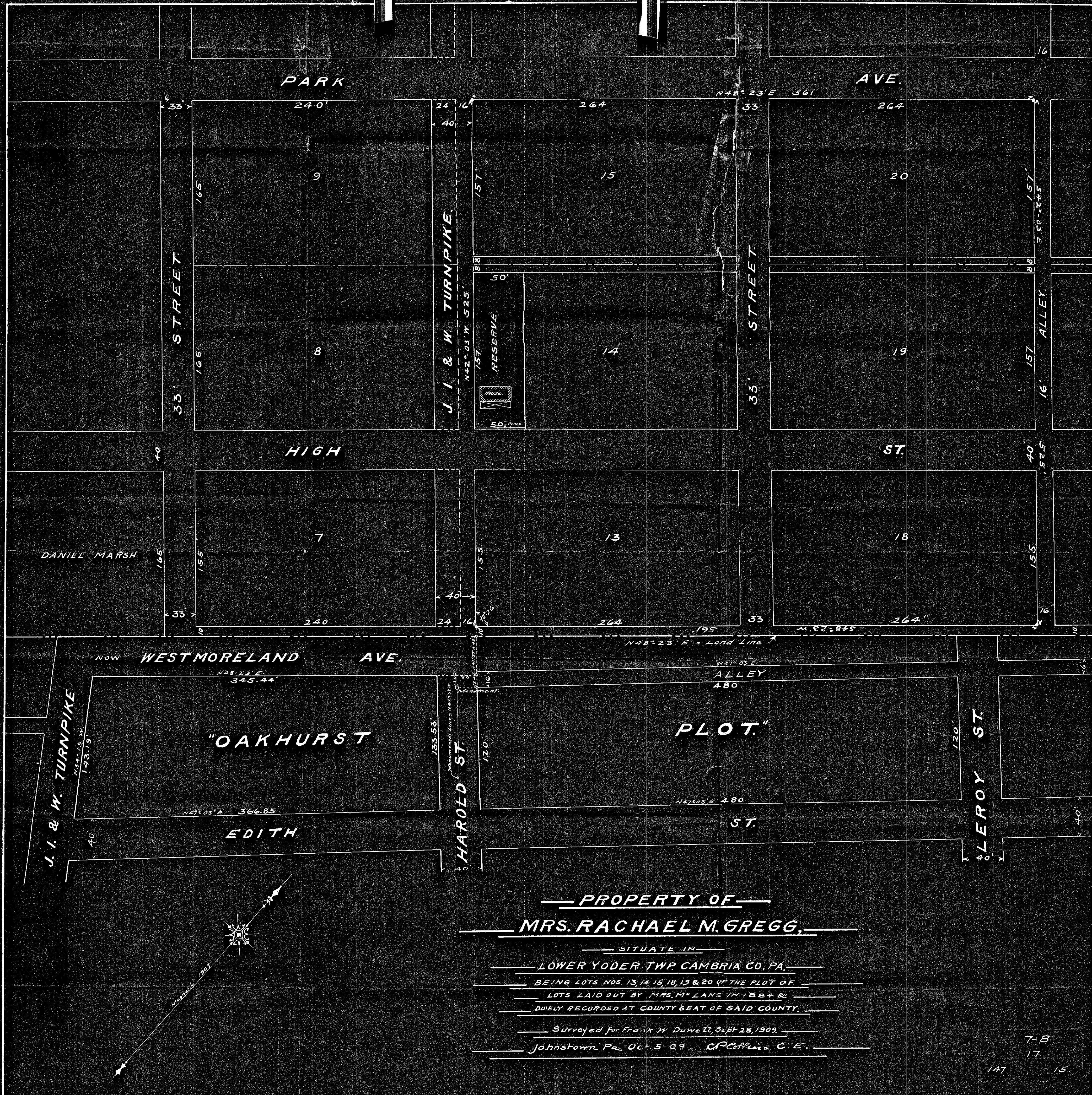


L.D. #4 MARK 1910
Not Microfilmed



PROPERTY OF
MRS. RACHAEL M. GREGG,

SITUATE IN
LOWER YODER TWP CAMBRIA CO. PA.
BEING LOTS NOS. 13, 14, 15, 18, 19 & 20 OF THE PLOT OF
LOTS LAID OUT BY MRS. MCLANE IN 1884 &
DUELY RECORDED AT COUNTY SEAT OF SAID COUNTY.
Surveyed for Frank W. Duwell, Sept 28, 1909.
Johnstown Pa. Oct 5-09 C. P. Coffey C. E.

TO THE HONORABLE FRANCIS J. O'CONNOR, PRESIDENT JUDGE OF THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA:

The petition of the undersigned, inhabitants of the Township of Lower
Yoder, County of Cambria and State of Pennsylvania, respectfully represents:

That a public road or street has long since been laid out from an
unnamed ten foot alley to Park Avenue on the McClain Plan of Lots in Lower
Yoder Township, Cambria County, Pennsylvania, which road or street is thirty-
three (33) feet wide and is bounded by lots Nos. 13, 14, 15, 18, 19, and 20
on the said McClain Plan, a blue print showing the said public road or street
is hereto attached and made a part hereof.

Your petitioners represent that the same has now become useless,
inconvenient and burdensome and, therefore, respectfully pray the Court that
the said road or street may be vacated agreeably to the Act of the General
Assembly in such case made and provided.

J. O. Switzer
A. F. Fidler
Conrad Apple
Robert G. Swinn
Thos. A. Hieadman
E. Hillman
Cyrus Marsh
Noray Apple
James Howard
Chas. H. Bates

STATE OF PENNSYLVANIA,)
)SS:
COUNTY OF CAMBRIA.)

On the 22 day of March, A. D., 1910, before me, the sub-
scriber, ~~Notary Public~~ an Alderman in and for said County, personally came Jacob O. Swartz
one of the above mentioned petitioners, who being duly sworn according to
law, did depose and say that the matters set forth in the above and foregoing
petition are true and correct.

Sworn and subscribed to before me
the day and year aforesaid, as
witness my hand and notarial seal.

Joseph Hornbinger
~~Notary Public~~ Alderman
My commission expires first Monday
of May A.D. 1913

Jacob O. Swartz

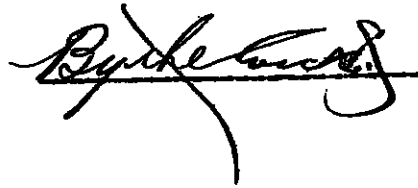
No 11 March Sess. 1910 Rd.

PETITION

Of inhabitants of Lower Yoder Township, Cambria County, Pa., for vacation of public road or street running between ~~Washington Street~~ ^{to the foot alley} and Park Avenue, on the McElain Plan of Lots in Lower Yoder Township aforesaid.

Filed 23 March, 1910.

AND NOW, March _____, A.D., 1910, the within petition read and considered and C. P. Collins Surveyor, and William Strauss and Edward H. Coleman are hereby appointed viewers to view the public road or street mentioned in the said petition and report in favor of or against the vacation thereof at the next Court of Quarter Sessions to be held for the said County of Cambria.



FOREST & PERCY ALLEN ROSE,
ATTORNEYS & COUNSELORS AT LAW,
JOHNSTOWN, PA.
FISHER BLDG. 607 MAIN STREET.

PETER PAUL & SON, BUFFALO

IN RE)
PROCEEDINGS TO VACATE)
THIRTY-THREE FOOT STREET)
ON THE MCLAIN PLAN OF LOTS)
IN LOWER YODER TOWNSHIP,)
CAMBRIA COUNTY, PENNSYLVANIA.)

TO THE HONORABLE FRANCIS J. O'CONNOR, PRESIDENT JUDGE OF
THE COURT OF QUARTER SESSIONS OF SAID COUNTY:

We, the undersigned, appointed by the annexed order,
do report:

That in pursuance thereof, after having been sever-
ally duly sworn, all the viewers appointed by said order,
viewed the public road or street for the purpose of determining
upon the vacation thereof and all do agree that the same has
become useless, inconvenient and burdensome and ought, there-
fore, to be vacated.

We do further report that they procured from all
the owners of land abutting on the said public road or street
releases in writing of claims for damages which may arise
from the vacation thereof.

We do further report that before the said view
public notice of the time and place of meeting of the viewers
was given by advertisements put up in three of the most public
places in the vicinity, that typewritten notice of the said
meeting was given to all the supervisors of the Township of
Lower Yoder and to the County Commissioners of Cambria County,
Pennsylvania, in the manner prescribed by law.

We hereunto annex a plot or draft of the said
public road or street as vacated stating the courses and dis-
tances and certify that there are no improvements on the land

through which the said road or street runs and we return
herewith the releases obtained and copy of the notice. . .

Witness our hands this 14th day of June, A. D.,
1910;

Edward H. Solomon

William H. Strauss

E. P. Collins

Commonwealth of Pennsylvania, }
County of Cambria. } as

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg,
in the said County, on the.... 23..... day of.... March..... A. D. 1900, before the
Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township
of.... Lower Yoder....., in the said County, setting forth that they labor under incon-
venience for want of a..... road or highway, to lead from:
a public road or street has long since been laid out from an unnamed
ten foot alley to Park Avenue on the Mc Blain Plan of Lots in Lower
Yoder Township, Cambria County, Pennsylvania, which road or street
is thirty three (33) feet wide and is bounded by lots Nos. 13, 14, 15, 18,
19, and 20 on the said Mc Blain Plan, a blue print showing the
said public road or street is hereto attached and made a part hereof.
Your petitioners represent that the same has now become useless,
unnecessary and burdensome,

and therefore praying the Court to appoint proper persons to ^{vacate} view and lay-out the same ac-
cording to law. The Court, upon due consideration had of the premises, do order and appoint
B. P. Collins..... surveyor, and.....

William Strauss and Edward H. Holman.....
viewers, to view the ground proposed for said ^{vacation} road, and if they view the same, and
shall agree that there is ^{no} occasion for such road, they shall proceed to ^{vacate} lay-out the same, having
respect to the shortest distance and the best ground for a road, and in such manner as shall do
the least injury to private property, and also be as far as practicable, agreeable to the desires of the
petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions
to be held for said County, stating particularly whether they judge the same necessary for a public or
private road, together with a plot or draft thereof, and the courses and distances, and references to
the improvements through which it may pass.

By the Court.

Attest:

J. S. Kirkhead, Clerk.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

NO. 4, March SESSION, 1901

Order to view and locate
road in Lower Yoder
Township

Viewers.

L. P. Collins
William Strauss
Edward H. Holman

Clerk Kinkeade 90 cts.

J. P. A. Rose

STATE OF PENNSYLVANIA,)
COUNTY OF CAMBRIA.) SS:

On the 25 day of May, A. D., 1910, before me the subscriber, a Notary Public in and for said County, personally came Edward H. Coleman, William H. Strauss and C. P. Collins, the Viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania, to view for the purpose of determining upon the vacation of a thirty-three (33) foot street running from an unnamed ten foot alley to Park Avenue on the McLain plot of lots in Lower Yoder Township, Cambria County, Pennsylvania, who being by me duly sworn according to law, did depose and say that they will perform the duties of their appointment impartially and according to the best of their judgment.

Edward H. Coleman
W. H. Strauss
C. P. Collins

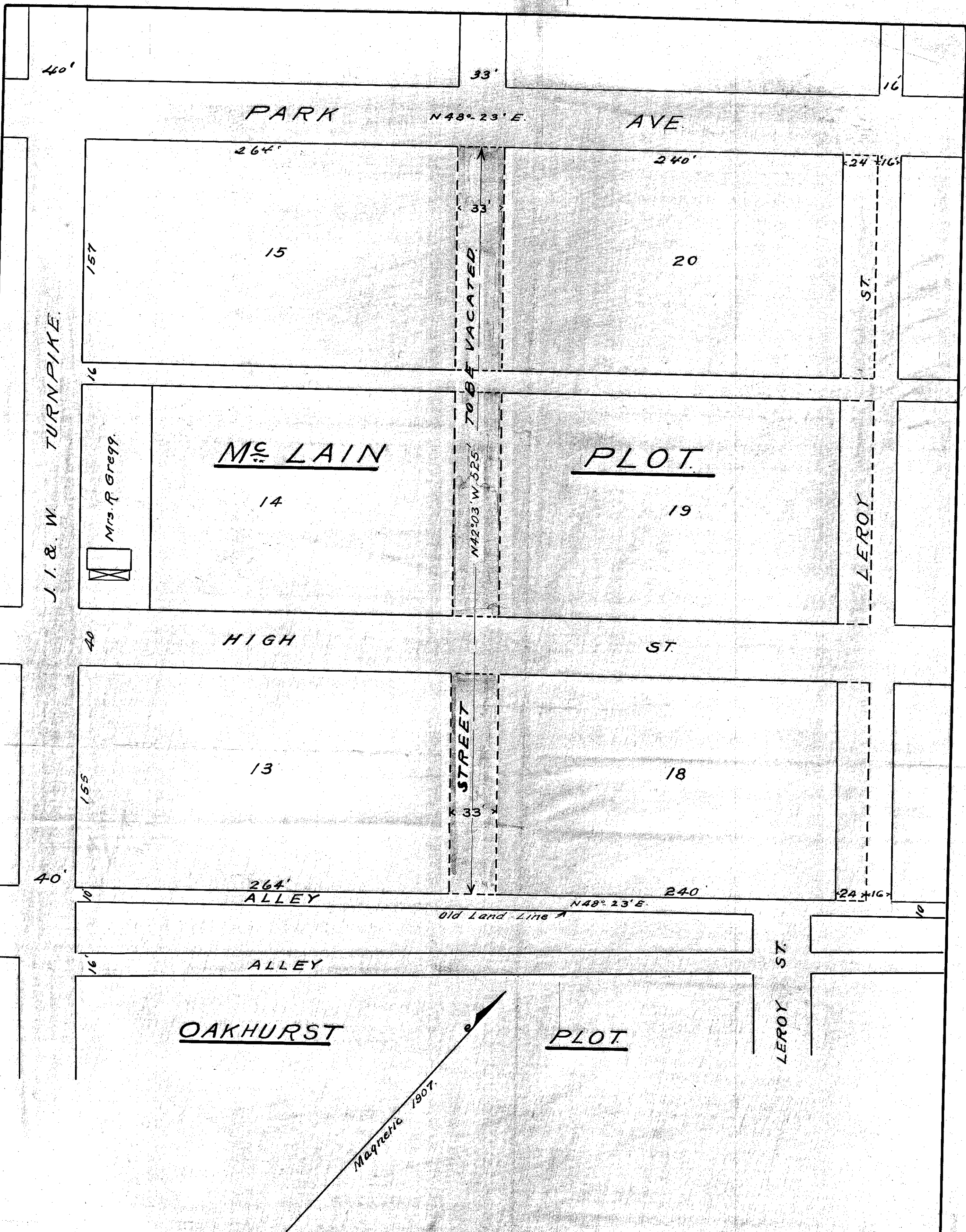
Sworn and subscribed to before me
the day and year aforesaid, as
witness my hand and notarial seal.

W. E. Marsh
Notary Public.
My commission expires end of
next session of Senate.

We, the undersigned, hereby remise and release all our right or claim to damages of whatsoever kind resulting from the vacation of a thirty-three (33) foot street, running from an unnamed alley to Park Avenue on the plot or plan of lots of the McLain Heirs in Lower Yoder, Township, Cambria County, Pennsylvania, the said street being bounded by lots Nos. 13, 14, 15, 18, 19 and 20 on the said plan.

Howard C. Galt
F. W. Jewell
Herman M. Shaver

Johnstown, Pa., May 24, 1910.



MAP

ACCOMPANYING REPORT OF VIEWERS

SHOWING LOCATION OF STREET

PROPOSED TO BE VACATED.

BEING PART OF THE MC LAIN PLOT

in

LOWER YODER TWP, CAMBRIA CO. PA.

Scale 1" = 50 Ft.

Johnstown Pa. June-3-1910

C. P. Collins G. E.

Edward H. Coleman } VIEWERS
William H. Strauss }
C. P. Collins } Surveyor.

IN RE

PROCEEDINGS TO VACATE
THIRTY-THREE FOOT STREET
ON THE MOLAIN PLAN OF
LOTS IN LOWER YODER TOWNSHIP,
CAMBRIA COUNTY,
PENNSYLVANIA.

Notice is hereby given that the Viewers appointed by the Court of Quarter Sessions to view for the purpose of determining whether or not the same shall be vacated a public road or street running from an unnamed alley to Park Avenue on the Molain plan of lots in Lower Yoder Township, Cambria County, Pennsylvania, which road or street is thirty-three (33) feet wide and is bounded by lots Nos. 13, 14, 15, 18, 19 and 20 on the said Molain plan, will meet on the said street on Saturday, the 4th day of June, A. D., 1910, at 10 o'clock A. M., for the purpose of viewing the same.

EDWARD H. COLEMAN,
WILLIAM R. STRAUSS,
O. P. COLLINS.

Johnstown, Pa., May 24, 1910.

C. P. Collins Surveyor

May 16-1910	- To Services in Field	\$ 5.00
" "	" 3 Miles	0.30
June 3-1910	" Services in Office	5.00
" 4 "	" " " Field	5.00
" " "	" 3 Miles	0.30
		<u>\$ 15.60</u>

William H. Strauss Viewer

May 16-1910	To Services in Field	\$ 3.00
" "	" 3 Miles	0.30
June 4-1910	" Services in Field	3.00
" " "	" 3 Miles	0.30
		<u>\$ 6.60</u>

Edward H. Coleman Viewer

May 16-1910	To Services in Field	\$ 3.00
" " "	" 3 Miles	0.30
June 4-1910	" Services in Field	3.00
" " "	" 3 Miles	0.30
		<u>\$ 6.60</u>

15.60
6.60
6.60
28.80

104 March 1910 RA

REPORT OF VIEWERS APPOINTED
TO VIEW AND DETERMINE UPON
THE VACATION OF A THIRTY-
THREE FOOT STREET RUNNING
FROM AN UNNAMED ALLEY TO
PARK AVENUE ON THE MCCLAIN
PLAN OF LOTS IN LOWER YODER
TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA.

Filed 6 June, 1910,
per Special Agent,

W. HORACE ROSE,
ATTORNEY AT LAW,
JOHNSTOWN, PA.
FISHER BLDG. 607 MAIN STREET

6 June, 1910, Approved
By the Court