

E.O. #14 Mar. 1924

Not Microfilmed

50

William Baumgardner

HEMLOCK ST.

N19°25'E 438.0'

977.0'

N76°35'W

LIBERTY ST.

RESERVOIR AVE.

FERN ST.

ST. CLAIR

MEADOW ST.

Beginning

PROPOSED TRIP ROAD
Situatedly

Lower Yoder Trip. Cambria Co Pa
Scale 1"=100' May 29-1924

5-C-303

Viewers
Morton J Baumgardner
S.E. Dickey
Dinoe Tomb
No. 14
March Session
1924

ROAD
FAIRFIELD

English

Johnston

PATTISON ST.

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

NO. 14-MARCH SESSIONS, 1924.

To Supply Public Road in
Lower Yoder Township, Cambria
County, Pa. beginning at a point
near Sauers Bridge said point
being 293 feet from the inter-
section of Hay Street with
Fairfield Avenue, extending
to a point on the Fairfield
Road leading from Johnstown
to New Florence 1237 feet from
the intersection of Hay Street
and Fairfield Avenue.

REPORT OF VIEWERS

COUNTY CONTROLLED

Jacob M. Hoffmann

CERTIFIED

Filed 2 June 1924.

COUNTY CONTROLLED

Jacob M. Hoffmann

CERTIFIED

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

9 June 1924. Approved and breadth fixed at ^{fifty} forty feet.

By the Court

8 Sept. 1924 Confirmed absolutely
Frank C. Robt. Clerk

To Supply Public road in Lower Yoder Township, Cambria County, Penna., beginning at a point near Sauers Bridge said point being 293 feet from the intersection of Hay Street and Fairfield Avenue, Johnstown, extending to a point on the Fairfield Road leading from Johnstown to New Florence 1237 feet from the intersection of Hay Street and Fairfield Road.

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

No. 14 March Sess. 1924.

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 supplying a public highway in the Township of Lower Yoder, County of Cambria and State of Pennsylvania, beginning at a point at or near Sauer's Bridge on the St. Clair public highway which is a continuation of Fairfield Avenue leading from the City of Johnstown to the Menoher Highway, and which point is located 293 feet from the intersection of Hay Street and Fairfield Avenue in said City of Johnstown, and extending thence to a point on the public road known as the Fairfield Road leading from the City of Johnstown to the town of New Florence, and is 1237 feet from the intersection of Hay Street and the Fairfield road, respectfully report:-

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 publication in the Johnstown Daily Tribune and the Cambria County Legal Journal, by handbills posted on the premises and by notices served upon the Commissioners of Cambria County, upon Donald E. Custer, solicitor for the Supervisors of Lower Yoder Township and upon H. Earl Sorber, Esq.,

Counsel for petitioners, at least ten days prior to the time of making of the said View, evidence of which is shown by copies of said Notice hereto attached and made a part of this report; that we met upon the premises according to the Notice given on Tuesday, May 27th., A. D. 1924 at 10 o'clock A. M. and proceeded with the duties of our appointment.

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 are of the opinion and agree that a public road between the points mentioned is necessary, and that we authorize the laying out of a road according to the accompanying draft. We do therefore lay out and return for public use a road as follows:-

BEGINNING at a point located at or near Sauer's Bridge on the St Clair Public highway which is a continuation of Fairfield Avenue leading from the City of Johnstown to the Mencher Highway, and which point is located two hundred ninety-three (293) feet from the intersection of Hay Street and Fairfield Avenue in said City of Johnstown; thence from said point North Seventy-six (76°) degrees Thirty-five ($35'$) minutes West a distance of Nine Hundred Seventy-four (974) feet to a point at intersection of Hemlock Street; thence from said point North Thirteen (13°) degrees Twenty-five ($25'$) minutes East a distance of Four Hundred Thirty-eight (438) feet to a point located at or near the residence of W. F. Andrews, and is Twelve hundred thirty seven (1237) feet from the intersection of Hay Street and the Fairfield road in said City of Johnstown .

The width of the said road which is known as Reservoir Avenue and Hemlock Street, both of which are dedicated to the use of the public and the portion dedicated for said public use is Fifty (50) feet.

We further report that we endeavored to obtain from all the owners of land upon which the said road is located, releases of the damages to arise by reason of such location, we were unable to secure the releases therefore we allow no damages to them because we consider the advantages which will accrue to their respective properties by reason of the road are equivalent to all damages which will be sustained by them.

Witness our hands this thirty-first day of May A. D. 1924.

E. E. Dickey
Dixon Stout
Melroy J. Humphreys
Viewers.

To supply a road in Lower Yoder Township, Cambria County, Penna., beginning at a point near Sauer's Bridge. In the Court of Quarter Sessions of Cambria County, Penna No. 14 March Sessions 1924.

IN ACCOUNT WITH MAHLON J. BAUMGARDNER,

S. E. DICKEY, DIXON TOMB.

MAHLON J. BAUMGARDNER, DR.

Preparing Notice of View		7.50
Stenographer and Stationery	CERTIFIED	3.50
Posting Notices		7.50
Mileage		1.00
Making View		7.50
Mileage		.50
Preparing Report of Viewers.	COUNTY CONTROLLER	7.50
Stenographer and Stationery		3.00
Advertising Notice of View, Tribune		8.00
Advertising Notices of View, Legal Journal		4.00
Order to View		.90
		<u>\$50.90</u>

S. E. DICKEY, Dr.

Making View	CERTIFIED	7.50
Mileage		.50
Tracing cloth		.15
Making survey		7.50
Making Map		7.50
3 Blue prints on linen	COUNTY CONTROLLER	.75
		<u>\$23.90</u>

DIXON TOMB, Dr.

Making View	CERTIFIED	7.50
Mileage		.50
		<u>\$ 8.00</u>

COUNTY CONTROLLER

APPROVED FOR PAYMENT
John Steiner
George
 COMMISSIONERS

To Supply road in Lower Yoder Township Cambria County, Penna. beginning at a point near Sauer's Bridge, said point being 293 feet from the intersection of Hay Street and Fairfield Avenue, Johnstown, and extending to a point on the Fairfield Road leading from Johnstown to New Florence 1237 feet from the intersection of Hay Street and Fairfield Road.

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

No. 14 March Sess. 1924

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the said Court to view for the purpose of supplying a public road in the Township of Lower Yoder, County of Cambria, State of Pennsylvania, beginning at a point at or near Sauer's Bridge on the St Clair public highway which is a continuation of Fairfield Avenue leading from the City of Johnstown to the Mencher Highway, and which point is located 293 feet from the intersection of Hay Street and Fairfield Avenue in said City of Johnstown, and extending thence to a point on the public road known as the Fairfield Road leading from the City of Johnstown to the town of New Florence, and is 1237 feet from the intersection of Hay Street and the Fairfield road in the City of Johnstown, will meet at the place of beginning on the 27th. day of May A. D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

B. B. DICKEY,

DIXON TOMB,

Viewers,

May 15, 1924.

To Supply Public road in Lower Yoder Township, Cambria County, Penna. beginning at a point near Sauers Bridge said point being 293 feet from the intersection of Hay Street and Fairfield Avenue, Johnstown, extending to a point on the Fairfield Road leading from Johnstown to New Florence 1237 feet from the intersection of Hay Street and Fairfield Road.

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

No. 14 March Sess. 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the said Court to view for the purpose of supplying a public road in the Township of Lower Yoder, County of Cambria, State of Pennsylvania, beginning at a point at or near Sauer's Bridge on the St Clair public highway which is a continuation of Fairfield Avenue leading from the City of Johnstown to the Mencher Highway, and which point is located 293 feet from the intersection of Hay Street and Fairfield Avenue in said City of Johnstown; and extending thence to a point on the public road known as the Fairfield Road leading from the City of Johnstown to the town of New Florence, and is 1237 feet from the intersection of Hay Street and the Fairfield road in the City of Johnstown, will meet at the place of beginning on the 27th. day of May A. D. 1924, at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,

S. E. DICKEY,

DIXON TOMB,

Viewers.

May 15, 1924.

And now May 17, 1924, I hereby accept service of the within Notice to View as Chief Clerk for the Commissioners of Cambria County

J. J. Kistler
clerk

To Supply Public road in Lower Yoder Township, Cambria County, Penna. beginning at a point near Sauers Bridge said point being 293 feet from the intersection of Hay Street and Fairfield Avenue, Johnstown, extending to a point on the Fairfield Road leading from Johnstown to New Florence 1237 feet from the intersection of Hay Street and Fairfield Road.

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

No. 14 March Term, 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the said Court to view for the purpose of supplying a public road in the Township of Lower Yoder, County of Cambria, State of Pennsylvania, beginning at a point at or near Sauers Bridge on the St Clair public highway which is a continuation of Fairfield Avenue leading from the City of Johnstown to the Mencher Highway, and which point is located 293 feet from the intersection of Hay Street and Fairfield Avenue in said City of Johnstown; and extending thence to a point on the public road known as the Fairfield Road leading from the City of Johnstown to the town of New Florence, and is 1237 feet from the intersection of Hay Street and the Fairfield road in the City of Johnstown, will meet at the place of beginning on the 27th. day of May A. D. 1924, at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MARION J. BAUBARDIER,

S. E. DICKBY,

DIXON TOMB,

Viewers.

May 15, 1924.

Now May 17, 1924 I hereby accept service of the above Notice to View as Solicitor and Counsel for the Petitioners.

H. Earl Dyer
Attorney for Petitioners.

VIEWSERS' NOTICE—To supply Public Road in Lower Yoder Township, Cambria County, Pennsylvania, beginning at a point near Sauer's Bridge, said point being 293 feet from the intersection of Hay street and Fairfield avenue, Johnstown, extending to a point on the Fairfield road leading from Johnstown to New Florence 1,237 feet from the intersection of Hay street and Fairfield road. In the Court of Quarter Session of Cambria County, Pennsylvania, No. 14 March Session, 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the said Court to view for the purpose of supplying a public road in the Township of Lower Yoder, County of Cambria, State of Pennsylvania, beginning at a point at or near Sauer's Bridge on the St. Clair Highway, which is a continuation of Fairfield avenue leading from the City of Johnstown to the Menoher Highway, and which point is located 293 feet from the intersection of Hay street and Fairfield avenue in said City of Johnstown; and extending thence to a point on the public road known as the Fairfield road leading from the City of Johnstown to the town of New Florence, and is 1,237 feet from the intersection of Hay street and the Fairfield road in the City of Johnstown, will meet at the place of beginning on the 27th day of May, A. D. 1924, at 10 o'clock a. m., for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,
S. E. DICKEY,
DIXON TOMB, Viewers.
May 15, 1924.

NOTICE

To Supply road in Lower Yoder Township, Cambria County, Penna., beginning at a point near Sauer's Bridge, said point being 293 feet from the intersection of Hay Street and Fairfield Avenue, Johnstown, and extending to a point on the Fairfield Road leading from Johnstown to New Florence 1237 feet from the intersection of Hay Street and Fairfield Road.

In the Court of Quarter Sessions of Cambria County, Penna. No. 14 March Sess. 1924.

NOTICE TO VIEW

We, the undersigned Viewers, appointed by the said Court to view for the purpose of supplying a public road in the Township of Lower Yoder, County of Cambria, State of Pennsylvania, beginning at a point at or near Sauer's Bridge on the St. Clair public highway which is a continuation of Fairfield Avenue leading from the City of Johnstown to the Menoher Highway, and which point is located 293 feet from the intersection of Hay Street and Fairfield Avenue in said City of Johnstown; and extending thence to a point on the public road known as the Fairfield Road leading from the City of Johnstown to the town of New Florence, and is 1237 feet from the intersection of Hay Street and the Fairfield road in the City of Johnstown, will meet at the place of beginning on the 27th day of May A. D. 1924, at 10 o'clock A. M., for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner,
S. E. Dickey,
Dixon Tomb, Viewers.

May 15, 1924.

5-16-1f

NO 14, March SESSIONS, 1924

Order to view public road in

Lower Yoder Township

Mahlon J. Baumgardner

S. E. Dickey

Dixon Tomb

Viewers

Clerk Robb 90 cts.

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."

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 12th day of May A. D. 1924, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Lower Yoder, in the said County, setting forth that they labor under inconvenience for want of a public road or highway, to lead from

a point located at or near Sauer's bridge on the St. Clair public highway which is a continuation of Fairfield Avenue leading from the City of Johnstown to the Menoher Highway, and which point is located two hundred and ninety three (293) feet from the intersection of Hay Street and Fairfield Avenue in said City of Johnstown; and extending thence to a point on the public road known as the Fairfield Road leading from the City of Johnstown to the town of New Florence, which point is located at or near the residence of W. F. Andrews, and is twelve hundred and thirty seven (1237) feet from the intersection of Hay Street and the Fairfield road in said City of Johnstown.

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

Mahlon J. Baumgardner, Esq. and Dixon Tomb 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 B. Robb, Clerk.

IN THE COURT OF QUARTER
SESSIONS OF CAMBERIA CO.
No. 14 ^{March} Term, 1924.

Petition for viewers in
Re opening of road in Lower
Yoder Township.

Filed 12 May 1924

And now, May 16 1924,
the within petition having
been read and considered,

Mahlon Bengtson
S. E. Dickey and
Oliver T. ...

are appointed viewers for
the purpose prayed for.

By the Court

H. EARL SORBER
ATTORNEY AND COUNSELLOR AT LAW
JOHNSTOWN, PENNA.

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PA
TO THE HONORABLE THE JUDGES OF SAID COURT:

The petition of the undersigned respectfully represents:

That they are citizens, residents and electors of the Township of Lower Yoder, County of Cambria and State of Pennsylvania.

That your petitioners and the traveling public labor under great inconvenience for want of a public road in the said Township of Lower Yoder, to begin at a point located at or near to Sauer's bridge on the St. Clair public highway which is a continuation of Fairfield Avenue leading from the City of Johnstown to the Menoher Highway, and which point is located two hundred and ninety three (293) feet from the intersection of Hay street and Fairfield Avenue in said City of Johnstown; and extending thence to a point on the public road known as the Fairfield Road leading from the City of Johnstown to the town of New Florence, which point is located at or near the residence of W. F. Andrews, and is twelve hundred and thirty seven (1237) feet from the intersection of Hay street and the Fairfield road in said City of Johnstown.

Your petitioner, therefore, pray the Court to appoint three qualified persons to view the ground proposed for such road, to ascertain whether there is occasion for the laying out and opening the above described public road, and make report of their proceedings at the next term of Court; and they will ever pray.

Name.	Address.
<u>Kate I. Sahr</u>	<u>R. D. 5 Box 29</u>
<u>Mike Sahr</u>	<u>R. D. 5 Box 29</u>
<u>Chas Johnson</u>	<u>R. D. 5 Box 29</u>
<u>Emma Johnson</u>	<u>R. D. 5 Box 26</u>
<u>Albert Kallich</u>	<u>R. D. 45</u>
<u>Nov. Elsie Kallich</u>	<u>R. D. 45</u>
<u>Wm Valentine Blawn</u>	<u>R. D. 45</u>

Name

Address

Name	Address
Chas Johnson	mead street
Emma Johnson	" " "
W. H. Birch	Fern St.
Mrs. Minnie Birch	Fern St.
W. Weaver	Reservoir St.
Mrs. W. Weaver	" " "
John Scholtz	Fern St.
Mrs. John Scholtz	Fern St.
Susanne Scholtz	Fern St.
Rudolf Scholtz	Liberty St.
Mrs. Kate Scholtz	" " "
Nickolas Krett	Hemlock St.
Anas Krett	" " "
Estella Smith Sauer	" " "
F. L. Sauer	Hemlock St.
Mrs. B. M. Jenkins	Hemlock St.
Mr. B. " "	" " "
Mr. J. J. Rogers	Hemlock St.
Mrs. J. J. Rogers	" " "
George Boyer	Hemlock St.
Mrs. Geo. J. Boyer	" " "
Rose M. Wakar	" " "
Mrs. Arthur Anderson	" " "
Mr. Chas. D. Rager	Reservoir Ave.
Mr. Chas. D. Rager	" " "
Ralph J. Berkebile	Fern St. #100
Mrs. Elizabeth Berkebile	" " "
Etha F. Berkebile	" " "
J. M. Cough	" " "
Mr. G. W. Hite	Reservoir St.
Mrs. G. W. Hite	" " "
John Kessel	" " "
Mary Kessel	" " "

Name

Address

Name	Address
Mike Salamon	Paseo Ave
Mari Salamon	" "
Vasil Mitnik	Fern St
Lizzi Mitnik	" "
Dannie Tilley	Mountain Road
Samuel Tilley	" "
Thomas D. Helsel	Hemlock St. 5150
Frank Helsel	" " 5152
Sarah Hankes	" "
Lella Helsel	" "
W. L. Johnson	" "
Mrs. Marie de Johnson	" "
Mrs. Mary E. Johnson	" "
J. Johnson	" "
W. B. Brallier	" "
Mrs. W. B. Brallier	" "
Mr. W. L. Payne	Hemlock St

STATE OF PENNSYLVANIA }
COUNTY OF CAMBERIA } SS:

On this 12 day of March A.D. 1924., personally appeared before the undersigned, a Justice of the Peace, in and for the Township of Lower Yoder, County and State aforesaid.

W. B. Brallier one of the foregoing petitioners, who being duly sworn according to law, deposes and says that the signers of the foregoing petition are citizens, residents and electors of Lower Yoder Township, and that they signed the same in their own proper handwriting, and that the matters set forth therein are true and correct to the best of their knowledge, information and belief.

Sworn to and subscribed
before me, the day and year
aforesaid.

W B Brallier

Robert A. Stuebelman

Justice of the Peace.

Comm. Exp. Jan. 1928.

To JOHN LUTHER, JOHN LEBOSKY, and JAMES EDWARDS, supervisors of the Township of Lower Yoder, Cambria County, Penna:

You are hereby notified that a petition by citizens of Lower Yoder Township will be presented to the Court of Quarter Sessions of Cambria County, at Ebensburg, Pa., on Monday, May 12th, 1924, for the appointment of viewers on a proposed ~~road~~ public road which said petitioners desire to be opened, to begin at a point in said Township, at or near to Sauer's bridge, located on the St. Clair public road which is a continuation of Fairfield Avenue leading from the City of Johnstown to the Mencher Highway, and which point is located ~~to~~ two hundred and ninety three (293) feet from the intersection of Hay street and Fairfield Avenue in said City of Johnstown; and extending thence to a point on the public road known as the Fairfield road leading from the City of Johnstown to the town of New Florence, which point is at or near the residence of W. F. Andrews, and is located twelve hundred and thirty seven (1237) feet from the intersection of Hay street and the Fairfield road in the City of Johnstown.

H. Earl Porter
Attorney for Petitioners.

CAMBRIA COUNTY, SS:

Joe M. Sanders, being duly sworn according to law, deposes and says that the foregoing is a true and correct copy of a notice which he served on the supervisors of Lower Yoder Township, Cambria County, Pa., on May 10th, 1924.

Sworn and subscribed before me
this 10th day of May, 1924.

Robert Steindman
Justice of the Peace
com exp. Jan. 1928.