



TOWNSHIP OF PALMER • NORTHAMPTON COUNTY, PA

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What are Paper Streets?

In municipal jargon, the term paper street usually means a road or an alley which exists only on paper, hence the name, "paper street." Because such a "street" appears only on paper, i.e., an old plan of homes, possibly an old deed, or maybe an old township map with dotted lines, paper streets aren't really streets at all.

In reality, a paper street may be part of a neighbor's yard, the woods at the end of a paved street or maybe even where you practice your golf game. Gas, water, sewer, and electrical utility lines may or may not be in a paper street. And paper streets may or may not be on a township map.

Where do Paper Streets Come From?

A paper street usually occurs when a road or street shown on a developer's plan of homes, isn't officially accepted by the municipality. Possibly, the developer never laid out or paved the road to township specifications or perhaps, the road was never paved at all and was only a proposed road for the plan of homes, which may or may not have been built.

Another way a paper street may occur is when a proposed road isn't used by the public for 21 years. The 21 year period of using or accepting the roadway is a statute of limitations. After 21 years, a municipality is prohibited from accepting a paper street and the property automatically reverts back to the abutting property owners. Because paper streets automatically revert back after 21 years, many people don't even know that they may own up to one-half of the paper street beside or behind their homes.

Even if the township doesn't formally adopt a paper street, the street may still become an official township road if the township paves and maintains it. In this instance, an implied acceptance occurs, and the road is no longer a paper street.

Most paper streets have been in existence for many years and may be fifty, eighty or even one hundred years old. Due to modernization of planning in Palmer Township, paper streets no longer occur.

Who Maintains a Paper Street?

Pennsylvania law does not obligate townships to maintain paper streets. In Palmer Township the maintenance falls to the adjoining property owner as specified in the Palmer Township Property maintenance code as follows:

- c. 301.2.1. Where properties abut a public right-of-way, the abutting property owner shall be responsible for the maintenance of the area between their property line and the cartway, including the curb, the sidewalk and grass areas between the curb and the property line. Where properties abut an unopened way or street, the abutting property owner shall be responsible for the maintenance of one-half the width of such unopened way or street.

Who has Rights to Paper Streets?

Any paper street can be subject to easements for public utilities. Additionally, neighbors within the subdivision have rights for access like a more conventional right of way. Paper streets must be kept clear to preserve this access. Thus, a property owner adjacent to a paper street could not lawfully erect a fence across a paper street and deny others access; nor could the property owner build a structure on the paper street. The Township has no formal authority to enforce this private right of way. All disputes are a matter of civil law.

How Can a Homeowner Acquire Formal Title to a Paper Street?

If an abutting property owner desires to obtain formal title to the center portion of a paper street, he may do so but the process is both time consuming and somewhat expensive. First, the homeowner must ascertain whether any utility lines are located within the paper street. If so, the township will not agree to formally vacate the paper street so that it may have access to repair and maintain such utilities. The reason why a municipality will not vacate a paper street which contains utilities is because the Pennsylvania Supreme Court has held that a municipality cannot legally vacate a street and at the same time reserve itself an easement to access utilities within the boundaries of the vacated street.

If the abutting property owner ascertains that no utilities are located within the paper street, a qualified engineer must then be retained to ascertain and plot the center line of the paper street as well as all easements. Based upon a plan prepared by a professional, a formal petition is then presented to the Township, signed by all abutting property owners, north, south, east and west, consenting to the vacation of the paper street. If approved by the Township, then a Quit-Claim Deed must be prepared by an attorney for presentment to the Township to relinquish any right and title it may have in such tract. If the Township approves the Deed, it may be filed subject to other easements of record.