



**KINGSPRY**

August 14, 2014

Cynthia H. Biedenkopf, City Clerk  
City of Bethlehem  
10 E. Church Street  
Bethlehem, PA 18018

RE: Vacation of Portion of Tenth Avenue Right-of-Way

Dear Ms. Biedenkopf:

This office serves as Solicitor to the Bethlehem Area School District and is presenting this Petition on behalf of the Bethlehem Area School District. The Bethlehem Area School District hereby petitions the City Council of the City of Bethlehem to vacate that portion of Tenth Avenue located north of Genoa Street and South of the Route 378 Spur Route within City of Bethlehem. The portion of the road to be vacated has never been opened and currently crosses the playing fields utilized by the Nitschmann Middle School. The strip of land in question is approximately 490 feet in length, 70 feet in wide, and in 34,526 square feet in area. The exact legal description for the property to be vacated is attached hereto, as is a copy of the map depicting that portion of Tenth Avenue to be vacated.

The Bethlehem Area School District is the owner of all property on both sides of the above described portion of Tenth Avenue. The sewer line which is currently located within the right-of-way will be relocated and abandoned. The Bethlehem Area School District will provide easements, as necessary, to the City of Bethlehem to permit the relocation of the sanitary sewer line.

As noted above, this portion of Tenth Avenue has never been opened and is currently used as playing fields for the Nitschmann Middle School. The Nitschmann Middle School will be built on a portion of this section of Tenth Avenue that is being vacated, so that vacation of the road is necessary for this reason.

The required Affidavit of Ownership has been executed and is attached to this letter, together with the metes and bounds legal description and the above-referenced map.

Sincerely yours,

KING, SPRY, HERMAN, FREUND & FAUL, LLC

Terence L. Faul, Esquire

TLF/sm  
Enclosures  
cc: Bethlehem Area School District

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Board of Trial Advocacy  
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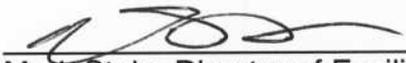
ALLENTOWN ❖ BETHLEHEM ❖ STROUDSBURG

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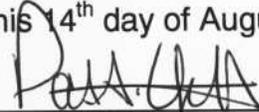
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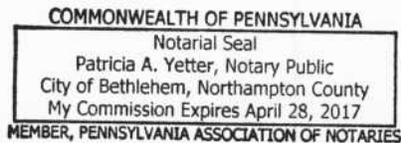
COMMONWEALTH OF PENNSYLVANIA :  
: SS.  
COUNTY OF NORTHAMPTON :

I, Mark Stein, Director of Facilities and Operations for the Bethlehem Area School District in Bethlehem, Pennsylvania, being duly sworn according to law and acting in my capacity as the Director of Facilities and Operations for the School District, depose and say that the Bethlehem Area School District is the true and lawful owner of the property located on both sides of that portion of Tenth Avenue located North of Genoa Street and South of the Routes 387 Spur Route as described in the Petition submitted to the City Clerk Office to which this is attached.

  
\_\_\_\_\_  
Mark Stein, Director of Facilities  
and Operations – Bethlehem Area  
School District

Sworn and subscribed to me  
this 14<sup>th</sup> day of August, 2014.

  
\_\_\_\_\_  
Notary Public





**METES AND BOUNDS DESCRIPTION  
TENTH AVENUE RIGHT OF WAY  
BETWEEN GENOA STREET AND SPUR ROUTE (SR 0378)  
TO BE VACATED BY THE CITY OF BETHLEHEM  
CITY OF BETHLEHEM, COUNTY OF LEHIGH  
PENNSYLVANIA**

**ALL THAT CERTAIN** tract of land situated in the City of Bethlehem, County of Lehigh and State of Pennsylvania, bounded and described as follows to wit:

**BEGINNING** at a corner, said corner situated along the existing northerly Right Of Way of Genoa Street (20 feet wide) and the common property line of N/F B. Braun Medical, Inc. and N/F Bethlehem Area School District, marked by a spike set, thence along the easterly property line of N/F B. Braun Medical, Inc., **North 00° 23' 25" West** for a distance of **31.01 feet**, marked by a concrete monument; thence along the proposed northerly Right Of Way of Genoa Street (51 feet wide), **North 89° 36' 35" East** for a distance of **185.09 feet**, as the **Point and Place of BEGINNING**, thence;

- 1) Through the lands of N/F Bethlehem Area School District, **North 00° 23' 25" West** for a distance of **488.24 feet** to a point along the southerly Right Of Way of Spur Route 378 (SR 0378) (A limited access highway) to a point, thence;
- 2) Along the southerly Right of Way of Spur Route 378 (SR 0378) along a curve to the right having a radius of **270 feet** for an arc distance of **70.54 feet** with a course bearing **North 83° 58' 53" East**, and a chord distance of **70.34 feet** to a point, thence;
- 3) Through the lands of N/F Bethlehem Area School District, **South 00° 23' 25" East** for a distance of **495.13 feet** to a point along the northerly Right Of Way of Genoa Street (51 feet wide) to a point, thence;
- 4) Along the existing northerly Right Of Way of Genoa Street (51 feet wide), **South 89° 36' 35" West**, for a distance of **70.00 feet** to the **Point and Place of BEGINNING**;

**CONTAINING: 34,526 square feet or 0.104 acres of land, more or less.**

Said property subject to any easements, restrictions, covenants of record, and rights-of-way as contained within the chain of title of said deed of record.

Bearings for this description refer to a map entitled "Nitschmann Middle School Right Of Way Vacation Plan, City of Bethlehem, Lehigh County, Pennsylvania", dated August 13, 2014. Prepared by Terraform Engineering, LLC, One East Broad Street, Suite 330, Bethlehem, Pennsylvania 18018

