



Memo

To: Ray O'Connell, Mayor
From: Irene Woodward, Director, Bureau of Planning and Zoning
CC:
Date: 8/7/20
Re: 526 S. Aubrey Street

The City of Allentown Property Review Committee approved a land conveyance between Burnt Offerings LLC and the City of Allentown on June 26, 2020. Please see the attached documents:

- Map
- Property Review Committee report
- Property Review Committee minutes
- Street Vacation Petition

Please let me know if you have any questions.

Sign below and check the appropriate box indicating if you approve or deny the land conveyance request.

Ray O'Connell
Ray O'Connell, Mayor

☒ Approve

☐ Deny

8/10/2020
Date

REPORT OF THE PROPERTY REVIEW COMMITTEE

PARCEL 526 S Aubrey Street - street vacation request for portion of S Aubrey Street from E Mosser Street toward the south for approximately 275' with utility easements.

COMMITTEE RECOMMENDATION Approve the alternative method of distribution for the street vacation request being reviewed by Allentown City Planning Commission for S Aubrey Street from East Mosser Street towards 275' south with utility easements. Street vacation distribution will provide equal lengths to the requesting property owner and the City of Allentown.

BACKGROUND Related to a street vacation petition to vacate a portion of South Aubrey Street. The City of Allentown is the only adjoining property owner to this request. To be considered by the Property Review Committee is an alternative method for distributing the residue from such action [street vacation petition]. Instead of the usual division down the ROW centerline with equal distribution to both adjoining properties, [the property owner and firm retained to represent her] are suggesting the equal distribution occur from East Mosser Street (unopened) toward south for approximately 275 feet with utility easements. The request would accommodate a private access drive without having to extend/upgrade to public street portion to be vacated that is partially improved but not up to City standards and has been historically used as private access. Street vacation as requested will legitimize an existing condition.

DIRECTOR'S COMMENTS

City Solicitor

Approve ☐

Disapprove ☐

Non-voting

Director of Public Works

Approve ☒

Disapprove ☐

Director of DCED

Approve ☒

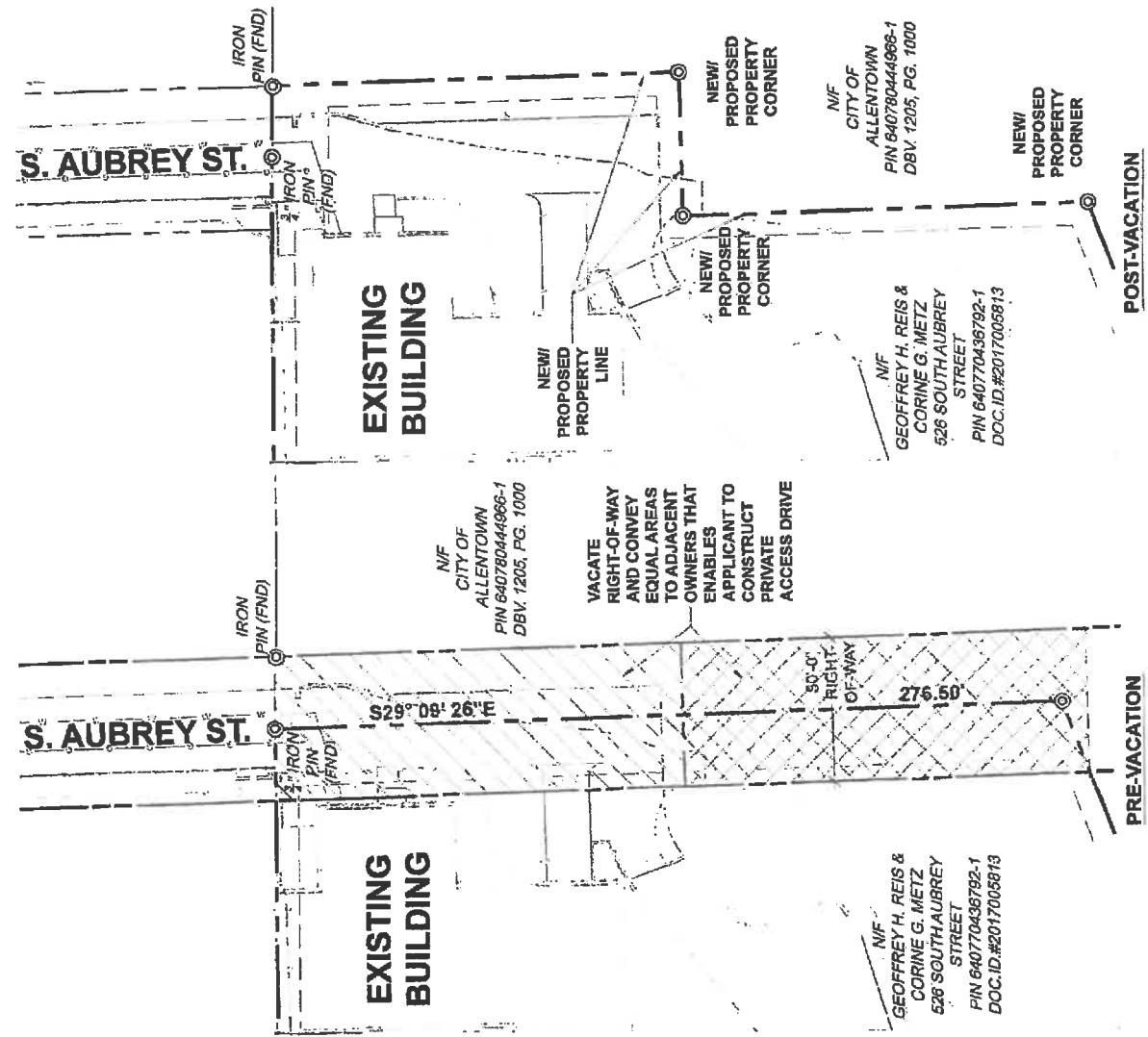
Disapprove ☐

Director of Finance

Approve ☒

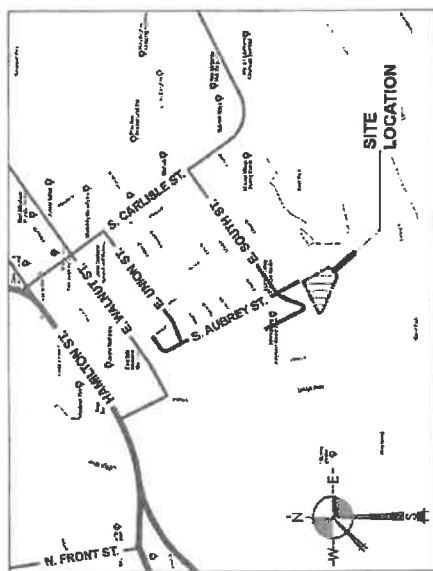
Disapprove ☐

Please Return to Bureau of Planning by July 24, 2020



SITE DATA

PROPERTY OWNER OF RECORD:	BURN'T OFFERINGS LLC 528 S AUBREY ST ALLENTOWN PA 18109
TOTAL LOT AREA:	67,518 S.F. / 1.55 ACRES
TAX PARCEL NUMBER:	640770436792.1
SEWER:	PUBLIC
WATER:	PUBLIC
ZONING DISTRICT:	I-3
FRONT YARD SETBACK:	20'
SIDE YARD SETBACK:	8'
REAR YARD SETBACK:	10'
MAX. BUILDING HEIGHT:	50'



SITE LOCATION MAP

NOT TO SCALE

STREET VACATION DIAGRAM

SCALE: 1" = 40'-0"

MICHAEL P. HANLON



CITY CLERK

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

May 13, 2020

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

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

Charles Doyle
Director of Transportation & Data Management
Lehigh Valley Planning Commission
961 Marcon Boulevard
Suite 310
Allentown, PA 18103-9397

To All:

The attached street vacation petition was received from Brown Design Corp. to vacate the following street:

A Portion of South Aubrey Street from East Mosser Street (Unopened) Toward South

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
Oldrich Foucek, Chairman of the Planning Commission
Brian Borzak, Engineering
Matthew Kloiber, City Solicitor
Frances Fruhwirth, Associate Solicitor

*Council meetings are held on the first and third Wednesday of each month beginning at 7:00 pm in Council Chambers.
For copies of the agenda or meeting announcements, please visit our website at www.allentownpa.gov.*



April 29, 2020

Mike Hanlon
City of Allentown
City Clerks Office
City Hall
435 Hamilton Street
Allentown, PA 18101

Irene Woodward
City of Allentown
Planning Director/Property Review Committee
City Hall
435 Hamilton Street
Allentown, PA 18101

RE: 526 S. Aubrey Street – Street Vacation Petition

Dear Mr. Hanlon and Ms. Woodward:

Please find enclosed a completed Street Vacation Petition and fee, as well as, exhibits pertaining to request on behalf of my client to vacate a portion of South Aubrey Street. The City of Allentown is the only adjoining property to this request. In addition to the request for vacation we are also suggesting an alternative method for distributing the residue from such action.

Instead of the usual division down the R.O.W. centerline with equal distribution to both adjoining properties, we are suggesting the equal distribution occur in the manner depicted on the exhibits in order to accommodate a private access drive entirely within our clients property.

I have also attached emails from City Engineering and Survey Department indicating general support for this concept. We are prepared to move forward with a minor subdivision as suggested once the vacation and distribution method is approved. Please review and process accordingly. You can contact me for any additional information that you require.

Sincerely,

Christian J. Brown, RLA
Brown Design Corp

CC: Vendetta Hines – The Lift Center
File

STREET VACATION PETITION

Date 4/29/2020

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

(610) 437-7556 Telephone
EMAIL: Mike Hanlon

(610) 437-7554 Fax

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

A portion of South Aubrey Street

from East Mosser Street (Unopened)

to Toward South for Approx. 275' with* ~~without~~* utility easements. (*Strike inapplicable word.)

*For Ex. Storm

Reason for Vacation of Street (give details)

To accommodate private access drive without having to extend/upgrade to public street

Portion to be vacated is partially improved but not up to City standards and has been historically used as

private access. Vacation as requested will legitimize an existing condition.

NAME

ADDRESS

PHONE

EMAIL

~~Vendetta Hines~~

526 S. Aubrey Street

610-621-3863

vendetta@theliftcenter.net

City of Allentown

614 S. Carlisle Street

610-437-7574 ext 2262

brian.borzak@allentownpa.gov

BURNT OFFERINGS LLC

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"

From: Borzak, Brian <Brian.Borzak@allentownpa.gov>
Subject: RE: [External] 526 S. Aubrey Street Allentown

Date: March 31, 2020 at 9:34 AM

To: Geosits, Mark <Mark.Geosits@allentownpa.gov>, Christian Brown <cbrown@browndesigncorp.com>
Cc: Jacob D. Hunsicker <JacobHunsicker@lehighcountyauthority.org>, Messinger, Craig <Craig.Messinger@allentownpa.gov>, Woodward, Irene <Irene.Woodward@allentownpa.gov>

Hi Christian,

A minor subdivision would be required. A waiver should be requested to not show the City Parcel in its entirety, because the size of the property and because the lines being adjusted are defined by existing an R/W, the City should be in favor of the waiver. I can provide an approximate area for the City parcel that can be shown. The Existing storm mains will require storm easements. I would recommend starting property review Committee first (council will need to approve also), then the street vacation. The Subdivision would need to be signed by the Mayor. Please call if you have any questions.

Thanks
Brian

From: Geosits, Mark <Mark.Geosits@allentownpa.gov>
Sent: Tuesday, March 31, 2020 8:50 AM
To: Christian Brown <cbrown@browndesigncorp.com>
Cc: Jacob D. Hunsicker <JacobHunsicker@lehighcountyauthority.org>; Borzak, Brian <Brian.Borzak@allentownpa.gov>; Messinger, Craig <Craig.Messinger@allentownpa.gov>; Woodward, Irene <Irene.Woodward@allentownpa.gov>
Subject: RE: [External] 526 S. Aubrey Street Allentown

Chris:

With respect to the approach of needing a minor subdivision or deeds, I am going to defer to our City Surveyor – Brian Borzak.

Brian – can you weigh in on Chris' request?

Thanks

From: Christian Brown <cbrown@browndesigncorp.com>
Sent: Tuesday, March 31, 2020 8:37 AM
To: Geosits, Mark <Mark.Geosits@allentownpa.gov>
Cc: Jacob D. Hunsicker <JacobHunsicker@lehighcountyauthority.org>; Borzak, Brian <Brian.Borzak@allentownpa.gov>; Messinger, Craig <Craig.Messinger@allentownpa.gov>; Woodward, Irene <Irene.Woodward@allentownpa.gov>
Subject: Re: [External] 526 S. Aubrey Street Allentown

Hi Mark -

Thank you for the feedback! I cannot imagine the challenges your dept and the city as a whole must be facing.

From: Geosits, Mark Mark.Geosits@allentownpa.gov

Subject: RE: [External] 526 S. Aubrey Street Allentown

Date: March 30, 2020 at 8:21 AM

To: Christian Brown cbrown@browndesigncorp.com

Cc: Jacob D. Hunsicker JacobHunsicker@lehighcountyauthority.org, Borzak, Brian Brian.Borzak@allentownpa.gov, Messinger, Craig Craig.Messinger@allentownpa.gov, Woodward, Irene Irene.Woodward@allentownpa.gov

Chris:

I apologize for my delay in getting back to you. Things were a little intense last week trying to get full functionality for remote work. It is mostly resolved except my access to ArcGIS which has water service information.

However, based on what you sent I have the following thoughts:

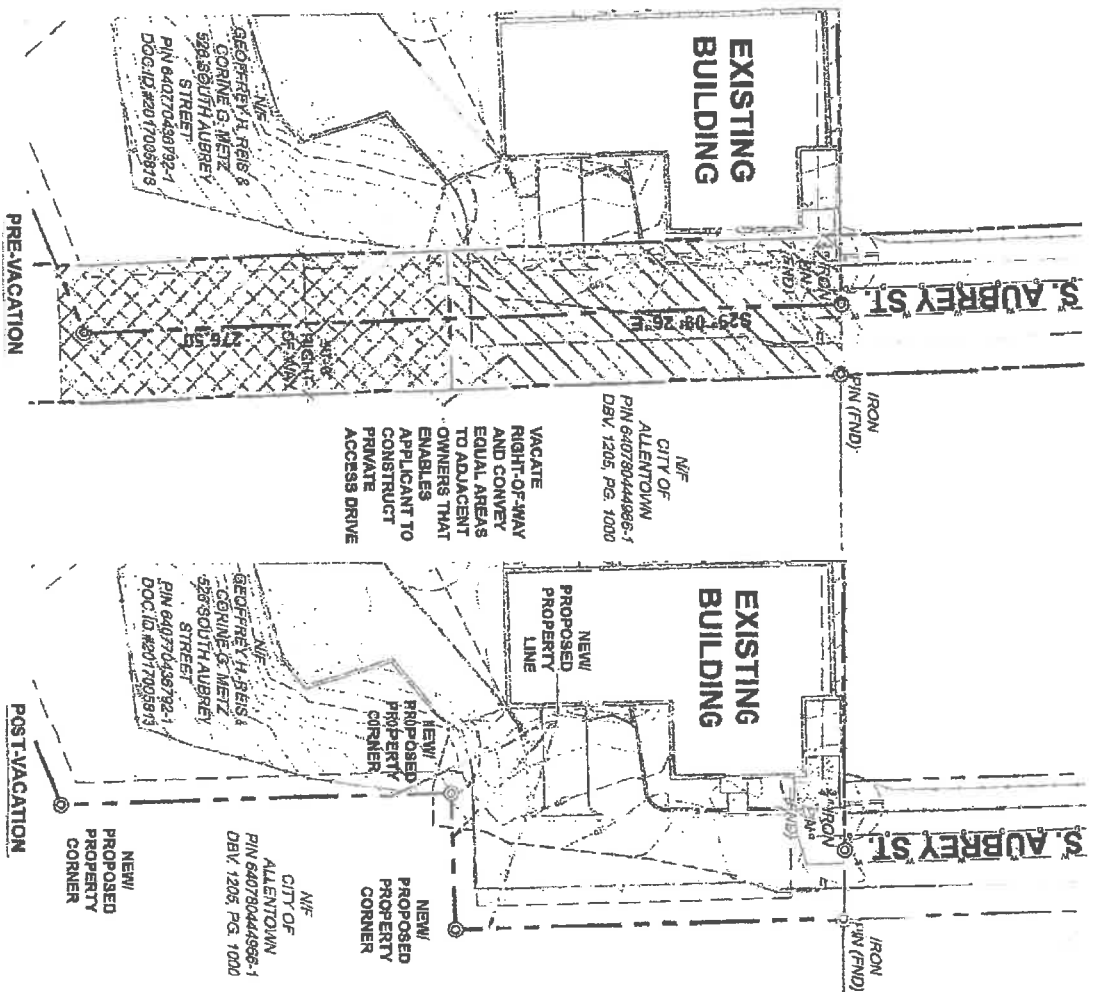
- I would caution you to make sure sufficient fire flow is available for the existing building. While a 4" inch line is a good upgrade over a 1" line, it is still a dead end line which tend to be inefficient at providing fire flow. An analysis will need to be done to ensure sufficient flowrate and pressure will result from the extension of the 4" line. In these types of instances, which are rare in the City, Fire Chief Agosto's generally advises that the fire flow requirements as determined by the IFC, International Fire Code, be met in the design and provision of fire flow. An analysis will need to be done by a civil engineer and submitted for concurrence.
- As the fire line will remain in the right of way behind the curb, and as this ins the only property being served, I do not object to running the line behind the curb (in the right of way) subject to land development inspections and the appropriate security for the installation and inspection. A notation will also be needed indicating the replacement of any curbing that is undermined during the construction of the fire line (if any).
- A fire hydrant should be placed in the right of way on the west side of S. Aubrey Street just north of the development property line. We will also need and isolation gate valve on the main through line before it enters the development property. Lastly we will need details for the water line trench and backfill installation, hydrant, gate valve and thrust blocks. Thrust blocks will be needed at the water line 90 degree bend at E. South and S. Aubrey Street as well as the bend on the development property as the line bend to enter the building.
- I have no objection to the concept of a property swap as you have indicated. It will have to be reviewed and approved by the City's Property Review Committee.



MARK S. GEOSITS
ASSISTANT CITY ENGINEER

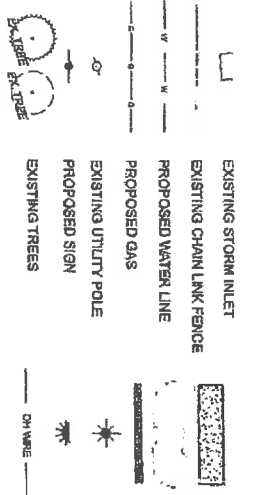
Engineering
641 South Tenth Street
Allentown, PA 18103
P: 610.437.7574 x2262
E: Mark.Geosits@allentownpa.gov
W: www.allentownpa.gov

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STREET VACATION DIAGRAM

SCALE: 1" = 40'-0"



SITE DATA

PROPERTY OWNER OF RECORD:

BURNETT OFFERINGS LLC
528 S AUBREY ST
ALLENTOWN PA 18109

TOTAL LOT AREA:

87,518 S.F. / 1.56 ACRES

TAX PARCEL NUMBER:

640770438792.1

SEWER:

PUBLIC

WATER:

PUBLIC

ZONING DISTRICT:

1-3

FRONT YARD SETBACK:

20'

REAR YARD SETBACK:

8'

MAX. BUILDING HEIGHT:

50'

IMPERVIOUS SURFACE COVERAGE (70% MAX.)

EXISTING: 46,217 (+/-) S.F. / 66.67%

EXISTING TO BE REMOVED:

(-1,422) S.F.

PROPOSED:

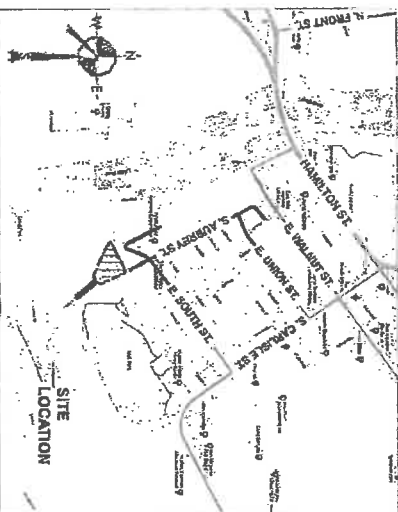
1,258 S.F.

NET INCREASE:

(-164) S.F.

NEW TOTAL IMPERVIOUS COVERAGE:

45,053 (+/-) S.F. / 66.73%



SITE LOCATION MAP

NOT TO SCALE

Meeting of the City of Allentown Property Review Committee - 6/26/2020
Meeting Minutes

Attendees:

- Irene Woodward, Director of Planning & Zoning (voting member)
- Tom Williams, Operations Manager CED (non-voting member)
- Craig Messinger, Director of Public Works (voting member)
- Brian Borzak, Chief Surveyor (voting member)
- Hannah Clark, Senior Planner (non-voting member)
- Bill Harvey, Director of Building Standards and Safety (voting member)
- Rick Holtzman, Superintendent of Parks (voting member) - was only present for Agenda Items #4 and #5

Absent:

- Matt Kloiber, City Solicitor (non-voting member)

Meeting Agenda - 6/26/2020

1) 526 S Aubrey Street by Vendetta Hines [owner of 526 S Aubrey St]

Request: Related to a street vacation petition to vacate a portion of South Aubrey Street. The City of Allentown is the only adjoining property owner to this request. To be considered by the Property Review Committee is an alternative method for distributing the residue from such action [street vacation petition]. Instead of the usual division down the ROW centerline with equal distribution to both adjoining properties, [the property owner and firm retained to represent her] are suggesting the equal distribution occur from East Mosser Street (unopened) toward south for approximately 275 feet with utility easements. The request would accommodate a private access drive without having to extend/upgrade to public street portion to be vacated that is partially improved but not up to City standards and has been historically used as private access. Street vacation as requested will legitimize an existing condition.

Meeting Discussion:

Ms. Woodward: [There is] also a pending street vacation request going to ACPC in July 2020. Looking to shift how street vacation would function. Instead of usual ROW being split in half, [it would be] from top to bottom.

Mr. Borzak: After reviewing land development, language will change a bit. [Currently] have it as equal areas, but it is actually equal lengths. [The] underlying rights don't go out perpendicularly to street. Going to be equal lengths transferring back and forth, not area. Going to make this comment to ACPC. Easiest way to change language and sound the same.

Ms. Woodward: Are there any other issues other than [make] sure language is clear?

Mr. Borzak: Potentially going to have some easements involved. Old storm line across property. PPL needs an easement for vacation. Couple things that require easements.

Ms. Woodward: [There is a] minor land development being circulated. [Are there] other pending issues? Easement language can certainly be included as we move forward.

Mr. Messinger: I don't have any issues as put forth.

Ms. Woodward: Seems fairly straightforward, sounds like if we can make language that it [the street vacation] is equal lengths and that language is included in the street vacation request for City Council.

Mr. Borzak: I will motion to proceed with street vacation of S Aubrey Street.

Mr. Williams: I second.

Ms. Woodward: All in favor?

All voting members present:

-Mr. Messinger - Aye

-Mr. Borzak - Aye

-Ms. Woodward - Aye

-Mr. Harvey - Aye

Opposed: 0

Abstentions: 0

Recommendation of the Property Review Committee: Approve the alternative method of distribution for the street vacation request being reviewed by Allentown City Planning Commission for S Aubrey Street from East Mosser Street towards 275' south with utility easements. Street vacation distribution will provide equal lengths to the requesting property owner and the City of Allentown.

2) Property adjacent to 333 W Union Street requested by Gary Ward

Request: Offer to purchase the parcel [364 Hamilton Street – 2.6 acres] which is adjacent to the property owner of 333 W Union Street (Gary Ward). For the last 16 years, Gary Ward has been maintaining 364 Hamilton Street. It is mostly wooded with a grass field. When the Lehigh Valley Railroad offered commuter rail service to Philadelphia, the field was used for commuter parking. Due to the demand for downtown commercial space Mr. Ward finds the need for

additional/overflow parking. The field portion of the parcel would be ideal for this purpose. The property is on a floodplain and as such is restricted from being built on. The intention would be to keep the property as is (grass). The only access to the property is through the lot at 333 W Union Street. The interested property owner would be willing to agree to any deed restrictions the City would be comfortable with regarding access for sewer or water inspections as well as any future plans for walking trails through the property. The interested property owner is offering \$10,000 for the property.

Meeting Discussion:

Ms. Woodward: Mr. WArD wants to purchase parcel adjacent to his property. [It is a] wooded area with a grass field, in the floodway [not floodplain]. Can't build on it but want to use it for parking.

Mr. Messinger: [It is] not allowed to park on grass, not going to create any impervious surface to park on it. Because it is in the floodway required to reserve this area and the floodplain. [It was] verbally said in agreement [of the City of Allentown] in getting land, [the City must] reserve property for stormwater activities. My vote is going to continue to be no.

Mr. Borzak: I second that because I was there too [at the meeting of the transfer of the property in question to the City of Allentown].

Mr. Messinger: I told him if he ever came back again, I would report him to the railroad company [RJ Corman], [he] took over the paved area with parking from the railroad company. [There is a] very minor encroachment on our [City of Allentown] property. Doesn't understand the location of his business, I don't see any way of moving forward with anything like this. This is the Public Works side of it.

Ms. Woodward: Did he pave a certain area that he shouldn't have on other people's property?

Mr. Messinger: Yes, he paved RJ Corman Railroad's property.

Mr. Williams: If you go to City's GIS maps, properties are all shapes and sizes, all parking spaces [for Mr. Ward's business] are closest to the railroad line are not even on his property.

Mr. Borzak: That is correct

Mr. Williams: Most of the grass area that is shown is also part of the RJ Corman Railroad property and not the City property he wants to acquire. Is that right?

Mr. Borzak: Yes.

Mr. Williams: He wants to acquire this property to expand parking for his business. Seems clear that acquiring this tract does not help him accomplish his goal because we don't own most of the grass area.

Mr. Messinger: We [the City of Allentown] own the lightly wooded and wooded area that lead up to river.

Ms. Woodward: I see what you guys are saying, you're right is it the Railroad property.

Mr. Williams: So Brian, looking at the City GIS map, a little triangle at front (321 - owner is rock real estate) - who is that?

Mr. Borzak: I don't know that one, is that part of Rothrock?

Mr. Messinger: Who owns property leading to Hamilton St?

Ms. Woodward: That is Rothrock, [they] own little parcel and all the way up [towards Hamilton St].

Mr. Williams: [It] turns to ACIDA when crosses over Union St.

Mr. Borzak: There is another part of this property, if [we - the City of Allentown] continue with our floodplain management, part of having a good record with FEMA includes if we can reserve floodplain areas. We [the City of Allentown] got this [property in question] for that [purpose of floodplain/floodway management], we got it donated for floodplain management.

Mr. Williams: It also seems like his goal is parking, he doesn't need the stream or wooded area. He is trying to add parking, it doesn't even seem feasible that a small subdivision that City would retain land for stormwater management and subdivide small piece - that doesn't seem viable, correct?

Mr. Messinger: Correct.

Mr. Williams: You have spoken to Mr. Ward multiple times over the years, it has been a lengthy discussion. Want to make sure we are clearly understanding why a decision is being made today and what clear justification there is. He is looking for parking and what is being proposed does not accomplish his goal.

Ms. Woodward: Correct.

Mr. Messinger: Correct.

Mr. Williams: [His - Mr. Ward's] intention is to keep property as is ('grass' - from email) [because there is a] need for additional/overflow parking. We don't generally allow commercial businesses to have parking on a non-parking surface.

Mr. Messinger: Yes, exactly.

Mr. Williams: This area is not allowed to be parked on, the City doesn't own most of the grass area, it sounds like we are going to deny the request. [It is] not a feasible option for him.

Mr. Messinger: I'm surprised he isn't continuing along the Railroad property, make whole row of parking on side.

Mr. Williams: I am sure he has been provided and seen the GIS map.

Mr. Borzak: Yes, we met him out there. The one thing Tom - myself, we - were at negotiations for property, we told the person who donated property that it would only be used as stormwater management and floodplain. I couldn't vote for it [request to the Property Review Committee] for that reason.

Mr. Williams: That isn't in writing anywhere, though. Why other discussion points are important to the decision being made.

Ms. Woodward: [It is] important to note it was discussed.

Mr. Messinger: [If have] the city surveyor, saying that is verbiage that is done.

Mr. Williams: I make a motion to deny the request based on grounds that the proposed plan does meet the goals of the applicant, and the City doesn't own most of the land he is planning to park on, and [can't provide a] parking area because of location in floodway and can't mess around with elevations.

Mr. Borzak: Probably have stormwater measures that need to be taken for impervious services.

Mr. Williams: I make a motion based on conversation between the chief surveyor and prior owner about retaining property for stormwater management and the fact that [the City of Allentown] doesn't own most of area that applicant is requesting. I motion to not move this proposal forward.

Mr. Harvey: I second.

Ms Woodward: All in favor of recommendation to deny?

All voting members present:

Mr. Messinger: Aye

Mr. Harvey: Aye

Mr. Borzak: Aye

Ms. Woodward: Aye

Nay: 0

Abstained: 0

Recommendation of the Property Review Committee: Deny request of Mr. Gary Ward to purchase city-owned property at 364 Hamilton Street. Denial based on conversation between the City of Allentown Chief Surveyor and prior owner about retaining property for stormwater management as well as the fact that the City of Allentown does not own most of the area that the applicant is requesting for parking.

3) 1525 E Woodlawn St

Request: Pursuant to a previous offer by the City, the interested party [represented by Karoly Law Firm LLC] is willing to purchase the subject property [1525 E Woodlawn St] from the City for one dollar (\$1.00), agreeing to specific improvements of curbing to the subject property to be completed within ninety (90) days of receipt of any necessary approvals. The said improvements are to be consistent with those found at neighboring properties.

At the May 22, 2019 Meeting of the Property Review Committee the 1525 E Woodlawn Street property request was discussed [see Property Review Committee Meeting Minutes – May 22 2019 in Teams Files]. The Committee made the decision to have the lot conveyed to Airport Rd Motor Inn Inc with the following stipulations: the lot be consolidate; and, the curbing and ramps be replaced as per the 1525 Woodlawn Street billing spreadsheet. However, despite the approval of the motion, it does not appear action was taken after the May 22, 2019 Meeting to complete the transaction. Therefore, the 1525 E Woodlawn St property and request is being brought back to the Property Review Committee on June 26, 2020.

Meeting Discussion:

Ms. Woodward: The recommendation at the May 2019 Property Review Committee meeting wasn't clear. I brought it [request to the Property Review Committee] back to memorialize what the recommendation was. We did receive a letter from the attorney for the interested property owner. I think that is somewhat consistent with what transpired at meeting in May 2019.

Mr. Messinger: We gave them what was necessary for [the ROW improvements] - ramp, curbing. Are they agreeing to do it [ROW improvements] by adjoining properties or agree to do it as specifying to our requirements?

Ms. Woodward: They are a little vague. To our specifications, I think.

Mr. Messinger: [We] need specifics. They need to do to our requirements because handicap ramps are being placed. Per the requirements of what we are saying [for the property]. Make sure we are not liable for handicap ramp after they get the property.

Mr. Borzak: We gave them a billing spreadsheet.

Mr. Messinger: It was on the street program. [I am] sure Kyle gave them [the requirements and spreadsheet], [we]went over the whole thing with them. Type of curb and ramp to put on. [We]

didn't want to go ahead and do all improvements and give property for \$1, have property put the way to how we are requesting it. Attorney is saying we will look like adjoining properties, which is just curbing and no ramps.

Ms. Woodward: Consistent with standards public works has laid out. Will gather all information from Kyle. We will tie that requirement to the recommendation. Hopefully can get that finalized, can do it within 90 days - is that reasonable?

Mr. Borzak: They have to get a consolidation deed so get rid of little strip of ground.

Mr. Messinger: For improvements? 90 days is fine for improvements.

Ms. Woodward: [We will] have them do consolidation deed as part of recommendation and consistent with Public Works' standards for the improvements. Will get specifics from Kyle, and outline that they are agreeing to all of those [improvements]. Will include this language into transfer.

Mr. Borzak: The one thing is going to come back on this, going to have to have reasoning why not making any money from it [transfer of property].

Ms. Woodward: There is language in our [Property Review Committee] AIM [to determine if property is] really developable and [there is] flexibility with recommendations from the Property Review Committee. If there are circumstances such as an irregular lot, adjoining property owner recommended, we do have reasoning in our AIM for this [type of decision].

Mr. Messinger: We don't have a loss then because the City would have to put curbs and ramps in. there is value to it [the property transfer].

Ms. Woodward: The improvements are the value for us [the City of Allentown].

Mr. Williams: [It is a] liability and maintenance we don't need anymore.

Mr. Messinger: I make a motion to approve [the property sale for \$1 with requirement for specified improvements].

Mr. Borzak: I second.

Ms. Woodward: All in favor?

All Voting Members Present:

Mr. Messinger - Aye

Mr. Borzak - Aye

Mr. Harvey - Aye

Ms. Woodward - Aye

Nay: 0

Abstain: 0

Recommendation of the Property Review Committee: The interested property owner, represented by Attorney JP Karoly will purchase the subject property [1525 E Woodlawn St] from the City for one dollar (\$1.00), agreeing to specific improvements from the City of Allentown Department of Public Works of curbing and ramps to the subject property to be completed within ninety (90) days of receipt of any necessary approvals.

4) Cemetery – 10th and Linden Streets: Old Allentown Burial Grounds and/or Old Allentown Cemetery

Request: [Please note the following is an abbreviated summary of the request to the Property Review Committee dated March 3, 2020 from Donald E. Wieand on behalf of Zion's Reformed United Church of Christ. It is recommended that all Committee members read the request letter in the Teams files for full context and understanding]

Last summer [July 2019], Zion's UCC received a letter sent by Attorney Mark Aurand on behalf of St. Paul's Evangelical Lutheran Church in Allentown informing Zion's UCC that St. Paul's was in the process of liquidating its assets and dissolving the corporation through which the Church had operated. St. Paul's informed Zion's UCC that it planned to file a Petition for Court Approval of the Dissolution of St. Paul's and was seeking Zion's UCC consent and acknowledgement that it was in agreement with the Petition and Plan of Distribution. According to the proposed Petition, St. Paul's and Zion's UCC possibly have a shared ownership in certain real estate at 10th and Linden Streets in Allentown, which property contains a portion of a cemetery known as the Old Allentown Burial Grounds or the Old Allentown Cemetery. This property has been maintained by the City of Allentown since April 1916 pursuant to an Agreement which identifies St. Paul's Church and Zion's Reformed Church as the owners. St. Paul's was proposing that it issue a quitclaim deed to Zion's as to any ownership interest which St. Paul's may have in the property.

Until receipt of the letter in July 2019 on behalf of St. Paul's, Zion's UCC was unaware that it held any ownership in the cemetery property. At this point in time, Zion's UCC does not particularly want to keep any interest in the cemetery property since it represents a potential liability with no corresponding value to the Church.

Inasmuch as the City has been maintaining the property since 1916, if the City were to take ownership of the cemetery property in question and would accept quitclaim deeds from St. Paul's and Zion's for that property, it would allow St. Paul's to wind up its affairs and would relieve Zion's of the unwanted expense and potential liability. Zion's has limited resources to devote to maintaining or inspecting the condition of the cemetery property. By transferring to the City whatever ownership interests St. Paul's and Zion's might have in the property, the City's legal position will not materially change – the City already is responsible for maintaining the

cemetery property and is potentially liable for the condition of the property itself – but St. Paul's will be able to finalize its dissolution and Zion's will be relieved of a potential liability with no corresponding benefit.

Meeting Discussion:

Ms. Woodward: [I] confirmed with Matt Kloiber [City Solicitor - absent at 6/26/2020 meeting] - we [the Property Review Committee] can have initial discussion or if there is additional information we need, [Mr. Klobier is] not expecting us to make a decision today. There is a lot of information provided by the church attorney, it seems we have a maintenance agreement dating back to 1916 that we (the City) have to maintain [the property in question].

Mr. Messinger: That is why [it would be] good to have Rick here.

Mr. Borzak: Do we have the agreement, was it supplied?

Ms. Woodward: Yes, [we] have a maintenance agreement from 1916. We have copies of all the deeds. In essence two churches were going to share [ownership], but one wants to divest self and is going under. Wants city to take over the cemetery.

Mr. Messinger: [It is a] slippery slope because many can't afford to maintain the cemeteries. If we start doing it, there will be more.

Ms. Woodward: I don't know [about current] maintenance and ongoing. I can't imagine our Parks Department [being responsible for all maintenance]. [I am] curious if they [Parks Department] are maintaining it [cemetery property in question] currently.

Mr. Messinger: I vaguely remember someone saying they [Parks Department] do go cut the east end of property. Almost looks like two cemeteries. Parks Department does cut and maintain one [parcel] to the east.

Ms. Woodward: Both St. Paul's and Zions [current owners], trying to decide how to split it up. Neither want it. Could start a very bad trend for the City.

Mr. Messinger: [Cemetery on] Lehigh Street, saying they can't maintain. We [Public Works] bring bins over there, take materials away for them. Help them limp along as much as possible. Willing to listen to this [request]. Trying to keep an open mind. Wanted to make an initial comment, got to watch what we do with this one, owning one - going to be owning them all.

Ms. Woodward: Letter [from Attorney representing Zions] includes liability issues, says 'City is covered, so should take it on' doesn't seem like a good logic. Doesn't seem like something Parks would want to do.

Mr. Borzak: I would like to know if they [Parks Department] maintain it now.

Mr. Messinger: I believe they do - the east half.

Ms. Woodward: Matt also wanted to be part of this discussion, since he had discussions with the attorney. [He -Matt Kloiber] wasn't expecting us to make a discussion. [The Property Review Committee] will probably have a meeting in July, hold off a formal recommendation until then. Make sure Rick and Matt are available and part of that discussion.

[Mr. Holtzman joined the discussion]

Ms. Woodward: We were talking about cemetery property and request that came in from Zions UCC and St Pauls Lutheran for the City to take over cemetery.

Mr. Holtzman: Which cemetery?

Ms. Woodward: At 10th and linden streets - the Old Allentown Cemetery.

Mr. Holtzman: We [Parks Department] cut a portion of that already.

Ms. Woodward: Correct, because of the maintenance agreement that dates back to 1916. Two churches both have an interest in property, one church is going under. [They are] approaching the City, they [Zions] don't have ability to take over, asking City to take over property because [the City] has less liability.

Mr. Holtzman: [For the] current property, we [Parks Department] maintain half of that cemetery, other half is maintained by the County.

Mr. Williams: Which half do you maintain?

Mr. Holtzman: [The] half at 10th and Linden that is the property we [Parks Department] maintain. The other property - has a metal fence - prisoners come out and cut it. That is an agreement the City has with the County.

Ms. Woodward: That is the property.

Mr. Holtzman: [The] West End Union cemetery further down 10th street - [is also] asking for help.

Ms. Woodward: Yes, [the] one in question right now is at 10th and Linden.

Mr. Holtzman: You're telling me city doesn't own the property [cemetery at 10th and Linden] at this point?

Ms. Woodward: The City has never owned the property, [they - the churches] are asking City to take over property.

Mr. Holtzman: We don't want it. But Old Allentown District - they do a lot of work down there - do little projects, put benches - beautification of the neighborhood. They have some interest in it. My opinion it is a lot of work and heck of a burden on our staff to maintain. Nothing easy about

maintaining a cemetery - weedwhacking, trimming, spraying, landscaping. Doesn't look great, but looks okay.

Ms. Woodward: [Your feedback] mimics some discussion we had [earlier in the meeting]. [Could set a] precedent for other people to dump cemeteries on the City.

Mr. Holtzman: Caution with that. The West End Cemetery - their mower breaks - [we sent out a] full force of people/volunteers to cut down. [It is] just a lot of work. Also Fairview Cemetery is requesting that we do something about that property because it is being neglected. [It is] where General Trexler is buried, [there have been] many conversations with Trexler Trust over the years. Trexler trust doesn't even want us (the City) doing the work. Caution us on what we do moving forward.

Mr. Messinger: Trying to get them to hold on as much they can. Soon as we [the City] do one, they will all come flooding in. We are doing anything to hold them on. We can't take them over.

Mr. Borzak: The sidewalk areas, from the ROW - that is a lot of sidewalk.

Mr. Holtzman: That is another good point Brian. We [Parks Department] clear sidewalks every snowstorm [at the cemetery at 10th and Linden]. Trail that goes through the park [at 10th and Linden Cemetery] and path through the cemetery - we [Parks Department] clear the sidewalks.

Mr. Williams: I motion to table matter until we can get legal assistance.

Mr. Holtzman: I second.

Ms. Woodward: All in favor?

All Voting Members Present:

Mr. Holtzman: Aye

Mr. Messinger: Aye

Mr. Borzak: Aye

Mr. Harvey: Aye

Ms. Woodward: Aye

Nay: 0

Abstain: 0

Recommendation of the Property Review Committee: Table to next Property Review Committee meeting (date TBC) to receive legal assistance with request.

5) Follow Up: Constitution Dr Request

Original Request [reviewed and discussed by Property Review Committee on 6/11/2020]:

To occupy a small portion of City-owned property located on Constitution Drive at the far northeastern corner of the Penn Square Flats development. The driveway location as designed will provide a second means of ingress/egress to the Penn Square property, realign and improve an existing access currently used by the City to access utilities and drainage facilities, include stormwater drainage facilities requested by the City Public Works Department and avoid disturbance of steep slopes.

Decision of the Property Review Committee on 6/11/2020 – TABLED - Hold off on formal recommendation. Ms. Woodward will reach out to developer; finalize recommendation at next meeting (June 26 2020)

Meeting Discussion:

Ms. Woodward: I followed up with Art Swallow [engineer for the project], his client is interested in taking on the property. They did provide an updated map that was uploaded this morning [to the Property Review Committee Teams Files]. He [Art Swallow] went out to survey it [the property in question] because some of GIS was slightly inaccurate.

Mr. Borzak: That is correct, when [request] first came through, we found one of the original deeds was not correct. Was going to wait to update [the GIS] until the land development done.

Ms. Woodward: [showing updated map] The green properties - those corners would come back to the city. Yellow would be offered to the Allentown Community Development Company [interested property owner]. Those [yellow parcels] are the City of Allentown-owned lands along the railroad that we don't see better use for.

Mr. Borzak: They [interested property owner] are willing to purchase entire tract - the yellow parcel?

Ms. Woodward: Yes. They were thinking we might ask them for that [to purchase the entire parcel] and they [property owner] are okay with that. The developer is fine to purchase the entire thing. Which means we can get rid of the property.

Mr. Borzak: [What about those] little green parcels?

Ms. Woodward: Those are to be offered to the City of Allentown.

Mr. Borzak: The properties all came across, when they put the roads in, they cut parcels up. They are the remainders.

Ms. Woodward: They [green parcels on map] are currently Allentown Community Development Company owned, [they] willing to give those to the City.

Mr. Borzak: One [green parcel] on east we could use.

Mr. Holtzman: They are both City of Allentown.

Mr. Borzak: Yea, that is good. There is nothing we can do with them, but at least we can clean up parcel lines.

Ms. Woodward: Those green parcels would be ours and we would get rid of larger yellow piece [on map].

Mr. Holtzman: Looks good to me.

Ms. Woodward: Can I get a motion for the map as presented to go through, will understand if we have to get appraisal or get price [for land]. He [Property Owner] is requesting a [land] swap, or do we see any value to piece of yellow?

Mr. Borzak: Where that [yellow parcel] is located, there probably is no value, because of slopes. The only thing I would like to add, do whatever is required during the planning process. Need access there too, but that is part of whole land development. Land development answers have to be satisfied.

Ms. Woodward: I don't see any issues with that. Is there a motion to recommend land swap take place between parcels and move recommendation forward?

Mr. Messinger: I make the motion.

Mr. Borzak: I second.

Ms. Woodward: All in favor?

All Voting Members Present:

Mr. Messinger: Aye

Mr. Borzak: Aye

Mr. Harvey: Aye

Mr. Holtzman: Aye

Ms. Woodward: Aye

Nay: 0

Abstain: 0

Recommendation of the Property Review Committee: Favorable recommendation of land swap for Constitution Drive land development as proposed by the Allentown Community Development Corporation in map outlining swap of City of Allentown owned land [yellow] for Allentown Community Development Corporation owned land [green]. Following land swap, City of Allentown will in ownership of green parcels and Allentown Community Development Corporation will be in ownership of yellow parcels.