



BENSALEM TOWNSHIP

Building and Planning Department
Office 215-633-3644 • Fax 215-633-3753
2400 Byberry Road • Bensalem, PA 19020

VACATION OF STREETS INSTRUCTIONS

DATE: _____

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 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, 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 Bensalem Township Council.

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 Building and Planning at the Bensalem Township Municipal Building.
- D. Certification from all utility companies indicating the presence or absence of utilities in the area to be vacated.
- A. An escrow in the amount of \$1,000 must be established with the Township for legal and in-house engineer reviews.
- B. 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 Bensalem Township Council, Bucks County, Pennsylvania.

The Petition of: _____

1. Petitioners are property owners in Bensalem Township, Bucks County, Pennsylvania.
2. This Petition is presented pursuant to and under the authority of the Act of May 1, 1933 P.O. 103 Article XI/SIIOI 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 property 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 property abuts 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 Bensalem 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 on this _____
day of _____, 2

Notary Public

AGREEMENT BETWEEN

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

THIS AGREEMENT, made this _____ day of _____, _____ between

_____ and Bensalem Township.

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

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

_____ being Bucks County Tax Map Parcel # _____ and _____

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

_____ in Bensalem Township being Bucks County Tax Map Parcel # _____

WHEREAS, the said _____

was accepted for dedication by Bensalem Township Council by resolution and,

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 Bensalem Township Council 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 Bensalem Township Council acts upon

the request of the parties of the first part to vacate the portion of _____

_____ which lies between the property of the parties of the first part, the parties of the first part, will indemnify, save, protect and hold harmless Bensalem Township from any claims by anyone, at anytime, asserted against Bensalem 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) Bensalem Township Council 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 Bensalem Township Council in vacating that portion of _____

as shown in Exhibit "A" and "B" and as attached hereto, made part hereof, the parties of the first part agree to save, protect, defend and hold harmless the Bensalem Township Council and Bensalem from claims asserted by anyone at anytime against Bensalem Township of the Bensalem Township Council thereof by reason of the vacation of that portion of _____

as shown in Exhibit "A" and "B" and as attached hereto, whether any such claim 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 on account of any negligence against Bensalem Township or the Bensalem Township Council thereof.

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 the Bensalem Township Council 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.

BENSALEM TOWNSHIP COUNCIL

Attest: _____ by: _____
Secretary President

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 persons 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

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 persons 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