

In the Court of Quarter Sessions of
Cambria County, Pennsylvania

Re: Bridge Spanning West Branch of the
Susquehanna River Situate in the
Borough of Barnesboro, Cambria County,
Pennsylvania.

ANSWER OF CAMBRIA COUNTY TO MATTERS
ALLEGED IN PETITION FOR APPOINTMENT
OF VIEWERS

SHETTIG, SWOPE & SHETTIG
ATTORNEYS AT LAW
EBENSBURG, PA.

Re: Bridge Spanning West Branch of the
Susquehanna River Situate in the
Borough of Barnesboro, Cambria County,
Pennsylvania

In the Court of Quarter Sessions
of Cambria County, Pennsylvania
Misc. No. 1 September Term, 1957

ANSWER OF CAMBRIA COUNTY TO MATTERS ALLEGED
IN PETITION FOR APPOINTMENT OF VIEWERS

AND NOW comes Pat Farrell, Thomas A. Owens and Hiram F. Ribblett,
Commissioners of Cambria County, and file this the Answer of Cambria County to
matters alleged in the Petition for the Appointment of Viewers in the above
captioned matter:

1. The allegations contained in the first paragraph of the Petition
are admitted.
2. The allegations contained in the second paragraph of the Petition
are admitted.
3. The allegations contained in the third paragraph of the Petition
to the effect that the change in the location of the bridge is necessary in
order to facilitate the flow of traffic between the various portions of the
Borough of Barnesboro is denied inasmuch as knowledge of this fact is peculiar
to the petitioners and proof of the same is demanded at the hearings before
the Board of Viewers.
4. The allegations contained in the fourth paragraph of the Petition
to the effect that the bridge is necessary and would require more expense than
would be reasonable for the Borough of Barnesboro to assume solely is denied
inasmuch as knowledge of this fact is peculiar to the petitioners and proof of
the same is demanded at the hearings before the Board of Viewers. The allega-
tions in regard to the cost of the construction of said bridge are also denied
inasmuch as knowledge of this fact is peculiar to the petitioners and proof of
the same is demanded at the hearings before the Board of Viewers.
5. The allegation contained in the fifth paragraph of the Petition
to the effect that the Act of Assembly provides the procedure for taking over

a bridge by the County or giving aid to political subdivisions in construction and maintenance of a bridge is admitted. It is respectfully noted that the portion of the Act of Assembly quoted in paragraph 5 of the Petition provides that if in the Board of Viewers' Report it appears that the bridge is necessary and would be too expensive for one political subdivision or adjoining subdivisions to bear, at the discretion of the County Commissioners the bridge may be entered as a county bridge. It is respectfully noted that this is within the "discretion of the County Commissioners".

The Commissioners of Cambria County, exercising the discretion conferred upon them in the Act of Assembly quoted in paragraph 5 of the Petition, refuse to accept the bridge in question to be constructed in the Borough of Barnesboro as a county bridge, and further refuse to wholly erect, maintain and keep in repair the bridge in question in the same manner as other county bridges are constructed and maintained.

However, the County Commissioners, acting under paragraph (b) of the Act of Assembly quoted in the Petition are willing to pay a portion of the cost of construction of such bridge, including damages, and for these purposes will pay to the Borough of Barnesboro the sum of Ten Thousand (\$10,000.00) Dollars to be used by said Borough in the construction of said bridge together with the payment of any and all property damages. Such allocation is contingent upon the fact that the bridge after construction will be a municipal bridge to be maintained and kept in repair by the Borough of Barnesboro and that said allocation of Ten Thousand (\$10,000.00) Dollars is to be used in construction and not in maintenance of said bridge.

WHEREFORE, your Commissioners pray the Board of Viewers to report to the Court of Quarter Sessions to the effect that the County of Cambria refuses to accept the bridge in question as a county bridge and refuses to accept the entire construction cost or future maintenance cost of said bridge, but are willing to allocate Ten Thousand (\$10,000.00) Dollars towards the

cost of construction and property damage only in compliance with the authority granted them in the Act of Assembly quoted in paragraph 5 of the Petition heretofore filed.

Pat Farrell

Thomas A. Owens

Hiram F. Ribblett
Commissioners of Cambria County

STATE OF PENNSYLVANIA |
COUNTY OF CAMBRIA | SS:

Pat Farrell, Thomas A. Owens and Hiram F. Ribblett, being duly sworn according to law, depose and say that the facts contained in the foregoing Answer are true and correct to the best of their knowledge, information and belief.

Sworn to and subscribed before
me this 8th day of July
1957.

Merwin B. Springer
Notary Public

My Commission Expires Feb. 2, 1961

Pat Farrell

Thomas A. Owens

Hiram F. Ribblett
Commissioners of Cambria County

L.D.
No. ~~Proc.~~ 1 Sept. Term
1957.

BARNESBORO BOROUGH COUNCIL

PETITION

FOR THE

APPOINTMENT OF VIEWERS

Filed - June 14, 1957

J. E. Wase

LAW OFFICES

Bionaz and Fisanick

605 Pearce Bldg.
Portage, Pa.

1111 Philadelphia Ave.
Barnesboro, Pa.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

RE: Bridge Spanning West Branch of the Susquehanna River Situate in the Borough of Barnesboro, Cambria County, Pennsylvania

PETITION FOR THE APPOINTMENT OF VIEWERS

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

The Petition of George T. Atkins, Robert McCormick, Sr., James Sherwin, Ronald Griffin, Thomas Kortz, Thomas Paterno and Frank Olear, respectfully represents:

1. Your petitioners are the duly elected and qualified Borough Council members of the Borough of Barnesboro, County of Cambria, Pennsylvania.

2. In furtherance of duties as Borough Council said Borough Council, by Resolution dated the 8th day of May, 1951, and Contract dated the 17th day of April, 1952, with the Commonwealth of Pennsylvania, Department of Forests and Waters, Water and Power Resources Board, entered into a flood control program consisting of the dredging, widening and erection of levies of the West Branch of the Susquehanna River situate in said Borough. A portion of said flood control project was the demolition of a bridge linking Twelfth Street and Park Avenue in said Borough. In replacement thereof, a new bridge is to be erected, linking Philadelphia Avenue, Park Avenue and Maple Avenue.

3. It is the belief of your petitioners that the change of location of said bridge is necessary in order to facilitate the flow of traffic between the various portions of the Borough of Barnesboro and that said change will be to the benefit of the traveling public.

4. It is the belief of your petitioners that said bridge is necessary and would require more expense than would be reasonable for the Borough of Barnesboro to assume solely. Plans and specifications for the new bridge have been prepared. Specifications for

LAW OFFICES

Ferdinand F. Bionas
605 Pearce Bldg.
Portage, Pa.

Vaill Fisanick
1111 Philadelphia Ave.
Barnesboro, Pa.

the materials necessary to construct said bridge have been given to suppliers, and the lowest estimated figure available for the cost of materials alone is in excess of Fifty Thousand (\$50,000.00) Dollars. The Borough of Barnesboro plans to construct said bridge, using Borough employees, and does not plan to enter into a contract with a regular bridge contractor for the erection of said bridge. This is being done in an effort to reduce the cost of said bridge. In addition to the estimated cost of materials of Fifty Thousand (\$50,000.00) Dollars, the Borough of Barnesboro has already purchased a used bridge span at a cost in excess of Nine Thousand (\$9,000.00) Dollars to be used in conjunction with the erection of said bridge.

5. This Petition is being presented in compliance with the Act of Assembly approved the 9th day of August, 1955, P.L. 323, Section 2650, which provides inter alia as follows:

"Procedure for Taking Over Bridge by County; Aid to Political Subdivisions in Construction and Maintenance of Bridge.

(a) Whenever the construction of any new bridge or of any bridge to replace any existing bridge, over a stream or over or under a railroad, and forming part of any road in any city, borough, town or township or between any two or more such political subdivisions is necessary, and requires more expense than it is reasonable that such political subdivision, or any two of them jointly, should bear, the court of quarter sessions shall, upon representation of the proper authorities of any such political subdivision, or on petition of any of the inhabitants thereof, order a view in like manner and with like powers, duties and procedure as provided for in the case of public roads. If on the report of the viewers it shall appear to the court and to the commissioners of the county that such bridge is necessary, and would be too expensive for such political subdivision or adjoining political subdivisions to bear, it may, at the discretion of the County commissioners, be entered on record as a county bridge. Such bridge shall thereupon be erected, maintained and kept in repair in the same manner as other county bridges constructed under the provisions of subdivision (a) of this article.

(b) If the county commissioners refuse to have such bridge entered on record as a county bridge, the county may pay the entire cost or any part of the cost of constructing such bridge, including damages. Such bridge shall thereupon be a municipal or township bridge to be maintained and kept in repair by such political subdivision. The county commissioners may, at their discretion, furnish such political subdivision the whole or any part of the money necessary to maintain such municipal or township bridge.

(c) Where the cost to the county will not exceed one thousand

LAW OFFICES

Ferdinand F. Bionas
605 Pearce Bldg.
Portage, Pa.

Vasil Fisanick
1111 Philadelphia Ave.
Barnesboro, Pa.

five hundred (\$1500.00) Dollars, the county commissioners may furnish such aid in the construction of such bridge without following the procedure herein stipulated.

WHEREFORE, your petitioners pray the Court for an Order appointing a Board of Viewers to the end that hearings may be held and that a report of the Viewers will be submitted to the Court for further action in compliance with the above quoted Act of Assembly.

BOROUGH OF BARNESBORO

ATTEST:

Harold P. Dixon
Harold P. Dixon, Secretary

(Borough Seal)

BY George T. Atkins
George T. Atkins, President
Robert McCormick, Sr.
Robert McCormick, Sr.
James Sherwin
James Sherwin
Ronald Griffin
Ronald Griffin
Thomas Kortz
Thomas Kortz
Thomas Paterno
Thomas Paterno
Frank Olear
Frank Olear

LAW OFFICES

Ferdinand F. Bionas
605 Pearce Bldg.
Portage, Pa.


Vasil Pisanick
1111 Philadelphia Ave.
Barnesboro, Pa.

STATE OF PENNSYLVANIA :
COUNTY OF CAMBRIA : SS:

George T. Atkins, being duly sworn according to law, deposes and says that he is President of the Borough Council of the Borough of Barnesboro and personally saw all other members of the Borough Council execute the foregoing Petition and that he is authorized to execute this Affidavit on behalf of the Borough of Barnesboro and Council members, and that the facts contained in the foregoing Petition are true and correct to the best of his knowledge, information and belief.


George T. Atkins, President
Barnesboro Borough Council

Sworn to and subscribed before me
this 13 day of June, 1957, A. D.


Joseph D. Horne, Notary Public
My Commission Expires: April 4, 1960

LAW OFFICES

Ferdinand F. Bionas
605 Pearce Bldg.
Portage, Pa.

Vasil Fisanick
1111 Philadelphia Ave.
Barnesboro, Pa.

O R D E R

AND NOW, the 14th day of June, 1957, upon consideration of the foregoing Petition and upon motion of VASIL FISANICK, ESQUIRE, Solicitor for the Borough of Barnesboro, IT IS HEREBY ORDERED AND DECREED AS FOLLOWS:

That John L. Elder, Raymond Niebauer and Robert S. Neizer, members of the Cambria County Board of Viewers, are appointed viewers to act on the foregoing Petition in compliance with the Act of Assembly approved the 9th day of August, 1955, P.L. 323, Section 2650, and after hearings thereon to make their report to this Court no later than the 20 day of July, 1957.

BY THE COURT:

McKenna
Judge

LAW OFFICES

Ferdinand F. Bionas
605 Pearce Bldg.
Portage, Pa.

Vasil Fisanick
1111 Philadelphia Ave.
Barnesboro, Pa.

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

Re: Bridge Spanning West Branch of the
Susquehanna River Situate in the Borough
of Barnesboro, Cambria County, Pennsyl-
vania.

Road Docket No. 1 September Term, 1957

2 Copies

Filed. Aug. 20, 1957.

PETITION OF COUNTY COMMISSIONERS FOR
ORDER AUTHORIZING APPROPRIATION IN
ACCORDANCE WITH REPORT OF BOARD OF
VIEWERS.

William D. Shettig, Esquire
Solicitor
Ebensburg, Pennsylvania

2 copies

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

Re: Bridge Spanning West Branch of the Susquehanna River Situate in the Borough of Barnesboro, Cambria County, Pennsylvania.

ROAD DOCKET NO. 1 SEPTEMBER TERM, 1957

PETITION OF COUNTY COMMISSIONERS FOR ORDER AUTHORIZING
APPROPRIATION IN ACCORDANCE WITH REPORT OF BOARD OF VIEWERS.

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

The Petition of Pat Farrell, Thomas A. Owens and Hiram F. Ribblett respectfully represents:

1. That they are the duly elected and qualified Commissioners of Cambria County, Pennsylvania.
2. That on the 14th day of June, 1957, Borough Council of the Borough of Barnesboro filed a Petition to the above proceedings requesting that a Board of Viewers be appointed to determine whether or not a bridge spanning the west branch of the Susquehanna River in the Borough of Barnesboro is a necessity and whether or not said Borough was financially able to construct said bridge solely.
3. In pursuance of said Petition this Honorable Court appointed to the Board of Viewers John L. Elder, Raymond Niebauer and Robert G. Mayer, members of the Standing Board of Viewers of Cambria County.
4. In pursuance of said appointment the Board of Viewers fixed a view of the premises on the 11th day of July, 1957, in the Council Chambers of the Borough of Barnesboro as the time and place for taking testimony. As a result of said testimony the Board of Viewers filed, on the 23rd day of July, 1957, their report recommending that said bridge is a necessity to facilitate the flow of traffic between the various portions of the Borough of Barnesboro and further recommending that, due to the financial condition of the Borough of Barnesboro the cost of said construction should be distributed among the municipal corporations which would benefit from this bridge. Among the municipal corporations which would benefit from the

construction of this bridge are the Borough of Barnesboro, Township of Susquehanna and Township of Barr. In addition, the residents of Cambria County will benefit, as a whole, from this construction. The Board of Viewers pointed out in their report that the Townships of Barr and Susquehanna have either refused or neglected to take any interest in said construction and have not appropriated any money towards the cost of construction.

5. The Report of the Board of Viewers further reveals that the County of Cambria refuses to accept this bridge as a county bridge and refuses to accept the entire cost of construction as well as any future maintenance costs, but in lieu thereof is willing to appropriate the sum of Ten Thousand (\$10,000.00) Dollars as a contribution towards the cost of construction.

6. Your Petitioners, by Resolution dated the 29th day of April, 1957, in connection with Section 1-2650 of the County Code hereinafter set forth, have appropriated the sum of Ten Thousand (\$10,000.00) Dollars to the Borough of Barnesboro to be used in constructing said bridge as the Borough of Barnesboro shall see fit, providing that the County of Cambria is not taxed with any further costs to be either applied toward the construction or future maintenance of said bridge.

7. The appropriate section of the County Code referred to above is herein set forth:

" Procedure for Taking Over Bridge by County;
Aid to Political Subdivisions in Construction
and Maintenance of Bridge

(a) Whenever the construction of any new bridge, or of any bridge to replace any existing bridge, over a stream, or over or under a railroad, and forming part of any road in any city, borough, town or township, or between any two or more such political subdivisions is necessary, and requires more expense than it is reasonable that such political subdivision, or any two of them jointly, should bear, the court of quarter sessions shall, upon representation of the proper authorities of any such political subdivision, or on petition of any of the inhabitants thereof, order a view in like manner and with like powers, duties and procedure as provided for in the case of public roads. If on the report of the viewers it shall appear to the court and to the commissioners of the county that such bridge is necessary, and would be too expensive for such political subdivision or adjoining political subdivision to bear, it may, at the discretion of the county commissioners, be entered on record as a county bridge. Such bridge shall thereupon be erected, maintained and kept in repair in the same manner as other county bridges constructed under the provisions of subdivision (a) of this article.

(b) If the county commissioners refuse to have such bridge entered on record as a county bridge, the county may pay the entire cost or any part of the cost of constructing such bridge including damages. Such bridge shall thereupon be a municipal or township bridge to be maintained and kept in repair by such political subdivision. The county commissioners may, at their discretion, furnish such political subdivision the whole or any part of the money necessary to maintain such municipal or township bridge.

(c) Where the cost to the county will not exceed one thousand five hundred dollars (\$1500), the county commissioners may furnish such aid in the construction of such bridge without following the procedure herein stipulated. "

WHEREFORE, your Petitioners pray your Honorable Court for an Order authorizing and directing them as County Commissioners to deliver to the proper officers of the Borough of Barnesboro a check of Cambria County in the amount of \$10,000.00 to be used in the construction of the aforesaid bridge.

And they will ever pray, etc.

Pat Farrell

Thomas A. Owens

Hiram F. Ribblett

STATE OF PENNSYLVANIA |
 | SS:
COUNTY OF CAMBRIA |

Pat Farrell, Thomas A. Owens and Hiram F. Ribblett, being duly sworn according to law, depose and say that they are the County Commissioners of Cambria County and that the matters set forth in the foregoing Petition are true and correct as they verily believe.

Sworn to and subscribed before
me this 19th day of August,
1957.

James C. Delam
Prothonotary

Pat Farrell

Thomas A. Owens

Hiram F. Ribblett

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

Re: Bridge Spanning West Branch of the Susquehanna River Situate
in the Borough of Barnesboro, Cambria County, Pennsylvania.

ROAD DOCKET NO. 1 SEPTEMBER TERM, 1957

ORDER

AND NOW, this 70th day of August, 1957, upon motion of
William D. Shettig, Solicitor for Cambria County, and upon consideration of
the foregoing Petition, IT IS HEREBY ORDERED AND DECREED AS FOLLOWS:

That the Commissioners of Cambria County be and they are hereby
authorized and directed to pay to the Borough Council of the Borough of
Barnesboro the sum of Ten Thousand (\$10,000.00) Dollars, to be used in
defraying the cost of construction of a bridge spanning the west branch of the
Susquehanna River linking Philadelphia Avenue and Maple Avenue, and further,
that the County of Cambria shall not be visited with any future costs either
towards construction or maintenance.

BY THE COURT

W. J. Kucera P. J.
W. J. Kucera

W. J. Kucera, J.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

RE: Bridge Spanning West Branch of the Susquehanna River Situate in the Borough of Barnesboro, Cambria County, Pennsylvania

PETITION FOR THE APPOINTMENT OF VIEWERS

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

The Petition of George T. Atkins, Robert McCormick, Sr., James Sherwin, Ronald Griffin, Thomas Kortz, Thomas Paterno and Frank Olear, respectfully represents:

1. Your petitioners are the duly elected and qualified Borough Council members of the Borough of Barnesboro, County of Cambria, Pennsylvania.

2. In furtherance of duties as Borough Council said Borough Council, by Resolution dated the 8th day of May, 1951, and Contract dated the 17th day of April, 1952, with the Commonwealth of Pennsylvania, Department of Forests and Waters, Water and Power Resources Board, entered into a flood control program consisting of the dredging, widening and erection of levies of the West Branch of the Susquehanna River situate in said Borough. A portion of said flood control project was the demolition of a bridge linking Twelfth Street and Park Avenue in said Borough. In replacement thereof, a new bridge is to be erected, linking Philadelphia Avenue, Park Avenue and Maple Avenue.

3. It is the belief of your petitioners that the change of location of said bridge is necessary in order to facilitate the flow of traffic between the various portions of the Borough of Barnesboro and that said change will be to the benefit of the traveling public.

4. It is the belief of your petitioners that said bridge is necessary and would require more expense than would be reasonable for the Borough of Barnesboro to assume solely. Plans and specifications for the new bridge have been prepared. Specifications for

the materials necessary to construct said bridge have been given to suppliers, and the lowest estimated figure available for the cost of materials alone is in excess of Fifty Thousand (\$50,000.00) Dollars. The Borough of Barnesboro plans to construct said bridge, using Borough employees, and does not plan to enter into a contract with a regular bridge contractor for the erection of said bridge. This is being done in an effort to reduce the cost of said bridge. In addition to the estimated cost, of materials of Fifty Thousand (\$50,000.00) Dollars, the Borough of Barnesboro has already purchased a used bridge span at a cost in excess of Nine Thousand (\$9,000.00) Dollars to be used in conjunction with the erection of said bridge.

5. This Petition is being presented in compliance with the Act of Assembly approved the 9th day of August, 1955, P.L. 323, Section 2650, which provides inter alia as follows:

"Procedure for Taking Over Bridge by County; Aid to Political Subdivisions in Construction and Maintenance of Bridge.

(a) Whenever the construction of any new bridge or of any bridge to replace any existing bridge, over a stream or over or under a railroad, and forming part of any road in any city, borough, town or township or between any two or more such political subdivisions is necessary, and requires more expense than it is reasonable that such political subdivision, or any two of them jointly, should bear, the court of quarter sessions shall, upon representation of the proper authorities of any such political subdivision, or on petition of any of the inhabitants thereof, order a view in like manner and with like powers, duties and procedure as provided for in the case of public roads. If on the report of the viewers it shall appear to the court and to the commissioners of the county that such bridge is necessary, and would be too expensive for such political subdivision or adjoining political subdivisions to bear, it may, at the discretion of the County commissioners, be entered on record as a county bridge. Such bridge shall thereupon be erected, maintained and kept in repair in the same manner as other county bridges constructed under the provisions of subdivision (a) of this article.

(b) If the county commissioners refuse to have such bridge entered on record as a county bridge, the county may pay the entire cost or any part of the cost of constructing such bridge, including damages. Such bridge shall thereupon be a municipal or township bridge to be maintained and kept in repair by such political subdivision. The county commissioners may, at their discretion, furnish such political subdivision the whole or any part of the money necessary to maintain such municipal or township bridge.

(c) Where the cost to the county will not exceed one thousand

five hundred (\$1500.00) Dollars, the county commissioners may furnish such aid in the construction of such bridge without following the procedure herein stipulated.

WHEREFORE, your petitioners pray the Court for an Order appointing a Board of Viewers toothe end that hearings may be held and that a report of the Viewers will be submitted to the Court for further action in compliance with the above quoted Act of Assembly.

BOROUGH OF BARNESBORO

ATTEST:

Harold P. Dixon
Harold P. Dixon, Secretary

(Borough Seal)

BY George T. Atkins
George T. Atkins, President
Robert McCormick Sr.
Robert McCormick, Sr.
James Sherwin
James Sherwin
Ronald Griffin
Ronald Griffin
Thomas Kortz
Thomas Kortz
Thomas Paterno
Thomas Paterno
Frank Olear
Frank Olear

STATE OF PENNSYLVANIA :
 : SS:
COUNTY OF CAMBERIA :

George T. Atkins, being duly sworn according to law, deposes and says that he is President of the Borough Council of the Borough of Barnesboro and personally saw all other members of the Borough Council execute the foregoing Petition and that he is authorized to execute this Affidavit on behalf of the Borough of Barnesboro and Council members, and that the facts contained in the foregoing Petition are true and correct to the best of his knowledge, information and belief.

George T. Atkins
George T. Atkins, President
Barnesboro Borough Council

Sworn to and subscribed before me
this 13 day of June, 1957, A. D.

Joseph D. Horne
Joseph D. Horne, Notary Public

My Commission Expires: April 4, 1960

O R D E R

AND NOW, the ____ day of June, 1957, upon consideration of the foregoing Petition and upon motion of VASIL FISANICK, ESQUIRE, Solicitor for the Borough of Barnesboro, IT IS HEREBY ORDERED AND DECREED AS FOLLOWS:

That John T. Elder, Raymond McElroy and Robert S. Mayer, members of the Cambria County Board of Viewers, are appointed viewers to act on the foregoing Petition in compliance with the Act of Assembly approved the 9th day of August, 1955, P.L. 323, Section 2650, and after hearings thereon to make their report to this Court no later than the 20 day of July, 1957.

BY THE COURT:

MCKENKIE
Judge

In the Court of Quarter Sessions of
Cambria County, Pennsylvania

Re: Bridge Spanning West Branch of the
Susquehanna River Situate in the Borough
of Barnesboro, Cambria County, Pennsylv-
ania.

REPORT OF THE BOARD OF VIEWERS

SHETTIG, SWOPE & SHETTIG
ATTORNEYS AT LAW
EBENSBURG, PA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

Re: Bridge Spanning West Branch of the Susquehanna River Situate in the Borough of Barnesboro, Cambria County, Pennsylvania.

ROAD DOCKET NO. 1 SEPTEMBER TERM, 1957

REPORT OF THE BOARD OF VIEWERS

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT:

John L. Elder, Raymond Niebauer and Robert G. Mayer, members of the Standing Board of Viewers of Cambria County, respectfully report as follows:

1. Your Viewers were appointed by your Honorable Court on the 14th day of June, 1957, to act on a Petition presented by the Borough Council of the Borough of Barnesboro concerning a bridge spanning the West Branch of the Susquehanna River, situate in the said Borough of Barnesboro at a point linking Philadelphia Avenue, Park Avenue and Maple Avenue.
2. In pursuance of said appointment your Board of Viewers fixed the 11th day of July, 1957, for a View. This View was attended by George T. Atkins, President of the Borough Council of Barnesboro, Robert McCormick, Sr., Thomas Paterno, member of the Council, Hiram F. Ribblett, County Commissioner of Cambria County, Vasil Fisanick, Esquire, Solicitor for the Borough of Barnesboro, and William D. Shettig, Esquire, Solicitor for the Commissioners of Cambria County.
3. In furtherance of said appointment your Board of Viewers fixed the 16th day of July, 1957, at 9:00 o'clock, A.M., E.D.S.T., in the Borough Building Council Chambers of the Borough of Barnesboro, as the time and place to take testimony on said bridge.
4. Your Board of Viewers was attended at said meeting by Harold P. Dixon, Secretary of the Borough Council of the Borough of Barnesboro, George T. Atkins, President of the Borough Council, Robert McCormick, Jr., President of the School Board and a member of the Northern Cambria Joint School Board, Robert McCormick, Sr., James Sherwin, J. Dean Whited, Frank Luddini and Hiram F. Ribblett, County Commissioner of Cambria County.

5. Testimony was presented on behalf of the Borough of Barnesboro to the effect that in the year 1951 said Borough entered into a contract with the Department of Forests and Waters for a flood control project for the Borough of Barnesboro. A part of the said flood control project was the removal of the bridge on Maple Avenue. Said bridge would not be replaced at its original location, but in order to facilitate the flow of traffic between the main portion of the Borough of Barnesboro and that portion known as West Branch it is necessary for the Borough Council to erect another bridge. Due to the flood control project and the location of the High School football field it is impossible to replace the bridge on Maple Avenue, and it is necessary to move the bridge to a location approximately one (1) block north of Maple Avenue at a point connecting Park Avenue and Philadelphia Avenue.

6. Another reason for the change of location of said bridge was the excessive property damage to privately owned residences and property. Since the new bridge location is on land on both sides of the Susquehanna River which is owned by the Borough of Barnesboro there will be no property damage.

7. Testimony revealed that the flood control project will not be completed until such time as this bridge is erected.

8. Testimony further revealed that the Borough of Barnesboro has purchased a used bridge span at a cost of \$9,800.00 and that the steel to be used in the erection of the abutments of the new bridge will cost \$12,000.00, the lumber, \$3,100.00 and excavation, \$1,200.00. In addition, the testimony shows that the Borough Engineer, William R. Kelly, estimated that the cost of material and labor necessary in order to erect said bridge will be in excess of \$39,960.00.

9. The testimony further revealed that the labor will be performed by Borough employees and that no outside bridge contractor or outside labor will be employed other than a Supervisor of Bridge Construction.

10. The testimony further revealed that the bridge is a necessity in order to facilitate the flow of traffic between the main portions of the Borough

of Barnesboro and other portions of said Borough known as the West Branch Section, Steele Corner and No. 3 Section, as well as to facilitate the flow of traffic with portions of Barr Township and Susquehanna Township adjacent to the Borough limits.

11. The testimony further revealed that approximately one-fifth of the residents of the Borough of Barnesboro live in the West Branch section; that from 200 to 300 families live in the Barr Township section; and that approximately 100 families live in the Steele Corner section. Borough Council officials further testified as to the number of complaints rendered to Council by residents of the Borough of Barnesboro and adjacent areas because of the lack of a bridge. The testimony showed that there are two existing bridges which may be used by the people who live on the West side. The bridge located at 22nd Street, which is on the north end of Barnesboro, is a one lane bridge, and another bridge located adjacent to the Wa Wall Hall is also a one lane bridge and has very poor approaches.

12. The testimony further revealed that from the center portion of the Borough of Barnesboro by the 22nd Street bridge it is $1\frac{1}{2}$ miles to the football stadium, and by way of the Wa Wall Hall it is $1\frac{2}{10}$ miles; whereas in reality, the distance on a straight line and via the proposed bridge is only several blocks.

13. The testimony revealed that the financial condition of the Borough of Barnesboro is such that it only has \$10,607.59 in the Bridge Fund with which to erect and maintain the proposed bridge, which will cost in excess of \$75,000.00. It is impossible for the Borough of Barnesboro solely to pay the cost of construction.

14. The testimony also revealed that notice of the Viewers and Hearing of the Board of Viewers was given to Barr Township, Susquehanna Township and Spangler Borough. These political subdivisions adjacent to the Borough of Barnesboro, whose residents would be served by the new bridge, did not show sufficient interest to attend the hearings, nor did they make any effort to give a financial contribution toward the cost of construction of said bridge.

15. The testimony of Walter C. Daryman, Manager of the Phillips-Jones Corporation showed that the corporation employed 225 employees and that since the bridge on Maple Avenue has been removed it has greatly handicapped his employees in transportation to work and in a parking area while at work. A large number of employees live on the west side of the Susquehanna River. Mr. Daryman further testified that in his opinion the Phillips-Jones Corporation is the largest industry in the Borough of Barnesboro and that his corporation would not consider any expansion program until the bridge situation is remedied.

16. The testimony of Hiram F. Ribblett, a member of the Board of Commissioners of Cambria County, revealed that the County Commissioners, acting under the discretion granted them in Section 1-2650 of the County Code, have refused to accept the proposed bridge as a county bridge and have refused to accept the entire cost of construction and have refused to accept any future maintenance costs, but, in lieu thereof, the County Commissioners are willing to appropriate the sum of Ten Thousand (\$10,000.00) Dollars as a contribution toward the cost of construction of said bridge, and the Commissioners did, by Resolution dated the 29th day of April, 1957, appropriate said sum. The testimony further revealed that the Borough Council members were cognizant of the position of the County Commissioners in this regard.

FINDINGS

1. That the erection of the bridge in the Borough of Barnesboro at a point linking Philadelphia Avenue and Park Avenue is a necessity in order to facilitate the flow of traffic between the main portions of the Barnesboro business district and the West Branch district, as well as the Susquehanna and Barr Township districts.

2. That the cost of construction of said bridge would be in an amount exceeding \$75,000.00.

3. That the Borough of Barnesboro's financial condition presently will not allow it to pay the entire cost of construction of said bridge.

4. That since the erection of a new bridge will benefit not only residents of the Borough of Barnesboro, but also residents of Barr Township and

Susquehanna Township, it is proper and fitting that Barr Township and Susquehanna Township should join in the cost of construction and future maintenance of said bridge.

5. That it is evident that Barr Township and Susquehanna Township do not intend to contribute anything toward the cost of construction of the proposed bridge, even though a large number of their inhabitants would thereby benefit.

6. That the residents of the Borough of Barnesboro will benefit by it.

7. That the County Commissioners, by Section 1-2650 of the County Code, were granted discretionary powers and have refused to accept the bridge as a county bridge and, further, have refused to accept the entire construction cost and have refused to accept any future maintenance cost, but, in lieu thereof, have agreed to contribute the sum of Ten Thousand (\$10,000.00) Dollars toward the construction cost.

CONCLUSION

It is, therefore, the opinion of your Board of Viewers, as a result of the View on the premises and the testimony submitted, that the bridge linking Philadelphia Avenue to Park Avenue is a necessity and that the cost cannot be borne solely by the Borough of Barnesboro, and that said bridge should have been accepted by the County of Cambria as a county bridge and erected with county funds and thereafter maintained with county funds, but that the County of Cambria has refused to accept said bridge and has refused to pay the entire cost of construction and maintenance of said bridge, but, in lieu of the fact, it has agreed to contribute the sum of Ten Thousand (\$10,000.00) Dollars toward the cost of construction, and it is therefore the opinion of your Board of Viewers that in compliance with the Act of Assembly approved the 9th day of August, 1955, P.L. 323, Section 1-2650, the County be authorized to contribute

to the Borough of Barnesboro the sum of Ten Thousand (\$10,000.00) Dollars toward the construction of said bridge in compliance with any provisions which the Court deems necessary.

BOARD OF VIEWERS

John Elder

Raymond Niebauer

Robert G. Mayor

Commonwealth of Pennsylvania, }
County of Cambria } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the
said County, on the 11th day of June A. D. 19 57,
before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Town-
Borough of Barnesboro, in the said County, setting forth that they labor under incon-
venience for want of a Bridge ~~road or highway~~ to lead from

See attached petition.

and therefore praying the Court to appoint proper persons to view and lay out the same according
to law. The Court, upon due consideration had of the premises, do order and appoint

John L. Elder

~~James~~, and

Raymond Niebauer and Robert S. 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, to-
gether with a plot or draft thereof, and the courses and distances, and references to the improvements
through which it may pass.

By the Court. S/ McKenrick, Pres. J.

Attest:

Joseph C. Hess, Clerk

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 plot 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."

Road Docket

NO. 1 September SESSIONS, 19 57

Order to view Bridge spanning West

Branch of the Susquehanna River

Situate in the Borough of Barnesboro

John L. Elder

Raymond Niebauer

Robert S. Mayer

Viewers

Clerk Joseph C. Wess,

Clerk of Courts.

Petition of George T. Atkins, Robert McCormick, Jr : Quarter Sessions Court
 James Sherwin, Ronald Griffin, Thomas Kortz, Thomas :
 Paterno, and Frank Olear, Esqs. Members of Council : Cambria County, Pennsylvania.
 of the Bprough of Barnesboro for the Appointment of :
 Viewers, Re: Bridge Spanning of the West Branch of : Number 1, Road Docket.
 Susquehanna River in said Borough and Apportionment :
 of Costs involved in the change of location of : Septermmer Sessions 1957
 said bridge.

COUNTY OF CAMBRIA in account with the following costs of Viewers.

John L. Elder

Preparing Notices to view	12.00	
30 June 1957- Posted notives to view	12.00	
Mileage 32 miles	3.20	
July 11 View	12.00	
Mileage 32 miles	3.20	
July 16 Hearing	12.00	
Mileage 32 miles	3.20	
July 22 Conference	12.00	
July 23 Preparing Report	12.00	\$81.60

Raymond Niebauer

	12.00	
July 11 Made View	12.00	
Mileage 32 miles	3.20	
July 16 Hearing	12.00	
Mileage 32 miles	3.20	
July 22 Conference	12.00	
Mileage 12 miles	1.20	\$43.60

Robert Mayer	Made view July 11	12.00	
	Mileage from Johnstown 74	7.40	
July 18	Hearing	12.00	
	Mileage 74 mi	7.40	
July 22	Conference at Ebensburg 22mi	12.00	
	Mileage 42 mi	4.20	\$55.00

23 July 1957

I h

John L. Elder
 Chairman
 Board of Viewers

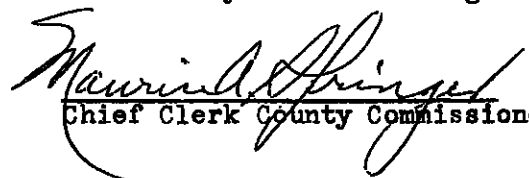
Petition of George T. Atkins, Robert McCormick, Jr. : Court Quarter Sessions
 James Sherwin, Thomas Kortz, Ronald Griffin, Thomas :
 Paterno and Frank Olear, Esqs., Members of Council : Cambria County, Pennsylvania
 of the Borough of Barnesboro for the Appointment of :
 Viewers, Re: Bridge Spanning of the West Branch of : Number 1, Road Docket
 Susquehanna River in said Borough and Apportionment :
 of costs involved in the change of location of : September Sessions 1957
 said bridge.

NOTICE TO VIEW

We, the undersigned Viewers, appointment by the above named Court to view and inspect the Bridge Spanning the West Branch of the Susquehanna River, situate in the Borough of Barnesboro, Cambria County, Pennsylvania; that there be a change of location of said bridge and further that the cost necessary for the construction of same is more than is reasonable for said Borough of Barnesboro to assume solely and that the County of Cambria should assist in said construction as is more fully described on the second sheet in said Petition; that the Viewers will meet at the point of replacement of said bridge to be erected linking Philadelphia Avenue, Park Avenue and Maple Avenue in said Borough on Thursday, July 11th, at 10 o'clock in the morning Eastern Standard Daylight Time to view said location and perform such other duties as are pertinent thereto and perform the duties of our appointment.

John L. Elder
 Raymond Niebauer
 Robert S. Mayer
 Viewers

This 1st day of July 1957, I hereby accept service of within Notice to View as Chief Clerk to the Commissioners of Cambria County and acknowledge the receipt of copy of said notice.


 Chief Clerk County Commissioners

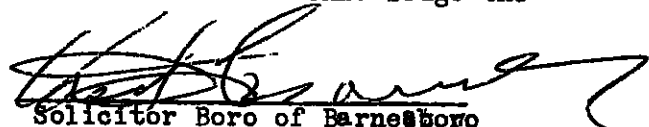
Petition of George T. Atkins, Robert McCormick, Jr. : Court Quarter Sessions
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John L. Elder
 Raymond Niebauer
 Robert S. Mayer
 Viewers

This 11th day of July 1957, I hereby accept service of within Notice to View as Solicitor for the Borough of Barnesboro and acknowledge the receipt of copy of said notice.


 Solicitor Boro of Barnesboro

Alleged 28-1957 the
- with Repairs is
impaired absolutely.
By the Council
Wickens
D.D.

M.R.D. Sept 1957

PETITION FOR THE
APPOINTMENT OF VIEWERS

REPORT OF VIEWERS
BOROUGH OF BARNESBORO

Filed - July 24, 1957

LAW OFFICES
VASIL FISANICK
ATTORNEY AND COUNSELOR AT LAW
1111 PHILADELPHIA AVENUE
BARNESBORO, PENNSYLVANIA

PETITION OF GEORGE T. ATLAS ROBERT MCCORMICK, Jr : COURT QUARTER SESSIONS
 JAMES STEWART, RONALD GRIFFIN, THOMAS KORTZ, THOMAS :
 PATERNO, and FRANK LEAR, ESQ., MEMBERS OF COUNCIL : CAMBRIA COUNTY, PENNSYLVANIA
 OF THE BOROUGH OF BARNESBORO FOR THE APPOINTMENT OF :
 VIEWERS, RE: BRIDGE SPANNING OF THE WEST BRANCH OF : NUMBER 1, ROAD DOCKET
 SUSQUEHANNA RIVER IN SAID BOROUGH AND APPOINTMENT : SEPTEMBER SESSIONS 1957
 OF COSTS INVOLVED IN THE CHANGE OF LOCATION OF :
 SAID BRIDGE.

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John L. Elder

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