



CITY OF BETHLEHEM
OFFICE OF THE CITY SOLICITOR

INTEROFFICE MEMORANDUM

To: Louise M. Kelchner, City Clerk
Cc: Mayor Donchez, Darlene Heller, Planning and Zoning Director, and Michael Alkhal, Director of Public Works
From: Edmund J. Healy, Esquire, First Assistant City Solicitor
Re: Exchange of Real Estate
Transfer from Little Town, LLC to the City - 28,981 sf or 0.6653 acres
Transfer from the City to Little Town, LLC - 10,507 sf or 0.2412 acres
Date: February 7, 2019

Under the Third Class City Code, specifically 11 PaCS § 12402.1(b)(9), the City, pursuant to Resolution of Council, can exchange real property owned by the City for real property of equal or greater value, provided that the property being acquired by the City is to be used for municipal purposes. In accordance with City Council Resolution 2017-068, the Law Bureau, on behalf of the Director of Planning and Zoning and Director of Public Works, asks that this request be read into the record during the Communication portion of the next Council's meeting, and that the Council President refer the request to the Public Works Committee for study and recommendation; or, in the alternative, entertain a motion to bypass the Committee review and authorize a present vote on the matter inasmuch as a review could be considered unnecessary.

City Council is asked to approve the attached resolution to authorize the swap of certain real estate. The circumstances to be addressed by this swap can be summarized as follows. On September 25, 2017, Little Town, LLC obtained land development approval from the City Planning Commission to construct a 178,579 square foot manufacturing plant on 13.65 acres located at 1125 Easton Road. The City's development approval was conditioned upon the developer obtaining a Highway Occupancy Permit ("HOP") from PennDot in order to provide access to the property. As a condition of issuing the HOP, PennDot is requiring the dedication of certain right-of-way along Easton Road presently owned by the City for road widening. Likewise, to meet certain requirement of the City's Subdivision and Land Development Ordinance, other land needs to be dedicated by the LLC to the City for right-of-way purposes. The separate right of way requirements of each PennDot and the City can be resolved through the suggested land swap.

The lands affected by the proposed swap abut each other and lie along the north side of Easton Road (SR 2006), starting near the intersection of Easton Road and Mockingbird Hill Road. The areas to be swapped run parallel to Easton Road distance of approximately 1,523 linear feet in a north-northeast direction. Specific details of the properties to be swapped are as follows:

- a. Identification of Parcels:
 - Transfer from Little Town, LLC to the City - Part of Tax Parcel No.s P7-22-2A and P-22-7A consisting of 28,981 sf or 0.6653 acres (see attached overall plan attached

as Exhibit "A"; legal description for 28,981 sf lot attached hereto as Exhibit "B").

- Transfer from the City to the Little Town, LLC – adjacent to Tax Parcel No.s P7-22-2A and P-22-7A consisting of 10,507 sf or 0.2412 acres (see attached legal description attached hereto as Exhibit "C"). It is from this parcel that Little Town, LLC will convey 6,870 sf to PennDot as required by the PennDot HOP.
- Note: The areas set aside for these right of way purposes will be removed from the tax rolls and are not expected to have parcel identification numbers assigned by Northampton County once the deeds are recorded.

b. Location of Utility Lines, etc.: None of consequence to the transfer.

c. Appraised Values (as per Certified Real Estate Appraisals):


- Land value being conveyed by Little Town, LLC to the City: \$116,400.00.
- Land value being conveyed by City to the Little Town, LLC: \$42,200.00.
- Little Town LLC is specifically agreeing that the appraised values for the parcels does not constitute the actual consideration for the transaction, but that the actual swap of ownership is the key element of this transaction. Consistent therewith, Little Town, LLC is expressly waving any taking claims.

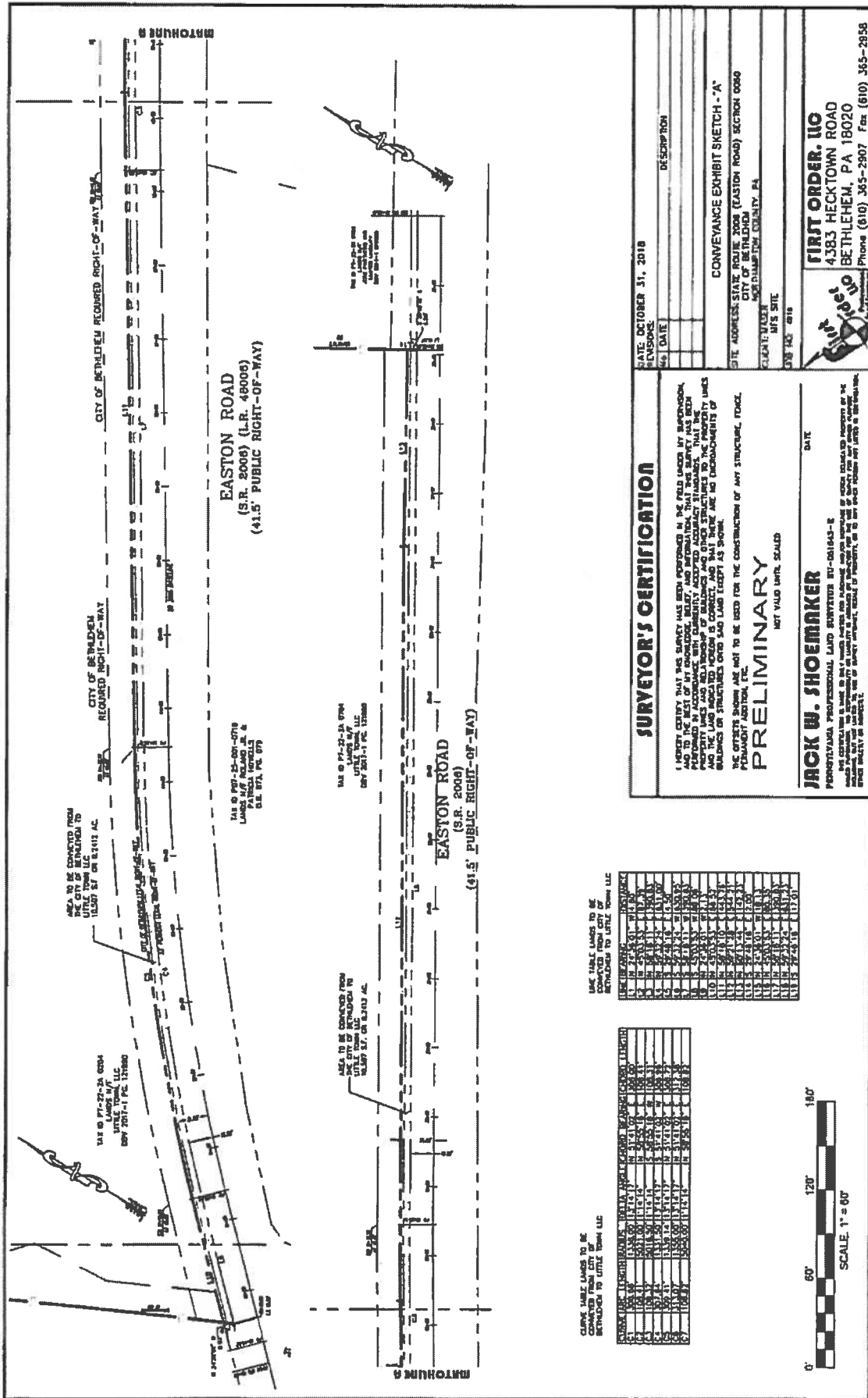
d. Name of Abutting Property Owners: The areas constituting the swapped lands will lie entirely between the 13.65 acres of land of Little Town, LLC approved for development and Easton Road (SR 2006) itself. Property owners to the west, south, and east of the swapped areas are not affected. In addition, the land on the south side is isolated from the swapped areas by Easton Road itself and is located in Lower Saucon Township.

e. Zoning Designation: All of the real estate involved in the swap is found in the Industrial Zoning District.

f. Condition of Title:

- Transfer from Little Town, LLC to the City: The LLC is required to convey the premises to the City free and clear of all liens, encumbrances, and easements (excepting those easements of record which are acceptable to the City Solicitor), and that title will be good and marketable and such as will be insured by any reputable title company at regular rates with only those exceptions acceptable to the City Solicitor.
- Transfer from City to the Little Town, LLC: The City is conveying title "as is."


Edmund J. Healy, Esquire
First Assistant City Solicitor



LAND LOTS TO BE CONVEYED FROM CITY OF BETHLEHEM TO LITTLE TRAM LLC

LOT NUMBER	LENGTH	BETWEEN	WIDTH	BEFORE	BEHIND
39	150.31	150.31	150.31	150.31	150.31
40	150.31	150.31	150.31	150.31	150.31
41	150.31	150.31	150.31	150.31	150.31
42	150.31	150.31	150.31	150.31	150.31

LAND LOTS TO BE CONVEYED FROM CITY OF BETHLEHEM TO LITTLE TRAM LLC

LOT NUMBER	LENGTH	BETWEEN	WIDTH	BEFORE	BEHIND
39	150.31	150.31	150.31	150.31	150.31
40	150.31	150.31	150.31	150.31	150.31
41	150.31	150.31	150.31	150.31	150.31
42	150.31	150.31	150.31	150.31	150.31



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN EXPEDITED IN THE FIELD UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION, THAT THIS SURVEY HAS BEEN ACCURATELY MADE AND THAT THE INSTRUMENTS AND METHODS EMPLOYED WERE OF A HIGH ORDER OF ACCURACY AND THE LAND SITUATION IS CORRECT, AND THAT THERE ARE NO ENCUMBRANCES OR EASEMENTS ON THE LAND EXCEPT AS SHOWN.

NO OTHERS SHOWING ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, OR ENCLOSURE.

PRELIMINARY
NOT VALID UNLESS SCALED

JACK W. SHOEMAKER
PROFESSIONAL LAND SURVEYOR LICENSE NO. 001643-E
PUNJABI/ADRIAL, INC.
DATE _____

DATE: OCTOBER 31, 2018

NO.	DATE	DESCRIPTION
1		CONVEYANCE EXHIBIT SKETCH - "A"

SITE ADDRESS: STATE ROUTE 2008 (EASTON ROAD) SECTION 0880
CITY OF BETHLEHEM
CLACKAMAN
HUNTSVILLE COUNTY, PA
078 142 019

FIRST ORDER, LLC
4383 HECKTOWN ROAD
BETHLEHEM, PA 18020
Phone: (610) 365-2907 Fax: (610) 365-2858

Exhibit "A"

Re: Little Town LLC-1125 Easton Road, City of Bethlehem, County of Northampton, PA

LEGAL DESCRIPTION OF CONVEYANCE FROM LITTLE TOWN, LLC TO CITY OF BETHLEHEM

FIRST ORDER, LLC

4383 Hecktown Road, Suite B
Bethlehem, PA 18020
(610) 365-2907 • fax (610) 365-2958

February 28, 2018
Rev. October 31, 2018

Metes and Bounds Description
Lands to be conveyed from
Part of Parcel P7-22-2A 0204 & 0704
Lands of Little Town LLC
To The City of Bethlehem
City of Bethlehem
Northampton County, PA

Beginning at a point on the northwesterly City of Bethlehem legal right of way line of Easton Road (SR 2006) said point being located where said legal right of way line is intersected by the extension of the dividing line between Parcel P7-22-2A 0204 & 0704, lands n/f Little Town LLC and Parcel P-22-7A 0204E, lands n/f Christ Lutheran Church of Lower Saucon Township, and from said beginning point running thence

1. Along the projection of the dividing line between Parcel P7-22-2A 0704, lands n/f River Birch Realty Co. and Parcel P-22-7A 0204E, lands n/f Christ Lutheran Church of Lower Saucon Township, North 24°36'01" West a distance of 20.26 feet to a point, thence

Running the following courses along the northwesterly City of Bethlehem required right of way line of Easton Road, said line being measured 40' perpendicular to the centerline thereof:

2. North 45°03'53" East a distance of 80.35 feet to a point of curvature, thence
3. Along the arc of a curve to the right having a radius of 1,355.00 feet, turning a central angle of 13°14'17" for an arc length of 313.07 feet, the chord of said arc bearing North 51°41'02" East for a chord distance of 312.38 feet to a point of tangency, thence
4. North 58°18'11" East a distance of 390.83 feet to a point of curvature, thence
5. Along the arc of a curve to the right having a radius of 5,040.00 feet, turning a central angle of 01°14'14" for an arc distance of 108.82 feet, the chord of said arc bearing North 58°55'18" East for a chord distance of 108.82 feet to a point of tangency, thence
6. North 59°32'24" East a distance of 631.23 feet to a point, thence
7. Along the projected dividing line between Parcel P7-22-2A 0204, lands n/f Little Town LLC and Parcel P7-22-51 0704, lands n/f Jerc Partners XXII, South 29°46'16" East a distance of 19.00 feet to a point on the northwesterly PennDOT required right of way line of Easton Road, thence

Exhibit "B"

Re: Little Town LLC-1125 Easton Road, City of Bethlehem, County of Northampton, PA

Running the following courses along the northwesterly PennDOT required right of way line of Easton Road:

8. South $59^{\circ}32'24''$ West a distance of 631.00 feet to a point,
9. Along the arc of a curve to the left having a radius of 5,021.00 feet, turning a central angle of $1^{\circ}14'14''$ for an arc length of 108.41 feet, the chord of said arc bearing South $58^{\circ}55'18''$ West for a chord distance of 108.41 feet to a point of tangency, thence
10. South $58^{\circ}18'11''$ West a distance of 390.83 feet to a point, thence
11. Along the arc of a curve to the left having a radius of 1336.00 feet, turning a central angle of $13^{\circ}14'17''$ for an arc length of 308.68 feet, the chord of said arc bearing South $51^{\circ}41'02''$ West for a chord distance of 308.00 feet to a point of tangency, thence
12. South $45^{\circ}03'53''$ West 87.39 feet to the point and place of beginning.

Containing 28,981 s.f. or 0.6653 acres of land.

Jack W. Shoemaker
Pennsylvania Professional Land Surveyor SU-051643-E

Re: Little Town LLC-1125 Easton Road, City of Bethlehem, County of Northampton, PA

LEGAL DESCRIPTION OF CONVEYANCE FROM CITY OF BETHLEHEM TO LITTLE TOWN, LLC

FIRST ORDER, LLC

4383 Hecktown Road, Suite B
Bethlehem, PA 18020
(610) 365-2907 • fax (610) 365-2958

October 03, 2018
Rev. October 31, 2018

Metes and Bounds Description
Lands to be conveyed from
The City of Bethlehem
To Little Town, LLC
City of Bethlehem
Northampton County, PA

Beginning at a point on the northwesterly PennDOT legal right of way line of Easton Road (SR 2006) said point being located 16.5' measured perpendicular to the centerline of said road and where said legal right of way line is intersected by the projection of the dividing line between Parcel P7-22-2A 0204, lands n/f Little Town, LLC and Parcel P-22-7A 0204E, lands n/f Christ Lutheran Church of Lower Saucon Township, and from said beginning point running thence

1. Along the projection of the dividing line between Parcel P7-22-2A 0204, lands n/f Little town LLC and Parcel P-22-7A 0204E, lands n/f Christ Lutheran Church of Lower Saucon Township, North 29°36'01" West a distance of 6.93 feet to a point, thence along the City of Bethlehem's Legal Right-of-Way Line the following (5) five courses:
2. North 45°03'53" East, a distance of 86.52 feet to a point, thence
3. Along the arc of a curve to the right having a radius of 1,339.14 feet, turning a central angle of 13°14'17" for an arc length of 309.41 feet, the chord of said arc bearing North 51°41'02" East for a chord distance of 308.72 feet to a point, thence
4. North 58°18'10" East, a distance of 443.76 feet to a point, thence
5. North 59°21'28" East, a distance of 544.21 feet to a point, thence
6. North 60°13'44" East, a distance of 142.23 feet to a point, thence
7. Along the projected dividing line between Parcel P7-22-2A 0704, lands n/f Little Town LLC and Parcel P7-22-51 0704, lands n/f Jerc Partners XXII, South 29°46'16" East a distance of 6.50 feet to a point on the northwesterly PennDOT required right of way line of Easton Road, thence

Running the following courses along the northwesterly PennDOT legal right of way line of Easton Road, said line being measured 16.50' perpendicular to the centerline thereof:

8. South 59°32'24" West a distance of 630.95 feet to a point, thence

Exhibit "C"

Re: Little Town LLC-1125 Easton Road, City of Bethlehem, County of Northampton, PA

9. Along the arc of a curve to the left having a radius of 5016.50 feet turning a central angle of $1^{\circ}14'14''$ for an arc length of 108.32 feet, the chord of said arc bearing South $58^{\circ}55'18''$ West for a chord distance of 108.31 feet to a point, thence
10. South $58^{\circ}18'11''$ West for a distance of 390.83 feet to a point, thence
11. Along the arc of a curve to the left having a radius of 1331.50 feet, turning a central angle of $13^{\circ}14'17''$ for an arc length of 307.64 feet, the chord of said arc bearing South $51^{\circ}41'02''$ West for a chord distance of 306.96 feet to a point, thence
12. South $45^{\circ}03'53''$ West a distance of 89.06 feet to the point and place of beginning.

Containing 10,507 s.f. or 0.2412 acres of land more or less

Jack W. Shoemaker
Pennsylvania Professional Land Surveyor SU-051643-E

RESOLUTION NO. 2019-_____

WHEREAS, under the Third Class City Code, to wit. 11 PaCS § 12402.1(b)(9), the City, pursuant to Resolution of Council, can exchange real property owned by the City for real property of equal or greater value, provided that the property being acquired by the city is to be used for municipal purposes;

WHEREAS, pursuant to the Memorandum of the City Solicitor's Office dated February 7, 2019 to the City Clerk, the City Council finds that the transfer of real estate from Little Town, LLC to the City constituting part of tax parcel no.s P7-22-2A and P-22-7A consisting of 28,981 sf or 0.6653 acres and the transfer of real estate from the City to Little Town, LLC consisting of 10,507 sf or 0.2412 acres constitutes an exchange for municipal purposes under which the property acquired by the City will be of greater value than the land conveyed by the City.

NOW THEREFORE, be it resolved by authority of the City Council of the City of Bethlehem that, after having reviewed the matter, Administration officials are authorized to execute such documents and tender such deeds and related documentation needed to effectuate such transfer.

Sponsored by: _____

ADOPTED by Council this _____ day of _____, 2019.

President of Council

ATTEST:

City Clerk