

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

IN RE: Proposed Public Road in) No. 4 March Sessions
Lower Yoder Township, Cambria) 1939
County, Pennsylvania.)

REPORT OF VIEWERS

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

We, the undersigned Viewers, appointed by the attached order of the Court to view a proposed public road in Lower Yoder Township, Cambria County, Pennsylvania, respectfully report as follows:

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 public notice of the time and place of meeting was given by posting notices, as required by law, along the route and at the termini of the proposed road, as shown by copies of said notice hereto attached and by notice given to the Cambria County Commissioners, acceptance of service being hereto attached, and to the Supervisors of Lower Yoder Township, copies of notices being also hereto attached.

That we met in accordance with the notices given and at the time and place designated and proceeded with the duties of our appointment. There were present the two viewers, James McCann and S. E. Dickey, M. J. Baumgardner being confined to his house because of sickness, and a large number of interested citizens. We viewed the route which is already being used as a private road. We also heard the opinions of all those present who desired to be heard, and after careful consideration have decided that the road as proposed is necessary and will serve a large number of people who live along the route of the proposed road. The road has but one terminal, that at the intersection at what is known as the St. Clair Road; and ends at St. Theresa's Cemetery. All in Lower Yoder Township.

The proposed road is bounded and described as follows:

Beginning at a point in the center of the highways at the intersection of St. Clair Road and Fairfield Avenue, said point being a distance of 232' measured along the center line of Fairfield Avenue in westwardly direction from the intersection of Hays Street with said Fairfield Avenue; thence along the center line of the proposed road S10° 57'E, 273'; thence S49° 30'W, 404'; thence S23° 12'W, 421' to St. Theresa's Cemetery; thence along same S19° 40'W, 243' to the Cambria Iron Company, place of ending, and being colored green on Blue print attached hereto and made a part hereof. The width of said road being established at 33' by widening the present existing road from 16' and 30' to 33' as indicated on the plan attached hereto.

There is also attached hereto a copy of the list of names of all abutting property owners along the route of the proposed road, who have signed waivers of any damages and claims, said releases being filed with the petition for said proposed road.

That after taking into consideration all matters before us, we are of the opinion that the road prayed for is necessary and convenient for the general public and will not be burdensome to the taxpayers. Therefore we recommend that the prayer of the petitioners be granted.

Taking into consideration the improvements and the benefits hereafter to be derived by the opening and improving of said proposed road, we assess no benefits and no damages to the abutting property owners.

Witness our hands and seals this 27th day of June A. D. 1939:

James McCann

S. E. Dickey

VIEWERS

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

IN RE: Proposed Public Road in
Lower Yoder Township, Cambria
County, Pennsylvania.

No. 4 March Sessions
1939

County of Cambria, Pennsylvania

To JAMES McCANN Dr.

June 3	Preparing notices, gathering data, serving notices and posting notices. 1 day.	\$ 12.00
	15 Miles	1.50
	Stenographer	2.00
17	One (1) day making view	12.00
	10 Miles	1.00
26	Preparing report, gathering data and filing report.	12.00
	Stenographer	<u>2.00</u>
		\$ 42.50

County of Cambria, Pennsylvania

To S. E. DICKEY Dr.

June 7	Making view. One (1) day.	\$ 12.00
	10 Miles	1.00
23	Looking up data on lot plans, tying in and making survey, self and engineers.	22.00
24	Plotting survey and making map	12.00
	Tracing cloth	.60
	Two (2) paper and one (1) linen	
	Blue prints	<u>2.00</u>
		\$ 49.60

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

James McCann

CERTIFIED
COUNTY CONTROLLER

Copy:

EXHIBIT B

IN RE: LAYING OUT OF A PUBLIC ROAD
IN THE TOWNSHIP OF LOWER YODER,
COUNTY OF CAMBRIA, STATE OF
PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS
: OF CAMBRIA COUNTY, PENNSYLVANIA.
: NO. 4 SESSIONS, 1939.
Petition for Appointment of Viewers

RELEASE OF DAMAGES

We, the undersigned, in consideration of the advantages to us from the road mentioned in the annexed petition to lay out the same, do hereby release all claims to damages that may arise to us from the opening, grading, draining, improving and maintaining of the said proposed highway.

IN WITNESS WHEREOF we have hereunto set our hands and seals
this 13th day of May, 1939.

Rev. Thomas Hoge (SEAL)

John Ceryak (SEAL)

Joseph Rudor (SEAL)

George M. Gibson (SEAL)

Joseph Fink Pres. (SEAL)

Annie Magistro (SEAL)

Theodore Magistro (SEAL)

Andras Bamba (SEAL)

Albert Boehm (SEAL)

IN RE: Supplying a New Public Road
in the Township of Lower Yoder,
County of Cambria and State of
Pennsylvania.

) In the Court of Quarter Sessions
(of Cambria County, Pennsylvania.
)
(No. 4 March Sessions, 1939.

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court to view the location and determine the necessity for a new Public Road, as prayed for by the Petitioners, from a point at the edge of the existing pavement of the St. Clair Road, in the centre line of the above mentioned road, and to run along or near to the said St. Clair Road, a distance of approximately Thirteen Hundred (1300) Feet, more or less, to a point at the St. Theresa's Cemetery in the above mentioned Township.

Will meet at the place of Beginning, as indicated above, on SATURDAY, JUNE 17TH, 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 if they think proper.

Charles Mayer
John Yoder
John Yoder

VIEWERS

(JAMES McCANN
(M. J. BAUMGARDNER, ESQ.
(SAMUEL E. DICKEY

IN RE: Supplying a New Public Road
in the Township of Lower Yoder,
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VIEWERS

- (JAMES McCANN
- (M. J. BAUMGARDNER, ESQ.
- (SAMUEL E. DICKEY

Receipt accepted
June 16-1939
H. J. Baumgardner



RE: Supplying a New Public Road
in the Township of Lower Yoder,
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(In the Court of Quarter Sessions
of Cambria County, Pennsylvania.

(No. 4 March Sessions, 1939.

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VIEW 3

(JAMES McCANN,

(M. J. BAUMGARDNER, ESQ.

(SAMUEL E. DICKEY

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 15 th day of May A. D. 1929, before the Honorable Judge of the said Court: Upon the petition of divers inhabitants of the Township of Lower Yoder, in the said County, setting forth that they labor under inconvenience for want of a Public road or ~~highway~~, to lead from a point at the edge of the existing pavement of the St. Clair Road in the center line of the above mentioned road, and to run along the said St. Clair Road a distance of approximately thirteen hundred (1300) feet more or less to a point at the St. Theresa's Cemetary, said road to be thirty-three (33) feet in width.

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, M.J. Baumgardner Esq. [REDACTED] and Samuel

E. Dickey

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.
GREER. JUDGE.

Attest:

James M. Jones, Clerk.

Order to view

Laying out a Public Road in the
Township of Lower Yoder, County
of Cambria, State of Penna.

Report of Viewers

James McCann

M. J. Baumgardner

Samuel E. Dickey

Viewers

Clerk James M. Jones 90 cts.

Filed, June 27, 1939

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."

11 Sept. 1939 Approved and breadth fixed at forty feet
By the Court
J. M. Tenwick

11 Dec. 1939 Confirmed absolutely
J. M. Tenwick
Clerk

IN THE COURT OF QUARTER SESSIONS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE:

LAYING OUT OF A PUBLIC ROAD
IN THE TOWNSHIP OF LOWER YODER,
COUNTY OF CAMBRIA, STATE OF
PENNSYLVANIA.

Y
:
: NO. 4 March SESSIONS,
:
Y
1939.

PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF THE COURT OF QUARTER SESSIONS IN AND FOR
CAMBRIA COUNTY:

The petition of the undersigned inhabitants of the Township of
Lower Yoder, in the county aforesaid, 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 to begin at
a point at the edge of the existing pavement of the St. Clair Road in the
center line of the abovementioned road, and to run along the said St. Clair
Road a distance of approximately thirteen hundred (1300) feet more or less to
a point at the St. Theresa's Cemetery, said road to be thirty-three (33) feet
in width.

2. That a written notice to the Supervisors of Lower Yoder
Township of the intended presentation of this petition with an acceptance
of service thereon and their consent to the opening of the said road is
hereto attached, made part hereof and marked "EXHIBIT A".

3. That a Release of Damages whereby the owners of the property abutting the aforesaid proposed road released the Township of Lower Yoder from all damages by reason of the opening, grading, draining, improving and maintaining of 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 such road and if they see the necessity therefor lay out the same and make a report of their proceedings in the next sessions of Court.

<i>St. Theresa Cemetery</i>	<i>St. Pius - Metal - Society</i>
<i>Rev. Thomas Hoge, pastor</i>	<i>Joseph Finch - Pres</i>
<i>John Coyle</i>	<i>Francis J. Teutsch</i>
<i>Joseph Bucci</i>	<i>John D. Siskal</i>
<i>Joseph X. Rieder</i>	<i>Martin Bantucci, Auditor</i>
<i>Tree Plant Club</i>	<i>Joseph M. Bantucci, Auditor</i>
<i>George M. Gibson</i>	<i>Albert Borner</i>
<i>Annie Magister</i>	
<i>Andrew Magister</i>	
<i>Andrew Magister</i>	

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CAMBERIA

:
: SS:
:

Personally appeared before me, a ^{ALDERMAN} ~~Notary Public~~ in and for said ^{City of} ~~said~~ Johnstown, said County and State, Rev. Thomas Hoge, 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 said petition are true and correct.

SWORN AND SUBSCRIBED before me
this 10th day of May, A.D., 1939.

Rev. Thomas Hoge.

[Signature]

MY COMMISSION EXPIRES
FIRST SUNDAY IN JANUARY, 1942

IN RE: LAYING OUT OF A PUBLIC ROAD
IN THE TOWNSHIP OF LOWER YODER,
COUNTY OF CAMBRIA, STATE OF
PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS
OF
CAMBRIA COUNTY, PENNSYLVANIA.
NO. 4 March SESSIONS, 1939
Petition for Appointment of
Viewers

D E C R E E

AND NOW, this 15th day of May, 1939, the within
petition having been read and considered, the Court appoints _____

James McCann, M. J. Baumgardner and
Samuel E. Dickey Viewers to view the road herein referred
to and make a report of their proceedings to the June Term of the
Court of Quarter Sessions of said County in accordance with

By the Court
James

EXHIBIT A

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

IN RE:

LAYING OUT OF A PUBLIC ROAD
IN THE TOWNSHIP OF LOWER YODER,
COUNTY OF CAMBRIA, STATE OF
PENNSYLVANIA.

Y
:
: NO. _____ SESSIONS,
:
Y
: 1939.
: Petition for Appointment
Y of Viewers.

NOTICE TO SUPERVISORS

TO A. P. NORTON, JOHN KONDASH, JR. and CHARLES MAYER, SUPERVISORS OF LOWER
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 the said County at 10:00 o'clock A. M., the 15th day of May, 1939, asking the Court for the appointment of viewers to view and lay out a proposed road in the Township of Lower Yoder to begin at a point at the edge of the existing pavement of the St. Clair Road in the center line of the above-mentioned road, and to run along the said St. Clair Road a distance of approximately thirteen hundred (1300) feet more or less to a point at the St. Theresa's Cemetery, said road to be thirty-three (33) feet in width.


Attorney for Petitioners

ACCEPTANCE OF SERVICE

May 13, 1939, service of the above
stated notice is hereby accepted and our consent herewith given for the
opening of the said road.

W. D. Martin

John J. Jundach Jr.

EXHIBIT B

IN RE: LAYING OUT OF A PUBLIC ROAD
IN THE TOWNSHIP OF LOWER YODER,
COUNTY OF CAMBRIA, STATE OF
PENNSYLVANIA.

IN THE COURT OF QUARTER SESSIONS
OF CAMBRIA COUNTY, PENNSYLVANIA.
NO. _____ SESSIONS, 1939
Petition for Appointment of Viewers

RELEASE OF DAMAGES

We, the undersigned, in consideration of the advantages to us from the road mentioned in the annexed petition to lay out the same, do hereby release all claims to damages that may arise to us from the opening, grading, draining, improving and maintaining of the said proposed highway.

IN WITNESS WHEREOF we have hereunto set our hands and seals

this 13th day of May, 1939.

<u>Per. Thomas Hoge</u>	(SEAL)	_____	(SEAL)
<u>John Ceyak</u>	(SEAL)	_____	(SEAL)
<u>Joseph & Rudas</u>	(SEAL)	_____	(SEAL)
<u>George W. Gibson</u>	(SEAL)	_____	(SEAL)
<u>Joseph C. Zuber</u>	(SEAL)	_____	(SEAL)
<u>Annie Magister</u>	(SEAL)	_____	(SEAL)
<u>Charles Magister</u>	(SEAL)	_____	(SEAL)
<u>Andrew D. Duda</u>	(SEAL)	_____	(SEAL)
<u>Albert Roscoe</u>	(SEAL)	_____	(SEAL)
_____	(SEAL)	_____	(SEAL)

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

NO. 4 March SESSIONS, 1939

IN RE: LAYING OUT OF A PUBLIC
ROAD IN THE TOWNSHIP
OF LOWER YODER, COUNTY
OF CAMBRIA, STATE OF
PENNSYLVANIA.

PETITION FOR APPOINTMENT OF VIEWERS

DECREE

RELEASE OF DAMAGES

Filed May-17-1939

SAMUEL R. DI FRANCESCO

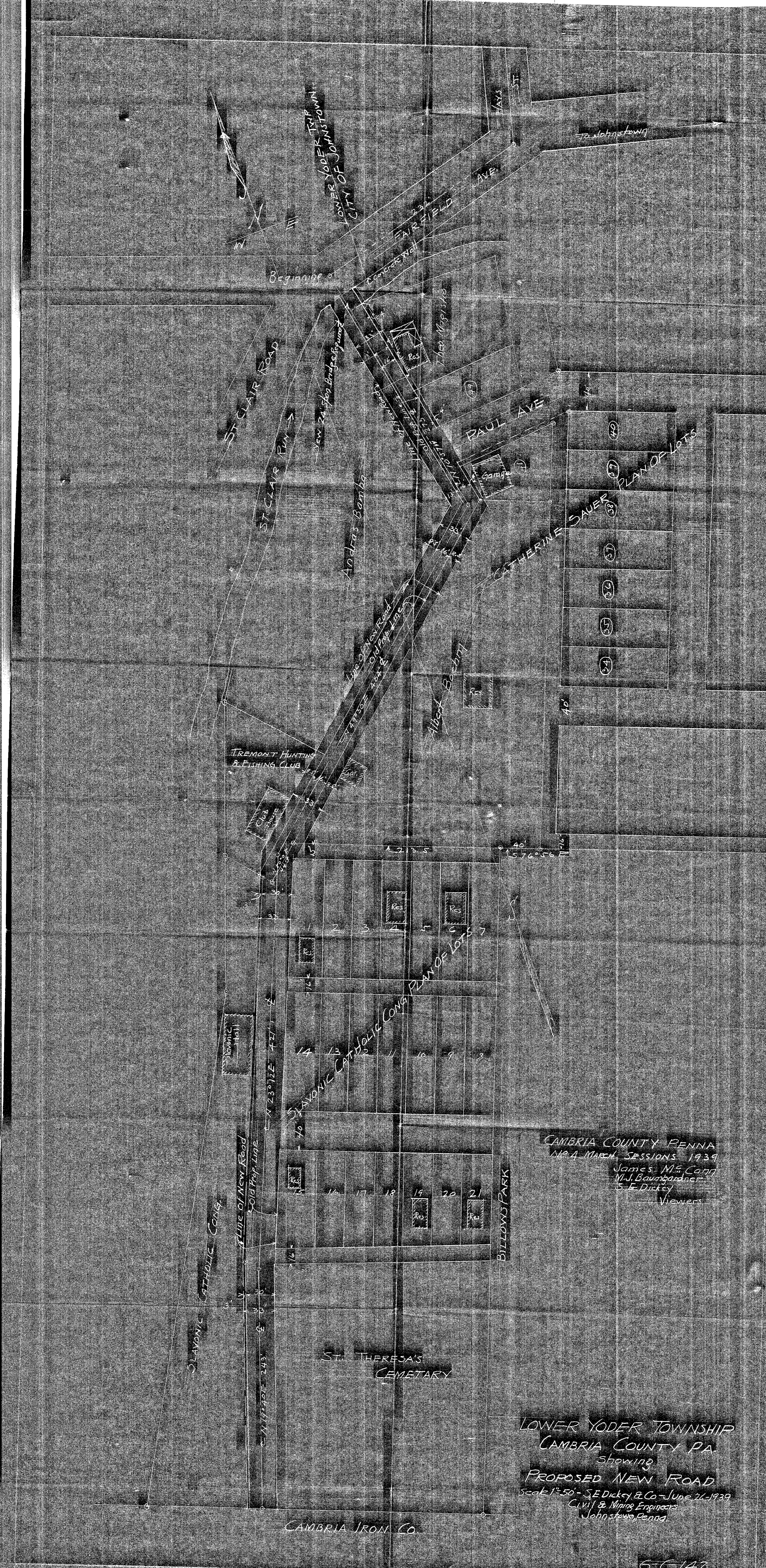
ATTORNEY AT LAW

JOHNSTOWN, PENNSYLVANIA

Not Microfilmed

RD #4 Mar. 1939

Lower Yoder Twp.,
Layout a Public Road



CAMBRIA COUNTY PENNA
 NR 4 MARCH SESSIONS 1939
 James M. Carr
 M. J. Baumgardner
 S. F. Dickey
 Viewers

LOWER YODER TOWNSHIP
 CAMBRIA COUNTY PA
 showing
 PROPOSED NEW ROAD
 Scale 1"=50' - S. E. Dickey & Co. - June 26, 1939
 Civil & Mining Engineers
 Johnstown, Penna.

CAMBRIA IRON CO.