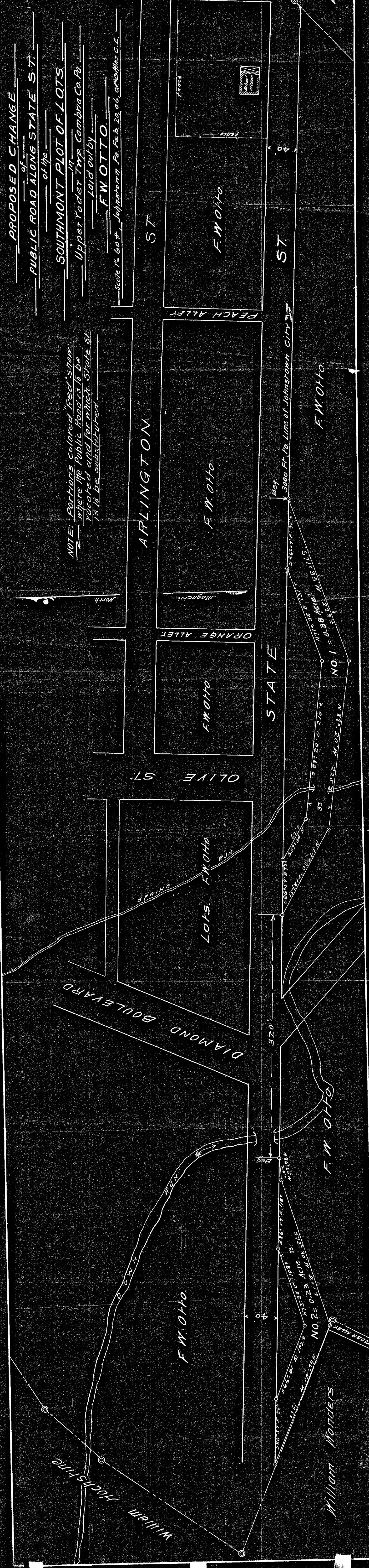
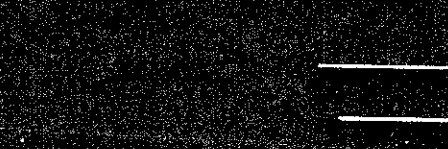


PROPOSED CHANGE
 of
 PUBLIC ROAD ALONG STATE ST.
 of the

SOUTHMONT PLOT OF LOTS
 17
 Upper Yoder Trng Cambria Co. Pa.
 laid out by
 F.W. OTTO

Scale 1" = 60', Johnston Pa. Feb. 20, 06, G.P. & M.S. C.E.

NOTE: Portions colored "Red" show
 where the Public Road is to be
 vacated and for which State st
 is to be substituted.



ELIM PLOT

ST

F.W. OTTO

ST

ARLINGTON

F.W. OTTO

STATE

F.W. OTTO

OLIVE ST

LOTS. F.W. OTTO

DIAMOND BOULEVARD

F.W. OTTO

William Monders

JOHNSTOWN

William Monders

UPPER ALLEY

PEAR ALLEY

PEACH ALLEY

ORANGE ALLEY

SPRING RUN

DOWN RUN

F.W. OTTO

NO. 1 = 0.38 AC

NO. 2 = 0.23 AC

3000 Ft. to Line of Johnstown City

320'

40'

40'

40'

40'

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40'

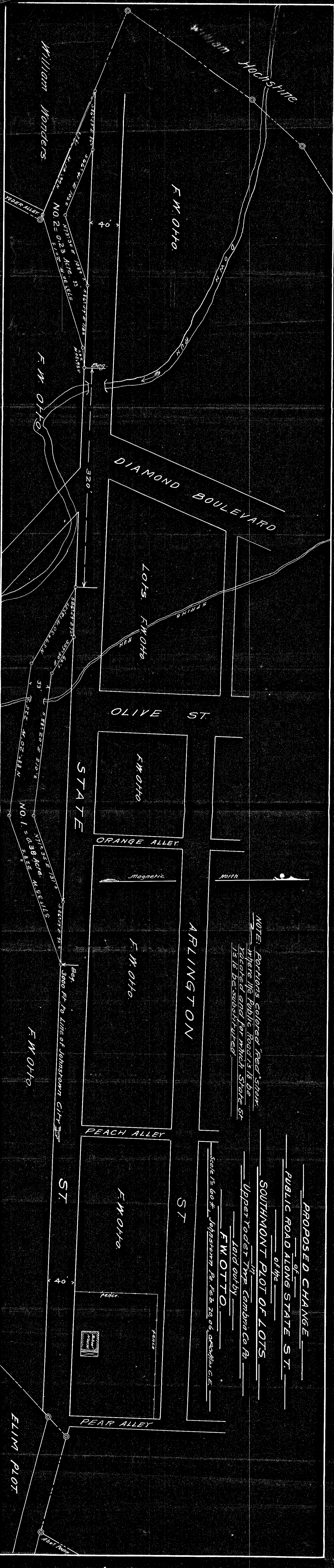
40'

40'

Duplicate

Not Microfilmed

R.D.#3 Dec 1906



NOTE: Portions colored "Red" show where the Public Road is to be vacated and for which State St. is to be substituted.

PROPOSED CHANGE
 of
 PUBLIC ROAD ALONG STATE ST.
 of the
 SOUTHMONT PLOT OF LOTS
 in
 Upper Yoder Twp Cambria Co Pa.
 laid out by
 F.W. OTTO
 Scale 1/2" = 60 ft. Johnstown Pa. Feb. 20. 06. GRAPPLIS C.E.

William Hochstetle

F.W. OTTO

DIAMOND BOULEVARD

LOTS F.W. OTTO

OLIVE ST

STATE

F.W. OTTO

ORANGE ALLEY

F.W. OTTO

ARLINGTON

PEACH ALLEY

F.W. OTTO

ST

PEAR ALLEY

ELIM PLOT

William Wonders

NO. 2 = 0.23 ACRES

F.W. OTTO

NO. 1 = 0.38 ACRES

F.W. OTTO

ST

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

To the Honorable Francis J. O'Connor, Judge of said Court;

The undersigned Viewers appointed as per the annexed order, respectfully report:

1. That we met at the time and place specified in the notices, to wit, Friday, the first day of March, A.D. 1907, at ten o'clock, A.M., at the residence of William H. Wonder, on said road, as required by said notices;

2. That notice as required by law was duly given, that is to say, five days prior to the said meeting notice in writing was given to the Commissioners of Cambria County, and to the Road Supervisors of said Township of Upper Yoder, as appears by the acceptance of service of said notices by the said Commissioners and by said Road Supervisors, of the time and place at which said viewers would meet to discharge the duties of their appointment, and also notice to the land owners and the public of the time and place of such meeting, by five handbills or advertisements put up in the most public places in the vicinity of the ground to be viewed, five days before the time fixed for holding said view;

3. We were severally sworn according to law, and before proceeding to discharge our duties.

4. We viewed the site and location of the road proposed to be vacated and layed out, making a personal inspection of the ground between the points designated in the petition or order on said first day of March, A.D. 1907;

5. We are of the opinion and agree that part of said public road running from Franklin Street in the City of Johnstown to the Mill Creek Road, and usually known as the Hochstein Road should be vacated as follows, from a point three thousand feet (3000) from the said City line and extending to a point three thousand five hundred and forty-six (3546) feet from the City line; and also that part of said road beginning at a point three thousand eight hundred and sixty-six (3866) feet from said City line and extending to a point four thousand two hundred and sixty-eight (4268) feet from said City line; and that a public road between said points is necessary; We therefore lay out and retur

return for public use a road as follows; Beginning on said road at a point three thousand feet (3000): from the City line of Johnstown, and thence extending in a straight line North eighty-six (86): degrees and fifty-nine (59): minutes West, to a point four thousand two hundred and sixty-eight (4268) feet from said City line, at or near the residence of said William H. Wonder;

6. We further report that F.W. Otto and William H. Wonder, the only persons through whose land said new road passes or touches, filed with the original petition a release of damages, and proposed to do all the work and furnish all the material necessary for vacating said old parts, and supplying said new parts, and make and put said new parts in good condition for travel.

7. In our opinion the road laid out by us is of public necessity and that said road should be made and built under the direction and supervision of the said Township of Upper Yoder.

8th. We annex hereto a plot or draft, showing the location of the road laid out, and that vacated, stating the courses and distances and briefly noting the improvements.

WITNESS our hands and seals this second day of March, A.D. 1907.

E.P. Collins ----- (Seal)
H. G. Smith ----- (Seal)
P.A. Baumhart ----- (Seal)

Viewers.

NOTICE OF ROAD VIEW.

Notice is hereby given that the undersigned Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., on the 5th day of December, A. D. 1906, to view the ground and vacate the bends in the public road and supply the same by a new road, in Upper Yoder Township, said County, beginning at a point on the Hochstein Road, three thousand (3000) feet from the City line, and extending to a point three thousand five hundred and forty-six (3546) feet from said City line, and also another part beginning on said road at a point three thousand eight hundred and sixty-six (3866) feet from said City line extending to a point four thousand two hundred and sixty-eight (4268) feet from the City line, will meet at the residence of William H. Wonders, on said Road, on Friday, the first day of March, A. D. 1907, at ten o'clock, A. M. for the purpose of viewing said ground, and performing their duties as such Viewers.

Feb. 20th, 1907.

C. P. Collins

J. H. Borch

P. H. Borch

Viewers.

We the undersigned, Commissioners of Cambria County, Pa., hereby accept service of the above notice.

Mbensburg, Pa.,

Feb. 23rd, 1907.

Com. of Cambria County

P. C.

J. B. Shuman

Comm.

NOTICE OF ROAD VIEW.

Notice is hereby given that the undersigned Viewers appointed by the Court of Quarter Sessions of Cambria County, Pa., on the 5th day of December, A.D. 1906, to view the ground and vacate the bends in the public road and supply the same by a new road, in Upper Yoder Township, said County, beginning at a point on the Hochstein Road, three thousand (3000) feet from the City line, and extending to a point three thousand five hundred and forty-six (3546) feet from the City line, and also another part beginning on said road at a point three thousand eight hundred and sixty-six (3866) feet from the City line and extending to a point four thousand two hundred and sixty-eight (4268) feet from the City line, will meet at the residence of William H. Wonders, on said Road, on Friday, the first day of March, A.D. 1907, at ten o'clock, A.M. for the purpose of viewing said ground, and performing their duties as such Viewers.

Feb. 20th, 1907.

E. P. Collins
H. H. Wonder
P. A. Burchart
Viewers.

We the undersigned, Road Supervisors of Upper Yoder Township, Cambria County, Pa., hereby accept service of the above notice.
Johnstown, Pa., Feb. 20th, 1907.

S. E. Peterson
H. H. Wonder
James W. Hann

Road Supervisors of Upper Yoder Township.

Commonwealth of Pennsylvania, }
 County of Cambria. } as

At a Court of Quarter Sessions of the Peace of the County of Cambria held at Ebensburg, in the said County, on the...Fifth.....day of..December.....A. D. 190 6 , 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 ~~the following~~

~~XXXXXX~~ a public road has long since been laid out and opened in said township leading from Franklin Street in the City of Johnstown, to the Mill Creek Road and usually known as the Hochstein Road: that part of said road is crooked and contains two bends that can easily be removed; and especially the part beginning at a point three thousand (3000) feet from the City line and extending to a point three thousand five hundred and forty-six (3546) from said City line, and also the part beginning at a point three thousand eight hundred and sixty-six (3866) feet from the City line, and extending to a point four thousand two hundred and sixty-eight (4268) from the City line are crooked and contain two bends, and such parts of said road have become somewhat burdensome and inconvenient, and that said road would be much improved by a change of its route between said points so as to cut out said bends and make said road straight; that the owners of the land through which said road passes are desirous of straightening said road, and are willing to release from any and all damages caused by the vacating and supplying of said road and are also willing to pay all the expenses of changing the same, and of making and putting in good condition the new road hereby asked to be laid out and opened; that said road as proposed will have a good grade and will be practically level.... Your petitioners pray that said bends in said road be vacated and that new roads be laid out and opened between the points where said bends leave the straight line of the proposed new road, and that said road be made straight as indicated and shown on the map hereto attached and made a part of this petition.

.....

and therefore praying the Court to appoint proper persons to ^{vacate} view and lay out the same according to law. The Court, upon due consideration had of the premises, do order and appoint
C. P. Collins.....surveyor, and.....

.....Harry D. Tomb and P. A. Barnhart.....
 and vacate
 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:

.....L. C. Foyell....., Clerk.

NO. 8, December SESSION, 1906.

Order to view vacate and
supply road in Upper Yoder
Township.

Viewers.

C. P. Collins
Harry D. Tomb
P. A. Barnhart

Clerk Troxell 90 cts.

Williams

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. 3 December Sesseins, 1906.
In the Court of Quarter Sessions
of Cambria County, Pa.

In the matter of the applica-
tion to vacate and supply road in
Upper Yoder township.

Report of Viewers.

And now, *Mich, 18, 1907*
the within report ordered
filed as of March 4th 1907
none pro tunc. &
By the Court

Filed 18 March 1907

W. M. WILLIAMS
ATTORNEY-AT-LAW
JOHNSTOWN, PA.

April 23, 1907, approved and breadth fixed at 30 feet.
By the Court
29 Nov. 1907, confirmed,
C. E. Truvel, clk.

WM. WILLIAMS
ATTORNEY-AT-LAW
JOHNSTOWN, PA.

To the Honorable Francis J. O'Connor, President Judge of the Court of Quarter Sessions of Cambria County, Pennsylvania.:

The petition of the undersigned respectfully represents that they are residents or land owners in the township of Upper Yoder, County of Cambria and State of Pennsylvania; that a public road has long since been laid out and opened in said township, leading from Franklin Street in the City of Johnstown, to the Mill Creek Road, and usually known as the Hochstein Road; that part of said road is crooked and contains two bends that can easily be removed; and especially the part beginning at a point three thousand (3000) feet from the City line and extending to a point three thousand five hundred and forty-six (3546) from said City line, and also the part beginning at a point three thousand eight hundred and sixty-six (3866) feet from the City line, and extending to a point four thousand two hundred and sixty-eight (4268) from the City line are crooked and contain two bends, and such parts of said road have become somewhat burdensome and inconvenient, and that said road could be much improved by a change of its route between said points so as to cut out said bends and make said road straight; that the owners of the land through which said road passes are desirous of straightening said road, and are willing to release from any and all damages caused by the vacating and supplying of said road, and are also willing to pay all the expenses of changing the same, and of making and putting in good condition the new road hereby asked to be laid out and opened; that said road as proposed will have a good grade, and will be practically level.

Your petitioners pray that said bends in said road be vacated, and that new roads be laid out and opened between the points where said bends leave the straight line of the proposed new road, and that said road be made straight, as indicated and shown on the map hereto attached and made a part of this petition.

Your petitioners therefore pray the Court to appoint qualified persons to view the premises to inquire into the expedience of vacating said parts and supplying the same and making said changes, and to otherwise proceed as directed by the Act of Assembly in such case made and provided.

F. W. Otto

J. S. Stutzman

J. W. Keiper

George Angler Jr

H. H. Vander

Joseph ...

James D. Crowto

W. E. ...

William ...

William Hochstein

to J. ...

Charles Boecher

Adam Keiper

H. J. ...

W. J. ...

R. ...

Harry ...

Frank S. ...

3

We, F.W. Otto and William Wonder, being the owners of all the land through which the parts of the present road proposed to be vacated pass, and of all the land through which the proposed new roads will pass, or upon which they border, throughout their entire distance, hereby agree that we will make no claim for damages on account of vacating or supplying said roads; and we will at our own cost and expense do all the work and furnish all the material necessary for vacating said crooked parts of road, and of supplying the same, and we will make and put said new roads in as good condition for travel as the present road now is.

F.W. Otto

W. H. Wonder

State of Pennsylvania, :

County of Cambria, : ss.

City of Johnstown. :

— Before me, the subscriber, a Notary Public in and for said City, County and State, personally came William H. Wonder, who being by me duly sworn according to law does depose and say that the statements of fact as set forth in the foregoing petitions are true and correct, and that all of the signers of said petition are residents of said Township of Upper Yoder, and all signed since the last day of November, A.D. 1906.

Sworn and subscribed to before me this : W. H. Wonder

4th day of December, A.D. 1906. :

W. H. Williams

Notary Public. :

No. 3 December Term, 1906
Quarter
In the Court of Sessions
Superior
County of Cambria County
Pa.

Petition of inhabitants
of Upper Yoder Township
to vacate and supply
a public road.

And now Dec. 5, 1906
C. P. Collins, Harry D. Gomb
D. F. Barnhart
are appointed viewers

By the Court

Filed 5 December, 1906.

WM. WILLIAMS
ATTORNEY-AT-LAW
JOHNSTOWN, PA.

WM. WILLIAMS
ATTORNEY-AT-LAW
JOHNSTOWN, PA.