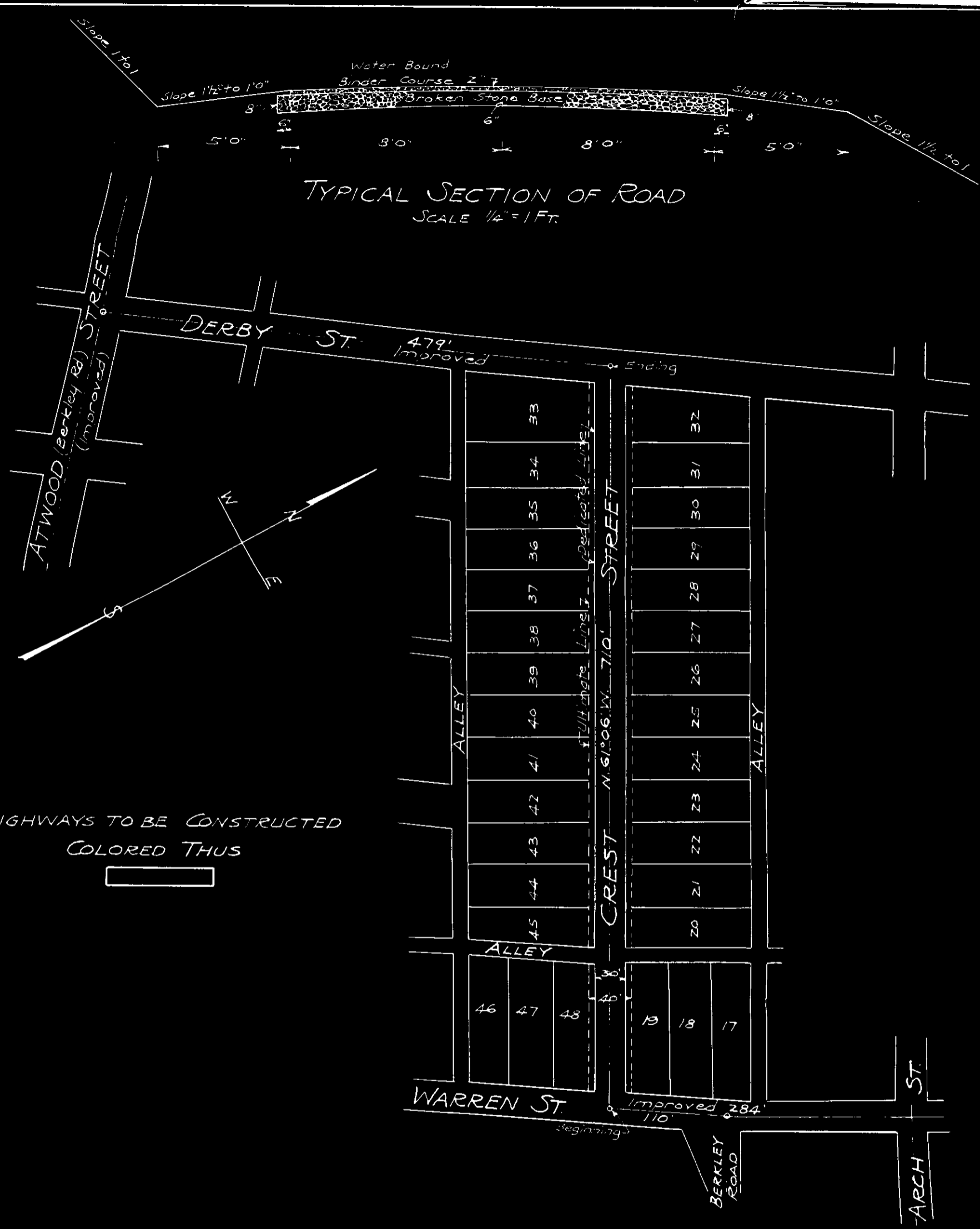


Rats Microfilmed
RD# 11 Dec. 1931
Exhibit A

P.D. #11 Dec. 1936
Rat Microfilmed



HIGHWAYS TO BE CONSTRUCTED
 COLORED THUS

UPPER YODER TWP, CAMBRIA CO., PENNA.
 SHOWING
 CERTAIN DEDICATED HIGHWAYS
 IN THE
 HARRY E. BERKLEY PLAN OF LOTS
 TO BE
 CONSTRUCTED UNDER CIVIL WORKS PROJECT
 SCALE 1"=100' - S.E. DICKEY AND CO. - NOV. 24, 1933.
 CIVIL AND MINING ENGINEERS
 JOHNSTOWN, PA.

1-F-147

No. 11 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.

§ In the Court of Quarter Sessions
: of Cambria County, Pennsylvania.
:
§ No. 11 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 Crest Street, thence from the center line
of said Warren Street by the center line of said Crest Street North $61^{\circ} 06'$
West seven hundred ten (710) 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, Berkley Road, in said Township of Upper Yoder, is one hundred ten (110)
feet, measured along the center line of Warren Street to the center line of
said Berkley Road.

A print 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

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CAMBRIA :

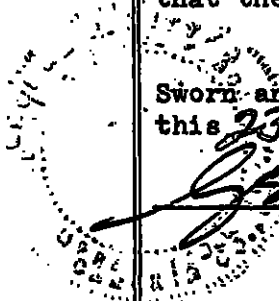
Personally appeared before me, a ^{JP} ~~Notary Public~~ in and for said State and County, S. A. Weiner, who being duly sworn according to law, deposes and says that he is one of the petitioners within set forth and that the statements contained in said petition are true and correct.

Sworn and subscribed before me
this 23rd day of February, 1937.

S. A. Weiner

George Rittke Jr.

BY COMMISSIONER
MONDAY IN JANUARY, 1940



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 the said proposed highway, is filed to No. 2 March Sessions, 1934.

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 Beam
Luella Beam
Lloyd Buckley
Donald Buckley
W. M. Beaul
Winfield S. McClintock
Raymond S. McClintock
Mrs. D. H. Hunter
Norman C. Lane
Mrs. Norman C. Lane
Miss Lulu P. Albert
Edmund R. Albert
Mrs. S. A. Weimer
S. A. Weimer
George Kitzka
Regina Kitzka
Charles Kitzka

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

NOW, ~~February~~ ^{March 10}, 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., ~~February~~ ^{March 15}, 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 return day.

By the Court
McKenrick

ACCEPTANCE OF SERVICE BY THE
COMMISSIONERS OF CAMBRIA COUNTY,
PENNSYLVANIA

Now, ~~February~~ ^{March 1}, 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.

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

0
DECREE

AND NOW, this 15 day of March, 1937, the within petition
having been read and considered, the Court appoints J. E. Dekey
James McCann and A. M. Shoemaker and
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
J. McKenrick
Y

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~~ ^{March}, 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
Crest Street, thence from the center line of said Warren Street by the center
line of said Crest Street North 61° 06' West seven hundred ten (710) 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, Berkley Road, in said Township of Upper Yoder, is one hundred ten (110)
feet, measured along the center line of Warren Street to the center line of
said Berkley Road.

Barnhart & Adams
ATTORNEYS FOR PETITIONERS

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

D. H. Weimer
Curt Barnhart

No. 11. Dec. Sessions, 1937
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

McKenzie

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. // *Dec.* Sessions, 1937
¶ PETITION FOR APPOINTMENT OF VIEWERS

B O N D

KNOW ALL MEN BY THESE PRESENTS that we *D. J. Weimer*
and *Curt Barnhart*, 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 Beane*, 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 Crest Street, thence from the center line of said Warren Street by the center line of said Crest Street North 61° 06' West seven hundred ten (710) 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, Berkley Road, in said Township of Upper Yoder, is one hundred ten (110) feet, measured along the center line of Warren Street to the center line of said Berkley Road; 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. W. Weiner and Curt Barnhart

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. W. Weiner (SEAL)

Curt Barnhart (SEAL)

No. 11 December Sessions 1936.

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

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 17, 1937.

CERTIFIED

Harold L. Brown
COUNTY CONTROLLER

14 June 1937 Approved and breadth fixed at forty feet.

By the Council

W. H. Merrick

13 Sept. 1937. Confirmed Absolutely

Geo. J. ...
Curtis

say out 40 ft

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. 11, 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 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 10:30 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 Crest Street, a dedicated highway in the Harry E. Berkley Plan of Lots 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, four (4) or more, all occupied by families occupy lots adjoining the proposed new road; the Viewers named

11/11/37
11/11/37
11/11/37

herein were present during the view and the petitioners were represented; that after viewing the premises, although the ending terminus of said proposed new road is not in an intersecting public 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 Crest Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 110.0 feet measured along the center line of Warren Street in a southwesterly direction from the intersection of Berkley Road, another public highway, thence N.61°06'W. 710.0 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 479.0 feet measured along the center line of Derby Street in a northeasterly direction from Atwood Street or Berkley Road Extension, a public highway in Upper Yoder Township, 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 Crest Street as dedicated is only 30 feet in width. We are informed that an additional width of 5.0 feet has been dedicated by the adjoining property owners on either side of said Crest Street, which provides for a maximum width of 40 feet; said additional width 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 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 12th day of April A. D. 1937.

S. E. Dickey
A. M. Shoemaker
James M. Carr
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. 11, 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	\$ 12.00	
Mileage	.50	
Stenographer & Stationery	1.50	
Making View	6.00	
Mileage	.80	
Data, coloring, lettering plans and additional blue prints	6.00	
Data, preparing and filing report	12.00	
Stenographer & 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

CERTIFIED
[Signature]
COUNTY CONTROLLER

APPROVED FOR PAYMENT

[Signature]
[Signature]
COMMISSIONERS

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.11, 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 Crest Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 110.0 feet measured along the center line of Warren Street in a southwesterly direction from the intersection of Berkley Road, 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 479.0 feet measured along the center line of said Derby Street in a northeasterly direction from Atwood Street or Berkley Road Extension, a public highway in Upper Yoder Township, will meet at the place of beginning on the 6th day of April A. D. 1937 at 10:30 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. 11, 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 Crest Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 110.0 feet measured along the center line of Warren Street in a southwesterly direction from the intersection of Berkley Road, 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 479.0 feet measured along the center line of said Derby Street in a northeasterly direction from Atwood Street or Berkley Road Extension, a public highway in Upper Yoder Township, will meet at the place of beginning on the 6th day of April A. D. 1937 at 10:30 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 2 day of April A. D. 1937, service of the above notice is hereby accepted by the County Commissioners of Cambria County.

By

H. J. [Signature]
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 11, 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 Crest Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 110.0 feet measured along the center line of Warren Street in a southwesterly direction from the intersection of Berkley Road, 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 479.0 feet measured along the center line of said Derby Street in a northeasterly direction from Atwood Street or Berkley Road Extension, a public highway in Upper Yoder Township, will meet at the place of beginning on the 6th day of April A. D. 1937 at 10:30 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

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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. 11 December Sessions, 1936.
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:

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the intersection of Warren Street, a public road in said Township of Upper
Yoder, and the proposed road known as Crest Street, thence from the center line
of said Warren Street by the center line of said Crest Street North 61° 06'
West seven hundred ten (710) feet to the center line of Derby Street, a
dedicated highway.

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road, as set forth in this petition, from an intersecting public road or street,
to-wit, Berkley Road, in said Township of Upper Yoder, is one hundred ten (110)
feet, measured along the center line of Warren Street to the center line of
said Berkley Road.

A print 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

