

R.D. #4. Dec. 1924

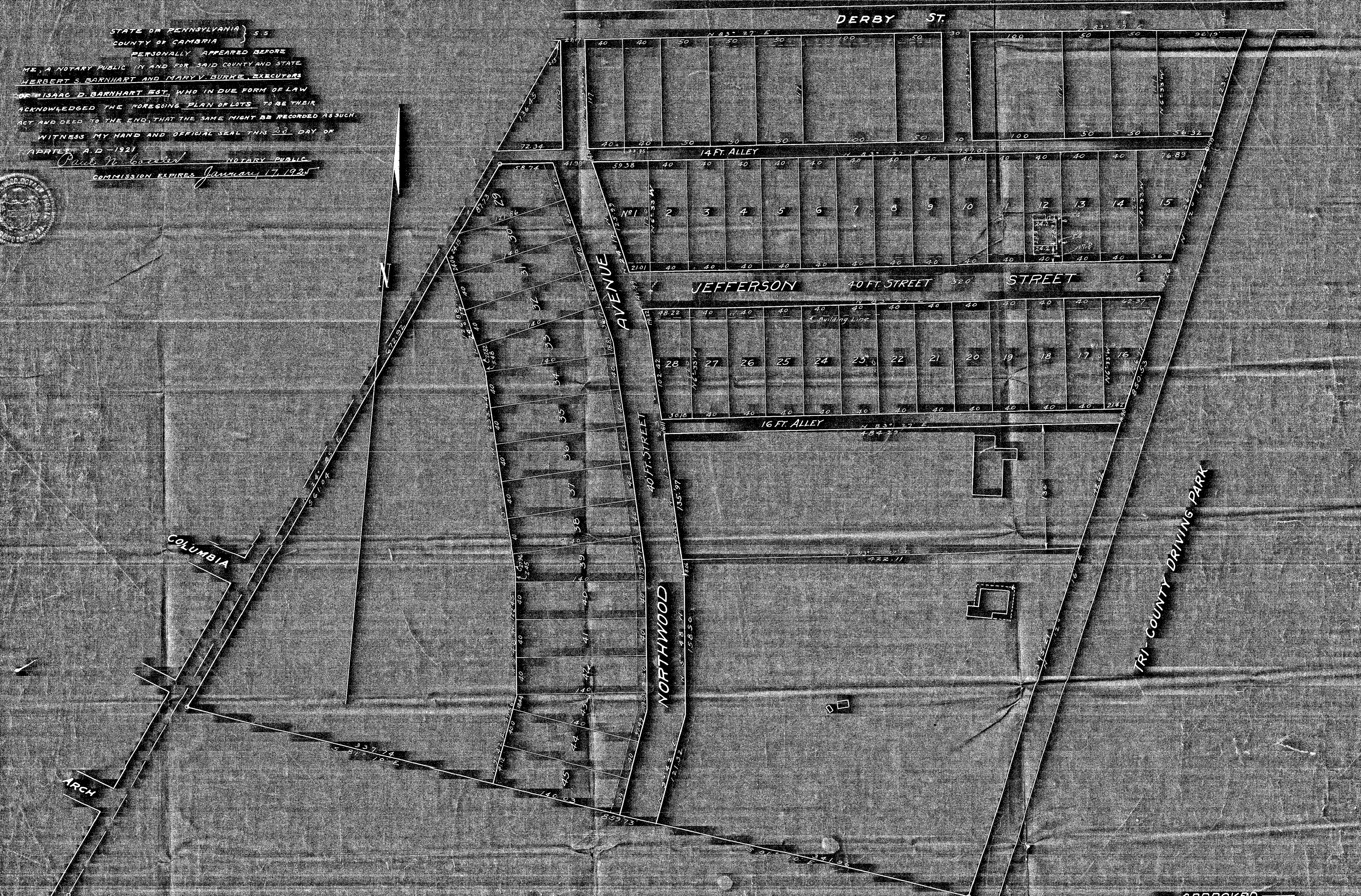
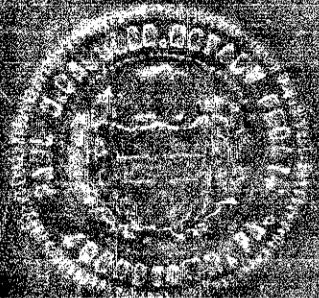
Map #1

Not Microfilmed

STATE OF PENNSYLVANIA } S.S.  
COUNTY OF CAMBRIA

PERSONALLY APPEARED BEFORE  
ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE  
HERBERT S. BARNHART AND MARY V. BURKE, EXECUTORS  
OF ISAAC D. BARNHART EST., WHO IN DUE FORM OF LAW  
ACKNOWLEDGED THE FOREGOING PLAN OF LOTS TO BE THEIR  
ACT AND DEED TO THE END, THAT THE SAME MIGHT BE RECORDED AS SUCH.  
WITNESS MY HAND AND OFFICIAL SEAL THIS 28 DAY OF  
APRIL, A.D. 1921

*Paul M. Gores* NOTARY PUBLIC  
COMMISSION EXPIRES *January 17, 1925*



**PLAN OF LOTS**  
ON  
**ISAAC D. BARNHART EST.**  
SCALE 1"=50' APRIL 13, 1917  
**FETTERMAN ENGINEERING CO.**

**UPPER YODER TWP.**

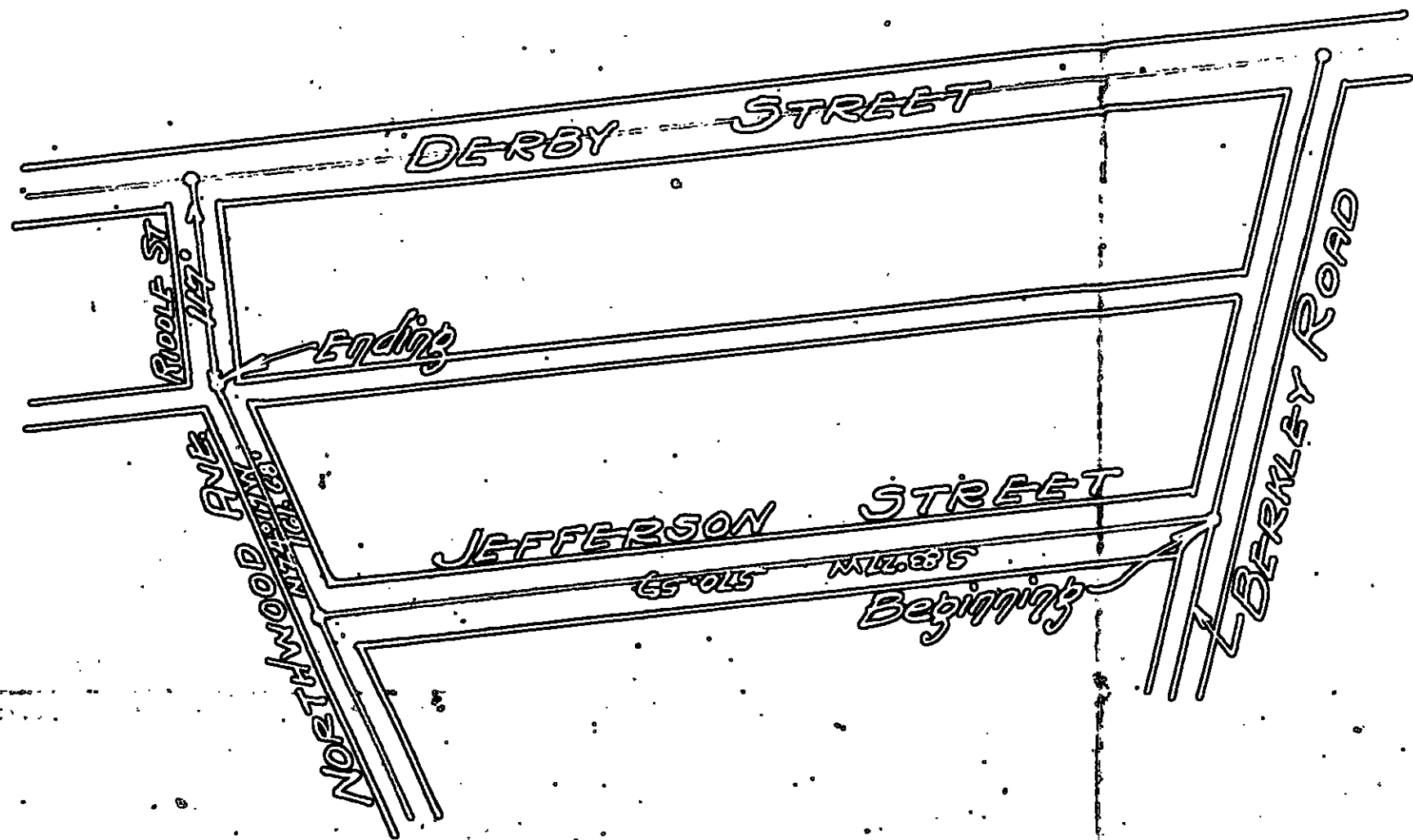
APPROVED  
*March 24, 1921*  
BY THE  
CITY PLANNING COMMISSION  
*Edmund C. ...* PRESIDENT  
ATTEST: *Geo. M. ...* SECRETARY

AREA = 13.392 ACRES

R.O. #4 Dec. 1924

Map #2

Not microfilmed



Cambria County  
 PROPOSED TWP ROAD  
 Situate in  
 Upper Yoder Twp Cambria Co. Pa.  
 Scale 1"=100' Feb 28 1925  
 S. E. Dickey & Co Engineers  
 Johnstown, Pa.

No 4 December Session 1924  
 Mr. Baumgardner } Viewers  
 S. E. Dickey }  
 Dixon Tomb }

In re Laying Out of a Public road  
in Upper Yoder Township, Cambria  
County, Pennsylvania, beginning  
on line of Berkley Road 285.03 feet  
from Derby Street and ending on  
Riddle Street, in said Township.

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

No. 4 December 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 beginning at a  
point on line of Berkley Road, said point which is here given as  
the center line of the proposed road being exactly 285.03 feet to  
Derby Street. The said proposed road takes the following courses  
and distances from the aforesaid point; South 83 degrees 27 minutes  
West 570.59 feet to center line of Northwood Avenue; thence North  
24 degrees 17 minutes West 161.68 feet to Riddle Street, also a  
public road, will meet on the premises, Wednesday, February 25th. 1925  
at 10:30 A. M. for the purpose of performing the duties of our  
appointment.

MAHLON J. BAUMGARDNER,

S. E. DICKEY,

DIXON TOMB,

Viewers.

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

No. 4 December Sessions 1924

In re Laying out of a Public  
Road in Upper Yoder Township  
Cambria County, Penna.,  
beginning on line of Berkley  
Road 285.03 feet from Derby  
Street and ending on Riddle  
Street in said Township

REPORT OF VIEWERS.

Filed 2 March 1925

11:30 A.M.

**CERTIFIED**

*Jacob M. Hoffmann*

COUNTY CONTROLLER

**MAHLON J. BAUMGARDNER**

ATTORNEY AT LAW

JOHNSTOWN, PENNA.

SWANK BLDG.

9 March 1925 Approval and breadth fixed at 40 feet.

By the Court

8 June 1925 confirmed absolutely, Frank C. Robt.  
Clark

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

In re Laying Out of a Public Road  
in Upper Yoder Township, Cambria  
County, Pennsylvania, beginning  
on line of Berkley Road 285.03 feet  
from Derby Street and ending on  
Riddle Street in said Township.

No. 4 December Sessions 1924

REPORT OF VIEWERS.

To the Honorable, the Judges of said Court:-

We, the undersigned Viewers appointed by the above Court,  
to view the premises for the purpose of laying out a public road  
to lead from a point on line of Berkley road a public road; said  
point, which is here given as the center line of the proposed road be  
being exactly Two Hundred eighty-five and three onehundredths  
(285.03) feet to Derby Street, said Derby Street being the nearest  
intersecting public road or street already open. The said proposed  
road, as your petitioners desire it to extend, takes the following  
courses and distances from the aforesaid point, which is designated  
as the center line of the proposed road; South 83° 27' West 570.79  
feet to center line of Northwood Avenue; thence North 24° 17' West  
161.68 feet to Riddle Street, also a public road, that the nearest  
intersecting public road to said Riddle Street is Derby Street, the  
exact distance from the end of which proposed road is 117 feet;  
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 handbills posted on the premises and by Notices  
served on the Commissioners of Cambria County and upon the Super-  
visors of Upper Yoder Township, all of whom accepted service, at  
least ten days prior to the time of making of said view, evidence

of which is shown by copies of the said notices hereto attached and made a part of this report; that we met upon the premises according to notice given on Wednesday, February 25th., A. D. 1925 at 10:30 o'clock A. M. and proceeded with the duties of our appointment.

That 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 therefore lay out and return for public use a road, as follows:-

BEGINNING at a point in Berkley Road Two Hundred Eighty-five and three tenths (285.3) feet South of Derby Street; thence by the center line of a dedicated street known as Jefferson Street South Eighty-three (83°) degrees Twenty-seven (27') minutes West Five Hundred Seventy and fifty-nine one hundredths (570.59) feet to the center line of a dedicated street known as Northwood Avenue; thence by said center line North Twenty-four (24°) degrees Seventeen (17') minutes West One Hundred Sixty-one and sixty-eight one hundredths (161.68) feet to the end of Riddle Street, a public highway, said ending being One Hundred Seventeen (117.) feet South of the southerly side of Derby Street.

We further report that we endeavored to obtain from all the owners of land upon which the said road is located, released of the damages to arise by reason of such location, we were unable to secure 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 Twenty-eighth day of February A.D. 1925.

L. E. Dickey  
Dixon Torrey  
Walter J. Baumgardner

Viewers.

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

In re Laying out of a Public road  
in Upper Yoder Township, Cambria  
County, Pennsylvania, beginning  
on line of Berkley Road 285.03 feet  
from Derby Street and ending on  
Riddle Street in said Township.

No. 4 December Sess. 1924.

MAHLON J. BAUMGARDNER, DIXON TOMB

AND S. E. DICKEY, DRS.

Mahlon J. Baumgardner, Dr.

Order to View		7.90
Preparing Notice to View		7.50
Stenographer and Stationery		3.50
Posting Notices		7.50
Making View		7.50
Mileage		.50
Preparing Report		7.50
Stenographer and Stationery		3.50
		<u>\$38.40</u>

CERTIFIED

COUNTY CONTROLLER

Dixon Tomb, Dr.

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

CERTIFIED

COUNTY CONTROLLER

S. E. Dickey, Dr.

Making View		7.50
Mileage		.40
Making survey and data		<u>15.00</u>
Expense		.40
Making draft		7.50
Tracing cloth		.30
3 blue prints		1.00
		<u>\$32.10</u>

CERTIFIED

COUNTY CONTROLLER

APPROVED FOR PAYMENT

*[Handwritten signature]*  
*[Handwritten signature]*  
*[Handwritten signature]*  
COMMISSIONERS

In re Laying Out of a Public road  
in Upper Yoder Township, Cambria  
County, Pennsylvania, beginning on  
line of Berkley Road 285.03 feet  
from Derby Street and ending on  
Riddle Street, in said Township.

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

No. 4 December 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 beginning at a  
point on line of Berkley Road, said point which is here given as  
the center line of the proposed road being exactly 285.03 feet to  
Derby Street. The said proposed road takes the following courses and  
distances from the aforesaid point, South 83 degrees 27 minutes  
West 570.59 feet to center line of Northwood Avenue; thence North  
24 degrees 17 minutes West 161.68 feet to Riddle Street, also a public  
road; will meet on the premises Wednesday, February 25th, 1925 at 10:30  
o'clock A. M. for the purpose of performing the duties of our appoint-  
ment.

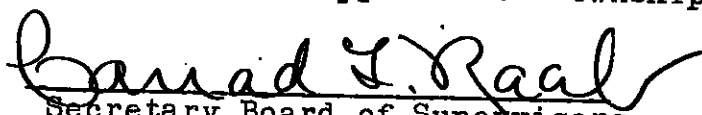
MAHLON J. BAUMGARDNER,

S. E. DICKEY,

BIXON TOMB,

Viewers.

And now February 14, 1925 I hereby accept service of the within  
Notice to View as Secretary of the Supervisors of Upper Yoder Township.

  
Secretary Board of Supervisors  
Upper Yoder Township.

In re Laying out of a Public road  
in Upper Yoder Township, Cambria  
County, Pennsylvania, beginning  
on line of Berkley Road 285.03 feet  
from Derby Street and ending on  
Riddle Street, in said Township.

In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 4 December 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 beginning at a  
point on line of Berkley Road, said point which is here given as rhw  
the center line of the proposed road being exactly 285.03 feet to  
Derby Street. The said proposed road takes the following courses and  
distances from the aforesaid point, South 83 degrees 27 minutes West  
570.59 feet to center line of Northwood Avenue; thence North 24 degrees  
17 minutes West 161.68 feet to Riddle Street, also a public road;  
will meet on the premises on Wednesday, February 25th. 1925, at 10:30  
o'clock A. M., for the purpose of performing the duties of our appoint-  
ment.


MAHLON J. BAUMGARDNER,

S. E. DICKEY,

DIXON TOMB,

Viewers.

And now February 14, 1925. I hereby accept service of  
the within Notice to View for the Commissioners of Cambria County,

  
Chief Clerk Commissioners of  
Cambria County.



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 26th day of January 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 line of Berkley Road a public road, said point, which is here given as the center line of the proposed road being exactly two hundred eighty-five and three hundredths (285.03) feet to Derby Street, said Derby Street being the nearest intersecting public road or street already open. The said proposed road, as your petitioners desire it to extend, takes the following courses and distances from the aforesaid point, which is designated as the center line of the proposed road: South eighty-three (83) degrees twenty-seven (27) minutes West five hundred seventy and fifty-nine hundredths (570.59) feet to center line of Northwood Avenue; thence North twenty-four (24) degrees seventeen (17) minutes West one hundred sixty-one (161.68) feet to Riddle Street, also a public road; That the nearest intersecting public road to said Riddle Street is Derby Street, the exact distance from the end of which proposed road is one hundred seventeen (117) feet; as more fully shown on blue print known as Plan of Lots on the Isaac D. Barnhart Estate, made by Fetterman Engineering Company, which blue print is hereto attached made part hereof and marked "Exhibit A".

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 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:

Innahe b. Potts

Clerk.

No. 4 December Session 1924.

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

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, January 26 1925,  
the within Petition having been  
read and considered *Walter Baum*  
and *D. E. Risher*  
and *Oliver T. ...* are  
appointed viewers as within prayed  
for.

*By the Court*  
L

Filed 26 January 1925.

LAW OFFICES OF  
FRANK P. BARNHART  
JOHNSTOWN, PENNA.

In re Laying Out Public Road in    )    In the Court of Quarter Sessions  
the Township of Upper Yoder,        :    of Cambria County, Penna.  
County of Cambria and State of     :  
Pennsylvania.                        )

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 public road or highway in the said Township of Upper Yoder, said proposed public road beginning at a point on line of Berkley Road a public road, said point, which is here given as the center line of the proposed road being exactly two hundred eighty-five and three hundredths (285.03) feet to Derby Street, said Derby Street being the nearest intersecting public road or street already open. The said proposed road, as your petitioners desire it to extend, takes the following courses and distances from the aforesaid point, which is designated as the center line of the proposed road: South eighty-three (83) degrees twenty-seven (27) minutes West five hundred seventy and fifty-nine hundredths (570.59) feet to center line of Northwood Avenue; thence North twenty-four (24) degrees seventeen (17) minutes West one hundred sixty-one and sixty-eight hundredths (161.68) feet to Riddle Street, also a public road. That the nearest intersecting public road to said Riddle Street is Derby Street, the exact distance from the end of which proposed road is one hundred seventeen (117) feet; as more fully shown on blue print known as Plan of Lots on the Isaac D. Bernhart Estate, made by Fetterman Engineering Company, which blue print is hereto attached, made part hereof and marked "Exhibit A".

Your petitioners therefore pray the Court to appoint proper persons

to view and lay out the same according to law.

Curt Barnhart

F. A. DeLozier

Clyde P. Myler

J. D. Gailay

Oscar C. Mulhollen

Herbert S. Barnhart

Charles M. Means

J. B. Barnhart Catlett

G. H. Barnhart Esq.

W. B. Rappaport

Charles Till

Elemer R. Griffith

John Henneke

Fred L. Barnhart

Ralph Barnhart

Frank L. Gardner

Harry Henschberger

Miriam Henschberger

Carl C. Stuber

COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF CAMBRIA :

Personally appeared before me, A Notary Public in and for said State and County, CURT BARHNART, 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.

Sworn and subscribed before me  
this 26<sup>th</sup> day of January, 1925.

Curt Barhnart

James S. Boyer

NOTARY PUBLIC  
My Commission Expires April 4, 1925