



Whitehall Township

Outline of Street and/or Alley Vacation Procedures and Requirements

SUBMISSION REQUIREMENTS:

The following information and materials must be submitted to the Bureau of Planning, Zoning & Development with any street or alley vacation request, for the request to be considered for review by the Township:

1. Attached petition form signed by the majority (at least fifty one percent) of the adjoining property owners for the proposed street or alley to be vacated.
2. Required reimbursement deposit of **\$5,000.00**. This deposit is required to reimburse the Township for any and all fees incurred from the street or alley vacation request. An initial fee of \$500.00 will be automatically deducted from this amount for administrative and advertising charges. If review costs exceed this initial \$5,000.00 deposit, the petitioner will be required to pay any and all additional costs for the vacation request. This is pursuant to the Administrative Code of the Township of Whitehall. Before the Township will prepare and file the Report of the Board of Commissioners (the final step in vacating a street), an accounting will be made of the legal and engineering fees and if the initial reimbursement deposit is insufficient to cover these expended and anticipated final costs, an additional fee will be determined at that time and required to be paid. Once the Report is filed, and all legal and engineering costs are paid to the Township, the Township will then refund the remaining deposit amount, if any.
3. A field survey, locating all existing improvements, features and property boundary information along the street or alley to be vacated, a vacation plan and survey description of the area to be vacated which must be prepared and sealed by a Registered Professional Land Surveyor.
4. A Deed of Easement is required for any existing utility and shall be presented for all necessary utility and/or substitute easements. The Deed of Easement shall be granted to Whitehall Township and shall be drafted in a form which is acceptable to the Township Solicitor, then signed and notarized by each bordering affected property owner, (or written consent to same must be submitted with the request). A draft Deed of Easement *must be provided with the application* before the first public hearing will be scheduled.

GENERAL INFORMATION:

The Township's (public) vacation of an unopened (paper) street or alley does not extinguish any "private" rights that may exist for the street or alley. The Township has no involvement with any private rights, and it is the adjoiners' responsibility through their attorney to determine if any private rights may exist for the street or alley.

-The Township will review all information submitted and will prepare a Township Ordinance for the street or alley vacation. Two public hearings are required to be held for the Ordinance's consideration and final adoption.

-Notices are sent to all adjoining property owners for the scheduled public hearing dates.

-Legal advertisements will be placed in local newspapers for public notification of the proposed street or alley vacation.

-Once the street vacation ordinance is adopted, all necessary utility easements will be recorded.

-A "Report of the Board of Commissioners" will be prepared and filed in the Road Docket file of the Lehigh County Court of Common Pleas Office, after all charges are satisfied and all necessary easements are provided and recorded.

-Any street or alley vacation request must be a "continuous request", in that a street or alley cannot be vacated in portions around properties whose owners may not agree to or participate in the request.

-The Township will not be responsible for negotiating necessary easements from adjoining property owners. Petitioner must secure these easements or a written agreement verifying same and submit with the vacation request.

TOWNSHIP OF WHITEHALL

DATE: _____

PETITION TO VACATE A TOWNSHIP STREET OR ALLEY

We, the Undersigned, being a majority in interest of all property owners fronting and abutting on both sides of that certain section or portion of _____ Street/Road/Avenue/Alley extending between _____ and _____ in the _____ section of Whitehall Township, do hereby petition the Board of Commissioners of Whitehall Township to vacate the aforesaid portion of _____ Street/Road/Avenue/Alley, and do hereby agree to **reimburse the Township for any and all legal and engineering fees incurred from the vacation petition**; indemnify the Township from and against any and all claims for damages or lack of access resulting from the vacation; and provide such substitute easements as the Township deems to be necessary or advisable.

IN WITNESS WHEREOF, the undersigned persons do set their hands and seals the day and year first above written.

BY: _____
 Name: _____
 Address: _____

BY: _____
 Name: _____
 Address: _____

BY: _____
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Please attach additional sheets if necessary

**STREET/ALLEY VACATION REQUEST
SUBMISSION CHECKLIST:**

- _____ Completed Petition form

- _____ Survey plan of proposed area to be vacated (Prepared and sealed by a Registered Professional Land Surveyor)

- _____ Check, made payable to the Township of Whitehall, in the amount of \$5,000.00

- _____ Draft Deeds of Easement, where required, signed by all affected property owners.

PLEASE NOTE:

When a request for street vacation is submitted, it must be reviewed by both the Township Engineer and the Township Solicitor. Upon receipt of their comments, an Ordinance will be prepared and placed on the Board of Commissioner’s meeting agenda. The Board of Commissioners meets the second Monday of each month. The Ordinance will require two (2) public hearings (which will take two (2) months); associated public notification, and subsequent to all outstanding fees being paid, the filing of the Street or Alley Vacation “Report of the Board of Commissioners” (the final action in vacating a street or alley). The process, from start to finish, will take a minimum of 90 days; with a more practical time frame of 120+ days being the norm. Please know that closing out and refunding the balance of the escrow deposit takes considerably longer due to the fact that the final engineering and legal bills are typically received 1 to 3 months after filing the report.