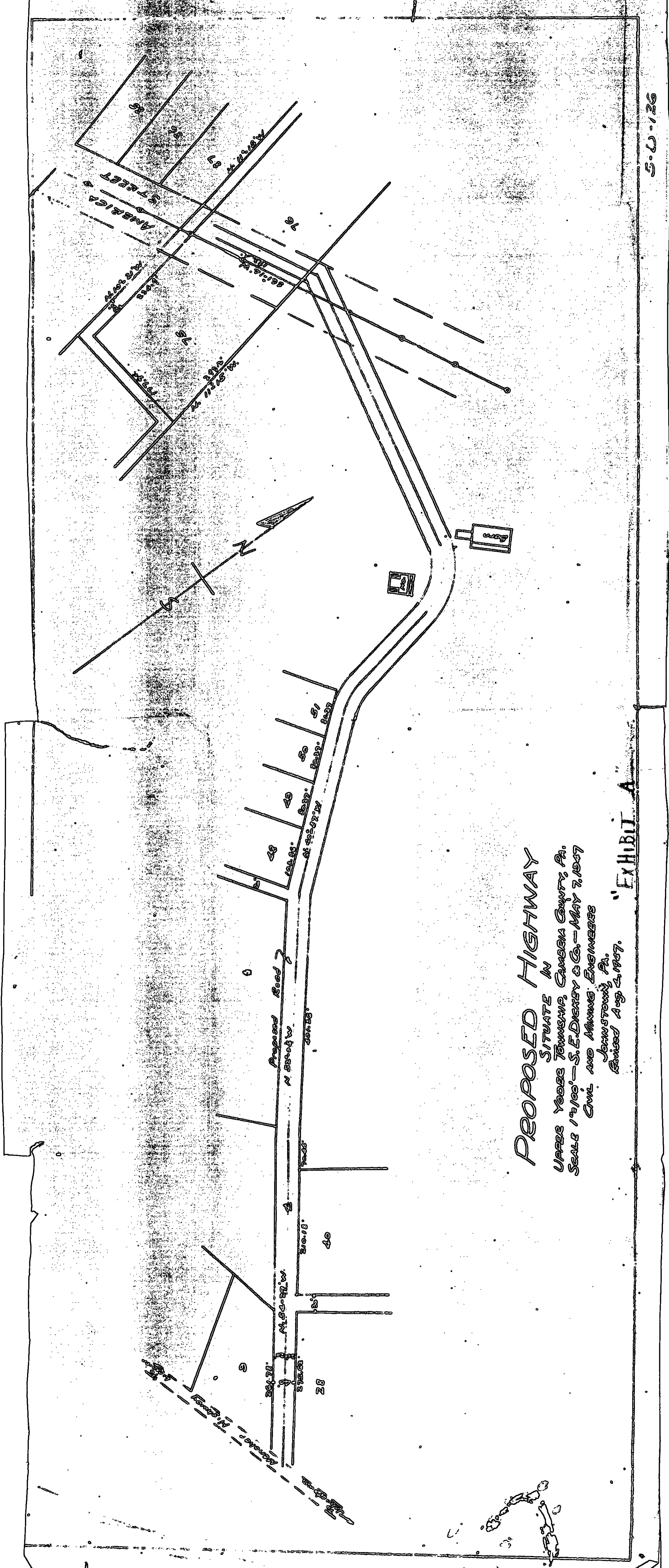


Rat Microfilmed

RD# 4 Sept. 1947



PROPOSED HIGHWAY
 SITUATE IN
 UPPER YORDE TOWNSHIP, CAMBERIA COUNTY, PA.
 SCALE 1"=100' - S.E. DICKNEY & CO. - MAY 7, 1947
 CIVIL AND MINING ENGINEERS
 JOHNSTOWN, PA.
 Revised Aug 2, 1947.

"EXHIBIT A"

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA.

No. 4 SEPTEMBER SESSIONS, 1947

IN RE: Petition for Appoint-
ment of Viewers to View Proposed
Public Road in Upper Yoder Town-
ship, Cambria County, Penna.

PETITION TO SUBSTITUTE
VIEWER.

Filed - 2-27-48

Decree Inside

MAHLON J. BAUMGARDNER
ATTORNEY AT LAW
JOHNSTOWN, PENNA.
SWANK BLDG.

IN RE: Petition for the Appointment
of Viewers to View Proposed Public
Road in Township of Upper Yoder,
County of Cambria, Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Pennsylvania.
No. 4 September Sessions, 1947

PETITION TO SUBSTITUTE VIEWER.

The petition of Mahlon Baumgardner, respectfully represents that your Honorable Court appointed your petitioner, Theodore Hunt and S. H. Jencks Viewers to view the above proposed road entered to Number 4 September Sessions, 1947. Petitioner also states that Mr. S. H. Jencks above referred to is now deceased wherefore petitioner prays that your Honorable Court appoint another Viewersto take the place of S. H. Jencks, deceased.

All of which your petitioner avers to be true and correct.

State of Pennsylvania :
County of Cambria : : SS

Mahlon Baumgardner

On this twenty-first day of February, A. D. 1948 appeared before me, the Prothonotary of Cambria County and haing been duly sworn according to law deposes and says that he is Chairman of the above named View and that the facts in the above petition are true and correct.

Joseph C. Weiss

Sworn to before me the day and
year above stipulated.

Joseph C. Weiss

ORDER or DECREE

AND NOW the 21st day of February, 1948 the within petition read and considered and the Court hereby appoints John L. Alder Viewer as above prayed for.

By the Court
Messner
Judge

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY,
PENNSYLVANIA
NO. 4 *Sept* Sessions, 1947

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

PETITION FOR APPOINTMENT OF
VIEWERS and DECREE
thereon

Filed 11-21-47

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.

SEPTEMBER 2, 1947, the undersigned hereby waives the issuance of a Rule under
Rule 301-1/2 and agrees that the within Petition be presented
forthwith.

Walter Fort
Asst. County Clerk

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

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA
No. Sessions, 1947

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 of Cambria,
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 a point on the Mencher Highway, a
public highway in the said Township, and extend in a westerly
direction to America Street, a public highway, as shown on
blueprint attached hereto, made part hereof and marked "EXHIBIT A."

The exact distance from the beginning of said
proposed road to an intersecting public road is 1850 feet to
Mellott Avenue, a public highway, eastwardly from the beginning
of said proposed road. The exact distance from the ending of
said proposed public road to an intersecting public road, to-wit:
Mellott Avenue, a public highway, is 650 feet.

A copy of the written notice to the Supervisors of
said 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 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 therefor, lay out the same and make report of this proceeding to the next Sessions of Court.

Albert H. Ferguson

George M. Spence

Esther A. Spence

A. L. Trent

Deavor Trent

John P. Trent

Wiley S. Shunkel

Jacob W. Shunkel

Joseph O. Hunt

Mrs Joseph O. Hunt

Lester W. Kotas

Winola Kotas

Alvan A. Knepp

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CAMBRIA

SS:
|
|
|

Personally appeared before me, a Notary Public in and for said state and county, CURT BARNHART, who being duly sworn according to law, deposes and says that he is one of the petitioners within set forth and that the statements contained in the said petition are true and correct.

Curt Barnhart

Sworn and subscribed before me this 23rd day of August, 1947.

Jennie Boyer Williams

NOTARY PUBLIC
MY COMMISSION EXPIRES
APRIL 11, 1949

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

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA
No. Sessions, 1947

NOTICE TO SUPERVISORS


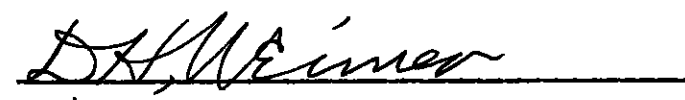

TO CURT BARNHART, D. H. WEIMER and BLAIR HUNT, SUPERVISORS OF
UPPER YODER TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA:

You will please take notice that there will be presented to the Court of Quarter Sessions of Cambria County, a petition, at 10:00 O'clock A.M. the 25th day of August, 1947, asking the Court for an appointment of Viewers to view and lay out a proposed road in the Township of Upper Yoder, The exact distance from the beginning of said proposed road to an intersecting public road is 1850 feet to Mellott Avenue, a Public highway, eastwardly from the beginning of said proposed road. The exact distance from the ending of said proposed public road to an intersecting public road, to-wit: Mellott Avenue, a public highway, is 650 feet.


ATTORNEY FOR PETITIONERS

* * * * *

August 22, 1947, service of the above stated Notice
is hereby accepted.




SUPERVISORS OF UPPER YODER TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA

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

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA
No. Sessions, 1947

D E C R E E

AND NOW, this ^{Nov.} 21 day of ~~August~~, 1947, the within
petition having been read and considered, the Court appoints

William Baumgardner and *Theresa Hunt* and
J. W. Jencks Viewers to view the road herein
referred to and make a report of their proceedings to the next
term of the Court of Quarter Sessions of said County.

BY THE COURT:

W. Kenrick

Judge

67-111

Petition and release of damages
for opening and maintaining of
a street leading from the Mencher
Highway to the dead end of America
Street, in Upper Yoder Township,
Cambria County, Pennsylvania.

LAW OFFICES
SPENCE, CUSTER & SAYLOR
JOHNSTOWN BANK AND TRUST BUILDING
JOHNSTOWN, PA.

TO THE SUPERVISORS OF UPPER YODER TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA

Petition and release of damages for the opening and maintaining of a certain Street or Highway leading Northwestwardly from the Menoher Highway State Highway Route 271 to the dead end of a now existing public highway known as America Street in the Henry Shenkel Estate Plan of Lots in Upper Yoder Township, Cambria County, Pennsylvania.

We, the undersigned, your petitioners, respectively represent:

That we are the owners of all the property adjoining the route of the proposed new road leading from the Menoher Highway beginning at the intersection of the center line of a forty foot street between Lot No. 9, F. H. Friedhoff and Lot No. 28 in the above mentioned Plan of Lots, and ending at the intersection of America Street with the easterly side of a twenty foot Court between Lots Nos. 76 and 87 in the aforesaid Plan of Lots. That said proposed new road will eliminate the dead end now existing on America Street, a public highway, and that we are in need of said proposed new road for the benefit of the abutting property owners and the traveling public.

Therefore, we respectfully petition your honorable body to proceed with the necessary legislation required for the accepting, opening, improving and maintaining of said proposed new road as a public highway. The exact location of the place of beginning of said proposed new road from the nearest intersecting public highway, namely, Mellott Avenue, a public highway in the Henry Shenkel Plan of Lots, is at a distance of 1810 feet measured along the center line of the Menoher Highway in an easterly direction from the intersection of Mellott Avenue. The exact location of the place of ending of said proposed new road from the nearest intersecting public highway, namely, the Menoher Highway, is at a distance of 2116 feet measured along the center line of Mellott Avenue and America Street from the intersection of said Mellott Avenue with the Menoher Highway State Highway Route 271 aforementioned.

In consideration of the accepting, opening, grading and maintaining of said proposed road above described, we, the undersigned property owners, do hereby release the 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 the accepting, opening, grading, draining, improving and maintaining of said proposed new road.

Witness our hands and seals this 16th day of January, A.D. 1948.

<u>Witness</u>	<u>Signature</u>	<u>Lot No.</u>
_____	<u>George M. Spence</u>	<u>7, 8 & 9</u>
_____	<u>Esther A. Spence</u>	<u>7, 8 & 9</u>
_____	<u>F. Hoover Hunt</u>	<u>48</u>
_____	<u>Daisy P. Shenkel</u>	_____

"EXHIBIT C"

Jacob H. Shenkel

Albert H. Ferguson

75

Joseph C. Hunt

76

Lester W. Kato

77

Amiel E. Waugh

28

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

No. 4 · SEPTEMBER SESSIONS 1947

IN RE: PROPOSED PUBLIC ROAD
UPPER YODER TOWNSHIP, CAMBRIA
COUNTY, PENNA.

REPORT OF VIEWERS

Filed 3-1-48

MAHLON J. BAUMGARDNER
ATTORNEY AT LAW
JOHNSTOWN, PENNA.
SWANK BLDG.

*March 10-1948
Report approved
By the Court
By Makemick
Judge*

IN RE: Petition for the Appointment : In the Court of Quarter Sessions
of Viewers to View a Proposed Public : Cambria County, Pennsylvania.
Road in the Township of Upper Yoder, :
County of Cambria, Pennsylvania. : No. 4 September Sessions, 1947

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 eastward 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 meeting 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 C. Port, Assistant Chief Clerk to the Commissioners of Cambria County, Penna., acceptance of services 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, he himself being a member of the Board aforesaid. His acceptance of service however

was not returned properly executed. Copy of letter mailed to said Custis 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 2d at 10 o'clock A. M. for the purpose of performing the duties of our appointment. Mr. S. H. Jencks, one of the viewers herein 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 or any members of the Board of Supervisors were in attendance. We went over the entire proposed public highway from its place of beginning to its place of ending.

Mr. S. H. Jencks, the third member of the Board of Viewers in the above proceeding 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. H. Jencks, aforesaid, the Court did appoint 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 all parties interested. In 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 was not yet sworn in as a member of the 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. Since that time to wit February 24, 1948 said John Elder filed his oath as administered by the Prothonotary in said office. Mahlon Baumgardner having been sworn in on 8 day of August 1945 and on February 23, 1948 filed his oath in the Prothonotary's Office.

All of the Viewers made a careful inspection of the route having due regard to the shortest distance and the best ground for the road proceeded to lay out the 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 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 Mencher Highway leading from Johnstown to Ligonier, said point being eighteen hundred and fifty (1850) feet to Mellott Avenue having lands of George M. Spence and Nupp property abutting said Mencher 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 than 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 Barron Jones
Theodore W. Hunt
John Elder
VIEWERS

IN RE: Petition for the Appointment
of Viewers to View a Proposed Public
Road in the Township of Upper Yoder,
County of Cambria, Pennsylvania.

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA

NO. 4 SEPTEMBER SESSIONS 1947

TO MAHLON BAUMGARDNER, THEODORE HUNT
AND JOHN L. ELDER, DRS.

<u>To Mahlon Baumgardner</u>			
Dec. 16, 1947	Data and preparing Notices to View	\$12.00	
Dec. 20, 1947	Posted Notices to View	12.00	
	Mileage 25 times 2 - 50 miles	5.00	
Jan. 2, 1948	Making View	12.00	
	Mileage 50 miles	5.00	
Feb. 21, 1948	Making survey	12.00	
	Mileage 50 miles	5.00	
Feb. 28, 1948	Preparing report and filing same	<u>12.00</u>	\$75.00
		MAR 8	1948 CERTIFIED
<u>To Theodore Hunt</u>			
Jan. 2, 1948	Making View	12.00	
	Mileage 15 miles times 2 -- 30 miles	<u>3.00</u>	15.00
		MAR 8	1948 CERTIFIED
<u>To John L. Elder</u>			
Feb. 21, 1948	Making survey	12.00	
	Mileage 50 miles	5.00	
Feb. 27, 1948	Preparing Blue prints	<u>12.00</u>	29.00
		MAR 8	1948 CERTIFIED

Frank P. Barnhart, Esq.
Return to Mahlon Baumgardner
Chairman

IN RE: PETITION FOR THE APPOINTMENT OF VIEWERS TO VIEW A PROPOSED PUBLIC ROAD IN TOWNSHIP OF UPPER YODER, COUNTY OF CAMBRIA, PENNSYLVANIA. } IN THE COURT OF QUARTER SESSIONS } CAMBRIA COUNTY, PENNSYLVANIA.
} No. 4 September Sessions, 1947

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view a certain proposed road or highway in the Township of Upper Yoder, County of Cambria, Pennsylvania beginning at a point on the Mencher highway, a public highway in the said Township, and extending in a westerly direction to America Street, a public highway. The exact distance from the beginning of said proposed road to an intersecting public road is 1850 feet to Mellott Avenue, a public highway, eastwardly from the beginning of said proposed road. The exact distance from the ending of said proposed public road to an intersecting public road, to wit: Mellott Avenue, a public highway, is 650 feet,

WILL MEET at the place of beginning on Friday, January SECOND, 1948 at 10 o'clock A. M. for the purpose of performing the duties of our appointment and for the further purpose of taking any testimony that may be offered relative thereto.

MAHLON BAUMGARDNER

THEODORE HUNT

S. H. JENCKS
Viewers

16 December 1947

NOW 24 day of December, 1947 I hereby accept service of the above Notice to View as Counsel for the Petitioners and acknowledge receipt of a copy of said Notice to View.

Frank P. Barnhart
Counsel for Petitioners

PLEASE RETURN THIS COPY TO ME AFTER BEING PROPERLY SIGNED
and keep, other copy for your files. Mahlon Baumgardner, Ebensburg, Pa.

IN RE: PETITION FOR THE APPOINTMENT
OF VIEWERS TO VIEW PROPOSED PUBLIC
IN TOWNSHIP OF UPPER YODER, COUNTY
OF CAMBRIA, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COHNTY, PENNSYLVANIA

No. 4 September Sessions, 1947

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view a certain proposed road or highway in the Township of Upper Yoder, County of Cambria, Pennsylvania beginning at a point on the Tencher Highway, a public highway in the 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 intersecting public highway is 1850 feet to Mellott Avenue, a public road, eastwardly from the beginning of said proposed road. The exact distance from the ending of said proposed public road to an intersecting public road, to wit: Mellott Avenue, a public highway is 650 feet,

WILL MEET at the place of beginning on Friday, January SECOND, 1948 at 10 o'clock A. M. for the purpose of performing the duties of our appointment and for the further purpose of taking any testimony that may be offered relative thereto.

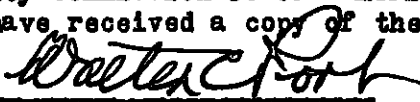
MAHLON BAUMGARDNER

THEODORE HUNE

S. H. JENCKS
Viewers.

16 December 1947

AND NOW 24 day of December, 1947 I hereby accept service of the above Notice to View for the County Commissioners of Cambria County, Pennsylvania and acknowledge to have received a copy of the said Notice to View.


Asst Clerk to Cambria County
Commissioners.

Mahlon Baumgardner
424 E High St.,
Ebensburg, Penna
Tel. 510-R

Mr. Curtis Barnhart,
Sec. Board Supervisors, Upper Yoder Township,
Johnstown R#5, Box 370,
Pennsylvania.

My dear Curtis:

I am enclosing herewith Notice to View and ask you to inly sign or accept service of the Notice to View showing time and place for the Supervisors of Upper Yoder Township. When you have dated it and signed it will you please return the copy to me so that I may file it when I make my report to the Court. The other copy is for your files. Please inform the other supervisors accordingly. Thank you.

Yours very respectfully,

Mahlon Baumgardner
Chairman Bd of Viewers
in above View.

IN RE: PETITION FOR THE APPOINTMENT
OF VIEWERS TO VIEW PROPOSED PUBLIC
ROAD IN TOWNSHIP OF UPPER YODER, COUNTY
OF CAMBRIA, PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA

NO. 4 September Sessions, 1947

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the above named Court to view a certain proposed public road or highway in the Township of Upper Yoder, County of Cambria, Pennsylvania beginning at a point on the Mencher Highway, a public highway in the said Township, and extending in a westerly direction to America Street, a public highway. The exact distance from the beginning of said proposed road to an intersecting public highway is 1850 feet to Mellott Avenue, a public highway, eastwardly from the beginning of said proposed road. The exact distance from the ending of said proposed public road to an intersecting public road, to wit: Mellott Avenue, a public highway is 650 feet.

WILL MEET at the place of beginning on Friday, January
SECOND, 1948 at 10 o'clock A. M. for the purpose of performing the
duties of our appointment for the further purpose of taking any
testimony that may be offered relative thereto.

HARLOW BAURGARDNER

THEODORE HUNT

S. H. JENCKE
Viewers

16 December 1947

County of Cambria

J. DEAN JOY
CLERK OF COURTS

G. E. BLANKENHORN
DEPUTY



Clerk of Courts Office

EBENSBURG, PA.

Nov 30 1947

I, Mahlon Baumgardner, hereby acknowledge receipt
receipt of the Order to View a Proposed Public Road
in the Township of Upper Yoder, Cambria County, Penna.,
and entered to # 4 Sept. Sessions 1947, road docket.

Mahlon Baumgardner

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 Sept. SESSIONS, 1947

Order to view Proposed Public

Road, Upper Yoder Township,

Cambria County, Penna.

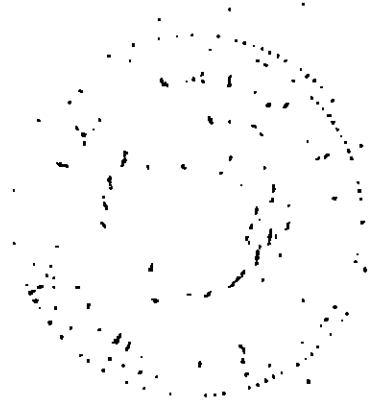
Viewers

Mahlon Baumgardner

Theodore Hunt

S. H. Jencks.

Clerk



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 21st day of November A. D. 1947,

before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Town-
ship of Upper Yoder, in the said County, setting forth that they labor under incon-
venience for want of a Public road or highway, ~~to be laid out~~

to begin at a point on the menohar highway, a public highway
in the said Township, and extend in a westerly direction to
America Street, a public highway, as shown on blueprint attached
hereto, made part hereof and marked EXHIBIT A.

The exact distance from the beginning of said proposed
road to an intersecting public road is 1850 feet to Mellott
Avenue, a public highway, eastwardly from the beginning of said
proposed road. The exact distance from the ending of said
proposed public road to an intersecting public road, to wit:
Mellott Avenue, a public highway, is 650 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

Mahlon Baumgardner, Theodore Hunt ~~and~~
S. H. Jencks

viewers, to view the ground proposed for said road, and if they view the same, and shall
agree that there is occasion for such road, they shall proceed to lay out the same, having respect
to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to
private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that
they make a report of their proceedings to the next Court of Quarter Sessions to be held for said
County, stating particularly whether they judge the same necessary for a public or private road, to-
gether with a plot or draft thereof, and the courses and distances, and references to the improvements
through which it may pass.

Nov 28, 1947.

By the Court.
McKenrick, Judge.

Attest: 
J. DEAN JOY Clerk

Viewers appointed upon an order of the
 Court of Quarter Sessions, Cambria County, Pa.
 No. 4 September Sessions, 1947.

Mahlon Baumgardner
 Theodore Hunt
 John L. Elder
 Viewers

George M. Spence

Jacob Shenkel

A.L. Trent

Jacob Shenkel

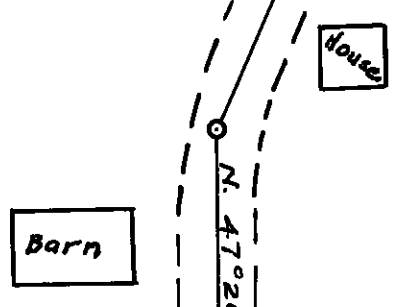
Jacob Shenkel

Joseph Hunt

To Johnstown
 Menoher Highway
 1850
 To Ligonier
 To Mellott Ave.

1" E 100'
 America St.
 To Mellott Ave. 650'

M A P
 Proposed Public Road
 Upper Yoder Township, Cambria County, Pa.
 Scale: 1"=100'
 John L. Elder
 Reg. Eng'r



MUPP
 Property

N 54° 29' W. 542'

N 52° 05' W. 482'

N 36° 45' W. 229.5'

N 23° 15' W. 291'

N 47° 20' W. 217'

N 86° 15' W. 241.5'

S 61° 32' W. 329'