



City of Allentown
Staff Report

All comments in the report are advisory

To: Allentown City Planning Commission

From: Bureau of Planning & Zoning
Brandon Jones

Meeting Date: July 9, 2024

Proposal: Petition to vacate a portion of S. Ruhr Street and a portion of Hill Street

Petitioner: Jose Cartagena

Case Number: V-24.03

Description

1. The petition comes from Jose Cartagena, Sr., a local resident whose property is one of those abutting the subject roadway to be vacated (i.e., Parcel C).
2. The petition covers a portion of Ruhr Street and a portion of Hill Street in the southwest section of Allentown, from S. Saint Lucas Street, westward to S. Ruhr Street and from Willow Street, southward to Hill Street. (Fig.-1).
3. The purpose of this vacation is to acquire additional side yard real estate for the private use and maintenance of the petitioner. (i.e., Parcel C).

Fig-1 Aerial showing area around Ruhr and Hill Street, abutting properties, and points of access.



Findings /Comments

4. The mentioned street segments remain undeveloped and do not appear to have ever been accessible to public traffic. This is categorized as a paper street. The segment of Hill Street, in its undeveloped state, has a Right of Way of approximately 20 feet in width and extends about 140 feet in length. The segment of Ruhr Street also has a Right of Way of approximately 20 feet in width and extends about 100 feet.

5. It was observed that there are overhead utility lines along and across the subject roadways.
6. There are 3 parcels abutting the subject segment of Ruhr Street: (**Parcels A to C**) and 3 parcels abutting the subject segment of Hill Street (**Parcels D to F**) (Fig-1).
 - a. Parcels A through F all host occupied single-family, detached units.
 - b. Parcels A – has access from both S. 22nd Street and Willow Street with the garage and driveway facing Willow Street.
 - c. Parcels B and C – both have driveways and garages fronting South Saint Lucas Street.
 - d. Parcels D through F- all have driveways and garages fronting W. Fairview Street.
 - e. Parcel E- can also be accessed via a pedestrian entryway at the rear of the property from Hill Street. (Fig-2).
7. The petitioner has maintained the entire segment of Hill Street in question, and a portion of Ruhr Street, extending to the northern property line of parcel C. (Petitioner) (Fig-1).

a. All parcels would benefit from this proposed vacation because it would extend the property line of each parcel approximately 10ft in relation to Hill and Ruhr Streets.

Fig-2 Google Aerial showing parcels, vicinity and rear entrance.



8. Planning Staff was able to conduct a site visit on June 25, 2024 where the petitioner was present and informed staff of his efforts to clear and maintain both Hill Street and Ruhr Street while expressing his concerns about the lack of maintenance and the disposal of trash from the abutting properties. It was discussed that a street vacation would not resolve this issue and would likely be considered a civil matter.
9. In accordance with Section 545-36.D of the city's Codified Ordinances (re: Street Vacations), Planning Staff reviewed the proposed vacation against criteria prescribed therefor:
 - a. **Whether the right-of-way vacation will adversely affect the street pattern or circulation of the immediate area or of the community.**
 - i. No, since the subject street segment is not a through street and not used as a roadway.
 - b. **Whether the public need will be adversely affected.**

- i. No, since the subject street is not a through street and neither used as a roadway nor as a pedestrian route other than to access the rear of property 2135 W. Fairview St. (Fig.-2)

c. Whether the public right-of-way may be needed for future public use.

- i. Planning Staff defers to Public Works as to the future use of this paper street.

d. Whether any abutting property owner will become landlocked or will have his access substantially impaired.

- i. No. As stated in item 6, all abutting parcels maintain primary, vehicular and pedestrian access from a main road.

10. Meanwhile, Staff Report from the city’s Bureau of Engineering, Public Works Dept informs of the following findings:

a. Comments from abutting properties were obtained with the following results:

| Parcel Label | Address /Property Owner | Response |
|---------------------|--|-----------------|
| A | 215 S 22 nd St /Jason L & Andeal Esty | Co-petitioner |
| B | 214 S. Saint Lucas St/Karen Esbensen | Co-petitioner |
| C | 222 S. Saint Lucas St./ Elizabeth Rivera/ Jose Cartagena | Petitioner |
| D | 2143 W Fairview St./Kim Graham/Dan Ireland | No response |
| E | 2135 W Fairview St./ Demarte Suero | No response |
| F | 2127 W. Fairview/Rodney Reiss | Co-petitioner |

b. Utility agencies were also polled with the following results:

| Utility Agency | Response |
|-----------------------|--------------------|
| PPL | Requires easement. |
| UGI | No objection |
| LCA | No objection |
| Verizon | Requires easement. |

c. City units that have a conceivable interest in vacating the subject street were also polled with the following results:

| City Staff /Department | Response |
|-------------------------------|--------------------|
| A P D | Has not responded. |
| A F D | No objection |
| Traffic Superintendent | No objection |
| Stormwater Engineer | No objection |
| Communications /EMS | Has not responded. |

11. The Bureau of Engineering recommends that the subject portion of Ruhr Street and Hill Street be vacated provided the adjoining owners provide easements for the existing utility facilities.
12. Finally, while LVPC does not object to the proposed vacation, this agency would also prefer if all abutting owners expressed concurrence with the proposed action, if only to make the owners aware of their responsibilities. Additionally, LVPC advises that underground and overhead utilities should remain accessible to support agencies and maintain emergency access for utilities and properties by emergency service personnel.

Summary

13. Staff agrees with the recommendations from Public Works and LVPC to proceed with the proposed vacation of the subject roadways, while retaining easements for existing utility agencies.