

**REPORT TO THE CITY CLERK
AND THE
ALLENTOWN CITY PLANNING COMMISSION
REQUEST FOR STREET VACATION**

RE: Request for the vacation of Cumberland St from S 6th St to S 5th St, S Virginia St from Cumberland St to Susquehanna St, S 6th St from Cumberland St to Susquehanna St and S Fair St from Cumberland St North to the North Property line of 1029 S 6th St.

Requested by:

The Khan Partnership, equitable owners of multiple properties within the subject area.

Prepared by Brian L. Borzak, PLS, Chief Surveyor/Designer
City of Allentown Department of Public Works

CONTENTS:

Report and Recommendations
Location Map -- Portion of City Block Plan 12J
Photos
Polls

HISTORY OF THE STREETS PROPOSED TO BE VACATED:

The subject Streets are in the 12th Ward. Cumberland Street has a 60.0' wide Right of Way and was accepted by City Ordinance No. 226 on July 1, 1915. S 6th St has a Right of Way of 46' and was accepted by Ordinance Volume 5 Pg 492, dated October 4, 1909. S Fair St has a Right of Way of 20.0' and was dedicated by the Hillcrest Subdivision, dated June, 1912. S Virginia St has a Right of way of 20.0' and was dedicated by the Hillcrest Subdivision, dated June, 1912.

LOCATION AND CONDITION:

The subject portion of Cumberland Street is a partially opened street and has existing utilities within its Right of Way. S 6th is partially opened and has existing utilities within its Right of Way. S Fair St is a opened street and has existing utilities within its Right of Way. S fair St is an unopened street with an existing private driveway within its limits.

POLLS CITY OF ALLENTOWN:

Charles Roca, Chief of Police has not replied.

Efrain Agosto, Fire Chief has no objection to the street vacation.

Dennis Weatherhold, Communications has not replied.

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Michael Lichty, Stormwater Engineer has no objection to the street vacation.

Nelson Varughese, Traffic Control Superintendent has no objection to the street vacation.

POLLS UTILITIES:

Verizon Communications, objects to the street vacation due to existing facilities and will need easements.

PPL Electric Utilities, objects to the street vacation due to existing facilities and will need easements.

UGI Utilities, Inc. , objects to the street vacation due to existing facilities and will need easements.

LCA , objects to the street vacation due to existing facilities and will need an easement.

POLL ADJOINING OWNERS:

Gustavio & Lioia Puello, owners of 642 Cumberland St have no objection to the street vacation as long as they have full access to their garage along the existing driveway.

Edward & Gloria E. Roth, owners of 1117 S 7th St have no objection to the street vacation. “Glad to see that there is a party interested in developing this land.”

Siya Real Estate LLC, owner of 1024 S 5th St objects to the street vacation. “Too Much Traffic.”


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RECOMMENDATIONS:

The Bureau of Engineering has no objection to the street vacations with the requirement that easements are provided for the existing utilities or the existing utilities are relocated

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are relocated during the land development process, also a access easement should be provided by the applicant to 624 Cumberland Street.

Very truly yours,

for Mark Shahda
Public Works Director

Attachments

xc: Mark Hartney, Planning Director
Matt Kloiber, City Solicitor
Michael P. Hanlon, City Clerk
Mark Shahda, Public Works Director

Google Maps

601 E Cumberland St

Allentown, Pennsylvania

Google

Street View - Jul 2019



Image capture: Jul 2019 © 2022 Google

RVIEW



CUMBERLAND ST.
LOOKING EAST

Google Maps

1101 S 6th St

Allentown, Pennsylvania

Google

Street View - May 2008



Image capture: May 2008 © 2022 Google



S. 6TH ST.
LOOKING SOUTH

Google Maps

611 E Cumberland St

Allentown, Pennsylvania

Google

Street View - Jul 2019



Google

Image capture: Jul 2019 © 2022 Google

RVIEW



S. VIRGINIA ST.
LOOKING SOUTH

Google Maps

1077 E Cumberland St

Allentown, Pennsylvania

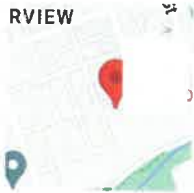
Google

Street View - Sep 2014



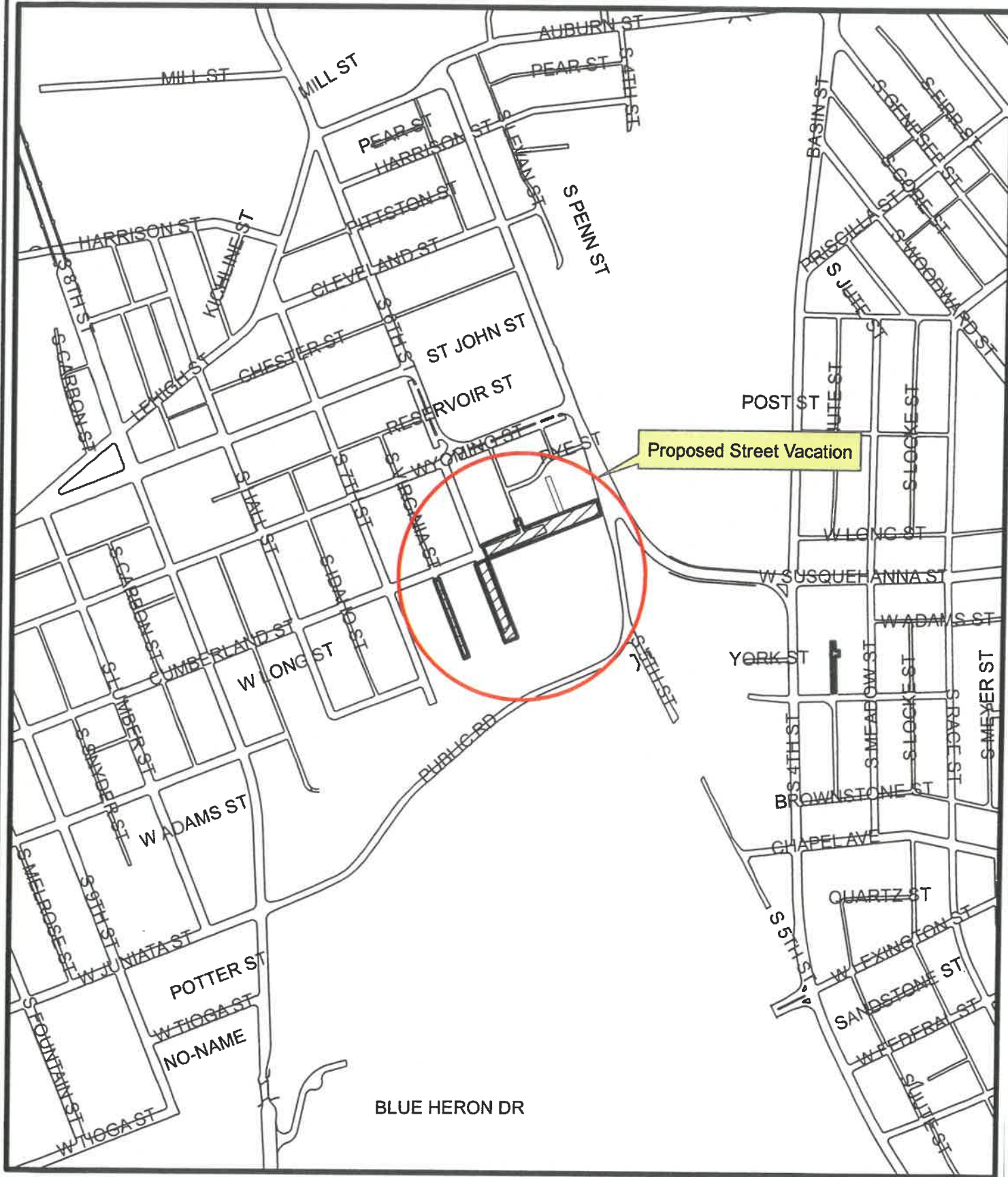
Image capture: Sep 2014 © 2022 Google

RVIEW



S. FAIR ST.
LOOKING NORTH

CITY OF ALLENTOWN



Proposed Street Vacation

Cumberland St. from S. 6th St. to S 5th St.

S. Virginia St. from Cumberland St. to Susquehanna St.

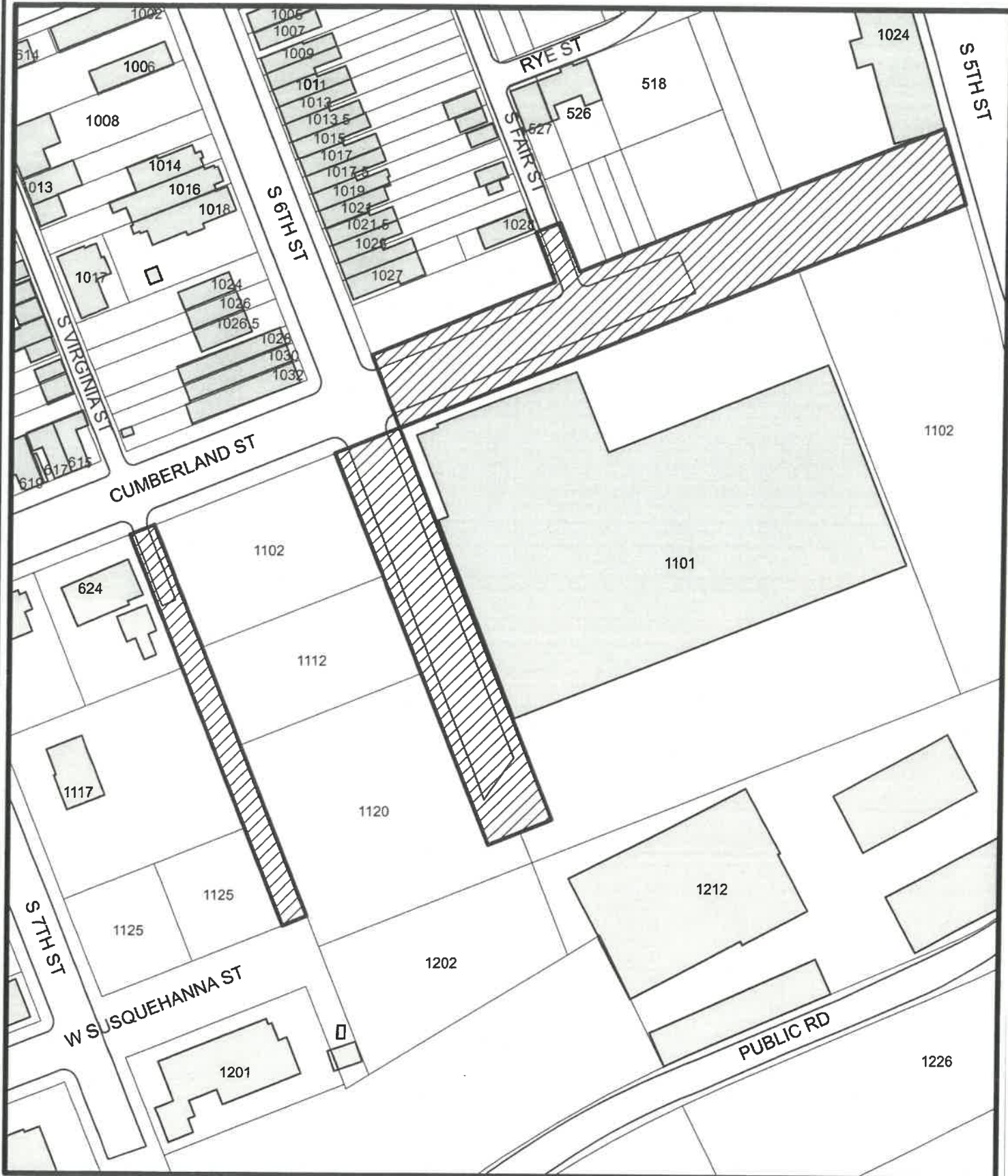
S. 6th St. from Cumberland St. to Susquehanna St.

S. Fair St. from Cumberland St. North to the North Property Line of 1029 S. 6th St.

SCALE:
1" = 500'



CITY OF ALLENTOWN



Proposed Street Vacation

Cumberland St. from S. 6th St. to S 5th St.

S. Virginia St. from Cumberland St. to Susquehanna St.

S. 6th St. from Cumberland St. to Susquehanna St.

S. Fair St. from Cumberland St. North to the North Property Line of 1029 S. 6th St.

SCALE:
1" = 100'



CITY OF ALLENTOWN



Proposed Street Vacation
 Cumberland St. from S. 6th St. to S 5th St.
 S. Virginia St. from Cumberland St. to Susquehanna St.
 S. 6th St. from Cumberland St. to Susquehanna St.
 S. Fair St. from Cumberland St. North to the North Property Line of 1029 S. 6th St.

SCALE:
 1" = 100'





Planning & Zoning Staff Report to Allentown City Planning Commission

All comments in the
report are advisory

CPC Case # : 22-08 – Vacate Segments of W. Cumberland, S. Sixth, Virginia and
Susquehanna Streets

Petitioner : Benchmark Engineering (for The Khan Partnership)

DATE : November 9, 2020

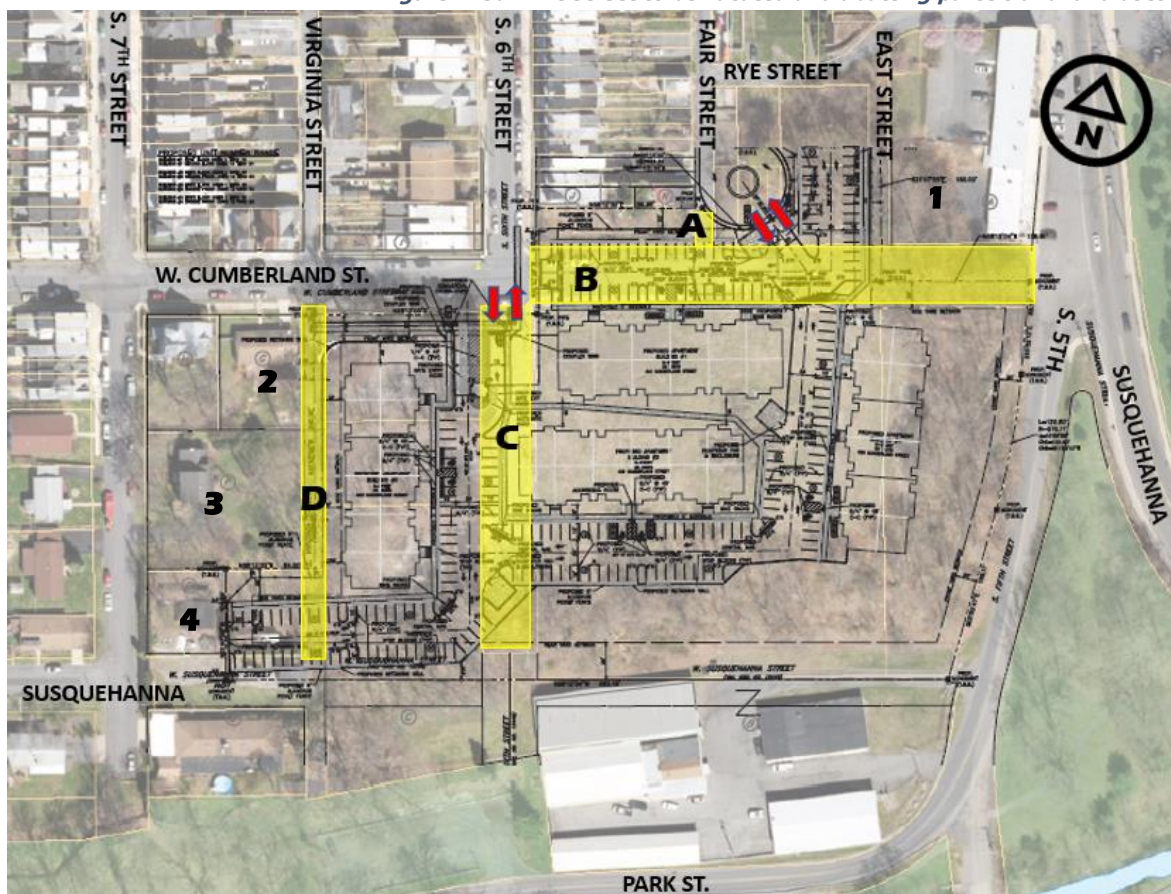
Background

1. This proposed vacation comes from Benchmark Engineering on behalf of The Khan Partnership. The subject roadway segments are in South Allentown:

	Street Segment (also, refer to Figure 1)	Width (ft)	Length (ft)	Acres
A	Fair Street, from W. Cumberland to the north boundary line of Parcel #6406 3623 8192	20	40	0.02
B	W. Cumberland, from S 6 th to S 5th	60	476	0.64
C	S 6th, from W. Cumberland to Susquehanna	52	345	0.41
D	Virginia, from W. Cumberland to Susquehanna	20	345	0.16
Total Acres Gained				1.23

2. The purpose is to officially close the roadways and acquire the freed-up rights-of-way to form part of the project called Cumberland Apartment Complex (i.e., CPC Case No. LMA-2022-

Figure 1. Summit Street to be vacated and abutting parcels and land uses.



00015 & LDC-2022-00007), which will be reviewed by ACPC later.

3. Petitioner requests that the vacation be granted with easements.

Findings and Recommendation

4. These streets were dedicated separately between the years 1909 and 1915 at the time of their respective subdivision.
5. Except for paved portions of S. 6th Street, from W. Cumberland, south towards Susquehanna ($\approx 260'$) and W. Cumberland, from S. 6th east to Fair Street ($\approx 170'$), these street segments are unimproved.
6. There are four (4) parcels -- not owned by the petitioner -- deemed affected by the proposed street closures (refer to Fig-1):
 - Parcel 1 is owned by Siya Real Estate. This parcel contains an occupied commercial structure with multiple tenants. This property has primary and secondary access S. 5th Street.
 - Parcel 2 is owned by Gustavo /Lydia Puello. It currently hosts an occupied single-family structure. This property is accessible from both W. Cumberland St and Virginia St.
 - Parcel 3 is owned Gloria /Edward Roth. The parcel contains an occupied single-family structure. This property is accessible from S. 7th St.
 - Parcel 4 is owned by Thomas Amici and Rhudell Sacchet. This property currently hosts an occupied single-family structure. Access to this property is S. 7th Street.
7. Planning Staff considered the proposed vacation against criteria prescribed under Article 915 (re: Street Vacations) of the Codified Ordinances of the City of Allentown, as follows:
 - a. Whether the right-of-way vacation will adversely affect the street pattern or circulation of the immediate area or of the community.
 - *Yes and No..*
 - *For Fair Street, it will lose its T intersection with W. Cumberland such that local traffic will have to find an alternative to exit from Fair Street to points west of the development.*
 - *However, all the other parcels – not owned by Petitioner – have primary access to N. 6th. As such the loss of the T intersection on Fair and Cumberland is deemed acceptable.*
 - *Except for Fair Street, all the subject street segments terminate to a dead end. As such, traffic circulation will not be affected since these are not through streets.*
 - b. Whether the public need will be adversely affected.
 - *No. As pointed out in Item 7.a the loss of the T intersection on Fair Street and Cumberland Street is deemed acceptable since the parcels abutting Fair Street will still be accessible from all points.*
 - c. Whether the public right-of-way may be needed for future public use.
 - *Planning Staff defers to the PW Staff as to future plans for the subject street segment.*

- d. Whether any abutting property owner will become landlocked or will have his access substantially impaired.
- *No. All four parcels deemed affected will not be landlocked. All will remain accessible through their respective street frontage.*

8. Staff Report from the City's Public Works Dept informs of the following:

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

Property Owner	Response
Siya Real Estate (Parcel A)	<i>Objects to the vacation.</i>
Gustavo /Lydia Puello (Parcel B)	Does not object if given easement.
Gloria /Edward Roth (Parcel C)	Does not object.
Amici and Sacchet (Parcel D)	Does not object.

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

Utility Agency	Response
PPL	<i>Objects to the vacation; it has facilities to maintain within the rights of way.</i>
UGI	<i>Objects to the vacation; it has facilities to maintain within the rights of way.</i>
LCA	<i>Objects to the vacation; it has facilities to maintain within the rights of way.</i>
Verizon	<i>Objects to the vacation; it has facilities to maintain within the rights of way.</i>

- 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	No response yet.
A F D	No objection.
Traffic Engineer	No objection.
Stormwater Engineer	No objection.
Communications /EMS	No response yet.

- d. *PW Staff has no objection to the proposed streets vacation on the condition that easements are provided for all existing public utilities.*

9. On the other hand, in its review the subject vacation, the Lehigh Valley Planning Commission recommends caution as it suggests for the City to consider a transportation circulation study of the impacts of vacating the improved streets listed in the street vacation petition. This study should include vehicular traffic patterns, vehicular parking, alternative modes of transportation (bicycling), transit and pedestrian movements including those with limited abilities.

10. *Based on findings of the Planning Staff, the LVPC and the polling results by Public Works, Planning Staff recommends endorsement of the vacation to City Council with easements for utilities and affected property owners.*

For consideration.



Lehigh Valley Planning Commission

STEVEN GLICKMAN
Chair

CHRISTOPHER AMATO
Vice Chair

KEVIN SCHMIDT
Treasurer

BECKY A. BRADLEY, AICP
Executive Director

October 10, 2022

Michael P. Hanlon
435 West Hamilton Street
Allentown PA 18101
Michael.Hanlon@AllentownPA.gov

RE: **Street Vacation Petition**
West Cumberland Street from South Sixth Street to Susquehanna Street,
South Sixth Street from West Cumberland Street to West Susquehanna Street,
South East Street,
South Virginia Street,
City of Allentown, Lehigh County

The Lehigh Valley Planning Commission (LVPC) will consider the subject street vacation petition at its Transportation Planning Committee and Full Commission meetings, pursuant to the requirements of the Pennsylvania Municipalities Planning Code (MPC). Discussion on agenda items largely happens during the Committee meeting. Both meetings are virtual, please see the meeting details below to attend. The LVPC will issue a follow-up letter after the Commission meeting should the Commission have any additional comments.

- LVPC Transportation Planning Committee Meeting
 - October 27, 2022 at 5:30 PM
 - <https://lvpc.org/meetings.html>
- LVPC Full Commission Meeting
 - October 27, 2022 at 7:00 PM
 - <https://lvpc.org/meetings.htm>

Mr. Hanlon,

The proposed street vacation petition with utilities was submitted by the City of Allentown on behalf of Benchmark Civil Engineering Services, Inc. for The Khan Partnership. The proposed street vacations are for West Cumberland Street from South Sixth Street to Susquehanna Street, South Sixth Street from West Cumberland Street to West Susquehanna Street, South East Street (Fair St) and South Virginia Street.

The proposed street vacation petition was reviewed for recommendations under Section 304 of the Pennsylvania Municipalities Planning Code, and for general consistency with the intent of FutureLV: The Regional Plan.

The Khan partnership wishes to vacate the streets in order to allow development of "Cumberland Street Apartment Project". None of the streets were ever constructed with the exception of West Cumberland Street from South Sixth Street to South Fair Street.

West Cumberland Street is an improved street that serves as an access street to Fair Street which has multiple residential garages along it for the residential properties on the east side of South Sixth street from West Wyoming Street to West Cumberland Street,

The street vacation petition undersigned and interested parties as the following:

Siya Real Estate LLC, 6894 Lehigh Ct, Allentown PA 18106

Gustavo & Lidia Puello, 624 West Cumberland Street, Allentown PA 18103

Edward W. & Gloria E. Roth, 117 South 7th Street Allentown PA 18103

Thomas J Amici & Rhudell Sacchet, 1201 South 7th Street, Allentown PA 18103

It is strongly recommended that the petitioner get concurrence for the street vacation of the improved part of West Cumberland Street from the property owners and residents of South Sixth Street and South Fair Street. The Improved portion of West Cumberland Street serves as not only an access point for South Fair Street but also has passenger vehicles legally parked there for the residents and visitors of the area.

The vacating of existing streets such as West Cumberland Street can have profound effects on the community especially for pedestrian, vehicular and emergency response access in a safe and efficient manner.

The vacating of the improved portion of West Cumberland Street without maintaining the current street condition as it exists currently would be community altering for vehicular and pedestrian connectivity especially sidewalks as well as parking. Community outreach should be facilitated as to not negatively impact the community and to provide equitable input to the City from not only the developer but also neighbors and businesses.

East Street is listed on the petition to be vacated, however the map provided lists Fair Street. The City of Allentown should request detailed clarification if it is East Street or Fair Street. Fair Street is improved and once again would have significant traffic circulation issues depending on the future proposed development.

Without specific plans to review for the "Cumberland Street Apartment Project" and the future intention of the improved portion of West Cumberland Street it is recommended that the City of Allentown strongly review the impacts to the community, emergency access and parking related to any vacating of West Cumberland Street.

It is recommended that if a street vacation is granted for West Cumberland Street that the city require the street to be accessible for the residential community as it is today. The city should also review the community impacts and traffic patterns to Rye Street from Fair Street to West Susquehanna Street if West Cumberland Street were to be vacated.

It is recommended that the City consider a transportation circulation study of the impacts of vacating the improved streets listed in the street vacation petition. This study should include vehicular traffic patterns, vehicular parking, alternative modes of transportation (bicycling), transit and pedestrian movements including those with limited abilities. This would also enable proactive planning for any future development of the area including the "Cumberland Street Apartment Project" (of FutureLV Policy 2.2)

The petitioner(s) should be aware of the responsibilities for ensuring continued access to utilities along West Cumberland Street, above and below ground. Storm sewer maintenance and efficient operation of related infrastructure systems is a matter of public safety and utility connectivity that must be maintained and in a state of good repair. Ownership and maintenance responsibilities for all utilities should be understood by all parties if the City should grant the petition.

South Virginia Street is essentially a private access driveway for 624 W. Cumberland Street. The owners of the property are undersigned on the petition. However, the City should emphasize the ownership responsibilities of the vacating of South Virginia Street and maintaining access for any current and future utilities along the street.

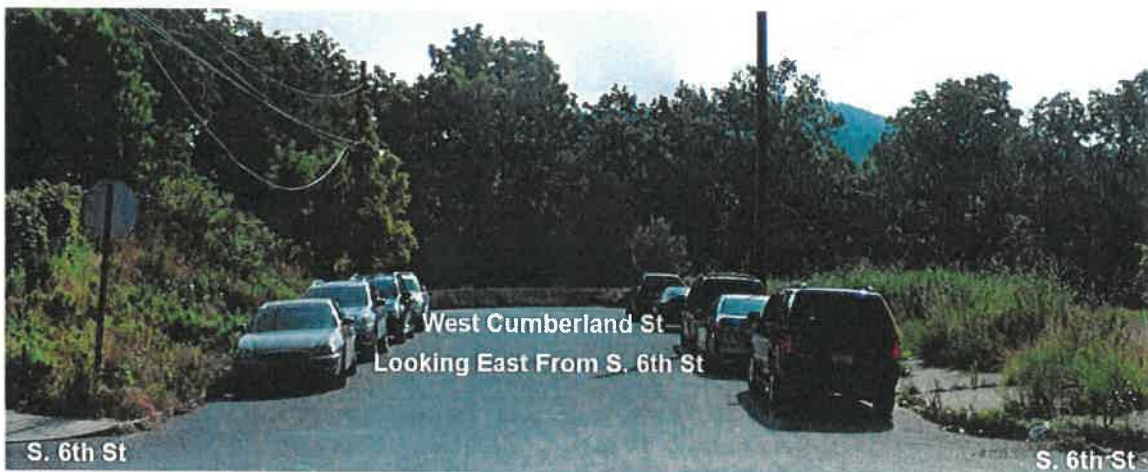
The potential vacating of rights of unimproved South Sixth Street from West Cumberland Street to West Susquehanna Street by the City would not have the same community impacts as the improved portion of West Cumberland Street and will enable a development of an underutilized parcel for the proposed "Cumberland Street Apartment Project". (of FutureLV Policy 1.1)

The vacating of improved streets should be done with utmost care and communication of the costs, responsibilities and liabilities of taking on property rights that have utilities and a community transportation need while also conducting community meetings to provide the residents and businesses owners awareness. This is very valuable to any municipality as often the residents are a valuable resource to ongoing issues or situations that planners and elected officials may not be aware of otherwise. (of FutureLV policy 1.4)

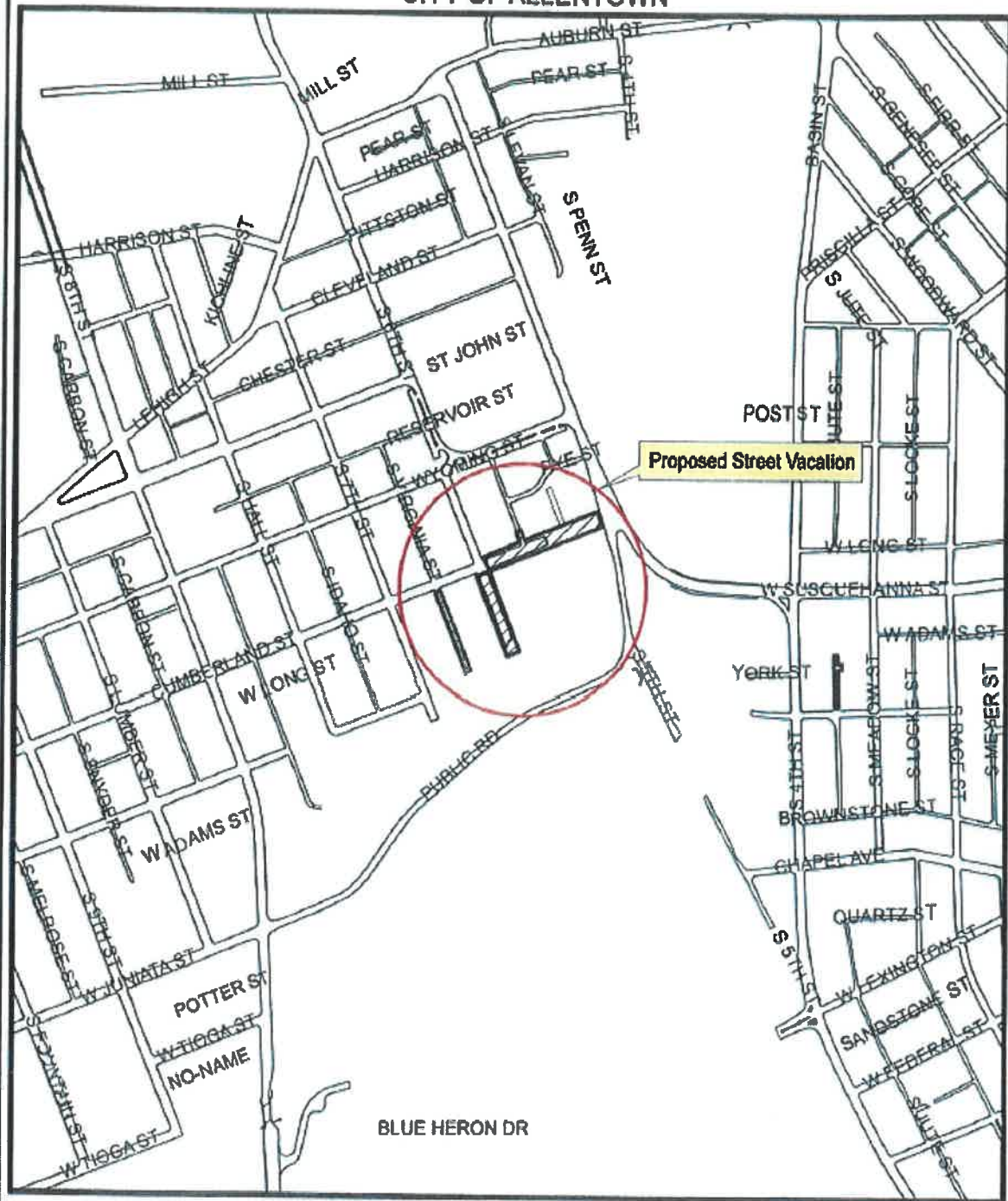
We appreciate the City's consideration of the goals and policies of FutureLV: The Regional Plan in as much as it relates to the street vacation petition of West Cumberland Street from South Sixth Street to Susquehanna Street, South Sixth Street from West Cumberland Street to West Susquehanna Street, South East Street and South Virginia Street.



Brian Hite
Transportation Planner



CITY OF ALLENTOWN



Proposed Street Vacation



Proposed Street Vacation
 Cumberland St. from S. 6th St. to S 5th St.
 S. Virginia St. from Cumberland St. to Susquehanna St.
 S. 6th St. from Cumberland St. to Susquehanna St.
 S. Fair St. from Cumberland St. North to the North Property Line of 1029 S. 6th St.

SCALE:
 1" = 500'



MICHAEL P. HANLON

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



CITY CLERK

September 20, 2022

Mark Shahda
Director, Public Works
City Hall, Allentown, PA 18101

Vicky Kistler
Director, Planning and Zoning
City Hall, Allentown, PA 18101

Brandon Jones
Assistant Planner
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 Benchmark Civil Engineering Services, Inc. for The Khan Partnership to vacate the following street:

West Cumberland Street from S. Sixth Street to Susquehanna Street South Sixth Street from W. Cumberland to W. Susquehanna, S. East Street and S. Virginia 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

*Council meetings are held on the first and third Wednesday of each month beginning at 6:30 pm in Council Chambers.
For copies of the agenda or meeting announcements, please visit our website at www.allentownpa.gov.*

STREET VACATION PETITION

Date September 20, 2022

City Council, City Hall
435 Hamilton Street
Allentown, PA 18101

(610) 437-7556 Telephone

EMAIL: Mike Hanlon

Tawanna L. Whitehead

(610) 437-7554 Fax

Michael.Hanlon@allentownpa.gov

Tawanna.Whitehead@allentownpa.gov

Gentlemen:

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

West Cumberland Street from S. Sixth Street to Susquehanna Street South Sixth Street

from W. Cumberland to W. Susquehanna, S. East Street and S. Virginal Street.

to _____ with* ~~XXXX~~ utility easements. (*Strike inapplicable word.)

Reason for Vacation of Street (give details)

To allow the development of Cumberland Street Apartment project. with the exception of

W. Cumberland Street from S. Sixth Street to S. Fair Street, none of the streets were

ever constructed.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>EMAIL</u>
(A)	Siya Real Estate LLC, 6894 Lehigh Ct., Allentown, PA 18106		
(G)	Gustavo & Lidia Puello, 624 W. Cumberland Street, Allentown, PA 18103-4014		
(F)	Edward W. & Gloria E. Roth, 1117 S. 7th Street, Allentown, PA 18103-4007		
(E)	Thomas J. Amici & Rhudell Sacchet, 1201 S. 7th Street, Allentown, PA 18103-4009		
(D)	Thomas J. Amici & Rhudell Sacchet, 1201 S. 7th Street, Allentown, PA 18103-4009		

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

Tawanna L. Whitehead

Michael.Hanlon@allentownpa.gov

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"