No. 6 Dec. Sessions, 1937 In the Court of Quarter Sessions of Cambria County, Pennsylvania.

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

PETITION FOR APPOINTMENT OF VIEWERS and DECREE,

Filed: March 1, 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 In the Court of Quarter Sessions of Cambria County, Pennsylvania.

No. 6 Dec. Sessions, 1937

#### 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 the proposed public road, known as Derby Street, with Atwood Street, a public road in said Township of Upper Yoder; thence continuing from the center line of said proposed road with its junction at said Atwood Street North 35° 32' East three hundred twenty-eight and five hundredths (328.05) feet; thence North 33° 47' East four hundred thirty-seven and seventy hundredths (437.70) feet; thence North 35° 20' East five hundred seventy-ane and six tenths (571.6) feet to the intersection of Cannon Street, a township road.

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, Berkley Road, in the said Township of Upper Yoder, is five hundred eighty-five (585) feet, measured along the center line of said Atwood Street to the center line of said Berkley Road; 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, Warren Street, in said Township of Upper Yoder, is six hundred twenty (620) feet, measured along the center line of said Camon Street to the center line of said Warren Street.

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

A copy of written notice to the Supervisors of said Upper Yoder

Township of the intended presentation of this application, with an 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 all damages by reason of the opening, grading, draining, improving and maintaining the said proposed highway, is hereto attached, made part hereof and marked "EXHIBIT C".

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 to the next sessions of Court.

COMMONWEALTH OF PENNSYLVANIA

SS:

COUNTY OF CAMBRIA

State and County, I 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 2.3 day of Pebruary, 1937.

SPOR LESSON EXELECT SHEET SPENDER

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.

Desthe Caury Mexercian

No.

Sessions, 1937.

### PRELIMINARY ORDER

Now, February , 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., February M. 1937. Service of this 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.

ACCEPTANCE OF SERVICE BY THE COMMISSIONERS OF CAMBRIA COUNTY, PENNSYLVANIA.

Now, February , 1937, service of the above Rule is hereby accepted, together with a copy of the within Petition.

:

HIGHWAY IN THE TOWNSHIP OF UPPER YODER, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA.	ğ : Q		urt of Quarter Sessions a County, Pennsylvania. Sessions, 1937
AND NOW, this / day having been read and considered, the	Court ap	opoints S.	the within petition  E. Dickey  Ultumand  the road herein
referred to and make a report of their Court of Quarter Sessions of said Cour		edings to the	e next term of the
	-	By t	te Court

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#### 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 YOUER 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 February, 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 the proposed public road, known as Derby Street, with Atwood Street, a public road in said Township of Upper Yoder; thence continuing from the center line of said proposed road with its junction at said Atwood Street North 35° 32' East three hundred twenty-eight and five hundredths (328.05) feet; thence North 35° 47' East four hundred thirty-Seven and seventy-one and six tenths (571.6) feet to the intersection of Camon Street, a township road.

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: Berkley Road, in the said Township of Upper Yoder, is five hundred eighty-five (585) feet, measured along the center line of said Atwood Street to the center line of said Berkley Road; 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, Warren Street, in said Township of Upper Yoder, is Six hundred twenty (620) feet, measured along the center line of said Cannon Street to the center line of said Warren Street.

Bauchart Adams
ATTORNEYS FOR PETITIONERS

i	s hereby acce	March!	, 1937, s	ervice of the a	bove stated r	otice
				DAMA lunto	iner Errelear	L
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#### EXHIBIT C

IN RE LAYING OUT OF A PUBLIC HIGHWAY IN THE TOWNSHIP OF UPPER YOUER, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA. Ø In the Court of Quarter Sessions \$

of Cambria County, Pennsylvania.

No. Sessions, 1937.
PETITION FOR APPOINTMENT OF VIEWERS

#### RELEASE OF DAMAGES

We, the undersigned, in consideration of the advantages to us from	מכ
the road mentioned in the amexed 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 said proposed highway.	

IN WITNESS WHEREOF we have hereunto set our hands and seals this day of February, 1937.

No	. 6	De	٥.	Session	ons,	1936
In	the	Court o	î	Quarter y, Penns	Ses	sions

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

# BOND

February , 1937, the within Bond approved.

Mekenick

Tiled: March 1, 1937

BARNHART & ADAMS
JOHNSTOWN, PENNA.

LAW OFFICES

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. 6 Dec. Sessions, 193%

PETITION FOR APPOINTMENT OF VIEWERS

#### BOND

and Curl Burnhard. 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 \_\_/al\_\_\_ day of March.

Rebruary, 1937.

WHEREAS, Alarth Blanch, 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 the said Township of Upper Yoder, to begin at the intersection of the proposed public road, known as Derby Street, with Atwood Street, a public road in said Township of Upper Yoder; thence continuing from the center line of said proposed road with its junction at said Atwood Street North 35° 32' East three hundred twenty-eight and five hundredths (328.05) feet; thence North 33° 47' East four hundred thirty-seven and seventy hundredths (437.70) feet; thence North 35° 20' East five hundred seventy-one and six tenths (571.6) feet to the intersection of Camon Street, a township road.

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, Berkley Road, in the said Township of Upper Yoder, is five hundred eighty-five (585) feet, measured along the center line of said Atwood Street to the center line of said Berkley Road; 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, Warren Street, in said Township of Upper Yoder, is six hundred twenty (620) feet, measured along the center line of said Cannon Street to the center line of said Warren Street; and

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

NOW THE CONDITION OF THIS OBLIGATION IS SUCH that if the above D. W. Weemer and Curk Bernhark 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

CertBarnhart. (SEAL)

No. 6 December Sessions 1936
In re Public Road in Upper Yoder Township, Cambria County, Pa.
In the Court of Quarter Session of Cambria County, Pa.
Order to View and
Report of Viewers
S. E. Dickey A. M. Shoemaker James McCann
Viewers
Filed: april 17, 1937
CERTIFIED COUNTY COMM
AND MALES

A STATE OF THE PROPERTY OF THE

14 June 1937. Approved and breadth fixed at thirty three feet. 13 Dept. 1937. Confirmed absolutely Lay out 33 ft.

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, Penna.
No. 6, 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 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 and the Supervisors of Upper Yoder Township, acceptance of service of said notice by the County Commissioners and the Supervisors of Upper Yoder Township by their Solicitor being hereto attached; that we met in accordance with the notice given on the 6th day of April A. D. 1937 at 1:30 o'clock P. M. and proceeded with the duties of our appointment and viewed the premises and route of the proposed new road; that the route of the proposed new road follows Slagle Street and a portion of Center Street, dedicated highways in the Christian Slagle Plan of Lots in Upper Yoder Township; that said proposed new road is now opened and in a good state of improvement; that the acceptance of said proposed new road as a Township Road and part of the Township Highway system will not cause any additional or unusual expense to the Township; that a number of dwelling houses, twelve (12) or more, all occupied by families occupy lots adjoining the proposed new Boad; the viewers named herein were present during the view and the petitioners were represented: that after viewing the

premises, although the ending terminus of said proposed new road is not in an intersecting public highway, we are of the opinion that a necessity exists for proposed new road, therefore, we proceeded to lay out said road as follows: Beginning at the intersection of said proposed road known as Slagle Street with the northerly side of State Highway Route 53 known as Valley Pike at a distance of 1035.0 feet measured along the said Valley Pike in a northeasterly direction from the intersection of another public road known as the Somerset Pike, leading from said Valley Pike to Somerset, thence along the center line of Slagle Street N.32°12'W. 167.0 feet to the center line of Center Street; thence by the center line of Center Street N.63°13'E. 326.0 feet; thence N.72°15'E. 203.3 feet; thence N.84°11'E. 148.1 feet to the place of ending, said ending being at the intersection of the extension of the lot line between lots numbers 2 and 3 on the Christian Slagle Plan of Lots, being the line between property of Florence and Robert Wesley and Milliard D. Meyers at a distance of 844.4 feet from the place of beginning measured along the center line of Slagle Street and Center Street, said proposed new road being colored green on the blue print attached hereto and made a part hereof. The section of the proposed new road indicated as Slagle Street as dedicated is only 30 feet in width which requires the taking of 1.5 feet additional width on either side of said Slagle Street to provide for the minimum width of 33 feet, is hereby laid out and included in said highway.

After taking into consideration all the matters before us, we are of the opinion that the road as prayed for by the petitioners and laid out by us is necessary and convenient, therefore, we recommend that the prayer of the petitioners be granted.

We are informed that releases of damages were filed with the petitions for view, however, in consideration of the benefits and damages sustained or that may seem likely to be sustained by the abutting property owners by reason of the opening and maintaining of said proposed new road, we assess no benefits and no damages.

Witness our hands and seals this 10th day of April A. D. 1937.

Viewers

In Re: Laying out of a Public
Highway in the Township of In the Court of Quarter Sessions
Upper Yoder, County of Cambria of Cambria County, Penna.
and State of Pennsylvania. No. 6, December Sessions, 1936

# To S. E. DICKEY, A. M. SHOEMAKER & JAMES MCCANN Dr.

# To S. E. DICKEY Dr.

Data, preparing, serving & posting notices of view Mileage Stenographer & Stationery Making View Mileage Data, coloring, lettering plans and additional blue prints Data, preparing and filing report Stenographer & Stationery	\$ 12.00 .50 1.50 6.00 .80 6.00 12.00 2.00		40.80
To A. M. SHORMAKER Dr.			
Making View Mileage	\$ 6.00 2.60	\$	8.60
To JAMES McCANN Dr.			
Making View Mileage	<b>8</b> 6.00	<b>\$</b> _	6.80
Making View Mileage Total cost of View			56.20
Total cost of View			

APPROVED FOR PAYMENT

COMMISSIONERS

In Re: Laying out of a Public! Highway in the Township of Upper Yoder, County of Cambria of Cambria County, Penna. and State of Pennsylvania. No. 6, December Sessions, 1

In the Court of Quarter Sessions No. 6, December Sessions, 1936

### NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed public road or highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of the said proposed road known as Slagle Street with the northerly side of State Highway Route 53 known as Valley Pike at a distance of 1035.0 feet measured along the said Valley Pike in a northeasterly direction from the intersection of another public road known as the Somerset Pike, leading from said Valley Pike to Somerset, thence along the center line of Slagle Street N. 32°12' W. 167.0 feet to the center line of Center Street; thence by the center line of Center Street N. 63°13' E. 326.0 feet; thence N. 72°15' E. 203.3 feet; thence N. 84°11' E. 148.1 feet; to the place of ending, said ending being at a distance of 844.4 feet from the place of beginning measured along the center line of Slagle Street and Center Street, will meet at the place of beginning on the 6th day of April A. D. at 1:30 o'clock P. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

March 26, 1937.

S. E. DICKEY A. M. SHOEMAKER JAMES McCANN

Viewers

Now this 27th day of March A. D. 1937, service of the above notice is hereby accepted by the Supervisors of Upper Yoder Township.

In Re: Laying out of a Public ] Highway in the Township of Upper Yoder, County of Cambria

In the Court of Quarter Sessions of Cambria County, Penna. and State of Pennsylvania. No. 6, December Sessions, 1936

# NOTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed public road or highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of the said proposed road known as Slagle Street with the northerly side of State Highway Route 53 known as Valley Pike at a distance of 1035.0 feet measured along the said Walley Pike in a northeasterly direction from the intersection of another public road known as the Somerset Pike, leading from said Valley Pike to Somerset, thence along the center line of Slagle Street N. 32° 12' W. 167.0 feet to the center line of Center Street; thence by the center line of Center Street; thence by the center line of Center Street; thence N. 63° 13' E. 326.0 feet; thence N. 72° 15' E. 203.3 feet; thence N. 84° 11' E. 148.1 feet to the place of ending, said ending being at a distance of 844.4 feet from the place of beginning measured along the center line of Slagle Street and Center Street, will meet at the place of beginning on the 6th day of April A. D. at 1:30 o'clock P. M. for the purpose of performing the duties of our appointment; at which time and place all interested persons may appear. We, the undersigned Viewers appointed by the above named may appear.

March 26, 1937

S. E. DICKEY A. M. SHOEMAKER JAMES MCCANN

Now this M day of Chail A. D. 1937, service of the above notice is hereby accepted by the County Commissioners of Cambria County.

In Re: Laying out of a Public Highway in the Township of Upper Yeder, Sounty of Cambria and State of Pennsylvania.

In the Court of Quarter Sessions of Combrie County, Penna. No. 6, December Sessions, 1936

# ROTICE OF VIEW

We, the undersigned Viewers appointed by the above named Court, for the purpose of viewing for a proposed public road or highway in Upper Yoder Township, Cambria County, Pennsylvania, beginning at the intersection of the said proposed road known as Slagle Street with the northerly side of State Highway Route 63 known as Valley Pike at a distance of 1035.0 feet measured along the said Valley Pike in a northeasterly direction from the intersection of another public road known as the Somerset Pike, leading from said Valley Pike to Somerset, thence along the center line of Slagle Street H. 32 18 W. 167.0 feet to the center line of Center Street; thence by the center line of Center Street; thence N. 63 13 E. 326.0 feet; thence N. 72 15 E. 203.3 feet; thence N. 63 14 E. 145.1 feet; to the place of ending, said ending being at a distance of 846.4 feet from the place of beginning measured along the center line of Slagle Street and Center Street, will meet at the place of beginning on the 6th day of April A. D. at 1:30 o'clock P. H. for the purpose of performing the duties of our appointment, at which time and place all interested perset.

March 36: 1937.

S. F. DICKTY A. H. SHCEMAKER JAMES MCCAUN

Mamore



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

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

No. 6 Dec. Sessions, 1986.

# PETITION FOR APPOINTMENT OF VIEWERS

TO THE HONORABLE, THE JUDGES OF THE COURT OF QUARTER SESSIONS IN AND FOR CAMERIA 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 junction of said proposed road and Valley Pike, the center line of said proposed road being eastwardly a distance of ten hundred thirty-five (1035) feet from the intersection of a public highway leading from the said Valley Pike to Somerset, said proposed road having the following courses and distances:

Thence by the center line of Slagle Street North 32° 12' West one hundred sixty-seven (167) feet to center line of Center Street; thence by Center Street North 63° 13' East three hundred twenty-six (326) feet; thence North 72° 15' East two hundred three and three tenths (203.3) feet; thence North 64° 11' East one hundred forty-eight and one-tenth (148.1) feet to the place of ending.

The exact distance from the point of beginning of said proposed road, as set forth in this petition, from an intersecting public road or street, to-wit, the intersection of the aforesaid junction of Valley Pike and a public road to Somerset, is ten hundred thirty-five (1035) feet, measured from the center line of said public road to Somerset and said Alley Pike to the center line of said Slagle Street.

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

Your petitioners further represent that notwithstanding the fact that one of the termini nemed in the said petition; namely, the point of ending of said proposed road, is at a point other than in a public highway or place

11. 184. 25

of public resort, that the said proposed road is one necessary for public travel.

A copy of written notice to the Supervisors of said Upper Yoder.

Township of the intended presentation of this application, with an acceptance of service thereon, is hereto attached, made part hereof and marked "EXHIRIT B".

A release of damages, whereby the owners of property abutting the aforesaid proposed road release the said Township of Upper Yoder from all damages by reason of the opening, grading, draining, improving and maintaining the said proposed highway, is filled to No. 5 March Sessions, 1954.

Your petitioners therefore pray the Court to appoint three members

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

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

No. 6 Dec . Sessions, 1936.

### DECREE

AND	NOW, this 15 7	day of light	reary, 1937	, the wit	thin petit	ion
having been rea	ad and considered	i, the Court	appoints	S. F. I	)ic Kei	
	akcR and					
			Viewers to	view the	road here	in
referred to an	d make a report o	of their proc	edings to	the next	term of t	he
Court of Quarte	er Sessions of se	aid County.				
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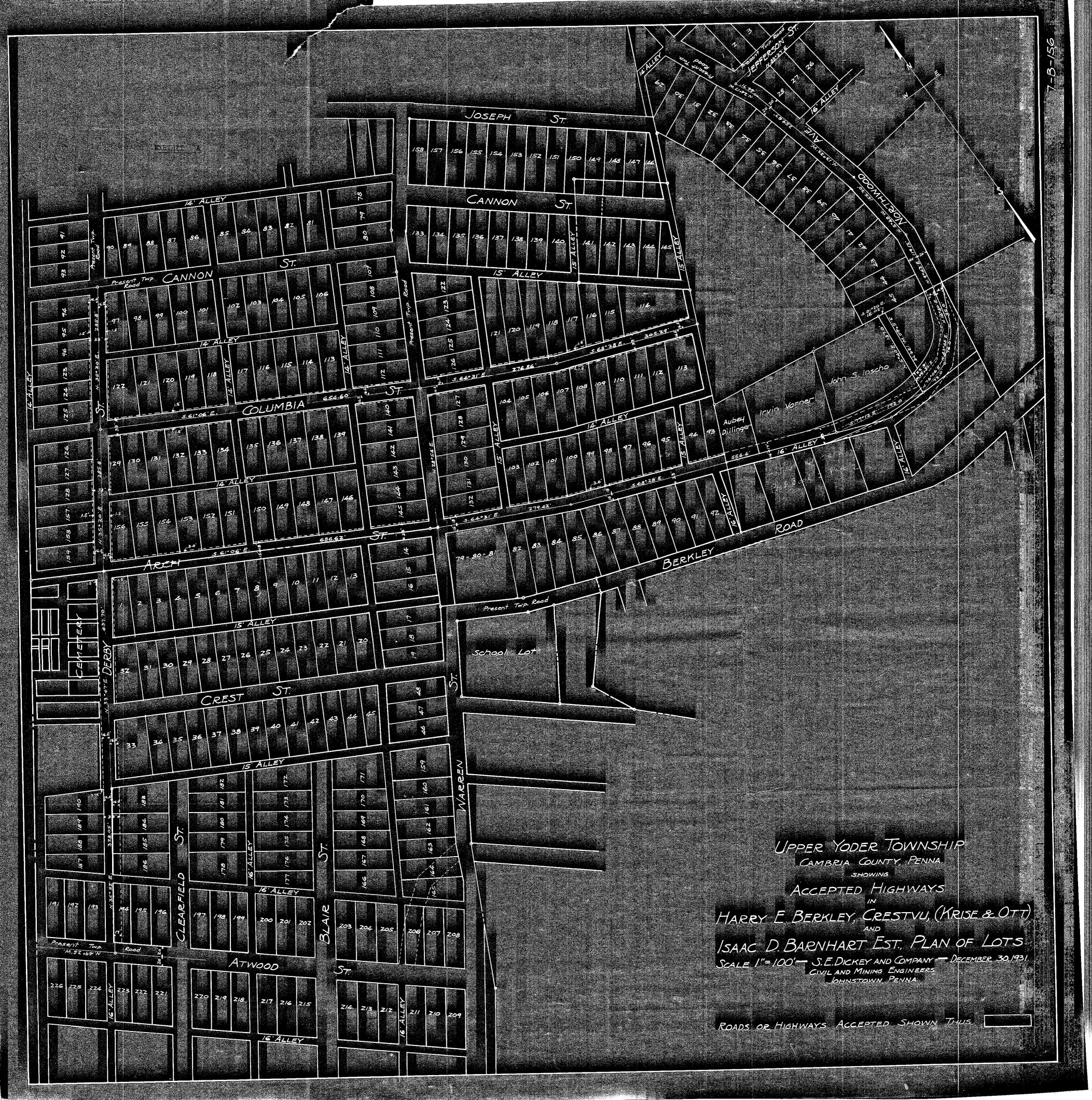
My the Court Mylenrick. S.

Extract from the Record.

Certified this 15th day of March A. D. 1937.

CLERK OF COURTS

R.D.#6 Dec. 1936 Map #1 Not Micrafilmed



R.D. #6 Dec. 1936 Map #2 Not Micrafilmed

