

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

§ In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
§ No. *3* Dec. Sessions, 1936.

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 aforesaid, 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 the intersection of Berkley Road, a public road in said Township, at a  
point one hundred thirty-one and one-hundredth (131.01) feet south of the  
southerly side of Derby Street, a public street in the City of Johnstown,  
and extending in a westerly direction, and ending at the intersection of said  
proposed road with the easterly side of Northwood Avenue, the center line of  
said proposed line at the point of junction with the said Northwood Avenue  
being one hundred twenty-four and thirty-five hundredths (124.35) feet south  
of the southerly side of the aforesaid Derby Street, measured along the  
easterly side of Northwood Avenue; the distance from the place of beginning  
of said proposed road to the place of ending extending South 83° 27' West  
six hundred sixty-one and three tenths (661.3) feet.

The exact distance from the point of beginning of the said  
proposed road, as set forth in this petition, from an intersecting public road  
or street, to-wit, Derby Street, is one hundred thirty-one and one hundredth  
(131.01) feet; and the exact distance from the point of ending of the said  
proposed road, as set forth in this petition, from an intersecting public road  
or street, towit, Derby Street, is one hundred twenty-four and thirty-five  
hundredths (124.35) feet.

A print showing the location of said proposed road, as above  
described, is hereto attached, made part hereof and marked "EXHIBIT A".

The public road desired to be opened, as herein set forth, is in a built up section of the said Township of Upper Yoder and is of the type only known as an alley and is not an intricate part of a through route. The width of said proposed alley or public road, as shown on the print hereto attached, is fourteen and seven tenths (14.7) feet, but the abutting property owners residing within the Township, for the purpose of increasing the width to not less than fifteen (15) feet, have dedicated a strip of ground six (6) inches in width on either side of said proposed alley and extending the full length thereof within the aforesaid Township, as shown on "EXHIBIT C" hereto attached. A portion of said proposed alley or public road lies within the City of Johnstown, being that portion along the northerly side of Lot No. 9 and along the northerly side of part of Lot No. 10, as shown on the attached print, "EXHIBIT A".

A copy of written notice to the Supervisors of said Upper Yoder Township 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 release the said Township of Upper Yoder from any damages they have sustained or may seem likely to sustain by reason of the said 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 such road, and if they see the necessity therefor, lay out the same and make a report of this proceedings to the next sessions of Court.

<u>Fred L. Barnhart, Upper Yoder Twp.</u>	<u>6</u>	<u>John Henneke</u>
<u>Laura Barnhart, Upper Yoder Twp.</u>		<u>Myrtle F. Henneke</u>
<u>Sarah M. Coleman, Upper Yoder Twp.</u>		<u>Wilbur Merry</u>
<u>Ephraim Coleman, Upper Yoder Twp.</u>		<u>Myrtle F. Merry</u>
<u>Samuel H. Barnhart</u>		
<u>Ida M. Lambert</u>		
<u>Oscar E. Mulhollen</u>		
<u>Elfreda L. Mulhollen</u>		

[illegible]

COMMONWEALTH OF PENNSYLVANIA

:

: SS:

COUNTY OF CAMBRIA

:

Personally appeared before me, a Notary Public in and for said State and County, *Fred L. 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 said petition are true and correct.

Sworn and subscribed before me  
this *25th* day of January, 1937.

*Fred L. Barnhart*

*W. H. Muller*  
My Commission Expires  
March 3 1937

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

¶ In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
¶ No. Sessions, 1937.

PRELIMINARY ORDER

NOW, January *25<sup>th</sup>*, 1937, the within petition having been  
presented and considered, a Rule is granted upon the Commissioners of Cambria  
County, Pennsylvania, to show cause, if any they have, why Viewers should not  
be appointed as within prayed for; and said Rule is returnable at ten o'clock  
A. M., *Feb'y 9<sup>th</sup>*, 1937. Service of the Rule, together with a copy  
of this petition, shall be made upon the said County Commissioners not less  
than ten (10) days before the said return day.

*By the Court*  
*Hung*

ACCEPTANCE OF SERVICE BY THE  
COMMISSIONERS OF CAMBRIA COUNTY,  
PENNSYLVANIA

NOW, January *25*, 1937, service of the above Rule is hereby  
accepted, together with a copy of the within Petition.

*H. F. Doan*  
*clerk*

*Feb'y 15-1937*  
*Rule set aside*  
*By the Court*  
*McKenrick*

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

§ In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
§ No. Sessions, 1937.

DECREE

AND NOW, this 15 day of February, 1937, the  
within petition having been read and considered, the Court appoints  
L. E. Dietz and James McCann  
and L. E. Kayler Viewers to view the road herein  
referred to and make a report of their proceedings to the next term of the  
Court of Quarter Sessions of said County.

By the Court  
McKenrick

EXHIBIT      B

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

§    In the Court of Quarter Sessions  
:    of Cambria County, Pennsylvania.  
:  
§    No.                                  Sessions, 1937.

NOTICE TO SUPERVISORS

TO CURT BARNHART, D. H. WEIMER and EPHRAIM HERSHBERGER, SUPERVISORS OF UPPER  
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 said County, at ten o'clock A. M., the                  day of January, 1937, asking the Court for the appointment of Viewers to view and lay out a proposed road in the Township of Upper Yoder, to begin at the intersection of Berkley Road, a public road in said Township, at a point one hundred thirty-one and one-hundredth (131.01) feet south of the southerly side of Derby Street, a public street in the City of Johnstown, and extending in a westerly direction, and ending at the intersection of said proposed road with the easterly of Northwood Avenue, the center line of said proposed line at the point of junction with the said Northwood Avenue being one hundred twenty-four and thirty-five hundredths (124.35) feet south of the southerly side of the aforesaid Derby Street, measured along the easterly side of Northwood Avenue; the distance from the place of beginning of said proposed road to the place of ending extending South 83° 27' West six hundred sixty-one and three tenths (661.3) feet.

The exact distance from the point of beginning of the said proposed road, as set forth in this petition, from an intersecting public road or street, to-wit, Derby Street, is one hundred thirty-one and one hundredths (31.01) feet; and the exact distance from the point of ending of the said proposed road, as set forth in this petition, from an intersecting public road or street, to-wit, Derby Street, is one hundred twenty-four and thirty-five hundredths (124.35) feet.

ATTORNEYS FOR PETITIONERS

\_\_\_\_\_, 1937, service of the above stated  
notice is hereby accepted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

Exhibit C

TO THE SUPERVISORS OF UPPER YODER TOWNSHIP,  
CAMBRIA COUNTY, PENNSYLVANIA.

Petition and release of damages in re: the  
dedication of additional width, opening,  
grading and maintaining of a certain  
dedicated highway in Upper Yoder Township.

We, the undersigned, your petitioners, respectively  
represent:

That we are Residents or Owners of lots abutting on the  
Alley between Derby Street, in the City of Johnstown, and Jefferson  
Street, in Upper Yoder Township, and extending from Berkley Road  
to Northwood Avenue, all in Upper Yoder Township, Cambria County,  
Pa., excepting a short section back of lot No. 9, said Alley being  
shown on the Isaac D. Barnhart Estate Plan of Lots as recorded in  
the Recorders Office for Cambria County at Ebensburg, Pa., in Plot  
Book 2 at Page 8. That we are very much inconvenienced on account  
of the unimproved condition of said highway, which is necessary  
for traveling to and from buildings on said lots.

THEREFORE, for the purpose of increasing the width of  
said Alley from fourteen (14') feet to fifteen (15') feet, the  
minimum legal width, we, the undersigned, do hereby dedicate a  
strip of ground six (6") inches in depth extending across the rear  
of each of our lots, respectively, for highway purposes.

FURTHER, we respectively petition the Board of Super-  
visors of Upper Yoder Township to enact proper resolutions adopt-  
ing and accepting the above named dedicated highway and the  
additional width above dedicated as a Township Highway, and to  
grade, drain and improve same.

IN CONSIDERATION OF the accepting, opening, grading,  
draining, improving and maintaining of said dedicated highway and  
additional width above referred to, we, the undersigned owners of  
property abutting thereon, do hereby release the said Township of  
Upper Yoder from any damages we have sustained or may seem likely  
to sustain by reason of the said accepting, opening, grading,  
draining, improving and maintaining of said highway and additional  
width above mentioned.

Witness our hands and seals this 5th day of SEPTEMBER  
A. D. 1936.

I. L. Lamber  
W. B. Kallen  
Osborn C. Muhl  
Chas. R. Moore  
Chas. L. Foster

Herbert S. Barnhart  
Ob. L. R. R. R.  
Ob. L. R. R. R.  
Fred L. Barnhart  
Harry H. H. H.  
Elmer A. Giffitt  
J. J. Livingston

George Haselbauer

Benjamin Smith

John Hencke

H. D. Kemmerer

Gustav Cidenbock

Boyd E. Coleman

No. *3* Dec. Sessions, 1936.  
In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.

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

PETITION FOR APPOINTMENT OF  
VIEWS and DECREE

*Filed: Jan. 25, 1937*

*Feb. 8<sup>th</sup>*

LAW OFFICES  
BARNHART & ADAMS  
JOHNSTOWN, PENNA.

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

TO THE SUPERVISORS OF UPPER YODER TOWNSHIP  
CAMBRIA COUNTY, PENNSYLVANIA.

Petition and release of damages in re: the  
opening, grading and maintaining of a  
certain dedicated highway in Upper Yoder  
Township.

We, the undersigned, your petitioners, respectively  
represent:

That we are Residents or Owners of lots abutting on the  
Alley between Derby Street, in the City of Johnstown, and  
Jefferson Street, in Upper Yoder Township, and extending from  
Berkley Road to Northwood Street, all in Upper Yoder Township,  
Cambria County, Pa., excepting a short section back of lot No. 9,  
said alley being shown on the Isaac D. Barnhart Estate Plan of  
Lots as recorded in the Records Office for Cambria County at  
Ebensburg, Pa., in Plot Book 2 at Page 8. That we are very much  
inconvenienced on account of the unimproved condition of said  
highway, which is necessary for traveling to and from buildings  
on said lots.

THEREFORE, we respectively petition the Board of Super-  
visors of Upper Yoder Township to enact proper resolutions adapt-  
ing and accepting the above named dedicated highway as a Township  
Highway, and to grade, drain and improve same.

IN CONSIDERATION OF the accepting, opening, grading,  
draining, improving and maintaining of said dedicated highway above  
referred to, we, the undersigned owners of property abutting  
thereon, do hereby release the said Township of Upper Yoder from  
any damages we have sustained or may seem likely to sustain by  
reason of the said accepting, opening, grading, draining, improv-  
ing and maintaining of said highway above mentioned.

Witness our hands and seals this 31 day of January  
A. D. 1936

Oscar C. Mulhollen ✓

Alfreda L. Mulhollen ✓

Harry Hirschinger ✓

S. R. Eidembock ✓

Fred L. Barnhart ✓

Laura Barnhart ✓

H. B. Raffensperger ✓

Alice Raffensperger ✓

Herbert L. Barnhart ✓

W. J. Reom ✓

Mrs. Flora Reom ✓

H. D. Keimner ✓

Mary Kemmer

Geo. Bird

Elmer R. Griffith ✓

L. Violet Griffith

Miss Emma Coleman

Sarah M. Coleman

Ephraim Coleman ✓

John Henneke ✓

Myrtle Henneke

Evan Henneke ✓

W. J. Reom

Samuel J. Lambert

J J Livingston  
Mrs Rose Livingston

Laura Schwing  
Jos. Schwing

Mary V. Burke Estate  
" Herbert S. Paulk, Adm.

In Re: Proposed Public Road  
in Upper Yoder Township,  
Cambria County, Pa.

In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 3, December Sessions, 1936

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 or as Road Viewers of Cambria  
County, as shown by the records of the Court or the oath hereto  
attached; that having given due public notice of the said view  
and of the time and place of meeting, by posting notices as  
required by the 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 and  
the City of Johnstown, acceptance of service of said notice by  
the County Commissioners, the Supervisors of Upper Yoder Township  
by their Solicitor and the City of Johnstown by their Solicitor  
being hereto attached; that we met in accordance with the notice  
given on the 2nd day of March A. D. 1937 at 1:30 o'clock P. M.  
for the purpose of performing the duties of our appointment; all  
viewers named in the order to view were present; that we viewed  
the premises and the site of the proposed road or highway, which  
is an Alley between Derby Street in the City of Johnstown and  
Jefferson Street in Upper Yoder Township; that a portion of said  
proposed highway extending across the 30 foot street leading from  
Derby Street and at the rear of Lot No. 9 is in the City of  
Johnstown, said City line being extended so as to include Lot  
No. 9 in the City of Johnstown; practically all of the lots on



Jefferson Street are occupied with a good class of dwelling houses which have a large number of garages at the rear of the lots which are only accessible by using said Alley or proposed highway; also there are several garages at the rear of the buildings on Derby Street which use this same Alley or proposed highway; after viewing the premises and taking into consideration all matters before us, we are of the opinion that said proposed highway is necessary and proceeded to lay same out, as follows: Beginning at the intersection of said proposed new highway with the westerly side of Berkley Road, a public highway in Upper Yoder Township, at a point S. 12° 16' W. 131.01 feet from the southerly side of Derby Street, a public highway in the City of Johnstown, thence S. 83° 27' W. a distance of 661.3 feet to the place of ending at the intersection of said proposed new highway with the easterly side of Northwood Avenue, a public road in Upper Yoder Township, said place of ending being southwardly a distance of 124.35 feet from the southerly side of Derby Street aforesaid, all of which is colored green on the blue print hereto attached and made a part hereof.

That the proposed public road desired to be opened is in a built-up section and is the type of highway known as an Alley and is not an intrical part of a through route. The width of said Alley as dedicated on the Isaac D. Barnhart Estate Plan of Lots is only 14 feet, but we are informed the petition for said proposed new highway contains a release of damages and a dedication by the abutting property owners, for the purpose of increasing the width of said Alley to not less than 15 feet the minimum width provided for by the Act of Assembly, have dedicated a strip of ground 6 inches in width on either side of said proposed Alley and extending the full length thereof, therefore, we recommend that

the prayer of the Petitioners be granted. In consideration of the benefits and damages already sustained or that may seem likely to sustain by reason of the opening, grading, draining, improving and maintaining of said proposed new highway, we assess no benefits and no damages to the abutting property owners.

Witness our hands this 3rd day of March A. D. 1937.

S. E. Dickey  
James M. Carr  
W. E. Taylor  
Viewers

In Re: Proposed Public Road  
in Upper Yoder Township,  
Cambria County, Pa.

In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 3, December Sessions, 1936

To S. E. DICKEY, JAMES McCANN & L. E. KAYLOR Dr.

To S. E. DICKEY Dr.

Data, preparing, posting & serving notices of view	\$ 12.00
Mileage, 6 miles @ 10 cts.	.60
Stenographer & stationery	1.85
Making View	12.00
Mileage, 6 miles @ 10 cts.	.60
Preparing maps, lettering & coloring prints	6.00
Blue prints	1.00
Data, preparing report and filing	12.00
Stenographer & stationery	2.50

This also includes work on Nos. 1 & 2,  
December Sessions, 1936

Total

\$ 48.55

APPROVED FOR PAYMENT

*John D. ...*

*Frank P. ...*  
COMMISSIONER

CERTIFIED  
COUNTY COMPTROLLER  
*...*

In Re: Proposed Public Road  
in Upper Yoder Township,  
Cambria County, Pa.

In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 3, December Sessions, 1936

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view the premises to determine as to the necessity for a public road as prayed for by the petitioners, beginning at the intersection of the proposed road with Berkley Road, a public road in said Township of Upper Yoder, at a point 131.01 feet south of the southerly side of Derby Street, a public street in the City of Johnstown, and ending at the intersection of said proposed road with the easterly side of Northwood Avenue at a point 124.35 feet south of the southerly side of the aforesaid Derby Street, will meet at the place of beginning of said proposed road on the 2nd day of March A. D. 1937 at 1:30 o'clock P. M. for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

S. E. DICKEY ✓  
JAMES McCANN  
L. E. KAYLOR

Feb. 19, 1937

Viewers

Nos this 20<sup>th</sup> day of February A. D. 1937, service of the above notice is hereby accepted for the City of Johnstown.

By William H. Kaylor  
Solicitor  
City of Johnstown.

In Re: Proposed Public Road  
in Upper Yoder Township,  
Cambria County, Pa.,

I In the Court of Quarter Sessions  
I of Cambria County, Penna.  
I No. 3, December Sessions, 1936

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view the premises to determine as to the necessity for a public road as prayed for by the petitioners, beginning at the intersection of the proposed road with Berkley Road, a public road in said Township of Upper Yoder, at a point 131.01 feet south of the southerly side of Derby Street, a public street in the City of Johnstown, and ending at the intersection of said proposed road with the easterly side of Northwood Avenue at a point 124.35 feet south of the southerly side of the aforesaid Derby Street, will meet at the place of beginning of said proposed road on the 2nd day of March A. D. 1937 at 1:30 o'clock P. M. for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

Feb. 19, 1937

S. E. DICKEY  
JAMES McCANN  
L. E. KAYLOR

Viewers

Now this 20 day of February A. D. 1937, service of the above notice is hereby accepted by the Supervisors of Upper Yoder Township.

By Frank P. Reinhardt  
Solicitor

In Re : Proposed Public Road  
in Upper Yoder Township,  
Cambria County, Pa.

In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 3, December Sessions, 1936

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view the premises to determine as to the necessity for a public road as prayed for by the petitioners, beginning at the intersection of the proposed road with Berkley Road, a public road in said Township of Upper Yoder, at a point 131.01 feet south of the southerly side of Derby Street, a public street in the City of Johnstown, and ending at the intersection of said proposed road with the easterly side of Northwood Avenue at a point 124.35 feet south of the southerly side of the aforesaid Derby Street, will meet at the place of beginning of said proposed road on the 2nd day of March A. D. 1937 at 1:30 o'clock P. M. for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

Feb. 19, 1937

S. E. DICKEY  
JAMES McCANN  
L. E. KAYLOR

Viewers

Now this 24<sup>th</sup> day of February A. D. 1937, service of the above notice is hereby accepted by the Commissioners of Cambria County.

By

H. F. Jones  
Chief Clerk

In Re: Proposed Public Road  
in Upper Yoder Township,  
Cambria County, Pa.,

In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 3, December Sessions, 1936

NOTICE OF VIEW

We, the undersigned Viewers, appointed by the above named Court, to view the premises to determine as to the necessity for a public road as prayed for by the petitioners, beginning at the intersection of the proposed road with Berkley Road, a public road in said Township of Upper Yoder, at a point 131.01 feet south of the southerly side of Derby Street, a public street in the City of Johnstown, and ending at the intersection of said proposed road with the easterly side of Northwood Avenue at a point 124.35 feet south of the southerly side of the aforesaid Derby Street, will meet at the place of beginning of said proposed road on the 2nd day of March A. D. 1937 at 1:30 o'clock P. M. for the purpose of performing the duties of our appointment and the taking of testimony, at which time and place all interested persons may appear.

Feb. 19, 1937

S. E. DICKEY  
JAMES MCCANN  
L. E. KAYLOR

Viewers

In Re: Proposed Public Road  
in Upper Yoder Township,  
Cambria County, Pa.,

In the Court of Quarter Sessions  
of Cambria County, Penna.  
No. 3, December Sessions, 1936

OATH OF ROAD VIEWER

You and every of you do swear ~~on solemnly, sincerely~~  
~~and truly declare and affirm~~ that as viewers for the purpose  
mentioned in this order, you will perform the duties of your  
appointment impartially and according to the best of your  
judgment. So help you God ~~and so you affirm.~~

Sworn and subscribed to before  
me this 2nd day of March A. D.  
1937.

Mary F. Willett  
Notary Public  
My Com. Expires April 8, 1939

Louis E. Taylor



NO. 3, December SESSIONS, 1926

Order to view Public Highway in  
Upper Yoder Township, Cambria County.

Filed: Mar. 3, 1937

S. E. Dickey

James McCann

L. E. Kaylor

Viewers

Clerk

CERTIFIED

90 cts.

*Henry P. Brown*

COUNTY CONTROLLER

8 March 1937. Approved and breadth fixed at  
fifteen feet.

By the Court.

McKenrick

14 June 1937. Infirmed absolutely  
for Jones  
Chatt (15)

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."

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 25th day of January A. D. 1927, 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 incon-

venience for want of a Public road or highway, to ~~begin~~ begin at the intersection of Berkley Road, a public road in said Township, at a point one hundred thirty-one and one hundredth (131.01) feet south of the southerly side of Derby Street, a public street in the City of Johnstown, and extending in a westerly direction, and ending at the intersection of said proposed road with the easterly side of Northwood Avenue, the center line of said proposed line at the point of junction with the said Northwood Avenue being one hundred twenty-four and thirty-five hundredths (124.35) feet south of the southerly side of the aforesaid Derby Street, measured along the easterly side of Northwood Avenue; the distance from the place of beginning of said proposed road to the place of ending, South 83 degrees 27' West six hundred sixty-one and three tenths (661.3) feet.

The exact distance from the point of beginning of the said proposed road, as set forth in this petition, from an intersecting public road or street, to-wit, Derby Street, is one hundred thirty-one and one hundredth (131.01) feet; and the exact distance from the point of ending of the said proposed road, as set forth in this petition, from an intersecting public road or street, to-wit, Derby Street, is one hundred twenty-four and thirty-five hundredths (124.35) feet.

The public road desired to be opened, as herein set forth, is in a built up section of the said Township of Upper Yoder and is of the type only known as an alley and is not an intrical part of a through route. The width of said proposed alley or public road, as shown on the print hereto attached, is fourteen and seven-tenths (14.7) feet, but the abutting property owners residing within the Township, for the purpose of increasing the width to not less than fifteen (15) feet, have dedicated a strip of ground six (6) inches in width on either side of said proposed alley and extending the full length thereof within the aforesaid Township, as shown on "Exhibit C" hereto attached. A portion of said proposed alley or public road lies within the City of Johnstown, being that portion along the northerly side of lot No. 9 and along the northerly side of part of Lot No. 10, as shown on the attached print, "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

S. E. Dickey

surveyor, and

James McCann and L. E. Kaylor

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.

No. 3 *Dec.* Sessions, 1936  
In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.  
PETITION FOR APPOINTMENT OF VIEWERS

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

B O N D

January *25<sup>th</sup>*, 1937, the within  
Bond approve.d.

*By the Court*

*Young*

*Filed: Feb. 15, 1937*

LAW OFFICES  
BARNHART & ADAMS  
JOHNSTOWN, PENNA.

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

N

¶ In the Court of Quarter Sessions  
: of Cambria County, Pennsylvania.  
:  
¶ No. 3 Dec Sessions, 1936

B O N D

KNOW ALL MEN BY THESE PRESENTS that we

Frederick Merry and Fred L. Bauschert, both of Upper Yoder Township, Cambria County, Pennsylvania, are held and firmly bound unto the County of Cambria, aforesaid, in the sum of FIFTY (50) DOLLARS lawful money of the United States to be paid to the said County of Cambria, to which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators and every of them firmly by these presents. SEALED and dated the 15 day of Feb, 1937.

WHEREAS, Fred L. Bauschert, et al, have presented a Petition to the Court of Quarter Sessions of Cambria County, Pennsylvania, praying for the appointment of Viewers to view and locate the above mentioned road in said Township of Upper Yoder, to begin at the intersection of Berkley Road, a public road in said Township, at a point one hundred thirty-one and one-hundredths (131.01) feet south of the southerly side of Derby Street, a public street in the City of Johnstown, and extending in a westerly direction, and ending at the intersection of said proposed road with the easterly side of Northwood Avenue, the center line of said proposed line at the point of junction with the said Northwood Avenue being one hundred twenty-four and thirty-five hundredths (124.35) feet south of the southerly side of the aforesaid Derby Street, measured along the easterly side of Northwood Avenue; the distance from the place of beginning of said proposed road to the place of ending extending South 83° 27' West six hundred sixty-one and three tenths (661.3) feet.

The exact distance from the point of beginning of the said proposed road, as set forth in this aforementioned petition, from an intersecting public road or street, to-wit, Derby Street, is one hundred thirty-one and one hundredths (131.01) feet; and the exact distance from the point of ending of the said proposed road, as set forth in this aforementioned petition, from

an intersecting public road or street, to-wit, Derby Street, is one hundred twenty-four and thirty-five hundredths (124.35) feet; and

WHEREAS, the said Court has appointed Viewers for the purpose aforesaid;

NOW THE CONDITION OF THIS OBLIGATION IS SUCH that if the above bounden Frederic Werry and Frederic L. Barnhart, their heirs, executors, or administrators, or any of them, shall and do well and truly pay or cause to be paid unto the said County of Cambria a sufficient sum to pay for the purpose of viewing the above mentioned road, if the Court shall so direct, when the same is concluded, then this obligation to be void or else remain in full force and effect.

Signed, sealed and delivered  
in the presence of

Thyde S. Werry  
Laura Barnhart

Frederic Werry (SEAL)  
Frederic L. Barnhart (SEAL)