



**KOLB, VASILIADIS, FLORENZ & RECCHIUTI, LLC**

ATTORNEYS AT LAW  
60 WEST BROAD STREET, SUITE 303  
BETHLEHEM, PENNSYLVANIA 18018-5721

Constantine M. Vasiliadis  
Michael D. Recchiuti\*

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Fax 610-974-8307

Jacob S. Kolb  
(1949-2011)  
Paul A. Florenz  
(1979-2018)

\*Admitted in New York

April 9, 2021

Bethlehem City Council  
c/o City Clerk  
Bethlehem City Hall  
10 East Church Street  
Bethlehem, PA 18018

Re: Street Vacation Petition  
Luna Street/Bushkill Street  
Petition of Michael and Gretchen Devers

Dear Members of Bethlehem City Council:

The undersigned is legal counsel for Michael and Gretchen Devers, owners of 129 Luna Street, bearing Parcel ID N6SW2C 1 10 0204. Enclosed please find their Petition to Vacate unopened portions of Luna and Bushkill Streets.

The Devers recently purchased this property and plan to raze the existing structures to build a new house and detached garage. The proposed plans for the property would require formally vacating the unopened sections of these roads to relieve the owners from some setback requirements.

The adjacent property owners are Sharkan Realty, Inc, who has consented and joined in the Petition, and the City of Bethlehem.

If you should have any questions regarding this request, please do not hesitate to contact me directly.

Very truly yours,

Michael D. Recchiuti

MDR/bm

PETITION TO THE CITY COUNCIL FOR THE  
CITY OF BETHLEHEM FOR STREET VACATION

AND NOW, comes Michael and Gretchen Devers, by and through their attorney, Michael D. Recchiuti, Esquire of Kolb, Vasiliadis, Florenz & Recchiuti, LLC, and Petition City Council for street vacations as set forth herein:

1. Petitioners are Michael and Gretchen Devers, with an address of 2006 Renwick Street, Bethlehem, PA 18017, are the fee simple owners of 129 Luna Street, bearing Parcel ID N6SW2C 1 10 0204.
2. Petitioners are seeking to raze the current improvements on the property and to build a new house and detached garage.
3. In order for Petitioners' plan to work as presently designed due to required setbacks, the plan requires the vacation of an unused portion of Luna Street and an unopened portion of Bushkill Street.
4. That portion of Luna Street which Petitioners seek to vacate is more particularly described in the attached Exhibit 1.
5. As depicted on the attached Exhibit 2, Petitioners are the fee simple owner of the lot to the north side of that portion of Luna Street that is sought to be vacated, while the City of Bethlehem is the record owner of the lot to the south side of that portion of Luna Street.
6. Luna Street stops or dead-ends adjacent to their property and is unused except by the Petitioners.
7. That portion of Bushkill Street, an unopened street, which Petitioners seek to vacate is more particularly described in the attached Exhibit 3.

8. As depicted on the attached Exhibit 4, Petitioners are the owner of the lot to the east side of that portion of Bushkill Street that is sought to be vacated, while Sharkan Realty, Inc. (hereinafter “Sharkan”) with a mailing address of 1428 Mauch Chunk Road, Bethlehem, PA 18018, is the record owner of the lot to the west.
9. Attached hereto and marked as Exhibit 5, is an Affidavit of Consent and Joinder to the Petitioners’ Petition, indicating Sharkan’s consent and joinder to the request to vacate Bushkill Street.
10. Bushkill Street is an unopened “paper” street that originally was proposed as part of the subdivision that included the Petitioners’ land but was never installed or utilized as a roadway or street in the City of Bethlehem.
11. Due to the topography of the land and proposed subdivision layout, Bushkill Street would only have been accessible from the east (i.e. the Petitioner’s side of the unopened street) and the vacation will not impact any landowner.
12. The vacation of both streets will not impact any traffic or access to abutting properties because the portion of Luna Street being vacated is not used by anyone other than the Petitioner, and that portion of Bushkill Street is unopened and would only be accessible from the portion of Luna Street which is being sought to be vacated herein or the Petitioner’s property.

WHEREFORE, Petitioner respectfully requests that City Council vacate the portion of Luna Street as more particularly described in Exhibit 1, and a portion of Bushkill Street as more particularly described in Exhibit 3.

Respectfully submitted,

Kolb, Vasiliadis, Florenz & Recchiuti, LLC



Michael D. Recchiuti, Esquire  
Counsel for Petitioner

PA I.D. No. 90862

60 W. Broad Street, Suite 303

Bethlehem, PA 18018

Telephone: 610-997-8820

Fax: 610-997-8822



[mdr@kvfrlaw.com](mailto:mdr@kvfrlaw.com)

Dated: 4/9/2021

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :  
:SS.  
COUNTY OF NORTHAMPTON :

Before me, a Notary Public in and for said Commonwealth and County, personally appeared Michael Devers and Gretchen Devers, who being duly sworn according to law deposes and states that they are the Petitioners herein and are authorized by law to make this Affidavit, and that the facts and averments contained in this Petition are true and correct to their personal knowledge, information, and belief.

  
\_\_\_\_\_  
Michael Devers  
  
\_\_\_\_\_  
Gretchen Devers

Sworn to and subscribed before me  
this 9<sup>th</sup> day of March, 2021

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

Commonwealth of Pennsylvania - Notary Seal  
MICHAEL D. RECCHIUTI, Notary Public  
Northampton County  
My Commission Expires January 9, 2025  
Commission Number 1273962

Property Description

Luna Street Vacation

5,083.093 Sq. ft.

0.117 Ac.

City of Bethlehem, Northampton County, Pennsylvania

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ALL THAT CERTAIN tract or parcel of land located along the northerly side of Luna Street, situate in the City of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, bounded, and described as follows, to wit:

BEGINNING at a point along the northerly side of Luna Street, said point being the southwesterly property corner of lands now or late of Michael & Doreen Wagner, thence from the point of BEGINNING crossing the easterly side of Luna Street, S 12°03'00" W, 40.00 feet to a point; thence along the northerly property line of lands now or late of the City of Bethlehem, N 77°57'00" W, 127.08 feet to a point; thence along the easterly property line of lands now or late of Sharkan Realty, Inc. N 12°03'00" E, 40.00 feet to a point; thence along the southerly property line of lands now or late of Wagner Family Trust, (of which this is to become a part) S 77°57'00" E, 127.08 feet to the point or place of BEGINNING.

CONTAINING in AREA – 5,083.093 Sq. Ft.  
0.117 Ac.

Jay C. Musselman, P.L.S.  
February 11, 2021

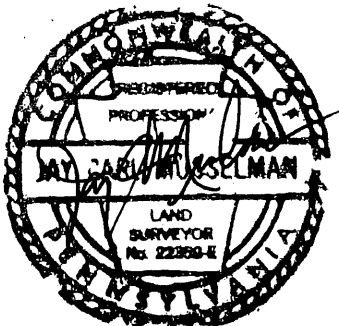


Exhibit 1

Exhibit 2



Existing Fence

*Bushkill St.  
(to be Vacated)*

Lands N/L  
Sharkan  
Realty, Inc

N12°03'00"E 40.00'

Lands N/L  
Wagner Family  
Trust

Existing  
Driveway

Lands N/L  
Michael & Doreen  
Wagner

Guy  
Wire

Guy  
Wire

P.O.B.

PPL 65596  
S48300

i.p. fnd.

S77°57'00"E

127.08'

*Luna Street*

Existing Macadam

Area  
5,083.093 Sq.Ft.  
0.117 Ac.

S12°03'00"W 40.00'

N77°57'00"W

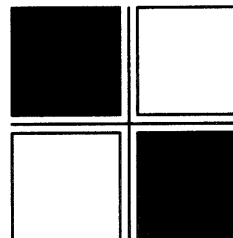
127.08'

Lands N/L  
City of  
Bethlehem

reading  
fnd.



*Proposed  
Luna Street Vacation  
City of Bethlehem, Pa. 18018  
Ward 14 Block 16  
Scale 1" = 20'*



**MUSSELMAN ASSOCIATES**  
professional land surveyor

1010 N. Quebec St.  
Allentown, PA. 18109  
tel: 610.866.9999  
email: JCMPLS1@aol.com

DRAWN BY: JPM DATE: 02/11/21 JOB NO. 2020-22

Property Description

Bushkill Street (Unopened Alley)

1,887.959 Sq. ft.

0.043 Ac.

City of Bethlehem, Northampton County, Pennsylvania

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ALL THAT CERTAIN tract or parcel of land located along the northerly side of Luna Street, situate in the City of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, bounded, and described as follows, to wit:

BEGINNING at a point along the northerly side of Luna Street, said point being the southwesterly property corner of lands now or late of Wagner Family Trust, (of which this is to become a part) thence from the point of BEGINNING along the northerly side of Luna Street N 77°57'00" W, 17.08 feet to a point; thence along easterly property line of lands now or late Sharkan Realty, Inc. N 12°03'00" E, 109.81 feet to a point; thence along the southerly property line of lands now or late of the City of Bethlehem, S 82°57'00" E, 17.14 feet to a point; thence along the westerly property line of lands now or late of Wagner Family Trust, (of which this is to become a part) S 12°03'00" W, 111.30 feet to the point or place of BEGINNING.

CONTAINING in AREA – 1,887.959 Sq. Ft.  
– 0.043 Ac.

Jay C. Musselman, P.L.S.  
February 11, 2021







Lands N/L  
City of Bethlehem

S82°57'00"E  
17.14'

Existing Chain  
Link Fence

Area  
1,887.959 Sq.Ft.  
0.043 Ac.

N12°03'00"E  
109.81'

UNOPENED BUSHKILL ST.

111.30'

Existing  
Delapidated  
Shed To Be  
Razed

Existing  
Driveway

*Proposed  
Bushkill Street  
Vacation  
City of Bethlehem, Pa. 18018  
Ward 14 Block 16  
Scale 1" = 20'*

Lands N/L  
Wagner Family  
Trust

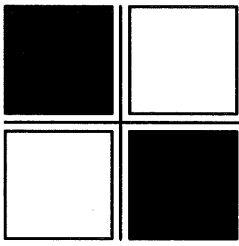
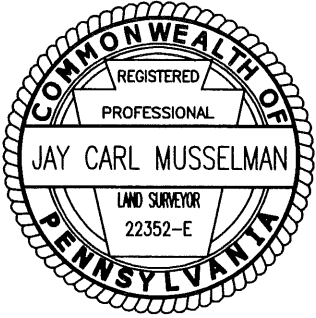
P.O.B.

N77°57'00"W  
17.08'

Lands N/L  
Sharkan  
Realty, Inc

*Luna Street*

Lands N/L  
City of Bethlehem



**MUSSELMAN ASSOCIATES**  
professional land surveyor

1010 N. Quebec St.  
Allentown, PA. 18109  
tel: 610.866.9999  
email: JCMPLS1@aol.com

Drawn By: JPM Date: 02/11/21 Job No: 2020-22

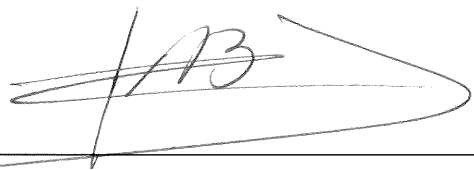
**AFFIDAVIT OF CONSENT**  
**AND JOINDER TO THE PETITION FOR STREET VACATION**

I, Jose A. Abud (name), President (title),  
of Sharkan Realty, Inc, 1428 Mauch Chunk Rd., Bethlehem, PA 18018, hereby consent to and  
join in the Petition for Street Vacation filed by Michael and Gretchen Devers.

I further affirm that Sharkan Realty, Inc. is the owner of the parcel located at 1428 Mauch  
Chunk Road, Bethlehem, PA 18018, PIN No. N6SW2C 1 1 0204, which is located to the west  
side of the unopened Bushkill Street, which is sought to be vacated by this Petition, and consent  
to the vacating of Bushkill Street by the City of Bethlehem.

I further affirm that I am authorized to sign this Affidavit of Consent on behalf of  
Sharkan Realty, Inc.

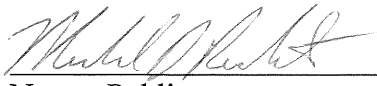
Date: 4/7/2021

  
\_\_\_\_\_  
Signature

Jose A. Abud  
Name

President  
Title

Sworn to and subscribed before me  
this 7<sup>th</sup> day of April, 2021

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

