



Township of Salisbury

LEHIGH COUNTY, PA

Guide to Street/Alley/Highway Vacations

1. Applicant submits request to vacate. Applicant who submits and signs the application takes sole responsibility of the application process and agrees to reimburse the Township for all engineering and legal fees incurred by the Township associated with the vacation process. Applicant is also responsible for all communications with the Township, unless the applicant requests, in writing, that all communications be conducted through either their engineer, surveyor, or legal counsel. If, at any point in this process, the Township does not receive communication from the applicant or his/her representative for ninety (90) days, the application will be considered abandoned. Refund of the application fee will be determined based of the last step in the process when communications have halted. Requirements for submission are:
 - a. Completed and signed application;
 - b. Petition to vacate, signed by 51% of adjoining property owners (calculated as the number of adjoining parcels, not the number of actual owners);
 - c. Copy of Lehigh County Tax Map highlighting street or alley to be vacated; and
 - d. \$1,000 application fee.

Note: request to vacate must be for an entire street/alley/highway length, it cannot be for a portion of the street/alley/highway. This means that the request must be from cross-street "A" to cross-street "B" or cross-street "A" to dead end. A separate application/petition must be submitted for each segment of street/alley/highway which is divided from other portions of the request by a cross-street.

2. Application to be reviewed for accuracy, compliance, and validity by the designated staff member of the Department of Community Development.
3. Upon Township Staff approving the application for sufficiency, the applicant will be required to submit:
 - a. \$2,500 escrow deposit;
 - b. List of all adjoining property owners and their mailing addresses; and
 - c. Surveyed drawing of street/alley/highway to be vacated which shall include:
 - i. Metes and bounds description of area to be vacated;
 - ii. Width of original street/alley/highway to be vacated;

- iii. Improvements and utilities along the street/alley/highway including overhead and underground;
- iv. The names of the owners of property which the street/alley/highway passes through or abuts; and
- v. Signature and seal of engineer or surveyor who prepared the plan.

Note: If required documents are not submitted within ninety (90) days of approval by Township Staff, the application will be considered abandoned and the applicant will be refunded \$750 of his/her application fee.

4. If the application is deemed insufficient, the applicant may correct the insufficiencies within ninety (90) days of contact by the Township Staff or may request, in writing, to withdraw the application. If the application is withdrawn at this point, or revisions are not submitted within the set timeframe, the applicant will be refunded \$750 of his/her application fee.
5. After all required documents in Step #3 are submitted, Township Staff will forward, within ten (10) days of submission, a copy of the application to:
 - a. Township Engineer;
 - b. Township Solicitor;
 - c. Township Planning Commission*;
 - d. Township Department of Public Works
 - e. Township Emergency Services;
 - f. Lehigh County Planning Commission; and
 - g. Pennsylvania Department of Transportation (if deemed necessary).Thirty (30) days will be given for review by each department/agency. At this point, the applicant is no longer able to request a refund of his/her application fee but at any point further may request, in writing, to have the application withdrawn and all engineering and legal charges will be halted.
6. A public hearing will be scheduled for the first scheduled Board of Commissioners meeting after the thirty (30) day review timeframe in Step #5. This thirty (30) day time frame may be extended at the request of the applicant or any reviewing party if further information is needed or items submitted need to be corrected/amended.
7. At least ten (10) days prior to the public hearing, the Township shall notify all associated with the street/alley/highway vacation of the upcoming hearing date, time, and location by:
 - a. Posting the street/alley/highway in a conspicuous location;
 - b. Mail a notice to all abutting property owners; and

- c. Publish the "Notice of a Public Hearing" in a newspaper printed or circulated in Salisbury Township (typically the Salisbury Press).
8. The Board of Commissioners will conduct a public hearing to review the request and all comments provided by reviewing parties of Step #5. The Board will also consider all public comments made at the hearing. The Township will secure the services of a court reporter for this hearing and any subsequent hearings as required.
9. After the public hearing, either at the same public meeting or at another public meeting of the Board of Commissioners, the Board will vote for the vacation.
10. If the street/alley/highway vacation is approved by the Board of Commissioners, the Township Solicitor will prepare a written report to be filed with the Lehigh County Recorder of Deeds. The Township Solicitor is responsible for this filing with the Township covering the filing fee. The report shall describe the street/alley/highway to be vacated and how the land will be dispersed.
11. If the street/alley/highway vacation is not approved by the Board of Commissioners, the process will be halted and no further action taken by the Township. The applicant may revise their plans, petition, and/or application and resubmit to the Township with a resubmission fee of \$500. With each resubmission, the review process will begin again at Step #5. If a resubmission is not made, and there is not communication between the applicant and the Township within ninety (90) days, the application will be considered abandoned. If the applicant does not wish to wait ninety (90) days for the application to be abandoned, he/she may request, in writing, to withdraw the application.
12. Within thirty (30) days of filing the report, any resident of Salisbury Township may file an exception to the report and petition for a review with the Lehigh County Court of Common Pleas. The resident will be required to reimburse Salisbury Township for all costs incurred in the proceedings. Also, during this time period, any Salisbury Township resident, or the Board of Commissioners, may petition the Lehigh County Court of Common Pleas to appoint three (3) viewers from the Lehigh County Board of Viewers to assess damages and benefits occasioned by the vacation unless the damages and benefits are otherwise agreed upon.
13. Thirty (30) days after the report is filed with the Lehigh County Recorder of Deeds, or after an order by the Lehigh County Court of Common Pleas disposing of any exceptions, the Board of Commissioners, at its next

- scheduled public meeting, will adopt an Ordinance to vacate the street/alley/highway. The Township Solicitor shall prepare this Ordinance.
14. At least ten (10) days prior to the Board of Commissioners meeting in which the Ordinance will be adopted, the Township shall:
 - a. Mail a notice of the meeting date, time, and location to all registered parties from the previous hearings; and
 - b. Publish the "Notice of a Public Hearing" in a newspaper printed or circulated in Salisbury Township (typically the Salisbury Press).
 15. After the Ordinance is adopted, the Township shall record the Ordinance and the survey/plan with the Lehigh County Recorder of Deeds. The Township Solicitor is responsible for this filing with the Township covering its cost.
 16. Escrow funds will be released, at the request of the applicant, once the vacation process is completed (either the Ordinance has been recorded, the application has been withdrawn, or the application has been abandoned) and all engineering and legal fees have been paid in full.
 17. After the Ordinance to vacate a street, alley, or highway is recorded, it is the responsibility of each adjoining property owner to record a deed of correction so they may incorporate the newly vacated land into their property. The property owner is not permitted to utilize this area (i.e.: placing sheds and/or fences within the area or measuring their setback from the new area), and no permits will be issued from the Township considering this area, until proof of recording the deed of correction is provided to the Township Department of Community Development.

*The request for street/alley/highway vacation will be placed on the agenda of the next public meeting of the Planning Commission. The applicant is not required to attend this meeting but may if he/she desires. Notification of this meeting will not be mailed to any abutting property owners and it will not be advertised in the newspaper. If there is no meeting scheduled within thirty (30) days, the application will be forwarded to each member of the Planning Commission and they may comment individually to Township Planning and Zoning Officer who will combine and present the comments at the public hearing in front of the Board of Commissioners.



Township of Salisbury

LEHIGH COUNTY, PA

Application No: _____

Date Received: _____

STREET/ALLEY/HIGHWAY VACATION APPLICATION

Street / highway / alley to be vacated: _____

extending between: _____ and _____

Number of abutting properties: _____ Number of lot owners signing petition to vacate: _____

Applicant's Name: _____

Address: _____ City: _____ State: ____ Zip: _____

Phone: _____ Email: _____

Applicant wishes all communication to be conducted through land surveyor/engineer

Professional Land Surveyor or Engineer: _____

Land Surveyor or Engineer Firm: _____

Address: _____ City: _____ State: ____ Zip: _____

Phone: _____ Email: _____

Applicant wishes all communication to be conducted through legal counsel

Legal Counsel: _____

Legal Counsel Firm: _____

Address: _____ City: _____ State: ____ Zip: _____

Phone: _____ Email: _____

*** Continue on Reverse ***

Submission Requirements with this Application:

- \$1,000 application fee
- “Petition to Vacate a Street, Alley, or Highway” signed by 51% of abutting property owners (calculated as number of adjoining parcels, not the number of actual owners – only one owner needs to sign in the case of multiple owners owning a single parcel)
- Copy of Lehigh County Tax Map highlighting the street/alley/highway to be vacated

Initial application will be reviewed by Township Staff for sufficiency. If approved by the Township staff, applicant must then submit:

- \$2,500 escrow deposit
- List of all adjoining property owners and their mailing addresses
- Surveyed drawing of street/alley/highway to be vacated which shall include:
 - Metes and bound description of area to be vacated
 - Width of original street/alley/highway to be vacated
 - Improvements and utilities along the street/alley/highway, including overhead and underground
 - The names of the owners of property which the street/alley/highway passes through or abuts
 - Signature and seal of engineer of surveyor who prepared the plan

Note: Survey shall be submitted electronically as a PDF.

Terms/Conditions/Applicant Acknowledgement

Applicant takes sole responsibility of the application process and is responsible for all legal and engineering fees incurred by the Township. Legal and engineering fees will be billed monthly and must be paid within thirty (30) days. If a past due balance of more than ninety (90) days exists, all work associated with the application will be halted until balance is brought to the present or payment agreements have been made with the Salisbury Township Finance Department.

Applicant is also responsible for all communications with the Township, unless the applicant, in writing or on this application, notifies the Township that all communications shall be conducted through another individual. If, at any point in this process, the Township does not receive communication from the applicant or his/her representative for ninety (90) days, the application will be considered abandoned. Refund of the application fee will be determined based on the last step in the process when communications have halted.

Escrow funds will be released, at the request of the applicant, once the vacation process is completed (either the Ordinance has been recorded, the application has been withdrawn, or the application has been abandoned) and all engineering and legal fees have been paid.

The applicant hereby certifies that they have read and examined this application and that all information is accurate and complete. The undersigned further agrees to all terms and conditions set forth within this application and as outlined in Salisbury Township’s “Guide to Street/Alley/Highway Vacations”.

Signature of Applicant: _____

Name of Applicant: _____

Date: _____



Township of Salisbury

LEHIGH COUNTY, PA

Application No: _____
Date Received: _____

PETITION TO VACATE A STREET, ALLEY, OR HIGHWAY

We, the undersigned, do hereby petition the Board of Commissioners of Salisbury Township to vacate

extending between _____

and _____;

and indemnify the Township from and against any and all claims for damages or lack of access resulting from the vacation petition; and will provide such substitute easements as the Township deems necessary or advisable.

Further, we the undersigned, do hereby acknowledge that we have read and understand Salisbury Township's "Guide to Street/Alley/Highway Vacations" and agree to its terms.

Property Owner: _____

Property Address: _____

Mailing Address: _____

Signature: _____

Property Owner: _____

Property Address: _____

Mailing Address: _____

Signature: _____

Property Owner: _____

Property Address: _____

Mailing Address: _____

Signature: _____

*** Continue on Reverse ***

Property Owner: _____

Property Address: _____

Mailing Address: _____

Signature: _____

Property Owner: _____

Property Address: _____

Mailing Address: _____

Signature: _____

Property Owner: _____

Property Address: _____

Mailing Address: _____

Signature: _____

Property Owner: _____

Property Address: _____

Mailing Address: _____

Signature: _____

Property Owner: _____

Property Address: _____

Mailing Address: _____

Signature: _____

Property Owner: _____

Property Address: _____

Mailing Address: _____

Signature: _____

Property Owner: _____

Property Address: _____

Mailing Address: _____

Signature: _____

***** Please attach additional sheets as needed. Attached sheets must contain the required information and be stapled to this petition in order to be considered valid. *****