

No. 9... 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
VIEWERS

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. 9 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 Warren Street, a public road in said Township of Upper
Yoder and the proposed road known as Columbia Street; thence continuing from
the center line of said Warren Street, a public highway, along the center line
of the proposed road known as Columbia Street South $64^{\circ} 31'$ East two hundred
seventy-six and eighty-six hundredths (276.86) feet; thence by same South 68°
28' East three hundred five and twenty-nine hundredths (305.29) feet to the
easterly side of a fifteen (15) foot alley, a dedicated highway.

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, Cannon Street, in said Township of Upper Yoder, is two hundred eighty-
five (285) feet, measured along the center line of said Warren Street, a public
highway, to the center line of Cannon Street, a public highway.

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 named 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
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 "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.

<u>Ascott Beams</u>	<u>Leah M. Stanton</u>
<u>Lucella Beams</u>	
<u>Lloyd Berkley</u>	
<u>Lloyd Berkley</u>	
<u>W. R. Beams</u>	
<u>Donfield S. McClintock</u>	
<u>Raymond S. McClintock</u>	
<u>Mrs. D. H. Heimer</u>	
<u>Norman C. Lane</u>	
<u>Mrs. Norman C. Lane</u>	
<u>Mrs. Luke R. Albert</u>	
<u>Edmund R. Albert</u>	
<u>Mrs. S. A. Weimer</u>	
<u>S. A. Weimer</u>	
<u>George R. Titke</u>	
<u>George R. Titke</u>	
<u>Regina Titke</u>	

COMMONWEALTH OF PENNSYLVANIA

:

: SS:

COUNTY OF CAMBRIA

:

Personally appeared before me, *J.P.*
State and County, *S. A. Weiner*, 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 *27th* day of February, 1937.

S. A. Weiner

George D. Little J.P.

MY COMMISSION EXPIRES
MONDAY IN JANUARY

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

Mar 1st
NOW, ~~February~~ *March 1st*, 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~~ *March 1st*, 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.

By the Court
McKenrick

ACCEPTANCE OF SERVICE BY THE
COMMISSIONERS OF CAMBRIA COUNTY,
PENNSYLVANIA

March
Now, ~~February~~ *March 1st*, 1937, service of the above Rule is hereby
accepted, together with a copy of the within Petition.

George M. Spence
County Solicitor

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 March day of ~~February~~, 1937, the within petition
having been read and considered, the Court appoints J. E. Dickey

James M. Cann and A. M. Shoemaker and
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
J

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 *1st* day of *March* 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 Warren Street,
a public road in said Township of Upper Yoder and the proposed road known as
Columbia Street; thence continuing from the center line of said Warren Street,
a public highway, along the center line of the proposed road known as Columbia
Street South 64° 31' East two hundred seventy-six and eighty-six hundredths
(276.86) feet; thence by same South 68° 28' East three hundred five and twenty-
nine hundredths (305.29) feet to the easterly side of a fifteen (15) foot
alley, a dedicated highway.

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, Canon Street, in said Township of Upper Yoder, is two hundred eighty-
five (285) feet, measured along the center line of said Warren Street, a
public highway, to the center line of Canon Street, a public highway.

Barnhart & Adams
ATTORNEYS FOR PETITIONERS

March 1, 1937, service of the above stated notice
is hereby accepted.

D. H. Weiner
Curt Benchart

EXHIBIT C

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

0 In the Court of Quarter Sessions
: of Cambria County, Pennsylvania.
: No. Sessions, 1937.
0 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 said proposed highway.

IN WITNESS WHEREOF we have hereunto set our hands and seals this

day of February, 1937.

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be from a notebook or a standard sheet of stationery. There is no handwriting or other markings on the page.

No. 9 December Sessions 1936

In re Public Road in Upper
Yoder Township, Cambria
County, Pa.

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

Order to View and

Report of Viewers

~~CONFIDENTIAL~~
S. E. Dickey
A. M. Shoemaker
James McCann

Viewers

Filed: April 15, 1937

14 June 1937 Approved and breadth fixed at thirty-three feet.

By the Court
Mexenick

13 Sept. 1937, Confirmed Absolutely,
Jungner, Chik

Ans. 33-33 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. 9, 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 10:00 o'clock A. 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 a portion of Columbia Street, a dedicated highway in
the Harry E. Berkley 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, six (6) or more, all occupied by
families occupy lots adjoining the proposed new road; the Viewers
named herein were present during the view and the petitioners were

represented; that no complaints or exceptions were made against the opening of said proposed new road; that after viewing the premises, although the ending terminus of said proposed new road is not in an intersecting public highway but in a dedicated highway, we are of the opinion that a necessity exists for the proposed new road, therefore, we proceeded to lay out said road as follows: Beginning at the intersection of said proposed road known as Columbia Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 285.0 feet measured along the center line of said Warren Street in a southerly direction from the intersection of Cannon Street, another public highway, thence along the center line of the proposed new road S.64°31'E. 276.86 feet; thence S.68°28'E. 305.29 feet to the place of ending, said ending being at the intersection of the easterly side of a 15 foot Alley, a dedicated highway in Upper Yoder Township, at a distance of 582.15 feet measured along the center line of said proposed new road from its intersection with Warren Street or the place of beginning, 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 Columbia Street as dedicated is only 30 feet in width which requires the taking of 1.5 feet additional width on either side of said Columbia 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 as 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 9th day of April A. D.
1937.

W. E. Dickey
James J. Conn
A. M. Shumaker

Viewers

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. 9, 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	12.00	x
Mileage	.50	
Stenographer & Stationery	1.50	✓
Making View	6.00	✓
Mileage	.80	✓
Data, coloring, lettering plans and additional blue prints	6.00	
Data, preparing and filing report	12.00	x
Stenographer & Stationery	2.00	
		\$ 40.80

To A. M. SHOEMAKER Dr.

Making View	6.00	
Mileage	2.60	\$ 8.60

To JAMES McCANN Dr.

Making View	\$ 6.00	
Mileage	.80	\$ 6.80

Total cost of View \$ 56.20

APPROVED FOR PAYMENT

John D. ...
Frank F. ...
COMMISSIONERS

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. 9, 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 said proposed road known as Columbia Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 285.0 feet measured along the center line of said Warren Street in a southerly direction from the intersection of Cannon Street, another public highway, and ending at the intersection of the easterly side of a 15 foot alley, said ending being in an easterly direction a distance of 582.15 feet measured along the center line of said proposed road from its intersection with Warren Street or the place of beginning, will meet at the place of beginning on the 6th day of April A. D. 1937 at 10:00 o'clock A. 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.

By

Frank P. Bunker
Solicitor

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. 9, 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 said proposed road known as Columbia Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 285.0 feet measured along the center line of said Warren Street in a southerly direction from the intersection of Cannon Street, another public highway, and ending at the intersection of the easterly side of a 15 foot alley, said ending being in an easterly direction a distance of 582.15 feet measured along the center line of said proposed road from its intersection with Warren Street or the place of beginning, will meet at the place of beginning on the 6th day of April A. D. 1937 at 10:00 o'clock A. M. for the purpose of performing the duties of our appointment, at which time and place all interested persons may appear.

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

March 26, 1937

Viewers

Now this 29th day of March, A. D. 1937, service of the above notice is hereby accepted by the County Commissioners of Cambria County.

By

H. J. Loun.

Chief Clerk

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. 9, 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 said proposed road known as Columbia Street with Warren Street, a public highway in Upper Yoder Township, at a distance of 285.0 feet measured along the center line of said Warren Street in a southerly direction from the intersection of Cannon Street, another public highway, and ending at the intersection of the easterly side of a 15 foot alley, said ending being in an easterly direction a distance of 582.15 feet measured along the center line of said proposed road from its intersection with Warren Street or the place of beginning, will meet at the place of beginning on the 6th day of April A. D. 1937 at 10:00 o'clock A. 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.

4
Office Copy

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. 9 December Sessions, 1937.
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 Warren Street, a public road in said Township of Upper
Yoder and the proposed road known as Columbia Street; thence continuing from
the center line of said Warren Street, a public highway, along the center line
of the proposed road known as Columbia Street South $64^{\circ} 31'$ East two hundred
seventy-six and eighty-six hundredths (276.86) feet; thence by same South 68°
28' East three hundred five and twenty-nine hundredths (305.29) feet to the
easterly side of a fifteen (15) foot alley, a dedicated highway.

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, Cannon Street, in said Township of Upper Yoder, is two hundred eighty-
five (285) feet, measured along the center line of said Warren Street, a public
highway, to the center line of Cannon Street, a public highway.

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

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. 9 December Sessions, 1937.
1936

DECREE

AND NOW, this 15th day of ^{March} February, 1937, the within petition
having been read and considered, the Court appoints S. E. Dickey
and A. M. Shoemaker and
James McCann 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, J.

Extract from the Record.

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

James M. Jones
CLERK OF COURTS

No. 9 - 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

MARCH
February 1, 1937, the
within Bond approved.

By the Court
McKernick
8

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. 9 Dec. Sessions, 1936
¶ PETITION FOR APPOINTMENT OF VIEWERS

B O N D

KNOW ALL MEN BY THESE PRESENTS that we W. W. Weaver
and Curt Barnhart, 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 1st day of
March
~~February~~, 1937.

WHEREAS, A. Earl Beam, 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 Warren Street,
a public road in said Township of Upper Yoder and the proposed road known as
Columbia Street; thence continuing from the center line of said Warren Street,
a public highway, along the center line of the proposed road known as Columbia
Street South 64° 31' East two hundred seventy-six and eighty-six hundredths
(276.86) feet; thence by same South 68° 28' East three hundred five and
twenty-nine hundredths (305.29) feet to the easterly side of a fifteen (15)
foot alley, a dedicated highway.

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, Cannon Street, in said Township of Upper Yoder, is two hundred eighty-
five (285) feet, measured along the center line of said Warren Street, a public
highway, to the center line of Cannon Street, a public highway; 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 D. H. Weimer and Curt 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

Mella Weimer
Ruth Barnhart

D. H. Weimer (SEAL)

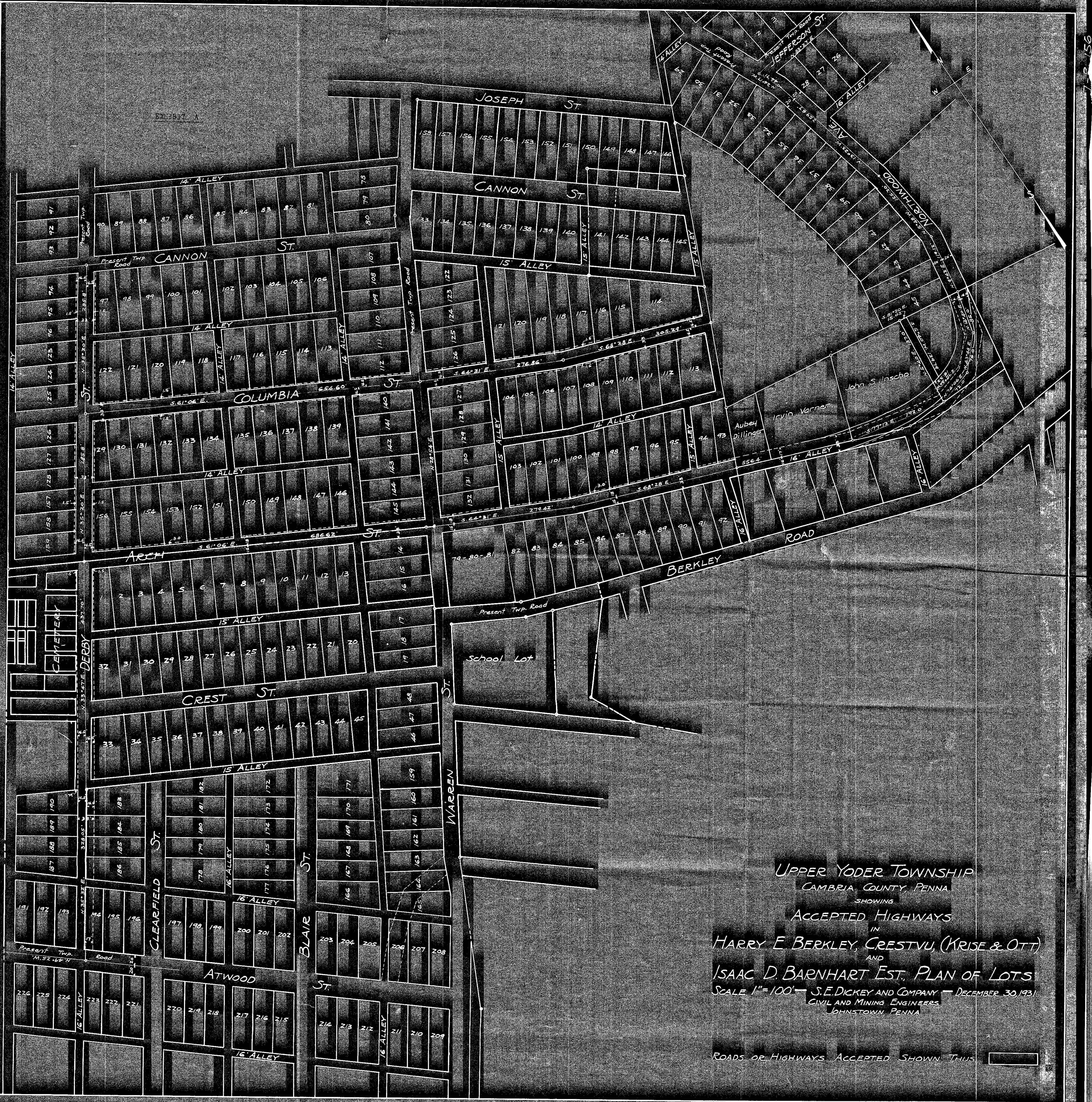
Curt Barnhart (SEAL)

C.D. #9 Dec. 1936

Map #1

Rat Microfilm

EXHIBIT A



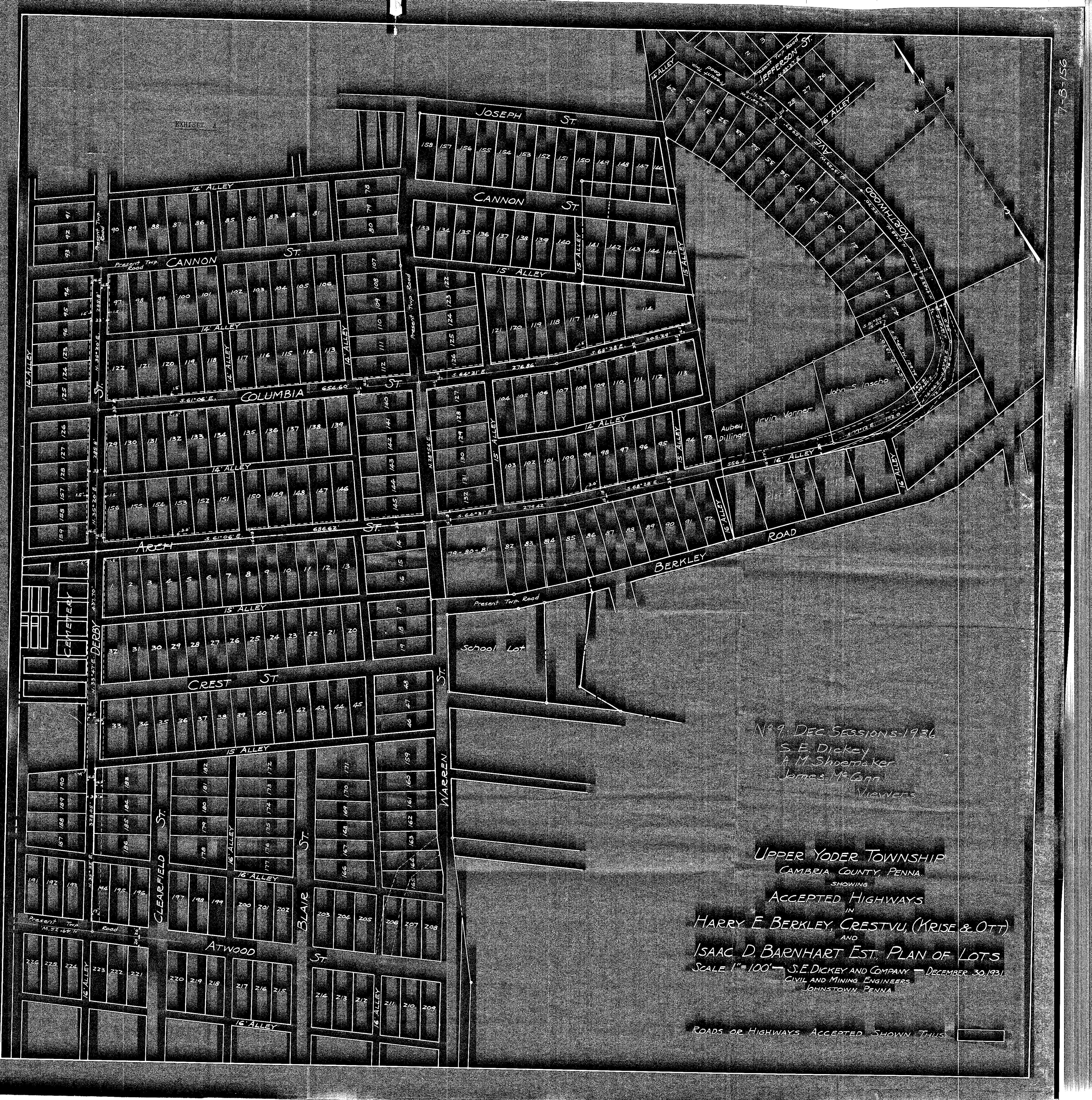
UPPER YODER TOWNSHIP
CAMBRIA COUNTY, PENNA.
SHOWING
ACCEPTED HIGHWAYS
IN
HARRY E. BERKLEY, CRESTVU, (KRIS & OTT)
AND
ISAAC D. BARNHART EST. PLAN OF LOTS
SCALE 1"=100' - J.E. DICKEY AND COMPANY - DECEMBER 30, 1931.
CIVIL AND MINING ENGINEERS
JOHNSTOWN, PENNA.

ROADS OR HIGHWAYS ACCEPTED SHOWN THUS

R.D. #9 Dec. 1936

Map #2

Not Microfilmed



No 9. DEC SESSIONS-1936
S. E. Dickey
A. M. Shoemaker
James McGinn
VIEWERS

UPPER YODER TOWNSHIP
CAMBRIA COUNTY, PENNA
SHOWING

ACCEPTED HIGHWAYS
IN
HARRY E. BERKLEY, CRESTVU, (KRIS & OTT)
AND

ISAAC D. BARNHART EST. PLAN OF LOTS
SCALE 1"=100' - S.E. DICKEY AND COMPANY - DECEMBER 30, 1931
CIVIL AND MINING ENGINEERS
JOHNSTOWN, PENNA

ROADS OR HIGHWAYS ACCEPTED SHOWN THUS