

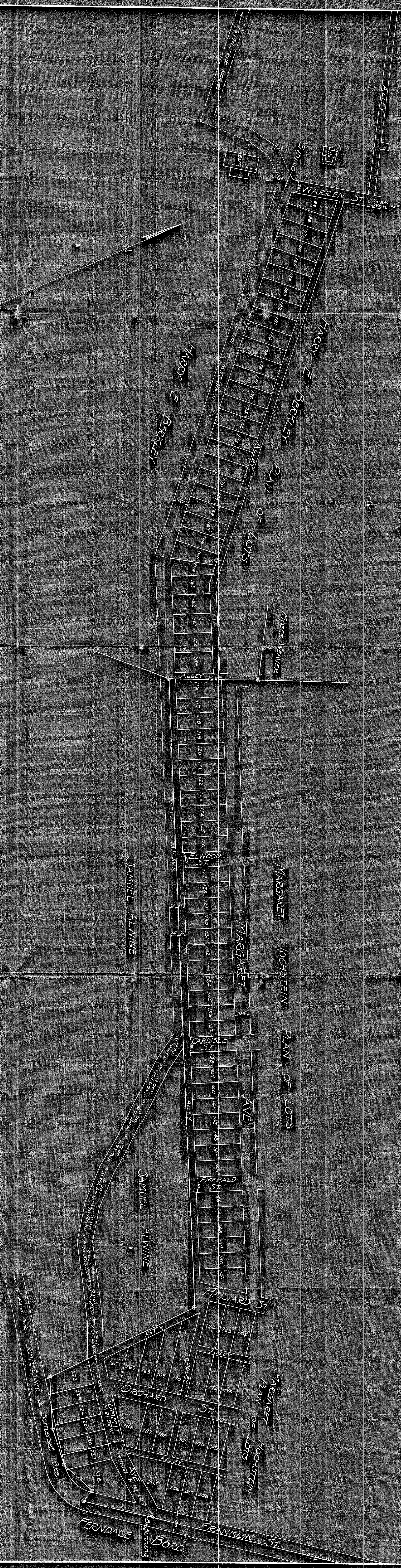
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RD#4

June 1920

VIEW OF
PROPOSED NEW ROAD
 Situate in
 Upper Yoder Twp, Cambria Co, Penna.
 Scale 1"=100' — S.E. Dickey and Co — Aug 28, 1920.
 Civil and Mining Engineers
 Johnstown, Penna.

No. 4 - June Session - 1920.
 S.E. Dickey
 Philip Gaultiel } Viewers
 L.R. Over
 New Road Colored Thus



IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENN'A.

To the Honorable the Judges of said Court,-

The petition of the undersigned inhabitants of the township of Upper Yoder, county of Cambria, respectfully sheweth that:

Your petitioners labor under great inconvenience for want of a public road or high-way in Upper Yoder Township, to lead from a point on the center line of the Johnstown and Somerset Turnpike near the residence of the late Charles Hochstein; thence in a Westerly direction to a point near the residence of Harry E. Berkley on the Township road leading from the Eighth Ward of the city of Johnstown to the Mill Creek road. The end of said road near the residence of the late Charles Hochstein is two thousand six hundred and forty (2640) feet south of the intersection of the center line of the Johnstown and Somerset Turnpike, and the center line of Ferndale Avenue produced in the Eighth Ward of the city of Johnstown; and the end of said proposed road near the residence of Harry E. Berkley is four thousand seven hundred and fifty-two (4752) feet southeast of the intersection of the center line of the township road leading from the Eighth Ward of the city of Johnstown past the residence of Harry E. Berkley to the Mill Creek Road and the center line of the Township road leading past the Mowery school house, and which Township road is a continuation of Sell Street in the Eighth Ward of the city of Johnstown.

Your petitioners, therefore, pray the Court to appoint viewers to view and lay out the same, according to law, and they will ever pray, etc,

NAME

Chas. Herschler
Frank Hite
Geo. C. Berkley
William Hoffman
William H. Harts
Ed. H. Harts
Emmett Harts

NAME

David Sheffer
Henry Reiser
Samuel Kern
M. L. Miller
John Sell
J. R. M. Cornelius

NAME

George A. Miller
 George A. Miller
 Charles H. Miller
 Thomas Miller
 G. H. Miller
 J. A. Miller
 Wm. H. Miller
 Mrs. R. Beam
 L. A. Berkley
 Jno. J. Miller
 E. H. Miller
 John M. Miller
 Calvin Beam
 H. A. Thompson
 Albert Lenth
 Frank Zipp
 Forest Roseman
 Edward J. Carbaugh
 Clair Blong
 Winfield S. McClintock
 H. E. Berkley

NAME

Earl I. Keeler
 R. H. Haynes
 Noah Blagden
 Cyrus Armstrong
 S. J. Garwood
 L. B. Berkley
 James E. Mitt
 Harry Keller
 Conrad L. Raab ^{Des. Supervisor}
 Webster Marsholder
 Pres. Supervisor

State of Pennsylvania :
: ss.
County of Cambria :
:

Before me, the subscriber, a Notary Public in and for said county and state, personally came Wm. Hershberger, one of the above named petitioners, who being by me duly sworn, according to law, deposes and says that the matters set forth and contained in the above and foregoing petition, are true and correct to the best of his knowledge and belief, and that the signatures of the petitioners are their and each of their handwriting.

Wm. Hershberger

Sworn and subscribed to before me this 5th day of June
A. D. 1920.

Tilman Kaylor
(Notary Public)

My com. expires Feb. 19, 1921.

D E C R E E .

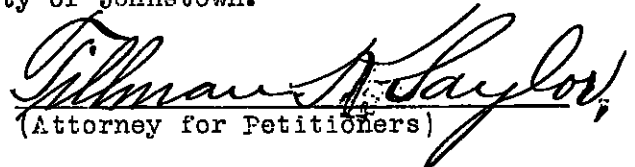
NOW, June 7, 1920, the within petition presented and considered,
and L. B. Mackay, C. E., Phil. Canfield
and J. R. Owens are appointed viewers.

Beulah Owens



To Daniel Weimer, Webster Mosholder and Conrad Raab, Supervisors
of Upper Yoder Township, Cambria County, Pa.

You are hereby notified that a petition will be presented to the
Court of Quarter Sessions of Cambria County at Ebensburg on Monday,
the Seventh day of June, A. D. 1920, asking the Court to appoint viewers
to view and lay out a Township road in Upper Yoder Township, Cambria
County, Pa., as follows:

Said road to lead from a point on the center line of the Johnstown
and Somerset Turnpike near the residence of the late Charles Hockstein;
thence in a Westerly direction to a point near the residence of Harry E.
Berkley on the Township road leading from the Eighth Ward of the city
of Johnstown to the Mill Creek road. The end of said road near the
residence of the late Charles Hockstein is two thousand six hundred and
forty (2640) feet south of the intersection of the center line of the
Johnstown and Somerset Turnpike, and the center line of Ferndale Avenue
produced in the Eighth Ward of the city of Johnstown; and the end of
said proposed road near the residence of Harry E. Berkley is four thousand
seven hundred and fifty-two (4752) feet southeast of the intersection of
the center line of the township road leading from the Eighth Ward of the
city of Johnstown past the residence of Harry E. Berkley to the Mill
Creek Road and the center line of the Township road leading past the
Mowery school house, and which Township road is a continuation of Sell
Street in the Eighth Ward of the city of Johnstown.


(Attorney for Petitioners)

Now June 3, 1920, we Daniel Weimer, Webster Mosholder and
Conrad Raab, Supervisors of Upper Yoder Township, hereby accept service
of the above notice.



(Supervisors)

No 4 June Term 1920.

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

Petition for the Appointment
of Viewers to View and lay out a
Public Road in Upper Yoder Township,
Cambria County, Pa.

Filed 7 June 1920.

LAW OFFICES
TILLMAN K. SAYLOR
JOHNSTOWN, PENNSYLVANIA
WOOLF BLOCK

PETITIONERS' BOND

KNOW ALL MEN BY THESE PRESENTS, THAT WE, the undersigned, are held and firmly bound unto the County of Cambria in the sum of one Hundred Dollars (\$100), to be paid to the said County, their certain Attorney or assigns; to which payment, well and truly to be made, we and each of us, do bind ourselves and each of us, our and each of our heirs, executors and administrators, by these presents. Sealed with our seals and dated the fifth day of June, A. D. 1920.

WHEREAS, WE with others, have petitioned the Court of Quarter Sessions of Cambria County for the appointment of viewers, to view and lay out a township road in Upper Yoder Township in said county of Cambria as follows:

"Your petitioners labor under great inconvenience for want of a public road or high-way in Upper Yoder Township, to lead from a point on the center line of the Johnstown and Somerset Turnpike near the residence of the late Charles Hochstein; thence in a Westerly direction to a point near the residence of Harry E. Berkley on the Township road leading from the Eighth Ward of the city of Johnstown to the Mill Creek road. The end of said road near the residence of the late Charles Hochstein is two thousand six hundred and forty (2640) feet south of the intersection of the center line of the Johnstown and Somerset Turnpike, and the center line of Ferndale Avenue produced in the Eighth Ward of the city of Johnstown; and the end of said proposed road near the residence of Harry E. Berkley is four thousand seven hundred and fifty-two (4752) feet southeast of the intersection of the center line of the township road leading from the Eighth Ward of the city of Johnstown past the residence of Harry E. Berkley to the Mill Creek Road and the center line of the Township road leading past the Mowery school house, and which Township road is a continua-

tion of Sell Street in the Eighth Ward of the city of Johnstown.

Your petitioners, therefore, pray the Court to appoint viewers to view and lay out the same, according to law, and they will ever pray, etc."

NOW THE CONDITION OF THIS OBLIGATION IS SUCH THAT if the said petitioners asking for the appointment of Viewers to view and lay out said Township road, shall or cause to be paid the fees and expenses of the Viewers appointed by the Court, if the Court shall so require, then this Obligation to be void, otherwise to be and remain in full force and virtue.

AND FURTHER, WE do by these presents, empower any attorney for the County Commissioners or any other attorney of any Court of Record of the Commonwealth of Pennsylvania, to appear for us therein and confess judgment against us for said sum of One Hundred Dollars (\$100), with costs of suit and release of all errors; and we hereby waive the right of inquisition on real estate, and all laws exempting real or personal property from levy, and sale on execution.

Sealed and delivered
in the presence of:

T. K. Taylor.


Wm. Hershberger (SEAL)
Harry E. Berkley (SEAL)

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY

BOND OF PETITIONERS for the Appoint-
ment of Viewers to View and lay out a
Public Road in Upper Yoder Township
Cambria County, Pa.

Filed 7 June 1920.

Now June 7, A. D. 1920, the
within bond approved.



LAW OFFICES
TILLMAN K. SAYLOR
JOHNSTOWN, PENNSYLVANIA
WOOLF BLOCK

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the Seventh day of June A. D. 1920, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Upper Yoder, in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to lead from a point on the center line of the Johnstown and Somerset Turnpike near the residence of the late Charles Hochstein; thence in a Westerly direction to a point near the residence of Harry E. Berkley on the Township road leading from the Eighth Ward of the City of Johnstown to the Mill Creek road. The end of said road near the residence of the late Charles Hochstein is two thousand six hundred and forty (2640) feet south of the intersection of the center line of the Johnstown and Somerset Turnpike, and the center line of Ferndale Avenue produced in the Eighth Ward of the City of Johnstown; and the end of said proposed road near the residence of Harry E. Berkley is four thousand seven hundred and fifty-two (4752) feet southeast of the intersection of the center line of the Township road leading from the Eighth Ward of the City of Johnstown past the residence of Harry E. Berkley to the Mill Creek Road and the center line of the Township road leading past the Mowery school house, and which Township road is a continuation of Sell Street in the Eighth Ward of the City of Johnstown

and therefore praying the Court to appoint proper persons to view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint

S. E. Dickey, C.E.

surveyor, and

Philip Cauffiel and L. R. Owen

viewers, to view the ground proposed for said road, and if they view the same, and shall agree that there is occasion for such road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also be as far as practicable, agreeable to the desires of the petitioners, and that they make a report of their proceedings to the next Court of Quarter Sessions to be held for said County, stating particularly whether they judge the same necessary for a public or private road, together with a plot or draft thereof, and the courses and distances, and references to the improvements through which it may pass.

By the Court.

Attest:

Frank L. Roth Clerk.

NOTE. "It shall be the duty of all persons appointed in the several counties of this Commonwealth to view and review any public or private road or bridge, if they shall decide in favor of locating said road or bridge, to endeavor to procure from the person or persons over whose land such location may be made releases from all claims for damages that might arise from the opening of such road or the building of such bridge; and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, it shall be their duty to assess the damages and make report thereof signed by a majority of their number, and return the same, together with all releases obtained, to the Court of Quarter Sessions, and the damages so assessed shall be conclusive, or may be subject to appeal, review or modification, as may be provided by existing laws in the different counties of this Commonwealth."

"The persons appointed as aforesaid shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance, and the best ground for a road, and in such manner as shall do the least injury to private property, and also be, as far as practicable, agreeable to the desire of the petitioners."

"The viewers, as aforesaid, shall make report at the next term of said Court, and in the said report shall state particularly: First, who of them were present at the view, second, whether they were severally sworn or affirmed; third, whether the road desired be necessary for a public or private road; they shall also annex and return to the Court a plot or draft thereof, stating the courses and distances, and noting briefly the improvements through which it may pass; and, whenever practicable, the viewers shall lay out the said roads at an elevation not exceeding five degrees (except at the crossing of ravines and streams), where, by moderate filling and bridging, the declination of the road may be preserved within that limit."

No. 4	June	SESSION, 1920
Order to view		
In re Petition of the Inhabitants of the Township of Upper		
Yoder for a Public road to		
be laid out in said Township.		
S. E. Dickey, C. E.		
Philip Cauffiel		
L. R. Owen		
Viewers.		
Clerk	Robb	90 ch.
Filed in September 1920		

6 Sept 1920 Approved and breadth fixed as forthfe.
 23 Dec. 1920 Confirmed. By the Court
 Frank C. Robb.
 Clerk.

In Re: Petition of the Inhabitants of the Township of Upper Yoder, Cambria County, Penna., for a public road to be laid out in said township.

In the Court of Quarter Session of Cambria County, Penna. No. 4, June Session, 1920.

REPORT OF VIEWERS

To the Honorable, the Judges of the above mentioned Court. We the undersigned Viewers appointed by the annexed order of the Court to view the road within mentioned, respectfully report:

That we have been duly sworn or affirmed as members of the permanent board of Viewers of Cambria County, as shown by the records of the Court, that having given due public notice of the said view and of the time and place of meeting by posting notices as required by the law along the route and at the termini of said proposed new road and by services of such notice on the County Commissioners of Cambria County and the Supervisors of Upper Yoder Township, Cambria County, acceptance of said notice by the Commissioners and Supervisors being hereto attached; that we met in accordance with the notice given on the 17th day of August A. D. 1920 at 10 o'clock A. M. and proceeded with the duties of our appointment and viewed the premises and route of the proposed new road, that we are of the opinion that there is a necessity for a public road as prayed for by the petitioners, therefore proceeded to lay out said new road, having due respect for the shortest distances and the best ground for a road, and in such manner as would be as near as practicable agreeable to the desire of the Petitioners and at the same time due the least injury to private property.

A plot or draft hereto attached and made a part hereof shows the plan of the proposed new road and the courses and distances. The road as laid out passes through the property of Margaret Hochstein, Samuel Alwine and Harry E. Berkley. These

properties are now laid out in building lots.

We were unable to secure a release of damages from the abutting property owners along the route of the proposed road, therefore taking into consideration the damages sustained and the benefits to be derived by the opening, improving and maintaining of said new road, we assessed no benefits and no damages to any of the abutting property owners. During the view on the ground a number of Petitioners and residents were present. After viewing the premises and taking into consideration all the matter before us we are of the opinion that the road as prayed for by the Petitioners and laid out by us is necessary and convenient, therefore we recommend that the prayer of the Petitioners be granted.

Witness our hands this 27th day of August A. D. 1920.

J. E. Drury
Philip E. Caulfield

Viewers

In Re; Petition of the Inhabit-
ants of the Township of Upper
Yoder, Cambria County, Penna.,
for a Public Road to be laid
out in said Township.

In the Court of Quarter Session
of Cambria County, Penna..
No. 4, June Session, 1920

NOTICE OF VIEW

We the undersigned Viewers, appointed by the above Court to view the premises to determine as to the necessity for a public road as prayed for by the petitioners, BEGINNING in the center line of the Johnstown and Somerset turnpike near the residence of the late Charles Hochstein and 2640 feet south of the intersection of the center line of said turnpike with the center line of Ferndale Avenue produced in the 8th Ward of the City of Johnstown, and ENDING near the residence of Harry E. Berkley on the Township Road leading past the Mowery school house and 4752 feet southeast from the intersection of said road with the Township Road leading from the 8th Ward of the City of Johnstown to the Mill Creek Road, being an extension of Sell Street; will meet at the place of beginning above described on the 17th day of August A. D. 1920 at 10 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested parties shall appear.

S. E. DICKEY

PHILIP CAUFFIEL

L. R. OWEN

Viewers

Johnstown, Pa.
August 6, 1920

Now this 9th day of August A. D. 1920, services
of the above notice be hereby accepted.

Supervisors Upper Yoder
Twp.

By: Conrad L. Raab
Sec.

In re: Petition of the Inhabit-
ants of the Township of Upper
Yoder, Cambria County, Penna.,
for a Public Road to be laid
out in said Township.

In the Court of Quarter Session
of Cambria County, Penna.
Do. 4, June Session, 1920

NOTICE OF VIEW

Us the undersigned Viewers, appointed by the above Court to view the premises to determine as to the necessity for a public road as prayed for by the petitioners, BEGINNING in the center line of the Johnstown and Conocress turnpike near the residence of the late Charles Kochstein and 2640 feet south of the intersection of the center line of said turnpike with the center line of Fernside Avenue produced in the 6th Ward of the City of Johnstown, and ENDING near the residence of Harry D. Berkeley on the Township Road leading past the Beverly school house and 4752 feet southeast from the intersection of said road with the Township Road leading from the 6th Ward of the City of Johnstown to the Mill Creek Road, being an extension of Coll Street, will meet at the place of beginning above described on the 17th day of August A. D. 1920 at 10 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested parties shall appear.

O. B. DICKEY

PHILIP CAMPBELL

L. R. OWEN

Viewers

Johnstown, Pa.
August 6, 1920

Now this 7th day of August A. D. 1920, services
of the above notice is hereby accepted.


Clerk

In re: Petition of the Inhabit-
ants of the Township of Upper
Yoder, Cambria County, Penna.,
for a Public Road to be laid
out in said Township.

In the Court of Quarter Session
of Cambria County, Penna.
No. 4, June Session, 1920

NOTICE OF VIEW

We the undersigned Viewers, appointed by the above Court to view the premises to determine as to the necessity for a public road as prayed for by the petitioners, BEGINNING in the center line of the Johnstown and Somerset turnpike near the residence of the late Charles Hochstein and 2646 feet south of the intersection of the center line of said turnpike with the center line of Ferndale Avenue produced in the 8th Ward of the City of Johnstown, and ENDING near the residence of Harry E. Berkley on the Township Road leading past the Mowery school house and 4752 feet southeast from the intersection of said road with the Township Road leading from the 8th Ward of the City of Johnstown to the Mill Creek Road, being an extension of Sell Street, will meet at the place of beginning above described on the 17th day of August A. D. 1920 at 10 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested parties shall appear.

S. E. DICKEY

PHILIP CAUFFIELD

L. R. OWEN

Viewers

Johnstown, Pa.
August 6, 1920

In Re: Petition of the Inhabit-
ants of the Township of Upper
Yoder, Cambria County, Penna.,
for a public road to be laid
out in said Township

In the Court of Quarter Session
of Cambria County, Penna.
No. 4, June Session, 1920

To S. E. DICKEY, PHILIP CAUFFIEL AND L. R. OWEN, Dr.

To S. E. DICKEY Dr.

Data and preparing notices of view	\$ 7.50	
Stenographer & stationery	2.00	
Serving notices and posting	7.50	
Mileage	.50	
Making View	7.50	
Mileage	.50	
Data on survey and draft	15.00	
Tracing cloth	.70	
3 blue prints	3.00	
Making report	7.50	
Stenographer and stationery	<u>2.50</u>	\$ 54.20

To PHILIP CAUFFIEL Dr.

Making View,	\$ 7.50	
Mileage	<u>.30</u>	\$ 7.80

To L. R. OWEN Dr.

Making View	\$ 7.50	
Mileage	<u>.30</u>	\$ 7.80

Total cost of View \$ 69.80.

APPROVED FOR PAYMENT
[Signature]
TREASURER