

**MICHAEL P. HANLON**

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**CITY CLERK**

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[Michael.Hanlon@allentownpa.gov](mailto:Michael.Hanlon@allentownpa.gov)

435 West Hamilton Street  
Allentown, PA 18101  
Phone: (610) 437-7556  
Fax: (610) 437-7554

September 22, 2021

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 William G. Malkames to vacate the following street:

**Chestnut Street from American Parkway to the East side of Race Street**

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  
Nat Hyman – Hyman Group, [nat@hymangroup.com](mailto:nat@hymangroup.com)  
C Gray, [cgray@malkameslaw.com](mailto:cgray@malkameslaw.com)  
R J Corman - Railroad Company, [Deborah.Hawley@RJCorman.com](mailto:Deborah.Hawley@RJCorman.com)

**STREET VACATION PETITION**

Date 9/22/21

City Council, City Hall  
435 Hamilton Street  
Allentown, PA 18101  
(610) 437-7556 Telephone

(610) 437-7554 Fax  
Michael.Hanlon@allentownpa.gov  
Tawanna.Whitehead@allentownpa.gov

EMAIL: Mike Hanlon

Tawanna L. Whitehead

Gentlemen:

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

Chestnut Street  
\_\_\_\_\_ from American Parkway

to the East side of Race Street with\* ~~without~~\* utility easements. (\*Strike inapplicable word.)  
(if any)

Reason for Vacation of Street (give details)

Race Street serves no public purpose and terminates without access to  
American Parkway

| <u>NAME</u>                   | <u>ADDRESS</u>   | <u>PHONE</u> | <u>EMAIL</u>                                |
|-------------------------------|--|--------------|---|
| 315 W. Linden St, LLC         | 737 N. Meadow Street<br>Allentown, Pa 18102                    |              | Nat@HymanGroup.com<br>cgray@MaikamesLaw.com |
| RJ Corman<br>Railroad Company | 101 R.J. Corman Drive<br>PO Box 788<br>Nicholasville, KY 40340 |              | Deborah.Hawley@RJCorman.com                 |

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"

## STREET VACATION PROCEDURES

1. Applications for street vacations received by Clerk's Office.
2. Clerk's Office refers (at the same time) request to the following for their review and recommendations:
  - a. City Planner (as a Planner's standpoint)
  - b. City Engineer's Office (engineering in general)
  - c. Allentown City Planning Commission (analyze Planner's report and municipal impact standpoint)
  - d. Joint-Planning Commission (analyze regional impact standpoint)
3. Clerk's Office holds all reports until received. After reports are received, the Engineering Department sends up draft ordinance to be placed on Council's Agenda.
4. After First Reading Ordinance, the ordinance is referred to the Community Development Committee.
5. After introduction, the City Clerk's Office advertises the street vacation in the following way:
  - a. If a majority in number and interest of owners of property abutting the proposed vacation petition Council to vacate, notice of passage of the ordinance shall be published once within a week of adoption. The notice should state that the vacation was passed upon petition of property owners and the date of passage and that any person interested may appeal to the Court of Common Pleas within thirty (30) days of passage.
  - b. If the vacation does not qualify as a property owner petition as described above, you must advertise before adoption by publishing the ordinance once a week for three consecutive weeks immediately after introduction. At least twenty-eight (28) days must lapse between introduction and final passage and five (5) affirmative votes are necessary for adoption (53 P.S. 37916).
6. The Public Works Committee examines the proposed vacation and makes their recommendations. Abutting property owners are notified in writing of the committee meeting.
7. The bill is placed on Council's agenda for final reading.

**ARTICLE 915  
STREET VACATIONS**

- 915.01 Procedure
- 915.02 Reservation of Easement
- 915.03 Utilities and Drainage Responsibility
- 915.04 Striking from City Block Plan
- 915.05 Ordinance Sponsored by Mayor

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**915.01 PROCEDURE**

The procedure for vacating a street shall be as follows:

A. A petition to Council for the vacating of any street, shall be signed by a majority, in number and interest, of the owners of property abutting on the line of the proposed vacation as fixed at the time of presentation of the petition, and shall be verified by the affidavit of one (1) or more of the petitioners. Co-owners of undivided interest in any piece of property shall be deemed as one (1) person for the purpose of the petition and the majority in interest of such co-owners shall determine the position of the co-owners for this purpose.

B. A petition to vacate any street shall include a block plan showing the location and ownership of the abutting properties and shall be filed with the City Clerk upon payment to the City Treasurer by the petitioner of a filing fee in the amount of Three Hundred (\$300.00) Dollars. 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. The purpose of this fee is to partially defray the normal administrative, engineering, advertising, and legal expenses for processing the petition for vacation. This fee shall not be refunded under any circumstances, whether or not the petition is granted. (12655 §1 5/15/85; 14273 §2 3/3/05; 15173 §1 12/3/14)

C. Council shall act on the petition to vacate by ordinance. Approval of a petition to vacate shall require the affirmative vote of at least four (4) members of Council.

D. In determining whether to vacate any street, Council shall consider the following:

1. Whether the right of way vacation will adversely affect the street pattern or circulation of the immediate area or of the community as a whole.
2. Whether the public need will be adversely affected.
3. Whether the public right of way may be needed for future public use.
4. Whether any abutting property owner will become landlocked or will have his access substantially impaired. (12245 §1 4/6/77)

**915.02 RESERVATION OF EASEMENT**

Unless otherwise specified in the Street Vacation Ordinance, there shall be reserved to the City after vacation an easement over the vacated area for drainage and for passage of public utilities such as electricity, telephone, water, sewer, gas and the like, together with the right of entry thereon for repairs, construction and reconstruction of the drainage facilities and the utilities mentioned, without any liability for damages on the part of the City. Where any such easement is reserved, no construction, temporary or permanent, shall be made over or across the vacated street area without the approval of Council by ordinance. Council may relinquish by ordinance the City's easement rights in any vacated street. (12245 §1 4/6/77)

**915.03 UTILITIES AND DRAINAGE RESPONSIBILITY**

Unless otherwise specified in the Street Vacation Ordinance, the abutting owners of the vacated street shall be responsible jointly and severally, for protecting, reconstructing and/or relocating all existing utilities and drainage facilities in such manner as will be satisfactory to the Mayor without any liability for damages on the part of the City resulting therefrom. (12245 §1 4/6/77)

**915.04 STRIKING FROM CITY BLOCK PLAN**

Immediately after an ordinance vacating any street becomes effective, the City Engineer is authorized and directed to strike such street between the limits cited from the City Block Plan. (12245 §1 4/6/77)

**915.05 ORDINANCE SPONSORED BY MAYOR**

Any ordinance for the vacating of any street may be sponsored by the Mayor without the petition of property owners. In such event, the Street Vacation Ordinance requires for passage the affirmative vote of at least five (5) members of Council. An ordinance sponsored by the Mayor shall not be subject to any filing fee, but the provisions set forth in Sections 915.02, 915.03 and 915.04 shall apply. (12245 §1 4/6/77)

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PETITION TO ALLENTOWN CITY COUNCIL  
THE PLANNING COMMISSION OF THE CITY OF ALLENTOWN  
FOR THE VACATION OF A PUBLIC STREET

The Petition of 315 West Linden Street, LLC, a Pennsylvania Limited Liability Company having its principal office at 727 N. Meadow Street, Allentown, PA 18102-1828 respectfully represents:

1. 315 West Linden Street, LLC (herein called "Linden Street" (Doc ID 2019003495) owns a parcel of land located on the south side of Chestnut Street, a public street located in the City of Allentown located between Linden Street and the south side of property owned by R. J. Corman Railroad Company, which owns a parcel of land described in Deed Book Volume 1568, Page 1117, located on the north side of Chestnut Street.

2. The said portion of Chestnut Street is depicted on Exhibit "A" and serves no public purpose inasmuch as it terminates without access to American Parkway.

3. There are no other properties which abut either side of this section of Race Street.

WHEREFORE, Linden Street requests that the City of Allentown vacate the aforesaid portion of Chestnut Street.

315 WEST LINDEN STREET, LLC

BY: \_\_\_\_\_

*NAT L. HYMAN*

