

Transferred from Page 166

beginning at a point on the westerly line of East Conemaugh Borough following a center line S. $50^{\circ} 08' 30''$ W., a distance of 337.49 feet to a point. Width of the proposed street along this center line is 40 feet; Thence along Bole Hollow in a Northwesterly direction are the following courses and distances: Thence N. $55^{\circ} 46' W.$, 194.43 feet to a point; Thence N. $65^{\circ} 35' W.$, 332.80 feet to a point; Thence N. $52^{\circ} 33' W.$, 239.26 feet to a point; Thence N. $47^{\circ} 44' W.$, 95.48 feet to a point; Thence N. $58^{\circ} 22' W.$, 139.75 feet to a point; Thence N. $48^{\circ} 16' W.$, 131.70 feet to a point; Thence N. $38^{\circ} 04' W.$, 296.69 feet to a point; Thence N. $56^{\circ} 56' W.$, 135.71 feet to a point; Thence N. $47^{\circ} 22' W.$, 89.48 feet to a point; Thence N. $37^{\circ} 20' W.$, 123.71 feet to a point; Thence N. $28^{\circ} 42' W.$, 106.89 feet to a point; Thence N. $51^{\circ} 47' W.$, 100.0 feet to a point at the other terminus of the proposed road; this road being 33 feet in width; all according to attached blueprint and made a part hereof.

Through the northwesterly terminus of this proposed public road would not be a connecting road between two roads, there is at its northwesterly terminus, five homes owned and occupied by taxpayers of East Taylor Township. The exact distance from the point of beginning of proposed public road in second street of East Conemaugh Borough to the end of the proposed road is 2313.38 feet, measured along the center line of the said proposed road.

Taking into consideration the fact that this road has been used by the public for a great many years, and is not an undue hardship on the Township Supervisors, we recommend that the prayer of the petitioners be granted, however, we assess no damages to any of the abutting property owners.

Witness our hands and seals this 4th day of March, A.D., 1948.

Fred Claflin
Theodore W. Hunt
Robert Mayer
Viewers

June

SESSIONS, 1947

*Continued from Page 403.**Witness our hands this sixth day of March, A. D. 1948**Mahlon Baumgardner**W. L. McGrath**Phedon W. Hunt**Viewers*

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Since the grade of the present (highway) roadway adjacent to our right-of-way is somewhat higher than our tracks, the fill required to bring the roadway to the same elevation for the additional 10 ft. would encroach on our tracks, which is vitally important in the maintenance of track structures. In addition, the drainage from the roadway would be toward our tracks and would result in our track serving as a drainage ditch for the roadway.

In considering selling your clients the 10 ft. strip of property, it would be necessary to include in the cost of construction, a concrete or masonry crib wall along the new right-of-way line so provisions could be made for a standard ditch along our tracks. In addition a complete drainage system along the roadway to take care of the roadway surface must be provided. The estimated cost of retaining wall is \$36,000.00.

If your clients are willing to bear the expense of this wall and the cost of the construction of the drainage system, which should have our approval, please advise and we will consider the sale of the property.

A copy of the letter above recited is hereto attached and made a part of this report, marked Exhibit B.

Much discussion took place at the time of the view and hearing and we continued the hearing until a later date.

The Board of Viewers to wit: Theodore Hunt, William J. McKeim met at the home of Mahlon Baumgardner, Ebensburg, Pennsylvania with Fred F. Treis, Esq., attorney for the petitioners on Tuesday March 2, 1948 for the purpose of arriving at a conclusion of all the facts presented to the Board of Viewers. The Viewers are unanimously of the opinion that a public road is necessary but under all of the facts involved they find it impossible to grant same. No map was produced showing right-of-way of Branch #2 of the Pennsylvania Railroad as it relates to the homes of petitioners of which there are about twenty-eight many of which are built on the proposed highway. It is out of the question to secure any land from the right-of-way of the Pennsylvania Railroad which was taken up through Mt. Mellon nor can the viewers lay out a road that would involve the Township of East Carroll with an expense so high as to make it prohibitive for the township to engage in laying out the road and maintaining same. The letter, Exhibit #2 is self explanatory and is made a part of the report to show the position of the Pennsylvania Railroad Company and the demands made by it upon the township.

Mr. McKeim was instructed about August 20th, 1947 to make a check on the proposed road to be laid out and he made a report stating that upon taking measurements it would be impossible to lay out a road between the right-of-way and the houses of the petitioners. Attorney Fred Treis, who represents the petitioners sat in on the discussions and he advised the viewers that he too believes that the laying out of said road, while necessary, is impractical and prohibitive. Every phase of the matter at issue was discussed most fully and carefully. The viewers feel and are convinced that should they lay out a public road under the above facts that a grave injustice would be done to all of the taxpayers of the Township of East Carroll and to the petitioners as well.

We therefore refuse to lay out the road above prayed for for the reasons above recited but recommend that the petitioners prepare a petition addressed to the Council of Patton praying said Borough of Patton to annex said real estate and property and incorporate same into the Borough of Patton, Cambria County, Pennsylvania.

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June

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The P.R. Branch and the location of the properties fronting on Donnelly Street extension. It was suggested that The Pennsylvania Railroad Company may give ten feet of its right-of-way on said Branch leading from Patton into the country. The right-of-way is in very bad shape, hundreds of ties have been "pulled" and many hundreds of feet of railroad rails have been lifted and further more at the upper terminus where said public road ends all of the ties, tracks and foundation have been washed away. Pursuant to the agreement between the property owners, the two Supervisors, Mr. Stratton, Attorney Fred G. Gess, Counsel for the petitioners, and the Chairman of the Board of Viewers in this view, a meeting between Mr. Mellon was arranged for on 19th day of August, 1947 at the office of Mr. Mellon in Eresson. The day thus arranged Attorney Fred G. Gess and Mahlon Baumgardner aforesaid met in the office of Mr. Mellon at Eresson and had an interview with said Mr. Mellon with reference to a grant of ten feet from the right-of-way of the Patton Branch #2 of the Pennsylvania Railroad Company in order to make the distance of 40 feet the legal requirement of width of a public highway feasible. The draft of map not complete, prepared by H. Kudak Dor Civil Engineer was used in the interview. We were advised to write to J. E. Smucker, Superintendent Pittsburgh Division of the Pennsylvania Railroad Division Central Region Western Pennsylvania Division. After going into a complete discussion relative to the ten feet of right-of-way discussed, Fred G. Gess, Esq., sent a letter together with a copy of the incomplete draft to J. E. Smucker, Superintendent aforesaid setting forth the matter and issues involved in the matter.

On or about the 18th day of August, 1947 Mr. Frank Dorr, Civil Engineer who ~~was~~ employed by the petitioners to prepare a plot or draft was stricken with Paralysis, which up to this time had incapacitated him. The print which Mr. Dorr used was turned over to Mr. H. S. Jencks for attention and he subsequently died. The matter of a blue print had very seriously handicapped the viewers. However to bring the matter to a head a view was called for by giving notice to the attorney for the petitioners, Shuttig and Swope, Esqs, Solicitors for the Board of Supervisors and a notice to Fred G. Gess, Esq., one of the petitioners and to William J. McBrain and Theodore Hunt, viewers calling for a meeting on January 17, 1948, said notices having been mailed on the 4th of January. Pursuant to said notice setting January 17th, 1948 at 1:30 o'clock P.M. as the time and beginning of the proposed road at the place Mahlon Baumgardner, William J. McBrain and Theodore Hunt appeared with many of the petitioners. We proceeded to travel over the course of the proposed public highway. No supervisor was present, nor were they represented by their counsel. We entered into a hearing and the matter of the right-of-way of the Pennsylvania Railroad Company sought to be granted to the Supervisors to make the width of the proposed public highway forty feet in width so as to confer with legal requirements. It appeared that a number of the houses have been built on the right-of-way, or rather proposed street or highway known as Donnelly Avenue as shown on a Plan of Lots of W. J. Donnelly & Company - Addition to the Town of Patton of record in the Recorder's Office of Cambria County, Pennsylvania. The Chairman of the Board of Viewers of the above view read a letter he had been handed by Fred G. Gess Esq. he had received from Supt. J. E. Smucker in response to the letter written by Mr. Gess on 20th of September, 1947. We quote the body of the letter, viz:

Reference is made to your letter of Sept. 20th relative to the residents of East Carroll Township, who reside along our railroad on our Patton No. 2 Branch, desiring to procure a portion of part on of our right-of-way.

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ten notices along the route of the proposed road and at the terminus of same, and by notice and acceptance thereof by Fred J. Tees, Counsel for the Petitioners and upon Aaron Crosser, Secretary of the Board of Supervisors, and by leaving a copy of same, said notice having been signed by Mr. Marie Crosser, wife of Aaron Crosser, aforesaid and upon Frank Dorr, Chief Clerk to the Board of County Commissioners of Cambria County, same having been attached thereto and made a part of this report and further that a copy of said notice was given to each of the said parties aforesaid.

The report shows that on August 14, 1947 a letter was received from the law office of Shettig and Swope, Esqs., stating that the law firm aforesaid is Solicitor for the Board of Supervisors. The letter further states that the petition for the appointment of viewers sets forth that a map is attached to the petition but that as a matter of fact, no map was attached to the petition. It further stated that, Mr. Dorr, the engineer who is to make the survey for the proposed road had advised Mr. Swope of the law firm aforesaid that the survey had not actually been made on August 12 and further that the law firm represents the Supervisors of East Carroll Township and that they would like to inspect the line of the proposed road before the time set for the view. Therefore it would be very much appreciated if you would continue this hearing from August 16th to August 23rd. In view of the fact that no map had been made upon the receipt of the letter and the date advertised for the view was set and duly advertised for August 16th, 1947 at 10:00'clock Eastern Daylight Time, the view was continued. Messrs McBrain and Hunt were called on the telephone and advised of the continuance of the view. Pursuant to said continuance, Mahlon Baumgardner, Chairman of the Board of Viewers appeared at the view as duly advertised on August 16th, 1947 at the place of beginning for the purpose of continuing said view. Upon his appearing at the place of beginning of the proposed road a large number of property owners were present together with their Counsel Fred J. Tees and several members of the Board of Supervisors and also one Mr. Stratton who represented the Pennsylvania Railroad Company, he representing a Mr. Miller out of the Breason P.R.R. Office. Supervisors for the Township of East Carroll A.L. Miller and W.A. Miller were present. All of those present walked over the proposed road and found a number of serious obstacles involved. It appeared that not sufficient ground was available to lay out a forty foot ^{wide} road because of infringing on the right-of-way of the Pennsylvania Railroad whose branch #2 abuts the property owners involved. A number of houses are built on the proposed road and thereby making it impossible to make a road forty feet in width possible. It was suggested that a possibility lies in the fact that the Pennsylvania Railroad Company may release ten feet of its right-of-way abutting on said Donnelly Avenue which is the extension of Donnelly Avenue in the Borough of Patton. Mr. Stratton, the Pennsylvania Railroad Representative, after consultation by the property owners, the Township Supervisors, Mr. Tees and Mahlon Baumgardner, Chairman of the Board of Viewers in question that a conference be arranged for between Mr. Howard Mellon, Superintendent of the Breason Branch of the P.R.R., and Messrs Tees and Baumgardner. During the period - to-wit: 16th August 1947 a draft of a map was shown but it was not complete as to lines of the right-of-way of

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No 2

the most advantageous route and taking into consideration all matters pertaining to the same and having due regard to any use the same may be applied as a public highway we are unanimously of the opinion that the same be laid out as a highway and we hereby lay out the same following the course and distances to-wit.

Beginning at a point on a township road known and designated as Route #11470, said point being approximately six tenths (0.6) of a mile from where the said Township road intersects with Highway #11036 leading from what was formerly State Highway Route No. 219 to Colver; thence from said point North sixty-two degrees thirty minutes West ($62^{\circ}30'$) a distance of seven hundred four and five tenths (704.5) feet to point thence North eighty five degrees thirty minutes West ($85^{\circ}30'$) a distance of two hundred eighty six (286) feet to a point on the old Nicktown Road - now abandoned; thence following said old Nicktown Road North sixteen degrees forty five minutes ($16^{\circ}45'$) a distance of one hundred eighty-four and seven tenths (184.7) feet to a point; thence North eighty five degrees twenty minutes West ($85^{\circ}20'$) a distance of nine hundred and sixteen (916) feet to a stake; thence South eighty-one degrees fifteen minutes West ($81^{\circ}15'$) a distance of nine hundred twenty six (926) feet to a stake; thence South seventy-eight degrees thirty minutes West ($78^{\circ}30'$) a distance of nine hundred fifty (950) feet to a stake; thence South eighty-nine degrees five minutes West ($89^{\circ}5'$) a distance of eleven hundred fifty-six (1156) feet to a stake; thence North seventy-six degrees West (76°) a distance of three hundred ninety two (392) feet to a stake; thence North sixty-five degrees seven minutes West ($65^{\circ}7'$) a distance of eight hundred thirty-five (835) feet to a stake; thence North fifty two degrees fifty-five minutes ($52^{\circ}55'$) W. a distance of five hundred fifty-four (554) feet to a point on a Township Road known and designated as Route No. 11478 an overall distance of six thousand nine hundred four and two tenths (6904.2) feet.

The road thus laid out passes through lands of John Norman Griffith, John Shaffer and Joseph Fenchik and in the opinion of the Viewers we are unanimous that the benefits accrued to the above property owners is far in excess to any damage that may accrue to them by reason of the laying out and opening of said road; we therefore assess no damage to the said John Norman Griffith, John Shaffer and Joseph Fenchik.

We attach hereto a blue print showing the above course and distances and make it a part of our Report.

In witness whereof we have hereto attached our hands and seals the twenty-ninth day of November, A.D. 1947.

Viewers

Michael Baumgardner

E. F. Dunagan

S. H. Genches

No 2

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Dickey & Company, on June 26, 1928 which said plan is of record.

No. 3. Beginning at the intersection of Gap Avenue and Lot No. 18 on the hereinafter mentioned Plan of Lots; thence along the line of Lot No. 18, South nine (9) degrees forty five (45) minutes East a distance of one hundred forty-six and six hundredths (146.06) feet to a point at intersection of lots No. 18, No. 31, and No. 30 on the hereinafter mentioned Plan of Lots; thence along the line of Lot No. 30 South eighty (80) degrees fifteen (15) minutes West fifty (50) feet to a point at intersection of Lots No. 30, No. 29, and No. 20 on the aforesaid Plan of Lots; thence along the line of Lot No. 20 North nine (9) degrees forty-five (45) minutes West a distance of one hundred forty-six and six hundredths (146.06) feet to a point on Gap Avenue; thence along Gap Avenue North eighty (80) degrees fifteen (15) minutes East a distance of fifty (50) feet to a point, the place of beginning, being marked, known and numbered as Lot No. 14 on the hereinafter mentioned Plan of Lots.

No. 4 All those three (3) certain lots of ground, Beginning at a point at intersection of Lehman Avenue and Lot No. 28 on the aforesaid Plan of Lots; thence along the line of Lot No. 28 North nine (9) degrees forty five (45) minutes West a distance of one hundred forty-six and seven hundredths (146.07) feet to a point at the intersection of Lot No. 28 No. 31 and No. 20; thence from said point North eighty (80) degrees fifteen (15) minutes East a distance of one hundred fifty (150) feet to a point at intersection of Lot No. 17 and No. 32 on the aforesaid Plan of Lots; thence along the line of Lot No. 32 South nine (9) degrees forty five (45) minutes East a distance of one hundred forty-six and seven hundredths (146.07) feet to a point on Lehman Avenue; thence along Lehman Avenue South eighty (80) degrees fifteen (15) minutes West a distance of one hundred fifty (150) feet to a point, the place of beginning; said lot being marked, known and numbered on the plan of George M. Afish, situated in Cambria County, Penna., by S. C. Dickey & Co., on June 26, 1928, as Lots No. 29, 30, and 31; said plan being recorded in the Recorder's Office aforesaid in Plat Book, Vol. 3 at Page 157.

No. 5: Fronting twenty-four and thirty-five hundredths (24.35) feet on the easterly side of State Highway No. 56, running between Shistown Borough and Scalp Level Borough and identified on the hereinafter mentioned plan of lots as Bedford Street, and extending back the same width between parallel lines a distance of one hundred (100) feet, more or less, to the line of Lot No. 21 on said plan, and bounded on the southerly side by Lot No. 25, now of John and Angeline Jacoby, and on the northerly side by the northerly one half of Lot No. 24; and being marked, known and numbered on the George M. Afish plan of lots as laid out by S. C. Dickey & Co., on June 26th 1928, and numbered and recorded in Cambria County in Plat Book Vol. 3 at page 57, as the Southerly One Half of Lot No. 24.

No. 6: Beginning at a stake on the southerly boundary line of Gap Avenue on the hereinafter mentioned plan of lots; thence South nine degrees forty-five minutes (9 deg 45') East along line of Lot No. 19 on said Plan of Lots, a distance of one hundred forty-six and six hundredths (146.06) feet to a stake, corner of Lot No. 29 on the hereinafter mentioned Plan of Lots; thence South eighty degrees (80) degrees fifteen (15) minutes West along the boundary line of Lots 29 and 28 on the said Plan of Lots a distance of one hundred (100) feet to a stake, corner of Lot No. 24 on the hereinafter mentioned Plan of Lots; thence North nine degrees (9) degrees forty-five (45) minutes West along the line of Lots Nos. 24, 23 & 22 on the hereinafter mentioned Plan of Lots, a distance

of one hundred forty-six and six hundredths (146.06) feet to a stake on the westerly line of Gap Avenue North eighty (80) degrees fifteen (15) minutes East a distance of one hundred (100) feet to a stake the place of Beginning; being marked, known and designated on the Plan of Lots prepared by S. C. Dickey and Company on June 26, for George M. Ofish, as Lots Nos. 20 & 21; said Plan being recorded in the Recorder's Office in Cambria County, Pennsylvania, in Plat Book, Vol. 3 page 157; having erected thereon a two-story four apartment building;

Under and Subject, Nevertheless, to the condition, exceptions, restrictions and reservations, in prior deeds contained.

That we were duly sworn or officiated as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the Court; that due public notice of the time and place of the meeting of the said Viewers was given by posting two handbills upon the premises of John F. and Angelina Jacoby who accepted service of the Notice of same. Personal service was made upon C. E. Forbes, District Engineer of the State Highway Department with offices at Hollidaysburg. No attorney being of record notice of the time and place of the meeting was thus given to the Highway Department who would in due time appoint Counsel to represent the State: upon Maurice C. Springer, Chief Clerk to the Cambria County Commissioners and upon Frank P. Barnhart, Esq., Counsel for the petitioners and owners Mr. and Mrs. John Jacoby, all of which, copies of service are hereto attached and make a part of this Report. All of the parties having been given a copy of the Notice of View to which they had accepted service. Pursuant to said Notice to View we met on the premises on November 24, 1951 at 10 o'clock A. M. and proceeded with the duties of our appointment. All of the Viewers were present as were John Jacoby and Angelina Jacoby and Frank P. Barnhart, Esq., Counsel for them. No one appeared for the State Highway Department. A very careful inspection was made of the land and the premises affected by the improvement of the said Highway. A very exhaustive inspection was made of the conditions affecting the premises of the petitioners. An examination of the change of the location and affected thereby and all other elements pertinent to the matter in issue. We were shown through the house and apartment and its relation to the improved highway. In the absence of a representative of the Highway Department no tentative date for the taking of testimony could be fixed. We were informed that Gerry Spruce, Esq., had been appointed to represent the State Highway Department. After many continuances on the part of counsel for the petitioners and for the State Highway Department a time and place was fixed. It was mutually agreed that February 9, 1952 at 10 o'clock P. M. in the Judges Chambers in the United States Bank Building is the place. Pursuant to aforesaid mutual agreement we met on February 16, 1952 at 10 o'clock in the Judges Chambers in the United States National Building, Johnstown, Pennsylvania and proceeded with the duties of our appointment. There were present at the meeting to offer testimony a number of persons together with the members of the Board of Viewers, Frank P. Barnhart, Esq., Counsel for John and Angelina Jacoby and Joseph H. Ligon, Esq., Counsel for the Highway Department of the Commonwealth of Pennsylvania. The owners and petitioners were heard first. An array of witnesses were called which included real estate value experts and real estate brokers. We do not deem it necessary to give names of witnesses who were called and sworn. The State Highway Department too had representatives of the department as witnesses together with real estate value experts and real estate brokers, much time was spent by negotiation counsel in direct examination and in cross examination during the day. All witnesses were given an opportunity to testify. The entire day was used in bringing in all facts pertinent to the matter in issue.

It was mutually agreed by the attorneys representing each side that all legal requirements as to advertising the Exhibit of Schedule and the filing of the Report of the Viewers be dispensed with because of the expense involved in doing so.

From Page 417

No. 1 June Sessions 1946 —

- Deeree -

And Now, September 17, 1947, the order heretofore made, dated August 19th, 1947, recommitting the within matter to the reviewers with direction to file a supplemental report within thirty days from that date is hereby modified so that the reviewers are directed to file such supplemental report within thirty days from the date of this order.

On the 17th day of September the Honorable Court appointed W. J. Mc Grain, S. H. Jencks and Robert B. Mayer to file a supplemental report within thirty days.

We approve the report of the 17th day of June, 1946 that was made by Mahlon Baumgardner, W. J. Mc Grain and E. F. Dunnegan. We approve a right of way of 40 feet with no property damage.

We recommend to build from Route # 437 to Route # 22, known as William Penn Highway, terminus of the said road being in the Township of Jackson, Cambria County, Pennsylvania.

We held a hearing on October 4, in #4 Courtroom and approved the building of said road from Route No. 437 at a point located 1522 feet West of The Nanty Glo Borough Line and ending at Pennsylvania State Highway, Route No. 22, said point being located 2130 feet from The Township Route No. 428 and 4238 feet Westward from Muncy Corner Pennsylvania.

Yours

W. J. Mc Grain

S. H. Jencks

Robert B. Mayer.

March 11-1948 Confirmed Absolute by Order of Court and width fixed
 March 11, 1948 Order to Open issued to Harry A Leidy at 40 feet
 March 11, 1948 Certified to Dept of Highways

No. 4 In Re - Laying out of a Public Highway

March 1, 1948 Report of Viewers filed
 March 10, 1948 Approved by the Court. McKernish Judge.
 June 16, 1948 Confirmed Absolute Joseph C. Hess Clerk of Courts
 June 21, 1948 Certified to Dept. of Highways
 June 21, 1948 Order to Open issued to D. H. Keimer - Supervisor

Report of Viewers

We the undersigned viewers appointed by your Honorable Court to view a certain proposed road or highway in the Township of Upper Yoder, County of Cambria and State of Pennsylvania beginning at a point on the Menoher Highway, a public highway in said township, and extending in a westerly direction to America Avenue, a public highway, the exact distance from the beginning of said proposed road to an intersection of a public highway is 1850 feet to Mellott Avenue, a public highway situated from the beginning of said proposed road, the exact distance from the ending of said proposed public road to an intersecting road, to wit: Mellott Avenue, a public highway is 650 feet for the purpose to view the location and determine the advisability, or otherwise, of the said proposed public highway.

That we have been duly qualified as members of the Permanent Board of Viewers of Cambria County as is shown by the records in said county, that we gave due public notice of the time and place of the meetings of the Board of Viewers as required by law by posting ten notices at the termini of said proposed road and along the route of same and by notice upon Frank P. Barnhart, Esq., attorney for the petitioners and upon Walter E. Fort, Assistant Chief Clerk to the Commissioners of Cambria County, Pennsylvania, acceptance of service of same being hereto attached and made a part of the report within. A notice of said view was mailed to Mr. Curtis Barnhart, Secretary to the Board of Supervisors of Upper Yoder Township for himself being a member of the Board aforesaid. His acceptance of service however was not returned properly executed. Copy of letter mailed to said Curtis Barnhart, Secretary aforesaid, is hereto attached and made a part of this report.

Pursuant to said notice, the Board of Viewers met on Friday, January 2nd at 10 o'clock A.M. for the purpose of performing the duties of our appointment. Mr. S. N. Jencks, one of the viewers therein, did not attend the view for the reason as he stated "It was too cold." Theodore Hunt and Mahlon Baumgardner, the other two viewers, reported for duty. Mrs. A. H. Trent and Jacob Shenkel were present, but Frank P. Barnhart, Esq., attorney for the petitioners, nor any members of the Board of Supervisors were present. We went over the entire proposed public highway from its place of beginning to its place of ending.

Mr. S. N. Jencks, the third member of the Board of Viewers in the above proceedings died on January 12, 1948. On February 21, 1948 on petition of Mahlon Baumgardner praying for the appointment of a third viewer to fill the vacancy caused by the death of S. N. Jencks aforesaid, the Court appointed John L. Elder recently appointed a member of the Permanent Board of Viewers of Cambria County. Theodore Hunt and Mahlon Baumgardner agreed that a public highway was necessary for a parties interested. On pursuance to the appointment of John L. Elder, aforesaid, who likewise is a civil engineer, he and the Chairman of the Board for said view made a survey of the proposed road on February 21, 1948. It appearing that said John L. Elder had not yet been sworn in as a member of said Board, Mahlon Baumgardner, Chairman of the Board in the above proceedings administered the oath to said John L. Elder for the view in question.

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Since that time to wit February 24, 1948, said John L. Elder filed his oath as administered by the Prothonotary in said office. Mahlon Baumgardner having been sworn in on the 8th day of August 1945 and on February 28, 1948, filed his oath in the Prothonotary's Office.

All the viewers made a careful inspection of the route, having due regard to the shortest distance and the best ground for the road, then proceeded to lay out the (road) same as a public road between the points indicated in the petition and the most advantageous route and taking into consideration all matters pertinent to the same and having due regard to any use the same may be applied to as a public highway, we are unanimously of the opinion that the same be laid out as a highway and we hereby lay out the same with the following courses and distances, to wit:

Beginning at a point on a public highway known as the Menoher Highway leading from Johnston to Ligonier, said point being (to feet) eighteen hundred and fifty (1850) feet to Mellott Avenue having lands of George M. Spence and Nupp property abutting said Menoher Highway and on the road herein laid out; thence from said point North fifty-four (54°) degrees twenty-nine (29) minutes West, a distance of five hundred forty two (542) feet to a point; thence from said point North fifty-two (52°) degrees five (5) minutes West, a distance of four hundred eighty-two (482) feet to a point; thence continuing North thirty-six (36°) degrees forty-five (45) minutes West, a distance of two hundred twenty-nine and five tenths (229.5) feet to a point; thence North twenty three (23°) degrees fifteen (15) minutes West, a distance of two hundred ninety-one (291) feet to a point; thence North forty-seven (47°) degrees twenty (20) minutes West, a distance of two hundred seventeen (217) feet to a point; thence North eighty-six (86°) degrees fifteen (15) minutes West, a distance of two hundred forty-one and five tenths (241.5) feet to a point; thence South sixty-one (61°) degrees thirty-two (32) minutes West, a distance of three hundred twenty-nine (329) feet to America Street, said point being six hundred and fifty (650) feet to Mellott Street; a total distance of twenty three hundred thirty-two (2332) feet. The adjoining property owners are George M. Spence, Nupp, Jacob Shenkel, A. L. Trent and Joseph Hunt. The members of the Board of Viewers are of the unanimous opinion that the benefits accruing to the above named property owners are far in excess of any damages that may or will be sustained by them, therefore, we assess no damages which shall be conclusive to the property owners herein above recited and named.

We attach hereto a blue print showing the above courses and distances together with the property owners and make it a part of this report.

In witness whereof we have hereunto attached our names this First day of March A.D. 1948.

Mahlon Baumgardner
Theodore W. Hunt
John Elder.
(Viewers)

From Page #155

No. 2 September Sessions 1946 - Proposed public highway - Jackson Twp.

Kenneth Griffith and Ralph Hagerich and on the south by Dought Griffith, Ernest Grumbling and Paul Susko. The Plan of Lots is on record in Plat Book Vol. 3, Page 193.

The said street on Griffith Avenue is 1466.7 feet in length.

We are informed that all lots are sold save five (5) Nos. 23-24-25-26 and 27 which are retained by the said Harry H. Griffith, shown on map attached hereto. Five looking houses are built on lot Nos. 15-16-18 and 19 and two are under construction on lots 7 and 8.

The Petitioners would, unquestionably, be inconvenienced by making the said Griffith Avenue a public highway.

Furthermore it is the consensus that the section involved will become a considerably built up section within a comparatively short period of time. And so far as the township is concerned it will benefit directly by reason of the fact that after the homes are built the assessment will be changed from vacant land to houses and lots, and it should increase the revenue of the township by a considerable amount.

The Viewers, therefore, in compliance with their duties have estimated and determined the benefits, agreeing there is occasion for a public road; with the understanding, however, that Jackson Township and Cambria County be released from all claims for damages that may arise from opening of said road.

We have notified the parties interested that this report will be filed with the Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, on or before the first Monday of December, 1946, as required.

Witness our hands this 2nd day of November, 1946.

S. H. Jencks

E. F. Dunegan

Mahlon Baumgardner

Cost of View -

S. H. Jencks	\$64.60
E. F. Dunegan	15.90
Mahlon Baumgardner	14.30
	<u>\$94.80</u>

From Page #151

No. 2. Jan Session 1946 - Proposed Public Road - Conemaugh Twp.

- Report of Viewers -

Addenda to report dated July 30, 1946.

To the Honorable, the Judges of the above named Court, we, the undersigned viewers, appointed by the annexed order of the Court to view the proposed road within mentioned respectfully report;

Route of road viewed, beginning at a point in the Dale Road at the intersection of the Dale Road and Burkhardt Street; thence along Burkhardt Street North $87^{\circ}48'$ East 1279.78 feet to a point in Burkhardt Street; thence along the center line of Burkhardt Street North $30^{\circ}58'$ East 161.21 feet to the P.C. of a curve to the left whose radius is 188 feet, an arc distance of 146.78 feet to a point on the center line of Burkhardt Street; thence North $13^{\circ}46'$ West a distance of 86.26 feet to a point in the Frankstown Road the terminus of Burkhardt Street as viewed, making a total of 1674.13 feet as shown and tinted in green on the attached blueprints.

Signed by the members of the Board of Viewers this nineteenth day of March 1947.

Theodore W. Hunt
Robert G. Mayer
James M'Cann

Cert of Addenda

Theodore W. Hunt - #11⁰⁰

Mar. 28, 1947 - Re-certified to Dept. of Highways

Mar. 28, 1947. Certified to Supervisors.

C

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Draw Page #158

No. 5. September Session 1946 - Proposed Public Highway - Adams Trp.

That after taking into consideration all the matters before us, we are of the opinion that the roads as prayed for by the Petitioners and viewed by us are necessary and convenient and will not create an undue hardship on the Supervisors, therefore we recommend that the prayer of the petitioners be granted.

However we assess no benefits or any damages to any of the abutting property owners.

Witness our hands and seals this 17th day of December, A.D., 1946 -

Robert C. Mayer }
Fred Clafflin } Viewers
Theodore W. Hunt }

Cost of View.

Robert C. Mayer	\$82.50
Fred Clafflin	15.50
Theodore W. Hunt	16.60
	<u>\$114.60</u>

May 5, 1947 - Return by Supervisors - Filed

From Page #150

No - 1 June Session 1946 -

- Decree -

And now, Sept. 17, 1947 - the order heretofore made, dated Aug. 19, 1947 - recommitting the within matter to the reviewers with direction to file a supplemental report within thirty days from that date is hereby modified so that the reviewers are directed to file such supplemental report within thirty days from the date of this order.

By the Court:
Griffith J.

October 9, 1947 - Report of Reviewers - Filed
- Decree -

Now, March 10, 1948, it appearing that the Road as laid out by the Viewers was found to be necessary and a part of the Road was not to be opened until some future time and the Reviewers confirmed the recommendation of the Viewers and the Court recommitted the Review to the Board of Reviewers for supplemental report and the Reviewers by supplemental report herein recommended the edging out and opening of the proposed Road, in its entirety, the supplemental Report is now confirmed and the width of the Road fixed at 40 feet.

By the Court
McKinnick, J.

Report of Review

On March 3, 1947, your honorable court appointed viewers for the purpose of reviewing a view that was made on the 17th day of June of 1946. We, the viewers, composed of W. J. McDrain, S. H. Jencks and Robert D. Mayer, approve the view of 1946 that was made by Mahlon Baumgardner, W. J. McDrain and E. F. Dunagan. We approve a right of way of 40 feet with no property damage. We, the viewers, W. J. McDrain, S. H. Jencks and Robert D. Mayer, went over this property and held a hearing at the Jackson Township Building at Mundy's Corner on May 17, 1947.

We recommend to build from Route No. 437 a distance of 1328 feet in the direction of the William Penn Highway. We also recommend building 1383 feet from the William Penn Highway, Route No. 22, a distance of 1383 feet in the direction of Route No. 437, leaving a balance of 2312 feet to be built when it becomes necessary.

1. On the 17th day of June 1946, your honorable court appointed viewers for the purpose of making a report as to the advisability of establishing a public road in the Township of Jackson, County of Cambria and State of Pennsylvania, from route No. 437 to Pennsylvania State Highway Route No. 22. The termini of said road being in the Township of Jackson, Cambria County, Pennsylvania, "To Begin on Township Route No. 437, at a point 1522 feet West of the Nanty Glo Borough Line, and ending at Pennsylvania State Highway Route No. 22, known as the William Penn Highway, said point being located 2130 feet Eastward from the Township Route No. 428, and 4238 feet Westward from Mundy's Corner, where said Route No. 11030 intersects said Route No. 22."

2. On the 4th day of September, 1946, the said Viewers filed their report, wherein they allege that there is occasion and necessity for such a road as prayed for in the petition, and recommend that the road be established.

3. Your petitioners aver that in the event the report of said Viewers is confirmed, it will be injurious to them and burdensome to the inhabitants of the Township of Jackson, through which the said road will pass.

W. J. McDrain
S. H. Jencks
Robert D. Mayer
Viewers

Transferred to Page 409

From Page #152

3

June 1946 }
 W. Re. Order to view
 proposed public road
 in Lower Yoder trap
 Cambria County.

Signed by the members of the Board of Unimproved this
 twenty-sixth day of July, 1946

Cost of Univ. R. B. Mayer \$84.35
 T. W. Hunt 15.90
 J. McCann 13.70
 \$113.95

Robert G. Mayer
 Theodore W. Hunt
 James McCann

From Page #159

No
6
Sept
1946Proposed Vacation of Highway in
Washington Township, Cambria
County, Pennsylvania.

of about 200 souls, plan to have a road built that will leave State Highway Route No 11071 at nearly right angles - see Proposed Road on said sketch. And a sewer line to be laid down this proposed road, crossing under said Route No. 11071 in the direction of Bens Creek. Water is pumped to Scanlon Hill from a station on Bens Creek.

There is no question that the road proposed to be vacated "has become useless and burdensome." One of the settlers has built a shed to house two autos right in the road (about where the letter "d" is in "abandoned") and another inhabitant has a chicken yard at or near "by". Should have stated that its the first "d" in abandoned.

Then again there is no connection at south end of Proposed Vacation (at 2880) with Route 11071. There is a drop here of 8 feet or so, a cut when building said route 11071.

All agreed with Petitioners, not a dissenting voice, that the said road should be vacated.

The Viewers, therefore, in compliance with their duties, after giving the matter full consideration agree there is no occasion for said road and should be abandoned for the best interests of all parties concerned.

We have notified the parties concerned that this report would be filed with the clerk of Courts for the next Court of Quarter Sessions to be held for said County.

Witness our hands this 10th day of January, 1947 -

S. H. Jencks
W. J. McGRAIN
L. E. KAYLOR

Cost of View.

S. H. Jencks	\$65.80
W. J. McGRAIN	13.30
L. E. KAYLOR	14.90
	<u>\$94.00</u>

June 16, 1947 - Confirmed absolutely - Jean Joy - clerk of Courts
July 7, 1947 - Certified to Department of Highways
July 7, 1947 - Order to vacate issued to supervisors
July 7, 1947 - Certified to Supervisors
10-8-47 - Return by Supervisors - Filed

SESSIONS, 19

From Page #138 - Viewers Report Laying out Public Highway Upper Yoder Township

#1 December Sessions 1944

All three Viewers and one interested citizen were present; that said proposed new road is now a dedicated highway, Magdalene Street being 50 feet in width and Jusquehan Street being 60 feet in width as shown on the John K. Miller Plan of Lots and Colored in green on the blue print hereto attached and made a part hereof, that one of the termini named in the petition and in this report is at a point other than in a public highway or place of public resort, the other terminus is in a public highway, namelyoucher Street. We find, however, that said proposed road is necessary for public travel and for the use of property owners abutting thereon. The description of said proposed road is as follows: -

Beginning at a point inoucher Street, the exact location of the place of beginning from the nearest intersecting public highway now Eugene Street Extension is a distance of 869 feet measured along the center line ofoucher Street in a northwesterly direction from said Eugene Street Extension. The exact location of the place of ending is along Magdalene Street, S. 58° 18' W., 376 feet to the intersection of Jusquehan Street, thence along Jusquehan Street, N. 31° 42' W., 393.35 feet to the Westmont Borough Line.

Taking into consideration all of the matters before us, we are of the opinion that said road as prayed for by the petitioners and laid out by us is necessary and convenient for the several houses erected thereon and those hereinafter to be erected and will not be burdensome to the taxpayers of Upper Yoder Township, therefore we recommend that the prayer of the petitioners be granted; however we assess no benefits and no damage to any of the abutting owners.

Witness our hands and seals this 17th day of March A.D., 1945

James McLean
Theodore W. Hunt
Robert D. Mayer } Viewers

Cost of View	
James McLean	\$72.70
Theodore Hunt	13.40
Robert D. Mayer	14.80
	\$100.40

From Page #139 - Viewers Report Laying Out Public Highway, Upper Yoder Township

#1 March Sessions 1945

- are at existing public highways, one on Goucher Street and the other on Christopher Street. The description of said proposed road is as follows: Beginning at a point at the intersection of Mellon Court with Goucher Street (State Highway Route 11007), a public highway and extending over and across Mellon Court and Irving Street to Christopher Street, also a public highway in said Township of Upper Yoder, all of which is shown in green on map as laid out by S. E. Dickey & Co., Engineers, which map is hereto attached, made part hereof.

The exact distance from the point of beginning of proposed public road from an intersecting public road, namely Dupont Avenue, a public highway in the Borough of Westmont, County of Somerset, is 570 feet measured along the center line of said Goucher Street in a southeasterly direction from said Dupont Avenue; and the exact distance from the point of ending of said proposed new highway from the nearest intersecting public highway, namely Goucher Street is 356.04 feet, measured along the center line of said Christopher Street, in a northeasterly direction from its intersection with said Goucher Street, as shown on said map.

Taking into consideration the fact that Mellon Court has been in use for some time and that there are three improved properties on Christopher Street and the remaining property on Christopher Street, will quickly be developed as soon as said streets are opened, therefore, we recommend that the prayer of the petitioners be granted, however we assess no benefits and no damages to any of the abutting owners.

Witness our hands and seals this 26th day of July, A.D. 1945

James M. Carr } Viewers
Robert B. Mayer }
Fred W. Claphin }

From Page #136 - Viewers Report - laying out public road, Summerhill Twp near Wilmore

#4 Sept Sessions 1944

S. 43° - 28' E., 300 ft., thence S. 44° - 28' E., 600 ft., thence S. 43° - 28' E., 300 ft., thence S. 44° - 58' E., 188 ft. to Station 18 plus 30, the end of the view and a point on the division line between lands of Walter Sherbine and John Costey.

The width of the proposed road to be 40 feet and the distance described above 1830 feet.

It will be noted that the Viewers were to extend the proposed road to "a point immediately in front of the residence of John Costey in said Township". This was not done for two reasons: (1) the ground drops considerably from the end of the view (see map attached hereto) to the residence of John Costey, and, moreover, it's not the direction for an economic or feasible extension later on. (2) At the end of the view the topography of the region is such that to extend the road it should swing either easterly, in the direction of Postage, or southerly towards Spring Hill.

We, the undersigned members of the Permanent Board of Viewers of Cambria County, and also H. Frank Dohr, Chief Clerk in the office of the County Commissioners of Cambria County, were assured by members of the Board of Supervisors of Summerhill Township that release of damages has been acquired by the said Board of Supervisors from abutting property owners. In this case the only property crossed by the proposed road is that of Walter Sherbine.

In compliance with our duties as Viewers we have estimated and determined the benefits, agreeing there is occasion for a public road, with the understanding, however, that Summerhill Township be released from all claims for damages that may arise from opening of said road.

We have notified the parties interested that this report will be filed with the Clerk of the Court of Quarter Sessions of Cambria County, Penna. the week of March 4th, 1945.

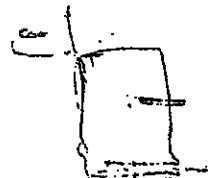
Witness our hands this 1st day of March, 1945 —

J. H. Jmcke
James M^cGunn
W. J. M^cPrain } Viewers

Cost of View

J. H. Jmcke	\$ 73.20
James M ^c Gunn	29.60
W. J. M ^c Prain	14.20
	<u>\$117.00</u>

Iron Page #1444



On Re. Petition to vacate public Road in White Township, Cambria County, Pennsylvania. (Baker Road.)

David Bates, Esq., a Supervisor of the Township of White and Thomas D. Griffith, of Ebensburg who was interested in the proceedings. Thomas D. Griffith with others is interested in the removal of some timber at the Patton - St. Lawrence section of said Baker Road and it was mutually agreed by all of the Parties in attendance that the said Baker Road be vacated but that same be made a Private Road thereby relieving the Supervisors of White Township of further maintaining the said Baker Road and the sense of fair play and justice be maintained by declaring same a private road. We traveled over said Baker Road and it is the unanimous opinion of the Members of the Board of Viewers that same be vacated as a public highway and road but that it be retained as a Private Road. We therefore vacate the Baker Road extending through said White Township leading from the Clinton - Patton Road to the Coalport - St. Lawrence Road beginning at the intersection of the said Baker Road with the Clinton - Patton Road by the way of the Beaver Valley in White Township at a point about 100 feet North of the intersection of said Beaver Valley - Patton - Clinton Road with Traffic Route #165 at the Beaver Valley Church, and extending in a westerly direction a distance of 10,088 feet to the place where the said public Road (Baker Road) intersects with the Coalport - St. Lawrence Road, at a distance of approximately 26.40 feet North of the intersection of the Coalport - St. Lawrence Road with the Clinton - Patton Road now known as Traffic Route #165 for the reason that it has become inconvenient, impracticable and burdensome and we the Members of the Board of Viewers make and declare the above described road now vacated to be a private road without any liability accruing to the Supervisors of White Township and their successors in office. The members of the Board of Viewers feel that for all practical purposes the ends of justice have been met by our unanimous action as above outlined in our Report. There being no further business pertaining to the view the meeting adjourned.

We, the members of the Board of Viewers in the above view are all duly qualified members of the Permanent Board of Viewers as will more fully by the records on file in their respective office.

And now, the third day of December A.D., 1945 we affix hereto our hands and seals -

Viewers { S. H. Jencks
Ed. F. Dunegan
Mahlow Baumgardner

Cost of View

Mahlow Baumgardner	\$ 59.20
S. H. Jencks	17.60
E. F. Dunegan	17.00
	<u>\$ 93.80</u>

April 5, 1946 - Return by Supervisors - Filed
Road vacated March 18, 1946.

From Page #146 — No. 2 — December Sessions 1945

In Re: Petition for adoption of Roads
as Township Highways — Richland Township

Richland Township and being 40 feet in width the entire length,
Beginning at a point on Calder Street, thence North $4^{\circ}22'$ East a distance of 400.00 feet to Stonycreek Township line and Rainbow Drive, being known and designated as Coral Avenue and being 40 feet in width the entire length.

Beginning at a point on Calder Street, thence North $4^{\circ}22'$ East a distance of 400 feet to Rainbow Drive, being known and designated as Woodside Avenue, and being 40 feet in width the entire length.

Beginning at a point on line of Stonycreek Township and Coral Avenue, thence $85^{\circ}38'$ East a distance of 660.00 feet to Woodside Avenue, being known and designated as all of that portion of Rainbow Drive situate in Richland Township and being 40 feet in width the entire length.

All of which is in accordance with the Plan of Lots designated as Abbot's Gardens as laid out by Gray and Chaplin, Engineers, dated July 6-1940 for Gitella Wertz.

(5) Beginning at a point on Cherry Lane, thence South $22^{\circ}01'$ East a distance of 327.50 feet to a point, thence continuing in a general southeasterly direction along and arc a distance of 242.91 feet to a point, thence continuing South $35^{\circ}15'$ a distance of 994.94 feet to a point on line of land of Perry E. Paudis, thence North $65^{\circ}23'$ East a distance of 360.56 feet to a point on line of brick road leading to Yellow, being known and designated as Hauptman Drive and being 40 feet in width the entire length.

All of which is in accordance with the Plan of Lots as laid out by Karl Christie, dated December 31, 1940 for Noah E. Hauptman, is approved and the said roads are hereby township highways and a part of the highway system of Richland Township and are under the care and responsibility of the supervisors of Richland Township.

By the Court
Griffith J

From Page #123 Viewers Report opening of State Legislative Route 11011

#1 September Sessions 1943

o'clock A.M. on the 15th day of February, 1944. However, on account of some of the Attorneys not being able to appear said meeting was continued to the 23rd day of February A.D. 1944. That we met in accordance with said continuance at 10:00 o'clock A.M. on the 23rd day of February A.D. 1944 and proceeded with the taking of testimony at which time James A. Graham, Philip N. Shettig and James R. Graham, attorneys for the petitioner, George M. Spence, Solicitor for Calaveras County, H. J. Dorr, County Engineer and the Viewers were present. After hearing certain evidence, and by request of Counsel for the petitioner and the County the meeting was continued to the 26th day of February A.D. 1944. That in accordance with said continuance we met at the Judges' Chambers at 10:00 o'clock A.M. on the 26th day of February A.D. 1944 and proceeded with the taking of testimony at which time a map was offered showing the property of the Citizens' Cemetery Association enclosed within the yellow lines shown thereon, State Highway Route #11011 - Spur Section 1 as constructed colored in green thereon and the main driveway of the Grandview Cemetery cut off at the Chapin Memorial Arch and rendered useless colored in red thereon. There being no objections said offer was admitted. Also the certificate of Incorporation of the Citizens' Cemetery Association and the deeds of the various tracts of land owned by the Citizens' Cemetery Association as set forth in "Petition for Decree appointing Viewers" filed as recorded in the Recorder's Office of Calaveras County, referred to in said petition a copy of which is hereto attached was offered and admitted. Also the Act of the Legislature, #295 approved July 12-1935, P.L. 746, establishing Legislative Route 11011 - Spur Section 1 and the Act of June 23, 1931, P.L. 920, as amended by the Act of June 1, 1933, P.L. 1412, as amended by the Act of May 21-1937, P.L. 757, condemning said right of way was offered and admitted as set forth in copy of the "Petition for Decree appointing Viewers". Also the resolution of the County Commissioners in session on June 30, 1939 as set forth in the "Petition for Decree appointing Viewers" was offered and admitted. That H. G. Stutzman, a witness for the petitioner, was called, affirmed and testified that he had been Assistant Superintendent for the Citizens' Cemetery Association from 1913 to 1922 and Superintendent from 1922 to date. He was further qualified as an expert on Cemetery valuations, which qualification was admitted, and testified as to the value of the property of the Citizens' Cemetery Association immediately before said condemnation and improvements and as unaffected by said improvements and the value immediately after said improvements and as affected by said condemnation and improvements. After Cross-examination by Attorney Spence for the County, no other witnesses were called. James A. Graham, one of the Attorneys for the petitioner informed us that said property of the Citizens' Cemetery Association was tax free; that same is free and clear of all liens, judgments and mortgages which is further confirmed by a Certificate from Graham, Vost, Meyers and Graham, Attorneys for Citizens Cemetery Association which is hereto attached and made a part hereof. After concluding the taking of testimony, we reviewed the evidence, testimony and exhibits and after due consideration of same we estimated and determined the damages sustained by the Citizens' Cemetery Association for the purpose of preparing a Schedule of Damages.

That Notice of the time and place of meeting for the purpose of exhibiting a Schedule of Damages was given at least ten days prior to the time of said meeting to all persons interested, by personal service of same upon the petitioner, which was accepted by George Walker Williams, Secy, J. A. Graham, Vost, Myers & Graham, Solicitors for the petitioner and upon the County Commissioners which was accepted by H. J. Dorr, Chief Clerk and George M. Spence, Solicitor for the County Commissioners and by publication of said Notice in one issue of the Johnstown Tribune evidence of which is shown

SESSIONS, 19

From Page #426 - Viewers Report opening of State Legislature Route 11011

#1 Sept Sessions 1943

by copies of said Notices hereto attached and made a part hereof; that we met in accordance with the notice given for the Exhibit of Schedule at the Judges' Chambers, 505 United States National Bank Building, Franklin Street, Johnston, N.H. on the 29th day of February, A.D. 1944 at 10:00 o'clock A.M. and exhibited said Schedule, a copy of which is hereto attached and made a part hereof. During the Exhibit of Schedule representatives of the Citizens' Cemetery Association and the County of Cambria and the Viewers were present. No exceptions or further testimony were offered; that after due consideration of all exhibits, testimony and all other matters before us, we have assessed benefits and damages to the Citizens' Cemetery Association as follows:

NAME	BENEFITS	DAMAGES
Citizens' Cemetery Association	NONE	\$40,000.00

According to the testimony and Certificate, there being no liens, judgments or mortgages against the property of the Citizens' Cemetery Association the damages are payable to said Citizens' Cemetery Association by the County of Cambria, Pennsylvania; that we prepared and advertised this day in the Johnston Tribune as required by law, a Notice of Filing Report of Viewers, a copy of which is hereto attached. Signed this 6th day of March A.D. 1944

L. G. Kaylor
S. B. Dickey
Mahlon Baumgardner } Viewers

Cost of View
L. G. Kaylor \$78.80
S. B. Dickey 121.00
Mahlon Baumgardner 63.20
\$263.00

From Page #12 ✓
 #6 June Sessions 1943 - Opening out Public Road in the Township of Conewango

Highway, namely, the Franklin Road, herein referred to, is eight-tenths of a mile, measured from the center line of the proposed road in an easterly direction to the center line of the Franklin Road, the nearest intersecting Highway as aforesaid. The ending of the proposed road is at a point other than in a public highway or place of public resort, but the proposed road is necessary for public travel.

There was no objection to the Road and the Supervisors present favored it. After taking into consideration all the matters before us, we are agreed that a necessity exists for the opening of the road to public travel and it will not be burdensome to the taxpayers of the Township.

We, therefore, recommend that the prayer of the petitioners be granted and the road opened. There are no damages nor benefits to any person residing along the route of the proposed road or at points adjacent thereto.

Respectfully submitted,

James McCann }
 S. H. Jones } Viewers
 Theodore W. Hunt }

Cost of View	
James McCann	\$49.80
S. H. Jones	\$16.80
Theodore Hunt	\$14.80
Having maps & plans prepared	\$14.00

SESSIONS, 19

From Page #133

#1 Sept Sessions 1944 - Wmms + roads Village of Longtown, Jaquehanna Twp

Resolution

Relating to the acceptance by the Board of Supervisors of Jaquehanna Township, Cambria County, Penna. as a Public Highway a certain Avenue known as Long Avenue and dedicated in the plan of lots of the Village of Longtown (formerly McElainville) in said Township, said plan having been recorded in the Office for the Recording of Deeds, etc in and for Cambria County in Plat Book 1 at Page 70 —

Whereas, a certain plan of lots for the Village of Longtown (formerly McElainville) in the township of Jaquehanna, County of Cambria and State of Pennsylvania was recorded in the office for the recording of deeds in and for Cambria County in Plat Book 1 at Page 70;

Whereas, by said plan a certain Avenue known as Long Avenue was dedicated to the use of the public and said Avenue has been used continuously by the public for a period of twenty-one (21) years and upwards;

Whereas, the said Avenue was never accepted by the Board of Supervisors of Jaquehanna Township as a Public Highway;

Whereas, the said Avenue which is located as aforesaid in the said Village of Longtown (formerly McElainville) in said Township of Jaquehanna and said Village is well populated and contains many homes and buildings;

Whereas, the Board of Supervisors of Jaquehanna Township are desirous of accepting as a public highway the said Long Avenue.

Now, therefore, be it resolved, by the unanimous vote of the said Board of Supervisors that the said Long Avenue which has a width of 50 feet, be hereby accepted by the said Board of Supervisors as a public highway, said Avenue being more specifically described in the plan of lots of the Village of Longtown (formerly McElainville) which has been recorded in the office for the recording of deeds, etc in and for the County of Cambria in Plat Book #1 at Page 70.

Dated this 24th day of November A.D. 1944

(Sgd) William Brown

Steve Pysz

Mike Byrne

Supervisors of Jaquehanna Twp

And now, December 11-1944, consent is hereby granted to the said Resolution and the Clerk of Courts is hereby directed to record the same in the records of Cambria County

By the Court
McLain, Jg

No 1. June Sessions, 1943.

There were present at the View, the three Viewers, one Supervisor of Jackson Township and a number of interested persons. We carefully viewed the premises affected, for its entire length, and hear from a number of those present as to the necessity for the new road. The road in question is already in use and for a distance of 711 feet is being used as a private road, and the balance of the road is a thirty foot ~~road~~ wide, dedicated section. This road is what is commonly ~~known~~ as a dead-end road, ending at a section of woods, having no connection with any other road at said point of ending. We find, however, that said proposed road is necessary for public travel as there are just a number of houses built along the route and a number of others are now arranging to build. The description of said proposed road is as follows:

Go 1000 feet distant in an easterly direction along the Macadam road leading from Vinco to Burkhardt, known as Highway No. 11-419. From the intersection of said last mentioned Highway with the center line of State Highway Route No. 52. Known as the concrete highway leading from Johnstown to Ebensburg, and the point ending is 2,953.8 feet distant from said point beginning measured along two streets or highways dedicated to public use by the owners of the adjoining lands, one of which is a private road or lane extending from said point of beginning a distance of 711.4 feet, and the other of which is known as Page Street on a plan of lots known as Fairfield - Surveyed and laid out for Harry Davis. Said point of ending being the line of lands now or formerly belonging to Ed. Pringle; said point of ending is, therefore 3953.8 feet from the intersection of State Highway Route No. 52 and Route No. 11-419 aforesaid.

No objection was found to the new road and we are informed no objection on the part of the Supervisors of said Township, one of whom was present.

That after taking into consideration all the matters before us, we are of the opinion that said road so prayed for by the petitioners and laid out by us is necessary and convenient for the number of houses erected already and those hereafter to be erected, and will not be burdensome to the taxpayers of Jackson Township. We, therefore, recommend that the prayers of the petitioners be granted and the new road be opened.

On the portion of the road from the point of beginning to a point 711 feet along its route.

feet along its route, between 15 and 20 feet in width, will be taken from the land of Phillip Boyer and we, therefore, grant him damages to the amount of \$150.00 to be paid to him by the Supervisors of Jackson Township. There are no damages or benefits to any other person residing along the route of proposed new road or at points adjacent thereto.

Witness our hand and seals this 24th day of August 1943.

Viewers

{ James McEann
S. H. Jencks

C.E.W.

SESSIONS, 19

From Page #142 Viewers Report Laying out Public Highway Richland Township.

#4 March Sessions. 1945.

Grove Street between Euclid Avenue and Third Street, Third Street between Grove Street and Charles Street, Charles Street extending from its intersection with Third Street, and the continuation or extension of Second Street beyond the Geistown Borough limit or boundary thereof.

We find, however, that the said proposed roads, namely, Grove Street and Third Street and Charles Street are necessary for public travel and for the use of property owners abutting thereon and convenient for the several houses erected hereon and those hereinafter to be erected and will not be burdensome to the taxpayers of Richland Township, except the extension of Second Street beyond the Geistown Borough limits, therefore, we recommend that the prayer of the petitioners be granted, except the extension of Second Street and we assess no benefits and no damages to any of the abutting owners.

Witness our hands and seals this Twenty-ninth day of August, 1945.

Fred W. Clefflin } Viewers
James M. Cann }
Theodore W. Hunt }

Cost of View

Fred W. Clefflin	\$85.80
James M. Cann	26.40
Theodore W. Hunt	26.80
	\$139.00

Plan of Echo dated May 2, 1910, and as referred to by lot members and the recital of title in deeds conveying lots sold from the Plan of Echo. A blue print copy of said Plan of Echo being hereto attached and me a part hereof; that sixteen Properties of individuals abutting on said ~~Proposed~~ Proposed new road have good houses erected thereon access to which is now by use of the abandoned road bed of the Southern Cambria Car track which formerly occupied this right of way; that a part of said Proposed road will form a Connection between two now existing dead-end Public highways namely 2nd Street and Cherry Avenue; that the Proposed new road extending Southwardly from 2nd Street a Township Highway comes to a dead-end at the Southern boundary line of lot No. 115 in said Plan of Echo and that said Proposed new road extending Northwardly from Cherry Avenue a Township road comes to a dead-end at the intersection of 3rd Street as shown on said Plan of Echo. Therefore said Proposed road really consists of three sections forming one continuous section of highway; section one forming a connection between 2nd street and Cherry Avenue both of which are Public or Township Highways; section two extending Southwardly from 2nd Street to the beginning at the southerly boundary line to lot No. 115 as shown on the Plan of Echo; section three extending Northwardly from Cherry Avenue to the ending at the intersection of 3rd Street as shown on said Plan of Echo, which makes said Proposed road the type of road or highway known as a dead-end road.

However, after viewing the premises and taking into consideration all matters before us we are of the opinion that said road as prayed for by the Petitioners is necessary for Public travel and for the property owners along the route of said Proposed road. Therefore we proceed to lay out same as follows:

Beginning at a Point in the abandoned right of way of the Southern Cambria Street Railway Company now the Johnstown Traction Company on the line of the extension of the southerly line of lot Number 115 as shown on the Plan of Echo; thence extending by a line 25' Westwardly from the Easterly boundary line of said abandoned right of way N. $7^{\circ} 57' 16''$ W. 677.4 feet to the Point of a Curve in the right having a radius of 410 feet; thence by said Curve in a Northerly direction an Arc distance of 659.05 feet to the Point of a tangent; thence by same N. $84^{\circ} 29' E.$, 276 feet to the Point of a Curve to the left having a radius of 470 feet; thence by said Curve in a Northerly direction an Arc distance of 676.07 feet to the place of ending or a total length of 2288.52 feet from the beginning to the end; that the exact location of the place of beginning of said new road from the nearest intersection Public road, namely 2nd Street, is at a distance of 1128 feet measured in a Southerly direction along the Center line of said Proposed new road from 2nd Street; that the exact place of ending of said new road from the nearest intersecting Public road, namely Cherry Avenue, is at a distance of 663 feet measured along the Center line of said Proposed new road in a Northerly direction from Cherry Avenue; that taking into consideration the fact that the abandoned right of way of the Southern Cambria Street Railway is 50' to 75' in width and that the width of Cambria Avenue a dedicated Highway is 25' in width on either side of said Street Car track's right of way and that there is a possibility of this section of highway being used as a State Highway route we recommend that the width of the right of way of the Proposed new road be 100 feet as indicated and colored in Green on the blue prints attached hereto.

after taking into consideration all the matters before us we recommend.

No. 4. That the Prayer of the Petitioners be granted,

We did not secure any release of damages, taking into consideration the fact, however, that all of the abutting properties along the route of the proposed new road now abut on a dedicated highway or the abandoned right of way of the Southern Cambria Street Rail way and the benefits and damages that will accrue by the reason of opening, improving and maintaining said proposed new road as a public highway we assess no benefits and no damages to any of the abutting property owners. Further we assess no benefits and no damages to the Johnstown Traction Company for the section of the Southern Cambria Street Railway right of way required for this proposed new road.

Witness our hands and seals this 23rd day of August A.D. 1943

C.E.W.

S. E. Dickey
Theodore Hunt
James M. Carr
Viewers

From Page #132 - Streets & Arches in Village of Levol. #2 June Session 1944

The opening and laying out of said streets and arches was voluminously signed by said owners and purchasers of houses and lots. The Village of Levol was laid out about the year 1917. The members of the Board of Viewers having viewed the streets and arches set out in the petition are unanimous in opinion that the said prayer of the petitioners should be granted and therefore recommend the laying out and hereby do lay out said streets and arches as prayed for. Since the plan of the Village of Levol includes all of the streets and arches and said plan is of record in the proper office of Cambria Co., Penna., Courses and Distances are not enumerated because same are shown on said plan. We therefore lay out for public use the following: Highland Avenue, Cambria Avenue Wood Avenue, Harding Avenue not including parts shown on the accompanying and hereto attached map in color. Said portions of the hereinafter arches have already been laid out as public highways. We also lay out Eighth Street, Seventh Street, Sixth Street, Fifth Street not included in the colored portion of the blue print hereto attached for similar reason of said streets have at a prior date been laid out as public streets. A copy of the Monroe Coal Mining Company Plan of Levol, Cambria Co., Pa. laid out on surface acquired from John Kirschner et ux by deed date August 1, 1913 and recorded in Deed Book Volume 247 and page 394 and recorded in the office for the Recording of plans. Since the inhabitants and the petitioners having been using said streets and arches for many years as private streets and arches we believe that arches and streets as above laid out by said Viewers is only fair and equitable to the owners and purchasers of homes in said Village of Levol.

We as Viewers have set our hands and seals this 9th day of September A.D. 1944—

Maylon Baumgardner }
 R. G. Kaylor } Viewers
 J. H. Jones

Cost of View

Maylon Baumgardner	\$49.60
J. H. Jones	12.80
R. G. Kaylor	12.80
	75.20

From page # 111.

Upper Yoder Twp

proposed road being colored green thereon; one of the termini named in its petition and in this report is at a point other than in a public Hwy. or a place of public resort, the other terminus in a public Highway, namely State Highway Route 11007. We find however, that said proposed road is necessary for public travel and for the use of property owners abutting thereon. Fifteen of the besting lots on the westerly side of its proposed Highway are now occupied with modern residences. The description of said proposed road is as follows:

Beginning at a point in State Highway Route 11007 thence S. 81° 40' W. a distance of 1137.0 feet to a proposed street shown on said map of Homestead Acres as laid out by P. E. Albert Young the exact location of its beginning of said proposed road from the nearest intersecting public Highway, namely Bronx St. leading from said Route 11007 to Congress Ave is at a distance of 297 feet measured along center line of Route 11007 in a southerly direction from the intersection of its center line of said Bronx St. the exact place of ending of the proposed road designated as Alberta Ave is at a distance of 1137.0 feet measured along the center line of said proposed road from center of Derby Ave, designated as State Highway Route 11007; that we have been informed by the Supervisors of Upper Yoder Twp that they have no objection to the opening of said proposed road; that after taking into consideration all matters before us we are of the opinion that said road as prayed for by the petitioners and laid out by us is necessary and convenient for the abutting property owners and the traveling public and that the same will not be burdensome to the taxpayers of Upper Yoder Twp. Therefore we recommend that the prayer of the petitioners be granted.

We are informed by the Supervisors of Upper Yoder Twp that all the abutting property owners have signed a release of damages being part of the petition for said proposed new road which was filed with the Court. However we assess no benefits and no damages to any of the abutting property owners. Witness our hand and seals this 21st day of May A.D. 1943.

Total cost of land \$ 89.00

J. C. Dickey
James M. C. and
Theodore Hunt

From Page #121

Assess damages over the land
of A. R. Gorman Ballitzin Township,
Columbia Co., Pa.

those interested, that another meeting would be held in the Court House at Shenandoah, on the 13th day of December 1943, at 10 o'clock A. M., at which time and place, a schedule of damages would be exhibited and further evidence heard, if any is offered and all exceptions will be noted and if the evidence warrants, a change will be made in the award made. At the hearing held on December 3rd 1943, A. R. Gorman and Chief Clerk, Frank Dorr, gave evidence as to the damages caused to the land and an agreement was made by them that the sum of \$300⁰⁰ would be acceptable to both parties. Accordingly, the Viewers agreed that the sum of \$300⁰⁰ should be awarded for the damage to the surface, as to the damage to the coal under the surface, it is agreed that this should be left to a Commission appointed by the Columbia County Court and provided for by a recent act of the Legislature.

Respectfully submitted

James M. Carr
R. B. Taylor
D. H. Jones } Viewers

Cost of View
James M. Carr \$95.60
D. H. Jones 39.80
R. B. Taylor 39.80
\$175.20

Page # 116

Vacating Alley in
Descent Temp

expressed that the Alley in question was useless and unnecessary and should be abandoned, said Alley is described as follows:

It is part of a plan of lots recorded in Plat Book Vol 2, Page 84, in the Court House at Strasburg, Pa. by the heirs of Wilhelmina Herster, and is bounded on one side by lot No 18 shown on said plan to 75 feet, and on the other side by lot No 19, shown on said plan and being 300 feet in length and 15 feet in width. The streets affected and the Alley in question are shown, and therefore, can only be identified by numbers.

After completing the view of the premises, the Viewers concluded as to the advisability of vacating the Alley and decided as it had become useless and of no service to any one that they declare it vacated. The land on all sides of the Alley is owned by one person and therefore as he favors the vacation, there is no inconvenience caused to any person by such vacating. The Viewers therefore, by unanimous vote, declared the Alley vacated. A Plan of said Alley is hereto attached, setting forth in more detail, the courses and distances.

Court of View

Geo. M. Cana
D. H. Jenkins
L. E. Kaylor

68 $\frac{40}{x}$
14 $\frac{00}{x}$
14 $\frac{00}{x}$

Respectfully Submitted
James M. Cana
L. E. Kaylor
D. H. Jenkins

From Page #129 - Public Road Jackson Township - #2 March Sessions 1944

to Huston, eight-tenths of a mile from Mundip Corner, thence north 59 degrees 30 minutes west, crossing a strip of land owned by a Mrs. Duster of Echo and onto lands of L. B. Costlow, 648.5 feet; north 53 degrees west 274.2 feet; south 88 degrees west 356.9 feet; north 53 degrees west 139.3 feet; north 37 degrees west 249.1 feet onto lands of George Rose, north 26 degrees 30 minutes west 254.9 feet; north 72 degrees 30 minutes west 40.5 feet; north 30 degrees 30 minutes west 261.2 feet; north 35 degrees 30 minutes west 94.5 feet; north 35 degrees west 228.4 feet; north 61 degrees west 259.8 feet, crossing Huston Run and on land of John Rose, at station 31 plus 71.8; south 66 degrees 30 minutes west 40 feet; south 23 degrees west 64.4 feet; south 4 degrees west 96 feet, crossing the St. Clair Oil Company's pipe line; south 12 degrees east 188 feet; south 3 degrees west 190 feet onto lands of Joel Simmons Estate; south 9 degrees west 149.8 feet; south 3 degrees west 194.6 feet; south 7 degrees 30 minutes west 157.4 feet; south 13 degrees 30 minutes west 198.9 feet; south 12 degrees west 209.8 feet; south 13 degrees 30 minutes west 180.8 feet; due south 191.3 feet; south 8 degrees east 189.3 feet to point or station 52 plus 22.2 in a driveway; south 63 degrees 30 minutes east 505.9 feet; south 51 degrees east 396.2 feet onto lands of Jacob Walagora; north 88 degrees east 407.9 feet, again crossing Huston Run and land of L. B. Costlow; north 79 degrees 30 minutes east 227.7 feet; ~~south 79 degrees 30 minutes west 227.7 feet~~ onto land of Oliver Rhodes; north 81 degrees east 347.6 feet; south 79 degrees 30 minutes east 219 feet over lands of O. L. Dougherty to point of ending on said State Highway Route #219; said point of ending being 945 feet distant from the place of beginning.

The total distance from place of beginning to place of ending is 6,330 feet, as shown by draft hereto attached and made a part hereof.

Referring to the draft or map attached hereto, at present there is a driveway from the place of beginning to John A. Rose's property at said station 31 plus 71.8. At station 19 plus 22.9 a lane turns off to buildings on the George Rose farm.

And from station 52 plus 22.2, noted above, to place of ending we followed another driveway, leading from buildings on the Joel Simmons Estate to the place of ending on State Highway Route No. 219. The line run from said station 31 plus 71.8 to said station 52 plus 22.2 being a connecting link between the two said driveways.

In compliance with our duties of Viewers we have estimated and determined the benefits, agreeing there is occasion for a public road, with the understanding, however, that Jackson Township be released from all claims for damages that may arise from opening of said road.

We have notified the parties interested that this report will be filed with the clerk of the Court of Quarter Sessions of Cambria Co. by the week of June 4-1944.

Witness our hands this 7th day of June 1944

S. H. Jencus
Theodore W. Hunt
Marlow Baumgardner } Viewers

Cost of View

S. H. Jencus	87.40
Theodore W. Hunt	13.60
M. J. Baumgardner	13.80
	<u>\$114.80</u>

Turn to page 110 - #3 - December Session 1942
from Upper Yoder Township

Leading from the said Menasha Highway, Route No 271 to Monellville is 3535 feet, measured along the center line of the said Menasha Highway in a Westerly direction from the said St. Clair Road. The exact place of ending of the said road is at a distance of 1855 feet from the Menasha Highway measured along the center line of the said proposed road in a Northwesterly direction from the said Menasha Highway. That the other terminus of the proposed road, namely the point of ending, as above stated, is at the point other than in a public highway or place of public resort; but the said proposed road is one necessary for public travel.

A map or plan of the proposed road is filed with this report showing in more detail, the courses and distances.

All of the abutting property owners have agreed to waive all claims for damages and all but one owner have signed waivers which have been filed with the petition, and with the verbal acceptance by the one owner who failed to sign a release, it is unanimously agreed that there will be no damages of damages. Therefore, the Viewers agree that they assess no damages and no benefits to any of the adjoining property owners. They also agree that in view of the fact, that the road in question is not a part of a continuous highway, that they recommend to the Honorable Court that the width of the road be made the minimum width of (33) thirty three feet.

Respectfully submitted
James W. Cannon
Theodore W. Hunt
F. E. Dickey
Viewers

From page 107 - #5 September Session 1942.
 Steve Revi and Mary Revi

Cambria Co; Stephen Revi and Mary Revi his wife, the owners of the property affected by the said relocation and construction of State Highway through their farm and Alfred M Shoemaker Esq., attorney for the petitioners and land owners. We made a careful inspection of the elements of damages of the house, spring, or well, the taking of fruit trees and all other matters appertaining to the said relocation and construction of the Highway aforesaid. It was mutually agreed by the Viewers and Mr Mrs Revi, H Frank Dorr, Chief Clerk aforesaid, and Alfred M Shoemaker Esq., representing the petitioners that Saturday December 5 at 9:30 be the time and the Court House the place for the taking of evidence relative to the proceeding. A continuance was granted because of the inclement weather, and two other continuances were granted following this first one. Pursuant to the last continuance it was agreed by all the parties in interest that January 2 - 1943 at 9:30 A.M. be fixed as the time for the taking of testimony. The Viewers met at 9:30 A.M. January 2, 1943 in Court Room Number 4 as per continuance heretofore and with them were several witnesses for the Petitioners and several witnesses for the County of Cambria. It developed during the hearing that two different roads were discussed as being the one relating to in the petition. The Viewers asked to have the particular road definitely identified as the one in question. This could not be done at this time so another continuance was granted or permitted for the purpose of giving the attorneys representing the parties in interest, to wit: Alfred M Shoemaker, Esq., representing the petitioners and George M Spence Esq., representing as Solicitor the Commissioners of Cambria Co. The time for the next hearing being agreed upon as Saturday, January 9, 1943 at 9:30 o'clock in the morning.

Pursuant to the adjournment agreed upon on January 2, 1943 the three Viewers met in Court Room Number 4, Chambersburg, Pa., and proceeded with the duties of their appointment. George M Spence Esq., had mailed a long letter explaining the position of the County Commissioners in the premises. He agreed that the road mentioned in the petition was the correct one at issue. Alfred M Shoemaker Esq., appeared in behalf of the petitioners. All the matters pertinent to the matter were discussed and taken into consideration. Saturday January 16 at 10:00 clock A.M. and the Court Room Number 4 in the Court House at Chambersburg, Pennsylvania was fixed as the time and place for the Exhibit of Schedule. George M Spence Esq., Solicitor for the Commissioners of Cambria Co and Alfred M Shoemaker, Esq., Counsel for the petitioners that the legal requirements of advertising time of Exhibit of Schedule in the Cambria Legal Journal and one local paper be waived with the same legal effect as though this requirement of the Law had been complied with. It was mutually agreed by and between the Viewers, Counsel for the petitioners and Solicitor for the County Commissioners that the time for Exhibit of Schedule shall take place in Court Room Number 4, Court House Chambersburg Penna on Saturday January 23 at 10 o'clock A.M. 1943.

That having viewed said premises and hearing all evidence and testimony and taking into consideration all elements of damages and benefits accruing to said relocation and improvement of said Highway as well as all matters before us, we estimated and determined the quality, quantity of land, taken, occupied and injured by the widening of said public highway as well as to other damages, and having due regard to and making just allowance for the damages which have resulted or which may seem likely to result

CONTINUED NEXT PAGE # 441

From page 440 - #5 Sept Session 1942

to the said owner of the land aforesaid, we estimated and determined the amount of damage and prepared a schedule thereof. That all parties interested were notified of the time and place of the meeting of the Viewers for the purpose of exhibiting said schedule and considering all exceptions and evidence thereto by the waving of the legal rule of advertising said Exhibit of Schedule all of which is oral. That we met in accordance with Oral Notice given on Saturday January 23, 1943 at 10 o'clock P.M. where said schedule was exhibited and all exceptions and testimony offered thereto was heard. That hearing all exceptions and testimony offered and giving all matters before us due consideration, we are of the opinion that said property of Steve Revi, otherwise Stephen Reevy and Mary Revi, otherwise Mary Reevy owners of certain lands affected by the said improvement have been damaged; therefore we assess with no benefits and with damages in the amount of Eight Hundred Fifty (\$850.00) Dollars.

That we are of the opinion that the damages above referred and shown are due and should be paid to Stephen Reevy and Mary Reevy, his wife, as their interest may appear by the County of Cambria, Pennsylvania.

No examination of the records was made as to liens that may be of record against the petitioners, Steve Revi, otherwise Stephen Reevy, and Mary Revi, otherwise Mary Reevy.

Pursuant to an agreement entered into by and between the Board of Viewers and George M. Space, Esq., Solicitor for the Commissioners of Cambria County, Penna. and Alfred M. Shumaker, Esq., Counsel for the petitioners legal advertisement as required by law is hereby waived as to the time of the filing of this Report of Viewers in the above proceedings and both Attorneys representing their respective constituents agreed not to take advantage of the discrepancy in the law in that no legal notice was given to the Cambria County Legal Journal and the Mountaineer Herald stating the time of filing of this report. The Chairman of the Board of Viewers personally notified orally the Attorneys that the report would be filed at 10 o'clock Monday March 1, 1943, being the First Monday of the March Term of Court. And further while not advertised because of the waving of same as to the filing of Report it is lawfully understood that unless either or both parties to the proceedings take an appeal within thirty (30) days after the filing of this Report of Viewers same may be confirmed absolutely.

Witness our hands and seals this day of February 1943.

MAHLON BAUMGARDNER
F. H. JENCKS
W. J. M'GRAIN
VIEWERS

Now May 17, 1943, Receipt is acknowledged of the sum of eight hundred and fifty (\$850.00) Dollars in full payment of the above award of damages.

Stephen Reevy
Mary Reevy.

From page 106 - No 4 September Session 1942 -
Upper York Twp Road View

America Street, the location of which is shown in green on the blue print attached hereto and made a part hereof; that one of the terminus of said proposed road is at a point other than in a public highway or place of public resort; that after hearing all interested persons present at the view and Supervisors of Upper York Township, we find that there is no objections to said proposed new road and having determined that said road is necessary, we proceeded to layout same as follows:

Beginning at a point in the center line of the Menasha Highway, State Highway Route #271, a Public Highway, leading from Johnston to Ligonier, at the intersection of Mellett Avenue; thence by the center line of Mellett Avenue, a dedicated Highway 40' in width, N 55° 45' W, 460' thence N 1° 41' W, 320.87 thence N 21° 16' W, 254.76; thence N 28° 46' W, 400.31' to the center line of America Street thence by the center line of America Street, a dedicated Highway 50' in width N 61° 14' E, 680.04' to the place of ending at its intersection with a 20' width dedicated Highway of the property of Ord Hunt, Lot Number 76. The total length of said proposed new road being 2115.98'. The exact location of the place of beginning from the nearest intersecting Public Highway, namely, the old Miller Creek Road leading from the Menasha Highway to Martin Keifer property at Swank's Cottage, is at a distance 1180' measured along the center line of the Menasha Highway in a Northeasterly direction from the intersection of the old Miller Creek Road with the Menasha Highway near Runies Inn. The exact location of the place of ending is at a distance of 2115.98' measured along the center line of the proposed new road from the place of beginning in the Menasha Highway; that there are now six or more houses on lots abutting the proposed new Highway and that all of the abutting property or lots belong to individual owners. That after taking into consideration all the matters before us, we are of the opinion that said road as prayed for by the Petitioners and laid out by us is necessary and convenient for the several property owners and houses erected thereon and that same will not be burdensome to the taxpayers of Upper York Township. Therefore, we recommend that the prayer of the Petitioners be granted.

We have been informed that a Release of Damages was signed by all of the abutting property owners excepting one, a non resident, who could not be contacted, and filed with and made a part of the Petition for said proposed new road, however, regardless of said release of damages we assess no benefits and no damages to any of the abutting property owners.

Witness our hands and seal this 19th day of October AD 1942

J. E. Pickey
Theodore W. Hunt
James M. O'Connell
VIEWERS

from page 105

of those who were present at the View, we met at the office of F. E. Dickey & Co., 809 Johnstown Trust Bldg., Johnstown, Pa. where two of the Supervisors namely, Curt Barabert, and J. H. Heimer, were interviewed and did not object to accepting said proposed new road as a Township Highway; that said proposed new road is now open and used by the general public as a driveway for more than twenty one years; that the existing width of the present road is fourteen (14) feet; that the proposed new road is in a built of section of the Township and is of the type commonly known as an Alley and is not an integral part of a through Route, the location of which is shown in green on the blue print hereto attached and made a part of this report, that after hearing all interested persons present at the View and Supervisors of Upper Yoder Township, we find that there is a necessity for said proposed road and proceeded to layout same as follows:

Beginning at a point in Orchard Way, a public highway, at the intersection of the center line of Ruth Street with the center line of the proposed new road, known as Orchard Lane, thence by the center line of said proposed new road or Orchard Lane N. 46° - E., 253.8' thence N. 47° - 35' E., 319.06' to the intersection of said proposed new road with the center line of Sell Street, a public highway, the place of ending. The total length of said proposed new road being 572.86'. The exact location of the place of beginning from the nearest intersecting public highway Derby Street, is at a distance of 574' measured along the center line of Ruth Street in a Westerly direction from the intersection of said Ruth Street with Derby Street. The exact location of the place of ending from the nearest intersecting public highway, namely Homer Street, is at a distance of 728' measured along the center line of Sell Street in an Easterly direction from the intersection of said Sell Street with Homer Street; that after taking into consideration all the matters before us, we are of the opinion that said road as proposed for by the Petitioners and laid out by us is necessary and convenient for the property owners and the general public and that same will not be burdensome to the taxpayers of Upper Yoder Township. Therefore, we recommend that the prayer of the Petitioners be granted such that the width of said proposed new road or Orchard Lane be at the minimum width of fifteen (15) feet as established by Law, P. L. 1935, Page 745 by taking an equal depth of five tenths (0.5') feet from all of the property abutting on either side of said proposed road.

A release of damages signed by the abutting property owners was filed with the Petition. We find, however, that said release has not been signed by Frank A. McCallum, John Ober and Frank Hite, however, taking into consideration the benefits to be derived and the damages that may be sustained by the acquisition of said additional land, five tenths (0.5') feet in width on either side of said proposed road, the opening, grading, draining, improving and maintenance of same, we assess no benefits and no damages to said Frank A. McCallum, John Ober, Frank Hite or the owners of any other property abutting on said proposed new road. Witness our hands and seals this 23rd day of October 1942.

TOTAL AMOUNT OF VIEW - 83.21

F. E. DICKEY
THEODORE W. HUNT
JAMES M. CANN
VIEWERS

3
Sept
Session
1942
Upper
Yoder
Township
View

SESSIONS, 19

From Page #134

2
Cit
Sessions
1944
Public
Road in
Adams Twp

The exact location of the place of ending is at a distance of 583.14 feet measured along the center line of the proposed new road from the place of beginning; that the said houses abutting on the proposed new highway belong to individual owners; that after taking into consideration all the matters before us, we are of the opinion that said road as prayed for by the petitioners and laid out by us is necessary and convenient for the several property owners and houses erected thereon and that same will not be burdensome to the taxpayers of Adams Township. Therefore, we recommend that the prayer of the petitioners be granted.

We have secured a Release of Damages, which is hereto attached and made a part of this report, signed by most of the abutting property owners, however, regardless of said Release of Damages, we assess no benefits and no damages to any of the abutting property owners.

Signed by the members of the Board of View, this twenty seventh (27th) day of November A.D. 1944 —

S. B. Dickey/
James McLain/
Robert Mayer/
Viewers

Cost of View

S. B. Dickey	86.05
James McLain	14.00
Robert Mayer	14.00
	114.05

From Page #154 - Public Road - Croyle Township - #1 Sept Sessions 1946

Thence North 75 degrees 16 minutes East, a distance of 1141 feet to a point; thence South 86 degrees 46 minutes East, a distance of 420 feet to a point; thence South 73 degrees 28 minutes East, a distance of 141 feet to a point; thence South 51 degrees 50 minutes East, a distance of 266 feet to a point; thence South 62 degrees 36 minutes East, a distance of 398 feet to a point; thence North 58 degrees 01 minutes East, a distance of 840 feet to a point; thence North 30 degrees 25 minutes East, a distance of 345 feet to a point; thence North 43 degrees 39 minutes East, a distance of 427 feet to a point; thence North 44 degrees 35 minutes East, a distance of 200 feet to a point; thence North 8 degrees 53 minutes East, a distance of 133 feet to a point; thence North 8 degrees 35 minutes West, a distance of 278 feet to a point; thence North 25 degrees 57 minutes East, a distance of 304 feet to a point in the center of State Highway Route 11014; said point being 24 feet northeast of State Highway Survey Station 6270, the place of ending in the township of Croyle, County and State aforesaid. Said proposed road being 5779 feet in length as is shown on the blue print attached hereto, colored in green and made a part hereof.

That the route of said road as laid out, beginning at an iron pin at the northeast corner of Frank Humbert, Jr. property and extending westwardly to the corner of Lester Bastine and Fred L. Maus, follows the center line of a dedicated street fifty (50') feet in width; the remainder of the road as laid out follows a private road aforesaid. We further recommend that the width of right of way for the remainder of this proposed new road be fifty (50') feet.

That after taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the petitioners and viewed by us is necessary and convenient and will not create an undue hardship on the supervisors, therefore we recommend that the prayer of the petitioners be granted.

Written releases from the abutting property owners were not obtained, however, we assess damages to the extent of seventy-five (\$75.00) dollars will be suffered by Fred L. Maus between land of Lester Bastine and the Wilmore Coal Company along the south side of the proposed road and no benefits are assessed to any of the abutting property owners.

Witness our hands and seals this 27th day of November, A.D., 1946.

Fred Claflin
Robert G. Mayer
Theodore Hunt

Out of View.

Fred Claflin	\$80.10
Robert Mayer	15.00
Theodore Hunt	16.20
	<u>\$111.30</u>

From page 102 - June Sessions 1942 No 6 Elder Twp View

beginning at State Highway Station 33 plus 00 and extending to a point at Station 38 plus 00, a distance of approximately six hundred (600) feet, which is now abandoned for public use is inconvenient, useless and burdensome and we therefore recommend its vacation. The portion of highway or public road recommended to be vacated is marked "Portion to be Abandoned as State Highway" on a drawing showing Abandoned Relocated Portion of Route 11089, See I Elder Twp Cambria Co., District furnished by H. G. VAN RIVER, Township Engineer of the Department of Highways of the Commonwealth of Pennsylvania and hereto attached and made a part of this Report.

In Witness whereof we have hereunto attached our hands on the 27th day of October A.D. 1942.

OCTOBER 27, 1942.

MAHLON BAUMGARDNER
R. M. SHOEMAKER

Now the 27th day of October A.D. 1942 the statement of Costs is true and correct as filed in the Clerk of Courts Office of Cambria Co. Cost of Survey \$90.60

No. 1. June 1st 1937 cont'd.

Transferred from Page 7.

The courses and distances of said piece of road as laid out are as follows; Viz: From the point of beginning on Rural Route 11021, leading from the Village of Mineral Point to the Borough of Summerhill, at a point approximately 3200 feet from the bridge across the Conemaugh River, in said Village of Mineral Point, and extending thence south 84 degrees 20 minutes east 294 feet; south 88 degrees 30 minutes east 114.4 feet; south 84 degrees 50 minutes east 139.5 feet; south 83 degrees five minutes east 133.5 feet; north 66 degrees east 86.6 feet; north 51 degrees east 273.4 feet; north 34 degrees 45 minutes east 136 feet; north 45 degrees east 192.6 feet; north 34 degrees east 259.5 feet; north 86 degrees 30 minutes east 59.8 feet; south 40 degrees east 34.2 feet; south 19 degrees east 78.9 feet; south 42 degrees east 123.3 feet; south 51 degrees 30 minutes east 218.4 feet; south 64 degrees east 77.4 feet; north 75 degrees east 40 feet; north 9 degrees west 200 feet; north 4 degrees 30 minutes west 254 feet; north 12 degrees 30 minutes west 118 feet; north 25 degrees 30 minutes east 60 feet; north 63 degrees 45 minutes east 150.3 feet; north 74 degrees 30 minutes east 184.2 feet; north 48 degrees 20 minutes east 254.6 feet; north 64 degrees 50 minutes east 216.1 feet; north 1 degree 10 minutes east 72 feet; north 54 degrees west 85.4 feet; north 84 degrees 30 minutes west 137.8 feet; south 89 degrees west 134.5 feet, and north 75 degrees west 185.7 feet to the point of ending on Rural Route No. 11021.

Whereas all parties through and over whose land the proposed new road will pass will be benefitted far in excess of any injury or damage they will sustain we have assessed no damages to any of the property owners.

Due to the steep and broken nature of the land along and in the vicinity of the new road it was impossible to do otherwise than lay out the road with three short turns yet the lay of the land at and in the vicinity of said turns is such that there will be but little likelihood of fast travel or accidents due to the curves.

Though the viewers report there is occasion and necessity for the road in question and herein recommend the road be opened for public use, yet they feel the immediate necessity for improving the steeper portions between the entrance to the home of Frank Lewis, and the point where the private road leading from this new road to the Argyle Coal Co. plant is not as urgent as the other portions of the road.

Those traveling over the Western portion of said road as far as the Frank Lewis farm being able to reach their destination from the Rural Route 11021 opposite the W. H. Grove farm and those traveling from the opposite termini can have ready access as far as the Argyle Coal Co. property.

Witness our hands this 10th day of September. A. D. 1937.

A. M. Shoemaker
James McEann
S. H. Jencks

Viewers.

2 Mar. 1938 Return by Supervisor filed.

On the 28th day of February 1938, before me J. Alvin Reese, Alderman personally C. J. Bimeal - W. S. Wilson supervisor of the Township of East Taylor, who being duly sworn according to law, do depose and say that they effectually opened the road designated by the order of the Court bearing date the 13th day of Sept. 1937 in accordance with the direction of the said order.

sworn and subscribed before me this
28th day of Feb. 1938
J. Alvin Reese, Alderman.

J. S. Bimeal
W. S. Wilson
Supervisor

No 4 Sept 1939 Page # 53

As to Portion #1 Described as follows:

Beginning at a point on State Route 314 where Indiana and Cambria County meet, and extending thence as follows:

East 247'; $71^{\circ}-00'$ E. 173'; $51^{\circ}-00'$ E 183'; $67^{\circ}-15'$ E. 464'; $51^{\circ}-00'$ E 462'; $47^{\circ}-00'$ E 467' and $33^{\circ}-00'$ E 278' to a point on a new road opposite garage of Ernest J. Huenkbrod, It was decided that the entire portion should be retained as a private road.

As to portion #2 described as follows: -

Beginning at a point on the new road where portion #1 terminates thence over new road $67^{\circ}-30'$ E 237' and then over old road $83^{\circ}-10'$ E 100'; $78^{\circ}-10'$ E 261'; $86^{\circ}-15'$ E 304'; $80^{\circ}-10'$ E 184.5'; $68^{\circ}-00'$ E 391'; $69^{\circ}-00'$ E 498'; $39^{\circ}-00'$ E 960' and $42^{\circ}-30'$ E 283' to edge of new road opposite residence of Henry J. and Sarah A. Edmiston, It was decided this place should be abandoned in its entirety.

As to portion No 3. described as follows:

It was decided that the part of this portion from the point where it intersects with State Hwy route 314 to a point opposite the residence of should be abandoned. This part is described as follows: - Beginning at edge of new road where portion #2 terminates opposite the garage of Henry J. and Sarah A. Edmiston. Thence crossing State Route 314, - $56^{\circ}-00'$ E 234' Thence $54^{\circ}-10'$ E 199'; $32^{\circ}-00'$ E 892'; to point opposite residence of Bertha Gaddy to where it again intersects with State Route 314, it should be retained as a private road. This part is described as follows: From a point opposite said residence, thence $74^{\circ}-00'$ E 148'; $75^{\circ}-10'$ E 99'; $61^{\circ}-50'$ E 261'; $76^{\circ}-00'$ E 303'; $81^{\circ}-05'$ E 171'; $76^{\circ}-00'$ E 973'; $85^{\circ}-00'$ E 991'; $70^{\circ}-00'$ E 397' to the Jannings Road, allowing the section or portion of road from there to the newly located Route 22 to remain as a public road.There is also hereto attached a plan of the entire three portions in which courses and distances are more adequately described.
Witness our hand and seal this 19th day of Sept A.D. 1939.James M. Gann
J. H. Jenkins
A. M. Shewmaker
Viewers.

Transferred from Page 48 June

No 3. Necessity to these property owner and we respectfully recommend that the prayer of the petitioners be granted.
Witness our signatures this eight day of August, 1939

Louis E. Kaylor
A. M. Shoenaker

VIEWERS

FEB 2 1940 AUDITED
Recd. & 3:50 Jan 17, 1940 J.C. Kline
Certifying Kline's report

Oct. 10, 1941 return of Supervisors filed

Page # 52 No 3, Sept Session 1939

on attached Order of View terminates on Route 53 at a point where a cut approx. eight to nine feet deep would be necessary in order to approximate the grade of Route 53, and such cut would cause considerable damage to the Lloyd Zook property and some damage to the property on the opposite side of said proposed new road; and whereas the approach Route 53 through such a cut, at the terminus designated, where the embankment rises 8 to 10 feet from just 4 feet from the edge of the concrete of said Route 53; persons travelling over the proposed new road in automobiles would be required to be within less than ten feet of the fast traffic lane of Route 53, before being able to see more than one hundred feet or so, either to right or left thus making such a hazardous terminus that the Viewers feel it should not be created and therefore report that the road between the terminus as specified in the Order of Court should not be granted.

Witness our hands and seals this 19th day of December A.D.

1939.

J. M. Shoemaker (SEAL)
 Louis E. Kaylor (SEAL)
 James M. Cannon (SEAL)
 VIEWERS.

No 4 June 1941 (From page 74)

N. 84° 50' E. 324.0'; N. 78° 10' E. 461.5'; N. 83° 26' E. 229.6'; N. 79° 46' E. 265.7'; S. 68° 28' E. 383.5'; S. 66° 35' E. 384.4'; S. 68° 01' E. 260.8'; S. 52° 37' E. 302.9'; S. 31° 15' E. 124.9'; S. 24° 41' E. 125.0'; S. 38° 24' E. 99.3'; S. 17° 05' E. 130.8'; S. 2° 58' W. 101.4'; S. 7° 02' E. 418.5' to the place of ending, said place of beginning is located 12169.9' west along the center line of the said Mountain Road from the intersection of the center line of said Mountain Road with the center line of Hemlock Street; said place of ending is located 8542.2' west along the center line of said Mountain Road from the intersection of the center line of said Mountain Road and the center line of Hemlock Street aforementioned, same being colored green on a map or plan of the portion of said road proposed to be vacated hereto attached and made a part of this report.

Taking into consideration the benefits or damages which have resulted or may seem likely to result, we assess no benefits and no damages to any of the abutting property owners or the owners of other property adjacent thereto.

Witness our hands this 19th day of August A.D. 1941.

James McCann
 J. E. Dickey
 Theodore Hunt
 Viewers.

No. 3, Sept. Dec. 1941.

Brought forward from page 77.

1. Route Number 382. No objections were made against vacating the parts of Route number 382 proposed to be vacated, in as much as a new Road has been supplied by the Supervisors of East Taylor Township, providing a better outlet from Route number 382 to Route number 381.

The plan attached hereto and made a part hereof, shows a spur extending from the old or original Route number 382 to Route number 381 and ending at the letter "A", while the original or old Road, Route number 382, ends at the letter "B". We find that these parts of Route number 382 have become useless, inconvenient and burdensome to the taxpayers of East Taylor Township and recommend that same be vacated as public roads as prayed for by the Petitioners, which are described as follows:

Beginning at a point in the center line of Route number 382 at the intersection of the new road supplied near the southeast corner of Hendrick's Cemetery; thence S. $3^{\circ}26'W$, 255.3' to the intersection of Route number 382 Spur; thence continuing by Route number 382 S. $14^{\circ}30'W$, 290.4'; thence S. $5^{\circ}04'W$, 126.3'; thence S. $17^{\circ}46'W$, 363.2' to ending "B" in Route number 381. Route 382 Spur: Beginning at a point in Route number 382 S. $3^{\circ}26'W$, 255.3' from the beginning; thence S. $68^{\circ}13'W$, 305.2' to ending "A" in Route 381. The exact place of Beginning in Route number 382 from an intersecting public highway, namely, State Highway Route 219, leading from Johnstown to Ebensburg, is at a distance of 1280' measured along the center line of Route number 382 in a southerly direction from its intersection with said Route number 219. The exact place of Ending "A" from an intersecting public highway, namely, State Highway Route number 219, leading from Johnstown to Ebensburg, is a distance of 1070' measuring along the center line of Route number 381 in a southerly direction from its intersection with said Route number 219. The exact place of Ending "B" from an intersecting public highway, namely, State Highway Route number 219, leading from Johnstown to Ebensburg, is at a distance of 1735' measured along the center line of Route number 381 in a southerly direction from its intersection with said Route number 219, same being colored green on the blue print hereto attached and made a part hereof.

2. Route Number 402. Said Route number 402 was laid out as a public highway number — June Sessions 1937, which has only been partly opened. First, the part leading from Route number 11021 for a distance of 2227.9' to Frank Lewis Lane and second the part leading from the private road to the Argyle Mine through the property of Joe Homza and others to Route number 11021. During the View no material objections were made to vacating the portion of Route number 402 proposed to be vacated, except the necessity for a private road from Joe Homza's barn through the property of Mary Edwards and Donald J. Hassel to Route number 11021. Subsequent to 1937 the Argyle Mine has been completed and abandoned, therefore, we find that the part of Route number 402, proposed to be vacated has become useless, inconvenient and burdensome to the taxpayers of East Taylor Township and recommend that same be vacated as a public highway as prayed for by the Petitioners. However, we recommend that the portion of said Route number 402 extending from Joe Homza's barn through the property of Mary Edwards and Donald J. Hassel shall remain as a Private Road, said part of Route number 402 proposed to be vacated is described as follows: Beginning at a point at Frank Lewis Lane at the intersection of the Lane to Fred Bowers' farm; thence by the center line of said part of Route number 402 to be vacated as follows: North $34^{\circ}45'E$, 136.0' North $45^{\circ}00'E$, East,

192.6' North 39°00' East 259.5' North 86°30' East, 59.8' South 40°00' East 34.2' South 19°00' East, 78.9' South 42°00' East 123.3' South 51°30' East 218.4' South 64°00' East 74.4' North 75°00' East 40.0' North 9°00' East 200.0' North 4°30' East 254.0' North 12°30' East 118.0' North 25°30' East 60.0' North 63°45' East 150.3' North 74°30' East 184.2' North 48°20' East 254.6' North 64°50' East 216.1' North 1°10' East 72.0' North 54°00' West 85.4' North 84°30' West 137.8' North 89°00' West 134.5' North 75°00' West 185.7' to the place of Ending. The exact location of the place of Beginning from an intersecting public highway, namely, Route number 11021, leading from Mineral Point to Gilmore, is at a distance of 2227.9' measured along the center line of Route number 402 in a northeasterly direction from its intersection with said Route number 11021. The exact place of Ending in Route number 11021 is at a distance of 3272.7' measured along the center line of the part of Route number 402 to be vacated in a northerly direction from the intersection of the Road leading to Fred Bowers farm and the place of Beginning, as shown on the blue print attached hereto and made a part hereof.

The part of Route number 402 to be retained as a Private Road is described as follows: Beginning at a point in the center line of said road at Joe Homzai's barn; thence North 48°20' East 254.6' North 64°50' East 216.1' North 1°10' East 72.0' North 54°00' West 85.4' North 84°30' West 137.8' North 89°00' West 134.5' North 75°00' West 185.7' to the place of Ending in Route number 11021.

After taking into consideration all matters before us, we are of the opinion that the parts of road proposed to be vacated should be vacated as prayed for by the Petitioners. Excepting and Reserving however, the part herein mentioned as a private road.

We have been unable to obtain releases from the abutting property owners, however, no claims were presented for damages therefore, we assess no benefits and no damages to any of the abutting property owners.

Witness our hands this 19th day of November A.D. 1941.

D. E. Dickey
James M. Cannon
Theodore H. Hunt.
Viewers.

Iron Page # 153

No. 4. June Sessions 1946 - Proposed Public Road - Jackson Township

That having given due notice of the view and of the time and place of meeting of the Viewers to the Commissioners of said County, to the three Supervisors of Jackson Township and to the public by printed handbills posted at and in the immediate vicinity of the premises to be viewed for the proposed public highway, as is required by the Acts of the General Assembly:

All of us met upon the premises in Jackson Township, Cambria County, Penna., on Saturday September 28, 1946 at 10 o'clock a.m. to perform the duties of our appointment, together with the said three Supervisors, most of the owners of the lots facing said Cherry Street and others who assured us they were authorized to represent petitioners who could not arrange to be present.

The said Cherry Street bisects the tract of land that was owned by J. W. Helsel and Anna R., his wife; the said tract extending from the old State Highway, Route 219, to land owned now or late by Timothy Killeen and is bounded on the north by land owned now or late by Phillip Custer and on the south by H. H. Griffith - as shown on map attached hereto. The said tract was laid out in lots by S. E. Steiner & Co., engineers, Johnstown, Pa., January 9, 1941, and the plan is on record in Plat. Book Vol 3 at Page 194.

The said Cherry Street is the only street and measured on the center line is 1076.34 feet long - 758.64 feet west of the new State Highway and 617.70 east of the new State Highway.

We are informed that all lots within the said tract are sold - those abutting on Cherry Street and all others shown on the map attached hereto.

The Petitioners would, unquestionably, be inconvenienced by making the said Cherry Street a public highway; therefore in compliance with our duties as Viewers we have estimated and determined the benefits, agreeing there is occasion for a public road, with the understanding, however, that Jackson Township and Cambria County be released from all claims for damages that may arise from opening of said road.

We have notified the parties interested that this report will be filed with the Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, in time for the next Court of Quarter Sessions to be held for said County.

Witness our hands this 9th day of October, 1946.

S. H. JENCKS
W^m J. McGRAIN
E. F. DUNNOGAN } Viewers

Cost of View:

S. H. Jencks - \$64.60

W^m J. McGrain 15.90

E. F. Dunnegan 15.90

Total. \$96.40

From Page #143

In Re: Petition of the inhabitants of the
Township of Barr, County of Cambria for
the laying out of a Public Road —

Cost of View -	James Mc Cann	\$81.80
	R. J. Duneagan	18.24
	M. J. Baumgardner	<u>16.08</u>
		\$116.12
	L. J. Pfeister, Reg. Engineer	123.95

From page 96

No. 7. March Sess. 1942

beginning and viewed and inspected the portions of highway to be vacated and abandoned to the place pending. A copy of the map attached to the Petition praying for the appointment of viewers was used in the examination and inspection of the said portions. All of the portions to be vacated are marked in a broken line and the new and improved highway is indicated with a continuous line. The portions to be abandoned cross and recross the new and improved highway at numerous points and places. View being made on Wednesday, June 17th at 9:30 a. m.

After making a careful and thorough examination and inspection of said portions of the abandoned highway now replaced by a modern, new and improved highway, we are unanimously of the opinion that all of the said portions shown on the accompanying draft and plot should be vacated and we therefore we vacate all of said portions indicated in a broken line and as shown on the blue print hereto attached, have become useless, inconvenient and burdensome to the Township of East Carroll and the citizens thereof except a small portion of said portion of old highway where Township Road Number 11499 intersects with this portion of the old highway being a distance of approximately four hundred and twenty feet measured by a tape line and indicated by the color of yellow on the accompanying draft or blue print attached to this report, said road having the farm of William A. Farbaugh on the outside. There are no buildings along the portions of the old highway abandoned and vacated and in many instances the old highway or the portions vacated follow very closely the new and modern highway and no citizen or taxpayer is damaged in any manner whatsoever by the vacation and abandonment of the same or any portion of the same. The portions are useless, burdensome and of no use whatsoever since the new, modern and improved highway takes the place of these portions vacated. The new highway straightens out curves of which most of these portions are vacated and abandon and makes a safer and more modern thoroughfare for the residents and users in the Township of East Carroll as well as for the traveling public in general.

The fact that no adjoining landowner was present during the time of the view and inspection in itself is sufficient reason for the vacation and abandonment. We therefore vacate and abandon all of the portions shown in the broken lines except the small portion as indicated by the yellow color, it connecting with a township road as indicated. Courses and distances are not used.

In witness whereof we sign said report of viewers on this sixth day of July 1942.

Mahlon J. Baumgardner
J. H. Jencks
James McCann
Viewers.

No 1. Sept Sessions 1940.
Highway Upper Yoder.

and route of proposed new road, that J.E. Decker, Jas McLean, and M. Shoemaker viewers were all present, also the supervisors of upper yoder Twp, and interested persons were present. That the said proposed new highway is now a dedicated Highway known as Luzerne St. in the John & Miller plan of lots and Luzerne Street being 60 feet in width as shown on blue print attached hereto and made a part thereof: said proposed highway being colored green thereon: that said proposed highway is an extension of Luzerne St., an improved Highway in the Bars of Westmont, and the proposed extension in upper yoder Township will afford a more direct and shorter route from Goucher St and other sections of upper yoder Twp, to the Westmont Upper yoder Twp High School, and will be convenient to the properties abutting thereon and for the traveling public: that there were no objections made against the proposed new Highway by the supervisors or any residents or property owners of upper yoder Twp., that after viewing the plan and the route of the proposed Highway we are of the opinion that a necessity exists for same, therefore we proceeded to layout the same as follows:

Beginning at the end of Luzerne St. a Public Hwy in Bars of Westmont at the intersection of said Luzerne St. with its boundary line between Westmont Bars, and upper yoder Twp. at a distance of 415 feet measured along said boundary line and state st in a southeasterly direction from the intersection of Christopher St. the nearest intersecting Public Highway in upper yoder Twp.; thence by the radio line of said proposed Highway S. 55° 30' W. 540.07 feet to a point, thence S 58° 18' W 555.52 ft to a point on the center line of Goucher St. the place of ending said place of ending being a distance of 330 feet. measured along center line of Goucher St. in a southeasterly direction from the intersection of Christopher St. the nearest intersecting Public Hwy in upper yoder Twp. The total length of said proposed new highway is 1095.59 feet. all of which is colored green on the blue print hereto attached and made a part hereof. we recommend that the width of said proposed Highway shall be sixty feet as dedicated and shown on John & Miller plan of lots.

That after taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the petitioners to and laid out by us is necessary and convenient and will not be burdensome to the taxpayers of upper yoder Twp., therefore, we recommend that the prayer of the petitioners be granted.

We have not obtained and release from the abutting property owners along the route of the proposed Highway but have been informed by the supervisors of upper yoder Twp that all of the abutting property owners have signed a release of damages in the petition for said proposed Highway which was filed with the Court.

However taking into consideration all benefits and damages sustained or that may seem likely to be sustained by the abutting property owners along route of said proposed Highway by reason of opening, improving and maintaining same, we assess no benefits and no damages to any of the abutting property owners.

D.O. 1940

Est # 91.70

J.E. Decker
M. Shoemaker
Jas McLean

and seal this 2nd day of December.

No. 3. March Sess. 1942.
Continued from page 92

That we have been duly sworn as members of the Permanent Board of Viewers of Cambria County, as attested by the records of said Court; that due notice was given to the public at least ten days prior to the holding of said view, the time, place and purpose of meeting to view the road in question, by the posting of notices at the termini of said portions of road, along the route, and at points adjacent thereto, and by serving of notices on the Commissioners of Cambria County and the Supervisors of East Carroll Township, copies of all these notices being hereto attached and made a part of this report as proof of service. A personal call was also made at the homes of those whose dwelling houses abutted on those portions of road to be vacated.

That we met in accordance with the notices given, on Tuesday, June 9th, 1942, at 10:00 o'clock A. M., and proceeded to view the portions of road to be vacated. There were present the three Viewers and Mr. Springer, Secretary of the Board of Road Supervisors of the above named Township. The members of the Board of Road Supervisors had been contacted personally when acknowledgment of receiving notice of view was received and expressed themselves as being in favor of the vacating of all the portions of public road as indicated below. All the parties who live in residences abutting on the roads to be vacated were strongly in favor of vacating portions of roads in question.

Said portions of roads to be vacated are located as follows:

- Portion 1. Beginning at Station 117+50 and ending at Station 119+80.
- Portion 2. Beginning at Station 172+0 and ending at Station 117+80.
- Portion 3. Beginning at Station 194+50 and ending at Station 222+0.
- Portion 4. Beginning at Station 227+50 and ending at Station 231+50.
- Portion 5. Beginning at Station 237+8 and ending at Station 246+50.
- Portion 6. Beginning at Station 259+30 and ending at Station 281+0.
- Portion 7. Beginning at Station 291 and ending at Station 321+0.

Included in these portions there were actually 20 portions of road to be vacated as they crossed and recrossed the new road at many points.

All the portions of roads to be vacated were carefully gone over by the Viewers, accompanied by Mr. Springer, Secretary, and at the conclusion of the view all the Viewers were agree that the prayer of the petitioners should be granted and all the portions of road indicated on maps attached and on this report should be vacated because of being useless and burdensome to maintain.

This was accordingly done and by unanimous vote of the viewers the roads were ordered vacated.

Respectfully Submitted,
James M. Carr
J. H. Jencks
Mahlon Baumgardner
Viewers

In Re: Laying out
Road in upper yoder
Twp. Cambria County.

Viewer's Report.

To the Hon. the Judges of the above named Court, we the undersigned Viewers, appointed by the annexed order of the Court, to view the proposed road within mentioned, respectfully report:

That we have been duly sworn or affirmed as members of the permanent Board of Viewers of Cambria County, as shown by the records of the Court; that having given due public notice of the time and place of meeting by posting notice as required by law along the route and at the terminus of the said proposed new road, as evidenced by copy of said notice hereto attached; and by service of such notice on the County Commissioners of Cambria County and Solicitor for the Supervisor of upper yoder Twp, service of said notice by the County Commissioners, and the Solicitor for upper yoder Twp. being thereto attached; that copies of said notice were also served upon the Supervisor of upper yoder Twp. that we met in accordance with the notice given on the 7th day of July A.D. 1940, at 10:00 o'clock A.M. and proceeded with the duties of our appointment and viewed the premises and the route of the proposed new road. That S. E. Diekey, Wm. J. G. Rain, and L. E. Kaylor, Viewers were all present; that the Supervisors of upper yoder Twp. were not present as represented by Council and have not filed any objections with the Viewers against said proposed new road; that the property owners abutting on the route of the said proposed new road were present during the view and were heard, all of whom stated they were in favor of the road and willing to contribute all land necessary for the required right of way and have signed a Release of Damages. That the proposed new road passes through an area of highly cultivated farm land; that four of the abutting property owners on the proposed road, namely Wm. V. Sheffer, James Thomas, Luther Layman and Wm. J. Hoberger have no access to a Public Hwy. except by use of a private land through other property; that after viewing the premises and the route of the proposed road we are of the opinion that a necessity exists for same, therefore, we proceeded to layout same as follows: Beginning at a point in Fender Lane or Dalton Run Road at the intersection of the private lane leading to the buildings on the Blair Hunt farm, the exact location of said place of beginning is at a distance of 2100 ft. measured along the center line of the Fender Lane or Dalton Run Road in a southerly direction from the intersection of another public road known as Cow Ridge Road; thence thro' land of Blair Hunt S 68° 51' W., 514 feet to a point of a curve to the left, having a radius of 786.04 feet; thence by said curve in a westerly direction an arc distance of 198.91 ft. to the point of a tangent, thence by same S 54° 44' W., 30 ft. to the point of a curve to the right, having a radius of 150 feet; thence by said curve in a North Westerly direction an arc distance of 291.70 feet to a point of a tangent thence by said tangent which line is partly on Blair Hunt and partly on Wm. V. Sheffer land W 27° 17' W., 873 ft. to a point of a curve to the right, having a radius of 473.60 ft. thence by said curve in a northerly direction through land of Wm. V. Sheffer and are distance of 233.87 feet to the point of a tangent, thence by said tangent thro' the land of Wm. V. Sheffer and Luther Layman N 44° 26' E. 114.4 ft. to the point of a curve to the left having a radius of 1466.38 ft. thence continuing by said

run in a northerly direction and thro the land of Luther Layman and Melbar J. Hofecker and are distance of 397.55 feet to the point of a tangent thence by said tangent and thro the land of Melbar J. Hofecker and Henry Hofecker N 11° 06' W. 1703.00 ft. to a point in the center line of the Menasha Hwy the point of ending. The exact location of said place of ending is at a distance of 1450 ft. measured along the center line of the Menasha Hwy in a westerly direction from the intersection of another highway known as the Jender Lane or Dalton Run Road. The total length of said proposed new road is 5350.4, all of which is colored green on blue print hereto attached. We recommend that the width of said proposed road shall be forty (40) feet.

That after taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the petitioners and laid out by us is necessary and convenient and will not be burdensome to the tax payers of Upper Yoder Twp. Therefore we recommend that the prayer of the petition be granted.

We are also informed by the supervisors that all of the abutting property owners have signed a release of damages in the petition for said proposed new highway which was filed with the Court however, we assess no benefit and no damages to any of the abutting property owners.

Witness our hands and seal this 24th day of July A.D. 1940.

Total cost of View \$174.65

J. E. Dickey
W. J. McDaniel
H. C. Taylor.

Viewers

Continued from page 73.

No 3 June Sessions 1941.

The three Viewers, the supervisors and all citizens whom we contacted were agreed as to the necessity for the proposed road. We are also agreed that there are no damages or benefits accruing to any person or persons by reason of the building of the road. This applies to all owners of adjoining land and land adjacent thereto.

We are advised that all adjoining owners have signed an agreement waiving all claims for damages.

Witness our hands and seals this 28th day of July A.D. 1941

James McCann
J. E. Dickey
A. M. Shoemaker
Viewers

SESSIONS, 19

No 4. March Sessions 1941.
Continued from page 69.

That we have been duly sworn as members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the Court. That due public notice has been given of the time, place and purpose of meeting by posting notices at the termini at points along the route and at points adjacent thereto, copies of which notices are hereto attached and made a part of this report, and by service of said notices on the Supervisors of East Taylor Township and the Commissioners of Cambria County, copies of such notices being hereto attached, properly signed, and also made a part of this report.

That in accordance with the notices given we met at the point of beginning on the date designated and proceeded with the duties of our appointment.

There were present, the three Re-Viewers and two of the Supervisors of East Taylor Township, Wm G. Wilson and Clyde Herald. The Re-Viewers accompanied by the Supervisors, viewed the route of the proposed road carefully and for its entire length, and the Re-Viewers then gave careful consideration as to whether a necessity existed for a new road and have unanimously agreed that no necessity exists for its construction and therefore recommend that the road be refused for the following reasons:

It parallels an improved road for a considerable distance, which seems a useless expenditure of money. The service given by it would be of a through road and this part if built would be only a link in a main highway and does not give any local service to any person along its route in the Township; therefore, the expense should not be borne by the Township.

The cost of building this road, due to the mountainous nature of the country and the heavy rock formation, a great portion of such rock would have to be removed at an enormous cost, would be too great for a Township to undertake when no local benefit would be received.

Owing to the fact that the road runs parallel with an improved road for a considerable distance and close along the other road and at a greater depth, there would not be sufficient width for a new road between the road now there and the Conemaugh River, without undermining the road now there and creating a dangerous condition.

The Township of East Taylor is not now in a financial condition to assume such a great burden of debt as would be necessary to construct such a road; therefore, your Re-Viewers recommend that the road be not granted.

Owing to the fact that no new road is recommended, no Plans or Maps are filed with this report.

Respectfully submitted
James McCann
D. H. Jencke
Theodore B. Hunt
Re-Viewers

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No 3
March
1940.

that we met in accordance with the notice given on the 11th day of May A.D. 1940, at 10:00 o'clock A.M., and proceeded with the duties of our appointment and viewed the premises and the route of the proposed New Hwy.; that S. E. Dieckey, W. J. McGrain, and Theodore Hunt, Viewers were all present; also the supervisors of Upper Yoder Twp. and a number of interested persons were present. That the said proposed new Hwy. is now a dedicated Hwy. known as Christopher St. in the John K. Miller plan of Lots said Christopher St. being 60 feet in width as shown on the blue print attached herewith and made a part hereof; said proposed Hwy. being colored green thereon; that said proposed Highway is in a rapidly developing section and will be convenient for the development of the immediate properties abutting thereon and will also be convenient for the traveling public as it makes another direct connection between two existing Public Hwys. that there were no objections made against the proposed New Hwy. by the supervisors or any residents or property owners of Upper Yoder Twp.; that after viewing the premises and the route of the proposed new Hwy. we are of the opinion that a necessity exists for the same, therefore, we proceeded to layout same as follows:

Beginning at the intersection of said proposed new Hwy. with Goucher St., a public Hwy. in Upper Yoder Twp. at an exact distance of 275 feet, measured along center line of Goucher St. in a northwesterly direction from the intersection of Elkland Lane or Route 11.007 another public Hwy.; thence N. 58° 18' E, 556.04 feet, thence N. 55° 50' E, 331.34 feet to the intersection of State St. another Public Hwy. in said Twp. the place of ending, said place of ending being at the exact distance of 125 feet, measured along the center line of State St. in a northwesterly direction, from the intersection of Elkland Lane Route 11.007 another public Highway in said Township. The total length of said proposed new Hwy. is 884.38 feet all of which is colored green on Blue Print hereto attached as hereinbefore mentioned. We recommend that the width of said proposed Highway shall be sixty (60) feet.

That after taking into consideration all the matters before us we are of the opinion that the road as prayed for by the Petitioners, and laid out by us is necessary and convenient and not burdensome to the taxpayers of Upper Yoder Twp. therefore, we recommend that the prayer of the petitioners be granted.

We are informed by the supervisors of Upper Yoder Twp. that all abutting property or lot owners have signed a release of Damages in the petition for said proposed new Hwy. which was filed with the Court. however, we assess no benefit and no damage to any of the abutting property owners.

Witness our hands and seals the 14th day of May A.D. 1940.

John K. Miller
93.40

S. E. Dieckey
W. J. McGrain
Theodore Hunt
Viewers

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No 2 Public School Building and numerous dwelling houses as more
 Dec particularly shown on the draft hereto attached. As no damages will be
 1940. sustained by reason of the laying out and opening of the new road
 have been awarded by the Viewers
 Witness our hands this 1 day of May A.D. 1941

A. M. Shornaker.
 P. H. Jenks
 Theodore W. Hunt.
 Viewers

Cost of View.

A. M. Shornaker	58 60
P. H. Jenks	12 80
T. W. Hunt	17 60
	<u>\$ 91.00</u>

No. 1 - Dec. sess. 1938.

Transferred from Page 36

Beginning at Walnut Street; thence by lot formerly of Charles McHermit, (now Altoona Coal Company, 140 feet; thence west by land formerly of James N. McGuire, now Annie Pachasky, 100 feet; thence south by land formerly of James N. McGuire, now Jacob Berman Estate, to Walnut Street 120 feet; thence along said Walnut Street 100 feet to the place of beginning.

Being lots Nos. 10 and 11 on Plan of Delaney Town, Now Coupon, Cambria County, Pennsylvania.

Relative to the matter of our inquiry we have ascertained as follows: That over twenty-six years ago said Walnut Street was made a public road by proceedings entered to No. 3 June Sessions 1916, and the Court of Quarter Sessions of Cambria County fixed the breadth thereof at forty feet.

That the said public highway passing the premises of said William J. Robbins has not been moved or shifted to any extent, and the total width of said highway, including the berms on either side and the slope of the cut on the northerly side opposite the property of said Robbins is less than forty feet; and it is admitted by Mr. Robbins that no portions of his property or lots was taken for road purposes.

That the grade of the public highway in front of the Robbins property has not been materially changed altho the said road, in the course of the improvements, was widened out and leveled to approximately twenty-eight feet.

That the stone wall complained of having been removed by the supervisors in the course of said improvements was entirely and for the full length within the line of the right-of-way, and so admitted, and at the time of its removal was in such condition as to be a menace to the safety of the public.

In the opinion of the viewers it was the duty of the supervisors of Gallitzin Township to remove the stone wall - which the petitioner claims the right to insist on being left in place and concerning which much testimony was brought out at the hearing, both on account of its dilapidated and dangerous condition and because of its being on the right of way of the public road.

In compliance with our duties as viewers we have estimated and determined the benefits and damages sustained or which seem likely to be sustained, off-setting the one against the other and having prepared our schedule of benefits and damages, and after giving due notice of the exhibition of same to the parties in interest we have exhibited said schedule showing no benefits assessed and no damages sustained.

We have notified the parties interested that this report will be filed with the clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, on February 1st 1939, and that unless exceptions to said report be filed or an appeal taken within thirty days from the date of filing same it shall be confirmed absolutely.

Witness our hands this twenty-eighth day of January 1939

A. M. Shoemaker

S. H. Gracks

Mahlon J. Baumgardner

Viewers.

No. 2 - Dec. sess. 1938.

-Transferred from Page 37

Joseph Bimael, one of the Supervisors of the Township of East Taylor, together with Mr. Ralph Rose, the only taxpayer affected by said vacation. We viewed the site and locality of the road proposed to be vacated, making a personal inspection of the ground between the points designated in the petition and order.

We are of the opinion and agree that a portion of the highway in East Taylor Township, County and State aforesaid, now abandoned as a Township Road, and re-located, is unnecessary for public use and travel and that the same will be burdensome and dangerous, and we therefore vacate as a public highway that portion of the Township Road, beginning at a point on said section of road to be vacated where it intersects with State Highway Route 52, Traffic Route 219, near State Highway Station 545 plus 50 construction survey and ending at the intersection of said road to be vacated with the new road already supplied leading to Echo, which point is easterly from the place of beginning a distance of approximately eleven hundred twenty-five (1125) feet. The section of the road vacated in this proceedings is designated as Township Road Route 11402 leading to Echo. This road, since a new public road has been supplied, which is far more advantageous to the travelling public; therefore, makes unnecessary and burdensome that portion of the road we hereby authorize to be vacated.

The petition praying for the vacation is the petition of Joseph Bimael, Charles Colbert, and W. G. Wilson, Supervisors of East Taylor Township, Cambria County - Penna., and it is to the advantage of all parties in interest that the hereinabove road, as designated in the petition and order and as shown in the within report, be vacated, and it is hereby vacated. No taxpayer or abutting property owner is affected by said vacation except that of Mr. Ralph Rose, who is satisfied that the said road should be vacated.

No blue print was supplied the Board of Viewers showing vacation but a blue print showing said vacation accompanies the petition asking for the appointment of Viewers in said vacation. Not having any blue prints available, we therefore file none with the report.

Witness our Hands, this seventh day of March - A.D. 1939

Mahlon J. Baumgardner

L. E. Kaylor
Viewers

SESSIONS, 19

-Transferred from Page 29-

No. 5. June sess. 1938:

South 48 degrees 30 minutes west 743 feet to a post; thence along Angus lands south 43 degrees 20 minutes east 871 feet to a post; thence along same south 14 degrees 30 minutes west 1576 feet to a hemlock stump; thence along line of land now or formerly of William Shaffer south 41 degrees east 418 feet to a post; thence north 58 degrees 45 minutes east 154.5 feet to a post; thence south 33 degrees east 129 feet to a post; thence along a private road and along line of land now or formerly of William Killen, north 69 degrees east 431.5 feet to a post; thence along same and along line of school lot north 80 degrees 30 minutes east 534 feet to the place of beginning, containing 75.95 acres, more or less; having thereon erected two dwelling houses, barn, spring house, ware-rooms, and other improvements.

Also a portion of Parcel No 2 hereinafter described, consisting of a narrow strip from the front of said lot and also changing the grade where it passes over and across the land of Herman Varner, said Parcel No. 2 being described as follows:

All that certain piece of land, with the buildings and improvements thereon erected, situate in East Taylor Township, Cambria County, Pa bounded and described as follows:

Beginning at a post on the northerly side of Ebensburg Road corner of lots Nos 2 and 3 on the plan of "Killen View" as laid out by O. P. Thomas on January-23-1922, and recorded in the office of the Recorder of Deeds of Cambria County in Plat Book Vol —, Page — thence along line of lot No. 3 north 75 degrees 48 minutes west 120 feet to a post; thence through lot No. 2 on the plan aforesaid north 19 degrees no minutes east 100 feet to a post; thence continuing through said lot south 75 degrees 48 minutes east 118.73 feet to Ebensburg Road; thence along said Ebensburg Road by a curve with a radius of 1134.14 feet a distance of 100 feet to the place of beginning, and being part of lot No. 2 on the aforesaid plan, having thereon erected a frame dwelling house.

Respectfully report that we were duly sworn or affirmed as members of the Permanent Board of Viewers of said county as is shown by the records of said court; that we gave due public notice of the time and place of meeting of Viewers by posting handbills upon the premises as well as by acceptance of service of said notice upon Russell R. Yost, Esq., Attorney for Herman Varner and upon H. Frank Doerr, chief clerk to the county commissioners of Cambria County, Pa. evidence of which is shown by copies of said notices hereto attached and made a part of this report.

That we met upon the premises according to notice given, on Tuesday, September-9-1938 at 10:00 O'clock A.M. and proceeded with the duties of our appointment. S. E. Dickey, and Mahlon J. Baumgardner, members of the Board of Viewers, were in attendance at said View as well as Russell R. Yost, Esq. counsel for Herman Varner, the petitioner and Herman Varner and H. Frank Doerr, clerk to the county commissioners. James McCann, the other Viewer, not being present, later made an inspection of the properties involved in the proceedings. A very thorough inspection of all the grounds was made, carefully going over the questions raised in the petition with reference to the taking of land and soil damages resulting from lack of drainage, and all other things relative to said improvement, together with an inspection made of the houses and lot hereinabove described as Parcel No. 2.

It was mutually agreed by and between all the parties present who were interested in said View to continue said hearing until Friday, Sept-

No. 5 James sess. 1938.

timber-16. It not being convenient for all parties to meet at that time, it was further continued until Friday, Sept. 23, at 10:00 O'clock A.M. all parties having had notice of said changes. It being impossible for all parties interested to meet at that time, it was continued by mutual agreement, until Tuesday September 27-1938, at 10:00 O'clock in the Viewers Rooms, occupied by Judge Greer in the United States Bank Building, Franklin street, Johnstown, Cambria County, Pennsylvania. All the parties in interest, to wit: the Viewers, Russell R. Yost, Esq., Counsel for Serman Varner, and H. Frank Doerr, Chief Clerk to the County Commissioners, agreed to said continuances from time to time, and that pursuant to said continuance we met on Tuesday, September 27-1938 at 10:00 A.M. in the Viewers Rooms aforesaid, occupied by Judge Greer, and heard all the testimony and evidence offered.

The Viewers met at that time with Russell R. Yost, Esq. counsel for Serman Varner, and Serman Varner, the petitioner. For the petitioners were called as witnesses, E. A. Stower, and John S. Kenny. George Spence, Esq. solicitor for the Commissioners of Cambria County, appeared in behalf of the County Commissioners of Cambria County, with John Thomas Jr. President of the Board of County Commissioners. The County Commissioners did not present the members of the Board of Viewers maps showing the relocation of the road, nor maps of any sort whatsoever to aid the Viewers in performance of their duties. The County offered no witnesses in behalf of the County Commissioners.

The Board of Viewers met in the office of Mahlon J. Baumgardner, Swank Building Johnstown, Cambria County, Pennsylvania, at 10:00 O'clock A.M. November 15, 1938, for the purpose of going over the testimony adduced by the petitioner, Serman Varner, and to arrive at and determine the amount of damages due and owing Serman Varner, the petitioner.

Notice of the Exhibit of Schedule, setting forth the place of meeting at City Council Rooms in City Hall - City of Johnstown, on Tuesday, November 29 at 10:00 O'clock A.M. as the time. Acceptance of said notice having been given to Russell R. Yost, Esq. counsel for Serman Varner, and H. Frank Doerr, Chief Clerk to the County Commissioners of Cambria County, copies of which acceptances of service are hereto attached and made a part of this Report, at which time and place a Schedule of Damages was exhibited and evidence thereto was heard.

After hearing all exceptions and testimony offered and giving all matters before us due consideration, we are of the opinion that by reason of the relocation of highway route #219 as affecting the property of Serman Varner, an abutting property owner, situate along said highway in East Taylor Township, Cambria County, Pennsylvania, we assess benefits none and damages — Eighteen Hundred (\$1800) Dollars. We have not checked the record in the respective offices in Ebensburg with reference to liens that may be outstanding against the hereinabove described property but award said damages to be paid to the said Serman Varner as his interest may appear.

Dated - December 3 - 1938.

Mahlon J. Baumgardner
S. E. Dickey
James M. Gann
Viewers.

No. 8 - June 1938

Transferred from Page 32

(Eastern Standard Time); that several residents of the Township were present, but on account of Messrs Baumgardner and McCann, the other two viewers, being unable to be present, the view was continued to the 15th day of September, A.D. 1938 at 1:30 O'clock P.M. (Eastern Standard Time); that in accordance with said continuance, we met on the 15th day of September A.D. 1938 at 1:30 O'clock P.M. (Eastern Standard Time) and proceeded with the duties of our appointment and viewed the premises and route of the proposed new road; that said proposed new road is now opened and occupies dedicated highways, namely, Cherokee Lane, and Woodhaven Drive; that the public road proposed to be opened, that is, Cherokee Lane thirty (30) feet in width and Woodhaven Drive twenty (20) feet in width, is in a built up section in said Township of Upper Yoder, a second class township, therefore, being less than thirty-three (33) feet in width is of the type commonly known as an Alley and is not an integral part of a through route; that the viewers named herein and representatives of the Board of Supervisors and residents of the Township of Upper Yoder Township were present and heard during the view; no objections were made against the proposed road by the supervisors or any residents of the Township of Upper Yoder; that the proposed road is situated in the Beechwood section, strictly a residential section of Upper Yoder Township which is rapidly developing with a large number of houses now completed and under construction; that after viewing the premises and the route of the proposed road, we are of the opinion that a necessity exists for the proposed new road of a type known as an Alley, therefore, we proceeded to lay out same as follows: Beginning at a point in Keppler Drive, a public highway in Upper Yoder Township N. 64° 06' E. 180.05 feet along the center line of Keppler Drive from its intersection with Lilly Street, a public highway, being a State Road leading from Ferndale to Menasha Highway; thence by the center line of Cherokee Lane, a dedicated highway thirty (30) feet in width S. 41° 39' E. 335.25 feet to the center line of Woodhaven Drive, a dedicated highway twenty (20) feet in width; thence by the center line of Woodhaven Drive, S. 50° 03' W. 155.67 feet to the center line of Lilly Street, a state highway aforementioned, the place of ending, said ending being an exact distance of 389.46 feet measured along the center line of Lilly Street in a south-easterly direction from the intersection of Keppler Drive, a public highway, the total length of said proposed road being 490.92 feet, all of which is shown colored green on the blue print attached hereto and made a part hereof.

That the Route of the proposed road as hereinbefore mentioned follows dedicated highways and is through a plan of building lots - five (5) of which are now occupied with residents.

That after taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the Petitioners and laid out by us is necessary and convenient and not burdensome to the taxpayers of Upper Yoder Township, therefore, we recommend that the prayer of the Petitioners be granted.

Inasmuch as the right of way required for said road is already dedicated as a highway and no additional width will be required from the adjoining property owners, we assess no benefits and no damages to any of the abutting property owners.

Witness our hands and seals this 21st day of September A.D. 1938.

A. E. Dickey
 Mahlon J. Baumgardner
 James McCann
 Viewers

Continued from page 85.

turned back to the Supervisors of Cambria Township, as township roads take the following courses and distances, as are more clearly indicated on the draft which is hereto attached and made a part of this report - The first section beginning at "A" and extending N 39° E 193', N. 38° E. 301.4', N. 48° 50' E. 200', N 31° 45' E 200', N 67° 30' E. 431', N. 25° E 721.4', N. 4° 30' E. 587' to "C."

The second section beginning at "D" and extending as follows, N. 18° 55' E. 935', N. 19° E 1454', N 19° 36' E. 496', N 2° 45' E. 651', N 1° E 286.4, N 28° 30' E 378', N 29° 50' E. 762', N 19° 6' 42' N 1° 30' E. 1020.6, N. 250', N. 1° E. 1870', N 2° E 955', N 52° 30' W. 1021', N 51° 30' W. 574', N 28° W. 280' and N. 56° 30' E. 512' to "E" at the northerly end of the portion of State Highway Route 11034, in Cambria Township abandoned by reason of the relocation of portions of said State Route 11034.

The viewers desire to recommend that there is urgent need for guard rails near a point immediately northward from point "D" on draft, where the newly located portion of State Highway Route No. 11034 diverges from the abandoned portion of State Route No. 11034, where an approach to the lane leading to the farm of Mrs. Philip Illig has been made along said newly constructed State Highway.

The portion of section two of the above referred to piece of public road which is herein recommended to be left as a township road between points indicated as "E" and "F" will connect with the newly located Route No. 11034 by a forty foot road to be constructed over a strip of ground acquired by the Township of Cambria from Paul T. Illig and from Edward A. Illig and Bertha A. Illig, his wife, for the purpose of a more convenient outlet for some five resident property owners living along the portion of road left as a township road.

Witness our hands this 28th day of Feb, A. D. 1942.

A. M. Shoemaker
 Mahlon J. Baumgardner
 Theodore W. Hunt
 Viewers

No-1 June sess. 1938-

Transferred from Page 25.

and two tenths (504.2) feet to a point where the lane leading into the farm buildings on the property, now or late of James Rogers Sr. adjacent said last referred to public road, and extending thence through and over said referred to Rogers farm, the property now or late of John Tinkerhoof and land of the Pennsylvania Bituminous Coal & Coke Company, the following courses and distances: Viz: North sixty-two (62) degrees East one thousand (1000) feet; thence North fifty-three (53) degrees East four hundred sixty-two (462) feet, thence North forty-five (45) degrees East five hundred twenty-eight (528) feet, thence North seventeen (17) degrees East three hundred sixty-five and five tenths (365.5) feet, and North forty-seven (47) degrees fifteen (15) minutes East three hundred thirty-nine and three tenths (339.3) feet to a point on the southerly line of land of Peter Anjeski; the point of ending --- said terminus being the same as those more particularly and definitely described and indicated on the attached order of court and the plot or draft thereto attached and made a part of this report.

We make an award for damages to the James Rogers farm, as mentioned above, in the sum of two hundred fifty dollars, (\$250.00). No damages or benefits are assessed in the case of the other properties involved.

Louis E. Kaylor
A. M. Shoemaker
S. N. Jencks
Viewers.

Oct. 10, 1941 return of Supervisor filed

SESSIONS, 19

No. 7. March Sess. 1938.

Transferred from Page 24

notices, as required by law, along the route and at the termini of the said proposed road, as shown by copies of said notices hereto attached and by notice given to the Cambria County Commissioners, acceptance of service being hereto attached, and to the Supervisors of Boyle Township, copies of notice being also hereto attached. That we met in accordance with the notices given and at the time and place designated and proceeded with the duties of our appointment. There were present the three Re-Viewers and a large number of interested citizens.

We viewed the route as already laid out by the original View and as recorded by them in the Road Docket file; we also viewed the proposed route as desired by the petitioners for the review and heard the opinions of all those present, and after due and careful consideration we have arrived at the following conclusion:

That the road as proposed in the original View is not properly located to serve the best interests of the people living in that locality; that the terminals of the proposed road are not located properly; that there is a considerable difference between the termini as prayed for by the petitioners for the original View and the termini as located by the original View. We are convinced that a road in that locality is necessary but the termini should be relocated and the route of the proposed road changed and located in a different direction so that more people living in the locality would be benefitted.

As we have no authority to change the termini, we have therefore agreed that the only proper solution in this case is for the Honorable Court to refuse the Petition for the original View and then the interested parties present a new Petition, with the termini and route so located that the greater number of people living in that locality would be benefitted.

Witness our hands and seals this Oct. 14th day of October, 1938.

Re-Viewers

{ James M. Cann
Louis E. Taylor
A. M. Shoemaker

No. 1 - Sept sess. 1937.

Transferred from Page 9

by Hoffman and Otto, land of John Polacek, the Plan of Lots known as "Mill Vw" as laid out by Paul, land of Blazy Muck and property of James Mackell, a distance of approximately Seventy-Five Hundred (75) of a mile, and ending at a point on the proposed new road.

After going over the proposed road and hearing all parties who were interested and learning that a considerable number of families, both in Middle Taylor and West Taylor Townships, have no other way of egress or ingress to or from their homes, we are agreed that a road located properly should be granted to them but the proposed road as laid out now would be burdensome and a portion of the said proposed road would be impractical to build. The terminals of the proposed road are imperfectly described. We are, therefore, agreed that the terminals and the route of the proposed road are improperly located and described and recommends that the petition for a road be refused.

Witness our hands and seals this 30th day of October- 1937.

Viewers

James McCann
S. E. Dickey
A. M. Shoemaker

No. 1. Sept. 1941, from Page 75.

by it at no value. Louis H. Crosser testified that the value of the property before the exercise of the right of Eminent Domain, and as unaffected by it, at \$2900.00, and after the exercise of the right of Eminent Domain and as affected by it, at no value.

The meeting then adjourned and the Viewers continued in session to consider the testimony and arrive at a decision.

A meeting for the purpose of exhibiting a schedule of damages, hearing of further testimony and noting any exceptions taken to the award was called for October 28th, 1941, in the Court House at Ebensburg, at 9:30 o'clock a.m.

In accordance with this arrangement we met on the day and date above given. There were present the three Viewers and the two witnesses who were present at the previous meeting. The schedule of damages was then read by Chairman McCann, of the Board of Viewers, and those present were asked if they had any further testimony to offer or exceptions to take to the award. Considerable discussion of the award took place but no further testimony was offered and the meeting was adjourned. Cambria County was not represented.

The Board of View gave careful consideration to all the evidence presented before finally reaching their decision which was:

Benefits
None

Damages
\$550.00

Said damages to be paid by the County of Cambria to the Salix State Bank, as their interest appears.

Respectfully submitted,

James McCann
S. H. Jencks
L. E. Kaylor,
Viewers.

No. 3 - Sept. sess. 1937. cont'd. Transferred from Page 11

feet, North 17 degrees 40 minutes West 630.35 feet, North 19 degrees 18 minutes West 855.45 feet, North 2 degrees 9 minutes East 109.65 feet, North 25 degrees 58 minutes East 376.25 feet and North 1 degree 06 minutes East 709.9 feet to a point within 140 feet of the intersection of said Route No. 11470 with the road leading from the Ebensburg-Carrolltown Road to Colver, being the northerly terminus of said last mentioned road proposed to be vacated.

Number 2. On Route No. 11482 beginning at a point North 6 degrees 35 minutes 1609.4 feet from said juncture of Route No. 11470 with Route No. 11482 and extending thence North 4 degrees 50 minutes East 248.85 feet North 7 degrees 46 minutes East 494.95 feet North 31 degrees 10 minutes East 519.10 feet North 31 degrees 37 minutes East 461.9 feet and North 30 degrees 08 minutes East 653 feet to said improved highway leading from the Ebensburg-Carrolltown Road to Colver, and instead of said piece of road to be vacated to supply the following, beginning at the point of beginning of the last mentioned portion of road suggested to be vacated and extending thence Northward a distance of 772.6 feet by a line curving to the Westward as indicated on the plot or draft, which is hereto attached, and made a part hereof; thence North 25 degrees 55 minutes West 1741.31 feet thence Northward by a line curving to the right, as shown on the said attached plot or draft, a distance of 279.6 feet to the point of ending of the first portion of road proposed to be vacated, being the terminus on Route No. 11470. Said piece of road proposed to be supplied, passing through and over lands of Irvin Griffith, William R. Rowland, and John Norman Griffith.

The Viewers having obtained releases of claim or claims for damages from said Irvin Griffith, William R. Rowland, and John Norman Griffith, have assessed no damages.

The Viewers beg leave to suggest that the northerly portion of the second above referred to piece of public road recommended to be vacated from the property line between Harry W. Gittings and William R. Rowland on the south and Harry E. Stinson on the north and the land of Corinley Brothers on the north Easterly side to the improved road Route No. 11036 leading from the said Ebensburg-Carrolltown Road to Colver should be left open as a private road for the accommodation of the parties last above mentioned.

Witness our hands this fourteenth day of October - 1937.

James McCann
G. M. Shoemaker
S. H. Jencks
Viewers

19 Dec. 1938 Return by Supervisor filed

No-4. Sept. sess 1937.

Transferred from Page 12

West 186.0 feet to a point; thence north 60 degrees 10 minutes West 225.0 feet to a point in the center line of Brehm Ave, a dedicated highway in the Cambria Heights Plan of Lots; thence by same, south 9 degrees 12 minutes West 235.0 feet; thence south 37 degrees 07 minutes West 194.0 feet, to the intersection of the center line of Owen Street, a dedicated highway in the aforesaid Plan of Lots; thence by same north 87 degrees 00 minutes West 188.78 feet to the center line of Hoffman Avenue, a dedicated highway in the aforesaid Plan of Lots; thence by same south 3 degrees 00 minutes West 400.0 feet to the intersection of Coker Street, a dedicated highway in the aforesaid Cambria Heights Plan of Lots, the place of ending, said ending being at a distance of 1767.28 feet from the intersection of the Prosser Hollow Road, a public highway, with the proposed road measured in a southwesterly direction along the center line of the proposed new road. The ending of the proposed road is not in a Township Highway but in the intersection of Hoffman Avenue and Coker Street, dedicated highways, as shown in the Cambria Heights Plan of Lots situate in West Taylor and Middle Taylor Townships and recorded in the office for recording of Deeds in Cambria County. Said proposed road being colored green on the blue print attached hereto and made a part hereof.

While there is only one terminal of said proposed road intersecting with a public highway, the other terminal intersects with a dedicated street 40 feet wide, as above indicated. There are a number of families, both in Middle Taylor, and West Taylor Townships whose only way to or from their homes to another public highway is by means of the proposed new road. We, therefore, respectfully suggest to your Honorable Court that the proposed road be opened. After careful consideration we have also decided that there shall be no damages or benefits awarded.

Witness our hands and seals this 6th day of December - 1937.

Viewers

{ James McCann
A. M. Shoemaker
S. E. Dickey

9 Jan. 1939 Return of Supervisor filed.

No. 5- Sept. Sess. 1937.

Transferred from Page 13

C of Two Hundred Twenty two and Thirty-five Hundredths (222.35) Feet to a point of tangent; thence by same, North 71 degrees 00 minutes East One Hundred Twelve and Ninety-eight Hundredths (112.98) Feet to the place of ending, said place of ending being at a distance of Twenty-nine Hundred and Ten (2910) Feet measured along the center of the proposed road from its intersection with Route # 11344 aforesaid and the place of Beginning, said proposed road being colored green on the plan hereto attached and made a part hereof.

While there is only one terminal intersecting with a public highway, there are six families living along the route of the proposed road who have been maintaining their own road for years. There are other property owners who do not live on the road and who have to cross the lands of others to reach their property. We, therefore, respectfully recommend to your Honorable Court that the road be ordered opened. We have also decided there shall be no damages or benefits awarded.

Witness our hands and seals this 27th day of December-1937.

Viewers { James M. Cannon
S. E. Dickey

No 4 March Session 1939.

Transferred from Page 41

a distance of 732' measured along the center line of Fairfield Avenue in westerly direction from the intersection of Hays Street with Fairfield Avenue; thence along the center line of the proposed road S 10° 57' E 1/4 1/3'; thence S 49° 30' W 1/4 1/4'; thence S 1/2° 1/4' W 1/4 1/4' to St Theresa Cemetery; thence along same S 19° 40' W 1/4 1/3' to the Cambria Iron Company, place of ending, and being colored green on Blue print attached hereto and was a part hereof. The width of said road being established at 33' by widening the present existing road from 16' and 30' to 33' as indicated on the plan attached hereto.

There is also attached hereto a copy of the list of names of all abutting property owners along the route of the proposed road, who have signed waivers of any damage and claims, said releases being filed with the petition for said proposed road.

That after taking into consideration all matters before us, we are of the opinion that the road prayed for is necessary and convenient for the general public and will not be burdensome to the tax payer. Wherefore we recommend that the prayer of the petitioners be granted.

Taking into consideration the improvements and benefits hereafter to be derived by the opening and improving of said proposed road, we assess no benefits, and no damage to the abutting property owners.

Witness our hands and seals this 27th day of June A.D. 1939.

James M. Carr
J. E. Dickey

VIEWERS.

Brought forward from page 72.

No 2 June Sessions 1941.

That in accordance with the notices given, we met as indicated by notices above and proceeded with the duties of our appointment and viewed the proposed road along the entire route. There were present the three Viewers, one of the Supervisors and a large number of interested property owners, both men and women. They were all given an opportunity to be heard. They were divided, some favored the road and others opposed it. The road as laid out would have a dead end at the boundary line between Cambria and Somerset County. After giving the matter serious consideration from all angles and from the opinions expressed by those interested for and against the road, all three viewers agreed that the cost of building and maintaining such a road would be out of all proportions to benefits accruing to the property owners along the route and would be burdensome on all the taxpayers of the Township. It could not be used by the general public because of the dead end at the boundary line of the two counties named above.

We, the three viewers have therefore decided that there is not sufficient need for the proposed road and recommend that the prayers of the petitioners be denied and the road refused, due to the fact that the road is refused there will be no damages or benefits accruing to anyone. No plans or maps are filed with this report.

Witness our hands this 18 day of August A.D. 1941

James M. Carr
J. E. Dickey
A. M. Shoemaker
Viewers.

SESSIONS, 19

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No 7 Sept 1939.

thence S. $29^{\circ} 30' W$, Four hundred Thirty-seven feet (437') through land of A.M. Custer to the St. Peter and St. Pauls Cemetery; thence through same S $57^{\circ} 40' W$, one hundred seventy-eight feet (178') to a point in Thomsen Ave., a dedicated highway forty feet (40') in width. thence by same S. $67^{\circ} 00' W$, Three hundred Ninety feet (390'); thence S. $63^{\circ} 00' W$, Two hundred eight feet (208'); thence S. $52^{\circ} 10' W$, one hundred eight-two feet (182') to the intersection of the centre line of same main driveway to the Serbian Orthodox Church of St. Petka Cemetery, a place of Public assembly, the place of ending. The exact location of said place of ending being a distance of Three hundred Ninety feet (390') measured along center line of said proposed road in a south-westerly direction from the intersection of the present private road to said cemetery with Thomsen Ave. or a total distance of One Thousand Three hundred Ninety-five feet (1395') from the place of beginning. The location of said proposed road being colored green on the blue print plan attached hereto and made a part thereof.

That after taking into consideration all matters before us, we are of the opinion that the road prayed for by the petitioners is necessary and convenient for the general public and that it will not be burdensome to the taxpayers. Therefore, we recommend that the prayer of the petitioners be granted. A release of damages from St. Peter and St. Paul Cemetery Association and A.M. Custer is attached hereto and we assess no damage and no benefits to the abutting property owners.

Witness our hand and seals this 2nd day of December A.D. 1939.

J. E. Dickey
Jas. McLean
H. H. Shoemaker

Viewers

No. 4 March Sessions 1942.

Continued from page 93.

should be granted and all the portions of road indicated on maps attached and on this report should be vacated because of being useless and burdensome to maintain.

This was accordingly done and by unanimous vote of the Viewers the roads were ordered vacated.

Respectfully submitted,
James McLean
D. H. Jencks
Mahlon Baumgardner.
Viewers.

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No 2
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1941

circulated and that all of the parties in interest, whose property was near the portion of the road in question, were favorable to its being vacated as being useless, unnecessary and burdensome to maintain.

The point of beginning of said road to be vacated is on Township Road #11548, approximately 1580 feet from the intersection of State Hwy Route 11054 and 11063, in the village of St Lawrence in Chesham, where a road turns off towards the French ~~Swamp~~ State Fire Tower No 103, located on land of Edwin Reiden, thence South 6° West, 1416 feet to a point in center of State Hwy. Route 11054 which runs from Patton to the village of St Lawrence, the said point being 10 feet East of the Division line between lands of Geo. Bentrach and John Warner, extended to center of said Route 11054. A map or plan of road vacated is hereto attached and made a part of this report.

After taking into consideration the facts that the supervisor favored the vacating of the road, and that all adjoining residents also favored it, on evidence by the signatures to the petition, and also the further facts that the road is seldom used and is useless, unnecessary and burdensome to maintain, we all three viewers are of the opinion that the road should be vacated and recommend that the petition prayed for be granted.

We have not attached and release of damages from abutting property owners as no land has been taken and we are agreeable to the vacating. We therefore agree that in regard to benefits and damages that have resulted or may seem likely to result by the vacation of said portion of Township Road #11548, we assess no benefit and no damages to any of the abutting property owners, or the owners of any other property adjacent to or indirectly affected by said vacation.

Witness our hands and seals this 12th day of May 1941.

Respectfully Submitted

James M. Coad
L. E. Kaylor
S. H. Zeake Viewers

James M. Coad 60.70
L. E. Kaylor 16.70
S. H. Zeake 28.70

No 3 March Sessions 1941 (From page 68)
more than we feel is reasonable they should be required to do and for these reasons we report that the road as prayed for by the petitioners should not, in our estimation be constructed at this time. And having so found we have not made a survey of the same and therefore return no draft.

Witness our hands this day of August, A.D., 1941

G. M. Shoemaker
James M. Coad
L. E. Kaylor
Viewers.

From page 82.

No. 1. Dec. Dec. 1941.

Two Hundred Seventy-three and Twenty-nine Hundredths (273.29) Feet to the intersection of Daisy Street; thence by same North 4 degrees 29 minutes East, Two Hundred Ninety-eight and Six Hundredths (298.06) Feet to the intersection of same with the center line of aforesaid Harshberger Street, the place of ending.

The exact location of the place of beginning from the nearest intersecting public highway, namely, Daisy Street in the Borough of Southmont is at a distance of Five Hundred Four and Thirty-nine Hundredths (504.39) Feet measured along the center line of Harshberger Street in an Easterly direction from the intersection of Daisy Street. The exact location of the place of ending from the nearest intersecting public highway, namely, Daisy Street, in the Borough of Southmont is at a distance of Thirty-five and Fifty-five Hundredths (35.55) Feet measured along the center line of Harshberger Street in a westerly direction from the intersection of said Daisy Street.

And if they decide there is such a necessity proceed to lay it out, having respect to the shortest distance - where it will do the least damage and as far as practicable agreeable to the wishes of the Petitioners, respectfully report.

That we have been duly sworn as members of the Permanent Board of Viewers of Cambria County, Pennsylvania, as shown by the records of the Court.

That due public notice has been given of the time, place and purpose of meeting by posting notices at the termini, at points along the route and at points adjacent thereto, copies of which notices being served on the Solicitor for the Township and the Clerk to the Supervisors and the Commissioners of Cambria County, all of which notices are hereto attached, properly signed and made a part of this report.

That in accordance with the notices given we met at the point of beginning on the date designated and proceeded with the duties of our appointment. There were present only the three viewers, the Township was not represented. The viewers went over the route of the proposed new road carefully and for its entire length and then gave careful consideration as to whether a necessity existed for such road and have unanimously agreed that there is a necessity for the road, and therefore recommend that the prayer of the Petitioners be granted and the new road approved.

There has been filed with the petition a sketch showing that a portion of the road is a dedicated road 40 feet wide and the balance of the road being a 30 foot dedicated road, the owners on each side of the road, the 30 foot part, have given $1\frac{1}{2}$ feet of land to make it 33 feet wide, excepting the owner of the lot bounded by Harshberger Street and the proposed new road on its westerly side. The owner is Ludwig Bauer.

A small brick wall has been erected on his property line and this will be within the right of way of the proposed road but as it is the intention to only use 16 feet of the 33 foot width of the road, due to its short length, this will never be removed or used by the Township.

After a lengthy discussion it was finally decided that there were no benefits or damages to any of the adjoining property owners along the route of the road.

Respectfully submitted,

James M. Carr

A. E. Dickey

L. E. Kaytor

Viewers.

No. 3. March Sess. 1939 cont'd.

Transferred from Page 40

1st day of May, 1939, and in witness whereof I have hereunto set my hand and seal and affixed hereto the seal of said Township of Lower Yoder this 6th day of May, 1939.

John Kondash Jr. /SEA/ 1
secretary

Continued from page 84.

No. 3. December Sessions 1941.

some and therefore we vacate said portions more particularly described as follows:

Portion No. 1: That portion extending eastward from State Highway Route 11025 starting at Station -28- and extending to Station 33 as shown on Blue Print #1 and show the portion adopted on State Highway Route 11066 between the same stations; and also

Portion No. 2. Beginning at Station 43 plus 87 and extending eastward to Station 51 plus 62 be vacated on said State Highway Route 11066 and supplying and adopting same on said Highway as shown between said points on State Highway Route 11066 and as designated on Blue Print hereto attached; and also Portion No. 3: Vacating that portion from point on same State Highway at Station 86.50 and extending eastward a distance of approximately 279 feet along that portion of said State Highway Route 11066 as is shown on Blue print hereto attached to the line of the right of way of Route Number 11026 leading from Ebensburg to Wilmore and likewise showing portion adopted as part of State Highway Route 11066 from Station 86.50 to Station 88.93 to the westerly side of said Route 11026.

State Highway Route 11066 is an improved State Highway and the portions of highway Portions 1 and 2 are merely curves which have been straightened by the new and improved State Highway Route 11066 and the third portion is a different approach or intersection of State Highway Route 11066 at it intersects with State Highway Route 11026 leading from Ebensburg to Wilmore.

The portions thus vacated are useless, unnecessary and burdensome, therefore we direct vacation of same and the same are hereby vacated.

Witness our hands and seals this day of February, A. D. 1942.

Wm. J. McGrain
A. M. Shoemaker
Mahlon Baumgardner
Viewers

Petition and in this report is at a point other than in a public highway or place of public resort. The other terminus is in a public highway, namely, State Highway Route 11007. We find however, that said proposed road is necessary for public travel and for the use of property owners abutting thereon. The description of said proposed road is as follows:

Beginning at a point in State Highway Route 11007, thence S. 37° 02' W., 969.78' to a circle having a 40' radius the place of ending. The exact location of the place of beginning from the nearest intersecting public highway, namely, Derby Street is at a distance of 570' measured along the center line of State Highway Route 11007 in a northwesterly direction from said Derby Street. The exact location of the place of ending is S. 37° 02' W., 969.78' from State Highway Route 11007 a public highway and the place of beginning; that we have been informed by the Township Solicitors of Upper Yoder Township that they have no objections to the opening of said proposed road; that after taking into consideration all the matters before us we are of the opinion that said road as prayed for by the Petitioners and laid out by us is necessary and convenient for the several houses erected thereon and those hereafter to be erected and will not be burdensome to the taxpayers of Upper Yoder Township.

Therefore, we recommend that the prayers of the Petitioners be granted.

We are informed by the Supervisors of Upper Yoder Township that all of the abutting property owners have signed a release of damages, being part of the Petition for said proposed new road which was filed with the court. However, we assess no benefits and no damages to any of the abutting property owners.

Witness our hands and seals this 22nd day of February A. D. 1942.

J. E. Dickey
James M. Cannon
L. E. Kaylor
Viewers.

No. 1 - March sess 1937. Cont'd.

Transferred from Page 1

accord with said notices and a continuance of which the parties in interest had due notice and as duly noted on notices posted upon the premises: after going over said premises and noting the amount of land taken, injured or destroyed and the effect and results to and upon the remainder of the premises by reason thereof and the changed or altered condition of the remaining premises adjacent to the highway, we adjourned to meet at the Court House in Ebensburg to hear such testimony as the parties in interest might have to offer when and where the Petitioner, her attorney and witnesses appeared and were heard in her behalf and J. H. Dorr, Chief Clerk for the Commissioners of Cambria County appeared and was heard in behalf of the interests of the County -

After which view and hearing as aforesaid the viewers met and reviewed the situation and the testimony offered taking into consideration and offsetting the advantages against the disadvantages and having reached a conclusion in the matter duly notified both parties in interest of a time and place when and where they would sit to exhibit their schedule of benefits and damages when and where either party might have a further opportunity to offer testimony relative to the matter of our inquiry - none having been offered we herewith report that we found the petitioner, Sarah Hagerich, had sustained damages (\$260) which amount should be paid her by the County of Cambria.

That among the injuries sustained the petitioner had had a strip of land approximately two and one-half feet wide and one-hundred sixty-five feet long taken for road purposes -

That included within the strip of land taken was a concrete retaining wall in front of her premises approximately ten inches thick, five feet high (all told) and some seventy-two feet long, inclusive of concrete steps leading from the improved highway to the front of her residence -

That in removing the original terrace along the southerly portion of the frontage for the purpose of placing curbing and the employees of the State Highway Department had taken or destroyed a considerable amount of hedge, shrubbery, and flowers -

In addition the petitioner claimed that as a result of the improvement also the highway above and in front of her premises that during and following rains a considerable quantity of water had seeped into her coal bin, under the front porch, thence to the floor of her furnace room and cellar, causing considerable trouble and annoyance - That this resulted wholly, if at all, from the change or improvement of the highway the viewers were not convinced. First, because of the nature of the improvement and the resulting situation at this location. Secondly because of the lay of the land to the northerly side of the old Mineral Point road and the evidence of wash therefrom down unto said old road thence westward and southward along said road and over the lawn to the northerly side of the house toward the coal window, and thirdly because of the evidence of seepage into the coal bin from around the coal window for a considerable period of time which had caused the boards and frame to rot or decay, evidently at least several years, before the change along the highway -

This report will be filed in the office of the clerk of Courts of Cambria County - July - 19th - 1937, and unless exceptions hereto are filed or an appeal taken therefrom within thirty days of the date of filing the same shall be confirmed absolutely -

Written notice of award made by the viewers, of the date of filing this report and that unless exceptions, be filed or an appeal taken therefrom

No. 1 - March Sess. 1937. Cont'd.

within thirty days from the date of filing that this report shall be confirmed absolutely has this day been given in writing to the County Commissioners and to the attorney for petitioner:

Witness our hands this 19th day of July - A.D. 1937.

G. M. Shoemaker
James McCann
Louis E. Kaylor
Viewers

Continued from page 86

No 5 December Sessions 1941

Beginning at a point on the New State Highway, Route 54 Spus-Dec. 2, in Cambria Township, Cambria County, Pennsylvania, known as Station 305 as shown on State Highway Plan District ^{4th} 7, Sheet 4, at Station 303 plus 00; thence in an easterly direction to a point as shown on said State Highway Plan on Sheet 6 of 11, at Station 336 plus 50, should be vacated as being useless and burdensome to the taxpayers. We therefore recommend that the above described portion be vacated.

That portion of road continuing in an Easterly direction and beginning at Station 350, as shown on above described State Highway Plan and ending at Station 367, should be vacated as a public road but should be retained its entire length as a private road because of the fact that one house is along its route and this is the owners only means of egress. Other land along the route have no other means of egress; therefore we recommend that the Section shown on the State Highway Plan beginning at Station 350 and ending at Station 367 should be retained as a private road. The portion of the road to be retained is shown in color on plan filed with report and made a part hereof, which shows in more detail courses and distances.

There are no benefits or damages awarded to any one along the route of the vacated portions of land heretofore described.

Respectfully submitted,

James McCann
L. E. Kaylor
D. H. Jencks
Viewers

(No. 2 - March sess. 1937. cont'd.)

Transferred from Page 2

By agreement between the Viewers and the interested parties, June-18th-1937, at 10:00 O'clock a.m. was fixed as the date to hear testimony and the Court House at Ebensburg named as the place of meeting. Accordingly the Viewers, the Petitioner, and her attorney, the Chief Clerk to the County Commissioners, two of the County Commissioners and a number of witnesses appeared at the hearing and testimony was taken.

A Schedule of Benefits and Damages was prepared and Thursday, July 1st-1937, at 10:00 O'clock a.m. was fixed as the date for the Exhibit of Schedule and the Court House at Ebensburg as the place of meeting, at which time and place the Viewers met, and no further testimony being offered and again carefully reviewing the testimony and all questions affecting the case, we exhibited the schedule showing that in our opinion, arrived at after careful deliberation, the premises owned by Minnie M. Price, has been damaged by the reconstruction of said State Highway No. 219 as follows:

Benefits - None

Damages \$175.00

We are of the opinion that the amount of \$175.00 is due Minnie M. Price, and should be paid to her as her interest appears by the County of Cambria. Copies of the record being hereto attached and made a part of this report.

Witness our hands and seals this 16th day of July-1937.

James McCann
A. M. Shoemaker
Louis E. Taylor
Viewers.

No. 4 March sess. 1937. cont'd.

Transferred from Page 4

station 0 plus 00 chain survey. The exact distance of said place of ending to an intersecting public road, to wit, Miller Court, a public highway in the Borough of Southmont, is five hundred fifty (550) feet.

A plot of the portion of road to be vacated, together with the portion of road replacing said road petitioned to be vacated, is hereto attached and shows courses and distances in detail.

That in consideration of the benefits and damages caused by the abandonment of the above described road and the replacement of a new road, we assess no benefits and no damages.

Witness our hands and seals this 16th day of May, A.D. 1937.

James McCann
S. E. Dickey
Louis E. Taylor
Viewers

No. 5 March, Dec. 1937, cont'd.

Transferred from Page 5

had not attended public school because of lack of road facilities. Many persons who are employed in the mines testified they had to travel, some of them not less than fourteen miles, to go to work.

We are of the opinion and agree that a public road is necessary and we therefore authorize the laying out of the road hereinabove viewed, taking the following courses and distances, to wit: - Beginning at a point, South seventy-nine (79°) degrees thirty (30') minutes West one hundred fifty (150) feet from the center of the County Bridge of Clearfield Creek in the Village of Dean; thence South forty-four (44°) degrees ten (10') minutes West three hundred two (302) feet; thence South four (4°) degrees East Four hundred twenty-seven (427) feet; thence South twenty-two (22°) degrees west ninety-two (92) feet; thence South eighty-one (81°) degrees West three hundred ninety eight (398) feet; thence South seventy-four (74°) degrees thirty (30') minutes West one hundred nine (109) feet; thence South forty-four (44°) degrees West three hundred fifty-nine (359) feet; thence South thirty (30°) degrees West three hundred forty-three (343) feet; thence South twenty-three (23°) degrees West five hundred sixty-four (564) feet; thence South forty-five (45°) degrees fifteen (15') minutes West one hundred five (105) feet; thence South eighty-three (83°) degrees thirty (30') minutes West one hundred forty-two (142) feet; thence North eighty-five (85°) degrees thirty (30') minutes West two hundred sixty-eight (268) feet; thence South eighty-five (85°) degrees thirty (30') minutes West three hundred forty-six (346) feet; thence South forty-seven (47°) degrees thirty (30') minutes West two hundred two (202) feet; thence South seventy-eight (78°) degrees West one hundred thirty-four (134) feet; thence North seventy (70°) degrees thirty (30') minutes West two hundred (200) feet; thence South eighty-four (84°) degrees thirty (30') minutes West two hundred sixty-two (262) feet; thence North eighty-four (84°) degrees forty (40') minutes West eight hundred thirty-one (831) feet and North seventy-eight (78°) degrees thirty (30') minutes West one hundred eighty-five (185) feet to westerly terminus at junction of public road leading to cross roads intersecting with road going to the Village of Fallen Timber and the Village of Dybart, being approximately five thousand two hundred sixty-nine (5269) feet.

We are unanimously of the opinion that the road hereinabove authorized to be laid out is far more important and necessary than a road running almost parallel with it, through the Village of Bondron and intersecting with the concrete state highway; hence we recommend same be open for public use.

A plot or draft indicating the piece of road to be laid out is hereto attached and made apart of this report.

As no damage will be sustained by the property owners we assess no damage.

In witness whereof we have hereunto set our hands and seals this 14th day of June A.D. 1937.

S. E. Dickey
A. M. Shoemaker
Mahlon J. Baumgardner
Clerk.

No. 2 - June Sessions, 1937.

Transferred from Page 8.

question and went over and viewed the proposed route between the termini suggested in attached order, noting the grade, length, adjacent lands, probable cost of construction and number of persons and families residing in the vicinity thereof who would probably use such a road if opened and maintained and considering also the amount of traffic which would probably use the same in traveling east and west from beyond either terminus thereof, and adjourned until a later date when we met again at the Court House in Ebensburg and took considerable testimony concerning the matter of our inquiry, where we were attended by the supervisors of the Township of Gallitzin and a considerable number of interested citizens together with their attorneys, all of whom had an opportunity to be heard.

And having carefully viewed the proposed site suggested for the said road and listened attentively to the evidence adduced at the hearing, we are of the opinion that there is not occasion or necessity for the proposed new road.

The suggested location for the proposed new road takes the following courses and distances, viz: Beginning at the westerly terminus, at the junction of Route No. 53 with Route No. 553, and extending thence along Route No. 53, leading from Gallitzin to Ashville, north 16 degrees east 287 feet, thence south 56 degrees 15 minutes east 430 feet, south 75 degrees east 126.8 feet, and north 84 degrees 15 minutes east 483 feet to the crossing of the Cresson - Coalport Branch of the P.R.R.; thence north 15 degrees east 211 feet; north 19 degrees 40 minutes east 249 feet; north 56 degrees 30 minutes east 231 feet; north 87 degrees 05 minutes east 289 feet; south 72 degrees 30 minutes east 80.2 feet; south 54 degrees east 269 feet; south 41 degrees 15 minutes east 131 feet; south 60 degrees 30 minutes east 152 feet; south 65 degrees 45 minutes east 181 feet; south 75 degrees east 617.5 feet; south 69 degrees 15 minutes east 186 feet; south 76 degrees 55 minutes east 319 feet; south 87 degrees 50 minutes east 1186 feet; south 76 degrees 45 minutes east 247 feet; south 78 degrees 30 minutes east 336 feet; south 84 degrees 30 minutes east 275 feet; south 81 degrees east 140 feet; south 88 degrees east 761 feet; south 87 degrees 30 minutes east 396 feet; south 98 degrees 50 minutes east 266 feet; north 87 degrees east 506 feet; south 86 degrees 25 minutes east 289 feet; north 77 degrees 45 minutes east 293 feet; north 86 degrees 15 minutes east 798 feet; north 68 degrees 30 minutes east 457 feet; north 78 degrees 30 minutes east 212 feet; north 70 degrees east 310.4 feet; north 72 degrees east 513 feet; south 67 degrees 10 minutes east 348 feet; south 75 degrees 30 minutes east 247 feet; south 72 degrees east 701 feet; south 85 degrees 40 minutes east 228 feet; north 82 degrees 30 minutes east 240 feet, and south 86 degrees east 343 feet; through and over lands principally of the Pennsylvania coal and coke company; to the easterly terminus, on the public road leading from Gallitzin to Coupon at a point where the public road leading from Altoona; via Horse Shoe Curve, meets said Gallitzin-Coupon-road; being the easterly terminus designated on the attached order.

Said proposed new road leads for almost the entire distance through and over unimproved, uncleared and unsettled land; except for two homes near the easterly terminus; and there is no indication that the section through which this piece of road leads is or likely will in the near future be improved or built up any more than at present.

One portion of the route would cross the Cresson - Coalport Branch of the P.R.R. at grade and that on a steep grade of in the neighborhood of nineteen to twenty one per cent for some fourteen hundred feet or more, which grade could scarcely be avoided without detouring approximately

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No. 2 June Sess. 1937. Cont'd.

one to one and one eighth miles.

The expense of constructing the piece of road would undoubtedly be an unreasonable burden to place upon the township of Gallitzin at this time and in our opinion the necessity for the same would not be commensurate with the expense of construction and the upkeep, nor would the traffic over same, if constructed, justify the expense.

Both the traveling public and the individuals concerned already have improved highways by which they can travel from one terminus of the proposed new road to the other probably within eight to ten minutes of the same time which would be required to travel over the proposed new road if constructed.

Witness our hands this day of November A.D. 1937.

A. M. Shoemaker
James McEann
S. H. Jones
Viewers.

No. 1. September Term 1942, Cont'd.

Russell J. Edwards and other interested parties.

After completing the view of the premises and buildings, the meeting was adjourned to meet again for the purpose of taking testimony on Saturday, the 24th day of October, 1942, at 9:30 A.M. at the Court House in Ebensburg, Pennsylvania. At the request of both sides, two adjournments were made from the 24th of October to the 31st of October, and from the 31st of October to the 7th of November.

On the 7th of November, the meeting convened and proceeded with the taking of testimony. There were present at this meeting, the three Viewers, George M. Pfence, Attorney and H. F. Dorr, representing the Commissioners, Frank J. Hartman, Attorney, representing the owner of the land, Russell J. Edwards. The following persons were called and after being sworn, gave testimony in the case: Russell J. Edwards, Ira Bloom, W. S. Anderson, G. Clarence Griffith, Lester Sarimer, James Farbaugh, Seth Stephens and W. J. Lauer. After the hearing adjourned, the Viewers held a meeting to go over the testimony submitted and arrive at an award.

On Tuesday, October 27th, at 9:30 A.M., was the time, and at the Court House at Ebensburg, the place for a meeting, for the Exhibit of a schedule and the taking of further testimony, if any.

That due notice of the meeting was given to the public, by posting notices on the premises at least ten days prior to said meeting, and by the serving of notices on the Commissioners of Cambria County, and on Russell J. Edwards, owner, copies of which notices properly signed are hereto attached, and made a part of this report.

Two postponements were made necessary, because of the postponement of the meeting called for the taking of testimony. The postponements were made at the request of both sides and agreed to by the Viewers. The first postponement, for the Exhibit of schedule, was from Tuesday, October 27th to Tuesday, November 3rd, and the second postponement, from Tuesday, November 3rd to Saturday, November 14th, 1942.

On Saturday, November 14th, at 9:30 A.M., a meeting was held in the Court House at Ebensburg, Pennsylvania, for the purpose of exhibiting a schedule of damages. Only the three Viewers were present. A copy of the schedule was delivered to all the interested parties. The award was as follows:

Name	Benefits	Damages
Russell J. Edwards	None.	\$5400.00.

Continued on next page.

No-1- December 1937 cont'd. Transferred from Page -15

Run, thence crossing said Beaver Run north sixty-seven degrees thirty minutes east one hundred fifty-seven and five tenths feet, to the community recreation park; thence north fifty nine degrees east one hundred seventy-eight and five tenths feet; thence north eighty six degrees thirty minutes east one hundred eighty and six tenths feet; thence north seventy eight degrees east four hundred nine feet; and north fifty nine degrees east two hundred ninety four feet to a point, in said township of Summerhill, on Pearley street opposite the residence of one Joseph Slifko, the place of ending designated in the attached order. No damages being sustained, we award no damages.

Witness our hands this fourteenth day of February - A.D. 1938.

Mahlon J. Baumgardner

A. M. Shoemaker

James McCann

Feb. 25, 1941 Notice from Supervisors that road has been opened Viewers

No. 1. September Term 1942, continued from page 488.

As no testimony was offered, no change was made in the award. The amount is to be paid to Russell J. Edwards, by the County of Cambria as his interest appears on the record. Unless an appeal is taken within thirty days from the filing of this report, it may be confirmed absolutely.

Respectfully submitted.

H. J. McGrain

Viewers

H. J. McGrain

Mahlon J. Baumgardner

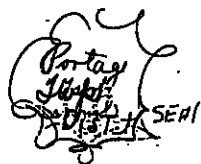
James McCann

SESSIONS, 19

No. 2 June sess: 1938 cont'd.

Transferred from Page 26

Moved by Thomas McCabe
 seconded by John Timura
 and passed this 15 day of July. A.D. 1938.



Terry Sharpe
 Secretary

Charles Wills
 John Timura
 Thomas McCabe
 Supervisors of Portage
 Township, Cambria County
 Pennsylvania

Court Decree

Now July 23-1938, the Court hereby give their consent to the acceptance of the streets and avenues set forth in the Resolutions herein as part of the Highway system of the Township of Portage, and direct that the same be recorded as such in the office of the Clerk of the Court of Quarter Sessions.

By the Court
 W. H. Henrich, Judge

No. 1 - Sept. Sess. 1938

Transferred from Page 34

east from said route No. 53 between premises of George Zuncas and Henry Mintmyer and extending thence the following courses and distances, viz: South $3^{\circ}00'$ West 352.5 feet; South $26^{\circ}55'$ West 1011 feet; to a point opposite the southwest corner of the cemetery; thence South $43^{\circ}46'$ West 47 feet, and South $55^{\circ}00'$ West 318 feet to the point of ending at the line dividing the township of Bonemough from the Borough of Darytown, at the street leading to said borough.

As to Parcel No. 1

That we met in accordance with the notices given at the time and place designated and proceeded with the duties of our appointment.

That there were present the three Viewers and a large number of interested citizens. We viewed the route which is already in use as a road and which has a considerable part of the making of the road already done. We also heard the opinions of all those present who desired to be heard, and after careful consideration we have decided that the road as proposed is necessary and will serve a considerable number of the citizens in that community as well as the traveling public, and therefore recommend same be opened and maintained as a public highway.

The proposed road is described as follows:

Beginning at a point on the Westerly side of the Frankstown Road, State Highway Route No. 53; thence over a dedicated street between the properties of George Zuncas and Henry Mintmyer, North seven (7) degrees East, Two Hundred and Seventy-six (276) Feet to a point opposite premises of Ralph Emmel; thence North eighty-eight (88) degrees thirty (35) minutes West, Three Hundred and Eighty (380) feet, passing the Lincoln School House, to a point near the premises of G. McEester; thence South six (6) degrees West, Two Hundred and Seventy-six (276) Feet to the point of ending at the Frankstown Road, between the premises of Roy M. Horner and R. A. Horner Estate.

There is also attached hereto and made a part of this report a plan or map of each of the proposed roads on which courses and distances more fully appear.

The three Viewers, the supervisors and all citizens who were present and were heard agreed as to the necessity for the proposed road, we are also agreed that there are no damages or benefits accruing to any one due to the building of the proposed road.

Viewers

Respectfully submitted.

James McCann

Mahlon J. Baumgardner

S. H. Jencks

No 4-June sess. 1938.

Transferred from Page 28.

5. That by resolution of the Board of Supervisors of Cambria Township, Cambria County, the plans of above roads and parts of roads are approved and adopted and the said roads and parts of roads within the Township of Cambria, County of Cambria, are declared public highways subject to the approval of the Court and in pursuance of sections 1146 and 1105 of the act of assembly approved May 1, 1933, P.A. 103.

Your petitioners therefore pray your honorable Court to approve the taking over of the highways and the parts of highways herein described and direct that this petition and decree of Court together with the release of damages of the Ebensburg coal company be recorded in the Road Dockets of Cambria County.

J. L. Altemus
Henry Illig
Albert Kinnaman
Supervisors of Cambria
Township, Cambria County

State of Pennsylvania }
County of Cambria }

Thomas Altemus, Henry Illig, and Albert Kinnaman, Supervisors of Cambria Township, Cambria County, being duly sworn according to law, depose and say that the facts set forth in the foregoing petition are correct and true.

Sworn and subscribed
this 28th day of July, A.D. 1938.

J. L. Altemus
Henry Illig
Albert Kinnaman

J. P. Rowland
Justice of the Peace
My Comm. expires First
Mon. of January, 1940

Resolution

of the Board of Township Supervisors of Cambria Twp, Cambria Co., Pennsylvania, approving and adopting roads and parts of roads laid out and opened as private roads by Ebensburg coal company in and about the town of Bolver, Cambria Township, Cambria County, declaring said roads and parts of roads public highways, and authorizing the supervisors to present their petition to the Court of Quarter Sessions for its approval of the taking over of said highways as public roads of the County of Cambria, and State of Pennsylvania.

Be it ordained and enacted by the Board of Supervisors of Cambria Township, Cambria County, Pennsylvania, and it is hereby ordained and enacted by authority of the same:

Section I. The Board of Supervisors of Cambria Township, Cambria County, hereby approve and adopt as public highways certain private roads and parts of roads within said township laid out and dedicated by Ebensburg coal company as public roads, which roads and parts of roads have been used by the public generally for many years past, both before and after the dedication aforesaid, viz:

(a) A certain private road in Cambria Township, Cambria County, beginning at the intersection of Reese Avenue and Fifth Street, in the town of Bolver, Cambria Township, and extending along Reese Avenue, south fifty-seven

No. 4 June Sess. 1938. continued.

(c) degrees fifty-nine minutes West about fourteen hundred feet to the intersection of Reese Avenue and First Street; thence along said private road from the town of Colver to a point in the line between Cambria Township and Blacklick Township, said point being south of and nine hundred feet distant from the point of intersection of Blacklick Township and Barr Townships on the Cambria Township line.

(b) also, a road beginning at a point on the Cambria Township line south of and one hundred and seventy-five feet from the intersection of Barr Township and Blacklick Township on said Cambria Township line; said point also being twenty feet north of the cement house of the Ebensburg Coal Company, and continuing along the private road a distance of five hundred and twenty feet to a point in the township line between Cambria Township and Barr Township, said point being north of and two hundred and twenty feet from the intersection of Blacklick Township and Barr Township on the Cambria Township line.

(b) also, a private road beginning at a point on the township line between Cambria Township and Barr Township, said point being north of and seven hundred and thirty feet from the intersection of Barr Township and Blacklick Township along the Cambria Township line; and thence along said private road and the longest street through the village of Shantytown, and intersecting with Route 11036, being the highway leading from Colver to Belano.

(d) also, a private road beginning at a point on the Cambria Township line which said point is south of and four hundred and fifty-five feet distant from the intersection of Barr Township and Blacklick Township, and continuing along said private road and the street to house number seventy-two at the north-east end of Nine Row.

(e) also, a private road beginning at the intersection of the road described in (a) paragraph herein, about one thousand one hundred and twenty feet from the Cambria Township line, said point of beginning being about four hundred feet from the slope of the Ebensburg Coal Company; thence along said private road and the street through Twenty Row to the intersection of said private road and Township Road No. 11480.

Section 2. That the Board of Supervisors petition the Court of Quarter Sessions of Cambria County to approve its action in taking over said dedicated roads and parts of roads and further pray the Court to order that the petition and decree be recorded in the Road Docket of Cambria County.

Passed and approved July-28th-1938.

J. L. Altman

President of Board of Supervisors

B. W. Evans

Secretary of Board of Supervisors

Decree

And now, to wit; August 8, 1938, the within petition and resolution of the Board of Supervisors of Cambria Township, Cambria County was presented to the Court. The same is read and considered and the prayer thereof is hereby granted, to wit, five private roads or parts of roads situate in Cambria Township, Cambria County in said petition described are hereby decreed as township highways; said private roads having been dedicated and used by the public generally for many years last past; that the width of the said roads be fixed at forty feet; that the clerk of this Court be and is hereby directed to record this petition and resolution on the Road Docket of Cambria County.

By the Court

McLann. P. J.

SESSIONS, 19

No. 3. Dec. sess. 1937.

Transferred from Page 17.

proposed road, made a personal inspection of same and we are of the opinion and agree that a public road is necessary and we therefore authorize the laying out of the road hereinabove viewed taking the following courses and distances, to-wit:

Beginning at a point in a public road designated as Township Route #396 at the northeast corner of an abandoned cemetery, said point being in a northerly direction, a distance of 686.0 feet from the intersection of another public road, Township Route #394 with Township Route #396; thence North 15° 0' West 325.0 feet through land of Pennsylvania Coal and Coke Company to a point; thence continuing through same North 70° 0' East 325.0 feet to a point of a 50 ft. radius loop at the entrance to St. Anthony's cemetery; thence by said loop a distance of 315 feet to the place of ending; said ending being a distance of 550.0 feet from the place of beginning. Measured along the center line of said proposed new road, the total length of said proposed new road, including the loop, being 965.0 feet, and colored green on the blue print attached hereto and made a part hereof.

The Board of Supervisors of Broyle Township raise no objection to the laying out of the hereinabove described road and we are unanimously of the opinion that the above road is necessary, and we therefore lay out said road along the courses and distances hereinabove described.

We award no damages, believing that the benefits of the road more than balance the damages.

A plot or draft indicating the piece of road to be laid out is hereto attached and made a part of this report.

In Witness Whereof we have hereunto set our hands and seals this 14th day of April - A.D. 1938

Mahton J. Baumgardner
S. E. Dickey
S. H. Jencks

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No. 2 March Sess. 1938

Transferred from Page 19

(86.5) feet; thence North eighty-seven (87) degrees thirty-two (32) minutes West eight hundred seventeen (817) feet; thence South eighty-three (83) degrees fifteen (15) minutes West four hundred nine (489) feet; thence South sixty-eight (68) degrees forty (40) minutes West eight hundred fifty-seven (857) feet to the village known as No. 9 shaft; thence South thirty-eight (38) degrees fifteen (15) minutes West (two hundred four (204) feet to the line dividing the Townships of Cresson and Gallitzin, as marked on attached draft) seven hundred nineteen (719) feet through said Village; thence through and over land of the Cresson coal and coke company in Cresson Township, South sixteen (16) degrees West one hundred ninety seven (197) feet; South seventeen (17) degrees forty-five (45) minutes West (passing the scale House at No. 9 shaft to a point opposite the Tipple five hundred fifteen (515) feet; thence South thirty-nine (39) degrees West nine hundred sixty six (966) feet; thence South fifty-one (51) degrees West one hundred fifty (150) feet; South fifty-nine (59) degrees West three hundred forty-two (342) feet; thence South seventy-four (74) degrees fifteen (15) minutes West two hundred fourteen (214) feet; thence North eighty-two (82) degrees West three hundred seventy-eight (378) feet; thence South thirty-one (31) degrees thirty (30) minutes West One Hundred ninety-three (193) feet; and South eighteen (18) degrees West two hundred sixty-three (263) feet to line of Sankertown Borough, at a point opposite the mill of said Fry Milling Company: the place of ending designated on attached order of Court.

A plot or draft showing courses, distances and location of said proposed road is hereto attached and made a part of this report.

The above referred to piece of road is necessary for the accomodation of persons traveling to work at No. 9 shaft from Gallitzin, Cresson, Syberton and Ashville on the Northeast, and from Sankertown, Cresson, Lilly and other points to the North and South; also for the accomodation of School Busses accomodating High school students from said Village as well as some ninety (90) families residing at and in the neighborhood of said No. 9 shaft, where two grade schools, one in the Township of Cresson and one in the Township of Gallitzin, as shown on the attached draft, are maintained.

The land traversed by said suggested location in the Township of Gallitzin is over property of Taylor + McCoy coal company and is entirely unimproved, the section following through No. 9 shaft is laid out over a dedicated street, and the remaining portion, through Cresson Township to the point of ending is along a private road and unimproved land of the Penna. coal and coke company.

No damages having been claimed and the viewers being of the opinion none would be sustained by the property owners, through and over whose land said piece of road is laid out, we have assessed no damages.

Witness our hands and seals this 7th day of April. A.D. 1938.

A. M. Shoemaker.

S. H. Jencks

Mahlon J. Baumgardner.

Viewers

No. 4. March sess. 1938.

Transferred from Page 21

that after viewing the premises and the route of the proposed road, we are of the opinion that a necessity exists for the proposed new road, therefore, we proceeded to lay out said new road as follows: Beginning at Orchard Way at the intersection of First Avenue, a public highway in Upper Yoder Township, said place of beginning being S. $33^{\circ}43'$ W. 795.0 feet measured along the center line of First Avenue from its intersection with main street; thence by Orchard Way S. $64^{\circ}45'$ W. 160.0 feet to a point; thence S. $38^{\circ}44'$ W. 125.0 feet to a point; thence N. $46^{\circ}04'$ W. 873.0 feet to the place of ending, said ending being in the Berkley Road, Old State Highway Route No. 11007 at a point in a northerly direction a distance of 106.0 feet measured along the center line of Berkley Road from its intersection with the new state highway Route No. 11007, a public highway, said proposed new road being colored green on the blue print attached hereto and made a part hereof. We recommend that the width of that portion of said proposed new road from Orchard Way to the Berkley Road, on account of existing fruit trees, be fixed at 33 feet.

After taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the Petitioners and laid out by us is necessary and convenient, therefore, we recommend that the prayer of the Petitioners be granted.

We are informed that releases of damages from all the abutting property owners with but one exception, namely Mrs. Rhodes, were filed with the petition for view, however, in consideration of the benefits and damages sustained or that may seem likely to be sustained by the abutting property owners by reason of the opening and maintaining of said proposed new road, we assess no benefits and no damages.

Witness our hands and seals this 14th day of May A.D. 1938.

S. E. Dickey
Mahlon J. Baumgardner
S. H. Jencks.

Viewers

From page 70.
No. 5. March 1941

be granted.

We have been unable to obtain releases from the abutting property, however no claims were presented. Therefore, we assess no benefits and no damages to any of the abutting property owners.

Witness our hands this 26th day of June A.D. 1941

S. E. Dickey
James M. Egan
Theodore W. Hunt
Viewers

No. 9-June sess. 1938. cont'd. Transferred from Page 33.

September A.D. 1938 at 2:00 O'clock P.M. (Eastern Standard Time); that in accordance with said continuance, we met on the 15th day of September, A.D. 1938 at 2:00 O'clock P.M. (Eastern Standard Time) and proceeded with the duties of our appointment and viewed the premises and route of the proposed new road; that said proposed new road follows a dedicated highway known as Antonia street, forty (40) feet in width, a portion of which is now opened as a private road; that all the abutting property on either side of said Antonia street is laid out in building lots, nine (9) of which are already occupied with residents; that during the view the Viewers named herein and representatives of the Board of Supervisors and residents of the Township of Upper Yoder were present and heard; that no objections were made against the proposed road by the Supervisors or any resident of the Township of Upper Yoder; that the proposed road is situated in the Beechwood section, strictly a residential section of Upper Yoder Township, which is rapidly developing with a large number of houses now completed and under construction; that after viewing the premises and the route of the proposed road, we are of the opinion that a necessity exists for the proposed new road, therefore, we proceeded to lay out same as follows: Beginning at a point in Stepler Drive N. $64^{\circ}06'$ E. 342.57 feet along the center line of Stepler Drive from its intersection with Lilly street a public highway, being a State Road leading from Ferndale to Menasha Highway; thence by the center line of Antonia street, a dedicated highway forty (40) feet in width, S. $41^{\circ}39'$ E. 948.11 feet to the center line of Miller Court, being the boundary line between the said Township of Upper Yoder and the Borough of Southmont, the place of ending, said Miller Court being a public highway in the Borough of Southmont; said ending being N. $50^{\circ}03'$ E. a distance of 317.47 feet measured along the center line of Miller Court from its intersection with Lilly street, a public highway, being a State Road leading from Ferndale to Menasha Highway, all of which is shown colored green on the blue print attached hereto and made a part hereof.

That the route of the proposed road as hereinbefore mentioned follows a dedicated highway and is through a plan of building lots, nine (9) of which are occupied with residents.

That after taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the petitioners and laid out by us is necessary and convenient and not burdensome to the taxpayers of Upper Yoder Township, therefore, we recommend that the prayer of the Petitioners be granted.

Inasmuch as the right of way required for said road is already dedicated as a highway and no additional width will be required from the adjoining property owners, we assess no benefits, and no damages to any of the abutting property owners.

Witness our hands and seals this 22nd day of September A.D. 1938.

A. E. Dickey
 Mahlon J. Baumgardner
 James Mc Caffin
 Viewers

No. 6 March 1st 1938 contd. Transferred from Page 23

The Viewers carefully considered the evidence submitted and granted the prayer of the petitioners.

The new road will traverse the course of the township road vacated many years ago, before the village of Revloc was heard of, and because no additional land will be taken and no damage involved grants the prayer of the petitioners and assesses no benefits or no damages to abutting property owners.

July-25th 1938.

Louis E. Kaylor
James McEann
W. H. Jencks
Viewers

The lines, directions and distances, as further detailed by the map hereto attached, and made a part of this report are as follows:

Beginning at the north-easterly terminus on the Ebersburg - Carrolltown road, State Highway Route No 219, and extending thence North 75 degrees 00 minutes West 343.5 feet along and through the premises of Stanton Evans and to a point on land of the estate of Jane Evans, deceased, thence continuing through said Evans estate South 87 degrees 15 minutes West 209 feet; South 73 degrees 10 minutes West 317 feet; South 55 degrees 00 minutes West 276 feet; South 29 degrees 00 minutes West 384 feet; and South 27 degrees 40 minutes West 337.4 feet, thence through and over land of Seth Stevens South 42 degrees 00 minutes West 556 feet; South 45 degrees 00 minutes West 527 feet; South 69 degrees 00 minutes West 116.2 feet to centre of the North Branch of the Blacklick Creek, thence South 68 degrees 00 minutes West 265 feet; South 45 degrees 50 minutes West 455.2 feet; and South 40 degrees 30 minutes 226.7 feet; Thence continuing through land of the Monroe Coal Company South 18 degrees 00 minutes West 631.6 feet; South 25 degrees 10 minutes West 209.8 feet; South 4 degrees 30 minutes West 176.5 feet and South 10 degrees 00 minutes West 373.5 feet to the northerly side of the Benjamin Franklin Highway, Route No 422, being the south westerly terminus of the proposed New Road as indicated upon the order of the court and the draft which is hereto attached and made a part of this report.

No. 4 June Session 1939

Transferred from Page 47

In the absence of the actual owners of the Andrews and Gough properties and the refusal of John Blyemeyer to waive damages the viewers awarded damages to these properties in the sum of fifty dollars each since the properties are similar. The new road as laid out by the viewers eliminates a steep grade and abrupt turn which exists on the private road now in use. Since travel on the new road will necessarily be limited the viewers recommend the width of the road be kept to the minimum acceptable to the authorities.

In any event one payment of (\$50.00) damages to Blyemeyer the Andrews Est and John Kuntz is the entire amount the viewers intend to be paid to the property owners for damages.

After giving careful consideration to all matters before us, we the Viewers are of the opinion that there is a necessity for a new road and we respectfully recommend that the prayer of the petitioners be granted. Witness our hands this eight day of August 1939.

Louis E. Taylor

A. W. Shreves

VIEWERS

FEB 2 1940 AUDITED
(Recd. \$ 3.50 Jan 11, 1940. J. C. Kern)
Certifying Copy of Viewers Report

Oct. 10, 1941 Return of Supervisor filed

No. 5. March 1942

Transferred from page 94.

All the portions of road to be vacated were carefully gone over by the Viewers, accompanied by Mr. Springer, Secretary, and at the conclusion of the view all the Viewers were agreed that the prayer of the petitioners should be granted and all the portions of road indicated on maps attached and on this report should be vacated because of being useless and burdensome to maintain.

This was accordingly done and by unanimous vote of the Viewers the roads were ordered vacated.

Respectfully submitted

James McLean

D. H. Jencks

Mahlon Baumgardner

Viewers

SESSIONS, 19

No. 2. June Sess 1942 Continued from Page 98.

of 3 acres of land, was relocated and taken from the land of the petitioner. After completing the view the meeting adjourned after arranging for a meeting for the purpose of taking testimony at the Court House in Ebensburg, Saturday July 11th, 1942, at 9:30 A.M.

Saturday July 11th, 1942, in accordance with arrangements made, a meeting was held for the taking of testimony. Those present were the three Viewers, Attorney Charles N. Evans, representing the petitioner, Attorney George Spense, representing the Commissioners, and the following witnesses: F. J. Hartman, Attorney, Ernest Apel, H. J. Apel, Charles Hasson, Attorney, and John L. Elder. All the witnesses gave testimony as to the value of the land, immediately before the condemnation and immediately after, and as affected by the condemnation, excepting John L. Elder, who was withdrawn. A meeting of the viewers was held on the same date to consider the testimony.

Due public notice was given of a meeting to be held in the Court House, Ebensburg, Pennsylvania, for the purpose of exhibiting a schedule of damages, on July 25th, 1942 at 9:30 o'clock A.M., by the posting of notices on the premises, by serving notices on the County Commissioners and Charles Hasson, Attorney, owner, and by publication in the Mountaineer Herald, a newspaper of general circulation published in Ebensburg.

In accordance with notices given a meeting was held on July 25th, 1942, in the Court House at Ebensburg, Pennsylvania, as above stated and a schedule of damages was read. All three Viewers were present and Attorney Charles N. Evans representing the petitioner. The schedule of damages was as follows:

<u>Name</u>	<u>Benefits</u>	<u>Damages</u>
Charles Hasson	None	\$4800.00.

No further testimony was offered nor exceptions filed and, therefore, no change is made in the amount awarded. The amount above stated, \$4800.00, is to be paid to Charles Hasson, owner, by the County of Cambria as his interest appears on the record.

Maps showing the changes made and land taken are hereto attached.

Received March 17, 1943, from the
Commissioners of Cambria County
check for Four thousand eight
hundred dollars drawn to the
order of Charles Hasson, Trustee
Chas. N. Evans Atty for Petitioner

Respectfully submitted.

Dr. J. M. Grain
James McCann
D. E. Dickey
Viewers.

Transferred Page 49

No 4. June 1939.

The exact distance of said place of beginning to an intersecting road, to wit: Lee Street is 300'.

The exact distance of said place of ending to an intersecting public road, to wit: Township Road, Route 11333, Brook St., is 185'.

(B) Beginning at State Hwy construction station 114+00 in the relocated portion of State Hwy route 11007 at a distance of 157' measured along the center line of the abandoned portion of route 11007 in a southerly direction from the intersection of Orchard Way Extension, a public Hwy in the Twp of Upper Yoder, and ending at State Hwy construction station 175+00, the exact location of said place of ending being at a distance of 1515' measured along the center line of the relocated portion of Route 11007 in a northwesterly direction from the intersection of Warren St., Twp road route 11324, a public Hwy in the said Twp of Upper Yoder and being colored green on the plan attached hereto and made a part hereof.

The exact distance of said place of beginning to an intersecting public Road, to wit: Orchard Way Extension, is 157'.

The exact distance of said place of ending to an intersecting public Road, to wit: Warren St., Township Road Route 11324, is 1515'.

(C) Beginning at State Hwy construction station 133+00 in the relocated portion of State Hwy Route 11007 at a distance of 715' measured along the center line of the relocated portion of route 11007 in a northwesterly direction from the intersection of Warren St., Township road route 11324, a public highway in the said Township of Upper Yoder and ending at State Hwy construction station 154+00 the exact location of the place of ending being a distance of 1385' measured along the center line of the relocated portion of Route 11007 in an easterly direction from the intersection of Warren St., Township road route 11324, a public highway in the said Twp of Upper Yoder and being colored yellow on the plan attached hereto and made a part hereof.

The exact distance of said place of beginning to an intersecting road, to wit: Warren St., Township road Route 11324 is 715'.

The exact distance of said place of ending to an intersecting public road, to wit: Warren St., Township road route 11324 is 1385'.

(D) Beginning at State Hwy construction station 159+50 in the relocated portion of State Hwy Route 11007 at a distance of 1935' measured along the center line of the relocated portion of route 11007 in an easterly direction from the intersection of Warren St., Township road route 11324, a public Hwy in said Twp of Upper Yoder and ending at State Hwy construction station 170+00, the exact location of the place of ending being at a distance of 2985' measured along the center line of the relocated portion of Route 11007 in an easterly direction from the intersection of Warren St., Twp road route 11324, a public Hwy in said Twp of Upper Yoder and being colored Brown on the plan attached hereto and made a part hereof.

The exact distance of said place of beginning to an intersecting public road, to wit: Warren St., Twp road route 11324 is 1935'.

The exact distance of said place of ending to an intersecting public road to wit: Warren St., Twp Road Route 11324 is 2985'.

That the relocated sections of State Hwy route 11007 replacing the sections petitioned to be vacated are shown on the plan attached hereto, and made a part hereof and herein above referred to.

That after viewing the premises, surrounding territories, abutting properties, and taking into consideration all of the matters before us, we are of the opinion that the sections of highway proposed to be vacated, herein above described, have become useless, inconvenient and burdensome to the tax payers. We therefore recommend that the prayer of the petitioners be granted, and that said sections of highway be vacated as public Highways.

We have not obtained any release of damages. Therefore,

taking into consideration the benefits and damages that have resulted or may seem likely to result by reason of the newly constructed Highway and the sections of road vacated to the abutting property owners, we assess no benefits and no damages.

Witness our hands this 25 day of September A.D. 1939.

J. E. Dickey
James M. Carr
W. H. Jencke
Viewers

From page 81.

No. 7 Sept. Sess. 1941.

That in accordance with the notices given we met at the place of beginning and proceeded with the duties of our appointment. There were present at the view, the three Viewers, the Township Engineer and one of the Supervisors of the Township. We viewed the portion of the road to be vacated and found that the Road in question is exceedingly steep in places and lots of bad curves. The bed of the road is of such a rough nature that it is practically impassible. However, there is one family living near the Southern Terminal and while they have another way out, over a neighbor's land, this could be closed to them at any time.

The cost of maintaining the portion of the road to be vacated would be very great, out of all proportion to benefits received, and we, therefore, recommend that the road be vacated at a public highway but be retained as a private road for the reason that it has to all practical purposes been abandoned for years, would be too expensive to maintain and would be burdensome to the tax payers of the Township.

Respectfully submitted,
James M. Carr
J. E. Dickey
Theodore H. Hunt
Viewers

Transferred Page #57

The Viewers established a land value of \$150.⁰⁰/_x per acre for the land and the property owners agreed to accept settlement for damages for the amount of land taken at this value, the private road they have been using not to be included. On this basis the amount of damages to be paid will be as follows: -
 To John Patrick \$18.⁰⁰; Rose Tomasko \$10.⁵⁰; John Zock \$7.⁵⁰; Frank Zock \$34.⁵⁰ and to Hughes Coal Co. \$46.⁵⁰.

The Supervisors and the Viewers recommended that the road shall be of minimum width for the reason that if made wider it will destroy two wells, one on either side of location as shown on Blue Print.

We the Viewers have given the duties of this view careful and deliberate attention and believe our disposition of it will meet with approval.

Witness our signatures this 3rd day of
 April 1940

Louis E. Kaylor

S. H. Jencks

W. J. H. Grain

Viewers

No. 3. June 1942.

Continued from page 99.

degrees 20 minutes east 465 feet; north 87 degrees 25 minutes east 158 feet; north 56 degrees 15 minutes east 247 feet; north 48 degrees 55 minutes east 268 feet and north 45 degrees 45 minutes east 212 feet to the point of ending at the easterly terminus at the line of the property known as the Philip Davis or Fields Farm. All of said distance being through the Township of Jackson. A plot or draft of said piece of road being hereto attached and made a part of this report.

The piece of proposed road as laid out and recommended will pass along or over lands of — De Rubis, — Wagner, Frank Crawley, Geo. F. Reed, William Groves, William Marsh, Elsie Marsh, Paul Adams and Charles Simmons, and will provide an outlet from the easterly terminus for E. G. Hammers, George R. Steyer and George Butalla; all of whom, as it appears to the viewers, will be much benefitted by the opening of the above described piece of road, and, though no claim or claims for damages were presented to the viewers, we have estimated and determined that the benefits which will accrue to all parties interested will more than offset any damages which might be sustained and therefore we have assessed no damages.

Witness our hands this 25th day of July, A.D., 1942.

A. M. Shoemaker

S. H. Jencks

James McCann

Viewers.

Have Page #58 (Upper Yoder Twp)

Beginning at the intersection of Derby St. and Columbia Street Public Hwy in Upper Yoder Twp at an exact distance of 285.79 feet measured along the center line of Derby St in a southerly direction from the intersection of Cannon St. thence (along) N 60° 42' W 741.5 feet to a point in the center line of Orchard Way the place of ending, said place of ending being at an exact distance of 100 feet measured along the center line of Orchard Way in an easterly direction from the intersection of First Ave in said Township. The total length of said proposed new road is 741.5 feet all of which is colored green on the Blue print hereto attached as herein before mentioned. We recommend that the width of the proposed highway shall be forty (40) feet.

That after taking into consideration all the matters before us we are of the opinion that the road as prayed for by the Petitioners and laid out by us is necessary and convenient and not burdensome to the taxpayers of Upper Yoder Twp, therefore we recommend that the prayer of the Petitioners be granted.

We are informed by the Supervisors of Upper Yoder Twp that all abutting property owners have signed a release of damage in the Petition for said Hwy. which was filed with the Court, however, we see no transfer and no damage to any of the abutting property owners.

Witness our hands and seal the 9th day of April, A.D. 1940,

Total Cost of View
\$ 116.10

B. E. Dierkey
J. M. Cannon
W. F. M. J. J. J.
viewers

From Page 64. (Lower Yoder Twp.)

Steel Co., that releases were signed by the Cambria Iron Co. for the proposed improvement of the sections adopted as Route 11065, also the Supervisors of Lower Yoder Township have informed us that they will provide the necessary outlet for the residence herein mentioned and other lots in the Harry Harshburger Plan of Lots.

That said parts of road proposed to be vacated are described as follows:

First, beginning at a point 0.66 miles from Routes 11006-11011 at State Highway Construction Station 292+80 and ending at State Highway Construction Station 298+00.

Second, beginning at a distance northeastwardly 950 feet from the ending of the first section at State Highway Construction Station 307+50 and ending at State Highway Construction Station 317+50.

Third, beginning at a distance northeastwardly 375 feet from the ending of the second section at State Highway Construction Station 321+25 and ending at State Highway Construction Station 333+00, said place of ending being at a distance of 0.5 miles southwestwardly from the boundary line of the City of Johnstown, where it crosses Route 11065, all said parts to be vacated are indicated in green on the blue print attached hereto and made a part hereof.

The reconstruction of Route 11065 by the Department of Highways of the Commonwealth of Pennsylvania, has rendered the parts of road proposed to be vacated useless, inconvenient and burdensome to the taxpayers of Lower Yoder Township, therefore, taking into consideration all matters before us we are of the opinion that said parts of Route 11065 abandoned should be vacated and recommend that the prayer of the Petitioners be granted.

We have not obtained any releases or damages from the abutting property owners but have been informed that releases were signed by all the abutting property owners for the State Highway Department for the relocation and construction of said Route 11065. However, taking into consideration the benefits and damages that have resulted or that may seem likely to result by reason of the vacation of the parts of proposed road to be vacated we assess no benefits and no damages to any of the abutting property owners or the owners of any other property indirectly accessible thereto.

Witness our hands this 30th day of January A. D. 1941.

J. E. Dickey
James McEann
Theodore W. Hunt
Viewers

From Page 63 - "Upper Goder Township"

said portion of road to be vacated being shown in green on the blue print hereto attached and made a part hereof.

That Christopher Street recently made a public highway replaces the section of Elkner Lane proposed to be vacated and makes said section of Elkner Lane useless, inconvenient and burdensome to the taxpayers therefore, after taking into consideration the abutting properties and all other matters before us, we are of the opinion that said section of Elkner Lane should be vacated and recommend that the prayer of the Petitioners be granted.

We have not obtained any release of damages from the abutting property owners, but have been informed that a release signed by all abutting property owners has been executed and filed with the Petition to the court for the appointment of Viewers. However, taking into consideration the benefits and damages that have resulted or that seem likely to result by reason of the vacation of the proposed section of Elkner Lane, we assessed no benefits and no damages to any of the abutting property owners.

Witness our hands this 29th day of October A. D. 1940

S. E. Dickey
James M. Carr
Theodore W. Hunt
Viewers

Continued from page 71.

No. 1 June 1941.

Sixty three (63) feet to the ending at State Highway Construction Station 34+00 - A. T. R. Line Rec. Station 34+94. The exact distance of the place of beginning to an intersecting public highway, namely, State Highway Route 11068, being at the intersection of the highway leading from Route 11068 to the North Fork Dam, is a distance of One Hundred Sixty one (61) feet, measured in a northeasterly direction along the center line of Route 11006 from said Route 11068. The exact distance of the place of ending to an intersecting public road, namely, State Highway Route 11068, is one Thousand Six Hundred and Thirty Six (1636) feet, measured along the center line of the reconstructed location of Route 11006 from the intersection of Route 11068, all as shown on blue print hereto attached.

We were unable to obtain releases from the abutting property owners, however taking into consideration the benefits and damages, we assess no benefits and no damages to any of the abutting property owners.

Witness our hands this 7th day of July A. D. 1941.

S. E. Dickey
A. M. Shoemaker
James M. Carr
Viewers

No 8 Dec. 1941

Brought from page 89.

distance of 18601 feet or 3.523 miles of old highway. The supervisors and others with the three viewers traversed the old highway and after having done so returned to the office of a coal company several hundred feet from the Blair-Cambria County Boundary line and heard the statements pro and con as to vacation of all or portions of proposed highway to be vacated. Quite a group of citizens in attendance objected to vacating that portion of the highway in the immediate vicinity for the reason that it will leave a used school house without a public highway leading to it and the school house having been in use for many years and at the time of the view was in session. After hearing statements and declarations all of them in a friendly conference and no one having been sworn or affirmed the viewers returned from the far extremity viewed same the second time because we had met at the far end of the old highway and to the other end being between the points designated in the petition and order.

The portions of public road taking the following courses and distances as indicated on the attached draft are recommended to be vacated and we therefore vacate same as public highways or road, viz:—

Beginning at point A and extending thence North eighty two degrees forty minutes ($N 82^{\circ} 40' E$) East ten hundred twenty (1020) feet; South forty five degrees East ($S 45^{\circ} E$) six hundred thirty four (634) feet; South fifty one degrees East ($S 51^{\circ} E$) two hundred eighty (280) feet; South sixty one degrees East ($S 61^{\circ} E$) two hundred ten (210) feet; Thence South sixty six degrees fifteen minutes East ($S 66^{\circ} 15' E$) five hundred forty (540) feet; South seventy degrees East ($S 70^{\circ} E$) one hundred sixty one (161) feet; South seventy eight degrees forty minutes East ($S 78^{\circ} 40' E$) four hundred fifty two and $5/10$ (452.5) feet; South seventy three degrees twenty minutes East ($S 73^{\circ} 20' E$) twelve hundred sixty two (1262) feet; South seventy degree East ($S 70^{\circ} E$) four hundred eighty (480) feet; South fifty three degrees East ($S 53^{\circ} E$) one hundred eighty seven (187) feet; South sixty eight degrees twenty minutes East ($S 68^{\circ} 20' E$) three hundred and five (305) feet; South seventy nine degrees thirty minutes East ($S 79^{\circ} 30' E$) two hundred thirty (230) feet; South twenty two degrees thirty minutes East ($S 22^{\circ} 30' E$) three hundred sixty two and five tenths (362.5) feet; South forty degrees East ($S 40^{\circ} E$) three hundred thirty two and $5/10$ (332.5) feet; thence South forty eight degrees thirty minutes East ($S 48^{\circ} 30' E$) five hundred ten (510) feet; thence South forty five degrees fifty minutes East ($S 45^{\circ} 50' E$) two hundred twelve (212) feet; South sixty two degrees forty five minutes East ($S 62^{\circ} 45' E$) seven hundred thirty five (735) feet; thence South eighty six degrees five minutes East ($S 86^{\circ} 05' E$) four hundred twenty five (425) feet; thence South sixty five degrees East ($S 65^{\circ} E$) one hundred ninety five (195) feet; thence South forty one degrees twenty minutes East ($S 41^{\circ} 20' E$) four hundred seventy (470) feet; thence South twenty six degrees thirty minutes East ($S 26^{\circ} 30' E$) six hundred forty three (643) feet; thence South forty four degrees forty five minutes ($S 44^{\circ} 45' E$) East three hundred thirty two (332) feet; thence South forty four degrees forty five minutes East ($S 44^{\circ} 45' E$) three hundred ninety two (392) feet; thence South seventy nine degrees East ($S 79^{\circ} E$) three hundred forty five (345) feet; thence South sixty eight degrees East ($S 68^{\circ} E$) five hundred forty one (541) feet; thence South sixty one degrees fifty minutes East ($S 61^{\circ} 50' E$) six hundred forty four (644) feet; thence South fifty six degrees East ($S 56^{\circ} E$) two hundred sixty five (265) feet; thence South fifty four degrees thirty minutes ($S 54^{\circ} 30' E$) eleven hundred forty two (1142) feet; thence South seventy two degrees thirty minutes East ($S 72^{\circ} 30' E$) two hundred ninety six (296) feet; thence North eighty three degrees forty five minutes East ($N 83^{\circ} 45' E$) three hundred seventy (370) feet; thence North fifty four degrees thirty minutes ($N 54^{\circ} 30' E$) three hundred eight (308) feet; thence North forty five degrees thirty minutes East ($N 45^{\circ} 30' E$) six hundred ninety (690) feet; thence North seventy eight degrees East ($N 78^{\circ} E$) four hundred fifty two (452) feet; thence South eighty one degrees forty

— next page —

from page 507.

minutes (S. 81° 40' E.) five hundred seventeen (517) feet; thence south seventy degrees thirty minutes east (S. 70° 30' E.) one hundred ten (110) feet and south sixty four degrees twenty minutes (S. 64° 20' E.) one hundred sixty eight (168) feet to a point indicated on draft and blue print hereto attached and made a part of this report as and by the letter "A."

Portions on the hereinabove described road indicated between points "A" and "B"; and between points indicated "C" and "D" and between points indicated "E" and "F" are recommended to be left open as Private Road for the use and enjoyment of those living or owning property adjacent thereto;

And the portion of the road indicated between the points designated "F" and "G," taking the following courses and distances, to wit: South sixty seven degrees ten minutes east (S. 67° 10' E.) three hundred thirty five (335) feet; thence south eighty one degrees twenty minutes east (S. 81° 20' E.) two hundred sixty (260) feet; thence south eighty degrees east (S. 80° E.) nine hundred twenty one (921) feet; thence north seventy three degrees forty minutes east (N. 73° 40' E.) three hundred forty seven (347) feet; thence south eighty-eight degrees fifteen minutes east (S. 88° 15' E.) five hundred seventy eight (578) feet; thence south eighty degrees thirty minutes east five hundred fifty-two (552) feet and north eight nine degrees forty five minutes east (N. 89° 45' E.) one hundred forty five (145) feet to a point designated as "A." we recommend be maintained as a public road.

It is therefore vacate that portions of the highway stipulated and described herein and order for Private use those portions likewise stipulated in this report and also shown on Blue Print hereto attached and made a part of this Report and recommend a portion to be maintained as a Public Road likewise set forth hereinabove and shown on Blue Print aforesaid.

Witness our hand and seals this 1st day of May in the year of our Lord One thousand nine hundred and Forty-Two (1942)

A. M. Shoemaker

L. E. Kayle

Mahlon Baumgardner, Chairman

the Board of Supervisors of Conemaugh Township were present; that said proposed new road is now a private road, opened and existing in a passable condition, the location of which is shown in dotted lines within the green area shown on the blue print attached hereto and made hereof; that one of the terminus of said proposed road is at a point other than in a public highway or place of public resort; that after hearing all interested persons present at the view, consisting mostly of abutting property owners, who stated that they are badly in need of a public highway and had agreed to waive all damages for the land taken or caused by the reason of laying out, opening, draining, grading and maintaining said proposed road and the statement made by Mr. Tiller, that the township believes they needed a public road and therefore had no objections to furnishing same, we are of the opinion that said proposed road is necessary, regardless of the fact that the one terminus is not in a public highway or place of public resort and proceeded to lay out same as follows:

Beginning at a point in the center of a road known as the Franklin Road, leading from the Frankstown Road, Route No. 53 to Bon Air and the Borough of Franklin; thence by the center line of said proposed new road $S 65^{\circ} 15' E. 130'$; thence $S 79^{\circ} 24' E. 169'$; thence $S. 74^{\circ} 30' E. 120'$; thence $S. 70^{\circ} 36' E. 531'$; thence $N. 83^{\circ} 19' E. 382.85'$; thence $N 56^{\circ} 26' E. 140'$ to a point on the property line between John H. Freidhoff property on the West and property of others on the East, as indicated on the map; thence by said property line $N. 0^{\circ} 39' W. 937'$ to the ending, including sufficient ground at the end for a turning wye on the property of John H. Freidhoff. We recommend that the width of the proposed road shall be 33'; that along the property line of John H. Freidhoff and others 20' of said width of 33' is taken off of the Freidhoff property and 13' from the property of the other abutting property owners on the easterly side of said road, as indicated on the blue print hereto attached. The exact location of the place of beginning from the nearest intersecting public highway, namely, Frankstown Road or Route No. 53, is at a distance of 1574' measured along the center line of the Franklin Road in a northerly direction from said Frankstown Road.

The exact location of the place of ending is at a distance of 2409.85' measured along the center line of the proposed new road from the place of beginning in the Franklin Road to the northerly boundary line of the Stella Plitz property; that 10 different property owners abut on the line of the said proposed road; that 5 or more residence and other buildings are now built on said properties; that after taking into consideration all the matters before us, we are of the opinion that said road as prayed for by the Petitioners and laid out by us is necessary and convenient for the several property owners and houses erected thereon and that same will not be burdensome to the taxpayers of Conemaugh Township. Therefore, we recommend that the prayer of the Petitioners be granted.

The abutting property owners or a majority thereof attending the view, expressed their willingness to waive all damages and we have been informed that a Release of Damages was signed by all of the abutting property owners and filed with and made a part of the petition for said proposed new road, however, regardless of said release we assess no benefits and no damages to any of the abutting property owners.

Witness our hands and seals this 28th day of May A.D. 1942.

D. E. Dickey
James McCann
A. M. Shoemaker
Viewers.

Continued from page 100.

No. 4, June 1942

copies of said Notices hereto attached and made a part of this report; the Notices to the Petitioner was served upon F. M. Baserman an adult person residing on the premises; that we met in accord with the Notice given on the 21st day of August A. D. 1942 at 10:00 o'clock A. M. and proceeded with the duties of our appointment and viewed the premises affected; that during the View Mr. Patton, Mrs. Baserman, Ray P. Smith, George Spence, H. F. Dorr and S. E. Dickey and L. E. Kaylor of the Board of Viewers were present. Robert G. Mayer the third member of the Board of View was unable to be present on account of sickness. After viewing the premises and the surroundings for the purpose of comparison, we continued the View to meet in the Judge's Chambers, 505 United States National Bank Building, Franklin Street, Johnstown, Pa. at 9:00 o'clock A. M. on the 26th day of August A. D. 1942; that we met in accordance with said continuance at 9:00 o'clock A. M. on the 26th day of August A. D. 1942 and proceeded with the taking of testimony at which time Ray Patton Smith, Attorney for the Petitioner, Daniel Patton, Mrs. Baserman, C. T. Hoffinger, a real estate agent, George M. Spence, Solicitor for Cambria County, H. F. Dorr, County Engineer and S. E. Dickey and L. E. Kaylor, members of the Board of View were present. Robert G. Mayer, one of the viewers was absent for reasons hereinbefore mentioned. Attorney Smith offered maps and the reference to the Deed of Daniel Patton, as referred to in the Petition, in evidence.

Mr. Smith produced qualified witnesses who testified to the value of the property before said improvements and as unaffected by said improvements and the value immediately after said improvements and as affected by said improvements. Testimony was also offered to the effect that said property is free and clear of all liens, judgments, mortgages and taxes. Attorney Spence, for the County, produced two witnesses, qualified real estate brokers, who testified to the value of the property before said improvements and as unaffected by said improvements and the value immediately after said improvements and as affected by said improvements. After concluding the taking of testimony, we reviewed the evidence, testimony and exhibits and after due consideration of same estimated and determined the damages sustained by said Daniel Patton, for the purpose of preparing a Schedule of Damages. George M. Spence, Solicitor for Cambria County, admitted that the County of Cambria was liable for said damages, if any, by reason of a Resolution duly passed by the Commissioners of Cambria County before making said improvements.

That Notice of the time and place of meeting for the purpose of exhibiting a Schedule of Damages was given at least ten (10) days prior to the time of said meeting, to all parties interested by personal service of same upon the Petitioner, which was accepted by Mrs. F. M. Baserman, an adult person residing upon the premises by publication in one issue of the Johnstown Tribune, by posting copies of said Notice upon the premises, by personal service upon the Commissioners of Cambria County, the Solicitor for Cambria County, the Solicitor for Upper Yoder Township and the Solicitor for the Petitioner, evidence of which is shown by copies of said notices hereto attached and made a part hereof; that we met in accordance with the notice given for the Exhibit of Schedule at the Judge's Chambers, 505 United States National Bank Building, Franklin Street, Johnstown, Pa. on the 28th day of August A. D. 1942 at 10:00 o'clock A. M. and exhibited said Schedule, a copy of which is attached hereto and made a part hereof. During the Exhibit of Schedule Ray Patton Smith, Attorney for the Petitioner, Mrs. F. M. Baserman, Elizabeth J. Greiner, Secretary for the County Solicitor and S. E. Dickey and L. E. Kaylor of the Board of Viewers, were present at which time all further Testimony

Continued on Page 511.

No. 4 June 1942

exceptions and objections were heard; that after further consideration of the testimony, exceptions, objections and all other matters before us, we have assessed benefits and damages to the owner of said property as follows:

Name	Benefits	Damages
Daniel Patton	None	\$426.00

According to the Testimony, there being no liens, judgments, mortgages or taxes against this property the damages are payable to Daniel Patton by the County of Cambria, Pennsylvania. A blue print attached hereto and made a part hereof, shows the property of Daniel Patton colored in green thereon and the improvements, which is the extension of Gertrude Street; that we prepared and advertised this day in the Johnstown Tribune as required by law, a notice of Filing Report of Viewers, a copy of which is hereto attached.

Witness our hands and seal this 5 day of September A. D. 1942.

L. E. Dickey

L. E. Kaylor

Now Nov. 16, 1942, received payment of above award.

Ray Patton Smith
Att. for Daniel Patton

Viewers.

No. 5. June Sessions 1942.

Continued from page 101.

Petitioner, evidence of which is shown by copies of said notices hereto attached and made a part of this report; that we met in accordance with the notice given on the 21st day of August A. D. 1942 at 10:30 o'clock A. M. and proceeded with the duties of our appointment and viewed the premises affected; that during the view Bertha Potter, the Petitioner, Earlene Potter, Ray P. Smith, George Spence, H. F. Dorr and L. E. Dickey and L. E. Kaylor of the Board of Viewers were present. Robert B. Mayer the third member of the Board of View was unable to be present on account of sickness. After viewing the premises and the surroundings for the purpose of comparison, we continued the view to meet in the Judge's Chambers, 505 United States National Bank Building, Franklin Street, Johnstown, Pa. at 9:00 o'clock A. M. on the 26th day of August A. D. 1942; that we met in accordance with said continuance at 9:00 o'clock A. M. on the 26th day of August A. D. 1942 and proceeded with the taking of Testimony at which time Ray Patton Smith, attorney for the Petitioner, Bertha Potter, the Petitioner, Earlene Potter, C. T. Hoffinger, a real estate agent, George M. Spence, solicitor for Cambria County, H. F. Dorr, County Engineer and L. E. Dickey and L. E. Kaylor, members of the Board of View were present. Robert B. Mayer, one of the Viewers, was absent for reasons hereinbefore mentioned. Attorney Smith offered maps and the reference to The Deed of Bertha Potter, as referred to in the petition, in evidence.

Mr Smith produced qualified witnesses who testified to the value of the property before said improvements and as unaffected by said improvements and the value immediately after said improvements and as affected by said improvements.

Testimony was also offered to the effect that said property is free and clear of all liens, judgments, mortgages and taxes. Attorney Spence, for the County, produced two witnesses, qualified real estate brokers, who testified to the value of the property before said improvements and as unaffected by said improvements and the value immediately after said improvements and as affected by said improvements. After concluding the taking of Testimony, we reviewed the evidence, testimony and exhibits and after due consideration of same estimated and determined the damages sustained by said Bertha Potter, for the purpose of preparing a Schedule of Damages. George M. Spence, solicitor for the County of Cambria, State of Pennsylvania, admitted that the County of Cambria was liable for said damages, if any, by reason of a Resolution duly passed by the Commissioners of Cambria County before making said improvements.

Continued page 512.

No. 5. June Sess. 1942.
Continued from page 511.

That notice of the time and place of meeting for the purpose of exhibiting a Schedule of Damages was given at least ten (10) days prior to the time of said meeting, to all parties interested, by personal service of same by the Petitioner, by publication in one issue of the Johnstown Tribune, by posting copies of said notice upon the premises, by personal service upon the Commissioners of Cambria County, the Solicitor for Cambria County, the Solicitor for Upper Yoder Township and the Solicitor for the Petitioner, evidence of which is shown by copies of said notices hereto attached and made a part hereof; that we met in accordance with the notice given for the Exhibit of Schedule at the Judge's Chambers, 505 United States National Bank Building, Franklin Street, Johnstown, Pa. on the 28th day of August A. D. 1942 at 10:36 o'clock A. M. and exhibited said schedule, a copy of which is attached hereto and made a part hereof. During the Exhibit of Schedule, Ray Patton Smith, Attorney for Petitioner, Bertha Potter, the Petitioner, Earlene Potter, Elizabeth E. Greiner, Secretary for the County Solicitor and J. E. Dickey and L. E. Kaylor of the Board of View, were present at which time all further testimony, exceptions and objections were heard; that after further consideration of the testimony, exceptions, objections and all other matters before us, we have assessed benefits and damages to the owner of said property as follows:

Name.	Benefits.	Damages.
Bertha Potter	None	\$1500.00.

According to the Testimony, there being no liens, judgments, mortgages or taxes against this property, the damages are payable to Bertha Potter by the County of Cambria, State of Pennsylvania. A blue print attached hereto and made a part hereof, shows the property of Bertha Potter colored in red thereon and the improvements, which is the extension of Gertrude Street; that we prepared and advertised this day in the Johnstown Tribune as required by law, a Notice of Filing Report of Viewers, a copy of which is hereto attached.

Witness our hands and seal this 5 day of September A. D. 1942.

J. E. Dickey
L. E. Kaylor
Viewers.

Now Nov. 16, 1942 received payment of above award.
Ray Patton Smith
Atty for Bertha Potter

Continued from page.

either sustaining the former Board of Viewers in recommending said public highway be and remain a public highway or thoroughfare or recommend that said portion be vacated all of which said highway is in the Township of Jackson aforesaid respectfully report as follows:

That we were duly sworn or qualified as Members of the Permanent Board of Viewers of Cambria County, Pennsylvania and that we gave and public notice of the time and place of the meeting of the Board of Viewers as required by the law, by posting ten handbills along the route of the proposed road and by notice on Weldon D. Smith, Secretary of the Board of Supervisors of the Township of Jackson and upon the Commissioners of Cambria County by acceptance of same by Frank Dorr, Chief Clerk to said Board, copies of said acceptances being hereto attached and made a part of this Report.

That we met at the place of beginning and at the time stipulated in said notice to view with S. E. Dickey, William J. McGrain and Mahlon Baringgardner, all Viewers being present and two of the Supervisors and a large concourse of men and women who were interested in having the said public thoroughfare maintained as a public highway. We traversed the route already recommended as a public highway, taking into consideration the number of homes erected and occupied as well as the number of children of school age required to traverse and use said road in going to and from school and further that the said public highway is constructed of concrete and in good condition and that the maintenance of said public highway in its present condition is negligible. The portion of highway prayed for at an earlier date was vacated shortly after the State Highway Route No. 314 was relocated between points or Stations No. 195 and No 250 as well as other portions of said highway, this about the year 1936 which said Report of Viewers was duly filed and approved by the Honorable Court. At that time there was no apparent reason for maintaining this portion of the highway.

About a dozen of homes now face the old highway and are a permanent part of the Township of Jackson, their establishment has added new value to the assessment of the Township of Jackson as well as enlarged its population so much so that about eighteen children must use this road in attending the public schools. A coal mine and tipple is erected along the route of the highway which not only supplies coal used by the residents of this highway but others as well.

The highway being originally the highway used by traffic is in a very good condition having a concrete surface and not difficult to maintain and keep in repair at a very small expense on the part of the Supervisors of Jackson Township. Many of the residents having no other way of reaching the new highway other than on the highway prayed for. The original Board of Viewers in the year 1936 made this portion of the highway a private highway thereby necessitating the owners of the homes erected along the route thereof and users of same great inconvenience in reaching the new improved highway or because of drifts in the winter use same or have their children travel same in going to and from public school. The inhabitants too are greatly inconvenienced in going to and from their homes as well as attending church services and in other ways seriously handicapped because of the want of and lack of a public highway.

The viewers because of the above recited facts and other elements which we believe are pertinent we are unanimous of the opinion that a real need now exists for the road and therefore we recommend and approve the finding of the Board of Viewers from which this Re-View has been requested and from which the present Board of Re-Viewers was authorized; Therefore we lay out for public road and highway a portion of the old State Highway Route No. 314 to be taken over as a Township Highway of the following courses and distances, to wit:

Beginning at State Highway Chain Survey Station 249 plus 69 at the intersection at said portion of Highway to be made a Township Road with the re-

Continued on next page

Continued from page 513.

located section of the William Penn Highway, Route No. 22; thence by the center line of the present concrete pavement on the present section of old State Highway Route No. 314, in a westerly direction, a distance of five thousand five hundred fifty four (5554) feet to the ending at State Highway Chain Survey Station 194 plus 15, where the same intersects the relocated section of the William Penn Highway Route No. 22, the exact location of the place of beginning, from the nearest intersecting Public Highway is at a distance of five hundred ninety five (595) feet measured along the center line of the William Penn Highway Route No. 22, in a westerly direction from the intersection of Township Road Route No. 11428 leading from the William Penn Highway to Twin Rocks. The exact place of ending from the intersecting Public Highway is at the intersection of Township Road Route No. 11029, leading from the William Penn Highway Route No. 22 to Vintondale, said section of road to be made a Township Highway, is colored in green on the blue print attached hereto and made a part hereof.

In Witness hereto we have hereunto attached our hand and seals this
— day of August, A. D. 1942.

Mahlon Baumgardner
A. E. Dickey
H. J. McMain
Viewers.

No. 6, March 1942.

Transferred from page 95.

The portion of road to be vacated was carefully gone over by the Viewers, accompanied by Mr. Springer, Secretary, and at the conclusion of the view all of the Viewers were agreed that the prayer of the petitioners should be granted and the portion of road indicated on map attached and on this report should be vacated because of being useless and burdensome to maintain.

This was accordingly done and by unanimous vote of the Viewers the road was ordered vacated.

Respectfully submitted
James McLean
Mahlon Baumgardner
D. H. Jencks
Viewers.

No 2 September Sessions 1942.

Transferred from page 104.

citizens and others used the road continuously since its vacation in 1932 as is evidenced by the condition of the surface indicating constant use of the highway. The portion of highway prayed for is located or situated considerably lower than the improved highway and the approach to the improved Highway Route No. 234 is more advantageous and expeditious. There are a number of houses or properties which will be benefitted by reinstating a portion of the highway vacated and making proper approach. The portion of highway prayed for has been placed in a fine condition by the W.P.A. and meets certain conditions which if vacated or continued to be vacated would be inconvenient to the users of same as this time, and there are many who travel the highway.

The Viewers carefully observed the route of the road described in the petition and noted the splendid condition the road presents at this time and the use to which the said portion of highway is now being put. All the Supervisors being the petitioners are favorable; the Viewers because of the facts seen and other elements which we believe are pertinent are unanimous of the opinion that the real need now exists for the road and we therefore recommend the laying out for public use a public highway or road to lead from the "Cement Bridge" which is located by beginning at the center of the road leading to Dougherty's Mine, and running thence north 8 degrees 30 minutes east 628 feet, north 28 degrees east 198 feet, north 50 degrees 30 minutes east 458 feet, north 40 degrees east 579 feet, thence north 37 degrees east 280 feet to said Concrete Bridge, said township road leading through the village of Dean; thence taking the following courses and distances from said Concrete Bridge north 51 degrees 18 minutes East one thousand three hundred twenty feet (1320) to a point; thence north 59 degrees 58 minutes East two hundred seventy eight and 8/10 (278.8) feet to a point thence south 52 degrees 24 minutes east ninety four and 5/100 (94.5) feet to intersection of State Highway Route No 234 the place of ending, the place of ending being five hundred seventy nine (579) feet to Station 1173 plus 42 all of which is indicated in a Blue Print hereto attached and made a part of this report.

Witness our hands and seals this 26th day of October, A. D. 1942.

October 26, 1942.

Mahlon J. Baumgardner
James McCann
A. M. Shoemaker
Viewers