

No. *R.D. 5* Sessions
1958

In the Court of Quarter
Sessions of Cambria County,
Pennsylvania

IN RE: PETITION FOR
APPOINTMENT OF VIEWERS
TO OPEN A PUBLIC ROAD IN
JACKSON TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

Filed: Dec. 2 1958

ENGLEHART, LARIMER & ENGLEHART
ATTORNEYS AT LAW
215-219 MASONIC BUILDING
EBENSBURG, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE: PETITION FOR	:		
APPOINTMENT OF VIEWERS	:		
TO OPEN A PUBLIC ROAD	:	No.	Sessions
IN JACKSON TOWNSHIP,	:	1958	
CAMBRIA COUNTY, PENNSYLVANIA	:		

TO THE HONORABLE THE JUDGES OF THE ABOVE NAMED COURT.

1. The undersigned petitioners are residents and taxpayers of the Township of Jackson, County of Cambria and State of Pennsylvania and are adjoining property owners to the road requested to be opened under this petition.

2. Your petitioners and other taxpayers and inhabitants of the County of Cambria labor at great inconvenience for want of a public road or highway in the Township of Jackson, Cambria County, Pennsylvania to begin and end at the point hereinafter designated, and such a public road or highway is necessary for public travel.

3. A description of the road desired to be opened is as follows:

Beginning at a point on the present township road between Lots 44 and 52 on the plan of lots laid out by Ralph Hagerich and recorded in the Recorder of Deeds Office of Cambria County in Plat Book Vol. 5, Page 47, and extending from this point South 50 degrees 00 minutes West 720 feet (known on said Plan as Fairview Avenue), thence extending North 39 degrees 30 minutes West 250 feet to a point intersecting another township road, as shown on said plan (known on the Plan as part of Orchard Street),

4. The width of the said public road that your petitioners request be opened shall be 33 feet, which width is the minimum provided for public roads opened in Townships of the Second Class, all of which appears in the Act of Assembly of Pennsylvania 1933 May 1, P.L. 103, Article XI, Section 1103, as amended, 53 Purdon's Statutes, Section 66103.

5. Your petitioners presented their petition to the Supervisors of Jackson Township on October 31st, 1958, requesting that said Supervisors open the above described road, a copy of which petition is annexed hereto, made a part hereof and marked Exhibit "A".

6. After some discussion and consideration the Supervisors of said Township refused the petition of your petitioners at said meeting on October 31, 1958.

Your petitioners therefore pray that your Honorable Court appoint Viewers to view and lay out a public road as herein prayed for and make report of their proceedings to your Honorable Court at the next term thereof.

Robert C. Engle

Ira Mae Engle

John Welshko

Alice A. Welshko

Earl L. Adams

Hazel L. Adams

Mrs. Elmer Stager

E M Stager

Arthur H. Elliott

Mary M. Elliott

William H. Fisher

Patricia L. Fisher

John J. Ragley

Marge L. Hagley
Kenn C. Hagerich
Earlene B. Hagerich
David Hagerich
Janet Hagerich
Steve Bant
George Skubik

Mary L Martin
Robert D Martin

State of Pennsylvania :
County of Cambria : SS

Robert C. Engle, being duly sworn according to law, deposes and says that he is an inhabitant and taxpayer of the Township of Jackson, County of Cambria and State of Pennsylvania, one of the petitioners herein, and that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.

Robert C. Engle
Robert C. Engle

Sworn and subscribed before,
me this 26th day of November
1958.

Mary Luther
Notary Public

My commission expires: March 20, 1959

And now, to-wit, ~~November~~ ^{Dec} 1st 1958, the Commissioners of Cambria County join herein and respectfully request that the provisions of Rule of Court 301½ be waived.


Chief Clerk

D E C R E E

and now, to-wit, the 1 day of December 1958
the within petition having been presented by Englehart, Larimer
& Englehart, attorneys for petitioners Don Letzger, Esq.
Raymond Niebauer and John Elder
are hereby appointed viewers to view the ground proposed for
the road described in the within petition, and to make report
of their proceedings to this court; returnable the first Monday
of March, 1959.

BY THE COURT

William J. [Signature]

PETITION OF CERTAIN TAXPAYERS OF JACKSON TOWNSHIP TO THE ROAD SUPERVISORS OF SAID TOWNSHIP TO OPEN A PUBLIC ROAD.

TO THE ROAD SUPERVISORS OF JACKSON TOWNSHIP.

1. The undersigned petitioners are residents and taxpayers of the Township of Jackson, County of Cambria and State of Pennsylvania.
2. Your petitioners are desirous that the Road Supervisors of Jackson Township open a public road in Jackson Township and accept the same as a Township Road from a point on the present township road between Lots 44 and 52 on the Plan of Lots laid out by Ralph Hagerich, and recorded in the Recorder of Deeds Office of Cambria County in Plat Book Vol. 5, Page 47, and extending from this point South 50 degrees 00 minutes West 720 feet (known on said Plan as Fairview Avenue); thence extending North 39 degrees 30 minutes West 250 feet to a point intersecting another township road, as shown on said Plan (known on the Plan as part of Orchard Street).
3. The width of the public road which your Petitioners request be open shall be 33 feet, which width is a minimum provided for public roads opened in Townships of the second class, of which appears in the Act of Assembly of Pennsylvania 1933, May 1st, P.L. 103, Article XI, Section 1103, as amended, 53 Purdon's Statutes, Section 66103.
4. The undersigned Petitioners, who are owners of a property that fronts on both sides of the road which is requested to be open, hereby agree that the extra three feet which is necessary to make this lot thirty-three feet wide shall be obtained at no cost to the Supervisors but each of the owners of said lots dedicate $1\frac{1}{2}$ feet along each side of said road for use as a public road. The road is presently thirty feet wide as shown on the plan of lots laid

out by Ralph Hagerich recorded in the Recorder of Deeds Office of Cambria County in Plat Book Vol. 5 at Page 47.

4. Your petitioners are the owners of property that fronts on both sides of the road which is requested to be opened, and make this request for the following reasons:

(a) Twenty lots have been provided on the Plan above mentioned on both sides of said road and have already been sold.

(b) Six homes have already been constructed on both sides of said road.

(c) The road can be opened by the road supervisors of Jackson Township without payment of any damages to any property owners, since thirty feet of the land for this purpose has already been dedicated for use as a public road when Ralph and Ethel Hagerich laid out this land in building lots and caused to be recorded in the Recorder of Deeds Office a general plot thereof in Plat Book Vol. 5, Page 47. The additional three feet shall be obtained by grants from your petitioners who are property owners adjoining said proposed public road.

(d) The petitioners who are the owners of the homes already built and those who intend to build homes in the near future labor at a great inconvenience for want of a public road in this area to gain access back and forth to their properties.

WHEREFORE, your petitioners request the Road Supervisors of Jackson Township, by the authority granted them under the Act of Assembly of 1933, May 1, P.L. 103, Article XI, Section 1101, as amended, 53 Purdons Statutes Section 66101, to open a public road as described above and shown in the Plan of Lots laid out by Ralph Hagerich, recorded in Cambria County Recorder of Deeds Office in

Plat Book Vol. 5, Page 47, with the addition of one and one-half feet on each side to be taken from present property owners.

Robert C. Engle

Ida Mae Engle

John J. Ragley

Marge L. Ragley

George Skubik

Mary Skubik

Mary Ann Barr

Stephen C. Barr

Mary I. Martin

Robert D. Martin

Elmer M. Stogers

Marion R. Stogers

Mary M. Elliott

Arthur L. Elliott

Edward J. Urban

Mary B. Urban

David H. Hagerich

Janet Hagerich

Expense Hagerich

Shirley Hagerich

William G. Fisher

Patricia L. Fisher

John Welsko

Alice A. Welsko

Carl L. Adams

Hazel L. Adams

Meeting 10/31/58

Rejected

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William H. Miller

Patricia H. Miller

John H. Miller

James H. Miller

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**PETITION OF CERTAIN TAX-
PAYERS OF JACKSON TOWNSHIP
TO THE ROAD SUPERVISORS OF
SAID TOWNSHIP TO OPEN A
PUBLIC ROAD**

**ENGLEHART, LARIMER & ENGLEHART
ATTORNEYS AT LAW
215-219 MASONIC BUILDING
EBENSBURG, PENNSYLVANIA**

PETITION OF CERTAIN TAXPAYERS OF JACKSON TOWNSHIP TO THE ROAD SUPERVISORS OF SAID TOWNSHIP TO OPEN A PUBLIC ROAD.

TO THE ROAD SUPERVISORS OF JACKSON TOWNSHIP.

1. The undersigned petitioners are residents and taxpayers of the Township of Jackson, County of Cambria and State of Pennsylvania.

2. Your petitioners are desirous that the Road Supervisors of Jackson Township open a public road in Jackson Township and accept the same as a Township Road from a point on the present township road between Lots 44 and 52 on the Plan of Lots laid out by Ralph Hagerich, and recorded in the Recorder of Deeds Office of Cambria County in Plat Book Vol. 5, Page 47, and extending from this point South 50 degrees 00 minutes West 720 feet (known on said Plan as Fairview Avenue); thence extending North 39 degrees 30 minutes West 250 feet to a point intersecting another township road, as shown on said Plan (known on the Plan as part of Orchard Street).

3. The width of the public road which your Petitioners request be open shall be 33 feet, which width is a minimum provided for public roads opened in Townships of the second class, of which appears in the Act of Assembly of Pennsylvania 1933, May 1st, P.L. 103, Article XI, Section 1103, as amended, 53 Purdons Statutes, Section 66103.

4. The undersigned Petitioners, who are owners of a property that fronts on both sides of the road which is requested to be open, hereby agree that the extra three feet which is necessary to make this lot thirty-three feet wide shall be obtained at no cost to the Supervisors but each of the owners of said lots dedicate $1\frac{1}{2}$ feet along each side of said road for use as a public road. The road is presently thirty feet wide as shown on the plan of lots laid

out by Ralph Hagerich recorded in the Recorder of Deeds Office of Cambria County in Plat Book Vol. 5 at Page 47.

4. Your petitioners are the owners of property that fronts on both sides of the road which is requested to be opened, and make this request for the following reasons:

(a) Twenty lots have been provided on the Plan above mentioned on both sides of said road and have already been sold.

(b) Six homes have already been constructed on both sides of said road.

(c) The road can be opened by the road supervisors of Jackson Township without payment of any damages to any property owners, since thirty feet of the land for this purpose has already been dedicated for use as a public road when Ralph and Ethel Hagerich laid out this land in building lots and caused to be recorded in the Recorder of Deeds Office a general plot thereof in Plat Book Vol. 5, Page 47. The additional three feet shall be obtained by grants from your petitioners who are property owners adjoining said proposed public road.

(d) The petitioners who are the owners of the homes already built and those who intend to build homes in the near future labor at a great inconvenience for want of a public road in this area to gain access back and forth to their properties.

WHEREFORE, your petitioners request the Road Supervisors of Jackson Township, by the authority granted them under the Act of Assembly of 1933, May 1, P.L. 103, Article XI, Section 1101, as amended, 53 Purdon's Statutes Section 66101, to open a public road as described above and shown in the Plan of Lots laid out by Ralph Hagerich, recorded in Cambria County Recorder of Deeds Office in

Plat Book Vol. 5, Page 47, with the addition of one and one-half feet on each side to be taken from present property owners.

Robert C. Engle

Ida Mae Engle

John J. Ragley

Marge L. Ragley

Leona Skubik

Mary Skubik

Mary Ann Barr

Stephen E. Barr

Mary L. Martin

Robert D. Martin

John Welschko

Alice A. Welschko

Oliver W. Stagers

Leona P. Stagers

Mary M. Elliott

Arthur F. Elliott

Edward J. Urban

Mary B. Urban

David W. Hagerich

Don Hagerich

Earlene Hagerich

Janet Hagrich

William G. Fisher

Patricia L. Fisher

Earl R. Adams

Hazel L. Adams

No. 5 December Sessions 1958

Road Docket

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

IN RE:

**AMENDMENT TO PETITION FOR
APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACK-
SON TOWNSHIP, CAMBRIA COUNTY
PENNSYLVANIA**

ENGLEHART, LARIMER & ENGLEHART

ATTORNEYS AT LAW

215-219 MASONIC BUILDING

EBENSBURG, PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA
IN RE:

AMENDMENT TO PETITION
FOR APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA

NO. 5 DECEMBER SESSIONS 1958
ROAD DOCKET

TO THE HONORABLE, JUDGES OF THE ABOVE NAMED COURT.

1. At the view by the Viewers on July 28, 1959 in the above captioned matter your petitioners were advised that the road therein requested to be opened was not long enough to join a township road already opened at the western end of the proposed road.

2. In the proceeding entered to No. 4 June Sessions 1946, the Court ordered Cherry Street (now Courter Avenue) to be opened from the present Route 219 in an easterly direction approximately 459 feet to a point at the edge of the Timothy Gillen Property, which later became the Hagerich Plan of Lots shown in Plat Book Vol. 5, Page 47 and referred to in the original petition.

3. The original petition omitted a section of proposed road from the eastern end of Cherry Street (now Courter Avenue) a distance of 125 feet to the intersection of said Cherry Street (now Courter Avenue) with Orchard Street, and your petitioners who are the property owners on both sides of said 125 feet of proposed roadway, together with the original petitioners, request that paragraph three of said original petition be amended to read as follows:

"A description of the road desired to be opened is as follows:

Beginning at a point on the present township road between Lots 44 and 52 on the plan of lots laid out by Ralph Hagerich and recorded in the Recorder of Deeds Office of Cambria County in Plat Book Vol. 5, Page 47, and extending from this point South

50 degrees 00 minutes West 720 feet (known on said Plan as Fairview Avenue), thence extending North 39 degrees 30 minutes West 250 feet (known on Plan as part of Orchard Street) to the intersection of said Orchard Street and Cherry Street (now Courter Avenue); thence extending South 68 degrees 10 minutes West 125 feet (now on the Plan as part of Cherry Street, now Courter Avenue) to the eastern terminus of Cherry Street (now Courter Avenue) as laid out by Order of Court entered to No. 4 June Sessions 1946."

4. Your petitioners accept and adopt all the other allegations contained in the original petition and request your Honorable Court to open the above described road to a width of 33 feet, in accordance with the Township Code of 1933, Section 1103 and by their signatures to this petition do hereby dedicate the additional 3 feet along the North side of the proposed road, which is part of Cherry Street (now Courter Avenue) to provide the necessary 33 feet in width.

+ Ralph Hagerich

x Ethel W Hagerich

+ David Hagerich

+ Janet Hagerich

all must
H.

State of Pennsylvania :
County of Cambria : SS.

David H. Hagerich and Janet Hagerich, and Ralph Hagerich and Ethel V. Hagerich, being duly sworn according to law, depose and say that they are inhabitants and taxpayers of the Township of Jackson, County of Cambria and State of Pennsylvania, petitioners herein, and that the facts set forth in the foregoing petition are true and correct to the best of their knowledge, information and belief.

x Ralph Hagerich

x Ethel V Hagerich

x David Hagerich

x Janet Hagerich

Sworn and subscribed before me
this 10th day of November A. D.
1959.

Betty D. McDullen

Notary Public

My commission expires March 20, 1963

1st Mon Jan 1960

No. 5

Road Docket
December Sessions, 1958

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

Appointment of Viewers to
Open a Public Road in Jackson
Township

Filed - Apr. 7, 1960

WITHDRAWAL OF EXCEPTIONS

LAW OFFICES

MYERS, TAYLOR & PEDUZZI

213 S. CENTER STREET - OPPOSITE COURT HOUSE
EBENSBURG, PENNSYLVANIA

IN RE:

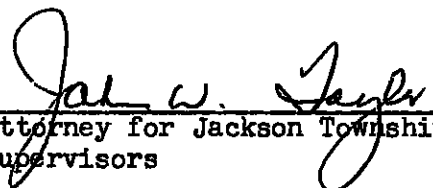
APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP

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

No. 5 DECEMBER SESSIONS, 1958
ROAD DOCKET

WITHDRAWAL OF EXCEPTIONS

And now, this 7th day of April, 1960, the exceptions
heretofore filed by Jackson Township Supervisors to the viewer's report,
filed in the above road proceedings, are hereby withdrawn.



Attorney for Jackson Township
Supervisors

R.D. 5 Dec. Term, 1958

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

IN RE:

APPOINTMENT OF VIEWERS
TO OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP

EXCEPTIONS

Filed - 2-29-60-J.T.F.

LAW OFFICES

MYERS, TAYLOR & PEDUZZI

213 S. CENTER STREET - OPPOSITE COURT HOUSE
EBENSBURG, PENNSYLVANIA

IN RE:

APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP

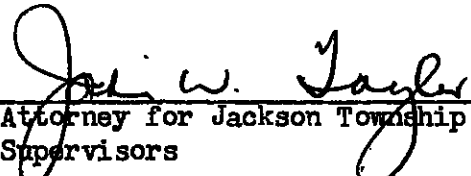
IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNA.

No. 5 DECEMBER SESSIONS, 1958
ROAD DOCKET

EXCEPTIONS

Exceptions to the report in the above entitled case are filed by
Jackson Township Supervisors as follows:

1. The petition describes the road so that the viewers were without discretion as to its location. Such proceeding is not warranted by law.
2. The report does not state that the viewers were severally sworn or affirmed.
3. The viewers failed to make their report to the next term of court after their appointment, contrary to the Act of 1836, June 13, P. L. 551, Section 1 as amended, and Section 3 of said Act. (36 P. S. 1781 and 36 P. S. 1831).
4. The viewers made no effort to procure releases from all claims for damages from the persons whose land is affected by the laying out of the subject road and not having obtained releases the viewers failed to assess the damages. This is contrary to the requirements of the Act of 1874, May 14, P. L. 164, Section 1 (36 P. S. 1881).
5. General exceptions.

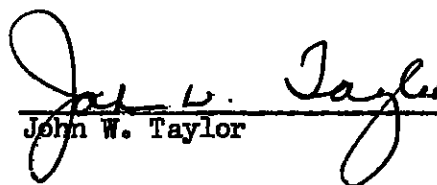

Attorney for Jackson Township
Supervisors

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CAMERIA

SS:

JOHN W. TAYLOR, Attorney for Jackson Township Supervisors, being duly sworn according to law, deposes and says that the above Exceptions are not filed for purposes of delay.


John W. Taylor

Sworn to and subscribed before me
this 29th day of February, 1960.


Lillian G. Kubat

My commission expires:

LILLIAN G. KUBAT

Notary Public, Ebensburg, Cambria Co., Pa.

MY COMMISSION EXPIRES DECEMBER 11, 1963

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA
ROAD DOCKET ⁵⁸
NO. 5 DECEMBER TERM, 1959

IN RE:

APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP

BOARD OF VIEW REPORT

Filed - 2-1-60 - J.T.F.

Blaine Hise
Feb. 2, 1960, Confirmed
Hise By the Court
McDonald, J.

Final Blaine
Now April 9, 1960 the
within report confirmed
absolutely

By the Court
McDonald, J.

DONALD J. LETIZIA
ATTORNEY AT LAW
JOHNSTOWN, PENNSYLVANIA

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 1st day of December A. D. 19 58

before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Town-
ship of Jackson, in the said County, setting forth that they labor under incon-
venience for want of a n opening of a public road or highway, to lead from
Beginning at a point on the present township road between Lots 44
and 52 on the plan of lots laid out by Ralph Hagerich and recorded
in the Recorder of Eeds Office of Cambria County in Plat Book Vol.
5, Page 47, and extending from this point South 50 degrees 00 minutes
West 720 feet (known on said Plan as Fairview Avenue), thence extending
North 39 degrees 30 minutes West 250 feet to a point intersecting
another township road, as shown on said plan (known on the Plan
as part of Orchard Street).

The width of the said public road that your petitioners
request be opened shall be 33 feet, which width is the minimum
provided for public roads opened in Townships of the Second Class.

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

Donald Letizia, Esq.

~~XXXXX~~, and

Raymond Niebauer and John Elder

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. McDonald, J.

Attest:

Joseph C. Shaw, 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. 5 December SESSIONS, 19 58

Order to view

In Re; appointment of

viewers to open a public road

in Jackson Township

Donald Letizia, Esq.

Raymond Niebauer

John Elder

Viewers

Clerk Joseph C. Wess

Clerk of Courts.

IN RE: : IN THE COURT OF QUARTER SESSIONS
: OF CAMBRIA COUNTY, PENNA.
APPOINTMENT OF VIEWERS TO :
OPEN A PUBLIC ROAD IN JACKSON :
TOWNSHIP : NO. 5 DECEMBER SESSIONS, 1958
: ROAD DOCKET

VIEWERS' NOTICE

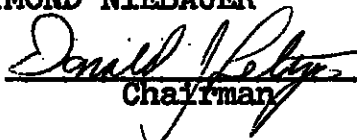
We, the undersigned Viewers appointed by the above court to view the herinafter described parcel of ground to determine if there is any need for the opening of a public road, do hereby give notice that we will meet upon the premises on the 28th day of July, 1959, at 9:30 o'clock, a.m., e.d.s.t., when and where all persons interested may appear if they so desire.

The premises to be viewed are:

BEGINNING at a point on the present township road between Lots 44 and 52 on the plan of lots laid out by Ralph Hagerich and recorded in the Recorder of Deeds Office of Cambria County in Plat Book Vol. 5, Page 47, and extending from this point South 50 degrees 00 minutes West 720 feet (known on said Plan as Fairview Avenue), thence extending North 39 degrees 30 minutes West 250 feet to a point intersecting another township road, as shown on said plan (known on the Plan as part of Orchard Street).

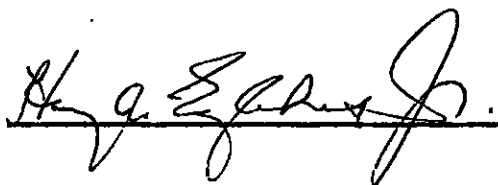
DONALD J. LETIZIA
JOHN L. ELDER
RAYMOND NIEBAUER

By


Chairman

ACCEPTANCE OF SERVICE

Now, this 13th day of July, 1959, I hereby accept service of the above notice.


John L. Elder

IN RE:

APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP

: IN THE COURT OF QUARTER SESSIONS
: OF CAMBRIA COUNTY, PENNA.
:
: NO. 5 DECEMBER SESSIONS, 1958
: ROAD DOCKET

VIEWERS' NOTICE

We, the undersigned Viewers appointed by the above court to view the herinafter described parcel of ground to determine if there is any need for the opening of a public road, do hereby give notice that we will meet upon the premises on the 28th day of July, 1959, at 9:30 o'clock, a.m., e.d.s.t., when and where all persons interested may appear if they so desire.

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DONALD J. LETTELLA
JOHN L. ELDER
RAYMOND NIEBAUER

By Donald J. Lettella
Chairman

ACCEPTANCE OF SERVICE

Now, this 22d day of July, 1959, I hereby accept service of the above notice.

Mrs. Taylor & Peduzzi
Edward F. Peduzzi

APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP

NOTICE OF HEARING

John W. Taylor

IN RE:

APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA

NO. 5 DECEMBER SESSIONS, 1958
ROAD DOCKET

NOTICE OF HEARING

The undersigned hereby give notice that they, having been appointed by the Court as a Board of View in the above entitled matter, will hold a hearing in the Jackson Township Fire Hall, on the 18th day of August, 1959, at 10:00 A.M., S.S.T., at which time testimony will be taken to determine if there is any need for the opening of a public road in Jackson Township.

JOHN L. ELDER

RAYMOND NIEBAUER

DONALD J. LETIZIA

BY

Donald J. Letizia
Chairman

(Board of View)

ACCEPTANCE OF SERVICE this 3rd day of August, 1959.

H. G. Elder

IN RE:

APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP

:: IN THE COURT OF QUARTER SESSIONS
:: OF CAMBRIA COUNTY, PENNA.
::
::
:: NO. 5 DECEMBER SESSIONS, 1958
:: ROAD DOCKET

SCHEDULE OF AWARD

The undersigned hereby give notice that they, having been appointed by the Court as a Board of View in the above entitled matter, will hold a meeting on the 8th day of September, 1959, at 10:00 A.M., E.S.T., in the Jackson Township Fire Hall, at which time they will exhibit the proposed report in the above captioned case.

JOHN L. ELDER

RAYMOND NIEBAUER

DONALD J. LETIZIA

BY Donald J. Letizia
Chairman

(Board of View)

ACCEPTANCE OF SERVICE this 28th day of August, 1959.

John W. Taylor

IN RE:

APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP

:: IN THE COURT OF QUARTER SESSIONS
:: OF CAMBRIA COUNTY, PENNA.
::
::
:: NO. 5 DECEMBER SESSIONS, 1958
:: ROAD DOCKET

SCHEDULE OF AWARD

The undersigned hereby give notice that they, having been appointed by the Court as a Board of View in the above entitled matter, will hold a meeting on the 8th day of September, 1959, at 10:00 A.M., E.S.T., in the Jackson Township Fire Hall; at which time they will exhibit the proposed report in the above captioned case.

JOHN L. EDDER

RAYMOND NIEBAUER

DONALD J. LETIZIA

BY

Donald J. Letizia
Chairman

(Board of View)

ACCEPTANCE OF SERVICE this 29th day of August, 1959.

La. E. Letizia

IN RE:

APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP

:: IN THE COURT OF QUARTER SESSIONS,
:: OF CAMBRIA COUNTY, PENNA.
::
::
:: NO. 5 DECEMBER SESSIONS, 1958
:: ROAD DOCKET

SCHEDULE OF AWARD

From the evidence submitted and the view of the premises therein, the Board of View finds that there is occasion for a public road in the Township of Jackson as desired by the Petitioners herein.

The Board of View further finds that the width of said road shall be Thirty-Three (33') feet as shown in the Plan attached hereto and made a part hereof.

JOHN L. ELDER

RAYMOND NIEBAUER

DONALD J. LETIZIA

BY 

Chairman

(Board of View)

IN RE:

APPOINTMENT OF VIEWERS TO
OPEN A PUBLIC ROAD IN JACKSON
TOWNSHIP

23
:: IN THE COURT OF QUARTER SESSIONS
:: OF CAMBRIA COUNTY, PENNA.
::
::
:: NO. 5 DECEMBER SESSIONS, 1958
:: ROAD DOCKET

NOTICE

NOTICE is hereby given that the undersigned Viewers will file
their
their report in the above matter in the Court of Quarter Sessions of Cambria
County, Pennsylvania, on the ^{1st} ~~25th~~ day of ^{FEBRUARY} ~~January~~, 1960.

You will have thirty (30) days from said date within which to file
exceptions to our report, if you so desire. If no exceptions are filed
thereto within said thirty (30) days our report will be confirmed absolutely
by the Court.

JOHN L. ELDER

RAYMOND NIEBAUER

DONALD J. LETIZIA

BY Donald J. Letizia
Chairman

(Board of View)

ACCEPTANCE OF SERVICE this 11th day of January, 1960.

John W. Sager

IN RE: :: IN THE COURT OF QUARTER SESSIONS
:: OF CAMBRIA COUNTY, PENNA.
APPOINTMENT OF VIEWERS TO ::
OPEN A PUBLIC ROAD IN JACKSON ::
TOWNSHIP :: NO. 5 DECEMBER SESSIONS, 1958
:: ROAD DOCKET

:: IN THE COURT OF QUARTER SESSIONS
 :: OF CAMBRIA COUNTY, PENNA.
 ::
 ::
 :: NO. 5 DECEMBER SESSIONS, 1958
 :: ROAD DOCKET

NOTICE

NOTICE is hereby given that the undersigned Viewers will file their report in the above matter in the Court of Quarter Sessions of Cambria County, Pennsylvania, on the ^{15th} day of ^{FEBRUARY} January, 1960.

You will have thirty (30) days from said date within which to file exceptions to our report, if you so desire. If no exceptions are filed thereto within said thirty (30) days our report will be confirmed absolutely by the Court.

JOHN L. ELDER

RAYMOND NIEBAUER

DONALD J. LETIZIA

BY Donald J. Lyons
Chairman

(Board of View)

ACCEPTANCE OF SERVICE this 11th day of January, 1960.

ay of January, 1960.

IN RE:	::	IN THE COURT OF QUARTER SESSIONS
	::	OF CAMBRIA COUNTY, PENNA.
APPOINTMENT OF VIEWERS TO	::	
OPEN A PUBLIC ROAD IN JACKSON	::	
TOWNSHIP	::	NO. 5, DECEMBER SESSIONS, 1958
	::	ROAD DOCKET

TO THE HONORABLE, THE JUDGES OF THE SAID COURT:

The undersigned Board of View, appointed by your Honorable Court to determine if there is any need for the opening of a public road in the Township of Jackson, Cambria County, Pennsylvania, respectfully

REPORT

That in pursurance of their appointment of the Board of View caused notice to be served upon the owners and occupants of land affected in the above proceeding, as well as counsel of record for said owner and occupant, that they would meet upon the premises on the 28th day of July, 1959, at 10:00 A.M., E.S.T., for the purpose of viewing the premises and of hearing such parties as desired to be heard. Such notices were duly served by personal service and by posting upon the premises more than ten (10) days prior to the date of said meeting.

The Board of View were duly sworn according to law and proceeded with the view of the premises. In attendance were the Township Supervisors, John M. Taylor, Esquire, Counsel for Jackson Township, Harry A. Englehart, Jr., Esquire, Attorney for Petitioners, and Robert C. Engle, John Welshko, Earl L. Adams, and John J. Ragley.

A further meeting was held in the Jackson Township Fire Hall on the 18th day of August, 1959, at 10:00 A.M., E.S.T., at which time all of the above persons were in attendance, in addition thereto, George Skubik, Steve Barr, and William G. Fisher, testified. Notice of said meeting was served upon all parties in interest or upon their counsel of record. Evidence was presented on behalf of the parties in interest and for the benefit of

of the Board of View.

From the evidence submitted to them and from examination of the premises and locality in question, the Board of View find the following

FACTS

1. The owners of the property on both sides of the proposed road have agreed to give up one and one-half ($1\frac{1}{2}$ ') feet of their property in order to make the necessary Thirty-three foot (33') width.

2. The owners of the property involved herein have all agreed to execute a release of damages.

CONCLUSIONS OF LAW

No questions of law were raised in this proceeding for consideration of the Board of View.

CONCLUSION

The Board of View reports that after a full and impartial consideration of the testimony and evidence submitted to them and after a careful view of the premises, and acting according to their best judgment, they do hereby find that there is occasion for a public road as desired by the petitioners. Said public road shall be set out according to the Plan attached hereto and made a part hereof.

RESPECTFULLY SUBMITTED,

JOHN L. ELDER

RAYMOND NIEBAUER

DONALD J. LETIZIA

BY Donald Letizia
Chairman

(Board of View)

IN RE:	::	IN THE COURT OF QUARTER SESSIONS
	::	OF CAMBRIA COUNTY, PENNA.
APPOINTMENT OF VIEWERS TO	::	
OPEN A PUBLIC ROAD IN JACKSON	::	
TOWNSHIP	::	NO. 5, DECEMBER SESSIONS, 1958
	::	ROAD DOCKET

CAMBRIA COUNTY in Account with Donald J. Letizia, John Elder, And
Raymond Niebauer, Viewers

DONALD J. LETIZIA

1959		
July 7, 1959	, Prepared notices to view	\$12.00
July 8, 1959	Posted Notices	12.00
	Mileage - 18 miles @\$.10 per mi.	1.80
July 28, 1959	Viewed Premises	12.00
	Mileage - 18 miles @\$.10 per mi.	1.80
Aug. 4, 1959	Prepared notices for Hearing	12.00
Aug. 18, 1959	Hearing	12.00
	Mileage - 18 miles @\$.10 per mi.	1.80
Sept. 4, 1959	Conference, law office, Smorto & Creany, Ebensburg, Pa.	12.00
	Mileage - 34 miles @\$.10 per mi.	3.40
Aug. 29, 1959	Preparing notice of exhibit	12.00
Sept. 8, 1959	Exhibit of Schedule	12.00
	Mileage - 16 miles @\$.10 per mi.	1.60
Jan. 11, 1960	Preparing notice of Filing Report	12.00
Jan. 12, 1960	Preparing Report of Board of View	12.00
January 25, 1960	Filing Report with Prothonotary	12.00
	Mileage - 34 miles @\$.10 per mi.	<u>3.40</u>
	TOTAL	\$145.80

JOHN ELDER

1959		
July 28, 1959	Attended View	\$12.00
	Mileage - 18 miles @\$.10 per mi.	1.80
Aug. 18, 1959	Attended Hearing	12.00
	Mileage - 18 miles @\$.10 per mi.	1.80
Sept. 4, 1959	Attended Conference, Law office, Smorto & Creany, Ebensburg, Pa.	12.00
Sept. 8, 1959	Exhibit of Schedule	12.00
	Mileage - 18 miles @\$.10 per mi.	<u>1.80</u>
	TOTAL	\$53.40

RAYMOND NIEBAUER

1959		
July 28, 1959	Attended View	\$12.00
	Mileage - 22 miles @\$.10 per mi.	2.20
Aug. 18, 1959	Attended Hearing	12.00
	Mileage - 22 miles @\$.10 per mi.	2.20

RAYMOND NIEBAUER, Con'td.

Sept. 4, 1959	Attended Conference, Law Offices, Smorto & Creany, Ebensburg, Pa.	\$12.00
	Mileage - 4 miles @ \$.10 per mi.	.40
Sept. 8, 1959	Exhibit of Schedule	12.00
	Mileage - 22 miles @ \$.10 per mi.	<u>2.20</u>
	TOTAL	\$55.00

JOHN L. ELDER

Registered Engineer, Plans	<u>\$29.00</u>
TOTAL	\$29.00

(Mrs.) Eleanor Zuccolotto
R. D. #3, Box 123
Johnstown, Pennsylvania

Stenographic Services. \$15.00

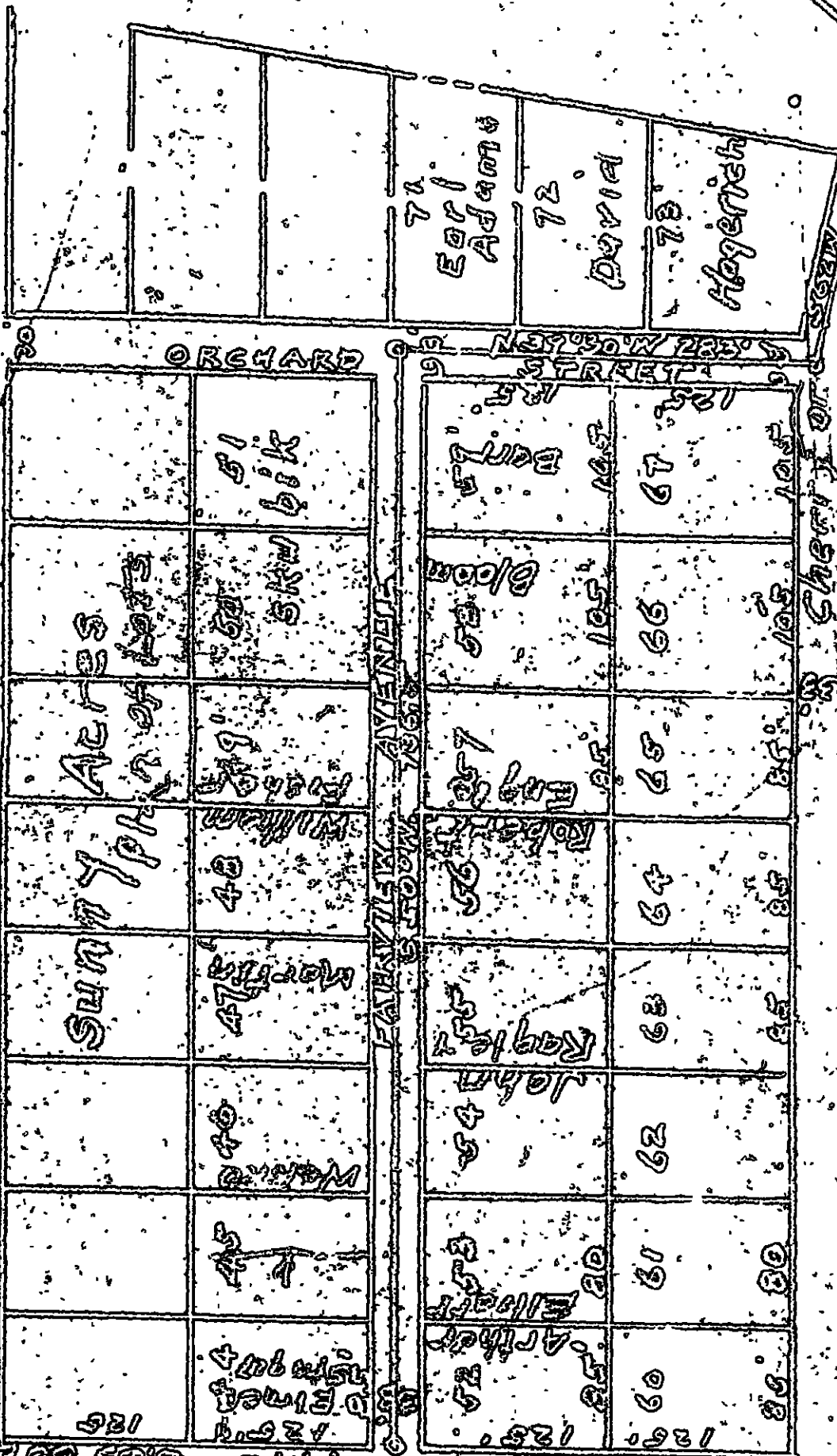
"LEGAL DESCRIPTION OF ROAD TO BE OPENED"

"ALL that certain lot or piece of ground situate, lying and being in the Township of Jackson, County of Cambria and State of Pennsylvania, bounded and described as follows:

BEGINNING at a point on the center line of Fairview Avenue between Lots Nos. 44 and 52 on the Plan of Lots laid out by Ralph Hagerich and recorded in the Recorder of Deeds Office of Cambria County in Plat Book Volume 5, Page 47; thence along the center line of said Fairview Avenue South 50 degrees 0 minutes West 736.5 feet to the center line of Orchard Street; thence along the center line of said Orchard Street North 39 degrees 30 Minutes West 283 feet to the center line of Cherry or Courter Street; thence along center line of Cherry or Courter Street South 62 degrees 0 minutes West 142 Feet to the eastern terminus of Cherry or Courter Street.

Not Microfilmed
Box #5 Dec. 1958

SUNSHINE AVENUE



PLAN

Proposed Township Road
Jackson Twp. Cambridge Co. Mo.
Nov. 18, 1907 John L. Elder
Reg. Eng.