

*Return of Docket*

In the Court of Quarter Sessions  
of Cambria County, Pennsylvania.  
NO. 3 MARCH Sessions, 1937.

IN RE CAPITAL AVENUE, UPPER  
YODER TOWNSHIP, CAMBRIA COUNTY,  
PENNSYLVANIA

PETITION FOR ACCEPTANCE OF  
CAPITAL AVENUE AS A PUBLIC  
HIGHWAY

*Filed: April 12, 1937*

LAW OFFICES  
BARNHART & ADAMS  
JOHNSTOWN, PENNA.

Sept. 3, 1935

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

IN RE CAPITAL AVENUE, UPPER  
YODER TOWNSHIP, CAMBRIA  
COUNTY, PENNSYLVANIA

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

PETITION FOR ACCEPTANCE OF CAPITAL AVENUE AS A PUBLIC HIGHWAY

TO THE HONORABLE JUDGES OF THE ABOVENAMED COURT:

The petition of the Board of Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, respectfully represents:

That upon the petition of the residents and owners of lots abutting on Capital Avenue, a dedicated street in said Upper Yoder Township, your petitioners accepted said Capital Avenue as a public highway, subject to the consent of this Honorable Court; as more fully appears by Resolution of your petitioners hereto attached, made part hereof and marked "Exhibit A".

WHEREFORE, your petitioners respectfully pray that your Honorable Court give its consent to the acceptance of said Capital Avenue as a public highway of the said Township of Upper Yoder.

Curt Barnhart  
D. H. Weiner  
Ephraim Barkhiser  
SUPERVISORS OF UPPER YODER TOWNSHIP,  
CAMBRIA COUNTY, PENNSYLVANIA.

COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF CAMBRIA :

Personally appeared before me, a Notary Public in and for said State and County, Curt Barnhart, who being duly sworn according to law, deposes and says that he is one of the Supervisors of Upper Yoder Township, and that the facts set forth in the foregoing Petition are true and correct.

Sworn and subscribed before me  
this 23rd day of January, 1937.

Eric Marie Bruckner

NOTARY  
MY COMMISSION EXPIRES JAN 5, 1937

Curt Barnhart

IN RE CAPITAL AVENUE, UPPER  
YODER TOWNSHIP, CAMBRIA  
COUNTY, PENNSYLVANIA

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

ORDER

Now, *April* ~~January~~ 12, 1937, the within petition having been read and considered, the Court hereby gives its consent that Capital Avenue, a dedicated Street on the Plan of "ROSEMONT" in Upper Yoder Township, Cambria County, Pennsylvania, be accepted as a public highway; and it is further ordered and directed that the said Capital Avenue shall forthwith be and become a part of the public highway system of the Township of Upper Yoder, Cambria County, Pennsylvania; and be it still further ordered and directed that this proceeding be recorded in the Court of Quarter Sessions of Cambria County, Pennsylvania.

*By the Court*  
*Wm. J. [Signature]*

EXHIBIT A

RESOLUTION

ACCEPTING CAPITAL AVENUE, A DEDICATED STREET IN  
THE TOWNSHIP OF UPPER YODER, CAMBRIA COUNTY,  
PENNSYLVANIA, AS A PUBLIC HIGHWAY

WHEREAS, the Plan of Lots in Upper Yoder Township, Cambria County, Pennsylvania, known as "ROSEMONT", contains a plan of dedicated roads, streets, lanes and alleys, which plan was adopted, approved and recorded prior to May 1, 1933, in Plot Book, Vol.                      at page                      , a print of said Plan being hereto attached, made part hereof and marked "EXHIBIT A"; and

WHEREAS, such roads, streets, lanes and alleys are shown on said Plan as dedicated to such use; and


WHEREAS, the said roads and streets are not less than thirty-three (33) feet in width, and the said lanes and alleys are not less than fifteen (15) feet in width; and

WHEREAS, the residents and owners of lots abutting on said Capital Avenue, as shown on said plan, "Exhibit A", have petitioned the Supervisors of said Upper Yoder Township, petitioning that said Capital Avenue be accepted as a public highway, and releasing the said Township from any damages that may result by reason of said acceptance and the opening, grading, draining, improving and maintaining said Capital Avenue; and said petition and release are hereto attached, made part hereof and marked "EXHIBIT B".

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, and it is hereby resolved by the authority of the same, that Capital Avenue on said plan, a dedicated highway forty (40) feet in width, beginning at a intersection of Sell Street, a public highway, thence South 52° 42' East three hundred sixty-five (365) feet to an angle point; thence South 62° 24' East three hundred ninety-four (394) feet to the intersection of the southerly side of an unnamed dedicated alley fifteen (15) feet in width, shall be and the same is hereby accepted as a public highway, subject to the consent of the Court of Quarter Sessions of said Cambria County; and

BE IT FURTHER RESOLVED that a petition be presented and filed with the said Court of Quarter Sessions praying that the said Capital Avenue be accepted as a public highway, in accordance with the Act of 1935, P. L. 1299, section 1147.

I hereby certify and attest that the above and foregoing Resolution was adopted by unanimous vote of the Board of Supervisors of Upper Yoder Township, Cambria County, Pennsylvania, at a meeting duly and regularly called and held, and duly recorded and entered upon the Minutes of the said Board of Supervisors, all on the                      day of January, 1937; and IN WITNESS WHEREOF, I have hereunto set my hand and seal, and affixed hereunto the seal of the said Township of Upper Yoder, this                      day of January, 1937.

 (SEAL)  
SECRETARY OF THE BOARD OF SUPERVISORS  
OF UPPER YODER TOWNSHIP, CAMBRIA  
COUNTY, PENNSYLVANIA

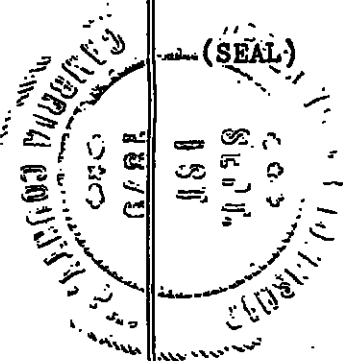


EXHIBIT B

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  
Capital Avenue from its intersection with Sell Street, an improved  
highway, and extending southeastwardly a distance of approximately  
750 feet to the intersection of a 15 foot Alley, in Upper Yoder  
Township, Cambria County, Pa., That we are very much incon-  
venienced on account of improper highway facilities to travel to  
and from our properties.

THEREFORE, we respectively petition the Board of  
Supervisors of Upper Yoder Township to enact proper resolutions  
adopting 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 all 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, drain-  
ing, improving and maintaining of said highways above mentioned.

Witness our hands and seals this 3 day of Sept  
A. D. 1935:

Mr. F. Patah  
Mrs. Izora Michler  
Charles M. Rightmire  
Samuel H. Rhodes  
Richard W. Jones  
Frederick C. Jones  
By Lawrence May  
Wm. M. Guire  
Mrs. Ora Moore  
Samuel A. Werner  
Joseph Koyitan  
E. R. Miller  
Norman L. Lane  
William W. Smith

Frank M. West  
Capital Ave. Upper Yoder Twp.  
Capital Ave. Upper Yoder Twp.  
Sell St. Upper Yoder Twp.  
Owner of Property Capital Ave  
Owners of the above Prop  
on Capital Ave  
Capital Ave. Upper Yoder Twp.  
Capital Ave. Upper Yoder  
Capital Ave  
Capital Ave  
St. Johns, Michigan

Witness:

Mrs. Freda Heinge

Owner - Capital Ave.

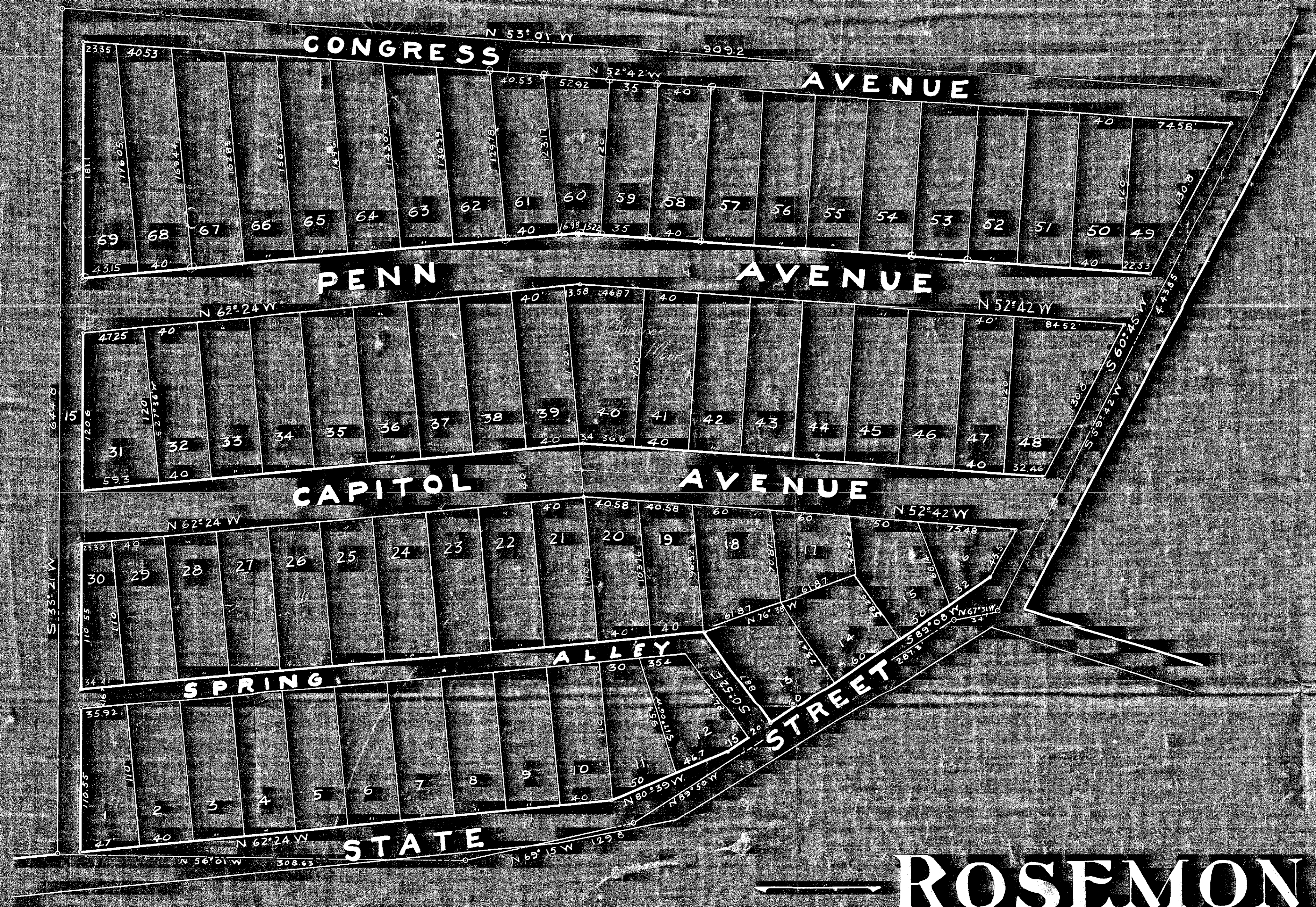
T



R.D. #3 Mar. 1937

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STATE OF PENNSYLVANIA } S.S.  
COUNTY OF CAMBRIA

Before Me, a Notary Public in and for said County and State, personally came Franklin W. Otto, President, and E. A. Newerk, Secretary, of the Cambria Land & Improvement Co., a Corporation duly organized under the laws of the State of Pennsylvania, and acknowledged this Plan of Lots, known as Rosemont, in Upper Yoder Twp, Cambria Co., Pa., to be the Plan of Lots, Streets and Alleys as laid out by them and desire the same to be recorded as such.

Franklin W. Otto, President: Witness my hand and  
E. A. Newerk, Secretary: Notarial Seal this 19th  
Day of May 1915.  
My commission expires July 27, 1917.

ROSEMONT

PLAN OF LOTS

UPPER YODER TWP, CAMBRIA CO., PA.

Laid out by

CAMBRIA LAND & IMPROVEMENT CO. LTD.

MAY 1904. SCALE: 50' = 1 INCH.

GRAZIER & SMITH  
ENGINEERS

Johnstown

Penna.

Traced Aug 1st 1919 By S.E. Diney

6-4-101