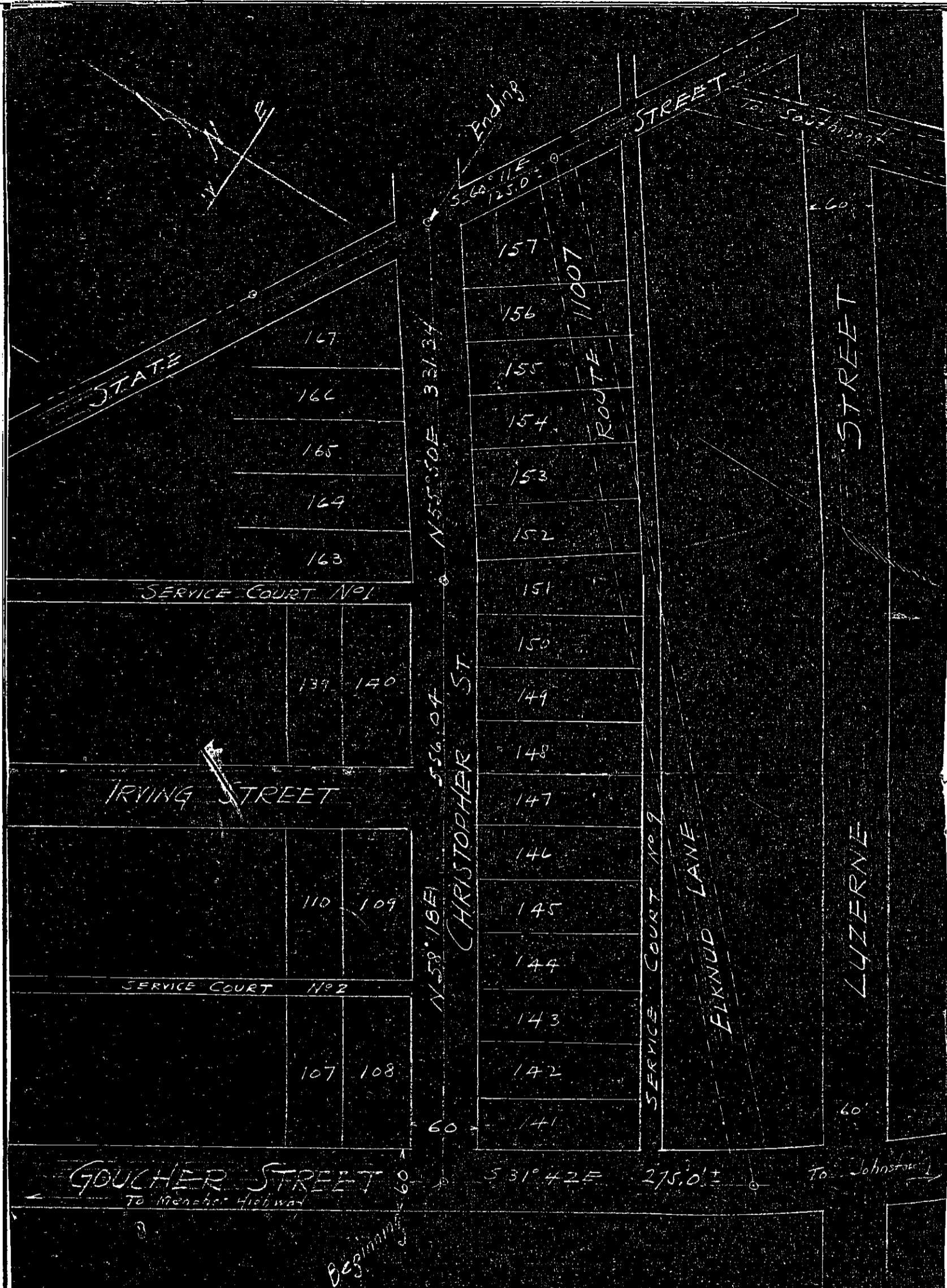


RD #3. mar. 1940  
Upper Yoder, Layoutoga  
Pub. road

map #14  
Nat. Microfilmed



IN THE COURT OF QUARTER SESSIONS No 3 MARCH 1940  
 S. E. Dickey  
 M. J. McGraw } Viewers  
 Theodore Hunt

PROPOSED PUBLIC HIGHWAY  
 Situate in  
 JOHN K. MILLER PLAN OF LOTS  
 UPPER YODER TWP. CAMBRIA COUNTY, PA  
 Scale 1" = 100' S. E. Dickey & Co. May-13-1940  
 Civil And Mining Engrs.  
 Johnstown, Pa

No. 3 March Sessions, 1940  
In the Court of Quarter  
Sessions of Cambria County,  
Pennsylvania

IN RE LAYING OUT OF A PUB-  
LIC HIGHWAY IN THE TOWNSHIP  
OF UPPER YODER, COUNTY OF  
CAMBRIA AND STATE OF  
PENNSYLVANIA

PETITION FOR THE APPOINTMENT  
OF VIEWERS, PRELIMINARY ORDER  
and DECREE

*Filed April 22nd 1940*

LAW OFFICES  
BARNHART & ADAMS  
JOHNSTOWN, PENNA.

IN RE LAYING OUT OF A PUBLIC  
HIGHWAY IN THE TOWNSHIP OF  
UPPERYODER, COUNTY OF CAMBRIA,  
AND STATE OF PENNSYLVANIA

In the Court of Quarter Ses-  
sions of Cambria County, Pa.

No. March Sessions, 1940

PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF THE COURT OF QUARTER SESSIONS  
IN AND FOR CAMBRIA COUNTY, PENNSYLVANIA:

The petition of the undersigned inhabitants of the said  
Township of Upper Yoder, in the County aforesaid, respectfully  
represents:

That your petitioners labor under great inconvenience for  
want of a public road or highway in the said Township of Upper  
Yoder, to begin at the intersection of Christopher Street and  
Goucher Street, the said Goucher Street being a public highway  
in the said township. The said proposed road extends in a  
northeasterly direction and ends at its junction with State  
Street, also a public highway.

The exact distance from the point of beginning of the said  
proposed road to an intersecting public road or street, namely;  
Elknud Lane, or Old Route No. 11,007, a public highway, is two  
hundred seventy-five (275) feet, measured from the intersection  
of the center line of the proposed road with said Goucher Street;  
and the exact distance from the point of ending of the said pro-  
posed road from an intersecting public road or street, namely;  
said Elknud Lane or Old Route No. 11,007, measured from the  
intersection of the center line of said proposed road and the  
center line of said State street to the center line of said

Elknud Lane is one hundred twenty-five (125) feet.

A print showing the location of said road as above described is hereto attached, made part hereof and marked "EXHIBIT A".

A copy of the written notice to the Supervisors of said Upper Yoder Township of the intended presentation of this application, with the acceptance of service thereon is hereto attached, made part hereof and marked "EXHIBIT B".

A release of damages whereby the owners of property abutting the aforesaid proposed road releasing the said Township of Upper Yoder from any damages they have sustained or may seem likely to sustain by reason of the said accepting, opening, grading, draining, improving and maintaining of said proposed highway is hereto attached, made part hereof and marked "EXHIBIT C".

Your petitioners therefore pray the Court to appoint three members of the Permanent Board of Viewers of Cambria County to view the ground proposed for such road and if they see the necessity, therefor, lay out the same and make report of this proceeding to the next session of Court.

*Ernest E. Hartley*  
*D. H. Weiner*  
*Carl J. Jansant.*  
*Wm. G. Spence*  
*R. E. Jansant*  
*Edw. H. Borchert*

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 petitioners within set forth and that the state-  
ments contained in said petition are true and correct.

Sworn and subscribed before  
me this 1<sup>st</sup> day of  
APRIL, 1940.

Curt Barnhart

Jessie Buyer Williams

NOTARY PUBLIC  
BY COMMISSION EXPIRES  
APRIL 11, 1941

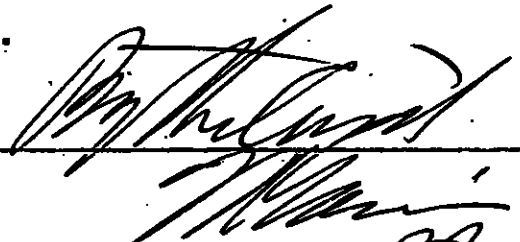



IN RE LAYING OUT OF A  
PUBLIC ROAD IN THE TOWNSHIP  
OF UPPER YODER, COUNTY OF  
CAMBRIA, STATE OF PENN-  
SYLVANIA

| In the Court of Quarter Ses-  
: sions of Cambria County,  
: Pennsylvania  
: No. March Sessions, 1940  
|


PRELIMINARY ORDER

NOW, April 1, 1940, the within petition having been presented and considered, a Rule is granted upon the Commissioners of Cambria County, Pennsylvania, to show cause, if any they have, why Viewers should not be appointed as within prayed for; and said Rule is returnable at ten o'clock, A. M. April 15, 1940, Service of the Rule, together with a copy of this petition, shall be made upon the said County Commissioners not less than ten (10) days before the said return day.

  
\_\_\_\_\_  


ACCEPTANCE OF SERVICE BY THE  
COMMISSIONERS OF CAMBRIA COUNTY, PENNA.

NOW, APRIL 1, 1940, service of the above Rule is hereby accepted, together with a copy of the within Petition.

  
\_\_\_\_\_  
Clerk  
County Commission

IN RE LAYING OUT OF A  
PUBLIC HIGHWAY IN THE  
TOWNSHIP OF UPPER YODER,  
CAMBRIA COUNTY, PENN-  
SYLVANIA

In the Court of QUARTER Ses-  
sions of Cambria County,  
Pennsylvania  
No. March Sessions, 1940

DE C R E E

AND NOW, this 15th day of April, 1940, the within petition  
having been read and considered, the Court appoints

A. L. Dickey and H. J. McNamee  
and Theodore Funk Viewers to view the road

herein referred to and make a report of their proceedings to  
the next term of the Court of Quarter Sessions of said County.

Theodore Funk  
M. J. McNamee

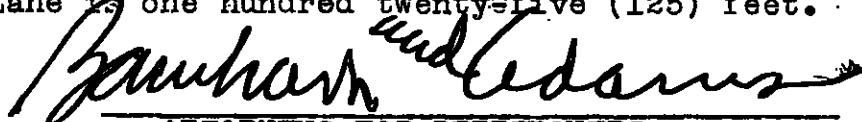
"EXHIBIT B"

IN RE LAYING OUT OF A		In the Court of Quarter Sessions
PUBLIC HIGHWAY IN THE	:	of Cambria County, Pennsylvania
TOWNSHIP OF UPPER YODER,	:	
COUNTY OF CAMBRIA, STATE	:	No. March Sessions, 1940
OF PENNSYLVANIA		

NOTICE TO SUPERVISORS

TO CURT BARNHART, D. H. WEIMER AND EPHRAIM HERSHBERGER, SUPERVISORS OF UPPER YODER TOWNSHIP, CAMBRIA COUNTY, PENNSYLVANIA:

You will please take notice that there will be a petition presented to the Court of Quarter Sessions of Cambria County, at Ebensburg, Pennsylvania, in said County, at ten o'clock, A. M. the 1st day of April, 1940, asking the Court for the appointment of Viewers to view and lay out a proposed road in the said Township of Upper Yoder, to begin at the intersection of Christopher Street and Goucher Street, said Goucher Street being a public highway in the said township. The said proposed road extends in a northeasterly direction and ends at its junction with State Street, also a public highway. The exact distance from the point of beginning of the said proposed road to an intersecting public road or street, namely; Elknud Lane, or Old Route No. 11,007, a public highway, is two hundred seventy-five (275) feet, measured from the intersection of the center line of the proposed road with said Goucher Street; and the exact distance from the point of ending of the said proposed road from an intersecting public road or street, namely; said Elknud Lane or Old Route No. 11,007, measured from the intersection of the center line of said proposed road and the center line of said State Street to the center line of said Elknud Lane is one hundred twenty-five (125) feet.

  
ATTORNEYS FOR PETITIONERS

April 1st 1940, service of the above stated  
Notice is hereby accepted.

Eph. Baughman

J. H. Weimer

Quint Barnhart

SUPERVISORS OF UPPER YODER TOWN-  
SHIP, CAMBRIA COUNTY, PENNSYLVANIA

February 28, 1940

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

Christopher Street

Petition and release of da-  
mages for the opening, grad-  
ing, draining, improving  
and maintaining of a proposed  
road in Upper Yoder Township  
Cambria County, Pennsylvania  
as a public highway.

**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 a proposed road in Upper Yoder Township, Cambria County, Pennsylvania as a public highway.

We, the undersigned, your petitioners, respectively represents:

That we are the owners of all the property abutting on that portion of Christopher Street in the John K. Miller Plan of Lots in Upper Yoder Township Cambria County, Pennsylvania extending from Goucher Street, a public highway, to State Street Extended, a public highway, adjacent to the Westmont Borough line. That we are very much in need of having said Christopher Street opened as a public highway. That said portion of Christopher Street is necessary and convenient for the traveling public.

THEREFORE, we respectfully petition your honorable board to proceed with the necessary legislation required for the acceptance, opening, improving and maintaining said portion of Christopher Street as a public highway in said Township of Upper Yoder, beginning at the intersection of the center line of said Christopher Street with the center line of Goucher Street known as state highway route 11007, the exact location of said place of beginning being at a distance of 275' measured along the center line of Goucher Street or route 11007, a public highway, in a north-westerly direction from the intersection of Elknuß Lane or old route 11007, a public highway, with said Goucher Street and ending at the intersection of the center line of said Christopher Street with the center line of State Street Extended from the Borough of Southmont, a public highway in Upper Yoder Township, the exact location of said place of ending being at a distance of 125' measured along the center line of said State Street Extended in a northwesterly direction from the intersection of Elknuß Lane or old route 11007 with said State Street Extended.

IN CONSIDERATION of the accepting, opening, grading, draining, improving and maintaining of said proposed road, above described, we the undersigned do hereby release the said Township of Upper Yoder, its officials, agents and employees of any and all damages we have sustained or may seem likely to sustain by reason of said accepting, opening, grading, draining, improving and maintaining of said Christopher Street as a public highway.

Witness our hands and seals this 4th day of March A. D. 1940.

Witness	Signature
<u>Samuel Stewart</u>	<u>Alice T. Purcell</u>
<u>Samuel Stewart</u>	<u>Earl H. Kiper</u>
<u>Samuel Stewart</u>	<u>Nola C. Kiper</u>
<u>Samuel Stewart</u>	<u>Florence T. Balough</u>
<u>Samuel Stewart</u>	<u>Doris Gurber</u>

Witness

*B. E. [unclear]*

Grant Custer

Signature

*Walter D. Gerber Jr.*  
*Henry J. Miller*  
*George Miller*  
*J. W. Townsend*  
*Betha S. Townsend*

S. E. DICKEY & CO.  
CIVIL MINING AND CONSULTING ENGINEERS  
809-811 JOHNSTOWN TRUST BLDG.  
JOHNSTOWN, PENNA.

May 14, 1940.

Mr. Joseph C. Wess,  
Clerk of Courts,  
Ebensburg, Pa.

Dear Sir:

In re: laying out a Public Highway  
in the Township of Upper Yoder and  
County of Cambria, State of Penn-  
sylvania:

In the Court of Quarter Session  
of Cambria County, Penna.

No. 3 March Sessions, 1940.

In re: the above subject you will find enclosed  
herewith a Report of Viewers which you will please enter  
and file accordingly.

Yours very truly,

S. E. Dickey

by S. E. Dickey  
Chairman

SED/bjm

May 14, 1940

In the Court of Quarter  
Session of Cambria County,  
Pennsylvania

No. 3 March Session 1940.

REPORT OF VIEWERS

In Re: laying out a Public  
Highway in the Township  
of Upper Yoder and County  
of Cambria, State of  
Pennsylvania.

S. E. Dickey  
W. J. McGrain  
Theodore Hunt  
Viewers

*Filed May 15, 1940.*

S. E. DICKEY & CO.  
CIVIL MINING AND CONSULTING ENGINEERS  
809-811 JOHNSTOWN TRUST BLDG.  
JOHNSTOWN, PENNA.

APPROVED BY the  
Court this 10<sup>th</sup> of  
JUNE A.D. 1940

Breadth fixed at sixty feet

BY the Court  
*M. L. Hunt*

10042  
In re: laying out a Public Highway  
in the Township of Upper Yoder and  
County of Cambria, State of Penn-  
sylvania.

242  
In the Court of Quarter Sessions  
of Cambria County, Penna.

No. 3 March Sessions, 1940.

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court,  
we the undersigned Viewers, appointed by the annexed order of the  
Court to view the proposed Highway 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  
time and place of meeting, by posting notices as required by law  
along the route and at the termini of the said proposed new Highway,  
as evidenced by copy of said notice hereto attached, and by  
service of such notice on the County Commissioners of Cambria County,  
and Solicitor for the Supervisor of Upper Yoder Township, service  
of said notice by the County Commissioners and the Solicitor for  
Upper Yoder Township being hereto attached; that we met in accordance  
with the notice given on the 11th. day of May A. D. 1940 at 10:00  
o'clock A. M. and proceeded with the duties of our appointment and  
Viewed the premises and route of the proposed new Highway; that  
S. E. Dickey, W. J. McGrain and Theodore Hunt, Viewers were all  
present; also the supervisors of Upper Yoder Township and a number  
of interested persons were present. That the said proposed new Highway  
is now a dedicated Highway known as Christopher Street in the  
John R. Miller plan of lots, said Christopher Street being 60 feet  
in width as shown on blue print attached hereto and made a part  
hereof; said proposed Highway being colored green thereon; that  
said proposed Highway is in a rapidly developing section and will  
be convenient for the development of the immediate properties  
abutting thereon and will also be convenient for the traveling public

as it makes another direct connection between two existing public Highways; that there were no objections made against the proposed new Highway by the supervisors or any residents or property owners of Upper Yoder Township; that after Viewing the premises and the route of the proposed Highways we are of the opinion that a necessity exists for same, therefor, we proceeded to layout same as follows: Beginning at the intersection of said proposed new Highway with Goucher Street, a public Highway in Upper Yoder Township at an exact distance of 275 feet, measured along the center line of Goucher Street in a Northwesterly direction from the intersection of Elknud Lane or Route 11.007 another public Highway; thence N.58°18'E. 556.04 feet; thence N.55°50'E. 331.34 feet to the intersection of State Street another public Highway in said Township, the place of ending. Said place of ending being at the exact distance of 125 feet, measured along the center line of State Street in a Northwesterly direction from the intersection of Elknud Lane Route 11.007 another public Highway in said Township. The total length of said proposed new Highway is 884.38 feet, all of which is colored green on blue print hereto attached as hereinbefore mentioned. We recommend that the width of said proposed Highway shall be sixty (60) feet.

That after taking into consideration all the matters 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 and not burdensome to the taxpayers of Upper Yoder Township, therefore, we recommend that the prayer of the Petitioners be granted.

We are informed by the supervisor of Upper Yoder Township that all abutting property or lot owners have signed a release of damages in the petition for said proposed new Highway which was filed

with the Court, however, we assess no benefit and no damages to any of the abutting property owners.

Witness our hands and seals the 14th. day of May A. D.  
1940.

S. E. Dickey

W. J. McGrain

Theodore W. Hunt

Viewers

In re: laying out a Public Highway  
in the Township of Upper Yoder and  
County of Cambria, State of Penn-  
sylvania.

In the Court of Quarter Sessions  
of Cambria County, Penna.

No. 3 March Sessions, 1940.

REPORT OF VIEWERS

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Court to view the proposed Highway 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  
time and place of meeting, by posting notices as required by law  
along the route and at the termini of the said proposed new Highway,  
as evidenced by copy of said notice hereto attached, and by  
service of such notice on the County Commissioners of Cambria County,  
and Solicitor for the Supervisor of Upper Yoder Township, service  
of said notice by the County Commissioners and the Solicitor for  
Upper Yoder Township being hereto attached, that we met in accordance  
with the notice given on the 11th. day of May A. D. 1940 at 10:00  
o'clock A. M. and proceeded with the duties of our appointment and  
Viewed the premises and route of the proposed new Highway; that  
S. E. Dickey, W. J. McGrain and Theodore Hunt, Viewers were all  
present; also the supervisors of Upper Yoder Township and a number  
of interested persons were present. That the said proposed new Highway  
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John K. Miller plan of lots, said Christopher Street being 60 feet  
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be convenient for the development of the immediate properties  
abutting thereon and will also be convenient for the traveling public

as it makes another direct connection between two existing public Highways; that there were no objections made against the proposed new Highway by the supervisors or any residents or property owners of Upper Yoder Township; that after Viewing the premises and the route of the proposed Highways we are of the opinion that a necessity exists for same, therefore, we proceeded to layout same as follows: Beginning at the intersection of said proposed new Highway with Goucher Street, a public Highway in Upper Yoder Township at an exact distance of 275 feet, measured along the center line of Goucher Street in a Northwesterly direction from the intersection of Elknud Lane or Route 11.007 another public Highway; thence N.58°18'E. 556.04 feet; thence N.55°50'E. 331.34 feet to the intersection of State Street another public Highway in said Township, the place of ending. Said place of ending being at the exact distance of 125 feet, measured along the center line of State Street in a Northwesterly direction from the intersection of Elknud Lane Route 11.007 another public Highway in said Township. The total length of said proposed new Highway is 884.38 feet, all of which is colored green on blue print hereto attached as hereinbefore mentioned. We recommend that the width of said proposed Highway shall be sixty (60) feet.

That after taking into consideration all the matters 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 and not burdensome to the taxpayers of Upper Yoder Township, therefore, we recommend that the prayer of the Petitioners be granted.

We are informed by the supervisor of Upper Yoder Township that all abutting property or lot owners have signed a release of damages in the petition for said proposed new Highway which was filed

with the Court, however, we assess no benefit and no damages to any of the abutting property owners.

Witness our hands and seals the 14th. day of May A. D.

1940.

S. E. Dickey  
R. J. McGraw  
Theodore W. Hunt.

Viewers

In re: laying out a Public Highway  
in the Township of Upper Yoder and  
County of Cambria, State of Penn-  
sylvania.

In the Court of Quarter Sessions  
of Cambria County, Penna.

No. 3 March Sessions, 1940.

To S. E. DICKEY, W. J. McGRAIN, THEODORE HUNT DR.

To S. E. DICKEY DR.

1940.

Apr. 29	- Data dictating and preparing notice of view, letters etc. -----	\$ 12.00	
"	30 - Stenographer, stationery and stamps -----	2.60	
"	30 - Posting and serving notice of view -----	6.00	
"	Mileage 8 mile @ 10 cts. -----	.80	
May 11	- Making view -----	12.00	
"	Mileage 8 mile @ 10 cts. -----	.80	
"	13 - Data and preparing plan -----	12.00	
"	Drawing material and Blue Prints -----	.60	
"	14 - Data dictating and preparing report -----	12.00	
"	Stenographer, stationery and stamps -----	2.60	\$ 61.40

MAY 27 1940 CERTIFIED

TO W. J. McGRAIN DR.

May 11	- Making view and data In Re: Report -----	12.00	
"	Mileage 56 mile @ 10 cts. -----	5.60	17.60

TO THEODORE HUNT DR.

May 11	- Making view and data In Re: Report -----	12.00	
"	Mileage 24 mile @ 10 cts. -----	2.40	14.40

MAY 24 1940 CERTIFIED

Total of View

\$ 93.40

I hereby certify that the above bill is an exact  
duplicate of the bill presented to the Cambria County Commissioners.

S. E. Dickey

In re: laying out a Public Highway  
in the Township of Upper Yoder and  
County of Cambria, State of Penn-  
sylvania.

In the Court of Quarter Sessions  
of Cambria County, Penna.

No. 3 March Sessions, 1940.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed Public Highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of Christopher Street and Goucher Street, said Goucher Street being a Public Highway in said Township, and extending on Christopher Street in a Northerly direction to State Street, also a Public Highway in said Township, the exact distance from the place of beginning of said proposed New Highway to the nearest intersecting Public Highway, namely, Elkhead Lane or Route No. 11.007 is 275 feet measured along the center line of Goucher Street and the exact distance from the place of ending of said proposed New Highway to the nearest intersecting Public Highway, namely, said Elkhead Lane or Route No. 11.007 is 125 feet measured along the center line of State Street, will meet at the place of beginning on the 11th. day of May A. D. 1940 at 10:00 A. M. for the purpose of performing the duties of our appointment at which time and place all interested persons may appear and be heard.

S. E. DICKY  
H. J. McORAIN  
THEODORE HUNT  
VIEWERS

April 30, 1940.

In re: laying out a Public Highway  
in the Township of Upper Yoder and  
County of Cambria, State of Penn-  
sylvania.

In the Court of Quarter Sessions  
of Cambria County, Penna.

No. 3 March Sessions, 1940.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed Public Highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of Christopher Street and Goucher Street, said Goucher Street being a Public Highway in said Township, and extending on Christopher Street in a Northerly direction to State Street, also a Public Highway in said Township, the exact distance from the place of beginning of said proposed New Highway to the nearest intersecting Public Highway, namely, Elknud Lane or Route No. 11.007 is 275 feet measured along the center line of Goucher Street and the exact distance from the place of ending of said proposed New Highway to the nearest intersecting Public Highway, namely, said Elknud Lane or Route No. 11.007 is 125 feet measured along the center line of State Street, will meet at the place of beginning on the 11th. day of May A. D. 1940 at 10:00 A. M. for the purpose of performing the duties of our appointment at which time and place all interested persons may appear and be heard.

S. E. DICKEY  
M. J. McGRAIN  
THEODORE HUNT  
VIEWERS

April 30, 1940.

Now this 7<sup>th</sup> day of May A. D. 1940, service of the above notice is hereby accepted for the Commissioners of Cambria County.

by W. F. Dowd  
Chief Clerk.

*March Court Dickey*

In re: laying out a Public Highway  
in the Township of Upper Yoder and  
County of Cambria, State of Penn-  
sylvania.

In the Court of Quarter Sessions  
of Cambria County, Penna.

No. 3 March Sessions, 1940.

**NOTICE OF VIEW**

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed Public Highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of Christopher Street and Goucher Street, said Goucher Street being a Public Highway in said Township, and extending on Christopher Street in a Northerly direction to State Street, also a Public Highway in said Township, the exact distance from the place of beginning of said proposed New Highway to the nearest intersecting Public Highway, namely, Elmsud Lane or Route No. 11.007 is 275 feet measured along the center line of Goucher Street and the exact distance from the place of ending of said proposed New Highway to the nearest intersecting Public Highway, namely, said Elmsud Lane or Route No. 11.007 is 125 feet measured along the center line of State Street, will meet at the place of beginning on the 11th. day of May A. D. 1940 at 10:00 A. M. for the purpose of performing the duties of our appointment at which time and place all interested persons may appear and be heard.

S. B. DICKEY  
M. J. McGRATH  
THEODORE HUNT  
VIEWERS

April 30, 1940.

Now this 1 day of May A. D. 1940, service of the above notice is hereby accepted for the Supervisors of Upper Yoder Township.

by

*Ben Hurst and E. J. Adams*  
Solicitors

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 March SESSIONS, 19240

Order to view Laying out a public

Highway in the Township of Upper

Yoder, County of Cambria, State of

Pennsylvania. Leading from Christopher

and Goucher street, and ends at

its junction with State street.

Viewers

S. E. Dickey

W. J. Mcgrane

Theodore Hunt

Clerk 90 cts.

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 22nd day of April 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

To begin at the intersection of Christopher street and Goucher street being a Public Highway in said Township, the said proposed road extends in a north-easterly direction and ends at its junction with State street, also a public highway, the exact distance from the point beginning of the said proposed road or street, namely; Elknud Lane, or route No. 11,007, a public highway, is two hundred seventy-five (275) feet, measured from the intersection of the center line of the proposed road with said Goucher street; and the exact distance from the point of ending of said proposed road from an intersecting public road or street, namely; said Elknud Lane or route No. 11,007, measured from the intersection of the center line of said proposed road and the center line of said State street to the center line of said Elknud Lane is one hundred twenty-five (125) feet

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

surveyor, and

W. J. McGrane and Theodore Hunt

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.

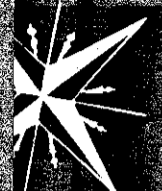
By the Court.

Attest:

Joseph P. Shess, Clerk.

RD#3 Mar. 1940  
Nat Microfilmed

map#2



PALLISER

PLAN OF LOTS



# PALLISER

# PLAN OF LOTS

