
  
PORTIONS OF A PROPOSED  
  
ROAD IN THE TOWNSHIP OF  
  
CROYLE, CAMBRIA COUNTY,  
  
PENNSYLVANIA

REPORT OF THE SUPERVISORS  
OF CROYLE TOWNSHIP

*Filed - Sept. 20, 1956*

*J. C. W.*

*2 copies -*

LAW OFFICES

SAMUEL R. DI FRANCESCO

303 SICILIANO BUILDING - 422 LINCOLN STREET

JOHNSTOWN, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: LAYING-OUT, OPENING  
AND ACCEPTING PORTIONS OF A  
PROPOSED ROAD IN THE TOWNSHIP  
OF CROYLE, CAMBRIA COUNTY,  
PENNSYLVANIA

(  
) *Recd Docket*  
( NO. / Dec. SESSIONS, 1956  
)  
(

REPORT OF THE SUPERVISORS OF CROYLE TOWNSHIP

The Petition of JOSEPH HUBER, FOREST CROYLE  
and OLIVER W. PLUMMER respectfully represents:

(1) That they are the Supervisors of the Township  
of Croyle, Cambria County, Pennsylvania.

(2) That they propose to lay-out, open and accept  
portions of a proposed road in Croyle Township, Cambria County, Pennsylvania,  
which portion of road is described as follows:

BEGINNING on Township Route No. 352; thence North  
14° 45' East 165 feet; thence North 14° 15' West 282 feet;  
thence North 7° East 100 feet; thence North 25° 10' East  
576.5 feet; thence North 11° 40' East 203.7 feet; thence  
North 16° 30' East 174 feet; thence North 8° 25' East  
289 feet; thence North 15° 05' West 664 feet to the end  
of property line of Kelsey Smay; said road being a thirty  
foot wide road.

The said portion of road above described appears on a map, draft or survey  
hereto attached, made part hereof, and marked "Exhibit A", and colored in  
red line.

(3) That your petitioners have given ten days' notice  
to the property owners affected by the laying-out, opening and accepting of the  
said portion of road as required by the Act of Assembly, of a hearing and  
after said hearing your Supervisors deem that the said portion of road is  
necessary and convenient, and by ordinance duly made and adopted, the said  
portion of road was laid-out, opened and accepted by the Supervisors of Croyle  
Township as a part of the highway system of the said Township, which ordinance

is hereto attached, made part hereof, and marked "Exhibit B."

(4) That attached hereto and made a part hereof is a petition and release of damages executed by the owners of the property abutting on the said proposed portion of road, marked and designated as "Exhibit C."

WHEREFORE, your petitioners pray that this report and exhibits attached hereto may be filed in the Office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, Pennsylvania.

Joseph Huber

Faust Croyle

Oliver W. Plummer  
Supervisors of Croyle Township

STATE OF PENNSYLVANIA

(  
) SS:  
(

COUNTY OF CAMBRIA

Personally appeared before me, a Notary Public in and for said County and State, JOSEPH HUBER, FOREST CROYLE and OLIVER W. PLUMMER, Supervisors of the Township of Croyle, Cambria County, Pennsylvania, who being duly sworn according to law, depose and say that the facts set forth in the foregoing report are true and correct to the best of their knowledge, information and belief.

Joseph Huber

Forest Croyle

Oliver W. Plummer

SWORN and subscribed before me  
this 27th day of August, 1956.

Janet M. Leber  
Notary Public

MY COMMISSION EXPIRES  
APRIL 8, 1958

EXHIBIT B

ORDINANCE

WHEREAS, the abutting property owners have petitioned the Board of Supervisors of Croyle Township to open and lay-out the hereinafter described road; and

WHEREAS, the petitioners have signed a release of damages; and

WHEREAS, it is the desire of the Supervisors of the Township of Croyle to lay-out, open and accept the said portion of the hereinafter described road as part of the public highway system of the said Township of Croyle; and

WHEREAS, the Supervisors have given a ten days' notice to the property owners affected thereby of the time and place when and where all parties interested may meet and be heard, and after hearing and consideration of the matter at such meeting, the Board of Supervisors unanimously decided in favor of exercising the power so conferred in them to lay-out, open and accept the said portion of the road;

NOW, THEREFORE, BE IT RESOLVED, that the following described road be laid out, opened and accepted by the Supervisors of the Township of Croyle as part of the highway system of the said Township after making written report thereof, together with a draft or survey of said portion of road, to be presented and filed in the Office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, such portion of road being described as follows:

BEGINNING on Township Route No. 352; thence North  $14^{\circ} 45'$  East 165 feet; thence North  $14^{\circ} 15'$  West 282 feet; thence North  $7^{\circ}$  East 100 feet; thence North  $25^{\circ} 10'$  East 576.5 feet; thence North  $11^{\circ} 40'$  East 203.7 feet; thence North  $16^{\circ} 30'$  East 174 feet; thence North  $8^{\circ} 25'$  East

289 feet; thence North 15° 05' West 664 feet to the end of property line of Kelsey Smay, said road being a thirty foot wide road.

AND BE IT FURTHER RESOLVED, that in accordance with the provisions of the Act of Assembly in such case made and provided, any citizen or freeholder of the Township may, within thirty days after the filing of the report of the Supervisors, file exceptions to the report, together with a petition for a review.

TOWNSHIP OF CROYLE

By Joseph Huber  
President

ATTEST;

Michael Kishlock  
Secretary

## EXHIBIT C

PETITION AND RELEASE OF DAMAGES

We, the undersigned, citizens and property owners in the Township of Croyle, Cambria County, Pennsylvania, respectfully petition the Honorable Board of Supervisors of the said Township to lay-out, open and accept the following described road which abuts along side of our respective properties:

BEGINNING on Township Route No. 352; thence North  $14^{\circ} 45'$  East 165 feet; thence North  $14^{\circ} 15'$  West 282 feet; thence North  $7^{\circ}$  East 100 feet; thence North  $25^{\circ} 10'$  East 576.5 feet; thence North  $11^{\circ} 40'$  East 203.7 feet; thence North  $16^{\circ} 30'$  East 174 feet; thence North  $8^{\circ} 25'$  East 289 feet; thence North  $15^{\circ} 05'$  West 664 feet to the end of property line of Kelsey Smay, said road being a thirty foot wide road.

In consideration of the opening of the said road we, the undersigned, do hereby remise, release and discharge the Township of Croyle of and from all and all manner of actions or causes of actions in law or in equity, especially from a claim for damages arising out of the laying-out, opening and accepting of the above described road, and we release the Township for ourselves, our heirs, executors, administrators, successors and assigns, and we further hereby waive our right to receive a ten days' notice of the intention of the Supervisors to adopt an ordinance for the purpose of laying-out, opening and accepting the above road.

Kelsey W Smay (SEAL) Oliver Vogel (SEAL)

Mrs Kelsey Smay (SEAL) Miss P. Crane (SEAL)

A P Hafford (SEAL) \_\_\_\_\_ (SEAL)

Mrs. Martha Hafford (SEAL) \_\_\_\_\_ (SEAL)

John Svec (SEAL) \_\_\_\_\_ (SEAL)

Mary Svec (SEAL) \_\_\_\_\_ (SEAL)

Robert M. Hafford (SEAL) \_\_\_\_\_ (SEAL)

Mrs Helen Hafford (SEAL) \_\_\_\_\_ (SEAL)

H. J. Vogel (SEAL) Charles J. Sweeney (SEAL)

THE WILMORE COAL COMPANY

VICE-PRESIDENT



IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: LAYING-OUT, OPENING (   
AND ACCEPTING PORTIONS OF A )   
PROPOSED ROAD IN THE TOWNSHIP ( NO. SESSIONS, 1956   
OF CROYLE, CAMBRIA COUNTY, )   
PENNSYLVANIA (

DECREE

NOW, the 20 day of Sept, 1956,

upon consideration of the foregoing Petition, Joseph C. Wess, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within report and the exhibits attached hereto.

BY THE COURT,

Griffith J.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: LAYING-OUT, OPENING  
AND ACCEPTING PORTIONS OF A  
PROPOSED ROAD IN THE TOWNSHIP  
OF CROYLE, CAMBRIA COUNTY,  
PENNSYLVANIA

(  
)  
( NO.                      SESSIONS, 1956  
)  
(

FINAL DECREE

NOW, the 22<sup>nd</sup> day of October, 1956, it  
appearing that the said Petition having been filed on the 20 day of September,  
1956, and that no citizen or freeholder of the Township did within thirty days  
from the filing of this report of the Supervisors file exceptions to the report or  
a petition for a review, IT IS ORDERED AND DIRECTED that the said portion  
of a proposed road in Croyle Township, Cambria County, Pennsylvania,  
described as follows: BEGINNING on Township Route No. 352; thence North  
 $14^{\circ} 45'$  East 165 feet; thence North  $14^{\circ} 15'$  West 282 feet; thence North  $7^{\circ}$  East  
100 feet; thence North  $25^{\circ} 10'$  East 576.5 feet; thence North  $11^{\circ} 40'$  East 203.7  
feet; thence North  $16^{\circ} 30'$  East 174 feet; thence North  $8^{\circ} 25'$  East 289 feet;  
thence North  $15^{\circ} 05'$  West 664 feet to the end of property line of Kelsey Smay,  
said road being a thirty foot wide road, be and is hereby confirmed as a Township  
road and declared to be a part of the public road and highway system of the  
said Township of Croyle.

BY THE COURT,

M. J. Donald

J.