



CITY OF BETHLEHEM  
OFFICE OF THE CITY SOLICITOR

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INTEROFFICE MEMORANDUM

To: Louise M. Kelchner, City Clerk

From: Edmund J. Healy, Esquire, Assistant City Solicitor

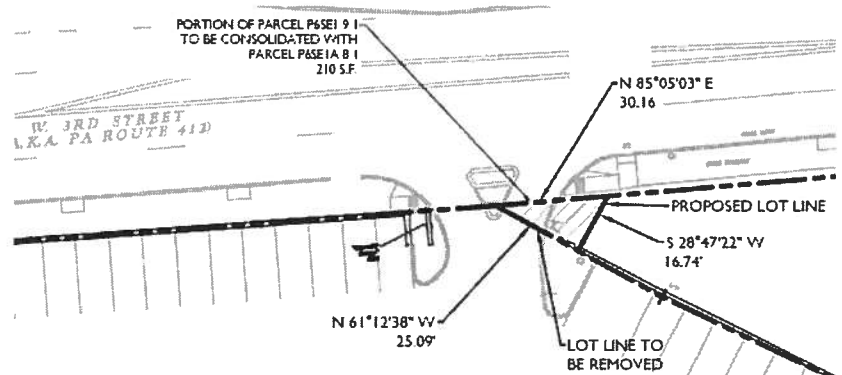
Re: residual land swap; adjacent to 120 3<sup>rd</sup> Street

Date: March 15, 2017

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As an integral part of the development of the new Bethlehem Parking Garage on the southside, and revising of various property boundaries, City Council approved a land swap between the City and the Bethlehem Parking Authority. The supporting documentation given to Council indicated that the subject swap was, in turn, an intimate part of the Authority's transactional arrangements with the Best Suites Hospitality, LLC. It should be noted that, through the swap, the City acquired 2,451.24 square feet *indirectly* from the Best Suites and gave up only 2,155 square feet to the Authority. City Council approved the swap by Resolution Number 2017-025 on January 17, 2017.

As an incidental part of the multi-lot reconfiguration, and to relieve traffic pressures on Third Street, the City granted a short-term limited license to Best Suites Hospitality, LLC to allow patrons and invitees to cross and/or use a 210 square foot triangular area of the City's Greenway. See diagram for such triangular area. The 210 square foot area was intended to be part of the above-referenced swap, but the required planning approvals could not be acquired in time for Council to approve Resolution 2017-25, which action was necessary under the City's commitment to the Authority's RACP arrangement. The required planning approvals have since been acquired. Despite the transfer of this 210 square feet, City still acquired a net gain of 86.24 square feet of land contiguous to the Greenway from the overall swaps. All necessary releases for the swaps, including the 210 square foot area, have been secured from the funding agencies which enabled the acquisition of the Greenway.

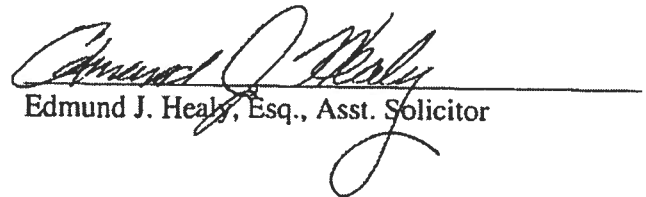


Under the 11 PaCS § 12402.1(b)(9) of the Third Class City Code, the City can exchange real property owned by the City for real property of equal or greater value, provided that the property being acquired by the city is to be used for municipal purposes. Since the overall swap will actually increase the holdings of the City, the Solicitor's Office recommends City Council to approve this proposed transfer as an amendment to Resolution Number 2017-025.

The details of this transaction required by City Council Resolution 9939, as amended by Resolution 11,679 and 2017-068) can be summarized as follows:

- a. Property ID: portion of P6SE1A 9 1; area being conveyed is 0.185% of parent tract (210 sf ÷ 113,256 sf = .00185).
- b. Description: see above diagram.
- c. Location of utility lines, easements and other significant features: none.
- d. Appraised Value: no appraisal required; the subject area is part of the land swaps under which City acquires a net gain of 86.24 square feet of real estate.
- e. Abutting Property Owners: City of Bethlehem, Best Suites Hospitality, LLC.
- f. Zoning designation: CB-Commercial/Central Business.
- g. Condition of title:
  - 1. The City has a 72 inch diameter stormwater pipe which crosses the 210 square foot area. The City will be reserving the right to access, maintain and/or replace this pipe from anywhere within the 210 square foot area.
  - 2. All grant-related restrictions have been released.
  - 3. The property is otherwise unencumbered.
- h. Reasons for transfer:
  - 1. to close-out the City's guarantee obligations to the Bethlehem Parking Authority under the Authority's RACP;
  - 2. restore a small amount of land to the tax rolls; and
  - 3. terminate any liability exposure for pedestrian and/or vehicle accidents on this small parcel of City property.

The Law Bureau recommends the accompanying Resolution to be approved by City Council.

  
Edmund J. Healy, Esq., Asst. Solicitor

**RESOLUTION NO. 2017-\_\_\_\_\_**

WHEREAS, Resolution No.s 9,939 and 11,836 of the City Council of the City of Bethlehem (Council) provides procedures concerning the sale of City-owned and the acceptance of gifts of real estate;

WHEREAS, no deed may be accepted until Council has authorized a Resolution to accept gifted real estate;

WHEREAS, no City-owned land may be transferred until Council has authorized a Resolution to sell the land;

WHEREAS, under the Third Class City Code, to wit. 11 PaCS § 12402.1(b)(9), the City, pursuant to Resolution of Council, can exchange real property owned by the City for real property of equal or greater value, provided that the property being acquired by the city is to be used for municipal purposes;

WHEREAS, pursuant to Resolution 2017-025 enacted on January 17, 2017 and incidental to the City's time-sensitive RACP obligations to the Authority, City Council approved the acquisition of 2,451.24 square feet indirectly from the Best Suites and gave up only 2,155 square feet as an integral part of (1) the development of the new Bethlehem Parking Garage on the southside by the Bethlehem Parking Authority, and (2) the revision of various property boundaries;

WHEREAS, pursuant to the City Solicitor's Memorandum dated March 9, 2017 to the City Clerk, and as a further incident to the foregoing land swap, and to relieve traffic pressures on Third Street, the City granted a short-term limited license to Best Suites Hospitality, LLC to allow patrons and invitees to cross and/or use a 210 square feet triangular area of the City's Greenway;

WHEREAS, pursuant to such Memorandum, such 210 square foot area was intended to be part of the above-referenced swap, but the required planning approvals could not be acquired in time for Council to approve Resolution 2017-25, but those approvals have since been acquired;

WHEREAS, following the transfer of this 210 square feet, City will still have acquired a net gain of 86.24 square feet of land contiguous to the Greenway from the overall swaps.

NOW THEREFORE, be it resolved by authority of the City Council of the City of Bethlehem that, after having reviewed the matter, Resolution 2017-025, is hereby amended to permit the transfer of such 210 square feet. Administration officials are authorized to tender such deeds and related documentation needed to effectuate such transfer.

Sponsored by:

\_\_\_\_\_  
\_\_\_\_\_

ADOPTED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk