



KINGSPRY

August 14, 2014

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

RE: Vacation of Portion of Ninth Avenue in the City of Bethlehem

Dear Ms. Biedenkopf:

This office serves as the Solicitor for the Bethlehem Area School District. Please accept this letter as a Petition being filed 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 Ninth Avenue located north of West Union Boulevard on Property owned by the School District which is utilized as the Nitschmann Middle School property. A metes and bounds description of the Ninth Avenue right-of-way is attached, as is a plan depicting the location of the portion of Ninth Avenue to be vacated. The portion of the right-of-way to be vacated is approximately 70 feet in length and 51 feet in width, and is 1,910 square feet in area.

The Bethlehem Area School District is the owner of the property on both sides of the above described portion of Ninth Avenue. It is currently used as access to the Nitschmann Middle School Building. However, the planned demolition of the Nitschmann Middle School and reconstruction of the Nitschmann Middle School on the property will require that this portion of Ninth Avenue be utilized, other than for right-of-way purposes. It is necessary to facilitate the construction of the new Nitschmann Middle School complex.

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

Please initiate the appropriate action by City Council to approve this Petition. Thank you for your assistance.

Sincerely yours,

KING, SPRY, HERMAN, FREUND & FAUL, LLC


Terence L. Faul, Esquire

TLF/sm
Enclosures
cc: Bethlehem Area School District

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COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF NORTHAMPTON :

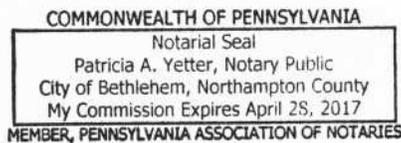
I, Mark Stein, Director of Facilities and Operations for the Bethlehem Area School District in Bethlehem, Pennsylvania, being duly sworn according to law and acting in my capacity as the Director of Facilities and Operations for the School District, depose and say that the Bethlehem Area School District is the true and lawful owner of the property located on both sides of that portion of Ninth Avenue located North of West Union Boulevard on lands currently utilized by the Nitschmann Middle School 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 14th day of August, 2014.



Notary Public



**METES AND BOUNDS DESCRIPTION
NINTH AVENUE RIGHT OF WAY
BETWEEN WEST UNION BOULEVARD AND GENOA STREET
TO BE PARTIALLY 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 West Union Boulevard (SR 1002, 80 feet wide) and the westerly Right Of Way of Ninth Avenue (70 feet wide), on the southwest corner of the lands of N/F Bethlehem Area School District, marked by a $\frac{3}{4}$ " iron pin, as the **Point and Place of BEGINNING**, thence;

- 1) Along the northerly Right Of Way of West Union Boulevard (SR 1002, 80 feet wide), **South 89° 36' 35" West** for a distance of **10.00 feet** to a point in the existing Ninth Avenue Right Of Way (70 feet wide) to a point, thence;
- 2) Through the existing Right of Way of Ninth Avenue **North 00° 23' 25" West** for a distance of **191.00 feet** to a point along the northerly Right Of Way of Genoa Street (51 feet wide) to a point, thence;
- 3) Along the northerly Right Of Way of Genoa Street (51 feet wide) and the lands of N/F Bethlehem Area School District, **North 89° 36' 35" East** for a distance of **10.00 feet** to a point along the easterly side of the existing Ninth Avenue Right Of Way (70 feet wide) to a point marked by a drill hole, thence;
- 4) Along the existing easterly Right Of Way of Ninth Avenue (70 feet wide), **South 00° 23' 25" East**, for a distance of **191.00 feet** to the **Point and Place of BEGINNING**;

CONTAINING: 1,910 square feet or 0.044 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

