

In Re: Supplying a New Public Road in Upper and Lower Yoder Townships and in the Borough of Westmont, In Cambria County, State of Pennsylvania.

In the Court of Quarter Sessions of Cambria County, Pennsylvania, No. I, March Sessions, 1939.

R E P O R T O F V I E W E R S .

To the Honorable, the Judges of the above named Court:-

We, the undersigned Viewers appointed by the annexed order of Court to view the proposed location of a proposed New Public Road, as outlined by the annexed order of Court respectfully report:-

That we have been duly sworn as members of the Permanent Board of Viewers, as shown by the records of the Court; that having given due public notice of the view by public notices posted on and at either end of the proposed new road, copies of said notices being made a part of this report and having served notices of view on the Commissioners of Cambria County, the authorities of Westmont Borough and the supervisors of Upper Yoder and Lower Yoder Township, copies of said notices being a part of this report and hereto attached;

That we met at the time and place advertised and walked over the route of the proposed new road and contacted the persons living thereon, none of whom were willing to waive damages.

We found the work of improving the upper end of the St. Clair Road intersecting with the Menoher Highway well on the way to completion. When finished this new St. Clair Road will connect with the present improved road leading out of Coopersdale and and thus provide direct connection to the Menoher Highway for lower Johnstown traffic and eliminating any necessity for the new road, as prayed for in this petition.

There was a very little public interest manifested either for or against the new road and the Township Supervisors of Upper Yoder and Lower Yoder Townships did not put in any appearance.

After carefully considering the facts developed at the view by our observation and the absence of public interest in the proposed New Public Road, as prayed for by the petitioners, we REFUSE THE PRAYER OF THE PETITIONERS for the reason that there is no apparent NECESSITY for a new road.

Signed,

Louis E. Kaylor,
James McCann,
Mahlon Baumgardner, Viewers.

Louis E. Kaylor
James McCann
Mahlon J. Baumgardner

In Re: Supplying a New Public Road in Upper and Lower Yoder Townships and the Borough of Westmont, in Cambria County Pa.

In the Court of Quarter Sessions of Cambria County, Pennsylvania, No. I. March Sessions, 1939.

To L. E. Kaylor, James McCann and Mahlon Baumgardner, Dr.

To L. E. Kaylor, Dr.

Data, Preparing, Posting and serving Notices of View,	\$18.00
Mileage, 50 miles at 10c,	5.00
Stenograph or typewriter service,	2.00
Making view,	12.00
Mileage, 50 miles (two way)	5.00
Preparing and filing report of viewers,	12.00
	<u>\$54.00</u>

CERTIFIED
James P. Brown
 COUNTY COMMISSIONER

To James McCann, Dr.

To Making View,	\$12.00
To Mileage, 14 Miles (two way)	1.40
	<u>\$13.40</u>

CERTIFIED
James P. Brown
 COUNTY COMMISSIONER

To Mahlon Baumgardner, Dr.

To Making View,	\$12.00
To Mileage, 14 Miles	1.40
	<u>\$13.40</u>

CERTIFIED
James P. Brown
 COUNTY COMMISSIONER

Duplicate copy of bill presented to County Commissioners for services connected with this view.

In Re: Supplying a new Public
Road in Upper Yoder and Lower Y
Yoder Townships and the Borough
of Westmont, in Cambria County,
Pennsylvania.

In the Court of Quarter Sessions
of Cambria County,
Pennsylvania.
No. I March Sessions, 1939.

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court to
view the location and determine as to the necessity for a new Public
Road, as prayed for by the petitioners, from

"A point on the Menoher Highway, a Public Road 3535 feet WEST on
said Highway of the intersection of the St. Claire Road with the said
Menoher Highway, (the former being also a public highway), and
extending thence to a point on the St. Claire Road, 2970 feet NORTH
of the intersection of the nearest Township Road to the SOUTH thereof.
Said Road beginning in the Township of Upper Yoder and extending
through the Borough of Westmont into the Township of Lower Yoder
at its terminus".,

Will meet at the place of beginning, as indicated above, on SATURDAY,
the FIFTEENTH day of April, 1939, at TEN o'clock, A.M., for the purpose
of performin the duties of our appointment, and at which time and
place all persons interested should be present.

Louis E. Kaylor,
James McCann,
Mahlon J. Baumgardner,
Viewers

Notice of View hereby accepted
in behalf of Supervisors of Upper Yoder Township,
Of the Board of Supervisors.

Curt Hamhart.

Kindly sign and return to me.
Very Truly Yours,

Viewer.

D. A. Weimer

In Re: Supplying a New Public
Road in Upper Yoder and Lower
Yoder Townships and the Borough
of Westmont, Cambria County, Pa.

... the Court of Quarter Sessions
of Cambria County, Pennsylvania,
No. 1, March Term, 1939.

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court to view the location and determine the advisability or necessity of a proposed new Public Highway, as prayed for by the petitioners, from "A point on the Kenoyer Highway, a public Road, 3535 feet west on said Highway of the intersection of the St. Claire Road with the Kenoyer Highway, (the former being also a public Highway), and extending thence to a point on the said St. Claire Road, 2970 feet north of the intersection of the nearest Township Road to the South thereof. Said road beginning in Upper Yoder Township and extending through the Borough of Westmont into the Township of Lower Yoder at its terminus". will meet at the place of beginning, as above described, on SATURDAY, the FIFTEENTH day of April, 1939, at Ten o'clock, A. M. at which time and place all persons interested should be present,

Service accepted by the
County Commissioners,

Louis E. Kaylor,
James McCann,
Mahlon J. Baumgardner, Viewers.

H. F. Dorn
April-8-1939 *clerk*

In. Re: To Supply a New Public
Road in Upper Yoder and Lower
Yoder Townships and the Borough
of Westmont, Cambria County Pa.

Int the Court of Quarter Sessions
of Cambria County, Pennsylvania,

No. I. March Sessions, 1939.

N O T I C E of V I E W.

We, the undersigned Viewers, appointed by the above named Court to view the location and determine the necessity for a proposed New Public Highway, as prayed for by the petitioners, from;
" A point on the Menoher Highway, a public road 3535 feet West on said Highway of the intersection of the St. Clair Road with the said Menoher Highway, (the former being also a public highway), and extending thence to a point on the said St. Clair Road, 2970 feet north of the intersection of the nearest Township Road to the South thereof. Said road beginning in the Township of Upper Yoder and extending through the Borough of Westmont into the Township of Lower Yoder at its terminus."
Will meet at the place of beginning, as above described, on SATURDAY, the FIFTEENTH day of April, 1939, at Ten o'clock, A. M., at which time and place all persons interested should be present.

Notice of view hereby accepted for
the Borough of Westmont by,

James Beat

Louis E. Kaylor,
James McCann,
Mahlon Baumgardner,
Viewers.

In Re: Supplying a new Public Road
in Upper Yoder and Lower Yoder
Townships and the Borough of
Westmont, in Cambria County,
Pennsylvania.

In The Court of Quarter Sessi-
of Cambria County, Pennsylvania
No. I, March Sessions, 1939

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court to view the location and determine as to the necessity of supplying a New Public Highway, as prayed for by the petitioners, from "A point on the Menoher Highway, a public Road 3535 feet WEST on said Highway, of the intersection of the St. Clair Road with the said Menoher Highway, (the former being also a public highway), and extending thence to a point on the said ST. Claire Road, 2970 feet NORTH of the intersection of the nearest Township Road to the SOUTH thereof. Said road beginning in the Township of Upper Yoder and extending through the Borough of Westmont into the Township of Lower Yoder at its terminus".

Will meet at the place of beginning, as indicated above, on SATURDAY, the FIFTEENTH day of April, 1939, at TEN o'clock, A.M.. at which time and place all persons interested should be present.

Louis E. Kaylor,
James McGann,
Mahlon J. Baumgardner,

Viewers,

we: Supplying a new Public
Road in Upper Yoder and Lower
Yoder Townships and the Borough
of Westmont, in Cambria County,
Pennsylvania.

in the Court of Quarter Sessions
of Cambria County, Pennsylvania,
No. 1, March Sessions, 1939

NOTICE of VIEW.

We, the undersigned Viewers, appointed by the above named Court to
view the location and decide on the necessity of supplying a new
Public Highway, as prayed for by the petitioners, from
"A point on the mencher Highway, a public road 3535 feet WEST on
said Highway of the intersection of the St. Clair Road with the
said mencher Highway, (the former being also a public highway),
and extending thence to a point on the said St. Clair Road, 2970
feet NORTH of the intersection of the nearest Township Road to
SOUTH thereof. Said road beginning in the Township of Upper Yoder
and extending through the Borough of Westmont into the Township
of Lower Yoder at its terminus."

Will meet at the place of beginning, as indicated above, on
SATURDAY, the FIFTEENTH day of April, 1939, at TEN o'clock, A. M.
for the purpose of performing the duties of our appointment, and
at which time and place all persons interested should be present.

Louis E. Keyler,
James Mc'Cann,
Mahlon J. Baumgardner,
Viewers

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 27th day of March A. D. 1929, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of ~~Upper and Lower Yoder Twp~~ and Boro, of Westmont. in the said County, setting forth that they labor under inconvenience for want of a Public road or highway, to lead from

a point on the Menoher Highway, a public road 3535 feet West on said Highway of the intersection of the St. Clair Road with the said Menoher Highway, (the former being also a public highway), and extending thence to a point on the said St. Clair Road, 2970 feet North of the intersection of the nearest Township Road to the South thereof. Said road beginning in the Township of Upper Yoder and extending through the Borough of Westmont into the Township of Lower Yoder at its terminus.

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

L.E. Kaylor surveyor, and James McCann
and Mahlon Baumgardner Esq.

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:

James M. Jones, Clerk.

Order to view Supplying a Public
Highway intersection with the St. Clair
Road and Menoher Highway in the Townshi
of Upper Yoder, Lower Yoder, and the
Borough of Westmont.

L.E. Kaylor

James McCann

Mahlon Baumgardner

Viewers

Clerk

90 cts.

Filed April 24 1939

NOTE: "It shall be the duty of all persons appointed in 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, 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."

12 June 1939 Approved.

By the Court.

W. C. Stevens

11 April 1939 Confirmed & Absolute

John J. ...



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

IN RE: Supplying a Public Highway intersecting with the St. Clair Road and Kenoyer Highway in the Townships of Upper Yoder, Lower Yoder and the Borough of Westmont, Cambria County, Pennsylvania. : : No. December Sessions, 1938.

P E T I T I O N

To the Honorable, the Judges of said Court:

The undersigned, all of whom are residents of the Township of Upper Yoder, the Township of Lower Yoder and the Borough of Westmont, Cambria County, Pennsylvania, respectfully represents:

1. That your petitioners labor under great inconvenience for want of a public road or highway in the said Township of Lower Yoder and Township of Upper Yoder and the Borough of Westmont, to begin at a point on the Menoher Highway, a public road 3535 feet west on said highway of the intersection of the St. Clair Road with the said Menoher Highway, (the former being also a public highway), and extending thence to a point on the said St. Clair Road, 2970 feet North of the intersection of the nearest Township Road to the South thereof. Said road beginning in the Township of Upper Yoder and extending through the Borough of Westmont into the Township of Lower Yoder at its terminus.

Your petitioners, therefore, pray your Honorable Court to appoint a jury to view and lay out the same according to law and

They will ever pray,

Richard Griffith R. D. # 5 upper yoder twp
William R. Hagle R. D. # 5 upper yoder twp
Charles G. Haffer R. D. # 5 upper yoder twp
James Hauffman R. D. # 5 upper yoder twp

Jimmy Eagle R.D. #5 Upper Yoder Twp
Wm D Eagle R 29.5 Upper Yoder Twp
Blair A Hunt R. D. 5 Upper Yoder
L. H. Hoffman R.D. 5 Upper Yoder Twp
Charles Noon R.D. 5 Upper Yoder Twp
W. W. McCauliff R.D. 5 Upper Yoder Twp
Tom H Pammel Upper Yoder Twp
Samuel Shouler Upper Yoder
Ray A. Cullough Upper Yoder
George Hum Upper Yoder
Fred J. Wright Upper Yoder
Earl Spangler Upper Yoder
Wilbur Hoepker Upper Yoder
Wm E Miller Upper Yoder
Ralph L. Mellott Upper Yoder
Walter J. Kaufman Upper Yoder
John E. Thomas Upper Yoder Twp
Russell H. Hefley Upper Yoder Twp
Dwornel D. Kette Upper Yoder Twp
Earl J. Long Upper Yoder Twp
Edw. Hochstein Upper Yoder Twp
Geo. S. Aluzinsky Upper Yoder Twp
Christus Casper Upper Yoder Twp
Ray James Smith Upper Yoder Twp

Walter T. M. Campbell Westmont Borough
Edward E. Dunkle Westmont Boro.
Rhinhart Boehm Westmont Boro.
John Reiser Westmont Boro
Leonard Lott Westmont Boro
Joseph Shimmel Westmont Boro.
Barney Mangel Westmont Boro
J. R. Jones Westmont Boro
J. L. Rowland, Jr. Westmont Boro.
Geo L Peterson Westmont Boro
W. R. Thomas Westmont Boro
Frederick H. Thomas Westmont Boro
Frank C. DeP Westmont Boro.
Jos. H. Waters Westmont Boro
John Walker Westmont Boro.
Harry Coulson Westmont Boro
Geralt Devany Westmont Boro
Phillip E. Evans Westmont Boro
Frances Romanow Westmont Boro.
Alvester Westmont Boro
L. W. May Westmont Boro
Russell Grayle Westmont Borough
Geo W Frank Westmont Borough
George Herrod Westmont Borough
Ernest S. Tappet Westmont Borough
Evelyn H. Meteser Westmont Borough
H. B. Anderson Westmont Borough

Edna Ragu	Lower yoder Top
Earl Galt	Lower yoder top.
Wm. Yuster Gates	Lower yoder's P.
Archie W. Snow	Lower yoder Low
Ally Stecker	Lower yoder Top.
Anthony Lark	Lower yoder Top
Ernest J. Patterson	Lower yoder Top
John R. Hearn	Lower yoder top
Harry Roth	Lower yoder. top.
S. W. Birch	Lower yoder top
Thomas Riff	Lower yoder Top.
Charles H. Hessel	Lower yoder Top.
Walter G. Kurtz	Lower yoder Top.
Harry A. Birch	Lower yoder Top.
Henry A. Williams	Lower yoder top
Charles Mease	Lower yoder top.
George E. Shank	Upper yoder top
Francis A. Gregory	Upper yoder, Junction P.
Walter P. Davis	Upper yoder top
Walter P. Kriss	Upper yoder top
Paul James	Upper yoder top
J. H. Sherkel	Upper yoder top
A. L. Brent	Upper yoder. Top
William Green	Upper yoder top
M. H. Healer	Upper yoder top.
Prof. Hofecker	Upper yoder top Pa
David Hofecker	Upper yoder top Pa
Myron Hofecker	Upper yoder top Pa
Henry Hofecker	Upper yoder top Pa
Lab. Barnes	Upper yoder Top.

No. 1 MARCH JESS. 1937

IN THE COURT OF COMMON PLEAS
OF CAMBRIA COUNTY, PENNA.,

In Re: Supplying a Public
Highway intersection with
the St. Clair Road and Meno-
her Highway in the Townships
of Upper Yoder, Lower Yoder
and the Borough of Westmont,
Cambria County, Penna.,

P E T I T I O N

NOW, this 27th., day of Mar.
1939, upon consideration of
the within Petition the
Court does appoint

Louis E. Nagler and
James McCann

Mahlon Baumgardner et
three members of the Perman-
ent Board of Viewers to view
and determine as to the nec-
essity of the road prayed
for and report their find-
ings to the next Session of
the Quarter Sessions Court.

BY THE COURT.

McKerrick

LAW OFFICES J.
JOSEPH P. HOERLE
JOHNSTOWN, PA.

U. S. NATIONAL BANK BLDG.

Filed. Mar. 29-1939