

No. *March* ~~June~~ Sessions, 1941

In the Court of Quarter Sessions
of Cambria County, Pennsylvania
Vacating Portion of Public Road

In re: Petition to Vacate a
Portion of a public road
in the Township of Lower
Yoder, known as The
Mountain Road in the
County of Cambria,
State of Pennsylvania.

PETITION FOR APPOINTMENT OF VIEWERS

ORDER

Filed June 2, 1941

SAMUEL R. DI FRANCESCO

ATTORNEY AT LAW

JOHNSTOWN, PENNSYLVANIA

map 2

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

In re: Petition to Vacate a Portion of	{	
a public road in the Township of	:	No. June Sessions, 1941
Lower Yoder, known as The Mountain	:	
Road in the County of Cambria,	:	Vacating Portion of Public
State of Pennsylvania.	}	Road

PETITION FOR THE APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF THE ABOVE NAMED COURT:

The petition of the undersigned, citizens and taxpayers of the Township of Lower Yoder, County of Cambria, State of Pennsylvania, respectfully represents:

1. That a road has been long since laid out and opened, being known as The Mountain Road in the said Township of Lower Yoder, Cambria County, Pennsylvania.
2. That a portion of the said road hereinafter described has long fallen into disuse and become useless, inconvenient and burdensome to the citizens and taxpayers of Lower Yoder Township, Cambria County, Pennsylvania, said portion of road now only serves one resident and taxpayer in the said township.
3. That the portion of the said Mountain Road which has become useless, inconvenient and burdensome and which the undersigned citizens seek to have vacated, is described as follows, as appears in blueprint hereto attached, made part hereof, marked in red as follows:

All that portion of the Mountain Road in the Township of Lower Yoder, Cambria County, Pennsylvania, beginning at a point on the Westmoreland-Cambria County line, thence in a Northeasterly direction through Powell Stackhouse Tract, through the J. C. Sheridan Tract to the Northern boundary of the said J. C. Sheridan Tract and the Southern boundary of John St. Clair Tract, a distance of approximately 3350 feet, said route being known as Route No. , as indicated in red by blueprint hereto attached and made part hereof.

WHEREFORE, the undersigned petitioners, citizens and taxpayers of the Township of Lower Yoder, Cambria County, Pennsylvania respectfully request your Honorable Court to appoint three members of the Permanent Board of Viewers of Cambria County to view and inquire into the matters set forth in the foregoing petition and report to your Honorable Court their findings and whether or not the same should be vacated in accordance with the Act of General Assembly and supplements thereto in such case made and provided.

And they will ever pray, etc..

Carl J. Kohler
Wm. Sladke
Herman Zilke
Joe Swanko
John Kuzmarik
Emory Mosovich
Margaret Brallier

Charles G. Bayler
Edna Berkibile
Ralph J. Berkebile
Gay W. Fite
Ellie W. Griffith
Frank S. Feltula


AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CAMBRIA : SS:
:

Personally appeared before me, the subscriber, a Notary Public in and for said County and State, A. P. NORTON, one of the Supervisors of Lower Yoder Township, Cambria County, Pennsylvania, who, being duly sworn according to law, deposes and says that the facts set forth in the foregoing petition are true and correct to the best of his knowledge, information and belief.



Sworn and subscribed before me
this 27th day of May, A.D., 1941.



Notary Public
My Com. Exp.: August 2, 1942

O R D E R

June 2^d
NOW, ~~May 29~~, 1941, the within petition having been
read and considered, Fred Dierker, James M. Camm
and Heddon Hunt, three members of the Permanent Board of
Viewers of Cambria County, are hereby appointed to view the above referred
to piece of road and report their findings to this Court, in accordance with
the Act of General Assembly and supplements thereto.

BY THE COURT,

Charles C. Gurn

J.

RETURN BY SUPERVISORS

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

On the 20th day of December 1941, before me
a Notary Public, personally came A. P. Norton and
William M. Sladki
supervisors of the township of Lower Yoder, who being duly sworn
[or affirmed] according to law, do depose and say that they effectually ~~opened~~ ^{vacated} the road designated by
the order of the Court bearing date the 8th day of December
1941, in accordance with the directions of the said order.

Sworn [or affirmed] and subscribed before me this
20th day of December 1941.

Lula M. Nettman

Notary Public
My Commission Exp.:
August 2, 1942

Harold J. Kolbr
A. P. Norton
William M. Sladki
Supervisors.

Clerk Joseph O. Howe

Filed 4/13-42

Order to open vacate

No. 5 March Sessions 19 41

Commonwealth of Pennsylvania, }
County of Cambria. } SS.

To the Supervisors of Loyer Yoder Township.

~~IN SENATE~~ ~~IN SENATE~~ ~~IN SENATE~~, in the county of Cambria,
greeting:

Whereas, at a Court of Quarter Sessions of the Peace held at Ebensburg, in and for the county of Cambria, aforesaid, on the day of Dec. 8, 19 41, said court did approve and confirm for ~~public use~~ ^{vacating} a certain road theretofore reported, and directed the same to be ~~opened~~ ^{vacated} of the ~~width of~~ ^{width of} ~~feet, which~~ said road so reported, approved for ~~public use~~ ^{vacating}, confirmed and directed to be opened begins at,

See draft enclosed

which said road was, on the 8th day of Dec. 19 41, ordered and directed by the said court to be entered of record, and thenceforth to be taken, deemed and allowed to be ~~opened~~ ^{vacated}

Now, this is to authorize, empower, command and require you the said supervisors aforesaid, in which district the said road lies, as soon as may be practicable, effectually to ~~open~~ ^{vacate} the said road, by the courses and distances aforesaid, and the breadth of feet, as ordered and directed by the said court; and you are hereby further required to make return of this order to the next stated Court of Quarter Sessions, after the ~~opening~~ ^{vacating} of the road in accordance with this order, and the manner of its execution by you, verified by the affidavit of one or both of you, setting forth that you have effectually ~~opened~~ ^{vacated} the said road of the breadth of feet, and upon the line hereinbefore directed.

Witness, the Honorable Ivan J. Makenrick, President of our said court at Ebensburg, this 8th day of Dec. 19 41.

By the Court:

Attest:

McKenrick

Joseph C. Hess, Clerk.

Filed June 30, 1941

granted

Sept 9-1941 Report

of Viewers is
Approved.

By the Court
McKenzie
Judge.

No. 5, March Sessions 1941.

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

REPORT OF VIEWERS

In Re: Petition to vacate
a portion of a public Road
in the Township of Lower
Yoder, known as the Moun-
tain Road in the County of
Cambria, State of Penna.

S. E. DICKEY
JAMES McCANN
THEODORE HUNT
VIEWERS.

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

granted to vacate

map #1
In Re: Petition to vacate a portion
of a public Road in the Township
of Lower Yoder, known as the
Mountain Road in the County of
Cambria, State of Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 5, March Sessions 1941.

REPORT OF VIEWERS

To the Honorable, the Judges of the above named Court.
We, the undersigned Viewers, appointed by the attached order of
said Court to view the within mentioned Road, respectfully re-
port.

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 said
View and of the time and place of meeting by posting Notices, as
required by law, along the route and at the termini of said
portion of road proposed to be vacated and by service of such
Notice on the Commissioners of Cambria County, the Supervisors
and Solicitor of Lower Yoder Township, evidence of which is
shown by copies of said Notices hereto attached and made a part
of this report; that we met in accordance with the Notice given,
on the 20th day of June A. D. 1941 at 10:00 o'clock A. M. and
proceeded with the duties of our appointment and viewed the
premises and route of the proposed road to be vacated. During
the View one Supervisor, Township Engineer, two residents and
the three Viewers were present. All interested persons were
heard.

No objections were made against vacating the portion
of the road proposed to be vacated, which is described as follows:

BEGINNING at a point where the center line of the
portion of road proposed to be vacated intersects the Westmore-
land-Cambria County line; thence by the center line of same

North 87°	00' East,	390 feet
North 85°	00' East,	450 "
North 83°	00' East,	320 "
North 89°	10' East,	300 "
North 85°	15' East,	200 "

North	88° 45'	East,	345	feet
North	84° 00'	East,	390	"
South	78° 15'	East,	155	"
South	84° 00'	East,	175	"
South	89° 15'	East,	360	"
North	87° 30'	East,	265	"

to the place of ENDING, said place of ending being where the center line of said road intersects the dividing line between the J. C. Sheridan and the John St. Clair Tracts, as indicated and colored green on the blue print hereto attached and made a part hereof, the total length to be vacated is 3350 lineal feet. That said portion of road proposed to be vacated has been abandoned for many years and is now practically impassable and not used by the traveling public; after taking into consideration all matters before us, we are of the opinion that said section has become useless, inconvenient and burdensome to the taxpayers, therefore we recommend that the prayer of the Petitioners be granted.

We have been unable to obtain releases from the abutting property, however no claims were presented. Therefore, we assess no benefits and no damages to any of the abutting property owners.

Witness our hands this 26th day of June A. D. 1941.

P. E. Dickert
James D. E. Carr
Theodore W. Hunt

Viewers.

In Re: Petition to vacate a portion
of a public Road in the Township
of Lower Yoder, known as the
Mountain Road in the County of
Cambria, State of Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 5, March Sessions 1941.

To S. E. DICKEY, JAMES McCANN, & THEODORE HUNT Dr.

To S. E. DICKEY Dr.

June 5-7 -	Data and dictating and preparing Notices.		
	Posting and serving Notices, letter etc. ---	\$ 18.00	
	Mileage, 16 mile @ \$.10 -----	1.60	
	Stenographer -----	2.00	
	Stationery and stamps -----	.30	
	Engineer and helper making survey -----	15.00	
	Engineer stakes -----	.40	
June 20 -	Making View -----	12.00	
	Mileage, 16 mile @ \$.10 -----	1.60	
June 21 -	Plotting survey and making map -----	12.00	
	Drawing material and blue prints -----	1.25	
June 25 -	Data and making report and filing same -----	12.00	
	Stenographer -----	2.00	
	Stationery and stamps -----	.30	\$ 78.45

JUL 9 1941 CERTIFIED

To JAMES McCANN Dr.

June 20 -	Making View -----	\$ 12.00	
	Mileage, 22 mile @ \$.10 -----	2.20	\$ 14.20

JUL 9 1941 CERTIFIED


To THEODORE HUNT Dr.

June 20 -	Making View -----	\$ 12.00	
	Mileage, 32 mile @ \$.10 -----	3.20	\$ 15.20

JUL 9 1941 CERTIFIED

TOTAL COST OF VIEW \$107.85 ,

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


S. E. Dickey, Chairman of
Board of View.

June 26, 1941.

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."

1941
NO. 5, March, SESSIONS, 1941

Order to view to vacate a portion
of a public Road in the Twp.
of Loyer Yoder, known as the
Mountain Road in the County
of Cambria, State of Penna.

Viewers

S. E. Dickey

James McCann

Theodore Hunt

Clerk Joseph C. Wess

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 2nd day of June A. D. 1941, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Loyer Yoder, in the said County, setting forth that they labor under inconvenience for ~~vacation~~ vacation of a public road or highway, to lead from All the portions of the Mountain Road in the Township on Loyer Yoder.

Cambria County, Pennsylvania, beginning at a point on the Westmorland- Cambria County line, thence in a Northeasterly direction through Powell Stackhouse Tract, through the J.C. Sheridan Tract to the Northern boundary of the said J. C. Sheridan Tract and the Southern boundary of John St. Clair Tract, a distance of approximately 3350 feet, said route being known as Route No. _____, as indicated in red by blueprint attached and made part hereof.

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, James McCann

surveyor, 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 ~~vacation~~ vacation, 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.

Chas C. Greer

Attest

Joseph C. Mues, Clerk.

In Re: Petition to vacate a portion
of a public Road in the Township
of Lower Yoder, known as the
Mountain Road in the County of
Cambria, State of Pennsylvania.

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

No. 5, March Sessions 1941.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of Viewing to vacate all of that portion of the Mountain Road, in Lower Yoder Township, Cambria County, Pennsylvania, BEGINNING at a point on the Westmoreland-Cambria County line, thence in a Northeasterly direction through Powell Stackhouse Tract, through the J. C. Sheridan Tract to the Northern boundary of the said J. C. Sheridan Tract and the Southern boundary of John St. Clair Tract, a distance of approximately 3350 feet, will meet at the place of ENDING, on the intersection of said proposed road to be vacated with the boundary line between the J. C. Sheridan Tract and the John St. Clair Tract, near the intersection of a road leading in a Northerly direction from said section of road to be vacated, on the 20th day of June A. D. 1941, at 10:00 o'clock A. M. Eastern Daylight Saving Time 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
JAMES McCANN
THEODORE HUNT
VIEWERS.

In Re: Petition to vacate a portion
of a public Road in the Township
of Lower Yoder, known as the
Mountain Road in the County of
Cambria, State of Pennsylvania.

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

No. 5, March Sessions 1941.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of Viewing to vacate all of that portion of the Mountain Road, in Lower Yoder Township, Cambria County, Pennsylvania, BEGINNING at a point on the Westmoreland-Cambria County line, thence in a Northeasterly direction through Powell Stackhouse Tract, through the J. C. Sheridan Tract to the Northern boundary of the said J. C. Sheridan Tract and the Southern boundary of John St. Clair Tract, a distance of approximately 3350 feet, will meet at the place of ENDING, on the intersection of said proposed road to be vacated with the boundary line between the J. C. Sheridan Tract and the John St. Clair Tract, near the intersection of a road leading in a Northerly direction from said section of road to be vacated, on the 20th day of June A. D. 1941, at 10:00 o'clock A. M. Eastern Daylight Saving Time 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
JAMES McCANN
THEODORE HUNT
VIEWERS.

Now this 11 day of June A. D. 1941 service of
the above Notice is hereby accepted by the Commissioners of
Cambria County.

By

W. F. Dowd
Chief Clerk

In Re: Petition to vacate a portion
of a public Road in the Township
of Lower Yoder, known as the
Mountain Road in the County of
Cambria, State of Pennsylvania.

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

No. 5, March Sessions 1941.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of Viewing to vacate all of that portion of the Mountain Road, in Lower Yoder Township, Cambria County, Pennsylvania, BEGINNING at a point on the Westmoreland-Cambria County line, thence in a Northeasterly direction through Powell Stackhouse Tract, through the J. C. Sheridan Tract to the Northern boundary of the said J. C. Sheridan Tract and the Southern boundary of John St. Clair Tract, a distance of approximately 3350 feet, will meet at the place of ENDING, on the intersection of said proposed road to be vacated with the boundary line between the J. C. Sheridan Tract and the John St. Clair Tract, near the intersection of a road leading in a Northerly direction from said section of road to be vacated, on the 20th day of June A. D. 1941, at 10:00 o'clock A. M. Eastern Daylight Saving Time 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
JAMES McCANN
THEODORE HUNT
VIEWERS.

Now this 11 day of June A. D. 1941 service of
the above Notice is hereby accepted for the Supervisors of
Lower Yoder Township, Cambria County, Pennsylvania.

By

R. C. McMonigal
Secretary.

In Re: Petition to vacate a portion
of a public Road in the Township
of Lower Yoder, known as the
Mountain Road in the County of
Cambria, State of Pennsylvania;

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

No. 5, March Sessions 1941.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of Viewing to vacate all of that portion of the Mountain Road, in Lower Yoder Township, Cambria County, Pennsylvania, BEGINNING at a point on the Westmoreland-Cambria County line, thence in a Northeasterly direction through Powell Stackhouse Tract, through the J. C. Sheridan Tract to the Northern boundary of the said J. C. Sheridan Tract and the Southern boundary of John St.Clair Tract, a distance of approximately 3350 feet, will meet at the place of ENDING, on the intersection of said proposed road to be vacated with the boundary line between the J. C. Sheridan Tract and the John St.Clair Tract, near the intersection of a road leading in a Northerly direction from said section of road to be vacated, on the 20th day of June A. D. 1941, at 10:00 o'clock A. M. Eastern Daylight Saving Time 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
JAMES McCANN
THEODORE HUNT
VIEWERS:

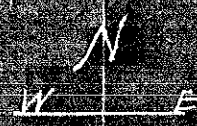
Now this 20th day of June A. D. 1941 service of
the above Notice is hereby accepted for the Supervisors of
Lower Yoder Township, Cambria County, Pennsylvania:

By James R. D. Francis
Twp. Solicitor.

Not Microfilmed

RD#5 Mar. 1941

map#4



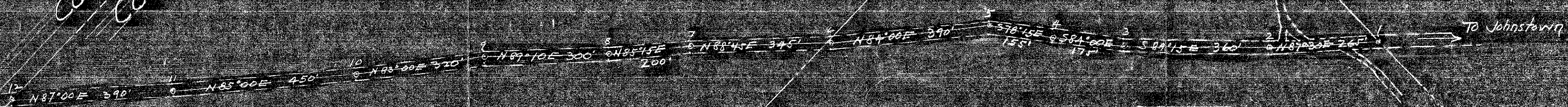
COUNTY
COUNTY

POWELL STACKHOUSE TRACT

J. C. SHERIDAN TRACT

JOHN ST. CLAIR TRACT

WESTMORELAND
CAMBRIA



J. C. SHERIDAN TRACT

POWELL STACKHOUSE TRACT

ELMER BROWN TRACT

PORTION OF MOUNTAIN ROAD

Proposed To Be Vacated
Situate In

LOWER YODER TWP CAMBRIA COUNTY PA.
Scale 1" = 200 Ft. S. E. Dickey & Co. June 23 1941
Civil & Mining Engineers
Johnstown Pa.

NO 5 MARCH SESSIONS 1941

S. E. Dickey
James M. Cann
Theodore Hunt
VIEWERS

NOTE Total Length To Be Vacated Is 3350 Feet Colored Green

Rats Microfilmed

RO#5 Mar. 1941

map #2

Line
Line

County
County

Westmoreland
Cambria

Powell Stackhouse Tract

John St Clair Tract

Jackson Horner Tract
now
George F. Shearer
155 A.

J.P. McConaughy

John A. Felix Tract
185.26 A.
Elzner Hillman
135 A. 101 P.

Leonard Frank
33 A. 57 B.

George Bomberger
16 A. - 4 B.

Simon Marsh

Section of Township Route No. 1
to be vacated

J.C. Sheridan Tract

Elmer Brown Tract

Pott & Bheam Tract

Morrellville Coal & Coke Co.

J.P. McConaughy

Lower Yoder Township

L. R. Owen township engineer
Scale 1"=500
May 16, 1941