

No. 1978-36

AN ACT

SB 658

Amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," further providing for the opening of certain streets.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1724, act of February 1, 1966 (1965 P.L.1656, No.581), known as "The Borough Code," is amended to read:

Section 1724. Effect of Failure to Open Street After its Laying Out.—At any time after any street or portion thereof shall have remained laid out but not opened for a period of ten years or longer, any owner or owners of fifty percent of the front feet of the land over which such street or portion thereof was laid out may petition the borough council to remove such street from the plan of streets and to cancel the laying out thereof. Council shall thereupon, following at least fifteen days' notice in a newspaper of general circulation in the borough, and at least fifteen-days' personal notice to the owners of all real estate abutting upon the land over which such street or portion thereof was laid out, hold a public hearing on the matter. Council may, on motion, deny the petition, or, by ordinance, grant such petition and remove such street or portion thereof from the borough plan and cancel the laying out thereof. Any person aggrieved by the decision of the council, either granting or denying such petition, may appeal therefrom within thirty days from the date of such decision, to the court of **[quarter sessions] common pleas**.

Whenever any street shall have been laid out and shall not have been opened to, or used by the public for a period of twenty-one years, such street shall not thereafter be opened without the consent of **[all] at least fifty-one percent** of the *number of* owners of the abutting real estate *and without the consent of the owners of at least fifty-one percent of the property abutting such street, based on a front foot basis*.

Section 2. This act shall take effect in 60 days.

APPROVED—The 28th day of April, A. D. 1978.

MILTON J. SHAPP