

No. 10 Dec. Sessions, 1936  
In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.  
PETITION FOR APPOINTMENT OF VIEWERS

IN RE LAYING OUT OF A PUBLIC  
HIGHWAY IN THE TOWNSHIP OF  
UPPER YODER, COUNTY OF CAMBRIA  
AND STATE OF PENNSYLVANIA.

BOND

*MARCH*  
February 1, 1937, the  
within Bond approved.

*By the Court*

*McKenrick*  
*J*

*Filed: March 1, 1937.*

LAW OFFICES  
BARNHART & ADAMS  
JOHNSTOWN, PENNA.

IN RE LAYING OUT OF A PUBLIC  
HIGHWAY IN THE TOWNSHIP OF  
UPPER YODER, COUNTY OF CAMBRIA  
AND STATE OF PENNSYLVANIA.

§ In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
: No. 10 Dec. Sessions, 1936  
§ PETITION FOR APPOINTMENT OF VIEWERS

B O N D

KNOW ALL MEN BY THESE PRESENTS that we D. J. Weimer  
and Curt Baraback, both of Upper Yoder Township, Cambria  
County, Pennsylvania, are held and firmly bound unto the County of Cambria,  
aforesaid, in the sum of FIFTY (50) DOLLARS lawful money of the United States  
to be paid to the said County of Cambria, to which payment well and truly to  
be made, we bind ourselves, our heirs, executors and administrators and every  
of them firmly by these presents. SEALED and dated the 1st day of  
~~February~~ March, 1937.

WHEREAS, A. Scott Beam, et al, have presented a petition  
to the Court of Quarter Sessions of Cambria County, Pennsylvania, praying for  
the appointment of Viewers to view and locate the above mentioned road in the  
said Township of Upper Yoder, to begin at the intersection of Warren Street,  
a public road in said Township of Upper Yoder and the proposed road known as  
Columbia Street; thence continuing from the center line of said Warren Street,  
a public highway, along the center line of the proposed road known as Columbia  
Street North 61° 06' East six hundred fifty-four and sixty hundredths (654.60) feet  
to the center line of Derby Street, a dedicated highway.

The exact distance from the point of beginning of said proposed road,  
as set forth in this aforementioned petition, from an intersecting public road  
or street, to-wit, Cannon Street, in said Township of Upper Yoder, is two  
hundred eighty-five (285) feet, measured along the center line of said Warren  
Street, a public highway, to the center line of Cannon Street, a public highway;  
and

WHEREAS, the said Court has appointed Viewers for the purpose aforesaid;  
NOW THE CONDITION OF THIS OBLIGATION IS SUCH that if the above bounden  
D. J. Weimer and Curt Baraback.

their heirs, executors, or administrators, or any of them, shall and do well and truly pay or cause to be paid unto the said County of Cambria a sufficient sum to pay for the purpose of viewing the above mentioned road, if the Court shall so direct, when the same is concluded, then this obligation to be void or else remain in full force and effect.

Signed, sealed and delivered  
in the presence of

Milla Weiner  
Ruth Barnhart

D.A. Weiner (SEAL)

Curt Barnhart (SEAL)

8  
No, 10 December Sessions 1936

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

In re Public Road in Upper  
Yoder Township, Cambria  
County, Pa.

Order to View and

Report of Viewers

S. E. Dickey  
A. M. Shoemaker  
James McCann

Viewers

*Filed: April 15, 1937*

*[Signature]*  
COUNTY CLERK

In Re: Laying out of a Public Highway in the Township of Upper Yoder, County of Cambria and State of Pennsylvania.

In the Court of Quarter Sessions of Cambria County, Penna. No. 10, December Sessions, 1936

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court, we the undersigned Viewers, appointed by the annexed order of the Court to view the proposed 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 time and place of meeting, by posting notices as required by law along the route and at the termini of the said proposed new road, as evidenced by copy of said notice hereto attached, and by service of such notice on the County Commissioners of Cambria County and the Supervisors of Upper Yoder Township, acceptance of service of said notice by the County Commissioners and the Supervisors of Upper Yoder Township<sup>x</sup> by their Solicitor being hereto attached; that we met in accordance with the notice given on the 6th day of April A. D. 1937 at 10:00 o'clock A. M. and proceeded with the duties of our appointment and viewed the premises and route of the proposed new road; that the route of the proposed new road follows a portion of Columbia Street, a dedicated highway in the Crestfu Plan of Lots as laid out by Krise & Ott in Upper Yoder Township; that said proposed new road is now opened and in a good state of improvement; that the acceptance of said proposed new road as a Township Road and part of the Township Highway System will not cause any additional or unusual expense to the Township; that a number of dwelling houses, six (6) or more, all occupied by families occupy lots adjoining the proposed new road;

the Viewers named herein were present during the view and the petitioners were represented; that no complaints or exceptions were made against the opening of said proposed new road; that after viewing the premises, although the ending terminus of said proposed new road is not in an intersecting public highway but in a dedicated highway, we are of the opinion that a necessity exists for the proposed new road, therefore, we proceeded to lay out said road as follows: Beginning at the intersection of said proposed road known as Columbia Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 285.0 feet measured along the center line of said Warren Street in a southerly direction from the intersection of Cannon Street, another public highway, thence along the center line of the proposed new road N.61°06'W. 654.6 feet to the place of ending, said ending being at the intersection of the proposed new road with the center line of Derby Street, a dedicated highway in Upper Yoder Township at a distance of 285.8 feet measured along the center line of said Derby Street in a southerly direction from Cannon Street, another public highway, said proposed new road being colored green on the blue print attached hereto and made a part hereof. The section of the proposed new road indicated as Columbia Street as dedicated is only 30 feet in width which requires the taking of 1.5 feet additional width on either side of said Columbia Street to provide for the minimum width of 33 feet, is hereby laid out and included in said highway.

After taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the petitioners and as laid out by us is necessary and convenient, therefore, we recommend that the prayer of the petitioners be granted.

We are informed that releases of damages were filed with the petitions for view, however, in consideration of the benefits and damages sustained or that may seem likely to be sustained by the abutting property owners by reason of the opening and maintaining of said proposed new road, we assess no benefits and no damages.

Witness our hands and seals this 8th day of April A. D. 1937.

L. E. Dickey  
A. M. Shoemaker  
James McBarus

Viewers

In Re: Laying out of a Public Highway in the Township of Upper Yoder, County of Cambria and State of Pennsylvania.

In the Court of Quarter Sessions of Cambria County, Penna. No. 10, December Sessions, 1936

To S. E. DICKEY, A. M. SHOEMAKER & JAMES McCANN Dr.

To S. E. DICKEY Dr.

Data, preparing, serving & posting notices of view			
Mileage		\$ 12.00	
Stenographer & stationery		.50	
Making View		1.50	
Mileage		6.00	
		.80	
Data, coloring, lettering plans and additional blue prints		6.00	
Data, preparing and filing report		12.00	
Stenographer and Stationery		2.00	\$ 40.80

To A. M. SHOEMAKER Dr.

Making View		\$ 6.00	
Mileage		2.60	\$ 8.60

To JAMES McCANN Dr.

Making View		\$ 6.00	
Mileage		.80	\$ 6.80

Total cost of view \$ 56.20

APPROVED FOR PAYMENT

*John D. ...*  
*Frank J. ...*  
 COMMISSIONERS

CERTIFIED  
 James F. ...  
 COUNTY CONTROLLER

In Re: Laying out of a public Highway in the Township of Upper Yoder, County of Cambria and State of Pennsylvania.

In the Court of Quarter Sessions, of Cambria County, Penna. No.10, December Sessions, 1936

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed public road or highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of said proposed road known as Columbia Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 285.0 feet measured along the center line of said Warren Street in a southerly direction from the intersection of Cannon Street, another public highway, and ending at the intersection of said proposed road with the intersection of Derby Street, a dedicated highway in Upper Yoder Township, said ending being at a distance of 285.8 feet measured along the center line of said Derby Street in a southerly direction from Cannon Street, a public highway, will meet at the place of beginning on the 6th day of April A. D. 1937 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

March 26, 1937

S. E. DICKEY  
A. M. SHOEMAKER  
JAMES McCANN

Viewers

Now this 27th day of March A. D. 1937,  
service of the above notice is hereby accepted by the  
Supervisors of Upper Yoder Township.

By

  
Solicitor

In Re: Laying out of a public  
Highway in the Township of  
Upper Yoder County of Cambria  
and State of Pennsylvania

In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 10, December Sessions, 1936

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed public road or highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of said proposed road known as Columbia Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 285.0 feet measured along the center line of said Warren Street in a southerly direction from the intersection of Cannon Street, another public highway, and ending at the intersection of said proposed road with the intersection of Derby Street, a dedicated Highway in Upper Yoder Township, said ending being at a distance of 285.8 feet measured along the center line of said Derby Street in a southerly direction from Cannon Street, a public highway, will meet at the place of beginning on the 6th day of April A. D. 1937 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

March 26, 1937

S. E. DICKEY  
A. M. SHOEMAKER  
JAMES McCANN

Viewers

Now this 29 day of March A. D. 1937, service  
of the above notice is hereby accepted by the County Commissioners  
of Cambria County, Pa.

By

H. J. B.  
Chief Clerk

In Re: Laying out of a public  
Highway in the Township of  
Upper Yoder County of Cambria  
and State of Pennsylvania

In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 10, December Sessions, 1936

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed public road or highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of said proposed road known as Columbia Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 285.0 feet measured along the center line of said Warren Street in a southerly direction from the intersection of Cannon Street, another public highway, and ending at the intersection of said proposed road with the intersection of Derby Street, a dedicated Highway in Upper Yoder Township, said ending being at a distance of 285.8 feet measured along the center line of said Derby Street in a southerly direction from Cannon Street, a public highway, will meet at the place of beginning on the 6th day of April A. D. 1937 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

March 26, 1937

S. E. DICKEY  
A. M. SHOEMAKER  
JAMES McCANN

Viewers

5,  
Office Copy

IN RE LAYING OUT OF A PUBLIC  
HIGHWAY IN THE TOWNSHIP OF  
UPPER YODER, COUNTY OF CAMBRIA  
AND STATE OF PENNSYLVANIA.

¶ In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
¶ No. 10 December Sessions, ~~1937~~  
1936

PETITION FOR APPOINTMENT OF VIEWERS

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

The petition of the undersigned inhabitants of the said Township  
of Upper Yoder, in the County aforesaid, respectfully represents:

That your petitioners labor under great inconvenience for want  
of a public road or highway in the said Township of Upper Yoder, to begin at  
the intersection of Warren Street, a public road in said Township of Upper  
Yoder and the proposed road known as Columbia Street; thence continuing from  
the center line of said Warren Street, a public highway, along the center  
line of the proposed road known as Columbia Street North  $61^{\circ} 06'$  East six  
hundred fifty-four and sixty hundredths (654.60) feet to the center line of  
Derby Street, a dedicated highway.

The exact distance from the point of beginning of said proposed  
road, as set forth in this petition, from an intersecting public road or street,  
to-wit, Cannon Street, in said Township of Upper Yoder, is two hundred eighty-  
five (285) feet, measured along the center line of said Warren Street, a public  
highway, to the center line of Cannon Street, a public highway.

A printing showing the location of said proposed road, as above  
described, is hereto attached, made part hereof and marked "EXHIBIT A".

Your petitioners further represent that notwithstanding the fact  
that one of the termini named in the said petition, namely, the point of ending  
of said proposed road, is at a point other than in a public highway or place  
of public resort, that the said proposed road is one necessary for public  
travel.



IN RE LAYING OUT OF A PUBLIC  
HIGHWAY IN THE TOWNSHIP OF  
UPPER YODER, COUNTY OF CAMBRIA  
AND STATE OF PENNSYLVANIA.

¶ In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
: No. 10 December Sessions, 1936.  
: 1936.

DECREE

AND NOW, this 15th day of ~~February~~<sup>March</sup>, 1937, the within petition  
having been read and considered, the Court appoints S. E. Dickey

and A. M. Shoemaker

and

James McCann

Viewers to view the road herein

referred to and make a report of their proceedings to the next term of the  
Court of Quarter Sessions of said County.

By the Court,  
McKemrick, J.

Extract from the Record.

Certified this 15th day  
of March A. D. 1937.

  
CLERK OF COURTS

No. 10 December Sessions 1936

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

In re Public Road in Upper  
Yoder Township, Cambria  
County, Pa.

Order to View and

Report of Viewers

S. E. Dickey  
A. M. Shoemaker  
James McCann

Viewers

*Filed: April 15, 1937*

*Shoemaker*  
COUNTY CONTROLLER

*14 June 1937 Approved and breadth fixed at thirty-three feet  
By the Court  
S. E. Dickey  
A. M. Shoemaker  
James McCann*

*13 Sept. 1937. Confirmed as above by  
James McCann*

*Copy of 33A*

No. 10 Dec. Sessions, 1936  
In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.

IN RE LAYING OUT OF A PUBLIC  
HIGHWAY IN THE TOWNSHIP OF  
UPPER YODER, COUNTY OF CAMBRIA  
AND STATE OF PENNSYLVANIA.

PETITION FOR APPOINTMENT OF  
VIEWERS

*Filed, March 1, 1937*

LAW OFFICES  
BARNHART & ADAMS  
JOHNSTOWN, PENNA.

IN RE LAYING OUT OF A PUBLIC  
HIGHWAY IN THE TOWNSHIP OF  
UPPER YODER, COUNTY OF CAMBRIA  
AND STATE OF PENNSYLVANIA.

Ø In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
: No. 10 Dec. Sessions, 1936

PETITION FOR APPOINTMENT OF VIEWERS

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

The petition of the undersigned inhabitants of the said Township  
of Upper Yoder, in the County aforesaid, respectfully represents:

That your petitioners labor under great inconvenience for want  
of a public road or highway in the said Township of Upper Yoder, to begin at  
the intersection of Warren Street, a public road in said Township of Upper  
Yoder and the proposed road known as Columbia Street; thence continuing from  
the center line of said Warren Street, a public highway, along the center  
line of the proposed road known as Columbia Street North  $61^{\circ} 06'$  East six  
hundred fifty-four and sixty hundredths (654.60) feet to the center line of  
Derby Street, a dedicated highway.

The exact distance from the point of beginning of said proposed  
road, as set forth in this petition, from an intersecting public road or street,  
to-wit, Cannon Street, in said Township of Upper Yoder, is two hundred eighty-  
five (285) feet, measured along the center line of said Warren Street, a public  
highway, to the center line of Cannon Street, a public highway.

A printing showing the location of said proposed road, as above  
described, is hereto attached, made part hereof and marked "EXHIBIT A".

Your petitioners further represent that notwithstanding the fact  
that one of the termini named in the said petition, namely, the point of ending  
of said proposed road, is at a point other than in a public highway or place  
of public resort, that the said proposed road is one necessary for public  
travel.

A copy of written notice to the Supervisors of said Upper Yoder Township of the intended presentation of this application, with an acceptance of service thereon, is hereto attached, made part hereof and marked "EXHIBIT B".

A release of damages, whereby the owners of property abutting the aforesaid proposed road release the said Township of Upper Yoder from all damages by reason of the opening, grading, draining, improving and maintaining of the said proposed highway, is hereto attached, made part hereof and marked "EXHIBIT C".

Your petitioners therefore pray the Court to appoint three members of the permanent Board of Viewers of Cambria County to view the ground proposed for such road, and if they see the necessity therefor, lay out the same and make a report of their proceedings to the next sessions of Court.

A. Scott Beaman  
Luzella Beaman  
Lloyd Berkley  
Harold Berkley  
J. M. R. Beaman  
Orinfield S. McClintock  
Raymond S. McClintock  
Mrs. D. H. Weimer  
Norman C. Lane  
Mrs. Norman C. Lane  
Mrs. Lulu D. Albert  
Edmund R. Albert  
Mrs. S. A. Weimer  
S. A. Weimer  
George Wittke  
Regina Wittke  
Lulu Stanton

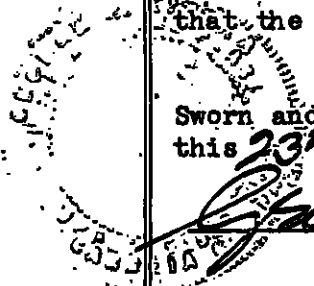
COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF CAMBRIA :

Personally appeared before me, ~~a Notary Public~~ <sup>J.D.</sup> in and for said State and County, S. A. Weimer, who being duly sworn according to law, deposes and says that he is one of the petitioners within set forth and that the statements contained in said petition are true and correct.

Sworn and subscribed before me  
this 23<sup>rd</sup> day of February, 1937.

S. A. Weimer

George D. Witke Jr.



IN RE LAYING OUT OF A PUBLIC  
HIGHWAY IN THE TOWNSHIP OF  
UPPER YODER, COUNTY OF CAMBRIA  
AND STATE OF PENNSYLVANIA.

§ In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
() No. Sessions, 1937.

PRELIMINARY ORDER

*March 12*  
NOW, ~~February~~, 1937, the within petition having been  
presented and considered, a Rule is granted upon the Commissioners of Cambria  
County, Pennsylvania, to show cause, if any they have, why Viewers should not  
be appointed as within prayed for; and said Rule is returnable at ten o'clock  
A. M., *March 15* ~~February~~, 1937. Service of this Rule, together with a copy of  
this petition, shall be made upon the said County Commissioners not less than  
ten (10) days before the said returnday.

*By the Court*  
*McKenrick*  
7

ACCEPTANCE OF SERVICE BY THE  
COMMISSIONERS OF CAMBRIA COUNTY,  
PENNSYLVANIA.

*March 1*  
Now, ~~February~~, 1937, service of the above Rule is hereby  
accepted, together with a copy of the within Petition.

*George M. Spence*  
*County Solicitor*

IN RE LAYING OUT OF A PUBLIC  
HIGHWAY IN THE TOWNSHIP OF  
UPPER YODER, COUNTY OF CAMBRIA  
AND STATE OF PENNSYLVANIA.

¶ In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
¶ No. Sessions, 1937.

DECREE

AND NOW, this *15 March* day of ~~February~~, 1937, the within petition  
having been read and considered, the Court appoints *S. E. Depey*  
and *A. M. Shannick* and  
*James McCann* Viewers to view the road herein  
referred to and make a report of their proceedings to the next term of the  
Court of Quarter Sessions of said County.

By the Court  
*McKensie*  
✓

EXHIBIT B

IN RE LAYING OUT OF A PUBLIC  
HIGHWAY IN THE TOWNSHIP OF  
UPPER YODER, COUNTY OF CAMBRIA,  
AND STATE OF PENNSYLVANIA.

§ In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
§ No. Sessions, 1937.

NOTICE TO SUPERVISORS

TO CURT BARNHART, D. H. WEIMER, and EPHRAIM HERSHBERGER, SUPERVISORS OF UPPER  
YODER TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA:

You will please take notice that there will be a petition presented  
to the Court of Quarter Sessions of Cambria County, at Ebensburg, Pennsylvania,  
in said County, at ten o'clock A. M., the *1st* day of ~~February~~ <sup>March</sup>, 1937, asking  
the Court for the appointment of Viewers to view and lay out a proposed road  
in the Township of Upper Yoder, to begin at the intersection of Warren Street,  
a public road in said Township of Upper Yoder and the proposed road known as  
Columbia Street; thence continuing from the center line of said Warren Street,  
a public highway, along the center line of the proposed road known as Columbia  
Street North  $61^{\circ} 06'$  East six hundred fifty-four and sixty hundredths (654.60)  
feet to the center line of Derby Street, a dedicated highway.

The exact distance from the point of beginning of said proposed  
road, as set forth in this petition, from an intersecting public road or street,  
to-wit, Cannon Street, in said Township of Upper Yoder, is two hundred eighty-  
five (285) feet, measured along the center line of said Warren Street, a public  
highway, to the center line of Cannon Street, a public highway.

*Barnhart & Adams*

ATTORNEYS FOR PETITIONERS

March 1, \_\_\_\_\_, 1937, service of the above stated notice  
is hereby accepted.

D. H. Weiner  
Curt Bonckart



R.D. #10 Dec. 1936

Map #1

Not Microfilmed



No 10 DEC. SESSIONS 1936  
 S E Dickey  
 A M Shoemaker  
 James McCann  
 Viewers

UPPER YODER TOWNSHIP  
 CAMBRIA COUNTY, PENNA.  
 SHOWING  
 ACCEPTED HIGHWAYS  
 IN  
 HARRY E. BERKLEY, CRESTVU, (KRISSE & OTT)  
 AND  
 ISAAC D. BARNHART EST., PLAN OF LOTS  
 SCALE 1"=100'—S.E. DICKEY AND COMPANY—DECEMBER 30, 1931.  
 CIVIL AND MINING ENGINEERS  
 JOHNSTOWN, PENNA.

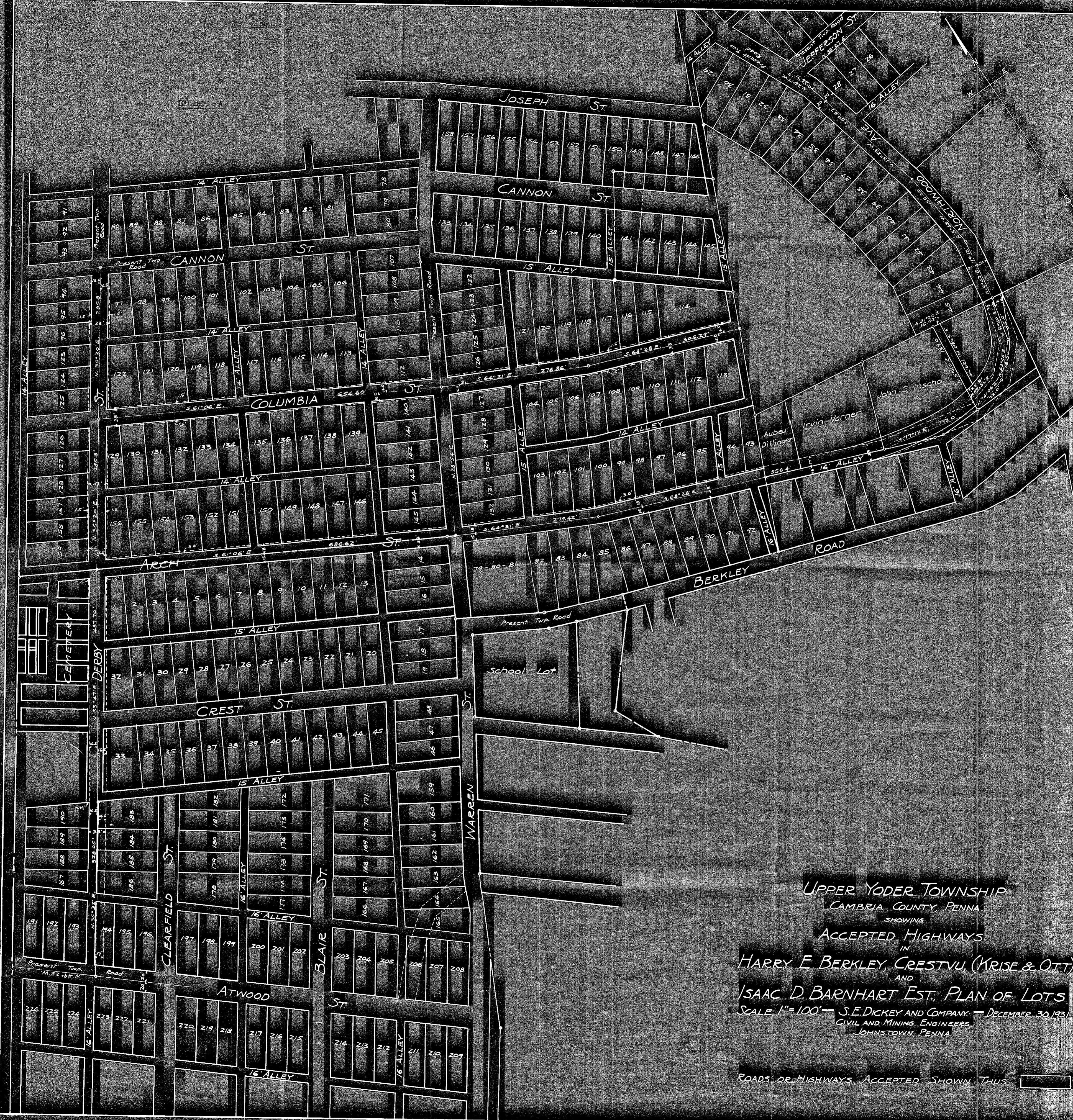
ROADS OR HIGHWAYS ACCEPTED SHOWN THUS

R.O. # 10 Dec. 1936

Map # 2

Rat Microfilmed

District A



UPPER YODER TOWNSHIP  
 CAMBRIA COUNTY, PENNA.  
 SHOWING  
 ACCEPTED HIGHWAYS  
 IN  
 HARRY E. BERKLEY, CRESTVIEW, (KRUSE & OTT)  
 AND  
 ISAAC D. BARNHART EST., PLAN OF LOTS  
 SCALE 1"=100' — S.E. DICKEY AND COMPANY — DECEMBER 30, 1931  
 CIVIL AND MINING ENGINEERS  
 JOHNSTOWN, PENNA.

ROADS OR HIGHWAYS ACCEPTED SHOWN THUS 