

No. 7. 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.

B O N D

~~February~~ *MARCH* 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. 7 Dec. Sessions, 1937
¶ PETITION FOR APPOINTMENT OF VIEWERS

B O N D

KNOW ALL MEN BY THESE PRESENTS that we W. J. Swinner
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. Scott 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 above mentioned
road in the said Township of Upper Yoder, to begin at the junction of said
proposed road and Valley Pike, the center line of said proposed road being
eastwardly a distance of ten hundred thirty-five (1035) feet from the inter-
section of a public highway leading from the said Valley Pike to Somerset,
said proposed road having the following courses and distances: 'Thence by the
center line of Slagle Street North 32° 12' West one hundred sixty-seven (167)
feet to center line of Center Street; thence by Center Street North 63° 13'
East three hundred twenty-six (326) feet; thence North 72° 15' East two hundred
three and three tenths (203.3) feet; thence North 84° 11' East one hundred
forty-eight and one-tenth (148.1) feet to the place of ending.

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, the intersection of the aforesaid junction of Valley Pike and a public
road to Somerset, is ten hundred thirty-five (1035) feet, measured from the
center line of said public road to Somerset and said Alley Pike to the center
line of said Slagle 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 W. W. Wimer 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

Willa Wimer
Ruth Barnhart

W. W. Wimer (SEAL)

Curt Barnhart (SEAL)

No. 7 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. 7 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 junction of said proposed road and Valley Pike, the center line of said
proposed road being eastwardly a distance of ten hundred thirty-five (1035) feet
from the intersection of a public highway leading from the said Valley Pike to
Somerset, said proposed road having the following courses and distances:

Thence by the center line of Slagle Street North $32^{\circ} 12'$ West one hundred sixty-
seven (167) feet to center line of Center Street; thence by Center Street North
 $63^{\circ} 13'$ East three hundred twenty-six (326) feet; thence North $72^{\circ} 15'$ East
two hundred three and three tenths (203.3) feet; thence North $84^{\circ} 11'$ East
one hundred forty-eight and one-tenth (148.1) feet to the place of ending.

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, the intersection of the aforesaid junction of Valley Pike and a public
road to Somerset, is ten hundred thirty-five (1035) feet, measured from the
center line of said public road to Somerset and said Valley Pike to the center
line of said Slagle Street.

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 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. 5 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
Lucella Beam
Lloyd Berkley
Donald Berkley
W. W. Beam
Winifred S. McClinton
Raymond S. McClinton
Mrs. D. H. Weimer
Norman S. Lane
Mrs. Norman C. Lane
Mrs. Lulu W. Albert
Edmund R. Albert
Mrs. S. A. Weimer
S. A. Weimer
George Kittle
Regina Kittle
Carl Kittle

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.

George R. Little, J.P.

MY COMMISSION EXPIRES
MONDAY IN JANUARY, 1940

S. A. Weiner

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
NOW, ~~February~~ *1*, 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
Meredith

ACCEPTANCE OF SERVICE BY THE
COMMISSIONERS OF CAMBRIA COUNTY,
PENNSYLVANIA

March
Now, ~~February~~ *1*, 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 March day of ~~February~~, 1937, the within petition
having been read and considered, the Court appoints James McCann
J. E. Dickey and A. M. Stoenaker 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 junction of said proposed road and Valley Pike, the center line of said proposed road being eastwardly a distance of ten hundred thirty-five (1035) feet from the intersection of a public highway leading from the said Valley Pike to Somerset; said proposed road having the following courses and distances: Thence by the center line of Slagle Street North 32° 12' West one hundred sixty-seven (167) feet to center line of Center Street; thence by Center Street North 63° 13' East three hundred twenty-six (326) feet; thence North 72° 15' East two hundred three and three tenths (203.3) feet; thence North 84° 11' East one hundred forty-eight and one tenths (148.1) feet to the place of ending.

The exact distance from the point of beginning of the said proposed road, as set forth in this petition, from an intersecting public road or street, to-wit: The intersection of the aforesaid junction of Valley Pike and a public road to Somerset, is ten hundred thirty-five (1035) feet, measured from the center line of said public road to Somerset and said Valley Pike to the center line of said Slagle Street.

Barnhart & Adams
ATTORNEYS FOR PETITIONERS

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

D. H. Weiner
Carl Barnhart

No. 7. December Sessions 1936

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

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

Order to View and

REPORT OF VIEWERS

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

Viewers

Filed April 12 - 1937

CERTIFIED
[Signature]
CLERK OF COURTS

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

By the Court
McKenrick

13 Sept. 1937. Confirmed absolutely.
Judge Clark.

188



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. 7. 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 1:30 o'clock P.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 the proposed Public Road, known as Derby Street, with Atwood Street, a Public Road in said Township of Upper Yoder; thence continuing from the center line of said proposed road with its junction at said Atwood Street, North 35 degrees 32 minutes East, Three Hundred

Twenty-eight and Five-hundredths (328.05) Feet; thence North 33 degrees 47 minutes East, Four Hundred Thirty-seven and Seventy-hundredths (437.70) Feet; thence North 35 degrees 20 minutes East, Five Hundred Seventy-one and Six-tenths (571.6) Feet to the intersection of Cannon Street, a Township Road.

That the proposed new road is a dedicated Highway in the Berkley-Crestvu, 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 Derby 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. Carr
A. M. Shoemaker
S. E. Dickey
Viewers.

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. 7th 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:

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 proposed public road, known as Derby Street, with
Atwood Street, a public road in said Township of Upper Yoder; thence continu-
ing from the center line of said proposed road with its junction at said Atwood
Street North 35° 32' East three hundred twenty-eight and five hundredths (328.05)
feet; thence North 33° 47' East four hundred thirty-seven and seventy hundredths
(437.70) feet; thence North 35° 20' East five hundred seventy-one and six tenths
(571.6) feet to the intersection of Cannon Street, a township road.

The exact distance from the point of beginning of the said proposed
road, as set forth in this petition, from an intersecting public road or street,
to-wit, Berkley Road, in the said Township of Upper Yoder, is five hundred
eighty-five (585) feet, measured along the center line of said Atwood Street
to the center line of said Berkley Road; 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, Warren Street, in said Township of
Upper Yoder, is six hundred twenty (620) feet, measured along the center line
of said Cannon Street to the center line of said Warren 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".

Commissioners of Cambria Co
To James McLean Sr.

Preparing Survey and Plotting
Articles

12.00

Stenographers & Stationery
Mileage &

1.50

.80

Making View
Mileage

6.00

Stenographers & Stationery

.80

Data Preparing and filing Report

~~72.80~~

Stenographers & Stationery

2.00

\$ 35.10

S E Dickey

Making View

6.00

Data. Coloring Lettering Plans
And Prints

6.00

Mileage

.80

12.80

CERTIFIED

James McLean Sr.
COUNTY CLERK

M Showmaker

Making View

6.00

Mileage 22

2.20

8.20

APPROVED FOR PAYMENT

James McLean Sr.

Grant P. Hollen

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. 7, 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 the proposed public road, known as Derby Street, with Atwood Street, a public road in said Township of Upper Yoder; thence continuing from the center line of said proposed road with its junction at said Atwood Street, North $35^{\circ} 32'$ East, three hundred twenty-eight and five hundredths (328.05) feet; thence North $33^{\circ} 47'$ East, four hundred thirty-seven and seventy hundredths (437.70) feet; thence North $35^{\circ} 20'$ East, five hundred seventy-one and six tenths (571.6) feet to the intersection of Cannon Street, a Township Road;

Will meet at the place of beginning above described on the 31st day of March A. D. 1937, at 1:30 o'clock P. 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.

Barthert & 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. 7, 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 the proposed public
road, known as Derby Street, with Atwood Street, a public
road in said Township of Upper Yoder; thence continuing
from the center line of said proposed road with its
junction at said Atwood Street, North $35^{\circ} 32'$ East, three
hundred twenty-eight and five hundredths (328.05) feet;
thence North $33^{\circ} 47'$ East, four hundred thirty-seven and
seventy hundredths (437.70) feet; thence North $35^{\circ} 20'$
East, five hundred seventy-one and six tenths (571.6)-
feet to the intersection of Cannon Street, a Township
Road;

Will meet at the place of beginning above described
on the 31st day of March A. D. 1937, at 1:30 o'clock
P. 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. H. Shoemaker

S. E. Dickey

Received - 2/22/37
H. F. Jones
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. 7, 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 the proposed public road, known as Derby Street, with Atwood Street, a public road in said Township of Upper Yoder; thence continuing from the center line of said proposed road with its junction at said Atwood Street, North $35^{\circ} 32'$ East, three hundred twenty-eight and five hundredths (328.05) feet; thence North $33^{\circ} 47'$ East, four hundred thirty-seven and seventy hundredths (437.70) feet; thence North $35^{\circ} 20'$ East, five hundred seventy-one and six tenths (571.6) feet to the intersection of Cannon Street, a Township Road;

Will meet at the place of beginning above described on the 31st day of March, A. D. 1937, at 1:30 o'clock P. 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.
No. 7, 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 the proposed public road, known as Derby Street, with Atwood Street, a public road in said Township of Upper Yoder; thence continuing from the center line of said proposed road with its junction at said Atwood Street, North $35^{\circ} 32'$ East, three hundred twenty-eight and five hundredths (328.05) feet; thence North $33^{\circ} 47'$ East, four hundred thirty-seven and seventy hundredths (437.70) feet; thence North $35^{\circ} 20'$ East, five hundred seventy-one and six tenths (571.6) feet to the intersection of Cannon Street, a Township Road;

Will meet at the place of beginning above described on the 31st day of March A. D. 1937, at 1:30 o'clock P. 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

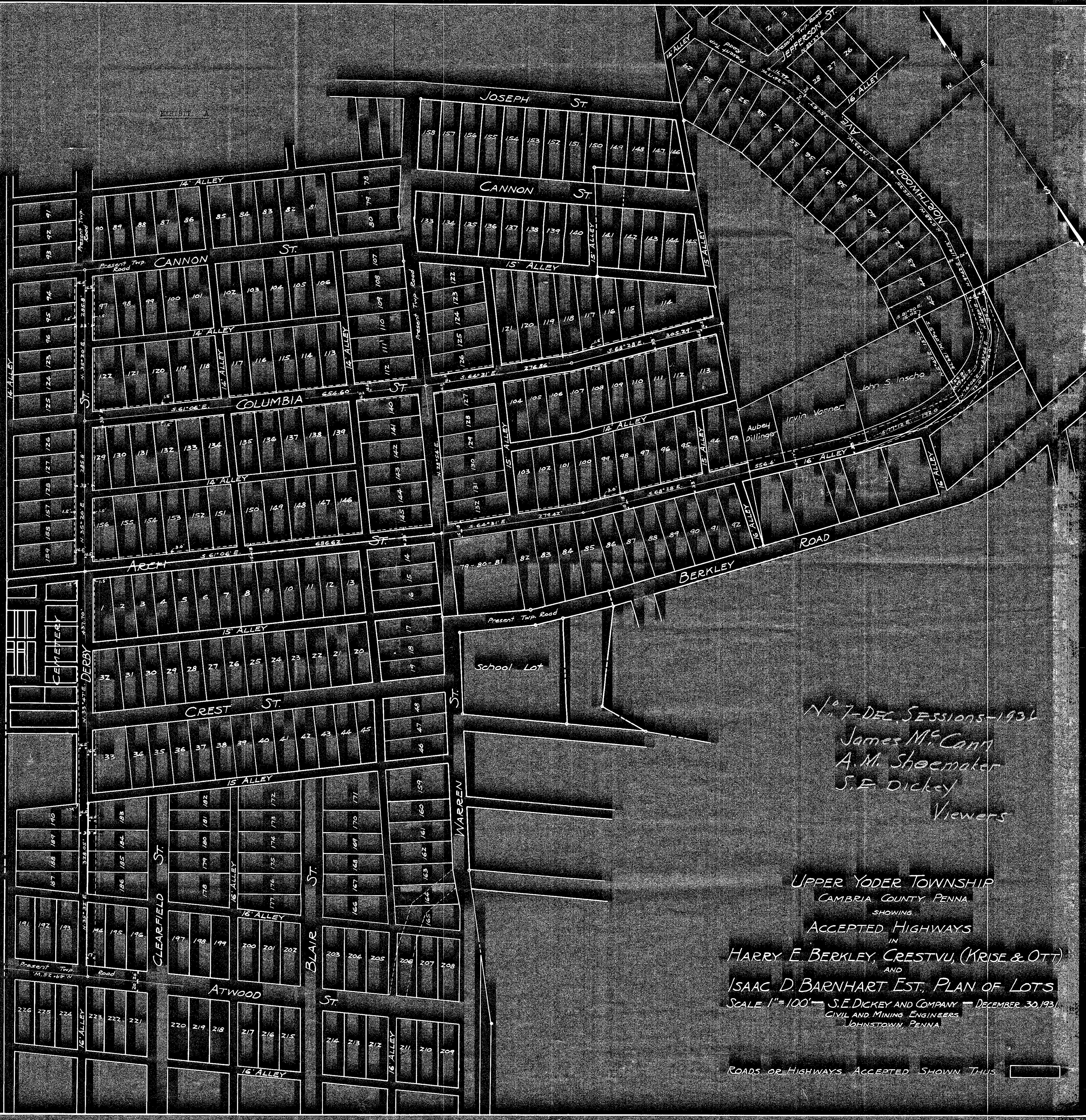
A. H. Shoemaker

S. E. Dickey

P. D. #17 Dec. 1936

Map #1.

Not Rectafilmed



No. 7-DEC. SESSIONS-1931
 James M. Carr
 A. M. Shoemaker
 S. E. Dickey
 Viewers

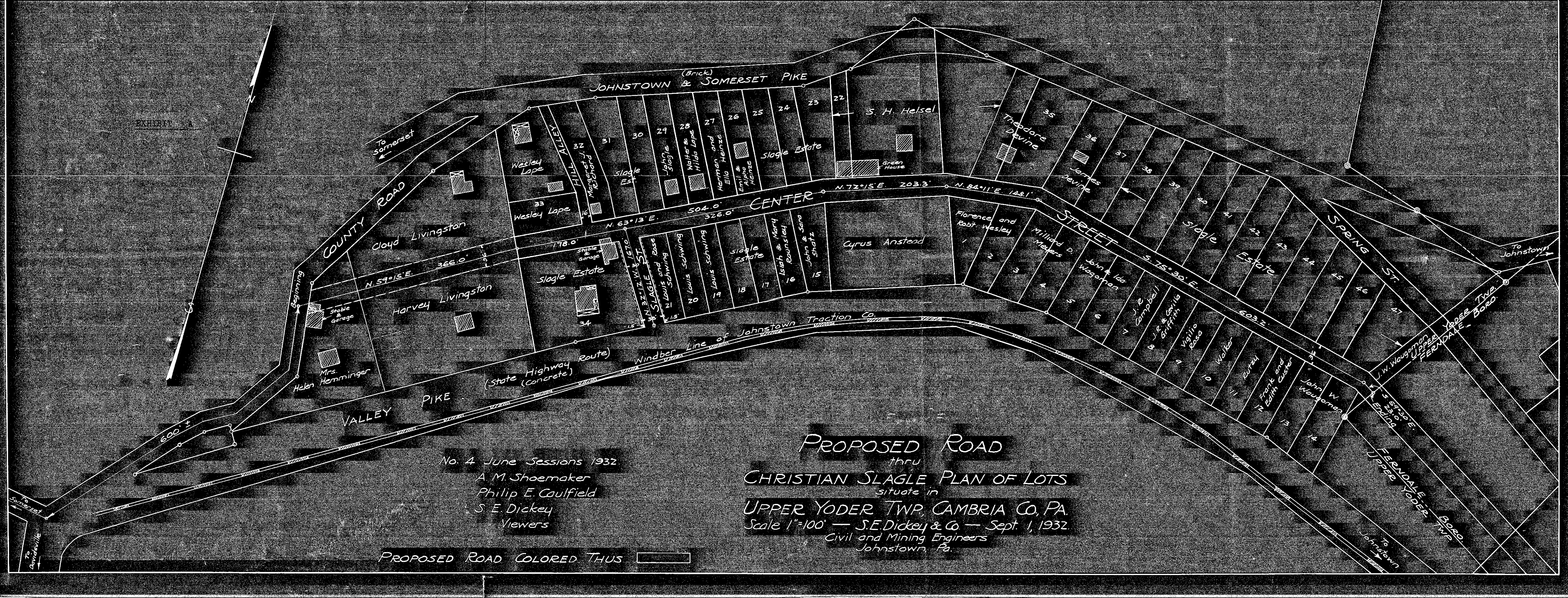
UPPER YODER TOWNSHIP
 CAMBRIA COUNTY, PENNA.
 SHOWING
 ACCEPTED HIGHWAYS
 IN
 HARRY E. BERKLEY, CRESTVU, (KRISSE & OTT)
 AND
 ISAAC D. BARNHART EST., PLAN OF LOTS
 SCALE 1"=100'—S. E. DICKEY AND COMPANY—DECEMBER 30, 1931
 CIVIL AND MINING ENGINEERS
 JOHNSTOWN, PENNA.

ROADS OR HIGHWAYS ACCEPTED SHOWN THUS

R.D. #7 Dec. 1936

Map #2

Not Microfilmed



No. 4 June Sessions 1932
 A. M. Shoemaker
 Philip E. Caulfield
 S. E. Dickey
 Viewers

PROPOSED ROAD
 thru
CHRISTIAN SLAGLE PLAN OF LOTS
 situate in
UPPER YODER TWP., CAMBRIA CO., PA.
 Scale 1"=100' — S.E. Dickey & Co. — Sept. 1, 1932.
 Civil and Mining Engineers
 Johnstown, Pa.

PROPOSED ROAD COLORED THUS

S-B-148