

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

No. 2 June Sessions 1924.

In re Laying out of Public
Road in Lower Yoder Town-
ship, Cambria County, Penna
beginning at a point on
Gilbert Street and center
line of P.R.R. tracks in said
Township and ending at a
point 1523 feet from inter
section of Virginia Avenue
and Delaware Ave; in the C
ty
of Johnstown, Pa.

REPORT OF VIEWERS.

Filed 7 August 1924.

AUG 11 1924

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

8 Sept. 1924 Approved and breadth fixed at forty feet.

8 Dec. 1924 Confirmed absolutely;

Frank C. Robb, Clerk.

By the Court
2

In re Laying out a Public road in Lower Yoder Township, Cambria County, Penna. beginning at a point on Gilbert Street 285 feet from intersection of Gilbert Street and center line of P.R.R. tracks in said township and ending at point 1323 feet from intersection of Virginia Avenue and Delaware Avenue of the City of Johnstown,

In the Court of Quarter Sessions of Cambria County, Penna.
No.2 June Sessions 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 on Gilbert Street near the office of Robert Stiegelman, Justice of the Peace which point is located Two hundred eighty-five (285) feet from the intersection of Gilbert Street and the center of the Pennsylvania Railroad tracks in said Township; and extending thence to a point at the intersection of Virginia Avenue and the Johnstown City line, which point is located thirteen hundred twenty-three (1323) feet from the intersection of Virginia Avenue and Delaware Avenue in said City of Johnstown, 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 the Secretary of 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 Wednesday, July 2nd., 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 viewed the site and locality bearing the following courses and distances to wit:-

BEGINNING at a point on Gilbert Street near the office of Robert Steigelman, Justice of the Peace, which point is located 285 feet from the intersection of Gilbert Street and the centre of the Pennsylvania Railroad tracks in said Township; thence from said point North Forty-nine (49°) degrees West along Penn Avenue a distance of 1292 feet to a point on line of the City of Johnstown and the Township of Lower Yoder; said point being at the centre of said Penn Avenue and Ninth Street ; thence through centre line of Ninth Street South Forty-one (41°) degrees West a distance of 160 feet to a point on Virginia Avenue, the place of ending. Said Virginia Avenue being an improved highway.

We are of the opinion and unanimously agree that the laying out and opening of the road thus described is not necessary. The proposed location runs parallel for nearly the entire length with Virginia Avenue aforesaid, that between the points "A and B" designated on the plot or draft hereto attached and made a part of this report a distance of 178 feet there is a grade of Nineteen and one-half ($19\frac{1}{2}\%$) per cent. The average width of Penn Avenue as now used for private road is about eleven and one-half ($11\frac{1}{2}$) feet. To widen said Penn Avenue or the proposed road to a

width of Forty (40) feet it would necessitate the taking of a strip of ground of approximately Twenty-eight (28) feet off the rear of approximately Thirty-six (36) properties and the destruction or removal of nine (9) houses, if proposed road was laid out from the northerly line of Penn Avenue southward- which would be the logical place for the road- and would necessitate the erection of a retaining wall for the full length on either side of the road approximately Seven and one-half ($7\frac{1}{2}$) feet high; if said proposed road was laid out from the southerly side of Penn Avenue north- was it would require a retaining wall averaging about Fifteen (15) feet high for the full length of the road on the Northerly side.

For these reasons we are of the opinion that it would be too burdensome for the tax payers of the Township of Lower Yoder to lay out and open the proposed road.

WITNESS our hands this Seventh day of August A. D. 1924.

Dixon Torrey
A. M. Shoemaker
M. K. J. Bannister
Viewers.

In re Laying out of a Public
Road in Lower Yoder Township.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 2 June Sess. 1924.

In Account with MAHLON J. BAUMGARDNER, A. M.
SHOEMAKER, and DIXON TOMB.

In Account with Mahlon J. Baumgardner, Dr.

Order to View	.90
Data and preparing Notices	7.50
Stenographer and Stationery & stamps	4.20
Posting Notices	7.50
Making View	7.50
Mileage	.50
Conference in re report	7.50
Preparing Report of Viewers	7.50
Stenographer and Stationery	3.50
Advertising Notice to View, Tribune	7.00
Advertising Notice to View, Legal Jr.	4.00
	<hr/>
	\$ 57.60

AUG 11 1924 CERTIFIED

AUG 11 1924 CERTIFIED

IN Account with A. H. Shoemaker, Dr.

Making View	7.50
Engineering work	75.00
2 chainmen	7.00
84 miles (2 trips)	4.20
Conference in re report	7.50
	<hr/>
	\$101.20

AUG 11 1924 CERTIFIED

AUG 11 1924 CERTIFIED

In Account with Dixon Tomb, Dr.

Making View,	7.50
Mileage	.50
Conference in re report	7.50
	<hr/>
	\$15.50

AUG 11 1924 CERTIFIED

AUG 11 1924 CERTIFIED

APPROVED FOR PAYMENT

[Handwritten Signature]
COMMISSIONERS

In re Laying out Public Road in Lower Yoder Township, Cambria County, Penna. beginning at a point on Gilbert Street 285 feet from intersection of Gilbert Street and center of P. R. R. tracks in said Township; and ending at point 1323 feet from intersection of Virginia Avenue and Delaware Avenue, of the City of Johnstown.

In the Court of Quarter Sessions of Cambria County, Pa

No. 2 June Sessions 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of laying out a Public Road leading from a point on Gilbert Street, near the office of Robert Steigelman, Justice of the Peace, which point is located 285 feet from the intersection of Gilbert Street and the center of the Pennsylvania Railroad tracks in said Township; and extending thence to a point at the intersection of Virginia Avenue and the Johnstown City line; which point is located 1323 feet from the intersection of Virginia Avenue and Delaware Avenue in said City of Johnstown, in the Township of Lower Yoder, Cambria County, Penna., will meet at the place of beginning on Wednesday July 2nd., A. D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARINER,

A. M. SHOCKMAKER,

DIXON TOMB,

June 20, 1924.

Viewers.

And now June 2/ 1924, I hereby accept service of the above Notice to View as Solicitor for the petitioners.

Stewart Barber

In re Laying out of a Public Road
in Lower Yoder Township, Cambria
County, Penna., beginning at a point
on Gilbert Street 285 feet from inter-
section of Gilbert Street and center of
P. R. R. tracks in said Township and end-
ing at point 1323 feet from intersection of
Virginia Avenue and Delaware Avenue of the
City of Johnstown.

In the Court of Quarter
Sessions of Cambria County
Penna.
No. 2 June Sessions 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court, to
view for the purpose of laying out a Public road leading from a point
on Gilbert Street near the office of Robert Steigelman, Justice of
the peace, which point is located 285 feet from the intersection of
Gilbert Street and the center of the Pennsylvania Railroad tracks
in said Township, and extending thence to a point at the intersection
of Virginia Avenue and the Johnstown City Line, which point is located
1323 feet from the intersection of Virginia Avenue and Delaware Avenue
in said City of Johnstown, in the Township of Lower Yoder, Cambria
County, Penna., will meet at the place of beginning on Wednesday July
2nd., A. D. 1924 at 10 O'clock A. M. for the purpose of performing the
duties of our appointment.

MAHLON J. BAUMGARDNER,

A. M. SHOEMAKER,

DIXON TOMB,

June 20, 1924.

Viewers.

And now June 20th 1924, I hereby accept service of the
above Notice to View for the Supervisors of Lower Yoder Township.

*Kindly sign and return
to Mahlon J. Baumgardner
310 Duane St. P. O.
Johnstown, Pa.*

John Luther
Secretary of Supervisors
Lower Yoder Twp.

In re Laying out Public Road in Lower Yoder Township, Cambria County, Penna. beginning at a point on Gilbert Street 285 feet from intersection of Gilbert Street and center of P. R. R. tracks in said Township and ending at point 1323 feet from intersection of Virginia Avenue and Delaware Avenue, of the City of Johnstown.

In the Court of Quarter Sessions of Cambria County, Pa
No. 2 June Sessions, 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court, to view for the purpose of laying out a Public road leading from a point on Gilbert Street near the office of Robert Steigelman, Justice of the Peace, which point is located 285 feet from the intersection of Gilbert Street and the center of the Pennsylvania Railroad tracks in said Township; and extending thence to a point at the intersection of Virginia Avenue and the Johnstown City Line, which point is located 1323 feet from the intersection of Virginia Avenue and Delaware Avenue in said City of Johnstown, in the Township of Lower Yoder, Cambria County, Penna. will meet at the place of beginning on Wednesday, July 2nd. A. D. 1924 at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

MAHEON J. BAJEGARDNER,

A. M. SHOEMAKER,

DIXON TOMB,
Viewers.

June 20, 1924.

And now June 23, 1924, I hereby accept service of the above Notice to View for the Commissioners of Cambria County.

S. S. Kintead
Chief Clerk.

VIEWERS' NOTICE—In re laying out of a public road in Lower Yoder Township, Cambria County, Pennsylvania, beginning at a point on Gilbert street 285 feet from intersection of Gilbert street and center of P. R. R. tracks in said township and ending at point 1,323 feet from intersection of Virginia avenue and Delaware avenue of the City of Johnstown.

In the Court of Quarter Sessions of Cambria County, Pennsylvania. No. 2 June Sessions, 1924.

NOTICE TO VIEW.

We, the undersigned Viewers, appointed by the above Court to view for the purpose of laying out a public road leading from a point on Gilbert street near the office of Robert Steigelman, Justice of the Peace, which point is located 285 feet from the intersection of Gilbert street and the center of the Pennsylvania Railroad tracks in said Township, and extending thence to a point at the intersection of Virginia avenue and the Johnstown city line, which point is located 1,323 feet from the intersection of Virginia avenue and Delaware avenue in said City of Johnstown, in the Township of Lower Yoder, Cambria County, Pennsylvania, will meet at the place of beginning on Wednesday, July 2, A. D. 1924, at 10 o'clock a. m. for the purpose of performing the duties of our appointment.

MAHLON J. BAUMGARDNER,
A. M. SHOEMAKER, Viewers.
DIXON TOMB,
June 20, 1924.

NOTICE

In re Laying out Public Road in Lower Yoder Township, Cambria County, Penna., beginning at a point on Gilbert Street 285 feet from intersection of Gilbert Street and center of P. R. R. tracks in said Township; and ending at point 1323 feet from intersection of Virginia Avenue and Delaware Avenue, of the City of Johnstown.

In the Court of Quarter Sessions of Cambria County, Pa. No. 2 June Sessions 1924.

NOTICE TO VIEW

We the undersigned Viewers, appointed by the above Court to view for the purpose of laying out a Public Road leading from a point on Gilbert Street, near the office of Robert Steigelman, Justice of the Peace, which point is located 285 feet from the intersection of Gilbert Street and the center of the Pennsylvania Railroad tracks in said Township; and extending thence to a point at the intersection of Virginia Avenue and the Johnstown City line; which point is located 1323 feet from the intersection of Virginia Avenue and Delaware Avenue in said City of Johnstown, in the Township of Lower Yoder, Cambria County, Penna., will meet at the place of beginning on Wednesday, July 2nd, A. D., 1924, at 10 o'clock A. M. for the purpose of performing the duties of our appointment.

Mahlon J. Baumgardner,
A. M. Shoemaker,
Dixon Tomb, Viewers.

June 20, 1924.

6-27-14

Order to view public road in

Lower Yoder Township

Mahlon J. Baumgardner

A. M. Shoemaker

Dixon Tomb

} Viewers

Clerk Robb 90 cts.

H. Earl Sorber

RU

W.W. Martin, Red Staff

Room 21 Allons to (32)

again

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." f

"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 18th day of June 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 on Gilbert Street near the office of Robert Stiegelman, Justice of the Peace, which point is located two hundred and eighty five (285) feet from the intersection of Gilbert Street and the center of the Pennsylvania Railroad tracks in said Township; and extending thence to a point at the intersection of Virginia Avenue and the Johnstown City line, which point is located thirteen hundred and twenty three (1323) feet from the intersection of Virginia Avenue and Delaware Avenue 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

A. M. Shoemaker

surveyor, and

Mahlon J. Baumgardner 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.

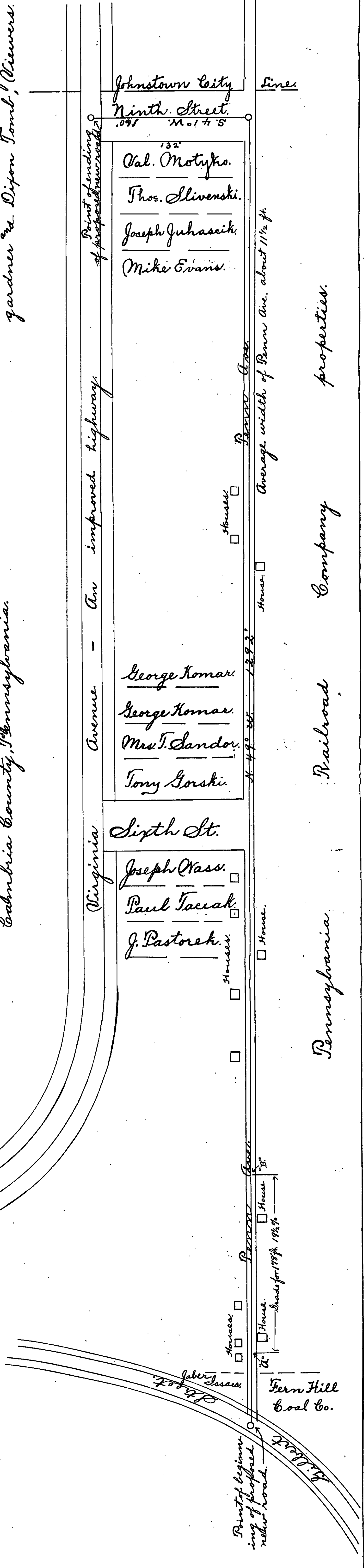
By the Court.

Attest:

Clerk.

Viewed July 2nd, A.D. 1924, upon the attached order of the Court of Quarter Sessions of Cambria County, Pennsylvania.
 A.M. Shoemaker, Mahlon J. Baumgardner and Dixon Tomb, Viewers.

Plot or draft showing the location of a proposed new public road - along the narrow dedicated street known as Penn Avenue - from Gilbert Street to the Johnstown City line; in Lower Gorder Township, Cambria County, Pennsylvania.



properties.

Company

Railroad

Pennsylvania