

May 3, 1940

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

PETITION FOR PROPOSED
NEW ROAD

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 road.

We the undersigned, your petitioners, respectively represent:

That we are the owners of certain property lying between the Fender Lane or Dalton Run Road and the Menoher Highway. That said properties are only accessible to said Highways by means of private lanes. That said properties consist of dairy and produce farms. That we are greatly in need of a Public Road to supply said properties and for the purpose of making a shorter connecting link between the Fender Lane or Dalton Run Road and the Menoher Highway. That said proposed road is necessary and convenient for the traveling public.

THEREFORE, we respectfully petition your honorable body to procede with the necessary legislation required for laying out, excepting, opening, improving and maintaining said proposed road as a public Highway in said Township of Upper Yoder, beginning at a point in the Fender Lane or Dalton Run Road and extending in a Westerly and Northerly direction and ending at a point in the Menoher Highway, the exact location of said place of beginning from the nearest intersecting Public Highway, namely, the Coon Ridge Road is 2100 feet measured in a Southerly direction along the center line of the Fender Lane or Dalton Run Road from said Coon Ridge Road. The exact location of the place of ending from the nearest intersecting Public Highway, namely, the Fender Lane or Dalton Run Road is 1450 feet measured in a Westerly direction along the center line of the Menoher Highway from said Fender Lane or Dalton Run Road.

IN CONSIDERATION of the accepting, opening, grading, draining, improving and maintaining of said proposed road above described we the undersigned do hereby dedicate all land necessary for said proposed road to said Township and 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 have sustained by reason of taking said land accepting, opening, grading, draining, improving and maintaining of said proposed road as a Public Highway:

Witness our hands and seals this 6th day of May A. D. 1940.

Witness

Signature

Roy Hoffecker
Ruthalene Shaffer
Blair A. Hunt
Blair A. Hunt
Blair A. Hunt
Gladys M. Gore
Gladys M. Gore

Henry Hoffecker
William M. Shaffer
Mrs. James Hunt
Mrs. Wilbur Hoffecker
Wilbur Hoffecker
Mrs. Luther E. Lehman
Luther E. Lehman

Witness

Signature

Filed July 26, 1940

July 24, 1940

No. 1 June Sessions, 1940.

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

REPORT OF VIEWERS

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

*Page
H/459*

S. E. Dickey
Wm. J. McGrain
L. E. Kaylor
Viewers

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

APPROVED BY THE
COURT THIS 10th
OF SEPT. AD. 1940
BREADTH FIXED
At Forty Feet

By the Court

In re; laying out a Public Road
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. 1 June 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 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
time and place of meeting, by posting notices as required by law
along the route and at the termini of the said proposed new road,
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 copies of said notice
were also served upon the Supervisors of Upper Yoder Township; that
we met in accordance with the notice given on the 20th. day of July
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
road; that S. E. Dickey, Wm. J. McGrain and L. E. Kaylor, Viewers
were all present; that the supervisors of Upper Yoder Township were
not present or represented by council and have not filed any objections
with the Viewers against said proposed new road; that the property
owners abutting on the route of the said proposed new road were
present during the view and were heard, all of whom stated they were
in favor of the road and willing to contribute all land necessary
for the required right of way and have signed a release of damages;
that the proposed new road passes through an area of highly cultivated
farm land; that four of the abutting property owners on the proposed

road, namely, William V. Shaffer, James Thomas, Luther Layman and Wilbur J. Hofecker have no access to a public highway except by use of a private lane through other property; that after Viewing the premises and the route of the proposed road we are of the opinion that a necessity exists for same, therefor, we proceeded to layout same as follows: Beginning at a point in Fender Lane or Dalton Run Road at the intersection of the private lane leading to the buildings on the Blair Hunt farm, the exact location of said place of beginning is at a distance of 2100 feet measured along the center line of the Fender Lane or Dalton Run Road in a Southerly direction from the intersection of another public road known as Coon Ridge Road; thence through land of Blair Hunt S.68°52'W., 514 feet to the point of a curve to the left, having a radius of 786.04 feet; thence by said curve in a Westerly direction an arc distance of 198.92 feet to the point of a tangant; thence by same S.54°22'W., 30 feet to the point of a curve to the right, having a radius of 150 feet; thence by said curve in a North Westerly direction an arc distance of 257.70 feet to the point of a tangant; thence by said tangant which line is partly on Blair Hunt and William V. Shaffer's land, N.27°12'W., 873 feet to a point of a curve to the right, having a radius of 423.60 feet; thence by said curve in a Northerly direction through land of William V. Shaffer an arc distance of 233.87 feet to the point of a tangant; thence by said tangant through land of William V. Shaffer and Luther Layman N.4°26'E., 1142 feet to the point of a curve to the left, having a radius of 1466.38 feet; thence continuing by said curve in a Northerly direction and through land of Luther Layman and Wilbur J. Hofecker an arc distance of 397.55 feet to the point of a tangant; thence by said tangant and through land of Wilbur J. Hofecker and Henry Hofecker N.11°06'W., 1703.00 feet to a point in the center line of the Menoher Highway the place of ending. The exact location of said place of ending is at a distance of 1450 feet measured along the center line of the Menoher Highway in a Westerly direction from the intersection of another public highway known as the Fender Lane

or Dalton Run Road. The total length of said proposed new road is 5350.04 feet, all of which is colored green on blue print hereto attached and made a part hereof. We recommend that the width of said proposed road shall be fourty (40) 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 will not be burdensome to the taxpayers of Upper Yoder Township, therefore, we recommend that the prayer of the Petitioners be granted.

We are also informed by the supervisors of Upper Yoder Township that all of the abutting property 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 this 24th. day of July A. D.
1940.

N. E. Dickey
R. E. Taylor
R. E. Taylor
Viewers

In re: laying out a Public Road
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. 1 June Sessions, 1940.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court for the purpose of viewing for a proposed Public Road in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the point in the Fender Lane or Dalton Run Road at a distance of 2100 feet measured along the center line of the Fender Lane or Dalton Run Road in a Southerly direction from the intersection of another Public Highway known as the Coon Ridge Road and ending at a point on the Menoher Highway at a distance of 1450 feet, measured along the center line of said Menoher Highway in a Westerly direction from the intersection of the Fender Lane or Dalton Run Road with said Menoher Highway will meet at the place of beginning on the 20th day of July, A. D. 1940 at 10:00 o'clock 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
WM. J. McJRAIN
L. E. KAYLOR
VIEWERS

July 9, 1940.

Now this 15th day of July A. D. 1940, service of the above notice is hereby accepted for the Commissioners of Cambria County.

By

H. A. Dow
Chief Clerk.

made to Mr. Dickey

In re: laying out a Public Road
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. 1 June Sessions, 1940.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court for the purpose of viewing for a proposed Public Road in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the point in the Fender Lane or Dalton Run Road at a distance of 2100 feet measured along the center line of the Fender Lane or Dalton Run Road in a Southerly direction from the intersection of another Public Highway known as the Coon Ridge Road and ending at a point on the Menoher Highway at a distance of 1450 feet, measured along the center line of said Menoher Highway in a Westerly direction from the intersection of the Fender Lane or Dalton Run Road with said Menoher Highway will meet at the place of beginning on the 20th day of July, A. D. 1940 at 10:00 o'clock 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
WM. J. McGRAIN
L. E. KAYLOR
VIEWERS

July 9, 1940.

Now this 9 day of July A. D. 1940, service of the
above notice is hereby accepted for the Board of Supervisors of
Upper Yoder Township, Cambria County.

Frank P. Zimmerman
Solicitor

In re: laying out a Public Road
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. 1 June Sessions, 1940.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court for the purpose of viewing for a proposed Public Road in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the point in the Fender Lane or Dalton Run Road at a distance of 2100 feet measured along the center line of the Fender Lane or Dalton Run Road in a Southerly direction from the intersection of another Public Highway known as the Coon Ridge Road and ending at a point on the Mencher Highway at a distance of 1450 feet, measured along the center line of said Mencher Highway in a westerly direction from the intersection of the Fender Lane or Dalton Run Road with said Mencher Highway will meet at the place of beginning on the 20th day of July, A. D. 1940 at 10:00 o'clock 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. DICKLEY
W. J. McGRAIN
L. E. KAYLOR
VIEWERS

July 9, 1940.

NO. 1 June 1924 SESSIONS, 1924

Order to view Road in Upper Yoder

Township, to begin at a point known

as Fender Lane or Dalton Run Road

and ending at a point on the Menoher

Highway.

Viewers

S. E. Dickey

L. E. Kaylor

Wm J. McGrain

Clerk Joseph C. Wess 90 cts.

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."

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 24 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

to begin at a point in what is known as the Fender Lane, or Dalton Run Road, and extending in a westerly and northerly direction and ending at a point in the Menoher Highway; the exact location of said place of beginning from the nearest intersecting public highway, the Coon Ridge Road, is two thousand one hundred (2100) feet, measured in a southerly direction along the center line of said Fender Lane or Dalton Run Road, The exact location of the place of ending from the nearest intersecting public highway, namely, the Fender Lane, or Dalton Run Road, which intersects the said Menoher Highway, is one thousand four hundred fifty (1450) feet, Measured in a westerly direction along the center line of the said Menoher Highway from said Fender Lane or Dalton Run Road.

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, L. E. Kaylor

surveyor, and

Wm J. McGrain

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 C. Sherr Clerk.

COPY.

In re: laying out a Public Road
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. 1 June Sessions, 1940.

To S. E. DICKEY W. J. McGRAIN, L. E. KAYLOR DR.

To S. E. DICKEY DR.

1940

July 8 & 9 -	Data, dictating and preparing and posting notice of view, letters etc. -----	\$ 18.00	
	Stenographer, stationery and stamps -----	2.00	
	Mileage 14 mile @ 10 cts. -----	1.40	
July 20 -	Making view -----	12.00	
	Mileage 14 mile @ 10 cts. -----	1.40	
July 22 -	Making and completing survey, Engineering Corp. -----	23.00	
	Mileage 14 mile @ 10 cts. -----	1.40	
July 23 -	Calculating survey, curves and road location and preparing plan -----	12.00	
	Drawing material and blue prints-2 paper and 1 linen print -----	3.25	
July 24 -	Data, dictating and preparing report -----	12.00	
	Stenographer, stationery and stamps -----	2.60	\$ 89.05

AUG 21 1940 CERTIFIED

To W. J. McGRAIN DR.

July 20 -	Making view -----	12.00	
	Mileage 66 mile @ 10 cts. -----	6.60	18.60

AUG 21 1940 CERTIFIED

To L. E. KAYLOR DR.

July 20 -	Making view -----	12.00	
	Mileage 50 mile @ 10 cts. -----	5.00	17.00

Total of View ----- \$124.65

AUG 21 1940 CERTIFIED

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

S. E. Dickey

No. 1 June Ass. 1940

No. 1 ~~June~~ Sessions, 1940
In the Court of Quarter ses-
sions of Cambria County, Pa.

IN RE LAYING OUT OF A PUBLIC
HIGHWAY IN THE TOWNSHIP OF
UPPER YODER, COUNTY OF
CAMBRIA, STATE OF PENNSYL-
VANIA

PETITION AND DECREE

Filed June 24, 1940

LAW OFFICES
BARNHART & ADAMS
JOHNSTOWN, PENNA.

IN RE LAYING OUT OF A PUBLIC
HIGHWAY IN THE TOWNSHIP OF
UPPER YODER, COUNTY OF CAMBRIA,
STATE OF PENNSYLVANIA

! In the Court of Quarter Ses-
: sions of Cambria County, Pa.
: No. / *June* Sessions, 1940
!

PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF THE COURT OF QUARTER SESSIONS
OF 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 a point in what is known as the Fender Lane, or Dalton Run Road, and extending in a westerly and northerly direction and ending at a point in the Menoher Highway; the exact location of said place of beginning from the nearest intersecting public highway, namely, the Coon Ridge Road, is two thousand one hundred (2100) feet, measured in a southerly direction along the center line of the said Fender Lane or Dalton Run Road, from said Coon Ridge Road. The exact location of the place of ending from the nearest intersecting public highway, namely, the Fender Lane or Dalton Run Road, which intersects the said Menoher Highway, is one thousand four hundred fifty (1450) feet, measured in a westerly direction along the center line of the said Menoher Highway from said Fender Lane or Dalton Run Road.

A copy of the written notice to the Supervisors of said Upper Yoder Township of the intended presentation of this applica-

tion, with the acceptance of service thereon, is hereto attached, made part hereof and marked "EXHIBIT A".

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 the said proposed highway is hereto attached, made part hereof and marked "EXHIBIT B".

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 said road and if they see the necessity therefor, lay out the same and make report of this proceeding to the next session of Court.

<u>Blair A Hunt</u>	<u>OT. 19. 75 Johnstown</u>
<u>Stanford Shaffer</u>	<u>R D 5 Johnstown</u>
<u>Henry Hecker</u>	
<u>Luther E. Lehman</u>	<u>RD 5 Johnstown Pa.</u>
<u>William Hoberger</u>	<u>R.D. 5 Johnstown Pa.</u>
<u>Paul James</u>	<u>R.D. 5 Johnstown, Pa.</u>
<u>Art Barnhart</u>	<u>R. 16. 5 Johnstown Pa.</u>

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 named and that the statements contained in the said petition are true and correct.

Sworn and subscribed before
me this 1st day of June,
1940

Curt Barnhart

Jessie Byer Williams
NOTARY PUBLIC
MY COMMISSION EXPIRES
APRIL 11, 1941

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

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

PRELIMINARY ORDER

NOW, June *8* 1940, the within petition having
been presented and considered, a Rule is granted upon the Com-
missioners 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.
June *17* 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.

By the Court
June

* * *

ACCEPTANCE OF SERVICE BY THE COMMISSIONERS OF
CAMBRIA COUNTY, PENNSYLVANIA

NOW, June 1940, service of the above Rule is hereby accep-
ted; the ten days service prior to the return day is hereby
waived and it is agreed that the Rule be returnable forthwith
and the appointment of Viewers be made forthwith.

June 3-1940
Service of above accepted. Receipt of
Copy of petition acknowledged.
H. J. Low
clerk

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

! In the Court of Quarter
:
:
:
:
:
No. / ~~September~~ ^{June} Sessions,
1940

D E C R E E

AND NOW, this 24th day of June, 1940, the
within petition having been read and considered, the Court
appoints J. E. Dickey and L. E. Keylor
_____ and Wm J. McGrain 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.

By the Court
McKenrick
Judge

"EXHIBIT B"

IN RE LAYING OUT OF A
PUBLIC HIGHWAY IN THE
TOWNSHIP OF UPPER YODER,
COUNTY OF CAMBRIA, STATE
OF PENNSYLVANIA

!
:
:
:
!

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

No. / *June*
~~Sept.~~ Sessions, 1940

NOTICE TO SUPERVISORS

TO CURT BARNHART, D. H. WEIMER AND EPHRAIM HERSHBERGER, SUPER-
VISORS 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 third day of June, 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 a point in what is known as the Fender Lane, or Dalton Run Road, and extending in a westerly and northerly direction and ending at a point in the Menoher Highway; the exact location of said place of beginning from the nearest intersecting public highway, namely, the Coon Ridge Road, is two thousand one hundred (2100) feet, measured in a southerly direction along the center line of the said Fender Lane or Dalton Run Road, from said Coon Ridge Road. The exact location of the place of ending from the nearest intersecting public highway, namely, the Fender Lane, or Dalton Run Road, which intersects the said Menoher Highway, is one thousand four hundred fifty (1450) feet, measured in a westerly direction along the center line of the said Menoher Highway from said Fender Lane or Dalton Run Road.

Barnhart and Adams
ATTORNEYS FOR PETITIONERS

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

X. D. H. Eimer.

Curt Benchart.

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

Rat Microfilmed

No 1 June 1940

Upper Tether Top Layer of a Pub Rd

