

VACATION OF STREETS

INSTRUCTIONS

PART I – PETITION

Complete “petition” with names of all adjoining property owners. Adjoining property owners are those who are immediately affected by vacation of a street.

All adjoining property owners must sign the petition. Signatures are to be notarized.

PART II – AGREEMENT

Complete all blank spaces with dates, names of adjoining property owners, tax parcel numbers of all adjoining property owners, and name of street to be vacated.

Submit completed and signed forms (signatures must be notarized) with exhibits and a cover letter explaining the reason for petitioning the vacation of the street to the Middletown Township Board of Supervisors.

EXHIBITS

“A” – Description of street to be vacated, as it currently exists, must be prepared by a registered engineer or land surveyor.

“B” – Description and plan of street showing the new vacated portion divided among the adjoining property owners also to be prepared by a registered engineer or land surveyor.

“C” – Copy of tax map can be obtained from the Department of Licenses and Inspections at the Middletown Township Municipal Building.

“D” – Certification from all utility companies indicating the presence or absence of utilities in the area to be vacated.

“E” – An escrow in the amount of \$750.00 must be established with the Township for legal and in-house engineering reviews. In addition, a filing fee of \$125.00 must also be submitted at the time of application.

“F” – Ten (10) copies of all plans and documents must be submitted.

NOTE: The attached forms may have to be revised in order to include names and signatures of all adjoining property owners.

PETITION

To the Board of Supervisors, Middletown Township, Bucks County, Pennsylvania,

The Petition of

1. Petitioners are property owners in Middletown Township, Bucks County, Pennsylvania.
2. This Petition is presented pursuant to and under the authority of the Act of May 1, 1933 P.L. 103 Article XI S1101 as supplemented and amended (53 P.S. 66101) to secure the vacation of

as described in Exhibit "A" attached hereto and made part hereof.

3. A plan showing Petitioners' properties and the portions of the street which Petitioners seek to have vacated is attached hereto, made part hereof and marked Exhibit "B".
4. Petitioners are all of the property owners whose properties abut the street to be vacated. Petitioners believe and therefore aver that the street serves no useful purpose and that vacation thereof would be in the public interest.
5. Petitioners are willing and able to and do hereby agree to reimburse the Township of Middletown for all reasonable costs involved the Township of Middletown for all reasonable costs involved in connection with the vacation of the aforementioned street.

PETITIONERS:

PETITIONERS:

COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF BUCKS

Being duly sworn according to law depose and say that they are the Petitioners in the within matter; that the facts set forth therein are true and correct to the best of their knowledge, information and belief, and that they are a majority of the property owners abutting

as shown on Exhibit "B".

PETITIONERS:

Sworn to and Subscribed before

me this _____

day of _____, 20__.

Notary Public

My Commission expires on: _____

AGREEMENT BETWEEN

(PARTIES OF THE FIRST PART) AND MIDDLETOWN TOWNSHIP (PARTIES OF THE SECOND PART)

THIS AGREEMENT, made this _____ day of _____ 20 ,
between _____
and Middletown Township.

WHEREAS, the parties of the first part, to wit, _____

are the owners in fee of the premises abutting upon and adjacent to

_____ in Middletown Township being Bucks County Tax Map Parcel #: _____

WHEREAS, _____ was accepted for dedication
by Middletown Township by resolution.

WHEREAS, the said _____ which lies
between the premises of the parties of the first part has never been improved or opened for public use
and,

WHEREAS, the parties of the first part have requested the Middletown Township Board of
Supervisors to vacate that portion of _____
which lies between properties of the parties of the first part, and,

WHEREAS, the parties of the first part do agree that if the Middletown Township Board of
Supervisors acts upon the request of the parties of the first part to vacate the portion of
_____ which lies between the properties of the parties of the
first part, the parties of the first part will indemnify, save, protect and hold harmless Middletown
Township from any claims by anyone at any time asserted against Middletown Township on account of
or due to, or because of the vacation of that said portion of
_____.

NOW, THEREFORE, it is mutually covenanted and agreed by the parties hereto intending to be
legally bound hereby that:

(a) The Board of Supervisors of Middletown Township will approve the petition of the parties of
the first part to vacate that portion of _____

Which lies between the properties of the parties of the first part which is more fully described by a
description herewith attached, made part hereof, marked Exhibit "A" and a copy of the Tax Map of the
area described marked as Exhibit "B".

(b) In consideration of the action by Middletown Township in vacating that portion of
_____ as shown in Exhibits "a" and "B": attached
hereto, made part hereof, the parties of the first part agree to save, protect, defend and hold harmless
Middletown Township from claims asserted by anyone at any time against Middletown Township by
reason of the vacation of that portion of
_____.

As shown in Exhibits "A" and "B" as attached hereto whether any such claims be brought under the Eminent Domain Code of Pennsylvania or the Common Law or be brought under any provision of the Constitution of the United States, the laws promulgated pursuant thereto or the Constitution of the Commonwealth of Pennsylvania or the laws promulgated pursuant thereto or on account of any negligence against Middletown Township or the Board of Supervisors of Middletown Township.

The parties of the first part, in addition, agree that they will be responsible for and will pay for all costs attendant to the filing or recording of this agreement and any action by Middletown Township relative to vacation of the aforesaid portion of

_____.

This agreement shall be a covenant which will run with the land involved, to wit, the aforesaid tax parcels of parties of the first part and will be recorded as such so that this agreement is and will become an encumbrance upon the land and an obligation of the parties of the first part and their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first above written.

MIDDLETOWN TOWNSHIP

BY: _____
Chairman, Board of Supervisors

ATTEST: _____
Secretary, Board of Supervisors

Parties of the First Part:

COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF BUCKS

ON THIS, the _____ day of _____, before me, a Notary Public for the Commonwealth of Pennsylvania, residing in the County of Bucks, personally appeared _____ and _____, his wife, known to me (satisfactorily proven) to be the person whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____ My Commission Expires _____
Notary Public

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF BUCKS

ON THIS, the _____ day of _____, before me, a Notary Public for the Commonwealth of Pennsylvania, residing in the County of Bucks, personally appeared _____, his wife, known to me (satisfactorily proven) to be the person whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____ My Commission Expires _____
Notary Public