



KOLB, VASILIADIS, FLORENZ & RECCHIUTI, LLC

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

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

\*Admitted in New York

May 4, 2022

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

Re: Street Vacation Petition  
Second Avenue  
Petition of George Mowers and Charlene Donchez Mowers

Dear Members of Bethlehem City Council:

The undersigned is legal counsel for George Mowers and Charlene Donchez Mowers, owners of owners of 312 Spring Street, Bethlehem, PA 18018, bearing Parcel ID 642746374969 1. Enclosed please find their Petition to Vacate a portion of Second Avenue, adjacent to their house.

As part of the Armory redevelopment plan, a portion of Second Avenue was vacated in favor the developer of the Armory apartments. However, an approximate area of 15 feet by 107 feet was not vacated and is now a grassy area between the Mowers' property and the sidewalk on Second Avenue. The Mowers are seeking to have that area vacated in their favor, so that they can ensure it is cared for and maintained.

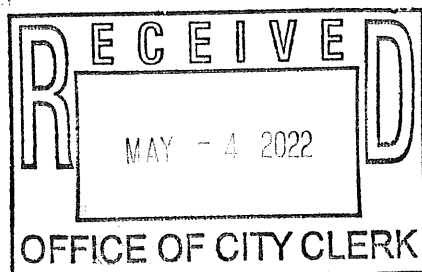
The adjacent property owners is Peron Amory, L.P., which has consented and joined in the Petition.

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 Charlene Donchez Mowers and George Mowers, by and through their attorney, Michael D. Recchiuti, Esquire of Kolb, Vasiliadis, Florenz & Recchiuti, LLC, and Petition City Council for the street vacation as set forth herein:

1. Petitioners are Charlene Donchez Mowers and George Mowers, the fee simple owners of 312 Spring Street, Bethlehem, PA 18018, bearing Parcel ID 642746374969 1.
2. Petitioners own the property at the corner of Second Avenue and Spring Street, adjacent to a portion of Second Avenue that was vacated as part of the Amory redevelopment project.
3. During the course of construction, Petitioners learned that the portion of Second Avenue nearest to their property was not part of the vacation sought by the developers of the Armory redevelopment project and remained part of the now unopened right of way owned by the City.
4. Petitioners are concerned about the care and maintenance of that parcel given its proximity to their property, and seek to have it vacated in their favor, so that it becomes their property to maintain and use.
5. The parcel sought to be vacated is more fully described and depicted on the attached Exhibit "1", which sets forth a metes and bounds legal description of the parcel sought to be vacated, along with an attached plotted plan of the parcel.
6. Petitioners intend to care and maintain the parcel, as they do their current property, which would relieve the City of the burden of maintaining the parcel, including mowing the grass.

7. The only property owner that touches and concerns the area to be vacated, other than the City of Bethlehem, is 309 Filbert Street, which is owned by Peron Armory, L.P., the developer of the armory and original Petitioner for vacation of the remaining portion of Second Avenue. A consent and joinder executed by Peron Armory, L.P. is attached as Exhibit 2.
8. The unvacated portion of Second Street serves no known public purpose or use, and the vacation would not affect any traffic in the area.

WHEREFORE, Petitioner respectfully requests that City Council vacate the portion of Second Avenue as more particularly described in Exhibit 1.

Respectfully submitted,

Kolb, Vasiliadis, Florenz & Recchiuti, LLC



Michael D. Recchiuti, Esquire

Counsel for Petitioners

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: 4/28/22

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :  
:SS.  
COUNTY OF NORTHAMPTON :

Before me, a Notary Public in and for said Commonwealth and County, personally appeared Charlene Donchez Mowers and George Mowers, 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.

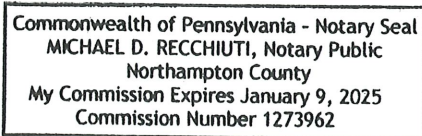
*Charlene Donchez Mowers*  
Charlene Donchez Mowers

*George Mowers*  
George Mowers

Sworn to and subscribed before me

this 28<sup>th</sup> day of April, 2022

*Michael D Recchiuti*  
Notary Public



**DEED DESCRIPTION FOR LANDS TO BE TRANSFERRED  
FROM THE CITY OF BETHLEHEM TO CHARLENE D & GEORGE MOWERS**

ALL THAT CERTAIN portion of land, situated in the City of Bethlehem, County of Lehigh, Commonwealth of Pennsylvania described according to the 2<sup>nd</sup> Avenue South Right-of-Way Land Transfer, EX-A, prepared by Pennoni Associates Inc. dated 03/07/2022 as follows, to wit:

**BEGINNING** at a point being a southeasterly corner lands now or formerly of Peron Armory LP; thence along said Peron Armory LP, SOUTH 89 degrees 25 minutes 06 seconds EAST, a distance of 14.59 feet to point on the future western right-of-way of 2nd Avenue;

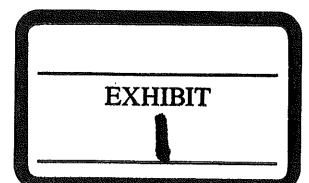
Thence along said 2<sup>nd</sup> Avenue SOUTH 01 degrees 34 minutes 12 seconds WEST, a distance of 107.61 feet to a point being on the northern right-of-way of Spring Street;

Thence along said Spring Street the following two (2) courses:

1. NORTH 89 degrees 43 minutes 52 seconds WEST, a distance of 17.41 feet to a point, thence;
2. NORTH 89 degrees 25 minutes 06 seconds WEST, a distance of 3.35 feet to a point being a corner of other lands now or formerly of Charlene D & George Mowers;

Thence along said Mowers and also a portion of previously mentioned Peron Armory LP, NORTH 00 degrees 34 minutes 54 seconds EAST, a distance of 107.69 feet to the **Point of Beginning**.

Containing an area of 2,334.89 sq. ft. or 0.05acres.



AFFIDAVIT OF CONSENT  
AND JOINDER TO THE PETITION FOR STREET VACATION

I, John B. Callahan (name), Director of Development (title), of Peron Armory, L.P., 60 W. Broad Street, Suite 202, Bethlehem, PA 18018, hereby consent to and join in the Petition for Street Vacation filed by Charlene Donchez Mowers and George Mowers.

I further affirm that Peron Armory, L.P. is the owner of the parcel located at 309 Filbert Street, Bethlehem, PA 18018, PIN No. 642746380794 1, which is located to the north side of the parcel sought to be vacated by this Petition, and consent to the vacating of the remaining portion of Second Avenue in favor of the Petitioners.

I further affirm that I am authorized to sign this Affidavit of Consent and Joinder on behalf of Peron Armory, L.P.

Date: 4/15/22

John B. Callahan  
Signature

John B. Callahan  
Name

Director of Development  
Title  
Peron Development

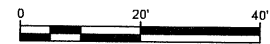
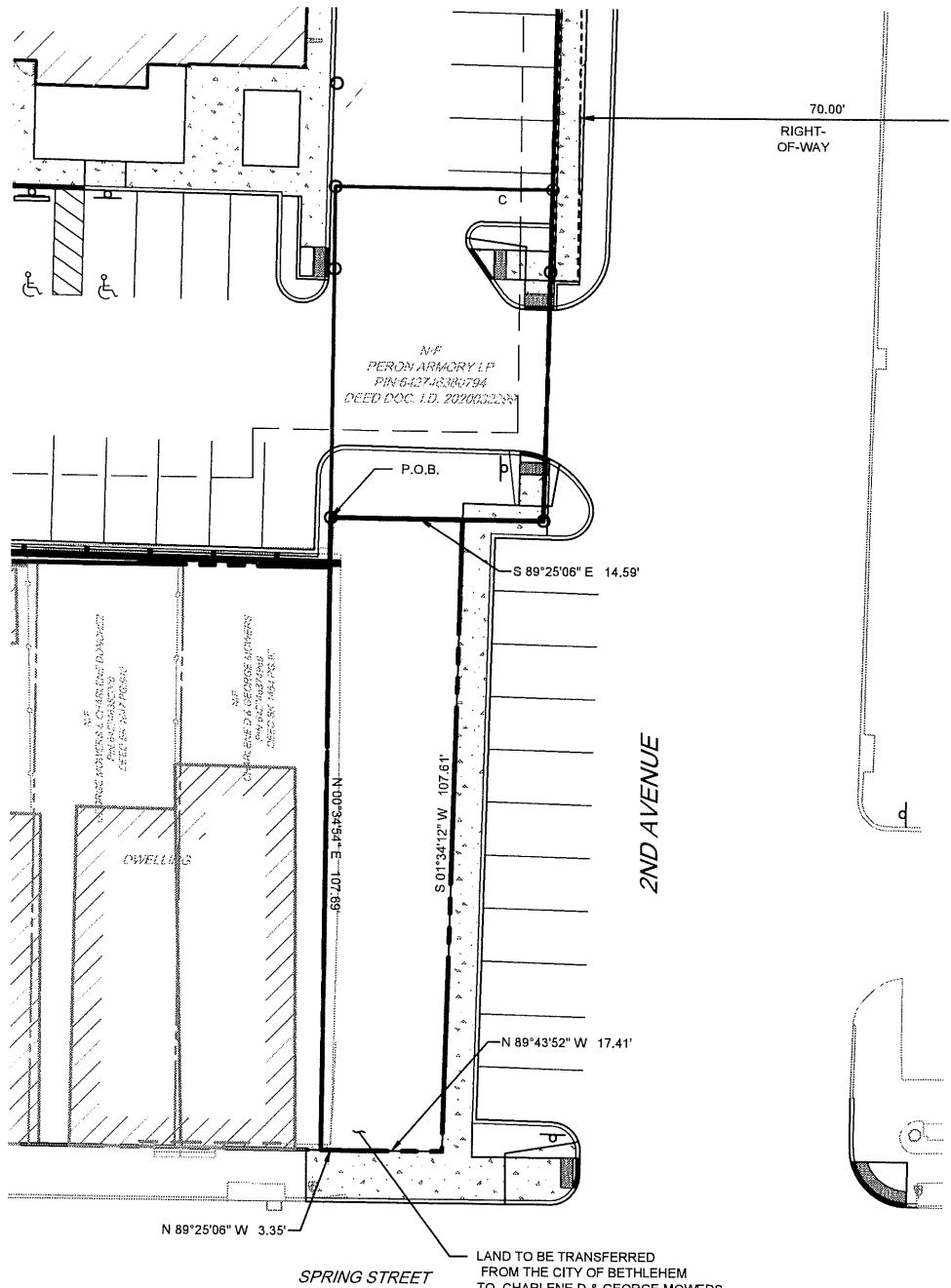

Sworn to and subscribed before me  
this 15<sup>th</sup> day of April, 2022.

[Signature]  
Notary Public

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

EXHIBIT  
**2**

REVISIONS			
NO.	DESCRIPTION	DATE	BY

**PENNONI ASSOCIATES INC.**  
 2041 Avenue C, Suite 100  
 Bethlehem, PA 18017  
 T 610.231.0600 F 610.231.2033

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES. AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

2ND AVENUE STREET VACATION  
 2ND AVENUE  
 BETHLEHEM, PA 18018

**2ND AVENUE SOUTH RIGHT-OF-WAY  
 LAND TRANSFER**  
 KOLG, VASILIADIS, FLORENZ, & RECCHIUTI, LLC  
 60 WEST BROAD STREET, SUITE 303  
 BETHLEHEM, PA 18018

PROJECT	KVFR22001
DATE	2022-03-07
DRAWING SCALE	1"=20'
DRAWN BY	KDH
APPROVED BY	DRB
<b>EX-A</b>	
SHEET 1 OF 1	