

Paper Streets- 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 "street" appears only on paper, i.e., an old plan of homes, possibly an old deed, or maybe an old borough 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 borough 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 borough 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 borough doesn't formally adopt a "paper street," the "street" may still become an official borough road if the borough 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. However, because most municipalities have enacted subdivision ordinances, "paper streets" usually don't occur anymore.

Who Own the Paper Street?

Unless there is a formal acceptance or use by the borough, the abutting property owners own the "paper street." In fact, "paper streets" are only a borough concern when public

utilities are located on such land. Even then, the borough bears no responsibility for the upkeep or the maintenance of the "paper street" because, by the very definition of "Paper Street," the borough never adopted or used the "paper street" as a roadway. Thus, trees and other conditions on the "paper street" are usually the responsibility of the abutting property owners.

What Can I Do on a Paper Street?

Because an abutting property owner in fact usually owns the "paper street," he or she may use the "paper street" subject to easements for public utilities and subject to the rights others have for access. Thus, a property owner could not erect lawfully a fence across a paper street and deny others access; nor could the property owner build a structure on the "paper street" over municipal water and sewer lines.

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 borough 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 such engineering plan, a formal petition is then presented to the Borough, signed by all abutting property owners, north, south, east and west, consenting to the 'vacation' of the "paper street." If approved by the Borough, then a Quit-Claim Deed must be prepared by an attorney for presentment to the Borough to relinquish any right and title it may have in such tract. If the Borough approves the Deed, it may be filed subject to other easements of record.