

No. 14 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 and

REPORT OF VIEWERS:

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

Viewers

Filed - April - 12 - 1937

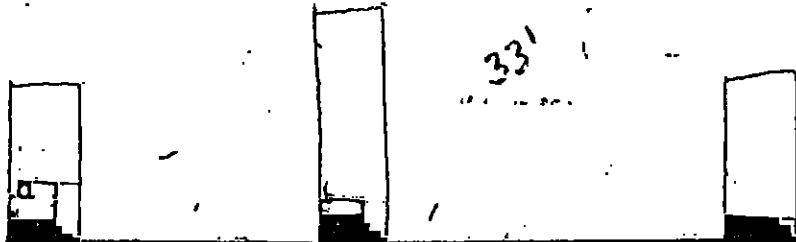
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CLERK OF COURT
CAMBRIA COUNTY, PENNSYLVANIA

14 June 1937 Approved and breadth fixed at thirty-three feet

By the Court
McKenrick

13 Sept. 1937. Confirmed Absolutely

Jr Jones
Clark



In Re: Laying out of a Public Road in the Township of Upper Yoder, County of Cambria and State of Pennsylvania. () In the Court of Quarter Sessions of Cambria County, Penna. No. 14-December Sessions, 1936

REPORT OF VIEWERS

To the Honorable, the Judges of the abovenamed 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 as members of the Permanent Board of Viewers of Cambria County, as shown by the records of the Court; that due public notice of the time and place of meeting has been given by posting notices, as required by law, along the route and at the termini of the said proposed new road, as shown by copies of said notices hereto attached and by notice given to the Cambria County Commissioners, acceptance of service is hereto attached, and to the Supervisors of Upper Yoder Township, acceptance of service being certified by their solicitor, notice of which is also hereto attached; that we met in accordance with the notices given and at the time and place thereon designated, the 31st. day of March A.D. 1937, at 10:00 o'clock A.M. and proceeded with the duties of our appointment.

There were present the three Viewers and a representative of the Petitioners. We viewed the premises and route of the proposed new road, beginning at the intersection of Harshberger Road, a Public Road in the said Township of Upper Yoder, and Penn Street, the proposed road, and thence from the center line of Harshberger Road by the center line of Penn Street, North 18 degrees 00 minutes Six Hundred and Forty-five and Twenty-three Hundredths (645.23) Feet along Penn Street to the intersection of Penn Street

with Christine Court, a Public Highway in the Borough of Southmont.

That the proposed new road is a highway in the Elim Plan of Lots and is now opened and improved and part of the Township Highway System, but it is desired by the Supervisors of said Township to widen it so that it will conform to the width necessary to be a Township Road. Because of this no unusual or extraordinary expense will be imposed on the Township by reason of the widening of said Penn Street.

There is hereto attached a map or plan showing the courses and distances of the new street in detail. We are informed by officers of the Township that releases of damages have been filed in the Cambria County Court House from abutting property owners.

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

We also believe that there are no benefits or damages sustained, or likely to be sustained, by any of the abutting property owners, and therefore there are no damages awarded or benefits assessed.

Witness our hands and seals this 12th day of April A.D.
1937.

James M. Cannon
A. M. Shoemaker
H. E. Dickson
Viewers.

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. 14 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 Harshberger Road, a public road in the said Township of
Upper Yoder, and Penn Street, the proposed road; thence from the center line
of Harshberger Road by the center line of said Penn Street North 18° 00' East
six hundred forty-five and twenty-three hundredths (645.23) feet to the
intersection of the center line of Christine Court, a public highway in the
Borough of Southmont.

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, Daisy Street in the Borough of Southmont, County aforesaid,
is fifteen hundred eighty-five (1585) feet, measured along the center line of
Harshberger Road to the center line of said Daisy 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, Orange Street
in the said Borough of Southmont, is five hundred ten (510) feet, measured
along the center line of Christine Court to the intersection of the center
line of Orange 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

Commissioners of Cambria County
To James McLean Sr.

Preparing, Arising & Posting Notes	12.00
Stenographer & Stationery	1.50
Mileage	.80
Making View	6.00
Mileage 8	.80
Data Preparing & filing Reports	12.00
Stenographer and Stationery	2.00
	<u>\$ 35.10</u>

S. E. Dickey	
Making View	6.00
Data Coloring Lettering Plans and prints	6.00
Mileage	.80
	<u>\$ 12.80</u>

CERTIFIED
Joseph Carson
COUNTY CONTROLLER

A. M. Shornaber	
Making View	6.00
Mileage 22	2.29
	<u>\$ 8.29</u>

APPROVED FOR PAYMENT

James Thurner
Frank P. Holler
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. 14, December Sessions, 1936

NOTICE OF VIEW

We, the undersigned, Viewers appointed by the above Court to view the premises and determine as to the necessity for a public road as prayed for by the Petitioners,

Beginning at the intersection of Harshberger Road, a public road in the said Township of Upper Yoder, and Penn Street, the proposed road; thence from the center line of Harshberger Road by the center line of said Penn Street, North $15^{\circ} 00'$ East, six hundred forty-five and twenty-three hundredths (645.23) feet to the intersection of the center line of Christine Court, a public highway in the Borough of Southmont;

Will meet at the place of beginning above described on the 31st day of March 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 parties may appear if they think proper.

VIEWERS

James McCann

A. E. Shoemaker

S. E. Dickey

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. 14, December Sessions, 1936

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Beginning at the intersection of Harshberger Road, a public road in the said Township of Upper Yoder, and Penn Street, the proposed road; thence from the center line of Harshberger Road by the center line of said Penn Street, North 18° 00' East, six hundred forty-five and twenty-three hundredths (645.23) feet to the intersection of the center line of Christine Court, a public highway in the Borough of Southport:

Will meet at the place of beginning above described on the 31st day of March 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 parties may appear if they think proper.

VIEWERS

James McCann

A. M. Shoemaker

S. E. Dickey

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.
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We, the undersigned, Viewers appointed by the above Court to view the premises and determine as to the necessity for a public road as prayed for by the Petitioners;

Beginning at the intersection of Harshberger Road, a public road in the said Township of Upper Yoder, and Penn Street, the proposed road; thence from the center line of Harshberger Road by the center line of said Penn Street, North $18^{\circ} 00'$ East, six hundred forty-five and twenty-three hundredths (645.23) feet to the intersection of the center line of Christine Court, a public highway in the Borough of Southmont;

Will meet at the place of beginning above described on the 31st day of March 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 parties may appear if they think proper.

VIEWERS:

James McCann

A. M. Shoemaker

S. E. Dickey

March 19, 1937, we hereby accept service of the
within notice and acknowledge receipt of copy of same.

Barnhart & Adams
Attorneys for Petitioners

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. 14, December Sessions, 1936

NOTICE OF VIEW

We, the undersigned, Viewers appointed by the above Court to view the premises and determine as to the necessity for a public road as prayed for by the Petitioners;

Beginning at the intersection of Harshberger Road, a public road in the said Township of Upper Yoder, and Penn Street, the proposed road; thence from the center line of Harshberger Road by the center line of said Penn Street, North $18^{\circ} 00'$ East, six hundred forty-five and twenty-three hundredths (645.23) feet to the intersection of the center line of Christine Court, a public highway in the Borough of Southmont;

Will meet at the place of beginning above described on the 31st day of March 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 parties may appear if they think proper.

VIEWERS

Surudi-322/57
H. F. Dyer
clerk

James McCann

A. M. Shoemaker

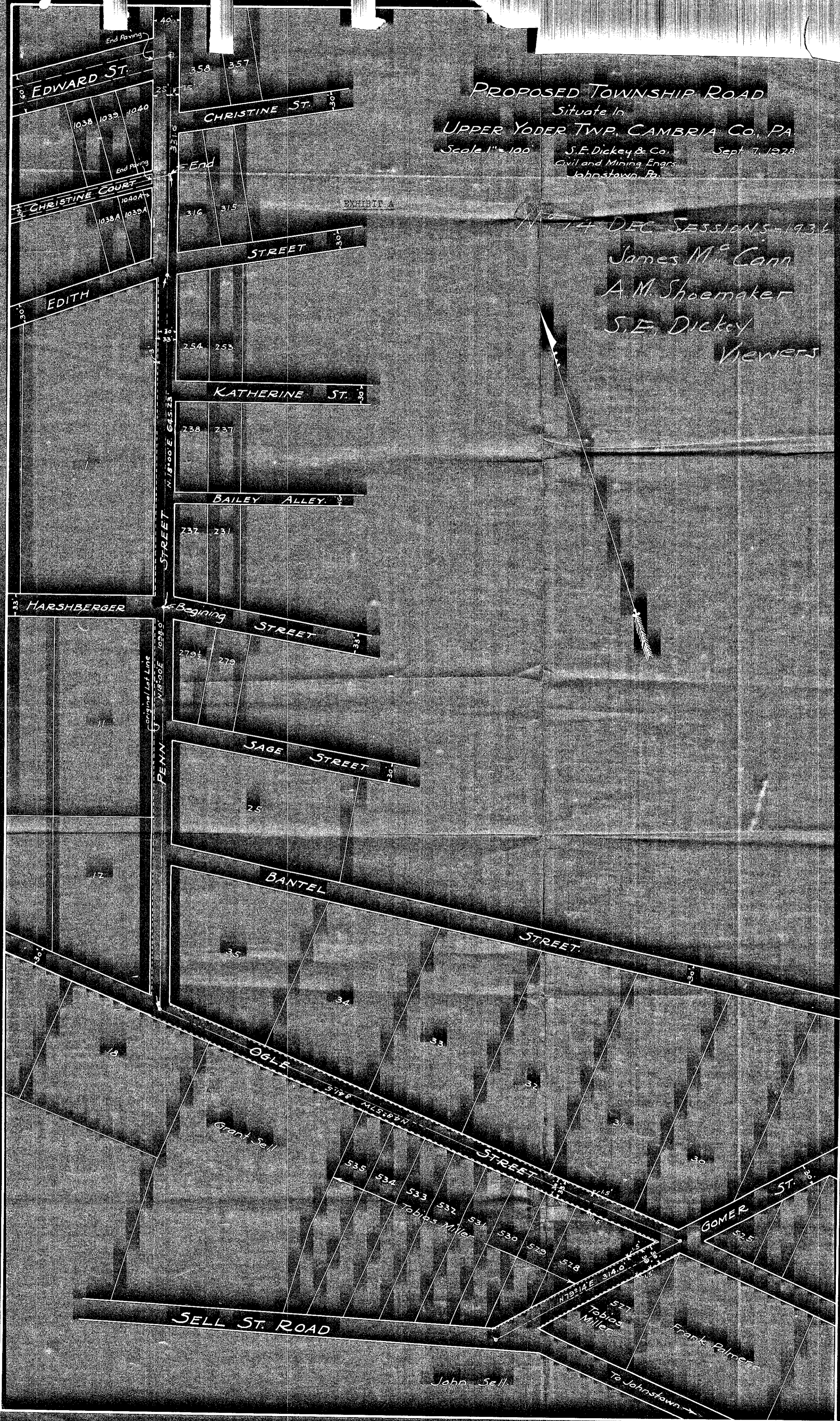
S. E. Dickey

R.O. #14 Dec. 1936
Not microfilmed

(9)

PROPOSED TOWNSHIP ROAD
 Situate In
 UPPER YODER TWP, CAMBRIA CO, PA
 Scale 1" = 100
 S.E. Dickey & Co.
 Civil and Mining Engrs.
 Johnstown, Pa. Sept. 7, 1928

EXHIBIT A
 DEC. SESSIONS - 1931
 James M. Cann
 A. M. Shoemaker
 S. E. Dickey
 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, Pennsylvania.
: No. 14 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 Harshberger Road, a public road in the said Township of
Upper Yoder, and Penn Street, the proposed road; thence from the center line
of Harshberger Road by the center line of said Penn Street North 18° 00' East
six hundred forty-five and twenty-three hundredths (645.23) feet to the
intersection of the center line of Christine Court, a public highway in the
Borough of Southmont.

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, Daisy Street in the Borough of Southmont, County aforesaid,
is fifteen hundred eighty-five (1585) feet, measured along the center line of
Harshberger Road to the center line of said Daisy 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, Orange Street
in the said Borough of Southmont, is five hundred ten (510) feet, measured
along the center line of Christine Court to the intersection of the center
line of Orange 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 December Sessions, 1931.

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 Bean

Lyella Beaman

Lloyd Berkeley

Donald Berkeley

M. R. Beaman

William S. McClintock

Raymond S. McClintock

Mrs. D. H. Weimer

Norman C. Lane

Mrs. Norman C. Lane

Mrs. Lulu W. Albert

Edmund R. Albert

Mrs. S. A. Weimer

S. A. Weimer

George Kitzka

Regina Kitzka

Charles Kitzka

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CAMBRIA :

Personally appeared before me, *J.P.*
a 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 R. Little Jr.

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 14
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*, 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

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

George M. 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 day of March, 1937, the within petition
having been read and considered, the Court appoints James H. Conner
J. E. Dickey and A. M. Stover 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
McKinnick

No. *14* 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.

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 ^{March} 1st day of 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 Harshberger
Road, a public road in the said Township of Upper Yoder, and Penn Street, the
proposed road; thence from the center line of Harshberger Road by the center
line of said Penn Street North 18° 00' East six hundred forty-five and twenty-
three hundredths (645.23) feet to the intersection of the center line of
Christine Court, a public highway in the Borough of Southmont.

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, Daisy Street in the Borough of Southmont, County aforesaid,
is fifteen hundred eighty-five (1585) feet, measured along the center line of
Harshberger Road to the center line of said Daisy 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, Orange Street
in the said Borough of Southmont, is five hundred ten (510) feet, measured
along the center line of Christine Court to the intersection of the center
line of Orange Street.

Barnhart & Adams
ATTORNEYS FOR PETITIONERS

171

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

D.H. Weiner
Carl Runkhart

No. 14. 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
McKerrick
J

Filed March 1, 1937

LAW OFFICES
BARNHART & ADAMS
JOHNSTOWN, PENNA.

IN 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. *17 Dec.* Sessions, 1937
§ PETITION FOR APPOINTMENT OF VIEWERS

B O N D

KNOW ALL MEN BY THESE PRESENTS that we *D. H. Wimmer*
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. Luth. Beaman*, 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 abovementioned road in the
said Township of Upper Yoder, to begin at the intersection of Harshberger
Road, a public road in the said Township of Upper Yoder, and Penn Street, the
proposed road; thence from the center line of Harshberger Road by the center
line of said Penn Street North $18^{\circ} 00'$ East six hundred forty-five and
twenty-three hundredths (645.23) feet to the intersection of the center line
of Christine Court, a public highway in the Borough of Southmont.

The exact distance from the point of beginning of said proposed
road, as set forth in the aforementioned petition, from an intersecting public
road or street, to-wit, Daisy Street in the Borough of Southmont, County
aforesaid; is fifteen hundred eighty-five (1585) feet, measured along the
center line of Harshberger Road to the center line of said Daisy Street; and
the exact distance from the point of ending of the said proposed road, as
set forth in the aforementioned petition, from an intersecting public road or
street, to-wit, Orange Street in the said Borough of Southmont, is five hundred

ten (510) feet; measured along the center line of Christine Court to the intersection of the center line of Orange 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 S. W. Weimer 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 Weimer
Ruth Barnhart

S. W. Weimer (SEAL)
Curt Barnhart (SEAL)