

IN THE MATTER OF ROUTE : IN THE COURT OF QUARTER
NO. A-1591-B, IN THE : SESSIONS OF CAMBRIA COUNTY,
TOWNSHIP OF RICHLAND, : PENNSYLVANIA
CAMBRIA COUNTY, PENNSYLVANIA :
: R.D. NO. 1, JUNE SESSION, 1962

VIEWERS' REPORT

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

DONALD J. LETIZIA, Esquire, T. L. LOCHER, and
ROBERT G. MAYER, three members of the permanent Board of Viewers
of Cambria County, Pennsylvania, appointed to view the premises
of MARY PAVLOVICH, Widow, to assess damages to her property
arising from the improvement and changes to State Highway Route
No. A-1591-B, in the Township of Richland, County of Cambria,
and State of Pennsylvania, and return the proceedings according
to law, respectfully report:

Pursuant to their appointment on March 15, 1962, the
Board of View set March 29, 1962, at 10:30 a.m., e.s.t., as
the time to view and inspect the premises owned by MARY PAVLOVICH,
Widow. Due notice thereof was given to Andrew J. Gleason, Esquire,
Attorney for Petitioner, as shown by acceptance of service of
notice hereto attached and made a part hereof. Notice was
likewise given to the Commonwealth of Pennsylvania, through
its attorney, Arnold D. Smorto, Esquire, as shown by acceptance
of service of notice hereto attached and made a part hereof.
The Board of View thereafter set April 5, 1962, at 3:00 p.m.,
e.s.t., at the Judges Chambers, Park Building, Johnstown, Pennsyl-
vania, as the time and place for hearing. A continuance was
requested by the Commonwealth of Pennsylvania and the hearing
was thereafter set for May 11, 1962, at 1:30 p.m., e.d.s.t.,
at the Judges Chambers, Park Building, Johnstown, Pennsylvania..

A continuance was requested by the Attorney for Petitioner, Andrew J. Gleason and the hearing was thereafter set for June 21, 1962. Due notice thereof was given to Andrew J. Gleason, Esquire, attorney for Petitioner, as shown by acceptance of service of notice attached hereto and made a part hereof. Notice was likewise given to Arnold D. Smorto, Esquire, Attorney for Commonwealth of Pennsylvania, as shown by acceptance of service of notice attached hereto and made a part hereof. The hearing was held at the time and place appointed, and at the request of Andrew J. Gleason, Attorney for Petitioner, the hearing was continued. The Board of View thereafter set July 6, 1962, at 9:00 a.m., e.d.s.t., at the Judges Chambers, Park Building, Johnstown, Pennsylvania, as the time and place for hearing. Due notice thereof was given to Andrew J. Gleason, Attorney for Petitioner, as shown by acceptance of service of notice attached hereto and made a part hereof. Notice was likewise given to Arnold D. Smorto, Esquire, Attorney for Commonwealth of Pennsylvania. The hearing was held at the time and place appointed and was attended thereat by Andrew J. Gleason, Attorney for Petitioner, Mary Pavlovich, Owner, and Charles N. Glass, real estate appraiser. The Commonwealth of Pennsylvania was represented by Arnold D. Smorto, Esquire, Howard E. Breneman, District Right-of-Way Engineer, John J. Mock and Donald J. Sharpe, real estate appraisers. The Petitioner was thereupon examined upon the merits of the case and a full hearing was held thereon.

Due notice of the filing of this Report was given to the Petitioner through her attorney, Andrew J. Gleason, as shown by acceptance of service of notice hereto attached and made a part hereof. Due notice thereof was also given to the Commonwealth of Pennsylvania through its attorney, Arnold D. Smorto, as shown by acceptance of service of notice hereto attached and

made a part hereof.

The original papers are attached hereto and made a part of this Report.

The Board of View further reports as follows:

I. SERVICE OF PROCESS

The original papers and docket entries show that the Petitioner, Mary Pavlovich, filed a Petition with the Court of Quarter Sessions of Cambria County, Pennsylvania, on March 15, 1962, setting forth that she labored under inconvenience for want of an assessment of damages.

II. FINDINGS OF FACT

(1) Mary Pavlovich is the owner of a parcel of ground situate in the Township of Richland, County of Cambria, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a stake on the southerly side of the State Highway, same being a common corner of said State Highway and said Township Road; thence along said Township Road, South 38° 30' East 417.54 feet to a stake; thence South 51° 30' West 510.79 feet to a stake; thence North 6° 7' West 591.64 feet to a stake at the southerly side of said State Road; thence along said State Road the following courses and distances: South 85° 38' East 89.78 feet to a stake; North 60° 30' East 130.17 feet to the place of beginning.

(2) That the Commonwealth of Pennsylvania, on December 1, 1959, condemned approximately 2,400 square feet along the front of the property owned by Mary Pavlovich, as shown on the Map attached hereto, marked "Exhibit A" and colored in red.

(3) That Mary Pavlovich testified that the loss suffered by her because of the taking by the Commonwealth of Pennsylvania amounted to \$3,500.

(4) That Charles N. Glass, real estate appraiser, testified that the loss suffered by the Petitioner because of the taking by the Commonwealth of Pennsylvania was \$2,750.

(5) That Howard E. Breneman is District Right-of-Way Engineer for the Department of Highways, Commonwealth of Pennsylvania.

(6) That Howard E. Breneman testified that approximately 2,400 square feet was taken by the Commonwealth of Pennsylvania.

(7) That Donald J. Sharpe, real estate appraiser, testified that the loss suffered by the Petitioner because of the taking by the Commonwealth of Pennsylvania was \$1,255.

(8) That John J. Mock, real estate appraiser, testified that the loss suffered by the Petitioner because of the taking by the Commonwealth of Pennsylvania was \$768.

III. OPINION

The Board of View has carefully examined the evidence offered in this case, has deducted therefrom certain facts, has carefully examined the law applicable, and is of the opinion that the Petitioner has presented a meritorious case.

The Petitioner alleges that she is the owner of the property referred to herein and that in the construction, reconstruction, and improvements to State Highway Route No. A-1591-B, in the Township of Richland, County of Cambria, and State of Pennsylvania, said property has sustained serious loss and damage and that compensation for such damage has not been fixed or agreed upon between the Commonwealth of Pennsylvania and the Petitioner.

The power of eminent domain is the power to take property for public use without the owner's consent. Briegel v. Briegel, 2160 A. 581, 307, Pa. 93 (1932). Eminent Domain is an inherited attribute of sovereignty and the provisions for compensation is not part of the power, but a limitation on its use by the Constitution, P. S. Const. Article 1, Section 10.

The Constitution contains three sections relating to eminent domain, Article 1, Section 10, provides that private property shall not be taken or applied to public use, without authority of law and without just compensation being first made or secured. Article 16, Section 3, provides that "The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals invested with the power of eminent domain must make compensation for property taken, and prohibits the General Assembly from depriving any person of the right to appeal from any preliminary assessment of damages against any corporation or individual made by viewers or otherwise.

When a tract of land is taken, the owner is entitled to compensation equal to its market value. Market Value should be determined on the basis of what price the property would bring if the owner were under no compulsion to sell and a purchaser under no compulsion to buy, taking into account all considerations that might be brought forward and reasonably be given substantial weight in bargaining for the property, such as location, improvements, productive quality, and the uses to which it may reasonably be put, taking in the light of sales of other property in the vicinity. United States v. 15.3 Acres of Land in the City of Scranton, Com. of Pa., 154 F. Supp. 770 (1957). While the value of the land should not be based upon speculation, everything which gives the land intrinsic value should be considered and it is not to be limited to a particular use, and any use to which the property is adapted or any prospective use

may be considered.

In arriving at a just determination of the fair market value of the property the Board has, as criteria, the customarily widely disparate opinions of the real estate experts who testified for their respective sides. It is the province of the Board to weigh the credibility of the valuation witnesses' testimony and to determine what the land taken was fairly worth at the time of the condemnation. The Board has a right to, and did, bring, to bear, in appraising the expert testimony, what they had perceived with respect to the property at the time they formally viewed it.

The Board is not required to take arbitrarily the Plaintiff's or the Defendant's figures in arriving at a just sum in condemnation cases, but may exercise deliberation, in awarding a sum between the Plaintiff's and Defendant's figures. Harmony Realty Company v. Com., 145 A. 2d 541, 395 Pa. 65 (1958).

CONCLUSION

The Board of View reports that after a full and impartial consideration of the testimony and evidence offered to them and acting according to their best judgment, they have estimated and determined the damages sustained by the owners and occupants of the said property by reason of the condemning of the said property by the Commonwealth of Pennsylvania, as follows:

MARY PAVLOVICH, Widow-----\$1,500.00

Respectfully submitted,


Donald J. Letizia, Chairman


T. L. Locher


Robert G. Mayer

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver *ONLY* to addressee ☐ Show address where delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

Ed. Sept 7 Jp.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

W. F. Allen

DATE DELIVERED

3-17-1912

ADDRESS WHERE DELIVERED (only if requested in item #1)

CSS-16-71848-4 GPO

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver *ONLY* to addressee ☐ Show address where delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)

State Highway Department

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

John Hartley

DATE DELIVERED

MAR 19 1912

ADDRESS WHERE DELIVERED (only if requested in item #1)

CSS-16-71848-4 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

HOLIDAYS
MAR 17
11-AM
1962
PA.

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300

POSTMAN
DELIVERING OFFICE

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO.

NAME OF SENDER
Ronald J. Letizia

CERTIFIED NO.
477916

STREET AND NO. OR P.O. BOX
802 First National Bldg

INSURED NO.

CITY, ZONE AND STATE
JOHNSTOWN, PA.

RETURN TO

CSS-16-71548-4

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

HOLIDAYS
MAR 19
11-AM
1962
PA.

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE \$300

POSTMAN
DELIVERING OFFICE

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO.

NAME OF SENDER
Ronald J. Letizia

CERTIFIED NO.
477915

STREET AND NO. OR P.O. BOX
802 First Natl Bldg

INSURED NO.

CITY, ZONE AND STATE
JOHNSTOWN, PA.

RETURN TO

CSS-16-71548-4

This print is made from sheet No. / 2 , of Right-of-way
plan for Route No. 159-B Section No. 3 , CAMBRIA
County, approved by the Governor on DEC. 17, 1959
which I we have examined and had explained to me us this
day of , 19 , and is to be attached to
the release herewith executed.

Witness _____

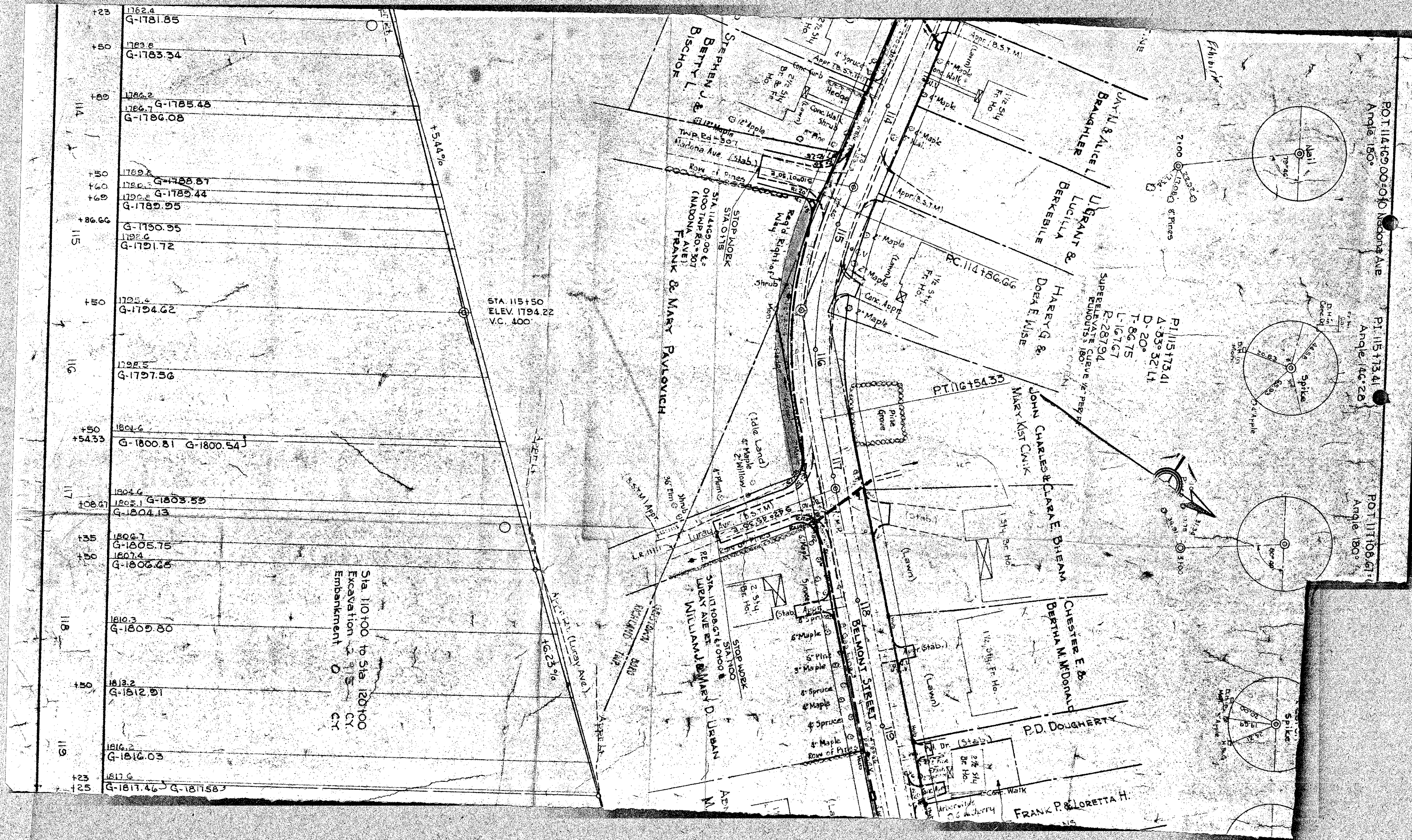
(Seal)

Witness _____

(Seal)

Witness _____

(Seal)



IN THE MATTER OF ROUTE NO.
A-1591-B, IN THE TOWNSHIP
OF RICHLAND, CAMBRIA COUNTY,
PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA
NO. R.D. #1, JUNE SESSIONS, 1962

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 30th day of July, 1962.

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.

DONALD J. LETIZIA

T. L. LOCHER

ROBERT G. MAYER

BY *Donald J. Letizia*
Chairman

(Board of View)

ACCEPTANCE OF SERVICE this 25th day of July, 1962.

[Signature]
Attorney for

IN THE MATTER OF ROUTE : IN THE COURT OF QUARTER SESSIONS
NO. A-1591-B, IN THE TOWNSHIP : OF CAMBRIA COUNTY, PENNSYLVANIA
OF RICHLAND, CAMBRIA COUNTY, :
PENNSYLVANIA : NO. R.D. #1, JUNE SESSIONS, 1962

SCHEDULE OF AWARD

From the evidence submitted and the view of the premises affected by the condemning of the said property of the Petitioner by the Commonwealth of Pennsylvania, Department of Highways, the Board of View finds the damages sustained by the owners and occupant of this proceeding as follows:

MARY PAVLOVICH, Widow-----\$1,500.00

The Board of View have taken into consideration any benefits accruing to the property affected and hereby assess the damages as above awarded against the Commonwealth of Pennsylvania, Department of Highways.

DONALD J. LETIZIA

T. L. LOCHER

ROBERT G. MAYER

BY Donald J. Letizia
Chairman
(Board of View)

ACCEPTANCE OF SERVICE this 17th day of July, 1962.

Glenn & Krommacker
By Patrick A. Glenn
Attorney for

IN THE MATTER OF ROUTE : IN THE COURT OF QUARTER SESSIONS
NO. A-1591-B, IN THE TOWNSHIP : OF CAMBRIA COUNTY, PENNSYLVANIA
OF RICHLAND, CAMBRIA COUNTY, :
PENNSYLVANIA : NO. R.D. #1, JUNE SESSIONS, 1962

SCHEDULE OF AWARD

From the evidence submitted and the view of
the premises affected by the condemning of the said property
of the Petitioner by the Commonwealth of Pennsylvania, Department
of Highways, the Board of View finds the damages sustained by
the owner and occupant of this proceeding as follows:

MARY PAVLOVICH, Widow-----\$,500.00

The Board of View have taken into consideration
any benefits accruing to the property affected and hereby assess
the damages as above awarded against the Commonwealth of Pennsyl-
vania, Department of Highways.

DONALD J. LETIZIA

T. L. LOCHER

ROBERT G. MAYER

BY Donald J. Letizia
Chairman

(Board of View)

ACCEPTANCE OF SERVICE this 17th day of July, 1962.

[Signature]
Attorney for Department of Highways

Paula

IN THE MATTER OF ROUTE : IN THE COURT OF QUARTER SESSIONS
NO. A-1591-B, IN THE TOWNSHIP : OF CAMBRIA COUNTY, PENNSYLVANIA
OF RICHLAND, CAMBRIA COUNTY, :
PENNSYLVANIA : NO. R.D. #1 JUNE SESSIONS, 1962

N O T I C E

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 16th day of July, 1962, at 10:00 a.m., e.d.s.t., in Courtroom No. 4, Cambria County Courthouse, Ebensburg, Pennsylvania, at which time they will exhibit the Schedule of Damages caused as the result of the taking by the Commonwealth of Pennsylvania, Department of Highways.

DONALD J. LETIZIA

T. L. LOCHER

ROBERT G. MAYER

BY

Donald J. Letizia
Chairman

(Board of View)

ACCEPTANCE OF SERVICE this 12 day of July, 1962.

Andrew J. Gleason
Attorney for

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF ROUTE NO.)	
A-1591-B, IN THE TOWNSHIP OF	(NO. R.D. 1, JUNE SESSIONS,
RICHLAND, CAMBRIA COUNTY,)	1962
PENNSYLVANIA	(

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 Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania, at 9:00 a.m., e.d.s.t., on Friday, July 6, 1962, at which time testimony will be taken to determine the damages sustained by and assess the benefits accruing to Mary Pavlovich, property owner, as a result of the taking by the Commonwealth of Pennsylvania, Department of Highways.

DONALD J. LETIZIA

T. L. LOCHER

ROBERT G. MAYER

BY

Donald J. Letizia
Chairman

(Board of View)

ACCEPTANCE OF SERVICE this 22nd day of June, 1962.

Roman Kamenich
Attorney for

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA
IN THE MATTER OF ROUTE NO. : NO. R.D. 1, JUNE SESSIONS, 1962
A-1591-B, IN THE TOWNSHIP OF :
RICHLAND, CAMBRIA COUNTY, :
PENNSYLVANIA :

NOTICE OF CONTINUED HEARING

The undersigned hereby give notice that the hearing scheduled for the 21st day of June, 1962, at 1:30 p.m., e.d.s.t., at the Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania; has been continued at the request of Attorney for the Plaintiff.

DONALD J. LETIZIA

T. L. LOCHER

ROBERT G. MAYER

BY Donald J. Letizia
Chairman
(Board of View)

ACCEPTANCE OF SERVICE this 22nd day of June, 1962.

Norman Kamenar
Attorney for

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF ROUTE NO. : NO. R.D. 1, JUNE SESSIONS,
A-1591-B, IN THE TOWNSHIP :
OF RICHLAND, CAMBRIA COUNTY, :
PENNSYLVANIA : 1962

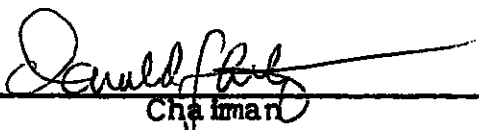
NOTICE OF HEARING

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 Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania, at 1:30 p.m., e.d.s.t., on Thursday, June 21, 1962, at which time testimony will be taken to determine the damages sustained by and assess the benefits accruing to Mary Pavlovich, property owner, as a result of the taking by the Commonwealth of Pennsylvania, Department of Highways.

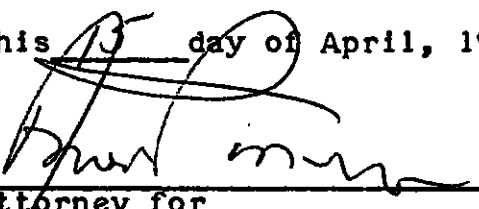
DONALD J. LETIZIA

T. L. LOCHER

ROBERT G. MAYER

BY 
Chairman
(Board of View)

ACCEPTANCE OF SERVICE this 13 day of April, 1962.


Attorney for

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF ROUTE NO. :
A-1591-B, IN THE TOWNSHIP OF: NO. R.D. 1, JUNE SESSIONS,
RICHLAND, CAMBRIA COUNTY, :
PENNSYLVANIA. : 1962


NOTICE OF CONTINUED HEARING

The undersigned hereby give notice that the Hearing scheduled for the 11th day of May, 1962, at 1:30 p.m., e.d.s.t., at the Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania, has been continued until further notice of the Board, at the request of the Attorney for the Plaintiff

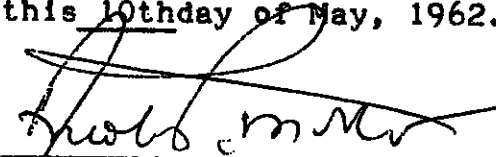
DONALD J. LETIZIA

T. L. LOCHER

ROBERT G. MAYER

BY 
Chairman
(Board of View)

ACCEPTANCE OF SERVICE this 10th day of May, 1962.


Attorney for

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN THE MATTER OF ROUTE NO. :
A-1591-B, IN THE TOWNSHIP OF: NO. R.D. 1, JUNE SESSIONS,
RICHLAND, CAMBRIA COUNTY, :
PENNSYLVANIA. : 1962

NOTICE OF CONTINUED HEARING

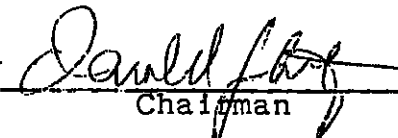
The undersigned hereby give notice that the Hearing scheduled for the 11th day of May, 1962, at 1:30 p.m., e.d.s.t., at the Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania, has been continued until further notice of the Board, at the request of the Attorney for the Plaintiff.

DONALD J. LETIZIA

T. L. LOCHER

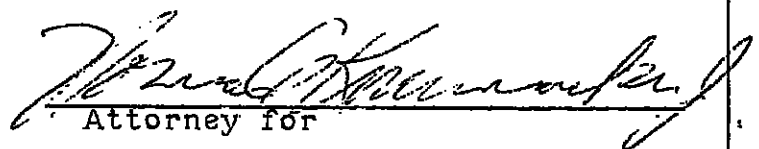
ROBERT G. MAYER

BY


Chairman

(Board of View)

ACCEPTANCE OF SERVICE this 10th day of May, 1962.


Attorney for

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

IN THE MATTER OF ROUTE NO.)	
A-1591-B, IN THE TOWNSHIP OF	(NO. R. D. 1, JUNE SESSIONS,
RICHLAND, CAMBRIA COUNTY,)	
PENNSYLVANIA	(1962

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 Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania, at 1:30 p.m., e.d.s.t., on the 11th day of May, 1962, at which time testimony will be taken to determine the damages sustained by and assess the benefits accruing to the property owners as a result of the taking by the Commonwealth of Pennsylvania, Department of Highways.

DONALD J. LETIZIA

TELFORD LOCHER

ROBERT G. MAYER

BY


Chairman

(Board of Viewers)

ACCEPTANCE OF SERVICE this 25 day of April, 1962.


Attorney for

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

IN THE MATTER OF ROUTE NO.)
A-1591-B, IN THE TOWNSHIP OF (NO. R. D. 1, JUNE SESSIONS,
RICHLAND, CAMBRIA COUNTY,)
PENNSYLVANIA (1962

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 Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania, at 1:30 p.m., e.d.s.t., on the 11th day of May, 1962, at which time testimony will be taken to determine the damages sustained by and assess the benefits accruing to the property owners as a result of the taking by the Commonwealth of Pennsylvania, Department of Highways.


DONALD J. LETIZIA

TELFORD LOCHER

ROBERT G. MAYER

BY 
Chairman
(Board of Viewers)

ACCEPTANCE OF SERVICE this 25 day of April, 1962.


Attorney for

garbino

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA
IN THE MATTER OF ROUTE NO. :
A-1591-B, IN THE TOWNSHIP OF : NO. R.D. 1, JUNE SESSIONS, 1962
RICHLAND, CAMBRIA COUNTY, :
PENNSYLVANIA :

NOTICE OF CONTINUED HEARING

The undersigned hereby give notice
that the hearing scheduled for Thursday, April 5, 1962, at 3:00
p.m., e.s.t., at the Judges Chambers, Park Building, Johnstown,
Pennsylvania, has been continued at the request of the Commonwealth
of Pennsylvania, until further notice.

DONALD J. LETIZIA

THEODORE LOCHER

ROBERT G. MAYER

BY

Donald J. Letizia
Chairman

(BOARD OF VIEW)

ACCEPTANCE OF SERVICE this 5th day of April, 1962.

[Signature]

Attorney for Commonwealth of Penna.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA
IN THE MATTER OF ROUTE NO. :
A-1591-B, IN THE TOWNSHIP OF : NO. R.D. 1, JUNE SESSIONS, 1962
RICHLAND, CAMBRIA COUNTY, :
PENNSYLVANIA :

NOTICE OF CONTINUED HEARING

The undersigned hereby give notice
that the hearing scheduled for Thursday, April 5, 1962, at 3:00
p.m., e.s.t., at the Judges Chambers, Park Building, Johnstown,
Pennsylvania, has been continued at the request of the Commonwealth
of Pennsylvania, until further notice.

DONALD J. LETIZIA
T. L. LOCHER
ROBERT G. MAYER

BY *Donald J. Letizia*
Chairman

(BOARD OF VIEW)

ACCEPTANCE OF SERVICE this 5th day of April, 1962.

Andrew J. Gleason
Attorney for Petitioner

IN THE MATTER OF ROUTE NO.
A-1591-B, IN THE TOWNSHIP OF
RICHLAND, CAMBRIA COUNTY,
PENNSYLVANIA?

) IN THE COURT OF QUARTER
(SESSIONS OF CAMBRIA COUNTY,
(PENNSYLVANIA
(
) NO. R.D. 1, JUNE SESSIONS, 1962
(

NOTICE OF HEARING


The undersigned hereby givenotice that they, having been appointed by the Court as a Board of View in the above entitled matter will hold a hearing in the Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania, at 3:00 p.m., e.s.t, on the 5th day of April, 1962, at which time testimony will be taken to determine the damages sustained by and assess the benefits accruing to the property owners as a result of the taking by the Commonwealth of Pennsylvania, Department of Highways.

DONALD J. LETIZIA

TELFORD LOCHER

ROBERT G. MAYER

BY


Chairman

(BOARD OF VIEWERS)

ACCEPTANCE OF SERVICE this 30th day of March, 1962.

GLEASON & KRUMENACKER


Attorney for Plaintiff

IN THE MATTER OF ROUTE NO.
A-1591-B, IN THE TOWNSHIP OF
RICHLAND, CAMBRIA COUNTY,
PENNSYLVANIA;

) IN THE COURT OF QUARTER
(SESSIONS OF CAMBRIA COUNTY,
(PENNSYLVANIA
(

) NO. R.D. 1, JUNE SESSIONS, 1962
(

NOTICE OF HEARING

The undersigned hereby givenotice that they, having been appointed by the Court as a Board of View in the above entitled matter will hold a hearing in the Judges Chambers, Room 204, Park Building, Johnstown, Pennsylvania, at 3:00 p.m., e.s.t, on the 5th day of April, 1962, at which time testimony will be taken to determine the damages sustained by and assess the benefits accruing to the property owners as a result of the taking by the Commonwealth of Pennsylvania, Department of Highways.

DONALD J. LETIZIA

TELFORD LOCHER

ROBERT G. MAYER

BY

Donald J. Letizia
Chairman

(BOARD OF VIEWERS)

ACCEPTANCE OF SERVICE this 30th day of March, 1962.

Sharon Miller
Attorney for

IN THE MATTER OF ROUTE NO. A-1591-B, : IN THE COURT OF QUARTER SE-
IN THE TOWNSHIP OF RICHLAND, : SSIONS OF CAMBRIA COUNTY,
CAMBRIA COUNTY, PENNSYLVANIA : PENNSYLVANIA
:
: NO. R.D. 1 JUNE SESSIONS,
: 1962

VIEWERS' NOTICE

WE, the undersigned Viewers appointed by the above named Court to view and inspect the land and premises owned by MARY PAVLOVICH, widow, and to determine the damages sustained by and assess the benefits accruing to the property owners as a result of the taking by the Commonwealth of Pennsylvania, Department of Highways, do hereby give notice that we will meet upon the premises on Thursday, the 29th day of March, 1962, at 10:30 a.m., e.s.t., when and where all persons interested may appear, if they so desire.

DONALD J. LETIZIA

TELFORD LOCHER

ROBERT G. MAYER

BY


Chairman

(BOARD OF VIEW)

ACCEPTANCE OF SERVICE this _____ day of March, 1962.

GLEASON & KRUMENACKER

BY


Attorneys for Plaintiff

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 15th day of March A. D. 19 62,
before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Town-
ship of Richland, in the said County, setting forth that they labor under incon-
venience for want of a n assessment of damages ~~xxxxxx~~, 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

Donald J. Letizia, Telford Locher

~~xxxxxx~~, 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/ Griffith, P. J.

Attest:

James T. Fagan, 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."

NO. R.D. 1 June 62
SESSIONS, 19

Order to view
IN THE MATTER OF

ROUTE NO. A-1591-B, IN THE

TOWNSHIP OR RICHLAND, CAMBRIA

COUNTY, PENNSYLVANIA

Donald J. Letizia

Telford Locher

Robert S. Mayer

Viewers

Clerk James T. Fagan, Clerk of

Courts

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY, PA.
R.D. No. 1, JUNE SESSIONS, 1962

IN THE MATTER OF ROUTE NO.
A-1591-B, IN THE TOWNSHIP
OF RICHLAND, CAMBRIA COUNTY,
PENNSYLVANIA

Confirmed Nisi 7-30-62

VIEWERS' REPORT

Filed - July 30, 1962

*And now Sept. 4, 1962 the
within Report confirmed.
Absolute Sully
H!*

DONALD J. LETIZIA

ATTORNEY AT LAW

JOHNSTOWN, PENNSYLVANIA

R.D. June

NO. 1 MARCH SESSIONS, 1962

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY
PENNSYLVANIA

IN THE MATTER OF ROUTE NO.
A-1591-B, IN THE TOWNSHIP
OF RICHLAND, CAMBRIA COUNTY,
PENNSYLVANIA.

**PETITION FOR
APPOINTMENT OF
BOARD OF VIEWERS**

A TRUE AND CORRECT COPY
ATTEST:

GLEASON & KRUMENACKER

BY: *Robert Davis Gleason*
ATTORNEYS FOR PETITIONER

LAW OFFICES
GLEASON & KRUMENACKER
NINTH FLOOR FIRST NATIONAL BANK BUILDING
JOHNSTOWN, PENNSYLVANIA

IN THE MATTER
OF ROUTE NO. A-1591-B, IN
THE TOWNSHIP OF RICHLAND,
CAMBRIA COUNTY,
PENNSYLVANIA.

X IN THE COURT OF QUARTER SESSIONS
X OF CAMBRIA COUNTY
X PENNSYLVANIA
X *L.D. June*
X NO. 1 MARCH SESSIONS 1962

PETITION OF MARY PAVLOVICH, WIDOW,
FOR THE APPOINTMENT OF BOARD OF VIEWERS

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The Petition of Mary Pavlovich, widow, by her
Attorneys, Gleason & Krumenacker, Esquires, respectfully
represents:

1. That your Petitioner is Mary Pavlovich, widow, an
individual who resides at 104 Luray Avenue, Richland Township,
Cambria County, Pennsylvania.

2. That your Petitioner is the owner of certain
property in the Township of Richland, Cambria County, Pennsylvania,
bounded and described as follows:

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

BEGINNING at a stake on the southerly side of
the State Highway, same being a common corner
of said State Highway and said Township Road;
thence along said Township Road, South 38° 30'
East 417.54 feet to a stake; thence South 51°
30' West 510.79 feet to a stake; thence North
6° 7' West 591.64 feet to a stake at the
southerly side of said State Road; thence along
said State Road the following courses and dis-
tances: South 85° 38' East 89.78 feet to a stake;
North 60° 30' East 130.17 feet to the place of
beginning.

3. That the Department of Highways of the Commonwealth
of Pennsylvania, is making or is about to make, an improvement
known as Legislative Route No. A-1591-B, Section No. 3 in the
Township of Richland, Cambria County, Pennsylvania, which affects,

or will affect the above described property owned by the Petitioner, and in furtherance thereof have condemned portions of Petitioner's property described above.

4. That your Petitioner, Mary Pavlovich, widow, avers that she is the owner of the parcel of land described above and that Petitioner, Mary Pavlovich, widow, is the only person entitled to recover damages for the taking thereof.

5. Petitioner is advised, believes and therefore avers that the following portion of land has been condemned and taken for public use:

(a) A strip of land approximately 15 feet in width and 205 feet in length, fronting along Legislative Route No. A-1591-B.

6. The aforesaid location of Legislative Route No. A-1591-B which has been or will be made by the Department of Highways of the Commonwealth of Pennsylvania have resulted in the taking of large portions of Petitioner's property, as above set forth, and caused or will cause injury and damage to the remainder thereof.

7. The Commonwealth of Pennsylvania, under the Provisions of the Act of Assembly in such case made and provided, is required to assume all damages in connection with the aforesaid location of Legislative Route No. A-1591-B.

8. The approval by the Governor of the plan locating Legislative Route No. A-1591-B, as aforesaid, was dated December 1, 1959.

9. The Petitioner alleges that the fair market value of the land owned by your Petitioner immediately after the condemnation was considerably less than the fair market value of the said land immediately before the condemnation.

10. Until this date, Petitioner and the Department of Highways of the Commonwealth of Pennsylvania, are unable to agree upon the amount of compensation to be made for the property taken.

WHEREFORE, Your Petitioner, Mary Pavlovich, widow, by her Attorneys, Gleason & Krumenacker, Esquires, pray your Honorable Court to appoint a Board of Viewers in the manner prescribed by law to ascertain and award just compensation to Petitioner for her property so condemned in accordance with the Acts of Assembly in such cases made and provided.

And she will ever pray, etc.

GLEASON & KRUMENACKER

BY:

Robert Davis Gleason
ATTORNEYS FOR PETITIONER

IN THE MATTER
OF ROUTE NO. A-1591-B, IN
THE TOWNSHIP OF RICHLAND,
CAMBRIA COUNTY,
PENNSYLVANIA.

I IN THE COURT OF QUARTER SESSIONS
I OF CAMBRIA COUNTY
I PENNSYLVANIA
I NO. MARCH SESSIONS 1962

O R D E R

AND NOW, to-wit, this 15th day of March, 1962,
on motion of Gleason & Krumenacker, Esquires, Attorneys for
Petitioner, and upon consideration of the within Petition, the
Court hereby appoints Donald Letizia, Esq.,
Delford Locher and Robert S. Meyer,
as a Board of Viewers upon the within Petition, and further
order that the Board of Viewers perform its duty in accordance
with the law and Acts of Assembly in such case made and
provided.

BY THE COURT:

s/ Griffith P.J.

R.D. June
NO. 1 MARCH SESSIONS 1962

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY
PENNSYLVANIA

IN THE MATTER OF ROUTE NO.
A-1591-B, IN THE TOWNSHIP
OF RICHLAND, CAMBRIA
COUNTY, PENNSYLVANIA.

Leopold

PETITION FOR
APPOINTMENT OF
BOARD OF VIEWERS

LAW OFFICES
GLEASON & KRUMENACKER
NINTH FLOOR FIRST NATIONAL BANK BUILDING
JOHNSTOWN, PENNSYLVANIA

IN THE MATTER
OF ROUTE NO. A-1591-B, IN
THE TOWNSHIP OF RICHLAND,
CAMBRIA COUNTY,
PENNSYLVANIA.

X IN THE COURT OF QUARTER SESSIONS
X OF CAMBRIA COUNTY
X PENNSYLVANIA
X *L.D. June*
X NO. 1 MARCH SESSIONS 1962

PETITION OF MARY PAVLOVICH, WIDOW,
FOR THE APPOINTMENT OF BOARD OF VIEWERS

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The Petition of Mary Pavlovich, widow, by her
Attorneys, Gleason & Krumenacker, Esquires, respectfully
represents:

1. That your Petitioner is Mary Pavlovich, widow, an
individual who resides at 104 Luray Avenue, Richland Township,
Cambria County, Pennsylvania.

2. That your Petitioner is the owner of certain
property in the Township of Richland, Cambria County, Pennsylvania,
bounded and described as follows:

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

BEGINNING at a stake on the southerly side of
the State Highway, same being a common corner
of said State Highway and said Township Road;
thence along said Township Road, South 38° 30'
East 417.54 feet to a stake; thence South 51°
30' West 510.79 feet to a stake; thence North
6° 7' West 591.64 feet to a stake at the
southerly side of said State Road; thence along
said State Road the following courses and dis-
tances: South 85° 38' East 89.78 feet to a stake;
North 60° 30' East 130.17 feet to the place of
beginning.

3. That the Department of Highways of the Commonwealth
of Pennsylvania, is making or is about to make, an improvement
known as Legislative Route No. A-1591-B, Section No. 3 in the
Township of Richland, Cambria County, Pennsylvania, which affects,

or will affect the above described property owned by the Petitioner, and in furtherance thereof have condemned portions of Petitioner's property described above.

4. That your Petitioner, Mary Pavlovich, widow, avers that she is the owner of the parcel of land described above and that Petitioner, Mary Pavlovich, widow, is the only person entitled to recover damages for the taking thereof.

5. Petitioner is advised, believes and therefore avers that the following portion of land has been condemned and taken for public use:

- (a) A strip of land approximately 15 feet in width and 205 feet in length, fronting along Legislative Route No. A-1591-B.

6. The aforesaid location of Legislative Route No. A-1591-B which has been or will be made by the Department of Highways of the Commonwealth of Pennsylvania have resulted in the taking of large portions of Petitioner's property, as above set forth, and caused or will cause injury and damage to the remainder thereof.

7. The Commonwealth of Pennsylvania, under the Provisions of the Act of Assembly in such case made and provided, is required to assume all damages in connection with the aforesaid location of Legislative Route No. A-1591-B.

8. The approval by the Governor of the plan locating Legislative Route No. A-1591-B, as aforesaid, was dated December 1, 1959.

9. The Petitioner alleges that the fair market value of the land owned by your Petitioner immediately after the condemnation was considerably less than the fair market value of the said land immediately before the condemnation.

10. Until this date, Petitioner and the Department of Highways of the Commonwealth of Pennsylvania, are unable to agree upon the amount of compensation to be made for the property taken.

WHEREFORE, Your Petitioner, Mary Pavlovich, widow, by her Attorneys, Gleason & Krumenacker, Esquires, pray your Honorable Court to appoint a Board of Viewers in the manner prescribed by law to ascertain and award just compensation to Petitioner for her property so condemned in accordance with the Acts of Assembly in such cases made and provided.

And she will ever pray, etc.

GLEASON & KRUMENACKER

BY:

Robert Davis Gleason
ATTORNEYS FOR PETITIONER

STATE OF PENNSYLVANIA:

SS.

COUNTY OF CAMBRIA:

Before me, a Notary Public in and for said County and State, personally appeared MARY PAVLOVICH, who, being duly sworn according to law, deposes and says that she is the Petitioner named in the foregoing Petition, and that the statements therein set forth are true and correct to the best of her knowledge, information and belief.

Mary Pavlovich

Sworn to and subscribed before

me this 2nd day of March, 1962.

Rosemarie A. Licastro

ROSEMARIE A. LICASTRO, Notary Public
Johnstown, Cambria County, Penna.
My Commission Expires Dec. 12, 1967

IN THE MATTER
OF ROUTE NO. A-1591-B, IN
THE TOWNSHIP OF RICHLAND,
CAMBRIA COUNTY,
PENNSYLVANIA.

I IN THE COURT OF QUARTER SESSIONS
X OF CAMBRIA COUNTY
X PENNSYLVANIA
X
I NO. MARCH SESSIONS 1962

O R D E R

AND NOW, to-wit, this 15th day of March, 1962,
on motion of Gleason & Krumenacker, Esquires, Attorneys for
Petitioner, and upon consideration of the within Petition, the
Court hereby appoints Donald J. Letizia Esq.,
Teefra Locher and Robert S. Mayer,
as a Board of Viewers upon the within Petition, and further
order that the Board of Viewers perform its duty in accordance
with the law and Acts of Assembly in such case made and
provided.

BY THE COURT:

Griffith P.J.