

No. *12* Dec Sessions, 193*6*
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. 12 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 the westerly side of Penn Street, at the end of Edward
Street, a public road in the Borough of Southmont; thence along the center of
the proposed road in Upper Yoder Township South $86^{\circ} 25'$ East twenty and twenty-
four hundredths (20.24) feet; thence South $56^{\circ} 41'$ East two hundred thirty-nine
and seventy-seven hundredths (239.77) feet to the center line of Christine
Street; thence by the center of Christine Street South $81^{\circ} 30'$ East twelve
hundred thirty-four and forty-three hundredths (1234.43) feet; thence by same
South $55^{\circ} 45'$ East two hundred nine and forty-five hundredths (209.45) feet;
thence by same South $4^{\circ} 30'$ East two hundred thirty and forty-five hundredths
(230.45) feet to the intersection of Katherine Street; thence by the center
line of Katherine Street South $85^{\circ} 30'$ West nine hundred seventy-three and
twenty-two hundredths (973.22) feet; thence by same North $72^{\circ} 00'$ West three
hundred forty-eight and ninety-eight hundredths (348.98) feet to the inter-
section of the center line of Ann Street; thence by the center line of Ann
Street South $18^{\circ} 00'$ West four hundred thirteen and eighty-seven hundredths
(413.87) feet to the intersection of Hershberger Road, a public 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, Orange Street in the Borough of Southmont, County aforesaid,
is five hundred thirty (530) feet, measured along the center line of Edward
Street to the center line of said Orange Street; and the exact distance from
the point of ending of the said proposed road, as set forth in this petition,
from an intersecting public road or street, to-wit, Daisy Street, a public

highway in the said Borough of Southmont, is two thousand ninety (2090) feet, measured along the center line of Hershberger Road to the intersection with the center line of said Daisy Street.

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

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 the said proposed highway, is filed to No. 3 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.

<u>Ar. Scott Beam</u>	<u>Leah C. Stanton</u>
<u>Lucella Beam</u>	
<u>Lloyd Bailey</u>	
<u>Donald Berkley</u>	
<u>W. R. Beam</u>	
<u>Ourinfield S. McClintock</u>	
<u>Raymond S. McClintock</u>	
<u>Mrs. F. H. Krimer</u>	
<u>Norman C. Lane</u>	
<u>Mrs. Norman C. Lane</u>	
<u>Mrs. Lulu D. Albert</u>	
<u>Edmund R. Albert</u>	
<u>Mrs. S. A. Weimer</u>	
<u>S. A. Weimer</u>	
<u>George K. Titko</u>	
<u>Regina K. Titko</u>	

COMMONWEALTH OF PENNSYLVANIA

:

SS:

COUNTY OF CAMBRIA

:

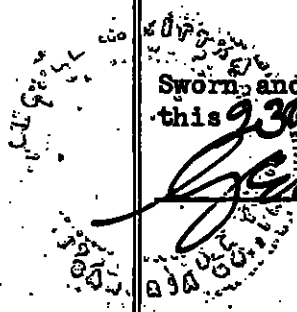
Personally appeared before me, a ~~Notary Public~~ ^{*JP*} in and for said State and County, *S. A. Weimer*, who being duly sworn according to law, deposes and says that he is one of the petitioners within set forth and that the statements contained in said petition are true and correct.

Sworn and subscribed before me
 this *9th* day of February, 1937.

S. A. Weimer

George W. Ritter JP

MY COMMISSION EXPIRES FIRST
 MONDAY IN JANUARY, 1940



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 10th
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., ~~February~~ *March 15th*, 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
McKerrick

ACCEPTANCE OF SERVICE BY THE
COMMISSIONERS OF CAMBRIA COUNTY,
PENNSYLVANIA

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

George W. Spencer
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 *A. M. Shoemaker*
James M. Lane and *J. E. Drakey* 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
McKenrick

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 *March* February, 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 the westerly side of Penn Street, at the end of Edward Street, a public road in the Borough of Southmont; thence along the center of the proposed road in Upper Yoder Township South $86^{\circ} 25'$ East twenty and twenty-four hundredths (20.24) feet; thence South $56^{\circ} 41'$ East two hundred thirty-nine and seventy-seven hundredths (239.77) feet to the center line of Christine Street; thence by the center of Christine Street South $81^{\circ} 30'$ East twelve hundred thirty-four and forty-three hundredths (1234.43) feet; thence by same South $55^{\circ} 45'$ East two hundred nine and forty-five hundredths (209.45) feet; thence by same South $4^{\circ} 30'$ East two hundred thirty and forty-five hundredths (230.45) feet to the intersection of Katherine Street; thence by the center line of Katherine Street South $85^{\circ} 30'$ West nine hundred seventy-three and twenty-two hundredths (973.22) feet; thence by same North $72^{\circ} 00'$ West three hundred forty-eight and ninety-eight hundredths (348.98) feet to the intersection of the center line of Ann Street; thence by the center line of Ann Street South $18^{\circ} 00'$ West four hundred thirteen and eighty-seven hundredths (413.87) feet to the intersection of Hershberger Road, a public 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, Orange Street in the Borough of Southmont, County aforesaid,

is five hundred thirty (530) feet, measured along the center line of Edward Street to the center line of said Orange Street; and the exact distance from the point of ending of the said proposed road, as set forth in this petition, from an intersecting public road or street, to-wit, Daisy Street, a public highway in the said Borough of Southmont, is two thousand ninety (2090) feet, measured along the center line of Hershberger Road to the intersection with the center line of said Daisy Street.

Barnhart & Adams
ATTORNEYS FOR PETITIONERS

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

666

D. H. Weiner
Curt Barnhart

No. 12 December Sessions 1936

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

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

Order to View

2
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. 12 December Sessions, ~~1935~~
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 the westerly side of Penn Street, at the end of Edward
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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. 12 December Sessions, 1936
1936

DECREE

AND NOW, this 15th day of ~~February~~ March, 1937, the within petition
having been read and considered, the Court appoints A. M. Shoemaker

and S. E. Dickey and

James McCann

Viewers to view the road herein

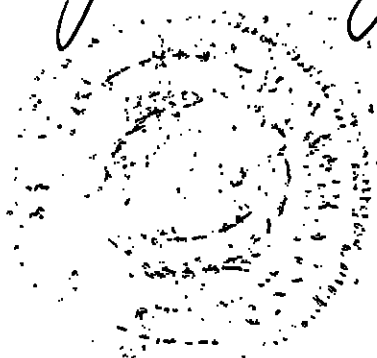
referred to and make a report of their proceedings to the next term of the
Court of Quarter Sessions of said County.

By the Court,
McKenrick, J.

Extract from the Record.

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

James M. Jones
CLERK OF COURTS



No. 12 Dec. Sessions, 1936
In the Court of Common Pleas 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
McKerrick
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. 12 Dec. Sessions, 1937
¶ PETITION FOR APPOINTMENT OF VIEWERS

B O N D

KNOW ALL MEN BY THESE PRESENTS that we D. H. 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
March
February, 1937.

WHEREAS, A. Lott 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 the westerly side
of Penn Street, at the end of Edward Street, a public road in the Borough of
Southmont; thence along the center of the proposed road in Upper Yoder Township
South 86° 25' East twenty and twenty-four hundredths (20.24) feet; thence South
56° 41' East two hundred thirty-nine and seventy-seven hundredths (239.77)
feet to the center line of Christine Street; thence by the center of Christine
Street South 81° 30' East twelve hundred thirty-four and forty-three hundredths
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hundredths (209.45) feet; thence by same South 4° 30' East two hundred thirty
and forty-five hundredths (230.45) feet to the intersection of Katherine Street;
thence by the center line of Katherine Street South 85° 30' West nine hundred
seventy-three and twenty-two hundredths (973.22) feet; thence by same North
72° 00' West three hundred forty-eight and ninety-eight hundredths (348.98)
feet to the intersection of the center line of Ann Street; thence by the center
line of Ann Street South 18° 00' West four hundred thirteen and eighty-seven
hundredths (413.87) feet to the intersection of Hershberger Road, a public
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, Orange Street in the Borough of Southmont, County aforesaid, is five hundred thirty (530) feet, measured along the center line of Edward Street to the center line of said Orange Street; and the exact distance from the point of ending of the said proposed road, as set forth in the aforesaid petition, from an intersecting public road or street, to-wit, Daisy Street, a public highway in the said Borough of Southmont, is two thousand ninety (2090) feet, measured along the center line of Hershberger Road to the intersection with the center line of said Daisy Street; 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 H Winner 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 Winner
Ruth Barnhart

D H Winner (SEAL)
Curt Barnhart (SEAL)

No. 12 December Sessions, 1936.

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

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

31:ear 34

40'

REPORT OF VIEWERS.

Filed: April 23, 1937

CERTIFIED
Henry E. ...
COUNTY CONTROLLER

14 June 1937 Approved and breadth fixed at forty feet.

By the Court
McKenrick &

13 Sept. 1937. Confirmed absolutely.

John Jones
Clerk

401

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

#12 December Sessions, 1936.

TO THE HONORABLE THE JUDGES OF THE COURT OF QUARTER SESSIONS OF
CAMBRIA COUNTY, PENNSYLVANIA.

REPORT OF VIEWERS.

We, the undersigned, members of the Permanent Board of Viewers of Cambria County, Pennsylvania, appointed by your Honorable Court upon order entered to No. 12 December Sessions, 1936, to view and determine as to the necessity for a public road in Upper Yoder Township, Cambria County, Pennsylvania, between the termini specified in said Order, respectfully report:

That having given due notice of the view and time and place of meeting of the viewers to the Commissioners of Cambria County and to the Supervisors of the Township of Upper Yoder and having said Commissioners and Frank P. Barnhart, Esq., Attorney for the Supervisors of said Township, accept service of the notices hereto attached, and notice to the traveling public by printed hand bills posted at and near the termini of said proposed new road; All of us met at the time and place appointed, in accordance with the said notices as served and posted and having gone over and viewed the same having in mind the shortest distance, the best locations for same, where it would do the least injury to private property and at the same time be of the most benefit to the traveling public and those living along the route of same, are all of the opinion that the same is necessary as a public road for the accommodation of the traveling public.

Said piece of road as laid out and recommended: BEGINNING on the Westerly side of Penn Street near Edward Street and extending thence along Christine Street South eighty-six degrees twenty-five minutes East twenty and twenty-four hundredths feet; South fifty-six degrees forty-one minutes East two hundred thirty-nine and seventy-seven hundredths feet; thence South eighty-one degrees thirty minutes East Twelve hundred thirty-four and forty-three hundredths feet; thence South fifty-five degrees forty-five minutes East two hundred nine and forty-five hundredths feet; South four degrees thirty minutes East two hundred thirty and forty-five hundredths feet; to the intersection of Katherine Street; thence along said Katherine Street South eighty-five degrees thirty-minutes West nine hundred and seventy-three and twenty-two hundredths feet; North seventy-two degrees West three hundred forty-eight and ninety-eight hundredths feet to the intersection of Ann Street; thence along said Ann Street, South eighteen degrees West four hundred thirteen and eighty-seven hundredths feet to the intersection of Ann Street with Harshberger Road, the place of ending as indicated on the Order of Court.

Said roads as herein recommended was originally dedicated as streets, a plot of ground laid out some years ago along which there are now some six^{ten} or eight^{teen} families living and over which there is even now considerable traffic by the public.

Said streets having been dedicated and no injury being sustained by the property owners along and adjoining said piece of road, we have assessed no damages.

WITNESS our hands this 2nd day of April, A. D., 1937.

A. M. Shoemaker

D. E. Dickey

James M. Carr

Viewers.

NOTICE OF VIEW.

The undersigned viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania to view and determine as to the necessity for a public road in Upper Yoder Township in said County and State:

BEGINNING at the juncture of Edward and Christian Streets where same are intersected by Penn Street, and extending thence in an easterly, southerly and southwesterly direction and ending at the point where Ann Street adjoins Harshberger Street leading to Johnstown in said Township, County and State.

The said viewers will meet at the point of beginning above indicated in the Township of Upper Yoder, Cambria County, Pennsylvania, March 29, 1937, at ^{1:30} ~~one~~ o'clock P. M. for the purpose of performing the duties of their said appointment.

A. M. SHOEMAKER

S. E. DICKEY

JAMES McCANN

Viewers.

Now, March 1937, service of the above notice is hereby accepted for the Commissioners of Cambria County, Pa.

A. J. Deu
Clerk for Commissioners.

NOTICE OF VIEW.

The undersigned viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania to view and determine as to the necessity for a public road in Upper Yoder Township in said County and State:

BEGINNING at the juncture of Edward and Christian Streets where same are intersected by Penn Street, and extending thence in an easterly, southerly and southwesterly direction and ending at the point where Ann Street adjoins Harshberger Street leading to Johnstown in said Township, County and State.

The said viewers will meet at the point of beginning above indicated in the Township of Upper Yoder, Cambria County, Pennsylvania, March 29, 1937, at ^{1:30} one o'clock P. M. for the purpose of performing the duties of their said appointment.


A. H. SHOENAKER

S. E. DICKEY

JAMES McCANN

Viewers.

March 20, 1937, we hereby accept service of the above Notice and acknowledge receipt of copy of same.


FRANK P. BERNHARD
ATTORNEYS FOR SUPERVISORS
OF UPPER YODER TOWNSHIP.

NOTICE OF VIEW

The undersigned viewers appointed by the Court of Quarter Sessions of Cambria County, Pennsylvania to view and determine as to the necessity for a public road in Upper Yoder Township in said County and State:

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A. M. SHOEMAKER

S. E. DICKEY

JAMES McCANN

Viewers.

Johnstown Pa April 6, 1937

Cambria County Commissioners
Ebensburg Pa.

To James McEann Do.

March 30	1/2 day on view	6 ⁰⁰
	Mileage 8	.80
		<hr/>
		6.80

CERTIFIED
James McEann
COUNTY CONTROLLER

APPROVED FOR PAYMENT
John P. ...
TREASURER

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. 12, December Sessions, 1936

To S. E. DICKEY Dr.

Making View	\$ 6.00
Mileage	<u>.80</u>
	\$ 6.80

CERTIFIED
Joseph P. ...
 COUNTY COMMISSIONERS

To A. M. Shoemaker, Dr.

Preparing, posting and serving notices of view	- -	\$12.00	✓
18 miles posting and serving notices	- - -	1.80	
Stenographer and stationery	- - -	1.50	
Making View of Road	- 1/2 day - - -	6.00	✓
22 miles at 10 cents per mile	- - -	2.20	
Engineering work and prints	- - -	9.00	✓
Preparing and filing Report of Viewers	- -	12.00	✓
Stenographer and stationery	- - -	2.00	
		<u>\$46.50</u>	

APPROVED FOR PAYMENT
John ...
Frank P. ...
 COMMISSIONERS

Edward St.

Penn Street

Point of beginning
S. 56° 41' E. 239.77'

Christine Building lots
S. 81° 30' E. 1234.43'
Building lots

S. 55° 45' E. 209.45'
S. 40° 30' E. 230.45'

On some eighteen of the lots bordering this proposed new road: as laid out and in the accompanying report of viewers is recommended for a public highway: are erected substantial occupied residences.

Building lots

Katherine Street
Building lots

Frank St.

Alan St.

Building lots
Alan Street
Building lots

Harshberger

Point of ending
Street to Johnstown

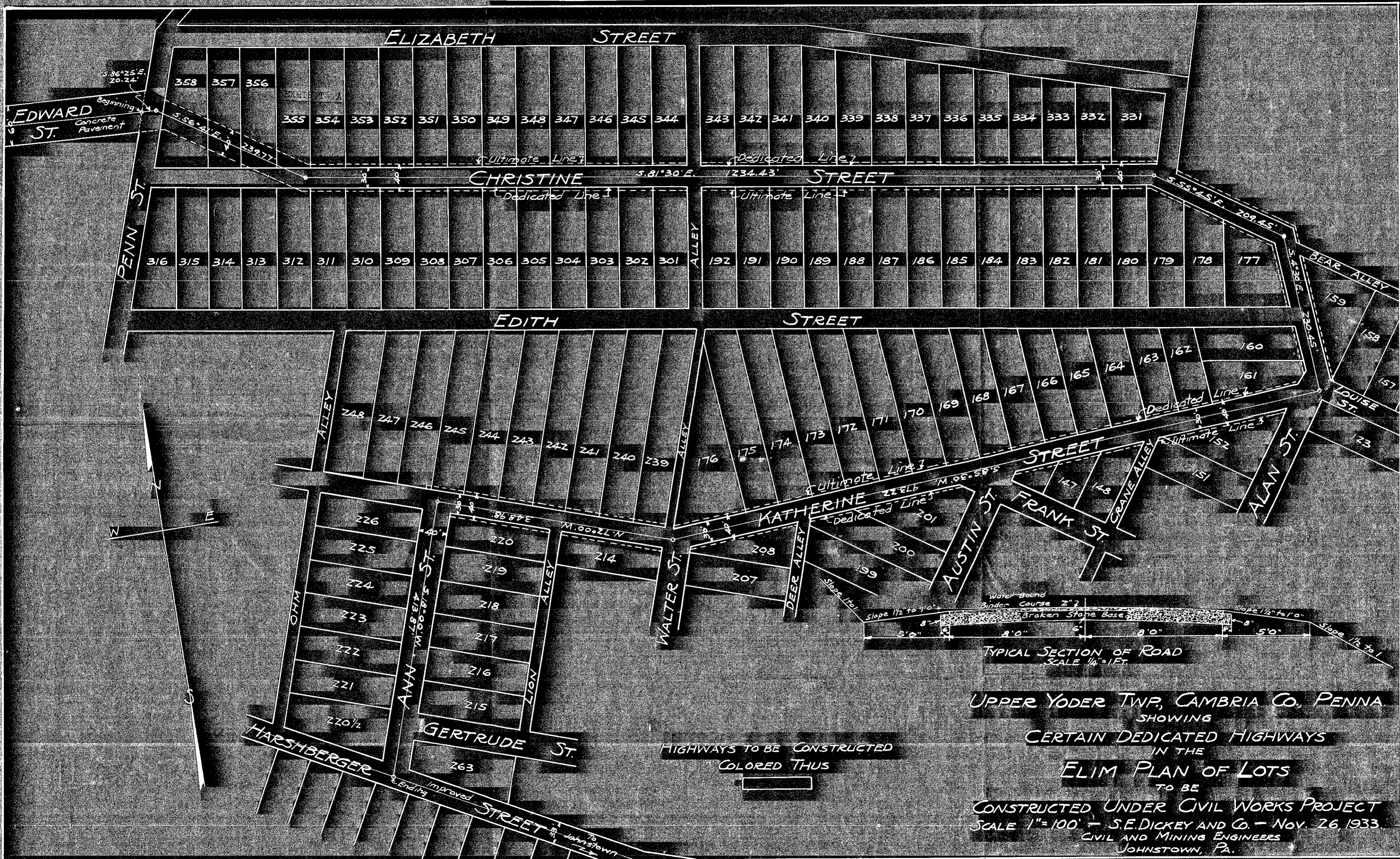
Plot or draft showing the line and location of a proposed public road in Upper Goder Township, Cambria County, Pennsylvania Viewed upon an order of the Court of Quarter Sessions of said county and state entered to No. 12 Dec. Sessions, 1936.

A. M. Shoemaker,
S. E. Dickey^{2nd}
James M. Cann,
Viewers

P.O. #12 Dec. 1936

Rat microfilmed

7



UPPER YODER TWP, CAMBRIA CO., PENNA
 SHOWING
 CERTAIN DEDICATED HIGHWAYS
 IN THE
 ELIM PLAN OF LOTS
 TO BE
 CONSTRUCTED UNDER CIVIL WORKS PROJECT
 SCALE 1"=100' - S.E. DICKEY AND CO. - NOV. 26, 1933
 CIVIL AND MINING ENGINEERS
 JOHNSTOWN, PA.

HIGHWAYS TO BE CONSTRUCTED
 COLORED THUS

