

Granted

Sept 19-1941

*Report of Viewers
Approved.*

By the Court

*McKenrick
Judge*

No. 4 June Sessions 1941.

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

Filed Aug. 20, 1941

REPORT OF VIEWERS

In re: Petition to vacate a
portion of a public road in
the Township of Lower Yoder,
County of Cambria, and State
of Pennsylvania.

James McCann
S. E. Dickey
Theodore Hunt
Viewers.

map #1
In re: petition to vacate a portion
of a public road in the Township
of Lower Yoder, County of Cambria,
and State of Pennsylvania.

In the Court of Quarter Sessions
of Cambria County, Penna.
No. 4 June Sessions, 1941.

REPORT OF VIEWERS.

To the Honorable, the Judges of the above named Court.

We, the undersigned Viewers, appointed by the above named Court to view the road known as the "Mountain Road" in Lower Yoder Township, Cambria County, Pennsylvania, and to determine whether that portion of it should be vacated as prayed for by the Petitioners.

That we have been duly sworn as members of the Permanent Board of Viewers of Cambria County, as shown by the records of the Court. That due notice has been given to the public of the proposed view and of the time and place of meeting, by posting notices as required by law at the termini and along the route of the road to be vacated and at points adjacent thereto and by service of such notices on the Commissioners of Cambria County, the Supervisors of Lower Yoder Township, all of which notices were personally served on parties named, evidence of such service is shown by copies of notices properly signed, hereto attached and made a part of this report. These notices set forth the time, place and purpose of such view. That in accordance with the notices given we met at the time and place designated and proceeded with the duties of our appointment and viewed the premises affected, particularly that part of the road proposed to be vacated and what effect it would have on adjacent property. All three viewers were present and a few of the property owners. There was no opposition manifested to the vacating of the road and in the opinion of all three Viewers it is inconvenient and if kept in proper condition would be burdensome on the taxpayers to maintain. We therefore recommend that the portion of the road described below be vacated and the prayers of the petitioners be granted.

DESCRIPTION OF PORTION OF ROAD TO BE VACATED.

BEGINNING at a point on the center line of said Mountain Road where it intersects the boundary line between the J. C. Sherdian and John St. Clair tracts; thence by the center of said portion of road proposed to be vacated, the following courses and distances:

N. 84°	50'E.,	324.0'
N. 78°	10'E.,	461.5'
N. 83°	26'E.,	229.6'
N. 79°	46'E.,	265.7'
S. 68°	28'E.,	383.5'
S. 66°	35'E.,	384.4'
S. 68°	01'E.,	260.8'
S. 52°	37'E.,	302.9'
S. 31°	15'E.,	124.9'
S. 24°	41'E.,	125.0'
S. 38°	24'E.,	99.3'
S. 17°	05'E.,	130.8'
S. 2°	58'W.,	101.4'
S. 7°	02'E.,	418.5'

to the place of ending, said place of beginning is located 12169.9' West along the center line of the said Mountain Road from the intersection of the center line of said Mountain Road with the center line of Hemlock Street; said place of ending is located 8542.2' West along the center line of said Mountain Road from the intersection of the center line of said Mountain Road and the center line of Hemlock Street aforementioned, same being colored green on a map or plan of the portion of said road proposed to be vacated hereto attached and made a part of this report.

Taking into consideration the benefits or damages which have resulted or may seem likely to result, we assess no benefits and no damages to any of the abutting property owners or the owners of other property adjacent thereto.

Witness our hands this 19th day of August A. D. 1941.

James McEwen
W. E. Dickey
Theodore W. Hunt
Viewers.

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 4 June 1941 sessions, 192

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

Viewers

James McCann

S.E. Dickey

Theodore Hunt

Clerk

90 cts.

Joseph C. Nease

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 21st day of July, A. D. 1921, 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 ~~want of~~ ^{vacation} a public road or highway, to lead from All that portion of the Mountain Road in the Township of Loyer Yoder, Cambria County, Pennsylvania, beginning at a point on the center line of said Mountain Road at the boundary line between the J. C. Sherdian and John St. Clair tracts, said point of beginning is located 12169.96 feet West along the center line of the Mountain Road from the intersection of the center line of Mountain Road with the center line of Hemlock Street; thence east along the center line of said Mountain Road 3627.74 feet to a point at a private road leading to Joseph Long's point of end. said point of ending is located 8542.22 feet West along center line of said Mountain Road from the intersection of the center line of the Mountain Road and the center line of Hemlock St. as indicated in blueprint attached to petition.

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

James McCann, S. E. Dickey

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 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~~ ^{vacation} 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.

McCann P. J.

Attest:

Joseph C. Wess

Clerk.

In re: petition to vacate a portion of a public road in the Township of Lower Yoder, County of Cambria, and State of Pennsylvania. In the Court of Quarter Sessions of Cambria County, Penna. No. 4 June Sessions, 1941.

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

To JAMES McCANN Dr.

Aug. 1-2	Gathering data, preparing and posting notices and interviewing property owners -----	\$ 18.00	SEP 2 1941 CERTIFIED
	Mileage 26 mile @ \$.10 -----	2.60	
	Stenographer -----	2.00	
Aug. 12	Making View -----	12.00	
	Mileage 22 mile @ \$.10 -----	2.20	
Aug. 12	Preparing and filing report -----	12.00	
	Stenographer -----	2.00	\$ 50.80

To S. E. DICKEY Dr.

Aug. 12	Making View -----	\$ 12.00	SEP 2 1941 CERTIFIED
	Mileage 16 mile @ \$.10 -----	1.60	
Aug. 14	Data on location, checking and survey -----	12.00	
Aug. 15	Plotting survey and making map -----	12.00	
	Blue prints and drawing paper -----	1.20	\$ 38.80

To THEODORE HUNT Dr.

Aug. 12	Making View -----	\$ 12.00	SEP 2 1941 CERTIFIED
	Mileage 32 mile @ \$.10 -----	3.20	
			\$ 15.20

TOTAL COST OF VIEW ----- \$ 104.80

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

By James McCann
James McCann, Chairman of Board of View.

232 - 3 - 2 - Cambria

In re: petition to vacate a portion of a public road in the Township of Lower Yoder, County of Cambria, and State of Pennsylvania.		In the Court of Quarter Sessions of Cambria County, Penna. No. 4 June Sessions, 1941.
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NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court for the purpose of Viewing a portion of a road in Lower Yoder Township, Cambria County, Pennsylvania and to determine whether said portion of road should be vacated as being useless and burdensome to maintain. The road in question is described as follows:

All that portion of the Mountain Road in the Township of Lower Yoder, Cambria County, Pennsylvania, beginning at a point on the center line of said Mountain Road at the boundary line between the J. C. Sherdian and John St. Clair Tracts, said point of beginning is located 12169.96 feet West along the center line of the Mountain Road from the intersection of the center line of Mountain Road with the center line of Hemlock Street; thence East along the center line of said Mountain Road 3627.74 feet to a point at a private road leading to Joseph Long's point of end, said point of ending is located 8542.22 feet West along center line of said Mountain Road from the intersection of the center line of the Mountain Road and the center line of Hemlock Street.

Will meet at the place of beginning on the 12th day of August A. D. 1941 at 10:00 o'clock A. M. daylight savings time, for the purpose of performing the duties of our appointment at which time and place all interested persons may appear and be heard.

JAMES McCANN
S. E. DICKEY
THEODORE HUNT
VIEWERS.

August 1, 1941.

Now this 2nd day of August A. D. 1941 service of the above notice is hereby accepted for the Commissioners of Cambria County.

By

H. F. Dow
Chief Clerk.

In re: petition to vacate a portion
of a public road in the Township
of Lower Yoder, County of Cambria
and State of Pennsylvania:

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

No. 4 June Sessions, 1941.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court for the purpose of Viewing a portion of a road in Lower Yoder Township, Cambria County, Pennsylvania and to determine whether said portion of road should be vacated as being useless and burdensome to maintain. The road in question is described as follows:

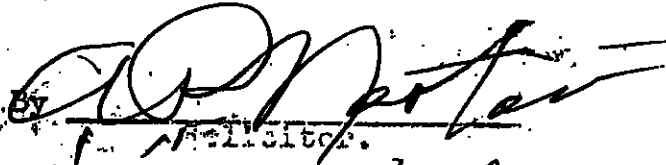
All that portion of the Mountain Road in the Township of Lower Yoder, Cambria County, Pennsylvania, beginning at a point on the center line of said Mountain Road at the boundary line between the J. C. Sherdian and John St. Clair Tracts, said point of beginning is located 12169.96 feet West along the center line of the Mountain Road from the intersection of the center line of Mountain Road with the center line of Hemlock Street; thence East along the center line of said Mountain Road 3627.74 feet to a point at a private road leading to Joseph Long's point of end, said point of ending is located 8542.22 feet West along center line of said Mountain Road from the intersection of the center line of the Mountain Road and the center line of Hemlock Street.

Will meet at the place of beginning on the 12th day of August A. D. 1941 at 10:00 o'clock A. M. daylight savings time, for the purpose of performing the duties of our appointment at which time and place all interested persons may appear and be heard.

JAMES McCANN
S. E. DICKEY
THEODORE HUNT
VIEWERS.

August 1, 1941.

Now this 2nd day of August A. D. 1941 service of the above notice is hereby accepted for the Solicitors of Upper Yoder Township.

By 
Solicitor.
Carl J. Kohler
William M. Sadki

In re: petition to vacate a portion
of a public road in the Township
of Lower Yoder, County of Cambria,
and State of Pennsylvania.

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

No. 4 June Sessions, 1941.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court for the purpose of Viewing a portion of a road in Lower Yoder Township, Cambria County, Pennsylvania and to determine whether said portion of road should be vacated as being useless and burdensome to maintain. The road in question is described as follows:

All that portion of the Mountain Road in the Township of Lower Yoder, Cambria County, Pennsylvania, beginning at a point on the center line of said Mountain Road at the boundary line between the J. C. Sherdian and John St. Clair tracts, said point of beginning is located 12169.96 feet West along the center line of the Mountain Road from the intersection of the center line of Mountain Road with the center line of Hemlock Street; thence East along the center line of said Mountain Road 3627.74 feet to a point at a private road leading to Joseph Long's point of end, said point of ending is located 8542.22 feet West along center line of said Mountain Road from the intersection of the center line of the Mountain Road and the center line of Hemlock Street.

Will meet at the place of beginning on the 12th day of August A. D. 1941 at 10:00 o'clock A. M. daylight savings time, for the purpose of performing the duties of our appointment at which time and place all interested persons may appear and be heard.

August 1, 1941.

JAMES McCANN
S. E. DICKEY
THEODORE HUNT
VIEWERS.

In re: petition to vacate a portion of a public road in the Township of Lower Yoder, County of Cambria and State of Pennsylvania.

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

No. 4 June Sessions, 1941.

NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court for the purpose of Viewing a portion of a road in Lower Yoder Township, Cambria County, Pennsylvania and to determine whether said portion of road should be vacated as being useless and burdensome to maintain. The road in question is described as follows:

All that portion of the Mountain Road in the Township of Lower Yoder, Cambria County, Pennsylvania, beginning at a point on the center line of said Mountain Road at the boundary line between the J. C. Sherdian and John St. Clair Tracts, said point of beginning is located 12169.96 feet West along the center line of the Mountain Road from the intersection of the center line of Mountain Road with the center line of Hemlock Street; thence East along the center line of said Mountain Road 3627.74 feet to a point at a private road leading to Joseph Long's point of end, said point of ending is located 8542.22 feet West along center line of said Mountain Road from the intersection of the center line of the Mountain Road and the center line of Hemlock Street.

Will meet at the place of beginning on the 12th day of August A. D. 1941 at 10:00 o'clock A. M. daylight savings time, for the purpose of performing the duties of our appointment at which time and place all interested persons may appear and be heard.

August 1, 1941.

JAMES McCANN
S. E. DICKEY
THEODORE HUNT
VIEWERS.

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. Stittman
Notary Public
My Commission Exp.:
August 2, 1942

William M. Sladki
Carl J. Rohrer
Supervisors.

No. 4 June Sessions 19 41

Order to ~~open~~ vacate road in Lower
Yoder Township.

Filed 4/13-1942

Clerk Joseph A. Thomas

County of Cambria.

To

[illegible]

of Cambria, aforesaid, on the day of 8th day of Dec., 1941, said court did approve and

See draft enclosed

which said road was, on the 8th day of Dec., 1941, ordered and di-

which district the said road lies, as soon as may be practicable, effectually to ~~work~~^{reconstruct} the said road, by

said court at Ebensburg, this 8th day of Dec., 1941.

By the Court:

McKenrick J.

Attest:

Clerk:

No. *4* *June* September 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 THE APPOINTMENT OF
VIEWERS
ORDER

Filed July 21, 1941

SAMUEL R. DI FRANCESCO

ATTORNEY AT LAW

JOHNSTOWN, PENNSYLVANIA

Map 42

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

IN RE: Petition to Vacate a Portion of a	§ No.	September Sessions,
public road in the Township of Lower	:	1941
Yoder, known as The Mountain Road in	:	
the County of Cambria, State of	:	Vacating Portion of Public
Pennsylvania.	§	

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;

All that portion of the Mountain Road in the Township of Lower Yoder, Cambria County, Pennsylvania, beginning at a point on the center line of said Mountain Road at the boundary line between the J. C. Sheridan and John St. Clair tracts, said point of beginning is located 12169.96 feet West along the center line of the Mountain Road from the intersection of the center line of the Mountain Road with the center line of Hemlock Street; thence East along the center line of said Mountain Road 3627.74 feet to a point at a private road leading to Joseph Long's point of end. Said point of ending is located 8542.22 feet West along center line of said Mountain Road from the intersection of the center line of the Mountain Road and the center line of Hemlock Street, as indicated in yellow on 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.

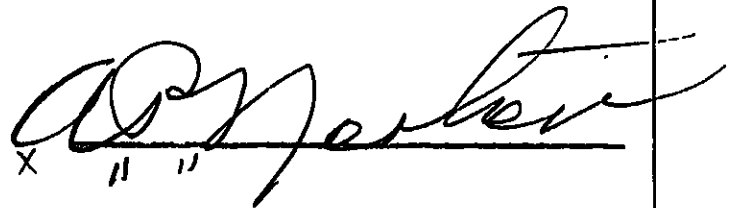
And they will ever pray, etc..

Frank Slaski
Ralph J. Berkebile
John Beketich
Mary Solomon
Joseph G. Titak
Kellie N. Griffith
Frank S. Katula

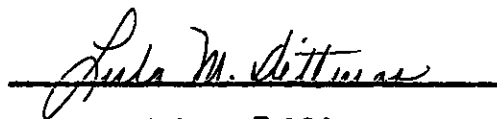
Reas 811 Veigues, Ave
Charles L. Dwyer
Mary Bacha
Mike Morris
monten crutcher
Charles Giga, Jr.
Joseph Gaynor

COMMONWEALTH OF PENNSYLVANIA :
: SS:
COUNTY OF CAMBRIA :

Personally appeared before me, the subscriber, a Notary Public in and for said County and State, A. P. WORTON, one of the Supervisors of the Township of Lower Yoder, 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.


X " "

Sworn and subscribed before me
this 14th day of July, 1941.



Notary Public
My Commission Exp.:
August 2, 1942

O R D E R

NOW, July 12, 1941, the within petition having been read and considered,

James McCay, D.E. Leary
and *Therese 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.

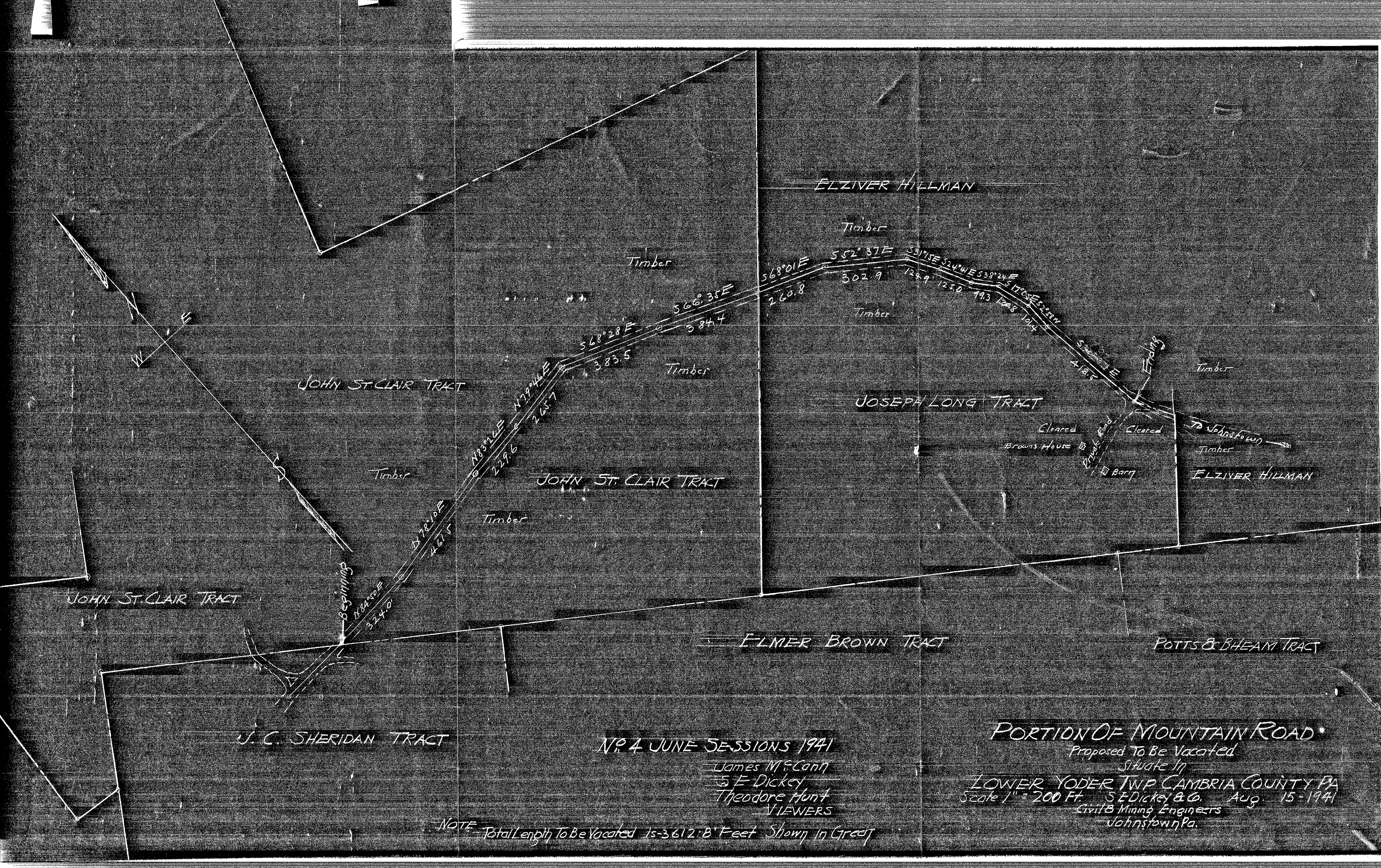
BY THE COURT,

McKenrick
Judge - J.

Not Microfilmed

RD# 4 June 1941

Map# 1



NO. 4 JUNE SESSIONS 1941

James M. Cann

S. E. Dickey

Theodore Hunt

VIEWERS

NOTE Total Length To Be Vacated Is 3612.8 Feet Shown In Green

PORTION OF MOUNTAIN ROAD

Proposed To Be Vacated

Situate In

LOWER YODER TWP CAMBRIA COUNTY PA

Scale 1" = 200 Ft. S. E. Dickey & Co. Aug. 15-1941

Civil & Mining Engineers

Johnstown Pa.

Rat Microfilmed

RD#4 June 1914

map #2

Line
Line

County
County

Westmoreland
Cambria

Powell Stackhouse Tract

John St Clair Tract

Jackson Horner Tract
now
George I. Shearer
155 A.

J.P. McConaughy

John A. Feltz Tract
185.26 A.
Elziver Hillman
135 A. 101 P.

Leonard Frank
33 A. 54 P.

George Bombernick
16 A. 46 P.

Simon Marsh

Section of Township Route No. 1 to be vacated

J.C. Sheridan Tract

Elmer Brown Tract

Pott & Bheam Tract

J.P. McConaughy

Morrisville Coal & Coke Co

Lower Yoder Township

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