To the Honorable Augustine Vinton Barker President Judge of the Court of Quarter Sessions for the County of Cambria.

The petition of the undersigned, citizens of Lower Yoder township, in said County, respectfully represent:

That a public road was long since laid out and opened, leading from the boundary line of the City of Johnstown, below fifth avenue, in the sixteenth ward of the said City to Brownstown, in the township of Lower Yoder, and usually known as the Brownstown road; that a portion of said road beginning at the said boundary line and ending at the first alley above the Pennsylvania railroad Company's right of way, a distance of about 190 feet, has become inconvenient and burdensome and the road would be much improved by a change of its route between said points, so that it would begin at a point on the southerly right of way of said railroad at the proposed location of an overhead bridge over said Railroad, opposite fifth avenue, in t the said City to a point on said Brownstown road, opposite the first alley aforesaid.

Your petitioners therefore pray the court to appoint qualified persons to view the premises and to inquire into the expediency of making said change, and otherwise proceed as directed by the Act of Assembly in such case made and provided.

And they will ever pray,

John Green
P. H. Mahaffey.
C. J. Kurtz
Hy Von Alt
Terrence Ruddon
Conrad Baker.
Joseph Weible
Georg C Habicht
Ignatius Rick
David P. Kurtz

No. 6 Dec. Sess 1900 R.D.

In the Court of Quarter Sessions for Cambria County

Petition of citizens of Lower Yoder township for viewers to view and change the Moroustown Road from the boundary line of the city of Johnstown below fifth avenue to the a point opposite the first alley above said boundary line on said road to a point beginning at the southerly right of way of the Pennsylvania Railroad, at the proposed location of an overhead bridge, over the tracks of said railroad to the alley aforesaid.

Feby. 4th 1901 Lee Masterson

Frank Cowan Esq.

Geo. K. Schryock

appointed viewers

By the Court

Filed 4 Feby 1901

Henry

Sun, February 4, 1901, the within petition presented in open court, and only considered whereupon

was appointed viewers to view and examine the proposed change of said petition of the Moroustown road, and report at the Nisi & Sum of court, next.

In re Brownstown Road.

To the Honorable Augustine Vinton Barker President Judge of the Court of Quarter Sessions for Cambria County.

We, the undersigned persons appointed by the within order of court to view and change the route of the Brownstown road, in Lower Yoder township, said county as therein mentioned respectfully report:

That having given ten days notice to the attorney-in-fact of James McConaughy, deceased, namely; John McConaughy of said county and residing in the City of Johnstown, through whose land the proposed route would run, and by posting similar notices in the vicinity, at either end of the proposed change, of which a copy is hereto annexed, that the viewers would meet on the premises on Friday, March 1, 1901, at ten o'clock a.m.: and that on the day and hour mentioned the said viewers did meet as aforesaid on the ground, and having all been first severally sworn or affirmed, in pursuance of the said order we have viewed the same, and report in favor of making the proposed change in the road as is hereinafter described.

The proposed change is intended to carry into effect the abandonment of a dangerous grade crossing where the said road crosses the ma main tracks of the Pennsylvania Railroad Company as shown on the plan and in the petition. An agreement has been made between the City of Johnstown and the said Railroad Company for the erection of an overhead bridge about 105 feet east of the said crossing, wherein the City of Johnstown will provide the ground and construct the northerly approach, which is within the limits of said city; that the said Railroad Company will construct and erect the abutments and the superstructure over their tracks.

That the southerly approach thereto is in said township, being described as follows: The centre line being 105 feet east of the easterly line of the old Brownstown road, Beginning at the end of said bridge thence south thirty five degrees twenty seven minutes west thirty five (35) feet to a post; thence north fifty four degrees thirty three minutes west seventy (70) feet to a post; thence south sixty four degrees twenty nine minutes west one hundred and ninety five (195) feet to a point on the old road. That the new roadway should be twenty five feet in width on the surface.

That in view of the benefit to the public in removing a dangerous grade crossing as aforesaid, and that all the expenses for the northerly approach and the construction of the stone abutments and superstructure has been provided for as aforesaid, the cost of making of the southerly approach as herein stated is more than should be required from the people of Lower Yoder township, and more than they should bear; therefore, we recommend that the County Commissioners for said County be requested to assist the said township in making the same.

We also recommend that the said grade crossing be abandoned whenever the proposed road and overhead bridge is ready for public use.

We are of opinion the proposed road is necessary for a public road.

That a draft of the same is hereto annexed and made a part of our report, also, a release from the heirs of James McConaughy, deceased, for all claim for damages for the land over which the road will run.

Witness our hands, this first day of March, A.D. 1901.

Lee Masterton 2 days. $8.00 — Lee Masterton

Frank Cowan 1 day $4.00 — Frank Cowan

George K Shryock 1 day $2.00 — Geo K Shryock

PLAN

SHOWING CHANGE IN
— Location of —
the
Brownstown Road
Scale 1"=40' March 1st 1901

Lee Masterton, Surveyor

Property of the J.P. McConaughy Heirs

S 54° 29' W 195'

New Location of Brownstown Road

Brownstown Road as Located

S 61° 06' W

1st Alley

LOWER RYDER LINE

N 54° 33' W 70'

S 35° 27' W 35'

Coal Shed

Pennsylvania Ave.

PROPOSED OVERHEAD BRIDGE SITE

City Line and Right of Way of Pennsylvania R.R.

TRACKS of the PENNSYLVANIA RAILROAD Co.

North

McConaughy St.

16th WARD of the CITY of JOHNSTOWN

5th Avenue

In re Brownstown Road,
Lower Yoder Township, Cambria County.

To the Commissioners of Cambria County.

For value received, the undersigned, duly appointed and empowered Attorney-in-fact for the heirs of James McConaughy, deceased, by the said heirs, do hereby release the claim of said heirs for any and all demand for damages by reason of locating the proposed change of the Brownstown Road to lead from the ptoposed overhead bridge to the old township road, as rCported by the Viewers, on Maroh 1, 1901, on the land of the said estate.

Witness my hand and seal this first day of March, 1901.

(witness) Lee Mackerson

John M. McConaughy SEAL.

Attorney in fact for the heirs of
James McConaughy, deceased.

NOTICE OF MEETING OF VIEWERS.

Road View.

The undersigned, viewers appointed to view, lay out and change a public road, to begin at a point on the Southerly Right of Way of the Pennsylvania Rail Road Company, at the proposed location of an overhead bridge over said Railroad opposite Fifth Avenue, Sixteenth Ward, in the City of Johnstown, Cambria County, Pa. To a point on Brownstown Road in Lower Yoder Township opposite the First alley above the Pennsylvania Rail Road Company's Right of Way, hereby give notice to all persons interested, that they will meet for the purpose of their appointment at the place proposed for the beginning of said road at ten O'clock on Friday, the 1st day of March, 1901, when and where all persons interested are invited to attend.

Feb. 19th., 1901.

Lee Masterton

Frank Conan

Geo. K. Shryock,

Viewers.

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 fourth day of February A. D. ~~189~~ 1901, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Lower Yoder, in the said County, setting forth that they labor under inconvenience ~~for want of a~~ by reason of the location of a public road or highway, ~~to lead from~~ leading from the boundary line of the City of Johnstown, below fifth avenue, in the sixteenth ward of the said City to Brownstown, in the township of Lower Yoder, and usually known as the Brownstown road; that a portion of said road beginning at the said boundary line and ending at the first alley above the Pennsylvania railroad Company's right of way, a distance of about 190 feet, has become inconvenient and burdensome and the road would be much improved by a change of its route between said points, so that it would begin at a point on the southerly right of way of said railroad at the proposed location of an overhead bridge over said railroad opposite fifth avenue, in the said city to a point on said Brownstown road, opposite the first alley aforesaid.

and therefore praying the Court to appoint proper persons to view and lay out, and change the same according to law. The Court upon due consideration had of the premises, do order and appoint Lee Masterson SURVEYOR, and Frank Cowan and Geo. C. Shryock proposed to be changed VIEWERS, to view ~~the ground proposed for said road~~, and if they change ~~such~~ road, they shall proceed to ~~lay out~~ change 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:

P. W. Davis, 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. 6 Dec Session 1900

R. D.

ORDER TO VIEW and

change portion of Townstown Road in Lower Yoder Township

See Masterson
Frank Cowan
Geo. J. Shryock
} Viewers.

CLERK DAVIS Eng. & Stony 90 CTS.

Story

ing on the tabs of guides and folders.

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No. 6 Dec. Sess. 1900 R.D.

Court of Quarter Sessions for Cambria County.

No. 6. Dec Term 1900.

Road Docket.

Report of Viewers to change the route of a portion of Brownstown road, in Lower Yoder township.

Approved.

Ellsworth Kimble Foreman.

Filed 4 March 1901

[illegible] Commissioner makes the necessary approximation

[illegible] 7—1901

Ellsworth Kimble Foreman

Stamp

16th Apr. 1901 Approved and ordered of part of road supplied fixed at 75 feet. —

By the Court

June 7th referred to Grand Jury.

By the Court.