

No. 1. March Sessions 1925

Not Re-recorded

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

Laying out Road in
Upper Yoder Township.

Report of Viewers.

R.O. #2 Mar. 1925

← To Berkley Road 3025'
HERSHBERGER
Ending

School Lot

ROAD
To Johnstown

Building Lots

Cambria County
PROPOSED TWP ROAD
Situates In
Upper Yoder Twp. Cambria County Pa.
Scale 1" = 100'
S. E. Dickey & Co. Engineers
Johnstown Pa.
May-11-1925

No. 4 March Session 1925
M. J. Baumgardner } Viewers
S. E. Dickey }
Phill Caulfield }

Building Lots

James Parker

Grant Sell

Building Lots

Beginning
To Johnstown

SELL ST ROAD To Johnstown

GOGNER

1-B-1925

To Saylor St
2200'

STREET

OGLE

STREET

ST.

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

Laying out Road beginning at a point on Sell Street and ending at Hershberger Road, said ending being 3025 feet distant from Berkley Road, in Upper Yoder Township, Cambria County, Pennsylvania.

No. 2 March Sessions 1925.

REPORT OF VIEWERS.

To the Honorable, the Judges of said Court:

We, the undersigned Viewers appointed by the annexed order of the above Court, to View the premises for the purpose of laying out a public road or highway leading from a point on Sell Street, a public road; said road which is here given as a center line of the proposed road being exactly Twenty Two Hundred (2200) feet to Saylor Street, said Saylor Street being the nearest intersecting public road or street already open. The said proposed road begins at Sell Street as above stated, and runs in a North-easterly direction over what is known as Gomer Street to what is known as Ogle Street; and thence in a Northerly direction over Ogle Street to what is known as Penn Street, which Penn Street runs past the Elim School House; and thence over said Penn Street to Hershberger road, said Hershberger road being also a public road. That the nearest intersecting public road to the said Penn Street, which is a portion of the proposed road herein petitioned for, is Berkley road, the exact distance from the center of the end of this proposed road to the said Berkley road being Three Thousand Twenty-five (3025) feet, all of the proposed road would lie within the Township of Upper Yoder, Cambria County, Pennsylvania, respectfully represent:-

That we were duly sworn or affirmed as members of the permanent Board of Viewers of Cambria County as shown by the records of said Court, gave due public notice of the time and place of meeting of said Viewers, by handbills posted on the premises, and by Notices served on the Commissioners of Cambria County, and upon the Supervisors of the Township of Upper Yoder, and upon Frank P. Barnhart, Esq., Attorney for Supervisors, all of whom accepted service at least ten (10) days prior to the time of making of said View, 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 April 14 A. D. 1925 at 10:30 A. M. and proceeded with the duties of our appointment.

No member of the Board of Supervisors nor their Counsel or any citizen or citizens appearing the View was continued to Tuesday April 28, A. D. 1925 at 10:30 A. M.. The Supervisors and their Counsel and all other interested parties were notified of the continuance of the View to Tuesday, April 28, A. D. 1925 at 10:30 A. M.

Pursuant to said continuance of the View, we accordingly met on the premises on Tuesday, April 28, A. D. 1925 at 10:30 A. M. and proceeded with the duties of our appointment.

A majority of citizens, a majority of the Board of Supervisors together with their Counsel, Frank P. Barnhart, Esq., met with us at the View.

We viewed the site and locality of the road proposed to be laid out, making a personal inspection of the ground between the points designated in the petition and order.

We unanimously agree and are not in favor of granting and laying out the road as prayed for and as more particularly described hereinafter for the reason that portions of the proposed road run

much in excess of Five (5%) degrees or an Eight and Seventy-five Hundredths (8.75%) per cent grade, which cannot be brought within that limits by cutting and filling as required by law, which road, if laid out under the above circumstances, would make said road dangerous and exceedingly burdensome to the tax payers.

We, therefore, refuse to lay out and open said road prayed for leading from a point on Sell Street

We attach hereto and make a part of this report a Plot or draft of the proposed road which we refuse to lay out and open, giving the courses and distances.

WITNESS our hands this Thirtieth day of May A. D. 1925..

Philip E. Langford

S. E. Dickey

Maxton J. Bunn

Viewers.

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

Laying out Road beginning at a point on Sell Street and ending at Hershberger Road, said ending being 3025 feet distant from Berkley Road, in Upper Yoder Township, Cambria County, Pennsylvania.

No. 2 March Sessions 1925.

TO MAHLON J. BAUMGARDNER, S. E. DICKEY,

AND PHILIP CAULFIELD, DRS.

Mahlon J. Baumgardner, Dr.

| | |
|------------------------------------|----------------|
| Order to View | .90 |
| Data and Preparing Notices to View | 7.50 |
| Stenographer and Stationery | 3.50 |
| Mileage | 20 |
| Making View | 7.50 |
| Mileage | 20 |
| Completing View and Evidence | 7.50 |
| Mileage | 20 |
| Preparing report | 7.50 |
| Stenographer and Stationery | 3.50 |
| | <u>\$38.50</u> |

CERTIFIED
Jacob M. Hoffman
 COUNTY CONTROLLER
S. E. Dickey, Dr.

| | |
|------------------------------|----------------|
| Making View | 7.50 |
| Mileage | 20 |
| Completing View and Evidence | 7.50 |
| Mileage | 20 |
| Making Draft | 7.50 |
| Tracing Cloth | 20 |
| Blue Prints on Linen | .75 |
| Making Survey | 7.50 |
| | <u>\$31.35</u> |

CERTIFIED
Jacob M. Hoffman
 COUNTY CONTROLLER
Philip Caulfield, Dr.

| | |
|------------------------------|----------------|
| Making View | 7.50 |
| Mileage | 20 |
| Completing View and Evidence | 7.50 |
| Mileage | 20 |
| | <u>\$15.40</u> |

APPROVED FOR PAYMENT

[Signature]
 COMMISSIONERS

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

Laying out Road beginning at a point on Sell Street and ending at Hershberger Road, said ending being 3025 feet distant from Berkley Road, in Upper Yoder Township, Cambria County, Penna.

No 2 March Sessions 1925.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court, to view for the purpose of laying out a public road from a point on Sell Street, said point which is here given as the center line of the proposed road, being exactly twenty-two hundred feet to Saylor Street, said Saylor Street being the nearest intersecting public road or street already open. The said proposed road begins at Sell Street and runs in a northeasterly direction over Gomer Street to Ogle Street; thence in a northerly direction over Ogle Street to Penn Street past Elim School House, thence over said Penn Street to Hershberger Road, said Hershberger Road being also a public road. That the nearest intersecting Public road to Penn Street, which is a portion of the proposed road herein petitioned for, is Berkley Road, the exact distance from the center of the end of the proposed road to the said Berkley Road is 3025 feet, will meet at Sell Street on Tuesday April 14th. A. D. 1925 at 10:30 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

S E. DICKEY,

PHILIP CAULFIELD,

April 3, 1925.

Viewers.

And now April 3, 1925, I hereby accept service of the within Notice to View for the Commissioners of Cambria County.



Chief Clerk.

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

Laying Out Road beginning at a point on Sell Street and ending at Hershberger Road, said ending being 3025 feet distant from Berkley Road, in Upper Yoder Township, Cambria County, Penna.

No.2 March Sessions 1925.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court, to view for the purpose of laying out a public road from a point on Sell Street, said point which is here given as the center line of the proposed road, being exactly twenty-two hundred feet to Saylor Street, said Saylor Street being the nearest intersecting public road or street already open. The said proposed road begins at Sell Street and runs in a northeasterly direction over Gomer Street to Ogle Street; thence in a northerly direction over Ogle Street to Penn Street past Elim School House, thence over said Penn Street to Hershberger Road, said Hershberger Road being also a public road. That the said nearest intersecting Public road to Penn Street, which is a portion of the proposed road herein petitioned for, is Berkley Road, the exact distance from the center of the end of the proposed road to the said Berkley road is 3025 feet., will meet at Sell Street on Tuesday, April 14th., A. D. 1925 at 10:30 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

S. E. DICKEY,

PHILIP CAUFIELD,

April 3, 1925.

Viewers:

And now April 3, 1925, I hereby accept service of the within Notice to View for the Supervisors of Upper Yoder Township.

Edward L. Raab
Secretary of Supervisors of
Upper Yoder Township.

*Return to
Mahlon J. Baumgardner*

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA,

Laying Out Road beginning at a point on Sell Street and ending at Hershberger Road, said ending being 3025 feet distant from Berkley Road, in Upper Yoder Township, Cambria County, Penna.

No. 2 March Sessions 1925.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court, to view for the purpose of laying out a public road from a point on Sell Street, said point which is here given as the center line of the proposed road being exactly twenty-two hundred feet to Saylor Street, said Saylor Street being the nearest intersecting public road or street already open. The said proposed road begins at Sell Street and runs in a northeasterly direction over Gomer Street to Ogle Street; thence in a northerly direction over Ogle Street to Penn Street past Elim School House, thence over said Penn Street to Hershberger Road, said Hershberger Road being also a public road. That the said nearest intersecting public road to Penn Street, which is a portion of the proposed road herein petitioned for, is Berkley Road, the exact distance from the center of the end of this proposed road to the said Berkley Road is 3025 feet, will meet at Sell Street on Tuesday, April 14th. A. D. 1925, at 10:30 A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

S. E. DICKEY,

PHILIP CAULFIELD,

April 3, 1925.

Viewers.

*Mar. 31, 1925, I hereby accept
service of the above notice to view.*

*Frank P. Baughart
M.D.*

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 30th day of March A. D. 1925, 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 public road or highway, to lead from a point on Sell Street, a public road; said point which is here given as the center line of the proposed road being exactly twenty-two hundred feet to Saylor Street, said Saylor Street being the nearest intersecting public road or street already open. The said proposed road, (as your petitioners desire it to extend) begins at Sell Street, as above stated, and runs in a northeasterly direction over what is known as Gomer Street to what is known as Ogle Street; and thence in a northerly direction over Ogle Street to what is known as Penn Street, which Penn Street runs past the Elim School House; and thence over said Penn Street to Hershberger Road, said Hershberger Road being also a public road. That the nearest intersecting public road to the said Penn Street, which is a portion of the proposed road herein petitioned for, is Berkley Road; the exact distance from the center of the end of this proposed road to the said Berkley Road being 3025 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

surveyor, and

M. J. Baumgardner and Philip Caulfield

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:

Frank L. Rolt

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."

10.30
14 Apr
NO 2, March SESSIONS, 1925

Order to view
Public Road in
Upper Yoder Township

Viewers

S. E. Dickey

M., J. Baumgardner

Philip Caulfield

Clerk: Robb 90 cts.

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

Laying out Road beginning at a point on Sell Street and ending at Hershberger Road, said ending being 3025 feet distant from Berkley Road, in Upper Yoder Township, Cambria County, Pennsylvania.

REPORT OF VIEWERS.

Filed June 1925
9:30 A.M.

CERTIFIED

James M. Hoffmann
COUNTY CONTROLLER

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

8 June 1925 Approved.
By the Court
E.
14 Sept. 1925 Confirmed absolutely.
Frank C. Roth, Clerk.

Duplicates (both maps)

← To Berkley Road 3025'
HERSHBERGER
Ending

School Lot

ROAD
To Johnstown

Building Lots

Building Lots

OGLE

James Parker

Cambria County
PROPOSED TWP ROAD
Situates In
Upper Yoder Twp. Cambria County Pa.
Scale 1" = 100'
S. E. Dickey & Co Engineers
Johnstown Pa.
May - 11 - 1925

No. 4 March Session 1925

M. J. Baumgardner } Viewers
S. E. Dickey }
Phill Coulfield }

Building Lots

Grant Sell

SELL ST ROAD To Johnstown →
Beginning

30' ST.
GOMMER

To Saylor St
2200'

18-1020

← To Berkley Road 3025

HERSHBERGER

Ending

School Lot

ROAD

To Johnstown

Building Lots

Building Lots

OGLE

30'

James Parker

Cambria County PROPOSED TWP ROAD

Situate In

Upper Yoder Twp. Cambria County Pa.

Scale 1" = 100'

May-11-1925

S. E. Dickey & Co Engineers
Johnstown Pa.

No. 47 March Session 1925

M. J. Baumgardner } Viewers
S. E. Dickey }
Phill Caulfield }

Building Lots

Grant Sell

GOMMER

ST

To 1st St
To 2nd St
To 3rd St
To 4th St

Beginning

SELL ST ROAD To Johnstown

To Saylor St
2200'

1-B-193A

No. 1 March Sessions
1925

In the Court of Quarter
Sessions of Cambria
County, Pennsylvania

Laying out Road in
Upper Yoder Township

Report of Viewers

In re Laying Out of Public Road In the
Township of Upper Yoder, County of
Cambria and State of Pennsylvania.

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

PETITION TO LAY OUT PUBLIC ROAD

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The Petition of the undersigned inhabitants and tax-
payers of the said Township of Upper Yoder respectfully represents:

That your petitioners labor under great inconvenience
for want of a public road or highway in the said Township of Upper Yoder,
said proposed public road beginning at a point on Sell Street, a public road;
said point which is here given as the center line of the proposed road being
exactly twenty-two hundred feet to Saylor Street, said Saylor Street
being the nearest intersecting public road or street already open.

The said proposed road, as your petitioners desire it
to extend, begins at Sell Street, as above stated, and runs in a northeasterly
direction over what is known as Gomer Street to what is known as Ogle Street;
and thence in a northwesterly direction over Ogle Street to what is known as
Penn Street, which Penn Street runs past the Elim School House; and thence over
said Penn Street to Hershberger Road, said Hershberger Road being also a
public road.

That the nearest intersecting public road to the
said Penn Street, which is a portion of the proposed road herein petitioned
for, is Berkley Road, the exact distance from the center of the end of this
proposed road to the said Berkley Road being 3025 feet.

Your petitioners therefore pray the Court to appoint
proper viewers to view and lay out the same according to law.

Nelson Mishler 1

Robert M. Mishler 2

Miss Hannah Mishler 3

W. J. Henderson 4

Samuel H. Rhodes 5

| | | | |
|----|-----------------------|----|-------------------|
| 92 | Carolina Blazowitch | 6 | Mr W. J. Hammond |
| 93 | Mary Blazowitch | 7 | Norman Lane |
| 94 | Mrs Rosa B. McBlain | 8 | Mrs S. H. Rhodes |
| 95 | Mrs H. Tiffany | 9 | Joe Kovitown |
| 96 | Mrs John Elliott | 10 | Malcom Kovitown |
| 97 | Pearl Meyers | 11 | S. A. Winters |
| 98 | James Hart Jr. | 12 | Mabel Wainman |
| | Frank Blazowitch | 13 | Milla Wainman |
| | Joseph Blazowitch | 14 | T. R. Miller |
| | | 15 | Geoffell |
| | | 16 | Mrs James Parker |
| | Mrs J. W. Billetteaux | 17 | James M. Parker |
| | Mrs O. H. Gibson | 18 | George H. Loh |
| | | 19 | J. H. Loh |
| | | 20 | Hannah B. Lough |
| | | 21 | Alvin D. Duple |
| | | 22 | Frank J. Flower |
| | | 23 | W. H. A. W. W. W. |
| | | 24 | Wm. Herberger |
| | | 25 | Mrs Price |
| | | 26 | Thomas E. Price |
| | | 27 | Robert O. Patten |
| | | 28 | Bertie Patten |
| | | 29 | O. H. Henshagen |
| | | 30 | Mrs J. Lower |
| | | 31 | Violet West |
| | | 32 | Chas Stock |
| | | 33 | Mr Stock |
| | | 34 | Mrs Lewis Merritt |
| | | 35 | Earl Hite |
| | | 36 | H. B. Wiskler |
| | | 37 | Mrs A. B. Wiskler |

69 Mrs Frank Hite
 70 Miss F Brumund
 71 Fred Brumund
 72 Mrs Mary Miller
 73 R.C. Miller
 74 Mary Rightman
 75 Chas McRightman
 76 Harry J Green
 77 Harry Green
 78 Mrs Elsie M May
 79 Cleveland Eppert
 80 Karl Kuschner
 81 Charles S Slough
 82 John D Witt
 83 Clifford Davis

84 ~~John D Witt~~
 85 George Soebert
 86 Mrs Emma Myers
 87 Jas W. Smith
 88 Mrs E.W. Edkins
 89 Mrs Andrew Fisher
 90 Mrs William Herschler
 91 Mrs John MacEnroe

30 Jay Miller
 39 Mrs Rose Miller
 40 Mrs W. J. Miskler
 41 W.D. J. Miskler
 42 Mrs J W Sell
 43 Lew Merritts
 44 O W Fisher
 45 Mrs P. Fisher
 46 Mrs J W Smith
 47 Mr M J Bean
 48 Mrs W J Hill
 49 Mrs M J Bean
 50 Brook Rhodes
 51 Kathryn Rhodes
 52 H.T. Winston
 53 Mrs G.T. Winston
 54 J.A. Churchill
 55 Mrs J.A. Churchill
 56 Mrs H W Livingston
 57 H W Livingston
 58 J.A. Tilly
 59 Mrs J.A. Tilly
 60 John J Miskler
 61 Mrs John Miskler
 62 Mrs Augusta Mary
 63 Frank Hite
 64 Sylvester Reighard
 65 Mrs Anna Reighard
 66 William Reighard
 67 Mrs Ann Reighard

COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CAMBRIA :

Personally appeared before me, a Notary Public in and for said State and County, G. W. SELL, one of the within named petitioners, who being duly sworn according to law, deposes and says that the matters within stated are true and correct, and that he was personally present and saw each of the within signers affix his or her signature to said Petition.

G. W. Sell

Sworn and subscribed before me
this 28th day of March, 1925.

Jessie S. Boyer

NOTARY PUBLIC
My Commission Expires April 4, 1925

Vol. 2 March 1925

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

In re laying out public
road in the Township of Upper
Yoder, County of Cambria and
State of Pennsylvania

PETITION TO LAY OUT PUBLIC ROAD

ORDER

Now, March 30, 1925, the
within petition having been
read and considered *S. E. Dicks*
and *W. B. ...*
and *Philip ...* are
appointed viewers as within
prayed for.

[Signature]
M.

Filed 30 March 1925
10:55 A. M.

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.