

*Seth R. Tipton,, Esq.
Extension 1039
stipton@fpslawfirm.com
Reply to Bethlehem Office*

September 25, 2017

Louise Kelchner, City Clerk
City of Bethlehem
10 East Church St.
Bethlehem, PA 18018

Re: Petition of Redevelopment Authority of the City of Bethlehem and Peron Development LP for street vacation of Filbert Street and portion of Second Avenue.

Dear Ms. Kelchner:

As you know, my office represents Peron Development LP with regard to our joint petition with the Redevelopment Authority of the City of Bethlehem to City Council for the vacation of Filbert Street between Rauch Street and Second Avenue and a portion of Second Avenue. Peron Development LP proposes to erect a residential multi family building and the adaptive reuse of the Armory. The vacated streets will be used for parking for the Project.

Our formal petition is enclosed with this letter.

Thank you for your attention, and if any additional information is required please contact me.

Very truly yours,

Seth R. Tipton, Esquire

PETITION TO THE CITY COUNCIL OF THE CITY OF BETHLEHEM

FOR STREET VACATION

AND NOW, comes the REDEVELOPMENT AUTHORITY OF THE CITY OF BETHLEHEM (the "Authority"), by and through its attorneys, Riskin & Riskin, and PERON ARMORY LP ("Peron"), by and through its attorneys, Florio Perrucci Steinhardt & Fader, LLC, and Petition City Council for street vacation as in more particularity set forth herein:

1. Petitioner Authority is a public body corporate which operates in the City of Bethlehem, Northampton and Lehigh Counties, Pennsylvania (the "City").
2. Petitioner Peron is a Pennsylvania limited partnership, which owns properties in the City (the Authority and Peron, collectively, the "Petitioners").
3. Peron has been selected by the Authority to redevelop those certain parcels at 301 Prospect Street in the City bearing parcel IDs 642747202360 and 642747310879, more commonly known as the Bethlehem Armory (the "Armory Property").
4. The Authority is presently the lessee with option to purchase the Amory Property.
5. The redevelopment plan for the Armory Property submitted by Peron requires (i) the Authority to exercise its option to purchase the Armory Property and convey it to Peron; and (ii) the vacation of all of Filbert Street between Rauch Street and Second Avenue and a portion of Second Avenue.
6. Therefore, the Authority will be, upon exercising its option to purchase Armory Property pursuant to Peron's request, the equitable owner of the Armory Property
7. The Armory Property is the only party that holds real property interests on the north side of Filbert Street between Rauch Street and Second Avenue.
8. Peron is the owner of all four of the lots on the southern side of Filbert Street between Rauch Street and Second Avenue bearing parcel IDs 642746183626, 642746188642, 642746283615 and 642743680794 (collectively, the "Filbert Property").

9. Subject to the approval of the City of Bethlehem Planning Commission and the Bethlehem Zoning Hearing Board, the Authority and Peron desire to redevelop the Armory Property and the Filbert Property.

10. The Authority and Peron also intend to designate for private parking that portion of 2nd Avenue hereby requested for vacation pursuant to this Petition.

11. The Authority reviewed the development plan of Peron and determined that this plan, including the proposed street vacation, is the best use of the property.

12. The requested vacation of Second Avenue will not affect or limit two-way traffic on 2nd Avenue because it is a boulevard, and the elimination of the center of the boulevard in the same area as the vacated portion will permit two-way traffic.

13. For the foregoing reasons, the Authority and Peron hereby petition the for the vacation of a one-block section Filbert Street between Rauch Street and Second Avenue. The Authority and Peron are the only parties with real property interests immediately adjacent to the vacated area. A map depicting the location of Filbert Street and a legal description of the portion of Filbert Street that is to be vacated is attached hereto, collectively, as Exhibit "A", and made parts hereof.

14. For the foregoing reasons, the Authority and Peron hereby petition for the vacation of a portion of the western side of Second Avenue immediately adjacent to the Amory Property and the Filbert Property. The Authority and Peron are the only parties with real property interests adjacent property to the vacated area. A map depicting the location of 2nd Avenue and a legal description of the portion of the 2nd Avenue that is to be vacated is attached hereto, collectively, as Exhibit "B", and made parts hereof.

15. Upon completion of the redevelopment, public access along this portion of 2nd Avenue will no longer be needed or allowed.

16. Under these circumstances, vacation of 2nd Avenue would be appropriate.

WHEREFORE, Petitioners pray City Council to vacate (a) a block of Filbert Street between Rauch Street and Second Avenue as such street is more particularly described in Exhibit "A" hereto; and (2)

Second Avenue from its origin to its intersection with Prospect Avenue to slightly beyond its intersection with Filbert Street, as such street is more particularly described in Exhibit "B" hereto.

Date: _____

Riskin & Riskin

By: _____

Michael Riskin, Esq.
Attorney for Redevelopment Authority for the City of Bethlehem
18 East Market Street
Bethlehem, PA 18018

Date: 9/19/17 _____

Florio Perrucci Steinhardt & Fader, LLC

By: _____

Seth R. Tipton, Esq.
Attorney for Peron Armory LP
60 West Broad Street, Ste. 102
Bethlehem, PA 18018

15. Upon completion of the redevelopment, public access along this portion of 2nd Avenue will no longer be needed or allowed.

16. Under these circumstances, vacation of 2nd Avenue would be appropriate.

WHEREFORE, Petitioners pray City Council to vacate (a) a block of Filbert Street between Rauch Street and Second Avenue as such street is more particularly described in Exhibit "A" hereto; and (2) Second Avenue from its origin to its intersection with Prospect Avenue to slightly beyond its intersection with Filbert Street, as such street is more particularly described in Exhibit "B" hereto.

Date: September 19, 2017

Riskin & Riskin

By: Michael E Riskin

Michael Riskin, Esq.

Attorney for Redevelopment Authority for the City of Bethlehem

18 East Market Street

Bethlehem, PA 18018

Date: _____

Florio Perrucci Steinhardt & Fader, LLC

By: _____

Seth R. Tipton, Esq.

Attorney for Peron Armory LP

60 West Broad Street, Ste. 102

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF _____)

Before me, a Notary Public in and for the said Commonwealth and county, personally appeared TONY HANNY, who being duly sworn according to law deposes and says that he is the EXECUTIVE DIRECTOR of the Redevelopment Authority for the City of Bethlehem, a Petitioner herein, that he is authorized to make this Affidavit on its behalf, and that the facts set forth in the foregoing Petition are true and correct to his personal knowledge, information, and belief.

Redevelopment Authority for the City of Bethlehem

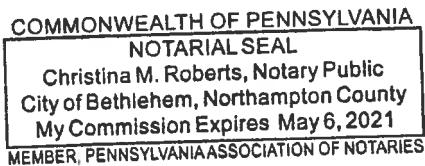
By: _____

Name: Tony Hanna

Title: Executive Director

Sworn and subscribed
before me this 19 day
of September, 2017.

Christina M. Roberts
Notary Public



AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF Northampton)

Before me, a Notary Public in and for the said Commonwealth and county, personally appeared Michael J. Perrucci, who being duly sworn according to law deposes and says that he is a Member of Peron Armory GP LLC, the general partner of Peron Armory LP, a Petitioner herein, that he is authorized to make this Affidavit on its behalf, and that the facts set forth in the foregoing Petition are true and correct to his personal knowledge, information, and belief.

Peron Armory LP

By: Peron Armory GP LLC, its general partner

By:  _____
Michael J. Perrucci

Sworn and subscribed
before me this day
of September 19, 2017.

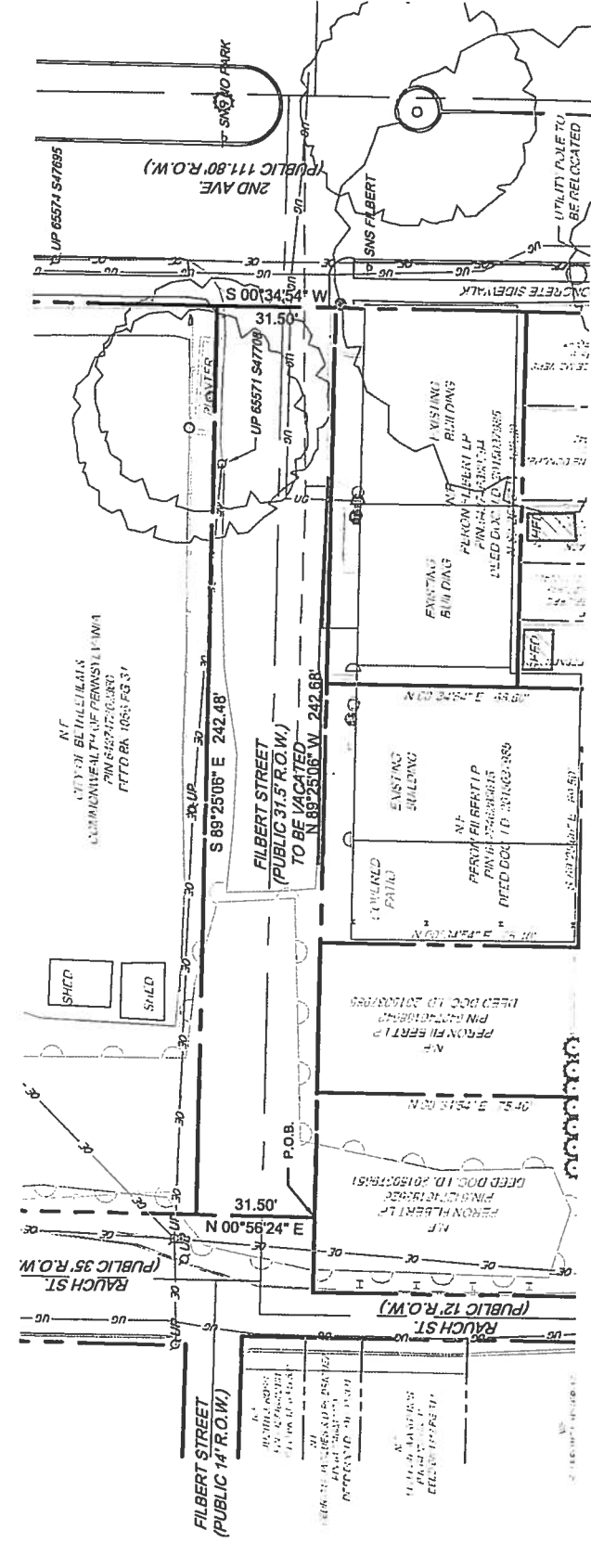


Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Lynsi J. Sheckler, Notary Public
South Whitehall Twp., Lehigh County
My Commission Expires May 23, 2018
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

EXHIBIT A

NO.	DESCRIPTION	DATE	BY



0 30' 60'

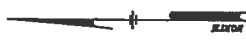
PROJECT	BOYL1601
DATE	2017-09-19
DRAWING SCALE	1"=30'
DRAWN BY	1005
APPROVED BY	LME

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROFESSION OF SURVEYING. PENNONI ASSOCIATES ASSUMES NO LIABILITY FOR RELEASE BY OWNER OR USER OF THESE INSTRUMENTS OF SERVICE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSES AND WITHOUT LIABILITY OR LEGAL RESPONSIBILITY TO PENNONI ASSOCIATES. PENNONI ASSOCIATES SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE INSTRUMENTS FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

Bethlehem Armory Redevelopment
 301 PROSPECT STREET
 BETHLEHEM, PA 18010

**FILBERT STREET RIGHT-OF-WAY
 VACATION PLAN**
 PERON ARMORY LP
 80 WEST BROAD STREET, SUITE 102
 BETHLEHEM, PA 18010

PENNONI ASSOCIATES INC.
 2841 Avenue C, Suite 100
 Bethlehem, PA 18017
 T 610.231.0600 F 610.231.2033



Filbert Street Right-of-Way Vacation

ALL THAT CERTAIN portion of land, situated in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania described according to a Filbert Street Right-of-Way Vacation exhibit, prepared by Pennoni Associates Inc. dated September 19, 2017, Sheet # EX-A as follows, to wit:

BEGINNING at a point on the southern Right-of-Way of Filbert St (31.5' wide), also being on the eastern Right-of-Way line of Rauch St (35' wide) and the northern property line of lands now or formerly Peron Filbert LP, thence along said Rauch St North 00 degrees 56 minutes 24 seconds East a distance of 31.50 feet to a point on the northern Right-of-Way of Filbert St, also being the southwesterly corner of lands now or formerly of the City of Bethlehem & Commonwealth of Pennsylvania;

Thence, along said lands of The City of Bethlehem & Commonwealth of Pennsylvania, South 89 degrees 25 minutes 06 seconds East a distance of 242.48 feet to a point on the western Right-of-Way of 2nd Ave (111.80' wide), to be partially vacated;

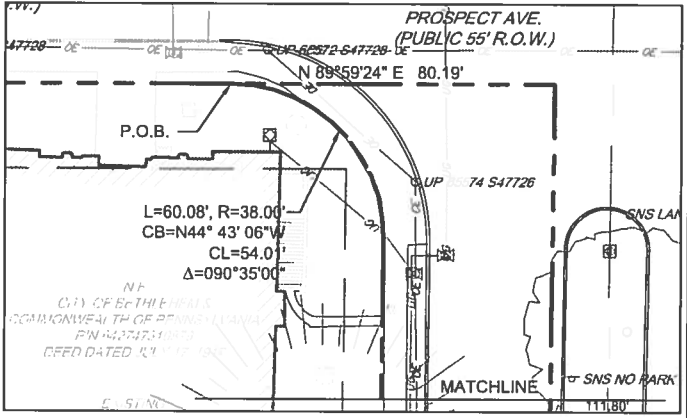
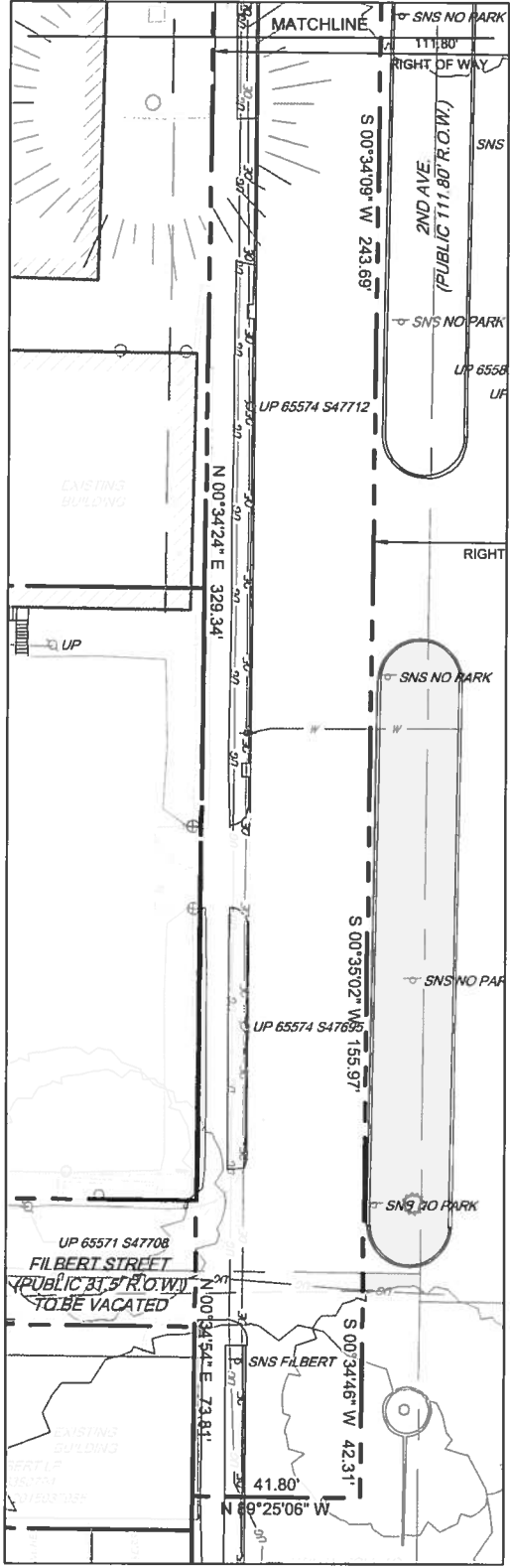
Thence, along said 2nd Ave South 00 degrees 34 minutes 54 seconds West a distance of 31.50 feet to a point being the northeasterly corner of lands now or formerly of Peron Filbert LP;

Thence, along said lands of Peron, as well as along other lands also of Peron Filbert LP, North 89 degrees 25 minutes 06 seconds West a distance of 242.68 feet to a point, being the **Point of Beginning**.

Containing an area of 7,641.22 Sq.Ft. or 0.18 Acres

EXHIBIT B

REVISIONS			
NO.	DESCRIPTION	DATE	BY
#	#	#	#



PENNONI ASSOCIATES INC.
 2041 Avenue C, Suite 100
 Bethlehem, PA 18017
 T 610.231.0600 F 610.231.2033

ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON THE EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY PENNONI ASSOCIATES FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNERS SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO PENNONI ASSOCIATES, AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS PENNONI ASSOCIATES FROM ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

BETHLEHEM ARMORY REDEVELOPMENT
 301 PROSPECT STREET
 BETHLEHEM, PA 18018

**2ND AVENUE RIGHT-OF-WAY
 VACATION PLAN**
 PERON ARMORY LP
 60 WEST BROAD STREET, SUITE 102
 BETHLEHEM, PA 18018

PROJECT	BOYL1601
DATE	2017-09-19
DRAWING SCALE	1"=30'
DRAWN BY	1005
APPROVED BY	LME
EX-B	
SHEET	1 OF 1

2ND Avenue Right-of-Way Vacation

ALL THAT CERTAIN portion of land, situated in the City of Bethlehem, County of Northampton, Commonwealth of Pennsylvania described according to a Filbert Street Right-of-Way Vacation exhibit, prepared by Pennoni Associates Inc. dated September 19, 2017, Sheet # EX-B as follows, to wit:

BEGINNING at a point being the northwesterly corner of the Right-of-Way of 2nd Avenue (111.80' wide), also being a southern Right-of-Way line of Prospect Ave (55' wide) and the northern property line of Lands now or formerly City of Bethlehem & Commonwealth of Pennsylvania, thence along said Prospect Avenue North 89 degrees 59 minutes 24 seconds East a distance of 80.19 feet to a point within the existing Right-of-Way of the aforementioned 2nd Avenue;

Thence, through said 2nd Avenue the following four (4) courses:

1. South 00 degrees 34 minutes 09 seconds West a distance of 243.69 feet to a point, thence;
2. South 00 degrees 35 minutes 02 seconds West a distance of 155.97 feet to a point, thence;
3. South 00 degrees 34 minutes 46 seconds West a distance of 42.31 feet to a point, thence;
4. North 89 degrees 25 minutes 06 seconds West a distance of 41.80 feet to a point on line of lands now or formerly of Peron Filbert LP;

Thence, along said lands of Peron, as well as along the eastern Right-of-Way of Filbert Street (to be vacated), North 00 degrees 34 minutes 54 seconds East a distance of 73.81 feet to a point being a corner of other lands now or formerly aforementioned City of Bethlehem & Commonwealth of Pennsylvania;

Thence, along said lands of the City of Bethlehem & Commonwealth of Pennsylvania the following two (2) courses:

1. North 00 degrees 34 minutes 24 seconds East a distance of 329.34 feet to a point of curvature, thence;
2. Along a curve to the left having a radius of 38.00 feet, an arc length of 60.08, and a chord bearing and distance of North 44 degrees 43 minutes 06 seconds West 54.01 feet to a point, being the **Point of Beginning**.

Containing an area of 18,875.53 Sq.Ft. or 0.43 Acres