



DTN

Visited  
 2nd March 590  
 1961 26TH

(50 FEET WIDE)

STREET

d. Olive Alley is narrow and the turning radii at the Unnamed Alley is small, making it impossible to turn from Olive Alley onto the Unnamed Alley and vice versa without causing property damage to the abutting structures and land;

e. Vehicles using Olive Alley as a thoroughfare between North 26<sup>th</sup> Street and North 27<sup>th</sup> Street are at risk of collision, and put vehicular, bicycle, and pedestrian traffic on the Unnamed Alley at risk;

f. Numerous motorists have been observed using Olive Alley as a thoroughfare between North 26<sup>th</sup> and North 27<sup>th</sup> Streets, as opposed to using regulated, parallel streets such as Lincoln and Logan Streets to move between North 26<sup>th</sup> and North 27<sup>th</sup> Streets. As a result, traffic patterns in this area are less controlled and the dangers of the above-described intersection are increased as additional motorists try to negotiate the unregulated intersection at the Unnamed Alley and Olive Alley, and

g. Additionally, Olive Alley is difficult for emergency vehicles to access, making it of little or no use for emergency access. A more acceptable emergency access to the rear of all residences on North 26<sup>th</sup> Street and North 27<sup>th</sup> Street is the Unnamed Alley, which provides rear access to every residence without the need to negotiate the narrow turning radii at the intersection of Olive Alley and the Unnamed Alley.

7. There are no properties, except the properties owned by Petitioners, that require access from the portion of Olive Alley sought to be vacated. All other properties on North 26<sup>th</sup> Street and North 27<sup>th</sup> Street can be accessed from Unnamed Alley and the portion of Olive Alley not sought to be vacated. Hence, no other property owner will be inconvenienced by the Proposed Vacation.

8. Petitioners wish to remediate public safety and health issues and make better use of the property, thereby making the neighborhood safer and more attractive.

9. Petitioners hereby release the Borough of Camp Hill from damages sustained as a result of the vacation from any landowner abutting the portion of Olive Alley sought to be vacated, and any non-abutting landowners who may have a private interest in the portion of Olive Alley sought to be vacated.

WHEREFORE, the undersigned Petitioners hereby pray the Borough Council grant this Petition.

BEFORE THE BOROUGH COUNCIL OF THE  
BOROUGH OF CAMP HILL  
CUMBERLAND COUNTY, PENNSYLVANIA

PETITION TO VACATE PUBLIC STREET

TO THE BOROUGH COUNCIL OF THE BOROUGH OF CAMP HILL:

AND NOW, this 25<sup>th</sup> Day of January 2019, the undersigned, constituting all of the landowners of real property abutting the below described portion of a public street sought to be vacated, do hereby aver the following:

1. A public street, known as Olive Alley, currently exists in the Borough of Camp Hill. Said Olive Alley lies parallel to Lincoln Street and runs from North 26<sup>th</sup> Street on its eastern terminus and across an Unnamed Alley to North 27<sup>th</sup> Street on its western terminus. Attached to this Petition as Exhibit "A" is a copy of the Camp Hill Borough Plan of Lots, District 3, Section 24, showing the location of Olive Alley, the portion of which that is sought to be vacated is highlighted in yellow (hereinafter, the "Proposed Vacations").
2. It is well-settled Pennsylvania law that public streets may be created by dedication, either express or implied. Dedication occurs when a plan of lots is adopted and real property is conveyed according to the plan. However, dedication must be accepted by the municipality, as streets cannot be forced upon the municipality without their consent. Acceptance of the dedication may also be express or implied. Implied acceptance may be indicated by *inter alia*, long continued use by the public.<sup>1</sup>
3. The Borough Code Section 1732 provides in pertinent part that "[e]very person or persons constituting a majority in number and interest of the owner of the real estate abutting upon an area not opened as a street or abutting<sup>2</sup> upon an existing street or portion of a street may petition council to ... [v]acate a street or portion of a street." 8 Pa.C.S. § 1732(a) (emphasis added).

<sup>1</sup> See generally *Commonwealth v. Jewellon*, 14 Pa. Super. 214 (1900).

<sup>2</sup> "Abut", as defined by Black's Law Dictionary, constitutes land which "join[s] at a border or boundary, to share a common boundary with." (emphasis added)

<sup>3</sup> *Id.*