

BOROUGH OF MOUNT JOY
DEPARTMENT OF PLANNING, ZONING & CODES COMPLIANCE



APPLICATION TO VACATE/ABANDON PUBLIC RIGHT-OF-WAY OR EASEMENT

APPLICATION FEE:
(Due at time of application)

\$200.00

Section 1.

SINGLE POINT OF CONTACT IS: _____

APPLICANT/OWNER INFORMATION:

Print Owner Name: _____

Owner Mailing Address: _____ City _____ State _____ Zip _____

Owner Phone: _____

Print Applicant Name (if different than above): _____

Applicant Mailing Address: _____ City _____ State _____ Zip _____

Applicant Phone: _____

Applicant Email: _____

ATTACHMENT REQUIRED:

Proof Of Ownership: _____ (such as deed, title certification, attorney's title opinion)

Section 2.

PROPERTY INFORMATION:

Physical Address of Property: _____

Or, if not available, provide general location (Example: NW corner of A & 1st Streets):

Legal Description of Property: Lot: _____ Block: _____ Parcel ID: _____

Subdivision: _____

Stormwater: _____

Section 3.

RIGHT-OF-WAY/EASEMENT INFORMATION:

Right-of-Way / Easement Location: _____
(Example: along west property line, running north & south)

Width of Existing Right-of-Way / Easement: _____ Number of Feet to be Vacated: _____

Please indicate the purpose for which the Right-of-Way / Easement is to be vacated / Abandoned:

Section 4.

REASONS FOR THIS REQUEST:

1. Why does the property owner wish to vacate or request abandonment of this right-of-way/easement?

2. How is the right-of-way/easement being used?

3. How will the proposed vacation/abandonment affect access to adjacent property owners?

4. How does the property owner propose to use the right-of-way/easement if vacated/abandoned?

5. Are there any public utilities or infrastructures currently located in the right-of-way/easement? If so, describe them.

Section 5.

PROPERTIES ABUTTING THE PROPERTY TO BE VACATED/ABANDONED:

Property Owner name(s) _____

Address: _____

Property Owner name(s) _____

Address: _____

Property Owner name(s) _____
Address: _____

Section 6.

ATTACHMENTS AND EXHIBITS:

1. Applicant must file a Petition requesting vacation or abandonment of right-of-way or easement.
2. This Petition must include all of the understandings, which would then become a contract between the owner and the Borough.
3. Petition will be brought to Borough Council for review and preliminary comments.
4. If owner/applicant wishes to proceed, a legal description and a certified survey must be provided as to Section 3 above.
5. The Petition and supporting attachments and exhibits will then be sent to the Mount Joy Borough Planning Commission and the Lancaster County Planning Commission (LCPC) for review, comment and recommendations as provided by law. (LCPC submission deadline dates and meeting dates for the current year are attached. LCPC has 45 days to provide recommendations to Borough Council.)
6. The owner(s) / applicant will be responsible to contact the Borough Engineer and submit the Petition, attachments and exhibits for their review. (Submit to: Attn: Darrell Becker, ARRO, 108 W. Airport Road, Lititz, PA 17543, 717-569-7021).
7. The owner(s) / applicant will be responsible to contact the Borough Solicitor and submit the Petition, attachments and exhibits for their review. (Submit to: Attorney, Josele Cleary (Morgan Hallgren, Crosswell, & Kane, PO Box 4686, 700 North Duke St, Lancaster, PA 17604-4684, 717-299-5251).
8. After receiving comments and recommendations from the Planning Commissions, Borough Engineer and Borough Solicitor, authorization would then be given to the Borough Solicitor to draft an Ordinance and advertise for a public hearing which must be held by Borough Council. The Borough Code requires that an advertisement for a street vacation ordinance be published at least 15 days prior to the date of Council's hearing on the proposed ordinance.
9. Mount Joy Borough Code requires personal notice to be sent to abutting property owners listed in Section 5 above.
10. Although Council does not have to act on the Ordinance at the same meeting as it conducts the hearing, the advertisement will be published for both the hearing and for the approval of the Ordinance. Council may vote on a proposed ordinance at the advertised meeting or at any subsequent meeting held within 60 days of the date of the legal advertisement. The Ordinance must be adopted by Borough Council for the actual vacating or abandoning of the right-of-way or easement.

ESCROW ACCOUNT. At the time of application, the applicant will establish an escrow account with the Borough. This account will be utilized to pay all reasonable and necessary Borough consultant costs for review of said application, ordinance preparation, legal fees and public hearing fees and for any inspection of improvements.

Application to Vacate / Abandon Public Right-of-Way or Easement Escrow \$3,000.00

The initial escrow will be utilized by the Borough to pay all reasonable and necessary expenses incurred by the Borough's professional consultants including but not limited to, the Borough Engineer and the Borough Solicitor, for inspection of improvements and for the review and any report(s) to the Borough on applicant's application, plans, supporting data, proposed agreements related to the maintenance of improvements or open space, deeds of dedication, financial security, and similar matters, if any relating to applications for subdivision and/or land development approval. Such review fees shall be the actual fees charged by the Borough consultants for the services performed. The present fee schedule for the Borough Engineer and Solicitor are on file at the Borough office for review, and both are incorporated herein. Such schedules shall be revised to reflect the changes in rates.

The escrow account must maintain a minimum balance of \$250.00. At the point when the account approaches the balance limit, the applicant will be notified of the additional estimated escrow necessary for further action on the project. If invoices outstanding are more than the remaining balance, the applicant is responsible for reimbursing the Borough for the above noted expenses. The filing of a plan or application under the Borough Subdivision and Land Development Ordinance shall constitute and implies to pay such expenses.

RESOLUTION OF FEE DISPUTES. In the event the applicant disputes the amount of any such review and/or inspection fees, the applicant shall, within ten (10) days of the billing date, notify the Borough Manager that such fees are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove any approval or permit related to development due to the applicant's dispute of the fees. Disputes shall be resolved as follows:

- A. If within twenty (20) days of the date of billing, the Borough and the applicant cannot agree on the amount or the expenses which are reasonable and necessary, then the Borough and the applicant shall jointly, by mutual agreement, appoint another professional to review such charges and expenses and make a determination as to the amount thereof which is reasonable and necessary.
- B. The professional so appointed shall hear such evidence and review such documentation as the professional in his sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall pay the entire amount determine immediately.
- C. The fee of the professional for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required is less than the original bill by one thousand (1,000.00) dollars or more, the Borough shall pay the fee of the professional. In all situation the Borough and the applicant shall each pay one-half (1/2) of the fee of the professional.

Section 7.

SIGNATURES:

The undersigned hereby represents that, to the best of his/her knowledge and belief, all information listed in this application and on any attached plans or forms is true, correct and complete. The undersigned also authorizes the Borough of Mount Joy to enter the property in question for a general site inspection. The undersigned agrees to accept and abide by the applicable Ordinances, Resolutions, Rules and Regulations including application fees and reimbursement of Borough review expenses now in effect for the Borough of Mount Joy.

_____	_____
Signature of Owner	Date

Printed Name	
_____	_____
Signature of Owner	Date

Printed Name	
_____	_____
Signature of Applicant	Date

Printed Name	

(For Borough Use Only)

MJB File No. _____

Date Application Received: _____ Application Accepted: Yes No*

* Reason(s) for non-acceptance of application: _____

Expiration Date: _____ Extensions/Expiration: _____

Application Fee Paid: _____ Cash _____ Check (# _____)

MEETING RECORD

Date of Planning Commission Meetings: _____

Date of Planning Commission Recommendation: _____

Date of Council Meetings: _____

Date of Council Action: _____

LCCD Approval _____ Conditions Acceptance _____ Improvement Guarantee _____