

Road Gocket

NO. *1 Dec* SESSIONS, 1955

IN THE COURT OF QUARTER
SESSIONS OF CAMBRIA COUNTY
PENNSYLVANIA

IN RE: PETITION FOR THE
ACCEPTANCE OF SAUERS
AVENUE, A DEDICATED
STREET IN THE TOWNSHIP
OF LOWER YODER, COUNTY
OF CAMBRIA, AND STATE
OF PENNSYLVANIA

Filed - 11-7-55 - J.C.W.

REPORT OF THE SUPERVISORS
OF LOWER YODER TWP.

DI FRANCESCO, KUYAT & LETIZIA
ATTORNEYS AT LAW

~~XXXXXXXXXXXXXXXXXXXX~~ 422 Lincoln
JOHNSTOWN, PENNSYLVANIA Street

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

IN RE: PETITION FOR THE ACCEPTANCE (.
OF SAUERS AVENUE, A DEDICATED STREET)
IN THE TOWNSHIP OF LOWER YODER, (NO. SESSIONS, 1955
COUNTY OF CAMBRIA, AND STATE OF)
PENNSYLVANIA (

REPORT OF THE SUPERVISORS OF LOWER YODER
TOWNSHIP

The Petition of WILLIAM SLADKI, CARL J. KOHLER
and FRANK S. FATULA, respectfully represents:

(1) That they are the Supervisors of the Township of
Lower Yoder, Cambria County, Pennsylvania.

(2) That they propose to lay-out, open and accept a
proposed avenue in Lower Yoder Township, which avenue is described as
follows:

THAT portion of Sauers Avenue beginning
with an unnamed alley along the property
of Albert Bohlen, which is the western end
of said avenue; thence South 71° 00' East
to the eastern end of an unnamed street
along the property of the Catherine Sauer
Estate, a distance of 705 feet, more or
less, being a forty foot wide street known
and designated as Sauers Avenue on the
plan of lots as laid out by Catherine Sauer,
situated in Lower Yoder Township, Cambria
County, Pennsylvania, on February 26, 1925,
and approved by the City Planning Commission
on February 27, 1925, said plan being recorded
in the Recorder of Deed's Office in and for
Cambria County on October 16, 1925, in Plat
Book Vol. 2, Page 116.

The said portion of avenue above described appears on a map, draft or
survey hereto attached, made part hereof, and marked "Exhibit A", and
colored in red line.

(3) That your petitioners have given ten days' notice
to the property owners affected by the laying-out, opening and accepting of
the said portion of avenue as required by the Act of Assembly, of a hearing

and after said hearing your Supervisors deem that the said portion of avenue is necessary and convenient and by resolution duly made and adopted, the said portion of avenue was laid-out, opened and accepted by the Supervisors of Lower Yoder Township as a part of the highway system of the said Township, which resolution is hereby attached, made part hereof, and marked "Exhibit B".

(4) That attached hereto and made a part hereof is a petition and release of damages executed by the owners of the property abutting on the said proposed portion of avenue, marked and designated as "Exhibit C".

WHEREFORE, your petitioners pray that this report and exhibits attached hereto may be filed in the Office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, Pennsylvania.

William Pladki

Carl J. Kohler

Frank Stetula
Supervisors of Lower Yoder Township

STATE OF PENNSYLVANIA

(
) SS:
(

COUNTY OF CAMBRIA

Personally appeared before me, a Notary Public in and for said County and State, WILLIAM SLADKI, CARL J. KOHLER and FRANK S. FATULA, Supervisors of the Township of Lower Yoder, Cambria County, Pennsylvania, who being duly sworn according to law, depose and say that the facts set forth in the foregoing report are true and correct to the best of their knowledge, information and belief.

William Sladki

Carl J. Kohler

Frank S. Fatula

SWORN and subscribed before me
this 31st day of October, 1955.

Jane M. Leber
Notary Public

MY COMMISSION EXPIRES
APRIL 8, 1958

"EXHIBIT B"

RESOLUTION

WHEREAS, the abutting property owners have petitioned the Board of Supervisors of Lower Yoder Township to open and lay-out the hereinafter described avenue; and

WHEREAS, the petitioners have signed a release of damages; and

WHEREAS, it is the desire of the Supervisors of the Township of Lower Yoder to lay-out, open and accept the said portion of the hereinafter described avenue as part of the public highway system of the said Township of Lower Yoder; and

WHEREAS, the Supervisors have given ten days' notice to the property owners affected thereby of the time and place where and when all parties interested may meet and be heard, and after hearing and consideration of the matter at such meeting, the Board of Supervisors unanimously decided in favor of exercising the power so conferred in them to lay-out, open and accept the said portion of the avenue;

NOW, THEREFORE, BE IT RESOLVED, that the following described avenue be laid-out, opened and accepted by the Supervisors of the Township of Lower Yoder as part of the highway system of the said Township, after making written report thereof, together with a draft or survey of said portion of avenue to be presented and filed in the Office of the Clerk of Courts of the Court of Quarter Sessions of Cambria County, such portion of avenue being described as follows:

THAT portion of Sauers Avenue beginning with an unnamed alley along the property of Albert Bohlen, which is the western end of said avenue; thence South $71^{\circ} 00'$ East to the eastern end of an unnamed street along the property of the Catherine Sauer Estate, a distance of 705 feet, more or

less, being a forty foot wide street known and designated as Sauers Avenue on the plan of lots as laid out by Catherine Sauer, situated in Lower Yoder Township, Cambria County, Pennsylvania, on February 26, 1925, and approved by the City Planning Commission on February 27, 1925, said plan being recorded in the Recorder of Deed's Office in and for Cambria County on October 16, 1925, in Plat Book Vol. 2, Page 116.

AND BE IT FURTHER RESOLVED, that in accordance with the provisions of the Act of Assembly in such case made and provided, any citizen or freeholder of the Township may, within thirty days after the filing of the report of the Supervisors, file exceptions to the report, together with a petition for a review.

TOWNSHIP OF LOWER YODER TOWNSHIP

By

William Sladke
President

ATTEST:

Carl J. Kohler
Secretary

"EXHIBIT C"

PETITION AND RELEASE OF DAMAGES

We, the undersigned, citizens and property owners in the Township of Lower Yoder, Cambria County, Pennsylvania, respectfully petition the Honorable Board of Supervisors of the said Township to lay-out, open and accept the following described avenue which abuts along side of our respective properties:

THAT portion of Sauers Avenue beginning with an unnamed alley along the property of Albert Bohén, which is the western end of said avenue; thence South 71° 00' East to the eastern end of an unnamed street along the property of the Catherine Sauer Estate, a distance of 705 feet, more or less, being a forty foot wide street known and designated as Sauers Avenue on the plan of lots as laid out by Catherine Sauer, situated in Lower Yoder Township, Cambria County, Pennsylvania, on February 26, 1925, and approved by the City Planning Commission on February 27, 1925, said plan being recorded in the Recorder of Deed's Office in and for Cambria County on October 16, 1925, in Plat Book Vol. 2, Page 116.

In consideration of the opening of the said avenue we, the undersigned, do hereby remise, release and discharge the Township of Lower Yoder of and from all and all manner of actions or causes of actions in law or in equity, especially from a claim for damages arising out of the laying-out, opening and accepting of the above described avenue, and we release the Township for ourselves, our heirs, executors, administrators, successors and assigns, and we further hereby waive our right to receive a ten days' notice of the intention of the Supervisors to adopt a resolution for the purpose of laying-out, opening and accepting the above avenue.

<u>Charles Todorich</u> (SEAL)	<u>Domini Todorich</u> (SEAL)
<u>Mrs Joseph Bombatch</u> (SEAL)	<u>Joseph M. Bombatch</u> (SEAL)
<u>Eileen Borewit</u> (SEAL)	<u>Mrs. J. H. Breybot</u> (SEAL)
<u>Frank A. Burggraf</u> (SEAL)	<u>Helen Burggraf</u> (SEAL)
<u>Frank Bombatch</u> (SEAL)	<u>Anna Bombatch</u> (SEAL)
<u>Mary Buchowich</u> (SEAL)	<u>Michael Buchowich</u> (SEAL)
<u>Thomas A. Noye</u> (SEAL)	<u>Anna Noye</u> (SEAL)

Lester D. Thomas (SEAL) Shelley L. Thomas (SEAL)

Edward Howard Gorman (SEAL) Elizabeth A. Gorman (SEAL)

Edward J. Petak (SEAL) _____ (SEAL)

Elizabeth S. Spears (SEAL) Esse Catherine Sarnes (SEAL)

_____ (SEAL) _____ (SEAL)

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_____ (SEAL) _____ (SEAL)

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

IN RE: PETITION FOR THE ACCEPTANCE ()
OF SAUERS AVENUE, A DEDICATED STREET)
IN THE TOWNSHIP OF LOWER YODER, (NO. SESSIONS, 1955
COUNTY OF CAMBRIA, AND STATE OF)
PENNSYLVANIA ()

DECREE

NOW, the 7th day of Mar., 1955,

upon consideration of the foregoing petition, Joseph C. Wess, Clerk of the Court of Quarter Sessions of Cambria County, Pennsylvania, is hereby directed to file the within report and the exhibits attached hereto.

BY THE COURT,

McKenrick
P. D.

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

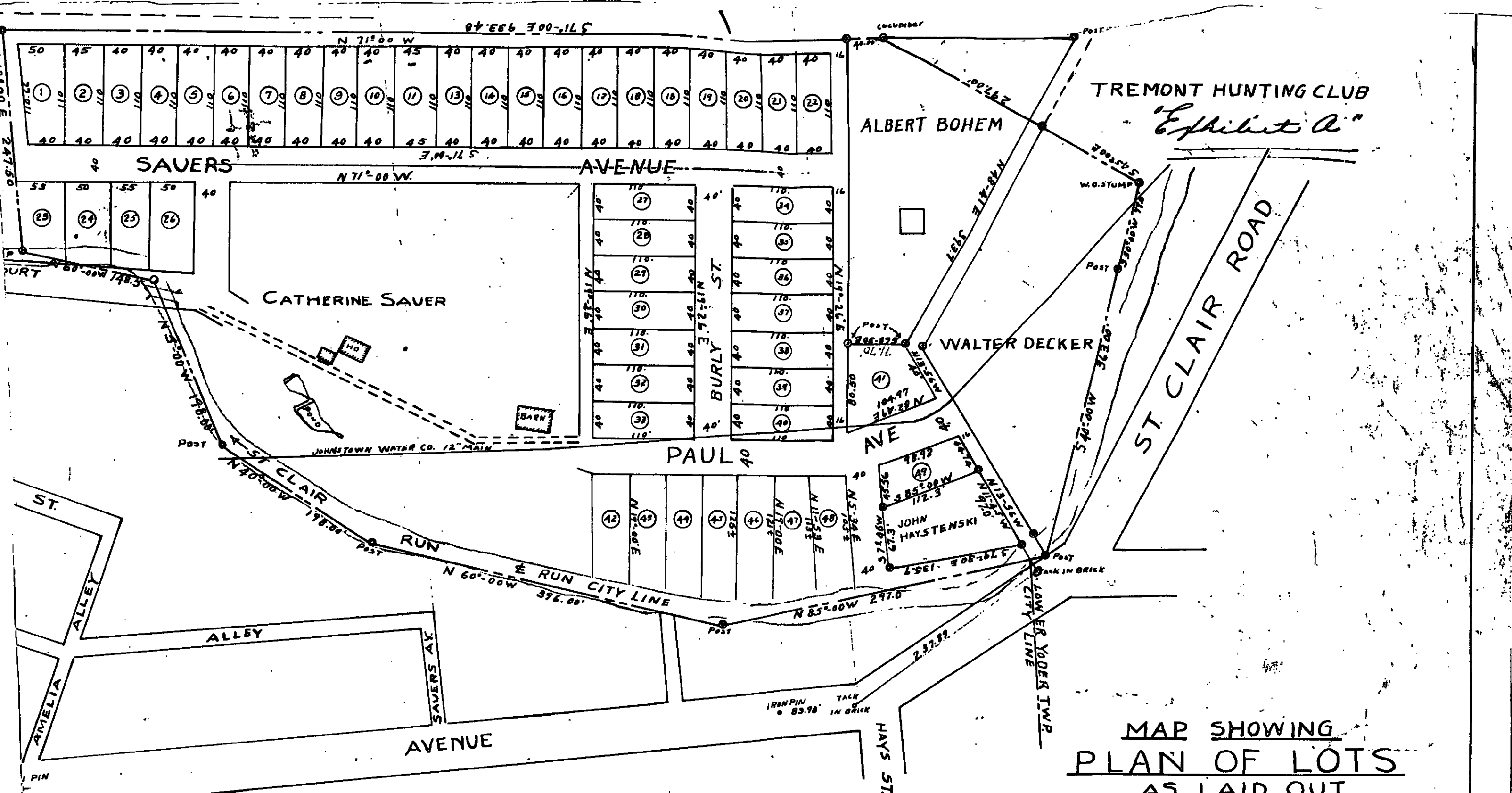
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COUNTY OF CAMBRIA, AND STATE OF)
PENNSYLVANIA ()

FINAL DECREE

NOW, the 12th day of Dec, 1955, it
appearing that the said petition having been filed on the 7th day of
Nov, 1955, and that no citizen or freeholder of the Township
did within thirty days from the filing of this report of the Supervisors file
exceptions to the report or a petition for a review, IT IS ORDERED AND
DIRECTED that the said portion of a proposed avenue in Lower Yoder Township,
Cambria County, Pennsylvania, described as follows: THAT portion of Sauers
Avenue beginning with an unnamed alley along the property of Albert Bohlen,
which is the western end of said avenue; thence South 71° 00' East to the
eastern end of an unnamed street along the property of the Catherine Sauer
Estate, a distance of 705 feet, more or less, being a forty foot wide street
known and designated as Sauers Avenue on the plan of lots as laid out by
Catherine Sauer, situated in Lower Yoder Township, Cambria County,
Pennsylvania, on February 26, 1925, and approved by the City Planning
Commission on February 27, 1925, said plan being recorded in the Recorder
of Deed's Office in and for Cambria County on October 16, 1925, in Plat
Book Vol. 2, Page 116, be and is hereby confirmed as a Township road or
avenue, and declared to be a part of the public road and highway system of the
said Township of Lower Yoder.

BY THE COURT,

W. K. Knicke J.



MAP SHOWING
PLAN OF LOTS
 AS LAID OUT
 BY

CATHERINE SAUER
 SITUATE IN
LOWER YODER TOWNSHIP
CAMBRIA COUNTY PENNA.

SCALE 1 INCH = 100 FEET FEB-26-25

— APPROVED —
 DATE Feb 27 1925

BY
CITY PLANNING COMMISSION

ATTEST Leaf J. Buettner SECRETARY
P. Harpenter PRESIDENT

Traced L.W.M. 3-24-27

4P-D-29