

not microfilmed

RO #17 Mar 1940

Upper Yoder Trwp

Proposed Public Road



UPPER YODER TWP
CAMBRIA CO, PA
SCALE 1/2"

8

9

10

20

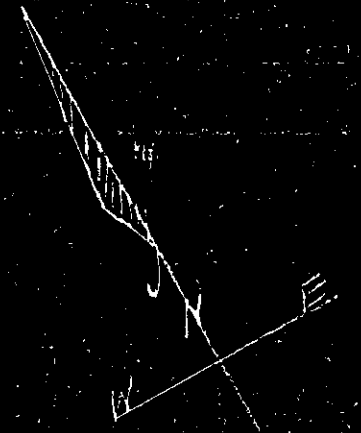
12

Rat Microfilmed

ROTHman 1940

UPPER YODER TOWNSHIP
 CAMBRIA COUNTY
 PROPOSED NEW PUBLIC ROAD
 Scale: 1"=50ft. S.E. Dickey & Co. April-6-1940
 Civil & Mining Engineers
 Johnstown, Pa.

No. 1 MARCH SESSIONS 1940
 S.E. Dickey
 W.G. McGrain
 James McCann
 Viewers



FIRST AVE. TO MAX TONG
 Public Highway

ORCHARD WAY
 Public Highway

John R. Albert

Kathleen Albert

H. A. ALBERT PLAN OF LOTS
 Joseph Gasber
 H.A. Albert Est.

Edna May Albert Hill

Kathleen Albert

Mrs. Hazel Albert Koontz

Ending

PROPOSED NEW ROAD
 S 17° 17' E 172.40 FT
 N 60° 4' W 109.79 FT

Jessie Lenore Albert

Alvin O. Albert

Ruth B. Albert

H. A. ALBERT PLAN OF LOTS
 H.A. Albert Est.

124

125

Beginning

126

127

CRESTYUE PLAN OF LOTS

129

130

131

132

156

155

154

153

285.79

120.76

97

98

99

CRESTYUE PLAN OF LOTS

122

121

120

COLUMBIA ST.
 Public Highway

DERBY ST
 Public Highway

CANNON ST
 Public Highway

1-F-222

No. 1 March Sessions, 1940.
In the Court of Quarter Ses-
sions of Cambria County, Pa.

IN RE LAYING OUT OF A PUBLIC
HIGHWAY IN THE TOWNSHIP OF
UPPER YODER, COUNTY OF
GAMBRIA AND STATE OF PENN-
SYLVANIA.

PETITION FOR APPOINTMENT
OF VIEWERS.

Filed March 18
1940

LAW OFFICES
BARNHART & ADAMS
JOHNSTOWN, PENNA.

December 20, 1939

To the Supervisors of Upper
Yoder Township, Cambria
County, Pennsylvania.

Columbia Street Extension

Petition and release of da-
mages for the opening,
grading, draining, improving
and maintaining of a pro-
posed road in Upper Yoder
Township, Cambria County,
Pennsylvania as a public
highway.

S. E. DICKEY & CO.
CIVIL MINING AND CONSULTING ENGINEERS
809-811 JOHNSTOWN TRUST BLDG.
JOHNSTOWN, PENNA.

map

IN RE LAYING OUT OF A PUBLIC	∅	In the Court of Quarter Ses-
HIGHWAY IN THE TOWNSHIP OF	:	sions of Cambria County, Pa.
UPPER YODER, COUNTY OF CAMBRIA	:	
AND STATE OF PENNSYLVANIA	∅	No. March Sessions, 1940.

PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF THE COURT OF QUARTER SESSIONS IN AND FOR CAMBRIA COUNTY, PENNSYLVANIA:

The petition of the undersigned inhabitants of the said Township of Upper Yoder, in the County aforesaid, respectfully represents:

That your petitioners labor under great inconvenience for want of a public road or highway in the said Township of Upper Yoder, to begin at the intersection of Derby Street and Columbia Street, both public highways in said Township. The said proposed road extends in a westerly direction and ends at its junction with Orchard Way.

The exact distance from the point of beginning of the said proposed road to an intersecting public road or street, namely Cannon Street, is two hundred and eighty (280) feet, measured from the point of the intersection of the center line of Derby Street and the center line of Columbia Street to the point of intersection of the center line of Derby Street with the center line of Cannon Street; and the exact distance from the point of ending of the said proposed road from an intersecting public road or street, namely First Avenue, measured from the intersection of the center line of the proposed road and the center line of Orchard Way to the intersection of the center line of Orchard Way and the center line of First Avenue is one hundred (100) feet.

A print showing the location of said road as above described is hereto attached, made part hereof and marked EXHIBIT A.

A copy of the written notice to the Supervisors of said Upper Yoder Township of the intended presentation of this application, with the acceptance of service thereon is hereto attached, made part hereof and marked EXHIBIT B.

A release of damages whereby the owners of property abutting the aforesaid proposed road releasing the said Township of Upper Yoder from any damages they have sustained or may seem likely to sustain by reason of the said accepting, opening, grading, draining, improving and maintaining of said proposed highway is hereto attached, made part hereof and marked EXHIBIT C.

Your petitioners, therefore pray the Court to appoint three members of the Permanent Board of Viewers of Cambria County to view the ground proposed for such road and if they see the necessity, therefore, lay out the same and make report of this proceeding to the next session of Court.

Walter H. Welsh
Mrs. C. G. Lmeal
Mrs. Hazel Koontz
Albert N. Reitz
Mrs. Albert N. Reitz
Mrs. Warren Jeffers
Mrs. John Elitz
Mrs. Dow L. Hite
Mrs. H. L. Fallmar
Mrs. Harry Hena Fallmar
Mrs. Harvey Grubb

~~Mrs. Harvey Grubb~~
Mrs. Harvey Grubb
Mrs. Harvey Grubb
Mrs. Harvey Grubb
Mrs. Harvey Grubb
Mrs. Harvey Grubb
Mrs. Harvey Grubb
Mrs. Harvey Grubb
Mrs. Harvey Grubb
Mrs. Harvey Grubb

IN RE LAYING OUT OF A PUBLIC
HIGHWAY IN THE TOWNSHIP OF
UPPER YODER, COUNTY OF CAMBRIA
AND STATE OF PENNSYLVANIA.

¶ In the Court of Quarter Ses-
: sions of Cambria County, Pa.
:
¶ No. March Sessions, 1940.

PRELIMINARY ORDER

NOW, March *Hth*, 1940, the within petition having
been presented and considered, a Rule is granted upon the Com-
missioners of Cambria County, Pennsylvania, to show cause, if
any they have, why Viewers should not be appointed as within
prayed for; and said Rule is returnable at ten o'clock A.M.,
March 18, 1940. Service of the Rule,
together with a copy of this petition, shall be made upon the
said County Commissioners not less than ten (10) days before
the said return day.

By the Court
Murray

ACCEPTANCE OF SERVICE BY THE
COMMISSIONERS OF CAMBRIA COUNTY,
PENNSYLVANIA.

NOW, *March 4th*, 1940, service of the
above Rule is hereby accepted, together with a copy of the
within Petition.

H. F. Dow
Commissioner Clerk

IN RE LAYING OUT OF A PUBLIC
HIGHWAY IN THE TOWNSHIP OF
UPPER YODER, COUNTY OF CAMBRIA
AND STATE OF PENNSYLVANIA

¶ In the Court of Quarter Ses-
: sions of Cambria County, Pa.
:
¶ No. March Sessions, 1940.

DECREE

AND NOW, this 18 day of March, 1940, the
within petition having been read and considered, the Court ap-
points A. E. Dickey and A. J. McGrain
and James M. Egan
Viewers to view the road herein referred to and made a report
of their proceedings to the next term of the Court of Quarter
Sessions of said County.

Bryley
M. Egan
J. D.

EXHIBIT B

IN RE LAYING OUT OF A PUBLIC | In the Court of Quarter Ses-
HIGHWAY IN THE TOWNSHIP OF | : sions of Cambria County, Pa.
UPPER HODER, COUNTY OF CAMBRIA | :
AND STATE OF PENNSYLVANIA | No. March Sessions, 1940.

NOTICE TO SUPERVISORS

TO CURT BARNHART, D.H. WEIMER and EPHRAIM HERSHBERGER, SUPER-
VISORS OF UPPER YODER TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA:

You will please take notice that there will be a petition presented to the Court of Quarter Sessions of Cambria County, at Ebensburg, Pennsylvania, in said County, at ten o'clock A.M., the day of March, 1940, asking the Court for the appointment of Viewers to view and lay out a proposed road in the said Township of Upper Yoder, to begin at the intersection of Derby Street and Columbia Street, both public highways in said Township. The said proposed road extends in a westerly direction and ends at its junction with Orchard Way. The exact distance from the point of beginning of the said proposed road to an intersecting public road or street, namely Cannon Street, is two hundred and eighty (280) feet, measured from the point of the intersection of the center line of Derby Street and the center line of Columbia Street to the point of intersection of the center line of Derby Street with the center line of Cannon Street; and the exact distance from the point of ending of the said proposed road from an intersecting public road or street, namely First Avenue, measured from the intersection of the center line of the proposed road and the center line of Orchard Way to the intersection of the center line of Orchard Way and the center line of First Avenue is one hundred (100) feet.


ATTORNEYS FOR PETITIONERS.

_____, 1940, service
of the above stated notice is hereby accepted.

D. H. Weiner

Curt Henschel

SUPERVISORS OF UPPER YODER TOWN-
SHIP, CAMBRIA COUNTY, PENNSYLVANIA.

EXHIBIT C
TO THE SUPERVISORS OF UPPER YODER TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

Petition and release of damages for the opening, grading, draining, improving and maintaining of a proposed road in Upper Yoder Township, Cambria County, Pennsylvania as a public highway.

We, the undersigned, your petitioners, respectively represents:

That we, your petitioners, are the owners of land abutting along the route of said proposed road and over or through which said road will pass. That said proposed road is necessary for the traveling public as a connecting link between Derby Street, Orchard Way and First Avenue, public highways in Upper Yoder Township, for the purpose of providing a convenient and more direct route for school children to reach the Berkley School from Maytown and that section of the Township in the vicinity thereof.

THREERFORE, we respectfully petition the Board of Supervisors of Upper Yoder Township to proceed with the necessary legislation required for the acceptance, opening, improving and maintaining a public highway in the said Township of Upper Yoder being an extension of Columbia Street, a public highway in Upper Yoder Township, beginning at the intersection of Derby Street and Columbia Street, the exact location of said place of beginning being the intersection of the center lines of Derby Street and Columbia Street, public highways in Upper Yoder Township and ending near the intersection of Orchard Way and First Avenue, public highways in Upper Yoder Township, the exact location of said place of ending being in Orchard Way at a point N. 64° 45' E., 100.00' from the intersection of the center lines of First Avenue and Orchard Way, public highways in Upper Yoder Township.

IN CONSIDERATION of the accepting, opening, grading, draining, improving and maintaining of said proposed road, above described, we the undersigned do hereby release the said Township of Upper Yoder, its officials, agents and employees of any and all damages we have sustained or may seem likely to sustain by reason of said accepting, opening, grading, draining, improving and maintaining of said proposed road.

Witness our hands and seals this _____ day of _____ January _____ A. D. 1940.

<u>Witness</u>	<u>Signature</u>
<i>Harvey Grubb</i>	<i>H. A. Albert</i>
	<i>Per - Mrs. Harvey Grubb</i>
<i>Mrs. Harvey Grubb</i>	<i>Tim Pittell</i>
<i>Mrs. Harvey Grubb</i>	<i>Linda Pittell</i>
<i>Mrs. Harvey Grubb</i>	<i>Mrs. Joseph Langdon</i>
<i>Mrs. Harvey Grubb</i>	<i>Joseph Langdon</i>

Witness

Signature

STATE OF PENNSYLVANIA)
COUNTY OF CAMBRIA) SS.

Before me, a Notary Public, in and for said County and State personally appeared who being by me duly sworn according to law, deposes and says that the facts set forth above are true and correct to the best of her knowledge and belief, and the signatures are in each of their respective hand writings and were signed in her presence.

Sworn and subscribed to before me
this 31st day of Jan A. D. 1940. Mrs. Harvey Gould

Herbert S. Garuhart

Notary Public
MY COMMISSION EXPIRES
FIRST MONDAY IN JANUARY, 1942

Re
Filed April 11, 1940

APPROVED BY the
Court this 10 of
June A.O. 1940
Breadth Fixed at
Forty feet

BY the Court



April 10, 1940.

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

No. 1, March Sessions 1940

REPORT OF VIEWERS

In Re: Proposed Public
Highway in Upper Yoder
Township, Cambria County.

S. E. DICKEY
W. J. McGRAIN
JAMES McCANN
VIEWERS

S. E. DICKEY & CO.
CIVIL MINING AND CONSULTING ENGINEERS
809-811 JOHNSTOWN TRUST BLDG.
JOHNSTOWN, PENNA.

Map #2

In Re: Proposed Public Highway
in Upper Yoder Township,
Cambria County, Pa.,

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 1, March Sessions, 1940/

REPORT OF VIEWERS

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 Highway 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 notices as required by law
along the route and at the termini of the said proposed new highway,
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 Township, service
of said notice by the County Commissioners and the Solicitor for
Upper Yoder Township being hereto attached; that we met in accordance
with the notice given on the 4th day of April A. D. 1940 at 10:00
o'clock A. M. and proceeded with the duties of our appointment and
viewed the premises and route of the proposed new highway; that
S. E. Dickey, W. J. McGrain and James McCann, Viewers were all
present; also the supervisors of Upper Yoder Township were present.
That the said proposed new Highway is an extension of Columbia Street
in the CRESTIVE PLAN OF LOTS and passes through the H. A. Albert
PLAN OF LOTS AND ENDS near the intersection of First Avenue and
Orchard Way Public Highways, as shown on blue print attached hereto
and made a part hereof; said proposed Highway being colored green
thereon; that said proposed Highway will make a cut off for the school
children traveling from May Town and vicinity to the Berkley School
Building a public school in said Township.

It will also serve as a School Bus Route and be convenient for the traveling public; that there were no objections made against the proposed new Highway by the supervisors or any residents of Upper Yoder Township; that after Viewing the premises and the route of the proposed Highways we are of the opinion that a necessity exists for said proposed new Highway, therefor, we proceeded to lay-out same as follows: Beginning at the intersection of Derby Street and Columbia Street Public Highways in Upper Yoder Township at an exact distance of 285.79 feet, measured along the center line of Derby Street in a southerly direction from the intersection of Cannon Street, another public Highway in said Township; thence N.60°42'W. 741.5 feet to a point in the center line of Orchard Way, a public Highway 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 Avenue, another public Highway 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 hereinbefore mentioned. We recommend that the width of said 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 Township, therefore, we recommend that the prayer of the Petitioners be granted.

We are informed by the supervisor of Upper Yoder Township that all abutting property owners have signed a release of damages in the petition for said 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 seals the 9th day of April A. D.

1940.

W. E. Dickey
James M. Carr
R. J. McLean
Viewers

In Re: Proposed Public Highway
in Upper Yoder Township,
Cambria Court.

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

No. 1, March Session 1940.

To S. E. DICKEY, W. J. McGRAIN, JAMES McCANN DR.

To S. E. DICKEY DR.

1940

Mar. 21-	Data and preparing notice of View.	\$ 12.00	
	Stenographer, stationery and stamps.	2.00	
" 23-	Posting and serving notice.	6.00	
	Mileage 8 mile @ 10 cts.	.80	
Apr. 4-	Making View.	12.00	
	Mileage 8 mile @ 10 cts.	.80	
" 5-	Making survey and turning in to plan of lots (Engineering Corps.)	23.00	
	Mileage 8 mile @ 10 cts.	.80	
" 6-	Plotting survey and preparing map.	12.00	
	Drawing materials, 1 linen and 2 paper prints.	1.20	
" 9-	Data dictating and preparing report.	12.00	
	Stenographer, stationery, and stamps.	2.50	\$ 85.10

To W. J. McGRAIN DR.

Apr. 4-	Making View and Data In Re: Report.	12.00	
	Mileage 56 mile @ 10 cts.	5.60	-17.60

To JAMES McCANN DR.

Apr. 4-	Making View and Data In Re: Report	12.00	
	Mileage 14 mile @ 10 cts.	1.40	<u>13.40</u>

Total of View

\$ 116.10

I hereby certify that the above bill is an exact
duplicate of the bill presented to the Cambria County Commissioners.

S. E. Dickey

In re: laying out a Public Highway
in the Township of Upper Yoder and
County of Cambria, State of Penn-
sylvania.

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

No. 1 March Sessions, 1940.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named
Court, for the purpose of viewing for a proposed Public Highway in
Upper Yoder Township, Cambria County, Pennsylvania, beginning at the
intersection of Derby Street and Columbia Street and extending in a
westerly direction to Orchard Way at a point 100 feet northeast from
the intersection of First Avenue with said Orchard Way, will meet at
the place of beginning on the 4th day of April A. D. 1940 at 10:00
o'clock A. M. for the purpose of performing the duties of our appoint-
ment, at which time and place all interested persons may appear and
be heard.

S. E. DICKEY
W. J. McGRAIN
JAMES McCANN

Viewers

March 22, 1940

In re: laying out a Public Highway
in the Township of Upper Yoder and
County of Cambria, State of Penn-
sylvania.

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

No. 1 March Sessions, 1940

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed Public Highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of Derby Street and Columbia Street and extending in a westerly direction to Orchard Way at a point 100 feet northeast from the intersection of First Avenue with said Orchard Way, will meet at the place of beginning on the 4th day of April A. D. 1940 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear and be heard.

S. E. DICKEY
W. J. McGRAIN
JAMES McCANN

Viewers

March 22, 1940

Now this 25 day of March A. D. 1940 service of the above notice is hereby accepted for the County Commissioners of Cambria County, Pa.



Chief Clerk

In re: laying out a Public Highway
in the Township of Upper Yoder and
County of Cambria, State of Penn-
sylvania.

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

No. 1 March Sessions, 1940

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed Public Highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of Derby Street and Columbia Street and extending in a westerly direction to Orchard Way at a point 100 feet northeast from the intersection of First Avenue with said Orchard Way, will meet at the place of beginning on the 4th day of April A. D. 1940 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear and be heard.

S. E. DICKEY
W. J. McGRAIN
JAMES McCANN

Viewers

March 22, 1940

Now this 24 day of March A. D. 1940 service of the
above notice is hereby accepted for Upper Yoder Township.

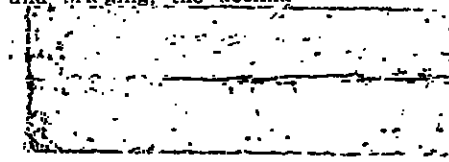
By

Baruch and Adams
Solicitor

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."



1940

NO. 1 March SESSIONS, 192...

Order to view Laying out a public
Highway in the Township of Upper
Yoder and County of Cambria, state
of Pennsylvania.

Viewers

S. E. Dickey
W. J. McGrain
James McCann

Clerk Joseph C. Weiss 90 cts.

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the 19th day of March A. D. 19240, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Upper yoder, in the said County, setting forth that they labor under incon-

venience for want of a Public road or highway, to lead from to begin at the interesection of Darby street and Columbia street, both public highways in said Township. the said proposed roads extend in a westerly direction and ends at its junction with Orchard Way. The exact distance from the point of beginning of the said proposed road to an intersection public road or street, namely Cannon Street, is two hundred and eighty (280) feet, measured from the point of the intersection of the center line of Derby street and to center line of Columbia Street to the point of intersection of center line of Derby Street with the center of Cannon street; and the exact distance from the point of ending of said proposed road from an intersecting public road or street, namely First Avenue, measured from the intersection of the center line of the proposed road and the center line of Orchard Way to the intersection of the center line of Orchard Way and the center line of First Avenue is one hundred (100) feet.

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

S.E. Dickey W. J. McGrain surveyor, and
James McCann

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, 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:

McCann p. J.

Joseph C. Huse, Clerk.