

**EAGLES MERE BOROUGH
SULLIVAN COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2025-02

**RESOLUTION OF THE BOROUGH OF EAGLES MERE, SULLIVAN COUNTY,
PENNSYLVANIA CONFIRMING NO OWNERSHIP INTEREST IN PAPER STREETS
WITHIN THE BOROUGH**

WHEREAS, a “paper street” refers to a street that appears on the plan or zoning map of a municipality or on other publicly recorded documents such as subdivision plans and tax maps; and

WHEREAS, when a street has never been opened or accepted by the municipality or used by the public, it has no existence except on paper and is therefore referred to as a “paper street.” See Tobin v. Radnor Twp. Bd. of Commrs., 597 A.2d 1258, 1261 n. 1 (Pa. Cmwlth. 1991); and

WHEREAS, the Pennsylvania Borough Code specifically grants boroughs the right to “lay out, open, widen, straighten, alter, extend and improve” streets within borough limits. See 8 Pa.C.S. §1721.1(a); and

WHEREAS, with respect to “paper streets”, the Borough Code permits a borough to lay out or open a street or portion of a street that appears on a formally adopted borough plan or map, or where a person owning land constructs a street to certain specifications and requests the Borough to accept it. See 8 Pa.C.S. §1721.1(b)(1) & (4); and

WHEREAS, if a municipality fails to open a paper street appearing on a recorded plan for a period of at least twenty-one (21) years, the municipality abandons its rights to the street for use as a public street. See Tobin v. Radnor Twp. Bd. of Commrs., 597 A.2d 1258, 1265 (Pa. Cmwlth. See also 36 P.S. § 1961; and

WHEREAS, when a municipality fails to open a paper street, in most instances title to the center of the street passes to the owners of property abutting the street and the owners of the properties abutting the street possess an easement for right-of-way purposes *over the entire proposed street*. See also Ferko v. Spisak, 541 A.2d 327, 330 (Pa. Super. 1987) (emphasis added); and

WHEREAS, the Borough Council has become aware that there are a number of paper streets within the Borough, including but not limited to the following streets:

- A portion of Hayes Avenue.
- A portion of Lewis Lane

- A portion of Mifflin Ave.
- A portion of Geylin Ave.
- Any and all streets or alleys that appear on the plans or zoning maps of the Borough or on other publicly recorded documents such as subdivision plans and tax maps that have not been accepted and opened by the Borough within 21 years.

(hereinafter "Borough Paper Streets"); and

WHEREAS, the Borough Council has determined that because of recent disputes between property owners relative to "paper streets" that it should acknowledge and confirm that it does not assert any ownership interest in the Borough Paper Streets.

NOW, THEREFORE, it is hereby RESOLVED by the Borough Council of the Borough of Eagles Mere that:

1. Eagles Mere Borough acknowledges and confirms that it has not accepted or opened the Borough Paper Streets and therefore has no ownership interest in said Borough Paper Streets.

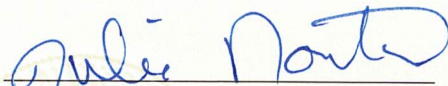
2. Borough Council shall not participate and/or interfere with any dispute of ownership or use of the Borough Paper Streets, as those disputes are between the owners of the real property adjacent to the Borough Paper Streets.


3. This Resolution shall become effective immediately.

This Resolution being duly adopted by a majority vote on this 2nd day of June, 2025.

ATTEST:

BOROUGH OF EAGLES MERE


Julie Norton, Secretary


Lee Middleton, Council President

