

February 10, 1940

To the Supervisors of Upper
Yoder Township, Cambria County,
Pennsylvania.

Petition and release of
damages

Petition and release of da-
mages for the opening, grad-
ing, draining, improving and
maintaining of certain streets
in Upper Yoder Township,
Cambria County, Pennsylvania
as public highways.

S. E. DICKEY & CO.

CIVIL MINING AND CONSULTING ENGINEERS

809-811 JOHNSTOWN TRUST BLDG.

JOHNSTOWN, PENNA.

TO THE SUPERVISORS OF UPPER YODER TOWNSHIP,
CAMBRIA COUNTY, PENNSYLVANIA.

Petition and release of damages for the opening, grading, draining, improving and maintaining of certain streets in Upper Yoder Township, Cambria County, Pennsylvania as public highways.

We, the undersigned, your petitioners, respectively represents:

That we are owners of all the property abutting, on Violet Street extending from Harshberger Street, a public highway, to Mowrey Avenue, a dedicated highway, on Third Avenue extending from Lilly Street, a public highway, to Violet Street, a dedicated highway; and on Mowrey Avenue, a dedicated highway, extending from Lilly Street, a public highway to Violet Street; a dedicated highway, all in Upper Yoder Township, Cambria County, Pennsylvania. That we are in need of the opening and improving of said streets as public highways. That said portions of Violet Street, Third Avenue and Mowrey Avenue are dedicated highways in the Southmont Gardens Plan of Lots. That said Plan of Lots is recorded in the office of the recorder of deeds in Cambria County, Pennsylvania in Plat Book No. 3 Page 43.

THEREFORE, we respectively petition your honorable Board to pass the necessary resolution accepting and adopting said portions of Violet Street, Third Avenue and Mowrey Avenue as Township highways.

FOR AND IN CONSIDERATION of the action of the Board of Supervisors of Upper Yoder Township, Cambria County, Pennsylvania accepting, opening, grading, draining and improving and maintaining of said portions of Violet Street, Third Avenue and Mowrey Avenue, we, the undersigned, do hereby release the Township of Upper Yoder, its officials, agents and employees of all damages we have sustained or may seem likely to sustain by reason of said accepting, opening, grading, draining, improving and maintaining of said portions of Violet Street, Third Avenue and Mowrey Avenue, above described.

Witness our hands and seals this 29th day of February A. D. 1940.

Witness

E. W. Haughton
Ned. Benckhoff
J. C. Melling
J. C. Melling
Geo. W. Breckley
A. K. Kase

Signature
The First National Bank
Agnes L. Benckhoff
Dr. W. M. Benckhoff
Lloyd Marshalek
Mary Marshalek
David C. Mertens
John Koval
Joseph Plummer

In the Court of Quarter
Sessions of Cambria County
Pennsylvania

No v. March

1940.

IN RE VIOLET STREET, THIRD
AVENUE AND MOWREY AVENUE
UPPER YODER TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

PETITION FOR³ ACCEPTANCE OF
VIOLET STREET, THIRD AVENUE
AND MOWREY AVENUE AS PUBLIC
HIGHWAYS - and - ORDER

Filed 4/18, 1940

LAW OFFICES
BARNHART & ADAMS
JOHNSTOWN, PENNA.

IN RE VIOLET STREET, THIRD
AVENUE AND MOWREY AVENUE
UPPER YODER TOWNSHIP, CAMBRIA
COUNTY, PENNSYLVANIA

| In the Court of Quarter
: Sessions of Cambria County,
: Pennsylvania
| No. June Sessions, 1940

PETITION FOR ACCEPTANCE OF VIOLET STREET, THIRD
AVENUE AND MOWREY AVENUE AS PUBLIC HIGHWAYS

TO THE HONORABLE JUDGES OF THE ABOVE NAMED COURT:

The petition of the Board of Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, respectfully represents:

That upon the petition of the residents and owners of lots abutting on Violet Street, Third Avenue and Mowrey Avenue, dedicated streets in said Upper Yoder Township, your petitioners accepted said Violet Street, Third Avenue and Mowrey Avenue as public highways, subject to the consent of this Honorable Court; as more fully appears by Resolution of your petitioners hereto attached, made part hereof and marked "EXHIBIT A".

WHEREFORE your petitioners respectfully pray that your Honorable Court give its consent to the acceptance of said Violet Street, Third Avenue and Mowrey Avenue as public highways of the said Township of Upper Yoder.

E. H. Baughman
D. H. Meier
Curt Barnhart
SUPERVISORS OF UPPER YODER TOWNSHIP,
CAMBRIA COUNTY, PENNA.

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CAMBRIA

SS.

Personally appeared before me, a Notary Public in and for said state and county, Curt Barnhart who being duly sworn according to law, deposes and says that he is one of the Supervisors of Upper Yoder Township, and that the facts set forth in the foregoing Petition are true and correct.

Sworn and subscribed before me this 16th day of April, 1940

Curt Barnhart

Jessie Boyer Williams

NOTARY PUBLIC
MY COMMISSION EXPIRES
APRIL 11, 1941

IN RE VIOLET STREET, THIRD
AVENUE AND MOWREY AVENUE,
UPPER YODER TOWNSHIP, CAM-
BRIA COUNTY, PENNSYLVANIA

| In the Court of Quarter
: Sessions of Cambria County,
: Pennsylvania
| No. June Sessions, 1940

O R D E R

Now, April 17th 1940, the within petition having been read and considered, the Court hereby gives its consent that Violet Street, Third Avenue and Mowrey Avenue, dedicated streets on the Plan of Southmont Gardens in Upper Yoder Township, Cambria County, Pennsylvania, be accepted as public highways; and it is further ordered and directed that the said Violet Street, Third Avenue and Mowrey Avenue shall forthwith be and become a part of the public highway system of the Township of Upper Yoder Cambria County, Pennsylvania; and be it still further ordered and directed that this proceeding be recorded in the Court of Quarter Sessions of Cambria County, Pennsylvania.

By the Court
McKernix
Judge

"EXHIBIT A"

RESOLUTION

ACCEPTING A PORTION OF CERTAIN
DEDICATED HIGHWAYS AS PUBLIC HIGHWAYS
IN UPPER YODER TOWNSHIP, CAMBRIA COUNTY,
PENNSYLVANIA

WHEREAS, a petition has been filed with the Board of Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, requesting the acceptance of a portion of certain dedicated highways known as Violet Street, Third Avenue and Mowery Avenue shown on the Southmont Gardens Plan of Lots situate in Upper Yoder Township, Cambria County, Pennsylvania and duly recorded in the office of the Recorder of Deeds in Cambria County, Pennsylvania, in Plat Book, Vol. 3, Page 43. Said petition and plan showing location of said highways being hereto attached, and

WHEREAS, it is the desire of the Board of Supervisors of Upper Yoder Township to accept said highways, in accordance with the act of the General Assembly of the Commonwealth of Pennsylvania as amended July 18, 1935, P. L. 1299, Section 1147, providing for the acceptance of dedicated roads, streets, lanes and alleys heretofore dedicated as public highways.

THEREFORE, be it resolved by the Board of Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, and it hereby is resolved by the authority of same that, a portion of Violet Street, a dedicated highway sixty (60') feet in width, beginning at the intersection of the center line of Harshberger Street, an improved highway, thence S. 17° 23' E., a distance of 1044.17' to the intersection of the center line of Mowrey AVENUE, a dedicated highway; a portion of Third Avenue, a dedicated highway forty (40') feet in width, beginning at the

intersection of the center line of Lilly Street, an improved highway, thence N. 72° 73' E., a distance of 375.25' to the intersection of the center line of Violet Street, a dedicated highway; and a portion of Mowrey Avenue, a dedicated highway forty (40') feet in width beginning at an iron pin at the intersection of the center line of Lilly Street, near the intersection of the center line of Sell Street, thence N. 54° 32' E., a distance of 305.8' to a point; thence N. 48° 41' E., a distance of 15.75' to the intersection of the center line of Violet Street, a dedicated highway, shall be and the same hereby are accepted as public highways and as parts of the road system of the Court of Quarter Sessions of Cambria County, Pennsylvania, and that proper petitions shall be prepared and presented to said Court.

Adopted by the Board of Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, at a regular meeting held this 11th day of March A. D. 1940.

ATTEST:

Curt Barnhart
SECRETARY

D. H. WEIMER

CURT BARNHART

EPHRAIM HERSHBERGER
SUPERVISORS

I, CURT BARNHART, Secretary of the Board of Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the resolution adopted at a regular meeting of the Board of Supervisors of said Township held on the 11th day of March A. D. 1940.

(SEAL)

Curt Barnhart
SECRETARY

Rat Microfilmed

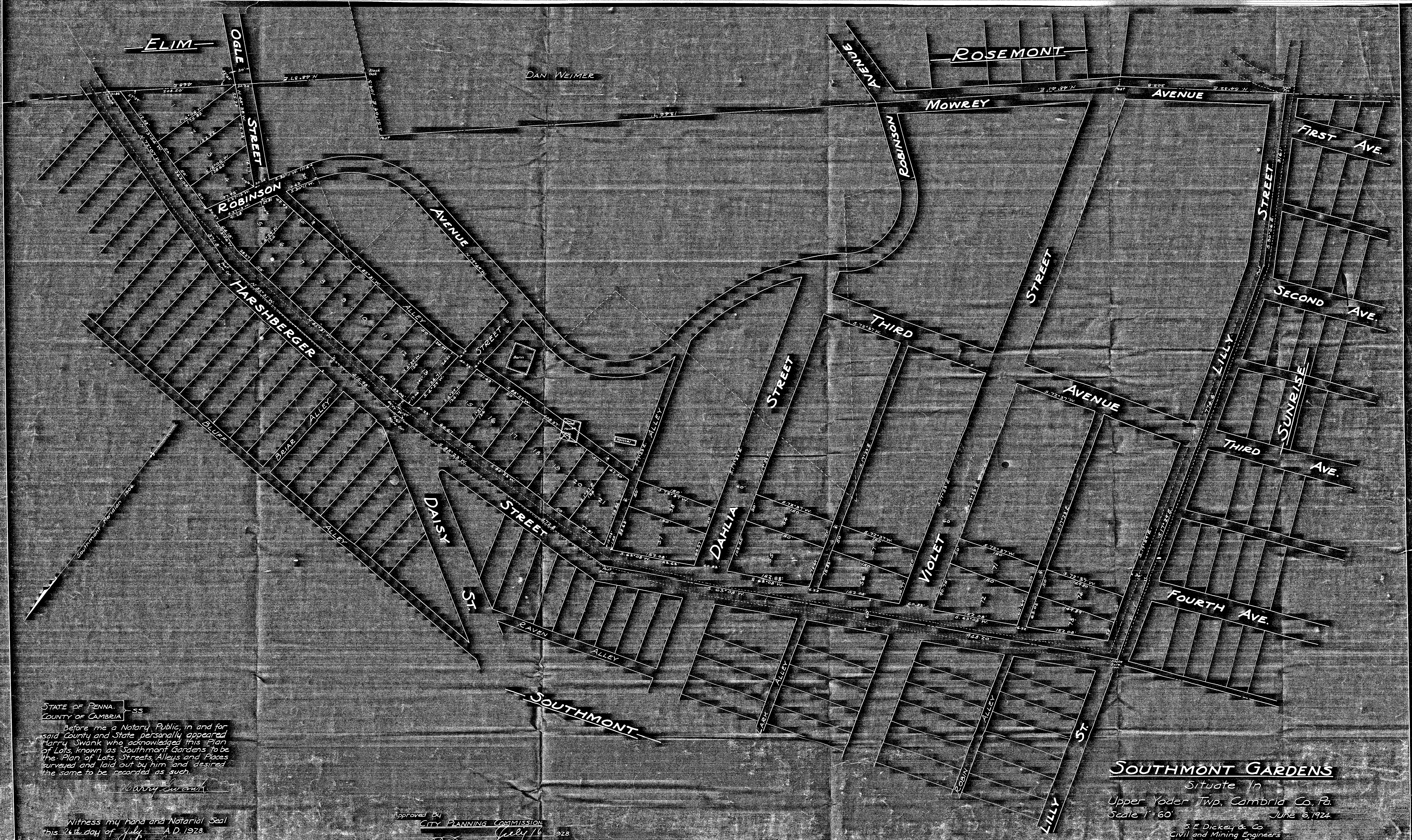
RD# 2 Mar,

1940

Upper Yoder Exp

Violet, 3rd

mouseholes.



STATE OF PENNA. - SS
COUNTY OF CAMBRIA

Before me a Notary Public, in and for said County and State personally appeared Harry Swank who acknowledged this Plan of Lots known as Southmont Gardens to be the Plan of Lots, Streets, Alleys and Places surveyed and laid out by him and desired the same to be recorded as such.

Harry Swank

Witness my hand and Notarial Seal this 26th day of July, A.D. 1928.

Wm. D. Quenzer
Notary Public

My Commission expires at the end of next session of Senate

Approved By
CITY PLANNING COMMISSION
July 16, 1928
President
Secretary

SOUTHMONT GARDENS

Situate in
Upper Yoder Twp, Cambria Co., Pa.
Scale 1" = 60' June 6, 1924

S. F. Dickey & Co.
Civil and Mining Engineers
Johnstown, Pa.
Revised Aug. 26, 1925