

October 29, 1940

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

No. 2 Sept. Session, 1940,

REPORT OF VIEWERS

*Filed Oct. 29, 1940*

In Re: Proposed vacation of a Public road portion of Elknud Lane, extending from Goucher Street to State Street in Cambria County, Pennsylvania.

S. E. Dickey  
James McCann  
Theodore Hunt  
Viewers

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

APPROVED BY THE COURT THIS 10th DAY OF DEC. A.D. 1940

By the Court

*M. J. [Signature]*

In Re: Proposed vacation of a Public road portion of Elk nud Lane, extending from Goucher Street to State Street in Upper Yoder Township, Cambria County, Pennsylvania.

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

No. 2, Sept. Sessions, 1940.

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court. We, the undersigned Viewers, appointed by the attached order of the above Court to view the 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 said view and of the time and place of meeting by posting notices, as required by law, along the route and at the termini of said road proposed to be vacated and by service of such notice on the Commissioners of Cambria County, the Supervisors and Solicitor of Upper Yoder Township, 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 notices given, on the 26th day of October 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 roads to be vacated. During the view the Supervisors of Upper Yoder Township, interested persons and the three Viewers were present. All persons present were heard.

No objections were raised by the Supervisors, residents or property owners against vacating the sections of road proposed to be vacated.

That the said portion of road proposed to be vacated is described as follows:

Beginning at a point in the center line of Goucher Street, a public highway at the intersection of the center line of said portion of highway to be vacated at a distance of two hundred and

seventy five (275') feet, measured along the center line of Goucher Street in a Southeasterly direction from the intersection of Christopher Street with said Goucher Street, the nearest intersecting public highway; thence North forty seven degrees and twenty minutes East (N.47° 20'E.), nine hundred and sixty nine (969') feet to the place of ending at a point in the center line of State Street, at a distance of one hundred and twenty five (125') feet, measured along the center line of State Street in a Southeasterly direction from the intersection of Christopher Street with said State Street the nearest intersecting public highway, 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 Elk nud Lane proposed to be vacated and makes said section of Elk nud 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 Elk nud 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 Elk nud Lane, we assess no benefits and no damages to any of the abutting property owners.

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

D. E. Dickel

James M. Cannon

Theodore W. Hunt

Viewers

In Re: Proposed vacation of a  
Public road portion of Elknud  
Lane, extending from Goucher  
Street to State Street in  
Upper Yoder Township, Cambria  
County, Pennsylvania.

In the Court of Quarter Sessions,  
of Cambria County, Penna.  
No. 2, Sept. Sessions, 1940.

To S. E. DICKEY, JAMES McCANN, & THEODORE HUNT DR.

To S. E. DICKEY DR.

Oct. 10, 11	- Data In Re: View, preparing notice of View, serving and posting notice of View, letters etc. -----	\$ 18.00	
	Stenographer, stationery and stamps ----	2.30	
	Mileage, 8 mile @ \$.10 -----	.80	
" 26	- Making View -----	12.00	
	Mileage, 8 mile @ \$.10 -----	.80	
" 28	- Preparing draft and prints -----	12.00	
	Drawing paper and blue prints -----	.60	
" 29	- Preparing and completing report -----	12.00	
NOV 7 1940 CERTIFIED	Stenographer, stationery and stamps ----	2.30	\$ 60.80

To JAMES McCANN DR.

Oct. 26	- Making View -----	\$ 12.00	
	Mileage, 14 mile @ \$.10 -----	1.40	\$ 13.40
NOV 7 1940 CERTIFIED			

To THEODORE HUNT DR.

Oct. 26	- Making View -----	\$ 12.00	
	Mileage, 24 mile @ \$.10 -----	2.40	\$ 14.40
NOV 7 1940 CERTIFIED			

Total Cost of Viewed ----- \$ 88.60

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

  
S. E. Dickey

In Re: Proposed vacation of a Public road portion of Elknud Lane, extending from Goucher Street to State Street in Upper Yoder Township, Cambria County, Pennsylvania.

In the Court of Quarter Sessions, of Cambria County, Penna.  
No. 2, Sept. Sessions, 1940.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of Viewing to vacate a Public road portion of Elknud Lane, extending from Goucher Street to State Street in Upper Yoder Township, Cambria County, Pennsylvania, beginning at a point in the center line of Goucher Street at a distance of 275 feet measured along the center line of Goucher Street in a Southeasterly direction from the intersection of Christopher Street with Goucher Street, the nearest intersecting Public Highway and ending at a point in the center line of State Street at a distance of 125 feet measured along the center line of State Street in a Southeasterly direction from the intersection of Christopher Street, with State Street, the nearest intersecting Public Highway, will meet at the place of beginning on the 26th. day of October 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  
JAMES McCANN  
THEODORE HUNT  
Viewers

Now this 14<sup>th</sup> day of October A. D. 1940, service of the above notice is hereby accepted for the Commissioners of Cambria County.

By *H. F. Dowd*  
Chief Clerk

In Re: Proposed vacation of a Public road portion of Elknuud Lane, extending from Goucher Street to State Street in Upper Yoder Township, Cambria County, Pennsylvania.

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

No. 2, Sept. Sessions, 1940.

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S. E. DICKEY  
JAMES McCANN  
THEODORE HUNT  
Viewers

October 21, 1940.

Now this 12 day of October A. D. 1940 service of the above notice is hereby accepted for the Supervisors of Upper Yoder Township, Pennsylvania.

BY

Wm. P. Garman  
Solicitors.

In Re: Proposed vacation of a  
Public road portion of Elk nud  
Lane, extending from Goucher  
Street to State Street in  
Upper Yoder Township, Cambria  
County, Pennsylvania.

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

No. 2, Sept. Sessions, 1940.

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We, the undersigned Viewers appointed by the above named Court, for the purpose of Viewing to vacate a Public road portion of Elk nud Lane, extending from Goucher Street to State Street in Upper Yoder Township, Cambria County, Pennsylvania, beginning at a point in the center line of Goucher Street at a distance of 275 feet measured along the center line of Goucher Street in a Southeasterly direction from the intersection of Christopher Street with Goucher Street, the nearest intersecting Public Highway and ending at a point in the center line of State Street at a distance of 125 feet measured along the center line of State Street in a Southeasterly direction from the intersection of Christopher Street, with State Street, the nearest intersecting Public Highway, will meet at the place of beginning on the 26th. day of October 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  
JAMES McCANN  
THEODORE HUNT  
Viewers

October 11, 1940.

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 2 Sept. Session. 1940. 88889Msk388x

Order to view and vacate a Public road  
 portion of Elknud Lane, Extending  
 from Goucher Street to State Street  
 in Township of Upper Yoder and  
 County of Cambria, State of Penna.

Viewers

S. E. Dickey

James McCann

Theodore Hunt

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 8th day of October A. D. 1940, 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 inconvenience for want of a Vacation of Public Road road or highway, to lead from

The road proposed to be vacated begins at the center of Goucher street.  
the exact distance of said place of beginning to an intersecting public road,  
to wit: Christopher street, a public highway in the said Township of Upper  
Yoder, is two hundred seventy-five (275) feet, measured in a westerly direction  
from the center of said Elkmud Lane to the center of said Christopher street.

The said road proposed to be vacated ends at the center line of State Street.  
the exact distance of said place of ending to an intersecting public road,  
to wit: Christopher street, a public highway in the said Township of Upper  
Yoder, is one hundred twenty-five (125) feet, measured from the center line  
of said Christopher Street.

and therefore praying the Court to appoint proper persons to vacate  
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, James McCann surveyor, and

Theodore Hunt

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:

Greer, J.

Joseph C. Shess, Clerk.

In the Court of Quarter  
Sessions of Cambria County  
Pennsylvania  
No. *2* Sent. Sessions, 1940

IN RE VACATION OF PUBLIC  
ROAD, PORTION OF ELKNUD  
LANE, EXTENDING FROM GOUCHE  
STREET TO STATE STREET, IN  
THE TOWNSHIP OF UPER YODER,  
CAMBRIA COUNTY, PENNA.

*Filed Oct. 7, 1940.*

PETITION FOR VACATION OR  
ROAD - and. - ORDER

LAW OFFICES  
BARNHART & ADAMS  
JOHNSTOWN, PENNA.

IN RE VACATION OF PUBLIC  
ROAD, PORTION OF ELKNUD  
LANE, EXTENDING FROM GOUCHER  
STREET TO STATE STREET, IN  
THE TOWNSHIP OF UPPER YODER,  
CAMBRIA COUNTY, PENNSYLVANIA

| In the Court of Quarter  
: Sessions of Cambria County,  
: Pennsylvania  
: No. 2 September Sessions,  
: 1940  
|

PETITION FOR VACATION OF ROAD

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

The petition of the undersigned Supervisors of the Township  
of Upper Yoder, in the County of Cambria, respectfully represents:

(1) That Elk nud Lane, as hereinafter described, has been  
laid out and used as a public highway for many years. That your  
petitioners desire that said Elk nud Lane be vacated for the  
reason that the same has become useless, inconvenient and burden-  
some.

(2) The said road proposed to be vacated begins at the  
center of Goucher Street. The exact distance of said place of  
beginning to an intersecting public road, to wit: Christopher  
Street, a public highway in the said Township of Upper Yoder,  
is two hundred seventy-five (275) feet, measured in a westerly  
direction from the center of said Elk nud Lane to the center of  
said Christopher Street. The said road proposed to be vacated  
ends at the center line of State Street. The exact distance of  
said place of ending to an intersecting public road, to wit:  
Christopher Street, a public highway in the said Township of Upper  
Yoder, is one hundred twenty-five (125) feet, measured from the  
center line of said Elk nud Lane to the center line of said  
Christopher Street. A print of the road proposed to be vacated

is hereto attached, made part hereof and marked "EXHIBIT A".

(3) Your petitioners further represent that the road described and sought to be vacated has become useless, inconvenient, and burdensome.

(4) A release of damages whereby the owners of property abutting on the road proposed to be vacated, releasing the said Township of Upper Yoder from any damages they may have sustained or seem likely to sustain by reason of the said vacation, is hereto attached, made part hereof and marked "EXHIBIT B".

Your petitioners therefore pray the Court that the said road, described as useless, inconvenient and burdensome be vacated, agreeably to the Acts of Assembly in such case made and provided.

*D. A. Weimer*

*Carl Barshart*

SUPERVISORS OF UPPER YODER TOWNSHIP,  
CAMBRIA COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA ?  
: SS:  
COUNTY OF CAMBRIA :

Personally appeared before me, <sup>*Aldeerman*</sup> ~~Notary Public~~ in and for said state and county, CURT BARNHART, one of the within named Supervisors of Upper Yoder Township, petitioners herein, who being duly sworn according to law, deposes and says that the matters and facts set forth in the foregoing petition are true and correct.

Sworn and subscribed before me this 7<sup>th</sup> day of October, 1940

*Curt Barnhart*

*J. Allen Pugh*  
*Aldeerman*

MY COMMISSION EXPIRES FIRST  
MONDAY IN JANUARY, 1948

IN RE VACATION OF PUBLIC  
ROAD, PORTION OF ELKNUD  
LANE, EXTENDING FROM GOUCHER  
STREET TO STATE STREET, IN  
THE TOWNSHIP OF UPPER YODER,  
CAMBRIA COUNTY, PENNSYLVANIA

! In the Court of Quarter  
: Sessions of Cambria County,  
: Pennsylvania  
: No. September Sessions,  
! 1940

O R D E R

Now, to wit: October 7, 1940, on motion of Barnhart and Adams,  
Attorneys for petitioners, the Court appoint Steddie <sup>mg.</sup>  
and James M. Cannon and Theodore  
as a Board of View upon the foregoing petition, and further order  
that the said Board of View shall perform their duties in accor-  
dance with the laws and Acts of Assembly in such case made and  
provided.

By the Court  
Young

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

Petition and release of damages for the  
vacation of a section of a certain Public  
Highway in Upper Yoder Township; Cambria  
County, Pennsylvania.

We, the undersigned, your Petitioners; respectively  
represents:

That we, are the owners of all the land abutting on  
that portion of Elk nud Lane extending from Goucher Street to  
State Street; that Elk nud Lane, State Route 11007 is a Public  
Highway; that Christopher Street in the John K. Miller Plan  
of Lots in Upper Yoder Township practically paralleling a  
portion of Elk nud Lane is now a Public Highway.

That by making Christopher Street a Public Highway,  
that section of Elk nud Lane, Route 11007, beginning at its  
intersection with Goucher Street and ending at its intersection  
with State Street is no longer necessary or convenient as a  
Public Highway.

Therefore, we respectfully petition the Board of  
Supervisors of Upper Yoder Township to proceed with the necessary  
legislation required to vacate said portion of Elk nud Lane  
above mentioned. The exact place of beginning of said section  
of Elk nud Lane proposed to be vacated is in the center of  
Goucher Street at a distance of 275 feet, measured along the  
center line of Goucher Street in a South Easterly direction  
from the intersection of Christopher Street with said Goucher  
Street. The exact place of ending of said section of Elk nud  
Lane proposed to be vacated is in the center of State Street  
at a distance of 125 feet, measured along the center line  
of State Street in a South Easterly direction from the inter-  
section of Christopher Street with said State Street.

IN CONSIDERATION of the action of the Supervisors in  
vacating the above described section of Elk nud Lane we, the  
undersigned property owners, abutting thereon, do hereby release  
the said Township of Upper Yoder, its officials, agents and em-  
ployees, of any damages we have sustained or may seem likely  
to sustain by reason of the vacation of said section of Elk nud  
Lane above described.

Witness our hands and seals this 20th day of August  
A. D. 1940.

Witness

Signature

<u>D. H. Weimer</u>	<u>Edward L. Jones, Executor Adam Neppel Estate</u>
<u>Agnes K. Sabbitt</u>	<u>E. M. Hain</u>
<u>D. H. Weimer</u>	<u>Henry J. Miller</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



Ord # 2 Sept. 1948  
Not Microfilmed

"EXHIBIT A"

