

MICHAEL P. HANLON

CITY CLERK



Michael.Hanlon@allentownpa.gov
435 West Hamilton Street
Allentown, PA 18101
Phone: (610) 437-7556
Fax: (610) 437-7554

January 19, 2022

Craig Messinger
Director, Public Works
City Hall, Allentown, PA 18101

Irene Woodward
Director, Planning and Zoning
City Hall, Allentown, PA 18101

Brian Hite
Senior Planning Technician
Lehigh Valley Planning Commission
961 Marcon Boulevard, Suite 310
Allentown, PA 18109

To All:

The attached street vacation petition was received from Zator Law on behalf of Two Farms, Inc. d/b/a Royal Farms to vacate the following street:

Summit Street from 31st Street to Termination Point at Brass Rail (Parcel #549574278911 – 1)

This petition is hereby referred to the City Engineer, the Planning Commission and the Lehigh Valley Planning Commission for review and recommendations.

Please submit your report to this office.

Very truly yours,

Michael P. Hanlon
City Clerk

Cc: Council
Christian Brown, Chairman of the Planning Commission
Brian Borzak, Engineering
Matthew Kloiber, City Solicitor
Frances Fruhwirth, Associate Solicitor

STREET VACATION PETITION

Date January, 2022

City Council, City Hall

435 Hamilton Street

Allentown, PA 18101

(610) 437-7556 Telephone

(610) 437-7554 Fax

EMAIL: Mike Hanlon

Michael.Hanlon@allentownpa.gov

Tawanna L. Whitehead

Tawanna.Whitehead@allentownpa.gov

Gentlemen:

We, the undersigned and interested parties hereby request your honorable body to vacate

Summit Street

from 31st Street

to Termination Point at Brass Rail ~~with~~* without* utility easements. (*Strike inapplicable word.)

(Parcel #549574278911-1)

Reason for Vacation of Street (give details)

The Site is being developed with a Royal Farms convenience store and gas station. The
adjacent property to the north does not currently have access to Summit Street. The only
properties with access are those which will comprise Royal Farms. For these reasons
there will be no need for Summit Street.

NAME

ADDRESS

PHONE

EMAIL

Jeff Bainbridge 3611 Roland Avenue 410-889-0200 jsbainbridge@royalfarms.com
c/o Two Farms, Inc. Baltimore, MD 21211

NOTE: Send or deliver this petition to:

City Clerk's Office

City Hall

435 Hamilton Street

Allentown, PA 18101

(610) 437-7556 Phone

(610) 437-7554 Fax

EMAIL: Mike Hanlon

Michael.Hanlon@allentownpa.gov

Tawanna L. Whitehead

Tawanna.Whitehead@allentownpa.gov

395.25 STREET VACATION FEES

Street Vacations: Petitions for street vacations can be found on the City website or by contacting the City Clerk's Office. A written Petition for a street vacation may be submitted to City Council by a citizen. The petition must be submitted together with a check in the amount of \$300.00 payable to the City of Allentown, to the City Clerk's Office, 435 Hamilton Street. Requests for Street Vacations shall be subject to a Three Hundred (\$300) Dollar fee. In addition, the petitioner must pay in full all costs incurred by the City in publishing the legally required advertising for the vacation prior to the final Council action. (14273 §1 3/3/05; 15173 §1 12/2/14)

Remittance/Check payable to the "City of Allentown"



ZATOR LAW

izator@zatorlaw.com

January 18, 2022

AMERICAN HERITAGE BUILDING

4400 Walbert Avenue at Ridgeview Drive

Allentown, Pennsylvania 18104

Ph: 610.432.1900 F: 610.432.1707

www.zatorlaw.com

SENT FEDERAL EXPRESS

City Clerk's Office

City Hall

Attn: Michael Hanlon/Tawanna Whitehead

435 Hamilton Street

Allentown, PA 18101

**RE: Summit Street Road Vacation Petition
Application of Two Farms, Inc. d/b/a Royal Farms**

ATTORNEYS AND COUNSELORS AT LAW

Joseph A. Zator II

Andrew D. Hoffman

Jennifer R. Alderfer

Marissa R. Harper

Richard S. Roberts, Jr.

OF COUNSEL

Paul D. North, Jr., P.E.

Thomas L. Harper

Dear Mr. Hanlon and Ms. Whitehead:

I serve as legal counsel to Two Farms, Inc. d/b/a Royal Farms in connection with its land development project in the City of Allentown. That project is currently in the process of review with the City Planning Commission. That plan contemplates the vacation of Summit Street. Accordingly, I am submitting the Street Vacation Petition, along with the required check payable to the City of Allentown in the amount of \$300.00.

While the Petition appropriately lists Mr. Bainbridge of Two Farms, Inc. as the contact person because his company is the Applicant, if there are any questions that you or anyone in the City has in connect with this Petition, I respectfully suggest that you contact me.

Having read through the street vacation procedures I believe this qualifies for advertising as a Petition by a majority in number and interest of owners of property abutting Summit Street proposed for vacation. Specifically, my client, Two Farms, Inc., is the equitable owner for purchase of three of the four properties that adjoin Summit Street. Summit Street has only four adjoining properties as follows:

- 549574259190 (0.92 Ac.) – Pacific Pride
- 549574152304 (0.63 Ac.) – Corner Property (Lehigh and 31st Streets)
- 549574167474 (0.31 Ac.) – Budget Truck Rental
- 549574278911 (1.82 Ac.) – Brass Rail

Two Farms, Inc. is under contract to acquire all but the corner property.

There is only one property adjoining Summit Street that is not under contract with my client. However, that property located to the north (corner property at the intersection of Lehigh Street and 31st Street), based

on existing site construction and topography, does not have access to Summit Street, and it is not used by that property.

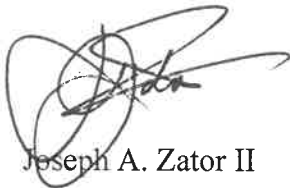
In addition, our title work has confirmed that the original dedication of Summit Street came from property now under contract with Two Farms Inc, and none of it came from that property to the north. Therefore, by operation of law, following street vacation, the entirety of Summit Street would be owned by the owner of the properties currently under contract with Two Farms, Inc. I mention this by way of information for you only. I recognize that legal principles control who owns property following road vacation, and we are not expecting the City to provide any assurances in that regard.

Also note that I have forwarded this Petition requesting that the vacated street not contain a reservation of easements by the City. The Development Plan under review by the Planning Commission is proceeding in hopeful anticipation that the road vacation occurs. Assuming it does occur, the future Royal Farms development will be utilizing the area of Summit Street as part of its project. We would not want unspecified potential future utilities or stormwater infrastructure to have an adverse impact on this project.

If there is anything else that you need please feel free to let me know.

Thank you.

Very truly yours,


Joseph A. Zator II

JAZ:jlw

Enclosure

cc: Royal Farms Project Team Members