

P. D. 3  
No. ~~100-10~~ June Term  
1959

Filed: Apr. 14, 1959

RESOLUTION OF UPPER  
YODER TOWNSHIP

FRANK P. BARNHART, Esq.  
Johnstown, Pennsylvania

**RESOLUTION OF UPPER YODER TOWNSHIP**

WHEREAS, the Johnstown Water Company has dedicated, by deed, for road purposes, to the Township of Upper Yoder a certain piece or a parcel of land sixty feet by four hundred feet, as in said Deed of Dedication set forth; and

WHEREAS, the Supervisors of the said Township desire to accept said piece or parcel of land;

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved, that the said Township of Upper Yoder does hereby accept the said Deed of Dedication, which is as follows:

**"DEED OF DEDICATION**

The undersigned, JOHNSTOWN WATER COMPANY, a Pennsylvania corporation, being the owner of the following described tract, piece or parcel of land, situate, lying and being in the Township of Upper Yoder, in the County of Cambria, in the Commonwealth of Pennsylvania, shown outlined in red on the map entitled "Johnstown Water Co. Dedicates Parcel of Land 60' x 400' Designated as Sunray Drive - Situate Upper Yoder Twp. Cambria Co. Penna." hereto attached and made a part hereof, and more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Goucher Street at the northeasterly corner of land of The General State Authority; thence, along the northerly line of said last-mentioned land, South sixty-eight degrees thirty-seven minutes West (S. 68° 37' W.) four hundred (400) feet, more or less; thence, crossing the street known as Sunray Drive, North twenty-one degrees twenty-three minutes West (N. 21° 23' W.) sixty (60) feet to a point in the southerly line of land conveyed by Johnstown Water Company to National-U. S. Radiator Corporation by deed dated July 17, 1956, and intended to be recorded; thence, partly along said southerly line of said last-mentioned land and partly along the southerly line of other land of said Johnstown Water Company, North sixty-eight degrees thirty-seven minutes East (N. 68° 37' E.) four hundred (400) feet, more or less, to said westerly line of Goucher Street; thence, along said westerly line of Goucher Street, South

fifteen degrees fifty-five minutes East (S. 15° 55' E.) sixty (60) feet, more or less, to the point or place of beginning; containing fifty-five one-hundredths (0.55) of an acre, more or less.

**DOES HEREBY DEDICATE** said above-described tract, piece or parcel of land to be used as and for a public street, so long as the same shall be used by the public as a street.

Said above-described tract, piece or parcel of land consists partly of a portion of the tract of land which was conveyed to said Johnstown Water Company by William Strauss by deed dated January 30, 1900, and recorded in the Office for the Recording of Deeds in and for said County of Cambria, Commonwealth of Pennsylvania, in Deed Book Vol. 125, at page 151, and partly of a portion of the tract of land which was conveyed to said Johnstown Water Company by Upper Yoder Volunteer Fire Company by deed dated April 14, 1954, and recorded in said Office for the Recording of Deeds in Deed Book Vol. 648, at page 693.

**EXCEPTING** from said above-described tract, piece or parcel of land all the iron ore, coal and other minerals and appurtenant mining rights which were conveyed to Cambria Iron Company (a corporation organized and formerly existing under the laws of the Commonwealth of Pennsylvania and which was merged with and into Bethlehem Steel Company pursuant to Article of Merger dated September 31, 1942, and recorded in said Office for the Recording of Deeds in Misc. Book Vol. 21, at page 850) by Stephen Stutzman and wife by deed dated January 27, 1883, and recorded in said Office for the Recording of Deeds in Deed Book Vol. 49, at page 95, and **EXCEPTING, FURTHER,** from said above-described tract, piece or parcel of land all the iron ore, coal, fireclay and other minerals and appurtenant mining rights therein and thereunder that were conveyed to said Bethlehem Steel Company by said Johnstown Water Company by Deed and Agreement dated December 26, 1942, and referred to herein as Parcel No. 2 under the heading "A. Mill Creek Watershed" under the heading "IV. GRANTS BY THE WATER COMPANY OF COMPREHENSIVE MINING RIGHTS", and recorded in said Office for the Recording of Deeds in Deed Book Vol. 498, at page 790.

**RESERVING, NEVERTHELESS,** to said Johnstown Water Company, its successors and assigns, the existing twelve (12) inch water pipe line which extends over and across said above-described tract, piece or parcel of land from Goucher Street to other land of said Johnstown Water Company (said water pipe line being located along a line fourteen (14) feet distant northwardly from the southerly line of said above-described tract, piece or

parcel of land) together with the right to enter upon said above-described tract, piece or parcel of land at any time and from time to time and to lay, construct, erect, maintain, operate, repair, replace and remove from said above-described tract, piece or parcel of land said existing water pipe line.

**SUBJECT, HOWEVER,** to the rights heretofore granted to Penn Public Service Corporation, its successors and assigns, by said Johnstown Water Company, dated February 5, 1925, and to Pennsylvania Electric Company, its successors and assigns, by said Johnstown Water Company, dated December 7, 1940, to construct, reconstruct, operate, maintain and repair electric power transmission lines and ground wires, including the necessary poles and fixtures in, on, over, under and across said above-described tract, piece or parcel of land.

**AND SUBJECT, HOWEVER,** to the rights of all others who now own service or utility facilities in place in or on said above-described tract, piece or parcel of land, at any time and from time to time to lay, construct, erect, maintain, operate, repair and renew in and on, and remove from said land pipes, mains, lines, poles, meters and other facilities for the furnishing of water, gas, electric, telephone, sewer or other service.

**AND SUBJECT, MOREOVER,** to all the exceptions, reservations, restrictions, limitations, conditions, covenants and agreements of every kind not specifically hereinbefore mentioned contained in the several deeds or other instruments whereby said Johnstown Water Company or its predecessors in title acquired title to any of the property hereby dedicated, or otherwise affecting said title, insofar as such exceptions, reservations, restrictions, limitations, conditions, covenants and agreements are in effect at the date hereof.

**THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND.**

**IN WITNESS WHEREOF,** said Johnstown Water Company has caused this indenture to be signed in its corporate name by its President or one of its Vice Presidents and its corporate seal to be hereunto affixed and to be attested by its Secretary or one of its Assistant

Secretaries as of this 17th day of December, 1958.

JOHNSTOWN WATER COMPANY,

by

/s/ E. F. Martin  
Vice President

ATTEST:

/s/ B. D. Brooker (SEAL)  
Secretary.

COMMONWEALTH OF PENNSYLVANIA, )  
: SS.:  
COUNTY OF )

On this, the 19th day of December, 1958, before me, KATHRINE L. VANNATTA, the undersigned officer, personally appeared E. F. MARTIN, who acknowledged himself to be a Vice President of JOHNSTOWN WATER COMPANY, a corporation, and that he as such Vice President, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the Company by himself as Vice President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

/s/ Kathrine L. Vannatta  
Notary Public  
My Commission Expires  
March 24, 1959  
City of Bethlehem (SEAL)  
Northampton County"

IN WITNESS WHEREOF, the said Township of Upper Yoder has caused this Resolution to be signed by its President, attested by its Secretary, and its corporate seal hereto affixed this 13th day of March, 1959.

TOWNSHIP OF UPPER YODER

By Thomas H. Nesbitt  
President

ATTEST:

Blair Hunt  
Secretary

(SEAL)

IN WITNESS WHEREOF, I, BLAIR HUNT, Secretary  
of the Board of Supervisors of Upper Yoder Township, do hereby certify  
that the within is a true and correct copy of a Resolution of the Township of  
Upper Yoder accepting a Deed of Dedication from the Johnstown Water  
Company to the Township of Upper Yoder, to be used as a road, street or  
alley, together with a draft or survey of the road, street or alley showing the  
location and width thereof, all in accordance with the Act of 1933, May 1,  
P. L. 103, Article XI, Section 1140; 1939, May 26, P. L. 235, Section 1;  
1947, July 10, P. L. 1481, Section 17; 1956, June 1, P. L. (1955), 2021,  
Section 16; 53 P. S. 66141.

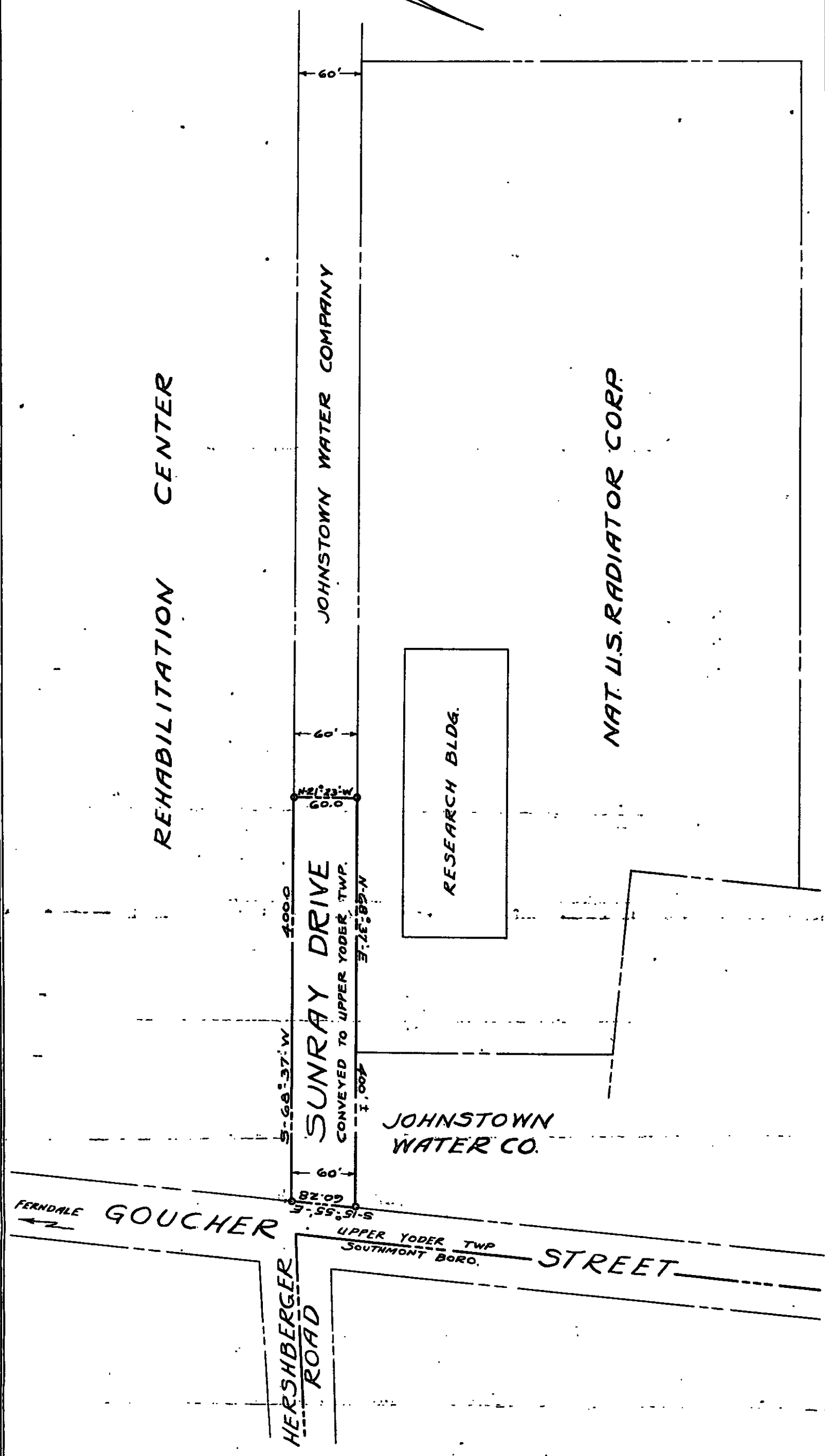
  
Secretary

(SEAL)

ENGINEERING DEPARTMENT  
OF THE  
JOHNSTOWN WATER COMPANY.

Johnstown, Pa., SEPT. 16 1958

JOHNSTOWN WATER CO.



JOHNSTOWN WATER CO.  
CONVEYS  
PARCEL of LAND  
60' x 400' DESIGNATED AS SUNRAY DRIVE  
TO  
UPPER YODER TOWNSHIP  
SITUATE UPPER YODER TWP. CAMBRIA CO. PENNA.