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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.

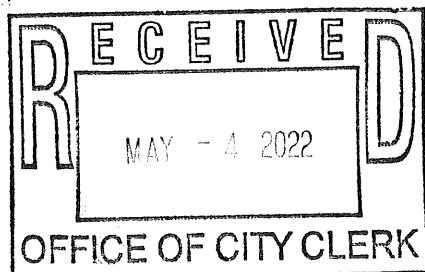
The adjacent property owners is Peron Amory, L.P., which has consented and joined in the Petition.

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

Dated: 4/28/22



Michael D. Recchiuti, Esquire
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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


George Mowers

Sworn to and subscribed before me

this 28th day of April, 2022


Notary Public

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

**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 2nd Avenue South Right-of-Way Land Transfer, EX-A, prepared by Pennoni Associates Inc. dated 03/07/2022, last revised 7/5/2022 as follows, to wit:

BEGINNING at a point being a southeasterly corner of lands now or formerly of Peron Armory LP, being a corner of lands now or formerly of Charlene D & George Mowers and on the western right-of-way of 2nd Avenue; thence through said right-of-way, SOUTH 89 degrees 25 minutes 06 seconds EAST, a distance of 22.47 feet to point on the future western right-of-way of 2nd Avenue;

Thence along said future 2nd Avenue SOUTH 01 degrees 34 minutes 12 seconds WEST, a distance of 99.12 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 previously mentioned Charlene D & George Mowers;

Thence along said Mowers, NORTH 00 degrees 34 minutes 54 seconds EAST, a distance of 99.20 feet to the **Point of Beginning**.

Containing an area of 2,143.42 sq. ft. or 0.05 acres.

Subject to a utility easement, as shown on the above referenced plan and described under separate description.

(New)
Exhibit
1

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 15th day of April, 2022.

Michael D. Recchiuti
Notary Public

