

I hereby accept service of the notice of the presentation of petition asking for the appointment of Re-Viewers in the within proceedings, entered to No. 4 March Sessions, 1931, as Solicitor for the Board of Supervisors of the Township of Upper Yoder, Cambria County, Pennsylvania.

June 10, 1931.

Frank P. Barubash

Solicitor for the Board of Supervisors of Upper Yoder twp.

IN THE COURT OF QUARTER SESSIONS, CAMBRIA COUNTY, PENNSYLVANIA. NO. 4 MARCH SESSIONS, 1931.	IN RE VACATION OF PUBLIC ROAD, PORTION OF MILLCREEK ROAD, IN THE TOWNSHIP OF UPPER YODER, CAMBRIA COUNTY, PENNSYLVANIA.	PETITION FOR RE-VIEWERS.	Filed 22 June 1931	MAHLON J. BAUMGARDNER ATTORNEY AT LAW JOHNSTOWN, PENNA. SWANK BLDG.
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IN RE VACATION OF PUBLIC
ROAD, PORTION OF MILLCREEK ROAD
IN THE TOWNSHIP OF UPPER YODER,
CAMBRIA COUNTY, PENNSYLVANIA.

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

NO. 4 MARCH SESSIONS, 1931.

PETITION FOR RE-VIEWERS.

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned, respectfully represents:-

That on the first day of June, 1931, A. M. Shoemaker, Adam Shuman and Dixon Tomb, Viewers, filed their report in which they recommended that a certain piece of road, taking the following courses and distances, viz:

BEGINNING at the Southwest termini and extending thence as follows: North 22° 30' East 135 feet, South 79° 30' East 180 feet, North 77° East 324 feet, North 81° East 39 feet, North 71° 30' East 216 feet, North 13° 30' East 315 feet, North 12° 45' West 75 feet, North 4° East 126 feet, North 82° 30' East 268 feet, North 15° 15' West 181 feet, North 9° 30' West 135 feet, North 6° 30' West 250 feet, North 29° 30' West 177 feet, North 15° 30' West 114 feet, North 21° West 195 feet, North 15° West 330 feet, North 6° 30' West 295 feet, North 8° 30' East 202 feet, North 30° East 339 feet, North 43° 45' East 238 feet, North 40° 30' East 295 feet and North 53° East 440 feet to the Northeast termini of the piece of road to be vacated, in the Township of

Upper Yoder, has become useless, inconvenient and burdensome and should be vacated.

Second: That your Honorable Court approved the said report on the eighth day of June, 1931.

Third: That your petitioners believe that the above described road has not become useless, inconvenient and burdensome, and further believe that the same should not be vacated.

Fourth: That the above described road is still convenient and necessary to the use of your petitioners and the public.

Fifth: That notice of the within application has been served on the Commissioners of Cambria County and the Supervisors of Upper Yoder Township, of the territory through which the said road is laid out and constructed, in accordance with the Act of May 20, 1905, P. L. 69.

WHEREFORE, your petitioners pray your Honorable Court to appoint Re-Viewers to re-view the within described road for the same purposes.

H. B. Fallgatter
Thomas S. Schubert

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 4 March Sessions, 1931

IN RE VACATION OF PUBLIC ROAD--
PORTION OF HILLCREEK ROAD,
(in Township of Upper Yoder,
County of Cambria, State of
Pennsylvania)

PETITION FOR VACATION OF ROAD
and ORDER

Filed 23 March 1931.

LAW OFFICES OF
FRANK P. BARNHART
JOHNSTOWN, PENNA.

IN RE VACATION OF PUBLIC ROAD --
PORTION OF MILLCREEK ROAD,
(in Township of Upper Yoder,
County of Cambria, State of
Pennsylvania)

§ In the Court of Quarter Sessions
: of Cambria County, Pennsylvania
:
: No. March Sessions, 1931
§

PETITION FOR VACATION OF ROAD

TO THE HONORABLE THE JUDGES OF THE COURT OF QUARTER SESSIONS OF THE PEACE IN
AND FOR THE COUNTY OF CAMBRIA, PENNSYLVANIA:

The petition of the undersigned Supervisors of the Township of
Upper Yoder, in the said County of Cambria, respectfully represents:

(1) That the Millcreek Road, a township road, extending from
the Ligonier Pike in said township to the City of Johnstown, was laid out and
opened by the Court of Quarter Sessions upwards of sixty years ago. That a
portion of said Millcreek Road, beginning at a point, the exact distance from
said point to the said Ligonier Pike being four hundred and two (402) feet
and extending in a northerly direction to a point, the exact distance from
which point to an intersecting public road, to wit: the Fender Road, is seven
thousand three hundred thirty-six (7336) feet, your petitioners conceive is
now become useless, inconvenient and burdensome.

(2) Your petitioners further represent that in March, 1919,
the said Millcreek Road, extending from the Borough of Westmont to the said
Ligonier Pike was reconstructed and a portion of said Millcreek Road, to wit:
the portion above described and now represented by your petitioners as being
useless, inconvenient and burdensome, was abandoned and the new and reconstruc-
ted portion built instead thereof between the said two points mentioned above,
said points being as aforesaid, four hundred and two (402) feet from the said
Ligonier Pike and seven thousand three hundred thirty-six (7336) feet from the
said Fender Road, respectively.

(3) The courses and distances of the portion of old road herein petitioned to be vacated are as follows:

BEGINNING at a point; thence South seventy-six degrees eighteen minutes East three hundred twenty-six and fourteen-hundredths (326.14) feet to a point; thence North seventy-four degrees forty-seven minutes East five hundred sixty-three and twenty-one-hundredths (563.21) feet to point; thence North thirty-two degrees fifty-seven minutes East two hundred fifty-seven and one-tenths (257.1) feet to point; thence North fifty degrees thirty-nine minutes East three hundred ninety-four and six-tenths (394.6) feet to a point; thence North seventeen degrees thirty-one minutes West two hundred fifty-four and six-tenths (254.6) feet to point; thence North seven degrees thirty-nine minutes West three hundred twenty (320) feet to point; thence North fifty-three degrees one minute West one hundred ninety-five (195) feet to point; thence North nineteen degrees eleven minutes West four hundred forty (440) feet to point; thence North fifteen degrees forty-one minutes West two hundred (200) feet to point; thence North seven degrees eleven minutes West two hundred eighty (280) feet to point; thence North seven degrees thirty-nine minutes East two hundred five (205) feet to point; thence North thirty-one degrees twenty-nine minutes East three hundred sixty-five (365) feet to point; thence North forty-one degrees fifty-nine minutes East four hundred fifty (450) feet to point; thence North fifty degrees fifty-nine minutes East five hundred (500) feet to a point, said point being on the Ligonier Pike, above mentioned.

Your petitioners therefore pray the Court that the said road, beginning four hundred and two (402) feet from the said Ligonier Pike and extending to a point which is seven thousand three hundred thirty-six (7336) feet from the said Fender Road may be vacated, agreeably to the Acts of General Assembly in such cases made and provided.

D. H. Weaver

Adam Reifer

Scott Beams

SUPERVISORS OF UPPER YODER TOWNSHIP
CALBRIA COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CAMBRIA : SS

Personally appeared before me, a Notary Public in and for said state and county, D. H. WEIMER, one of the within named Supervisors of Upper Yoder Township, petitioner herein, who being duly sworn according to law, deposes and says that the matters and facts set forth in the foregoing petition are true and correct.

D. H. Weimer

Sworn and subscribed before me
this 21st day of March, 1931

Jennie S. Boyer

NOTARY PUBLIC
BY COMMISSION EXPIRES 12-31-1931

IN RE VACATION OF PUBLIC ROAD --
PORTION OF MILLCREEK ROAD,
(in Township of Upper Yoder,
County of Cambria, State of
Pennsylvania)

§ In the Court of Quarter Sessions
: of Cambria County, Pennsylvania
:
: No. March Sessions, 1931
§

ORDER

Now, to wit: March 23, 1931, on motion of Frank P. Barnhart,
attorney for petitioners, the Court, appoint *Wm. Shoemaker Esq*
and *Philip Cauffield* and *Dixon Tomb*
as a Board of View upon the foregoing petition and further order that the said
Board of View shall perform their duties in accordance with the laws and
Acts of Assembly in such case made and provided.

By *H. Court*
Esq. P. Jr.

And now, May 15, 1931, it appearing to the
Court that illness of Philip Cauffield prevented his
serving as a viewman in the above stated proceeding
and the above deam is now amended to appoint
Adam Shuman instead of Philip Cauffield.

By *H. Court*
Esq. P. Jr.

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 March SESSIONS, 1931

Order to re view in re Vacation of

Public road in Upper Yoder

Township

Filed 7 Sept. 1931

Viewers

S. E. Dickey

Philip E. Caulfield

J. D. Ritter

Clerk 90 cts.

14 Sept. 1931 Approved
By the Court
Evan P. J.

14 Dec. 1931 Confirmed absolutely
Frank B. Roth
ls. lsb

REVIEW IN RE: VACATION OF PUBLIC ROAD IN UPPER YODER TOWNSHIP, CAMBRIA COUNTY, PA. | IN THE COURT OF QUARTER SESSIONS, CAMBRIA COUNTY, PENNSYLVANIA. NO. 4, MARCH SESSIONS, 1931.

AGREEMENT OF COUNSEL.

We have read the within Report of Viewers, and we find that the report is satisfactory to the Supervisors of the Township of Upper Yoder and to the Petitioner; and, therefore, it is agreed that no exceptions to same be filed by Counsel for the Township of Upper Yoder or by Counsel for the Petitioner; and further that said Report of Viewers be filed in the office of the Clerk of Courts of Quarter Sessions of Cambria County and confirmed nisi and later confirmed absolutely, as provided for in the Act of General Assembly.

Wm. P. Baruch
Counsel for the Township of Upper Yoder.
Wm. J. Bump
Counsel for the Petitioner.

Dated *Sept. 2, 1931.*

REVIEW IN RE: VACATION OF
PUBLIC ROAD IN UPPER YODER
TOWNSHIP, CAMBRIA COUNTY,
PA.,

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA
NO. 4, MARCH SESSION, 1931

REPORT OF VIEWERS

To the Honorable, the Judges of the above mentioned Court. We, the undersigned Viewers, appointed by the attached order of the above Court to review the road within mentioned, respectfully report.

That we have been duly sworn or affirmed as members of the Permanent Board of Viewers of Cambria County, as shown by the records of the Court; that having given due public notice of the said view and of the time and place of meeting by posting of notices, as required by law, along the route and at the termini of said road proposed to be vacated and by service of such notice on the Commissioners of Cambria County, the Supervisors and Counsel of Upper Yoder Township and the Attorney for the Petitioners, acceptance of said notices of the Commissioners, Supervisors, Counsel and Attorney being hereto attached; that we met in accordance with the notice given on the 18th day of July A. D. 1931 at 9:30 o'clock A. M. (Eastern Standard Time) and proceeded with the duties of our appointment and reviewed the premises and route of the proposed road to be vacated; that the Supervisors and a large number of interested persons were present and heard; that a large number of persons protested against the closing of said road, also a large number were in favor of vacating said road. In addition to the persons present at the view, petitions were presented signed by a large number of persons both for and against the proposed vacation.

That after viewing the premises and surrounding territory and taking into consideration all of the matter before us, we find that the portion of said highway proposed to be

vacated from station 0 on the Menoher Highway extending to station 8 plus 95 feet at the eastern end of the bridge crossing Dalton Run, colored red on blue print hereto attached, and described as follows: Beginning at station 0 on the easterly side of the Menoher Highway, North 29° 30' East, 300 feet from the Ligonier Pike; thence North 22° 30' East, 135 feet to station 1; thence South 79° 30' East, 180 feet to station 2; thence North 77° 00' East, 324 feet to station 3; thence North 81° 00' East 39 feet to station 4; thence North 71° 30' East, 216 feet to station 5; thence North 13° 30' East, 315 feet to station 6; thence North 12° 45' West, 75 feet to station 7; thence North 49° 00' East, 120 feet to station 8; thence North 82° 30' East, 95 feet to station 8 plus 95 feet, has become useless, inconvenient and burdensome to the tax payers. We find however that the remaining portion of said road proposed to be vacated, between the aforesaid Bridge and the northern termini in the Menoher Highway, colored green on the blue print hereto attached, is convenient and not burdensome to the tax payers.

After due and further consideration of all matters before us, we are of the opinion, that that portion of the road proposed to be vacated, above described and shown in red on the blue print, is inconvenient and burdensome, and therefore recommend that said portion be vacated; that that portion of the road proposed to be vacated, shown in green on the blue print, is convenient and not burdensome, and therefore recommend that said portion be not vacated.

That the plot or draft hereto attached shows the improvements and the Owners of the adjacent properties along the route of said section of road proposed to be vacated.

That Philip E. Caulfield, one of the Viewers appointed by the Court on this view, was not present, being confined on account of sickness.

Witness our hands this 2nd day of September A. D. 1931.

W. E. Dickes
J. D. Ritter

Viewers

REVIEW IN RE: VACATION OF
PUBLIC ROAD IN UPPER YODER
TOWNSHIP, CAMBRIA COUNTY,
PA.

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA
NO. 4, MARCH SESSION, 1931

To S. E. DICKEY, PHILIP E. CAULFIELD & J. D. RITTER Dr.

To S. E. DICKEY Dr.

Data & preparing notices of View	\$ 12.00	
Stenographer & stationery	1.40	
Serving & posting notices of View	12.00	
Mileage	.90	
Making View	12.00	
Mileage	.90	
Correcting & preparing plan	21.50	
Tracing cloth	1.50	
Blue prints	1.85	
Data & preparing report	12.00	
Stenographer & Stationery	1.75	\$ 77.80

To J. D. RITTER Dr.

Making view	\$ 12.00	
Mileage	<u>5.40</u>	\$ <u>17.40</u>
		12.00
		<u>95.20</u>
Total cost of View		\$ <u>92.50</u>

STATE OF PENNSYLVANIA)
) SS.
COUNTY OF CAMBRIA)

Before me, a Notary Public in and for said State and County, personally appeared S. E. Dickey who deposes and says that the time indicated by the above bill was necessary and that said bill is true and correct.

Sworn and subscribed to before me this 2nd day of September, A. D. 1931.

Mary F. Leonard
Notary Public

My Commission expires April 8, 1935

S. E. Dickey
APPROVED FOR PAYMENT
[Signature]
[Signature]

To MARY F. LEONARD DR.

Notary Fee \$ 0.50

COMMISSENER

REVIEW IN RE: VACATION OF
PUBLIC ROAD IN UPPER YODER
TOWNSHIP, CAMBRIA COUNTY,
PA.,

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA
NO. 4, MARCH SESSION, 1931

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above Court to view, for the purpose of vacating a section of public road in Upper Yoder Township, Cambria County, Pennsylvania, being a portion of the Old Millcreek Road, described as follows: Beginning at the Southwest termini and extending thence as follows: North 22°30' East 135 feet, South 79°30' East 180 feet, North 77° East 324 feet, North 81° East 39 feet, North 71°30' East 216 feet, North 13°30' East 315 feet; North 12°45' East 75 feet, North 4° East 126 feet, North 82° 30' East 268 feet, North 15°15' West 181 feet, North 9°30' West 135 feet, North 6°30' West 250 feet, North 29°30' West 177 feet, North 15°30' West 114 feet, North 21° West 195 feet, North 15° West 330 feet, North 6°30' West 295 feet, North 8°30' East 202 feet, North 30° East 339 feet, North 43°45' East 238 feet, North 40°30' East 295 feet and North 53° East 440 feet to the Northeast. Termini of the piece of road to be vacated, will meet at the place of beginning on the 18th day of July A. D. 1931 at 9:00 o'clock A. M. (Eastern Standard Time) for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

S. B. DICKEY
PHILIP E. CAUFIELD
J. D. RITTER

July 2, 1931

Viewers

Now this 3rd day of July A. D. 1931, service of the above notice is hereby accepted by the Petitioners.

By Mahlon J. Bausgardner
Solicitor
Counsel for Petitioners

REVIEW IN RE: VACATION OF
PUBLIC ROAD IN UPPER YODER
TOWNSHIP, CAMBRIA COUNTY,
PA.

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA
NO. 4 MARCH SESSION, 1931

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above Court to view, for the purpose of vacating a section of public road in Upper Yoder Township, Cambria County, Pennsylvania, being a portion of the Old Millcreek Road, described as follows: Beginning at the Southwest termini and extending thence as follows: North 22°30' East 135 feet, South 79°30' East 180 feet, North 77° East 324 feet, North 81° East 39 feet, North 71°30' East 216 feet, North 13°30' East 315 feet, North 12°45' East, 75 feet, North 4° East 126 feet, North 82°30' East 268 feet, North 15°15' West 181 feet, North 9°30' West 135 feet, North 6°30' West 250 feet, North 29°30' West 177 feet, North 15°30' West 114 feet, North 21° West 195 feet, North 15° West 330 feet, North 6°30' West 295 feet, North 8°30' East 202 feet, North 30° East 339 feet, North 43°45' East 238 feet, North 40°30' East 295 feet and North 53° East 440 feet to the Northeast. termini of the piece of road to be vacated, will meet at the place of beginning on the 18th day of July A. D. 1931 at 9:00 o'clock A. M. (Eastern Standard Time) for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

S. E. DICKEY
PHILIP E. CAULFIELD
J. D. RITTER

July 2, 1931

Viewers

Now this 9 day of July A. D. 1931, service of
the above notice is hereby accepted for the Supervisors of
Upper Yoder Township.

By

Frank P. Barham
Solicitor

REVIEW IN RE: VACATION OF
PUBLIC ROAD IN UPPER YODER
TOWNSHIP, CAMBRIA COUNTY,
PA.,

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA
NO. 4, MARCH SESSION, 1931

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above Court to view, for the purpose of vacating a section of public road in Upper Yoder Township, Cambria County, Pennsylvania, being a portion of the Old Millcreek Road, described as follows: Beginning at the Southwest termini and extending thence as follows: North 22°30' East 135 feet, South 79°30' East 180 feet, North 77° East 324 feet, North 81° East 39 feet, North 71°30' East 216 feet, North 13°30' East 315 feet, North 12°45' East 75 feet, North 4° East 126 feet, North 82° 30' East 268 feet, North 15°15' West 181 feet, North 9°30' West 135 feet, North 6°30' West 250 feet, North 29°30' West 177 feet, North 15°30' West 114 feet, North 21° West 195 feet, North 15° West 330 feet, North 6°30' West 295 feet, North 8°30' East 202 feet, North 30° East 339 feet, North 43°45' East 238 feet, North 40°30' East 295 feet and North 53° East 440 feet to the Northeast Termini of the piece of road to be vacated, will meet at the place of beginning on the 18th day of July A. D. 1931 at 9:00 o'clock A. M. (Eastern Standard Time) for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

S. E. DICKEY
PHILIP E. CAULFIELD
J. D. RITTER

July 2, 1931

Viewers

Now this _____ day of July A. D. 1931, service of the above notice is hereby accepted by the Supervisors of Upper Yoder Township.

D. H. Weaver
Scott Beaman

Supervisors

REVIEW IN RE: VACATION OF
PUBLIC ROAD IN UPPER YODER
TOWNSHIP, CAMBRIA COUNTY,
PA.,

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA
NO. 4, MARCH SESSION, 1931

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above Court to view, for the purpose of vacating a section of public road in Upper Yoder Township, Cambria County, Pennsylvania, being a portion of the Old Millcreek Road, described as follows: Beginning at the Southwest termini and extending thence as follows: North 22°30' East 135 feet, South 79°30' East 180 feet, North 77° East 324 feet, North 81° East 39 feet, North 71°30' East 216 feet, North 13°30' East 315 feet, North 12°45' East 75 feet, North 4° East 126 feet, North 82°30' East 268 feet, North 15°15' West 181 feet, North 9°30' West 135 feet, North 6°30' West 250 feet, North 29°30' West 177 feet, North 15°30' West 114 feet, North 21° West 195 feet, North 15° West 330 feet, North 6°30' West 295 feet, North 8°30' East 202 feet, North 30° East 339 feet, North 43°45' East 238 feet, North 40°30' East 295 feet and North 53° East 440 feet to the Northeast termini of the piece of road to be vacated, will meet at the place of beginning on the 18th day of July A. D. 1931 at 9:00 o'clock A. M. (Eastern Standard Time) for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

S. E. DICKEY
PHILIP E. CAULFIELD
J. D. RITTER

July 2, 1931

Viewers

Now this 3 day of July A. D. 1931, service of
the above notice is hereby accepted by the County Commissioners
of Cambria County.

By


Chief Clerk

REVIEW IN RE: VACATION OF
PUBLIC ROAD IN UPPER YODER
TOWNSHIP, CAMBRIA COUNTY,
PA.,

IN THE COURT OF QUARTER SESSIONS
CAMBRIA COUNTY, PENNSYLVANIA
NO. 4, MARCH SESSION, 1931

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above Court to view, for the purpose of vacating a section of public road in Upper Yoder Township, Cambria County, Pennsylvania, being a portion of the Old Millcreek Road, described as follows: Beginning at the Southwest termini and extending thence as follows: North 22°30' East 135 feet, South 79°30' East 180 feet, North 77° East 324 feet, North 81° East 39 feet, North 71°30' East 216 feet, North 13°30' East 315 feet, North 12°45' East 75 feet, North 4° East 126 feet, North 82°30' East 268 feet, North 15°15' West 181 feet, North 9°30' West 135 feet, North 6°30' West 250 feet, North 29°30' West 177 feet, North 15°30' West 114 feet, North 21° West 195 feet, North 15° West 330 feet, North 6°30' West 295 feet, North 8°30' East 202 feet, North 30° East 339 feet, North 43°45' East 238 feet, North 40°30' East 295 feet and North 53° East 440 feet to the Northeast termini of the piece of road to be vacated, will meet at the place of beginning on the 18th day of July A. D. 1931 at 9:00 o'clock A. M. (Eastern Standard Time) for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

July 2, 1931

S. B. DICKEY
PHILIP E. CAULFIELD
J. D. RITTER

Viewers

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

NO. 4. March Sessions, 1931.

In re View of portion of
old Mill Creek Road to deter-
mine as to propriety of vaca-
ting same.

ORDER OF THE COURT OF

QUARTER SESSIONS TO VIEW

A N D

REPORT OF VIEWERS.

Filed 1 June 1931.

A. M. SHOEMAKER
ATTORNEY AT LAW
EBENSBURG, PA.

8 June 1931 Approved

*By the Court
Cambria County*

R E P O R T O F V I E W E R S .

To the Honorable, the Judges of the Court of Quarter Sessions of
Cambria County, Pennsylvania.

We, the undersigned members of the Permanent Board of Viewers of Cambria County, appointed by your honorable Court and upon the attached order directed to view and determine as to the propriety of vacating a certain piece of public road in Upper Yoder Township, Cambria County, Pennsylvania; the exact points of beginning and ending of which are set out with precision in the attached order of the Court; respectfully report:

That having given due notice of the view and of the time and place of meeting of the viewers to the Commissioners of Cambria County and the Supervisors of the Township of Upper Yoder, and having had them accept service of notices hereto attached, and to the traveling public by ten printed hand bills posted in public and conspicuous places at and near the termini and along the route of the piece of road proposed to be vacated; and having been each duly sworn according to law to perform the duties of our appointment faithfully, impartially and to the best of our judgment and ability: All of us met at the time and place appointed, in accord with the notices, so given and posted as aforesaid, and having gone over and carefully viewed the same, noting particularly the location of the said piece of road and the improvements along the same as well as its present condition and the probable cost to put same in condition for safe public travel and then ~~meeting~~ adjourning to a time and place, on request of the parties interested, when we could hear such testimony as the parties had to offer relative to the necessity and non necessity for the continuing of the said piece of road, as a public road for the accommodation of the traveling public, and having ascertained from observation and from the testimony offered at said hearing the following facts.

That for some twelve years last past the piece of road in question has not been in general use by the public; they having a shor-

ter, more direct and improved public highway between the termini specified in the attached order of Court; the location and grade of which is far superior to the location and grade of the piece of road viewed upon the attached order.

That for some six or seven years last past the southerly or southwesterly portion of the piece of road now in controversy has actually been barred and closed to public traffic, with no apparent hardship or inconvenience whatsoever to the traveling public or even to those having cottages or bungaloes located adjacent thereto.

That there are no permanent residences along any portion of the piece of road in question with the exception of the residence of Keefer, located in close proximity to the southerly or south westerly termini of the road and he ~~he~~^{he} has access to the improved, hard surfaced road over his own land and ~~is~~^{is} not desirous of having the piece of road, which has been considered as abandoned for these last twelve years, or therabouts, reopened for public use.

That even the road were opened and put in fair condition for public use; owing to its location, dangerous turns and steep grade as well as its greater distance between the termini; it is most unlikely that it would be used to any extent except by those having bungaloes or small one roomed structures along the same; and the latter of these, from their size and out of the way location and general unimproved conditions about the premises as well as the appearance thereof indicate to the casual observer that they are not and were not intended except for one purpose, for which we are of the opinion the public should not be asked to improve or maintain public thoroughfares to accomodate access thereto.

That the present road bed along the this piece of road is such that the access to the bungaloes and cottages along the same, which are deserving of the name of summer homes, is not difficuly and with a very little expeddiature for maintenance can be kept in easily passable condition.

The piece of road as viewed, a plot or draft of which is hereto attached and made a part of this report, takes the following courses and distances, viz: Beginning at the south westerly termini and extending thence as follows, north 22° 30' east 135 ft., south 79° 30' east 180 ft., north 77° east 324 ft., north 81° east 39 ft., north 71° 30' east 216 ft., north 13° 30' east 315 ft., north 12° 45' west 75 ft., north 4° east 126 ft., north 82° 30' east 268 ft., north 15° 15' west 181 ft., north 9° 30' west 135 ft., north 6° 30' west 250 ft., north 29° 30' west 177 ft., north 15° 30' west 114 ft., north 21° west 195 ft., north 15° west 330 ft., north 6° 30' west 295 ft., north 8° 30' east 202 ft., north 30° east 339 ft., north 43° 45' east 238 ft., north 40° 30' east 295 ft. and north 53° east 440 ft. to the north easterly termini of the piece of road proposed to be vacated.

Said road passing along and over lands of Thomas S. Sybert, Homer Martin Keefer, Fallgetter, Milton Thomas, R. M. Cornelius and others, as indicated on the attached draft.

With the exception of Martin Keefer; who favors vacation of the road; and one other owning property along this road none are residents of Upper Yoder Township and Mr. Keefer alone has his permanent residence along this road.

Upon determining as to the result of our investigation there is no difference of opinion as to the facts, as above stated, but one of the viewers refuses to recommend a vacation of the road tho he agrees that at the present time it is not necessary for the accommodation of the traveling public. His decision is indicated on attached sheet. Two of us recommend the road be vacated but left open as a private road, from the north east end to the fence line near the Sybert cabin.

Witness our hands this 1st. day
of June, A. D., 1931.

Adam Sherman
A. M. Shoemaker
Viewers.

May 30/1931

I oppose the vacation
of the above Road.

Dixon Tomb

viewer.

IN RE VACATION OF PUBLIC ROAD- : In the Court of Quarter Sessions of
PORTION OF MILLCREEK ROAD, IN : Cambria County, Pennsylvania.
TOWNSHIP OF UPPER YODER, COUNTY :
OF CAMBRIA, STATE OF PENNA. : No. 4 March Sessions, 1931.

PETITION FOR VACATION OF ROAD.

TO THE HONORABLE THE JUDGES OF THE COURT OF QUARTER SESSIONS OF THE
PEACE IN AND FOR THE COUNTY OF CAMBRIA, PENNSYLVANIA.

The petition of the undersigned Supervisors of the Township
of Upper Yoder, in the said County, of Cambria, respectfully represents:

(1) That the Millcreek Road, a township road, extending
from the Ligonier Pike in said township to the City of Johnstown,
was laid out and opened by the Court of Quarter Sessions upwards of
sixty years ago. That a portion of said Millcreek Road, beginning
at a point, the exact distance from said point to the said Ligonier
Pike being four hundred and two (402) feet and extending in a northerly
direction to a point, the exact distance from which point to an inter-
secting public road, to wit: the Fender Road, is seven thousand three
hundred thirty-six (7336) feet, your petitioners conceive is now become
useless, inconvenient and burdensome,

(2) Your petitioners further represent that in March, 1919,
the said Millcreek Road, extending from the Borough of Westmont to the
said Ligonier Pike was reconstructed and a portion of said Millcreek
Road, to wit: the portion above described and now represented by your
petitioners as being useless, inconvenient and burdensome, was abandoned
and the new and reconstructed portion built instead thereof between
the said two points mentioned above, said points being as aforesaid,
four hundred and two (402) feet from the said Ligonier Pike and seven
thousand three hundred thirty-six (7336) feet from the said Fender
Road, respectively.

(3) That courses and distances of the portion of old road
herein petitioned to be vacated are as follows:

BEGINNING at a point; thence South seventy-six degrees eighteen minutes East three hundred twenty-six and fourteen-hundredths (326.14) feet to a point; thence North seventy-four degrees forty-seven minutes East five hundred sixty-three and twenty-one-hundredths (563.21) feet to point; thence North thirty-two degrees fifty-seven minutes East two hundred fifty-seven and one-tenths (257.1) feet to point; thence North fifty degrees thirty-nine minutes East three hundred ninety-four and six tenths (394.6) feet to a point; thence North seventeen degrees thirty-one minutes West two hundred fifty-four and six-tenths (254.6) feet to point; thence North seven degrees thirty-nine minutes West three hundred twenty (320) feet to point; thence North fifty-three degrees one minute West one hundred ninety-five (195) feet to point; thence North nineteen degrees eleven minutes West four hundred forty (440) feet to point; thence North fifteen degrees forty-one minutes West two hundred (200) feet to point; thence North seven degrees eleven minutes West two hundred eighty (280) feet to point; thence North seven degrees thirty-nine minutes East two hundred five (205) feet to point; thence North thirty-one degrees twenty-nine minutes East three hundred sixty-five (365) feet to point; thence North forty-one degrees fifty-nine minutes East four hundred fifty (450) feet to point; thence North fifty degrees fifty-nine minutes East five hundred (500) feet to a point, said point being on the Ligonier Pike, above mentioned.

Your petitioners therefore pray the Court that the said road, beginning four hundred and two (402) feet from the said Ligonier Pike and extending to a point which is seven thousand three hundred thirty-six (7336) feet from the said Fender Road may be vacated, agreeably to the Acts of General Assembly in such cases made and provided.

D. H. Weimer,
Adam Keafer
Scott Beam,
Supervisors of Upper Yoder Township
Cambria County, Pennsylvania.

O R D E R .

Now, to wit: March 23, 1931, on motion of Frank P. Barnhart, attorney for petitioners, the Court, appoint A. M. Shoemaker, Esq., and Philip Caulfield, and Dixon Tomb, as a Board of View upon the foregoing petition and further order that the said Board of View shall perform their duties in accordance with the laws and Acts of Assembly in such case made and provided.

By the Court,

Evans, P. J.

Extract from the Record.

Certified this 24th day
of March, A. D. 1931.

Frank L. Ruff

Clerk of the Court of Quarter
Sessions.

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., and directed to view and determine as to the propriety of vacating a certain piece of public road in Upper Yoder Township, said county and state:

Beginning at a point on the Millcreek Road, four hundred two feet distant from the Ligonier Pike and extending in a Northerly direction along said Millcreek Road and ending at a point seven thousand three hundred thirty six feet from the intersection of the road, a portion of which is desired to be vacated, and the Fendor Road:

Said viewers will meet at the point of beginning, above indicated, at 9:30 a. m., May 28th 1931, in the Township of Upper Yoder, Cambria Co., Pa., for the purpose of performing the duties of their said appointment.

A. M. Shoemaker,
Adam Shuman
~~Field, R. Caulfield,~~

Dixon Tomb,

Viewers.

Service of the above notice is hereby accepted for the Commissioners of Cambria County, Pa.

George E. Kerby
Commissioner

N O T I C E O F V I E W .

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., and directed to view and determine as to the propriety of vacating a certain piece of public road in Upper Yoder Township, said county and state: Beginning at a point on the Mill Creek road, four hundred two feet distant from the Ligonier Pike and extending in a Northerly direction along said Mill Creek road and ending at a point seven thousand three hundred thirty six feet from the intersection of the road, a portion of which is sought to be vacated with the Fendor road: said viewers will meet at the point of beginning, above indicated, at 9:30 a. m., Eastern Standard Time, May 28th, 1931, in the Township of Upper Yoder, Cambria Co., Pa., for the purpose of performing the duties of their appointment.

A. M. Shoemaker,

Dixon Tomb and

Philip E. Caulfield,

Viewers.

Service of the above notice is hereby accepted by the undersigned Supervisors of the Township of Upper Yoder, Cambria County, Pennsylvania.

Geo. W. Beard

D. H. Weaver

Adam Leifer

Supervisors.

NOTICE OF VIEW.

Notice is hereby given that the viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., and directed to view and determine as to the propriety of vacating a certain piece of public road in Upper Yoder Township, said county and state: Beginning at a point on the Mill Creek road, four hundred two feet distant from the Ligonier Pike and extending in a Northerly direction along said Mill Creek road and ending at a point seven thousand three hundred thirty six feet from the intersection of the road, a portion of which is sought to be vacated with the Fendor road: said viewers will meet at the point of beginning, above indicated, at 9:30 a. m., Eastern Standard Time, May 1931, in the Township of Upper Yoder, Cambria Co., Pa., for the purpose of performing the duties of their appointment.

A. H. Shoemaker,
Dixon Tomb and
Philip E. Caulfield,
Viewers.

Costs of View.

A. M. Shoemaker

Preparing serving and fast-
ing notices for view — 24⁰⁰

Stenographer & Stationery — 2.65
50 miles @ 10¢ per mi — 5⁰⁰

County Car

Day on view and
assisting with survey 12⁰⁰
50 miles — 5⁰⁰

Hearing & consultation
for viewers — 12⁰⁰
36 miles — 3⁶⁰

Preparing, having signed as
subscribed, filing report — 18⁰⁰
Stenographer & Stationery — 2²⁰

Day on Tour — 8⁴⁰

Day on View — 12⁰⁰

14 miles — 1⁴⁰

Day on hearing of
consultation — 12⁰⁰

Adam Sherman — 3⁴⁰

Day on view — 12⁰⁰

42 miles — 4²⁰

Day hearing & consulta-
tion for viewers — 12⁰⁰

28 miles — 2⁸⁰

W. B. Brough — 31⁰⁰

Arthur Griffith

State of Pennsylvania
County of Cambria SS.

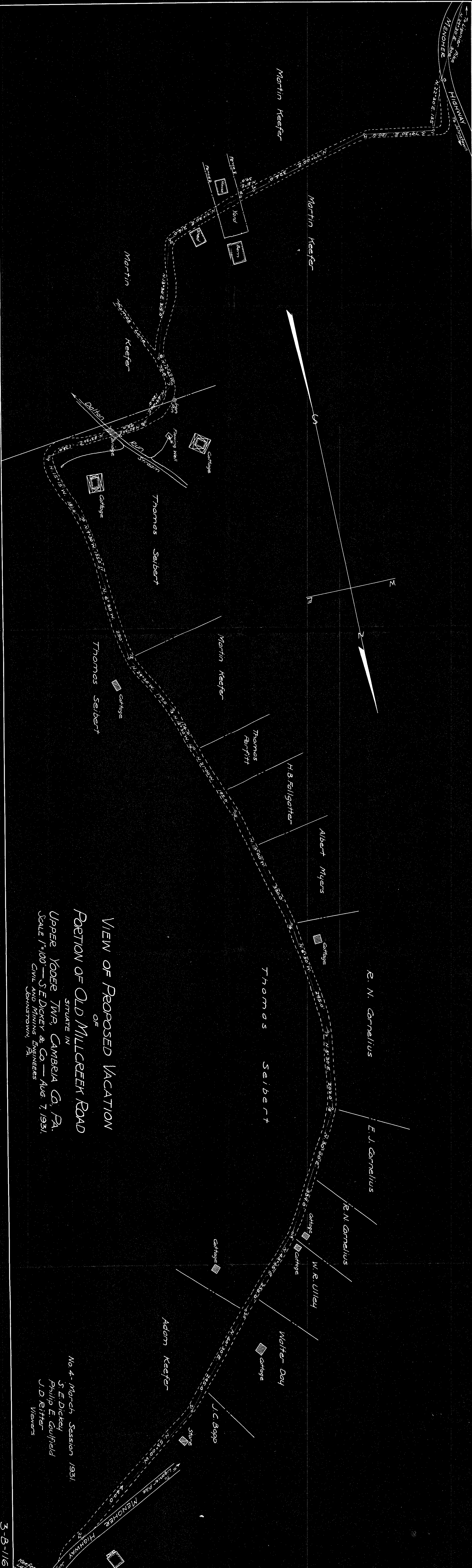
Before me, James McClune, Deputy Controller, personally came A. M. Shoemaker, one of the viewers named on the within order of view, who being sworn according to law deposes and says that the items contained in the bill hereto attached; relative to time of employment, milage, Stenoghapher and stationery, postage &c., are correct and the expense of auto hire stenographer, stationery, help &c. are paid and settled as he verily believes.

A. M. Shoemaker

Sworn and subscribed to
before me this 11 th. day
of May, A. D., 1931.

James McClune

Deputy Controller.



VIEW OF PROPOSED VACATION
OF
PORTION OF OLD MILLCREEK ROAD
SITUATE IN
UPPER YODER TWP, CAMBRIA CO., PA.
SCALE 1" = 100' — S.E. DICKEY & CO — AUG. 7, 1931.
CIVIL AND MINING ENGINEERS
JOHNSTOWN, PA.

No. 4 - March Session 1931.
S. E. Dickey
Philip E. Gulfeld
J. D. Reiter
Viewers

In the Court of Quarter
Sessions.

No. 4 - March Sessions, 1931

Review in re: vacation of
Public Road in Upper Yoder
Twp. Cambria County, Pa.

S. E. Akeley
Philip E. Caulfield
J. D. Ritter
Viewers

Not Microfilmed

In the Court of Quarter Sessions
No. 4 - March Sessions, 1931

Review in re: Vacation of
Public Road in Upper Yoder
Twp., Cambria County, Pa.

S. E. Sickey
Philip E. Cayfield,
J. D. Ritter
Viewers

Not Microfilmed

Roll #4 May 1931

Not Microfilm

