

16-291

December 13, 1949

Mr. Curt Barnhart, Secretary  
Upper Yoder Township Supervisors  
130 Berkley Road  
Johnstown, Pennsylvania

Dear Mr. Barnhart:

Enclosed please find copy of  
Notice of Viewers for No. 4 December  
Sessions, Court of Quarter Sessions,  
Cambria County, Pa., 1949.

Yours very truly,

F. W. Claflin

Chairman of Board of Viewers

FWC:ibr  
Enc. 1

December 28, 1949

Mr. Curt Barnhart, Secretary  
Upper Yoder Township Supervisors  
130 Berkley Road  
Johnstown, Pennsylvania

Dear Mr. Barnhart:

This is to confirm a meeting with the Viewers  
re order to layout a public road in the Township  
of Upper Yoder, Cambria County, Pa., No. 4 December  
Sessions 1949.

Please be here at 10 o'clock A. M., E.S.T.,  
at my office at 606 Swank Building on December 30, 1949.

Kindly notify the supervisors.

Yours very truly,

F. W. Claflin

Chairman of Board of Viewers

FWC:ibr

December 16, 1949

Attorney Frank Barnhart  
Solicitor for Upper Yoder Township  
Swank Building  
Johnstown, Pennsylvania

Dear Mr. Barnhart:

Enclosed please find copy of  
Notice of Viewers for No. 4 December  
Sessions, Court of Quarter Sessions,  
Cambria County, Pa., 1949.

Yours very truly,

P. W. Claflin

Chairman of Board of Viewers

FWC:ibr  
Enc. 1

In re: Order to view and  
layout a public road in the  
Township of Upper Yoder,  
Cambria County, Pennsylvania.

In the Court of Quarter  
Sessions of Cambria County,  
Pennsylvania.  
No. 4 December Sessions 1949.

Notice of View

We, the undersigned viewers, appointed by the above named Court for the purpose of viewing and acting upon petition of the Owners to layout a proposed public road in the Township of Upper Yoder, Cambria County, Pennsylvania, the exact distance from the beginning of said proposed road to an intersecting public road, to wit: Eastell Street, a public highway, is two hundred forty (240) feet, measured from the center line of Penn Street in a northerly direction to said Eastell Street, the exact distance from the ending of said proposed public road to an intersecting public highway, namely, Herschberger Street, is a distance of one hundred thirty (130) feet, measured along the center line of said Robinson Avenue in a northerly direction to said Herschberger Street, in effect it would be an extension of Ogile Street about eleven hundred and fifty (1150) feet, will meet at the place of beginning on the twenty-eighth day of December, 1949 at 10:30 o'clock a.m. E.S.T., for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear and be heard.

Fred Clafflin  
Robert Mayer  
William J. McGrain

Viewers

December 16, 1949

Service accepted December 20, 1949, Commissioners of Cambria  
County, by *Maurin A. Springer* Chief Clerk.



In re: Laying out a public  
road in the Township of Upper  
Yoder, Cambria County, Pennsylvania

In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.  
No. 4 December Sessions, 1949.

To Fred Claflin, Robert Mayer and William J. McGrain

To Fred Claflin, Dr.

Dec. 22	Data & preparing notices of view	\$ 12.00	
	Stenographer, stationery and stamps	2.60	
28	Making View	12.00	
	Mileage 6 miles @ \$.10	.60	
30	Hearing Gray & Claflin office	12.00	
31	3 map party-Locating road and taking profile	20.00	
Jan. 4	Making map	8.00	
5	Trading paper and blueprints	1.20	
?	Filing report of viewers	12.00	
	Mileage, 40 miles @ \$.10	4.00	\$84.40

To Robert Mayer, Dr.

Dec. 23	Posting and serving notices of view	\$ 12.00	
	Mileage 6 miles @ \$.10	.60	
28	Making View	12.00	
	Mileage 6 miles @ \$.10	.60	
30	Hearing Gray & Claflin Office	12.00	
	Mileage 5 miles @ \$.10	.50	\$37.70

To William J. McGrain, Dr.

Dec. 28	Making View	\$ 12.00	
	Mileage 53 miles @ \$.10	5.30	
30	Hearing Gray & Claflin Office	12.00	
	Mileage 53 miles @ \$.10	5.30	\$34.60

TOTAL AMOUNT OF VIEW- - - - - \$156.70

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

*Fred Claflin*  
Fred W. Claflin  
Chairman Board of View

In re: Laying out a public  
road in the Township of Upper  
Yoder, Cambria County, Pennsylvania

In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.  
No. 4 December Sessions, 1949.

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, the Supervisors of  
Upper Yoder Township, the Solicitor for the Petitioners and Solicitor  
for the Supervisors being hereto attached; that we met in accordance  
with the notice given, on the 28th day of December A.D. 1949, at 10:30  
o'clock A.M. (Eastern Standard Time) and proceeded with the duties  
of our appointment and viewed the premises and route of the proposed  
new road; no property owners and no Supervisors of the Township  
appeared, and we are of the opinion that a necessity exists for the  
proposed new road; that the grades are acceptable and the alignment  
is good, all according to attached blueprint. Beginning at a point  
in Robinson Avenue, which point is 112.95 feet from the southerly  
side of Hershberger Road, which is South 24 degrees 33 minutes West,  
a distance of 112.95 feet from the southerly line of Hershberger  
Road; thence in a straight line along Ogle Street, South 48 degrees  
57 minutes East 1,200 feet to the center line of Penn Street.  
Said proposed road being 1,200 feet in length as is shown on the  
blueprint attached hereto colored in green and made a part hereof.

In view of the absence of any interested parties at the site of the View, a hearing was called in the offices of Gray & Claflin, Consulting Civil Engineers, 606 Swank Building, on Friday, December 30, and at this hearing Mr. Curt Barnhart, Secretary of the Supervisors of Upper Yoder Township was present and he favored the acceptance of this road as a township road.

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 viewed by us is necessary and convenient and will not create an undo hardship on the Supervisors, therefore we recommend that the prayer of the petitioners be granted.

We assess no damages and no benefits.

Witness our hands and seals this 10th day of January, A.D.

1950.

Fred Claflin.  
Robert Mayer.  
[Signature]  
Viewers

Road in Upper  
Yoder Twp.

No 4 Dec. Reas 1949

Nov 13 March 1950 Confirmed  
Vice

By the Court  
L. J. Smith

In re: Order to view and  
layout a public road in the  
Township of Upper Yoder,  
Cambria County, Pennsylvania

In the Court of Quarter  
Sessions of Cambria County,  
Pennsylvania.  
No. 6 December Sessions 1949.

Notice of View

We, the undersigned viewers, appointed by the above  
named Court for the purpose of viewing and acting upon petition  
of the Owners to layout a proposed public road in the  
Township of Upper Yoder, Cambria County, Pennsylvania, the  
exact distance from the beginning of said proposed road to  
an intersecting public road, to wit: Eastell Street, a public  
highway, is two hundred forty (240) feet, measured from the  
center line of Penn Street in a northerly direction to said  
Eastell Street, the exact distance from the ending of said  
proposed public road to an intersecting public highway,  
nately, Horshamberger Street, is a distance of one hundred  
thirty (130) feet, measured along the center line of said  
Robinson Avenue in a northerly direction to said Horshamberger  
Street, in effect it would be an extension of Oglio Street  
about eleven hundred and fifty (1150) feet, will meet at  
the place of beginning on the twenty-eighth day of  
December, 1949 at 10:30 o'clock a.m. E.T.T., for the  
purpose of performing the duties of our appointment, at  
which time and place all interested persons may appear  
and be heard.

Fred Cleflin  
Robert Moyer  
William J. McGrain

Viewers

December 16, 1949

This is a  
Copy

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 December SESSIONS, 1879.

and lay out  
Order to view public road in the Town-

ship of Upper Yoder, Cambria County,

Pennsylvania.

Viewers

Fred Claflin

Robert Mayer

William J. McGrain

Clerk Joseph C. Weiss

Joseph C. Weiss

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 November A. D. 19 49, 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 the exact distance from the beginning of said proposed road to an intersecting public road, to wit: Bantell Street, a public highway, is two hundred forty (240) feet, measured from the center line of Penn Street in a northerly direction to said Bantell Street. The exact distance from the ending of said proposed public road to an intersecting public highway, namely, Hershberger Street, is a distance of one hundred thirty (130) feet, measured along the center line of said Robinson Avenue in a northerly direction to said Hershberger Street. The above is more fully shown on said "Exhibit A".

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

Fred Claflin surveyor, and Robert Mayer and William 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. Wress, Clerk

No. *4* December Sessions, 1949  
In the Court of Quarter Ses-  
sions of Cambria County, Pa.

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

PETITION FOR APPOINTMENT OF  
VIEWERS - and - DECREE

*Filed*  
*11-21-49*

LAW OFFICES OF  
FRANK P. BARNHART  
JOHNSTOWN, PENNA.



map to -  
Exp A

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

IN THE COURT OF QUARTER  
SESSIONS OF CAMBRIA COUNTY,  
PENNSYLVANIA  
No. 4 DECEMBER SESSIONS,  
1949

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 of Cambria, 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 at the junction of Penn Street,  
a public highway, and Ogle Street, and to extend in a northerly  
direction to Robinson Avenue, a public highway, as shown on blue  
print hereto attached, made part hereof, and marked "EXHIBIT A".

The exact distance from the beginning of said proposed  
road to an intersecting public road, to wit: Bantell Street, a  
public highway, is two hundred forty (240) feet, measured from  
the center line of Penn Street in a northerly direction to said  
Bantell Street. The exact distance from the ending of said pro-  
posed public road to an intersecting public highway, namely,  
Hershberger Street, is a distance of one hundred thirty (130)  
feet, measured along the center line of said Robinson Avenue in  
a northerly direction to said Hershberger Street. The above is  
more fully shown on said "EXHIBIT A".

A copy of the written notice to the Supervisors of said Upper Yoder Township and to the Commissioners of said Cambria County 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 liable to sustain by reason of the 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 (3) 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 as required by law.

D. H. Wainer

Curt Barulicart

Charles H. Rummel

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COMMONWEALTH OF PENNSYLVANIA

:

SS:

:

COUNTY OF CAMBRIA

:

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 statements contained in the said petition are true and correct.

Sworn and subscribed before  
me this 21st day of Novem-  
ber , 1949

Curt Barnhart

Jessie Burger Williams

NOTARY PUBLIC  
MY COMMISSION EXPIRES  
APRIL 11, 1953

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

IN THE COURT OF QUARTER SESSIONS  
OF CAMBRIA COUNTY, PENNSYLVANIA  
NO. DECEMBER SESSIONS,  
1949

NOTICE OF APPLICATION

TO THE COMMISSIONERS OF CAMBRIA COUNTY AND THE SUPERVISORS  
OF UPPER YODER TOWNSHIP:

You will please take notice that an application will be made to the Court of Quarter Sessions of Cambria County on the 21st day of November, 1949, for the appointment of a Board of View to lay out a public road in the Township of Upper Yoder, County of Cambria, to begin at a point at the junction of Penn Street, a public highway, with Ogle Street and to end at a point at the junction of said Ogle Street, the proposed public highway, with Robinson Avenue, a public highway. The proposed public highway is more fully shown on map attached to said petition and marked "EXHIBIT A".

*Frank P. Zurehars*  
ATTORNEY FOR PETITIONERS.

\* \* \* \*

NOVEMBER 21, 1949, service of the above stated Notice is hereby accepted; and the issuance of a Rule under Rule 301½ of the Rules of Court of Oyer and Terminer and Quarter Sessions of the Peace of said county, is hereby waived, and it is agreed that the within petition be presented forthwith.

COMMISSIONERS OF CAMBRIA COUNTY

By *Maurice A. Sprague, Jr. Clerk*

\* \* \* \*

November 21, 1949, service of the above stated Notice is hereby accepted.

*Curt Barnhart*  
*D. H. McLean*  
*Blair Hunt*

SUPERVISORS OF UPPER YODER TOWNSHIP

"EXHIBIT B"

TO THE SUPERVISORS OF UPPER YODER TOWNSHIP  
CAMBRIA COUNTY, PENNSYLVANIA

Petition and release of damages for opening,  
maintaining and improving Ogle Street in  
Upper Yoder Township, Cambria County,  
Pennsylvania.

We the undersigned, your petitioners, respectively  
represent:

That we are the owners of all the property abutting on  
Ogle Street a dedicated highway in Upper Yoder Township, Cambria  
County, Pennsylvania. That we are in need of a public highway  
along the route of said Ogle Street for the benefit of the  
abutting property owners and the traveling public.

NOW THEREFORE, we respectfully petition your honorable  
body to proceed with the necessary legislation required for the  
accepting, opening, improving and maintaining of said Ogle  
Street as a public highway. That said proposed highway begins  
at the intersection of Ogle Street with Penn Street a public  
highway in Upper Yoder Township, Cambria County, Pennsylvania,  
and ends at the intersection of Ogle Street with Robinson Avenue,  
a public highway, a public highway in said Township of Upper Yoder.  
The exact location of nearest intersecting public highway;  
namely, Bantel Street, a public highway in the Township of Upper  
Yoder, Cambria County, Pennsylvania, is at a distance of 240  
feet measured along the center line of Penn Street in a Northerly  
direction from said Ogle Street. The exact location of the  
place of ending of said proposed new highway from the nearest  
intersecting public highway; namely, Harshberger Street, is a  
distance of 130 feet measured along the center line of Robinson  
Avenue in a northerly direction from the intersection of Ogle  
Street and Robinson Avenue.

In consideration of the accepting, opening, grading, im-  
proving and maintaining of said Ogle Street, we the undersigned  
property owners, do hereby release the 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 the  
accepting, opening, grading, draining, improving and maintaining  
of said Ogle Street as a public highway.

Witness our hands and seals this      day of      , A. D.,  
1949.

<u>Witness</u>	<u>Signature</u>	<u>Lot No.</u>
Mrs. J. C. Blough	James M. Parker	486 To 497 - 500 To 506
Mrs. J. C. Blough	(Mrs. James Parker)	
Mrs. J. C. Blough	Mrs. V. L. Appel	496 To 498
Mrs. J. C. Blough	V. L. Appel	Lot 498
Mrs. J. C. Blough	H. F. Willett	508 - 518
Mrs. J. C. Blough	Wm. S. Willett	520 - 522
Mrs. J. C. Blough	Mildred Willett	520 - 522

"EXHIBIT C"

Witness	Signature	Lot No.
Mrs Ira Blough	Mrs. John Patrick	524-530
Mrs Ira Blough	John Patrick	524-530
Mrs Ira Blough	Mrs. H. D. Rogers	551
Mrs Ira Blough	Mary Blough	548
Mrs Ira Blough	John Blough	548
Mrs Ira Blough	Denise Vermaux	507-509
Mrs Ira Blough	Denise Vermaux	507-509
Mrs Ira Blough	Mrs M. Pearson	549
Mrs Ira Blough	John C. Zaffre	551
Mrs Ira Blough	Willie Pearson	549
Mrs Ira Blough	Mrs Lawrence Tillman	503-505
Mrs Ira Blough	Mr Lawrence Tillman	503-505
Mrs Ira Blough	Mr Francis W. Gunkles	10
Mrs Ira Blough	Mrs Rose Gunkles	10
Mrs Ira Blough	Mrs. Stephen Varnach	7-8-9
Mrs Ira Blough	Stephen J. Varnach	7-8-9
Mrs Ira Blough	Charles W. Stutzman	517-519
Mrs Ira Blough	Mary H. Stutzman	517-519
	Upper Gader Exp. School Dist.	Plot 12
	By J. M. Williamson	President

Mrs Ira Blough	Mrs Mary E Willett	508-515
Ira Blough	Mrs Ira Blough	511-513
Mrs Ira Blough	Ira Blough	

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

! IN THE COURT OF QUARTER SESSIONS  
: OF CAMBRIA COUNTY, PENNSYLVANIA  
: No. DECEMBER SESSIONS,  
! 1949

D E C R E E

AND NOW, this 21 day of <sup>November</sup>~~October~~, 1949, the within  
petition having been read and considered, the Court appoints  
Fred Clafflin and Robert Mayer  
and Wm J. McLean Viewers, to view the road herein  
referred to and make report as required by law.

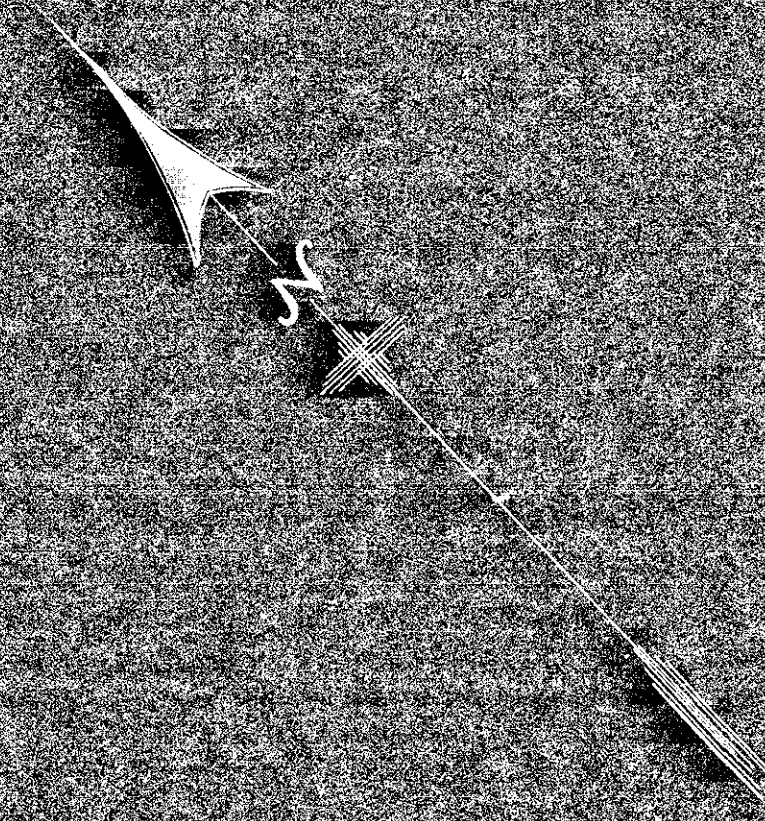
BY THE COURT,

*Briffich* J. J.

Rate Microfilmed

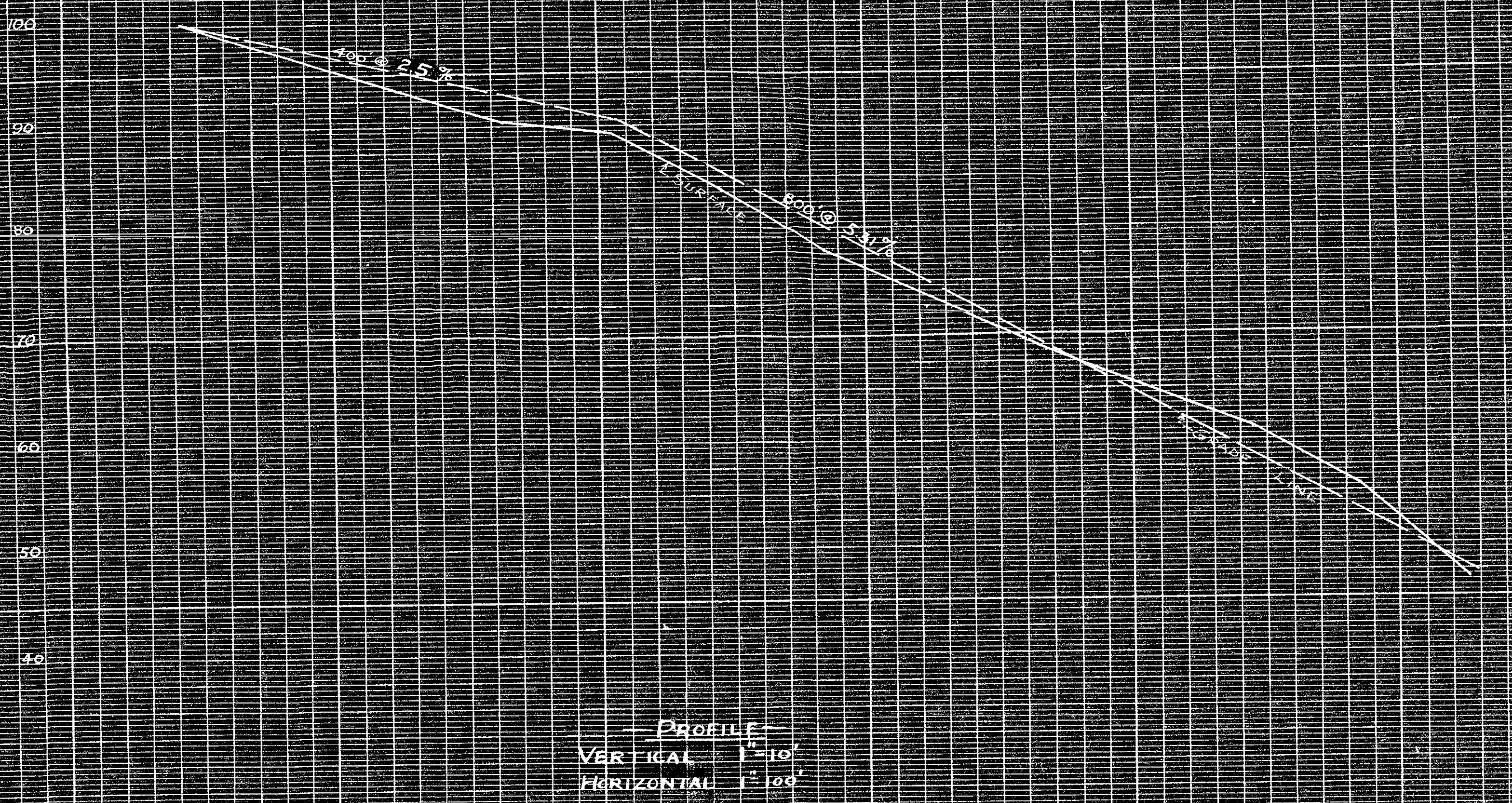
RO# 4 Dec. 1949





DAN WEIMER

NELSON MISHLER



PLAN & PROFILE  
OF A  
PORTION OF OGLE STREET  
BETWEEN

PENN STREET & ROBINSON AVENUE

SITUATE IN UPPER YODER TWP, CAMBRIA CO. PA

VIEWED BY COUNTY VIEWERS DEC. 28, 1949 - No. 3 DECEMBER SESSIONS 1949

SURVEYED DEC. 31, 1949 BY GRAY & CLAFIN ENGINEERS  
JOHNSTOWN, PA.

SCALE - 1"=100'

VIEWERS  
FRED CLAFIN  
ROBERT MAYER  
WILLIAM J. McGRATH



# PLAN OF ELIM

SITUATE  
UPPER YODER TWP. CAMBRIA CO. PA.  
SCALE 1" = 100'  
FEB 6 1910

STATE OF PENNSYLVANIA } S.S.  
COUNTY OF CAMBRIA }  
Before the undersigned a Notary Public  
of said State, personally came WALTER SWEENEY  
Trustee who in due form of law acknowledged this  
Plan of ELIM in Upper Yoder Township  
Cambria County, Penna. surveyed, plotted  
and reproduced by the Fetherman Engineering Co.  
and dated February 5th 1910, to be the amended  
and Supplemental Plan of ELIM, and do acknow-  
ledge and declare the dedication for public use  
of all Streets, Alleys and Highways thereon  
shown to the end that this amended and  
Supplemental Plan may be Recorded as my  
act and deed and the act and deed of the  
owners of the land upon which said Plan of  
Lots is laid out.

In Witness Whereof I have hereunto  
set my hand and official seal this \_\_\_\_ day  
of February A.D. 1910.

Notary Public

