

ORDINANCE NO. 14867

FILE OF CITY COUNCIL

BILL NO. 99 - 2010

INTRODUCED BY THE ADMINISTRATION

NOVEMBER 3, 2010

AN ORDINANCE

Providing for the vacation of E. Carey Street from N. Ellsworth Street to the N. Fenwick Street in the Fifteenth Ward of the City of Allentown:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALLENTOWN:

SECTION 1. That E. Carey Street, variable width, varying forty-six (46') feet to fifty (50') feet wide, street from the easterly right-of-way line of N. Ellsworth Street to the westerly right-of-way line of the N. Fenwick Street, in the fifteenth Ward of the City of Allentown be and the same is hereby vacated.

SECTION 2. That this ordinance shall not become effective until such time as a deed of easement for any existing utilities has been filed in the Lehigh County Office of the Recorder of Deeds which Easement shall be within the limits of the right-of-way lines of proposed vacated streets or as required by the affected utilities, if any.

SECTION 3. That if said deed of easement is not recorded within one year from the effective date of this Ordinance, then this Ordinance shall become null and void.

SECTION 4. Subject to the provisions set forth in Ordinance No. 12245, passed April 6, 1977.

SECTION 5. That all Ordinances inconsistent with the above provisions are repealed to the extent of their inconsistency.

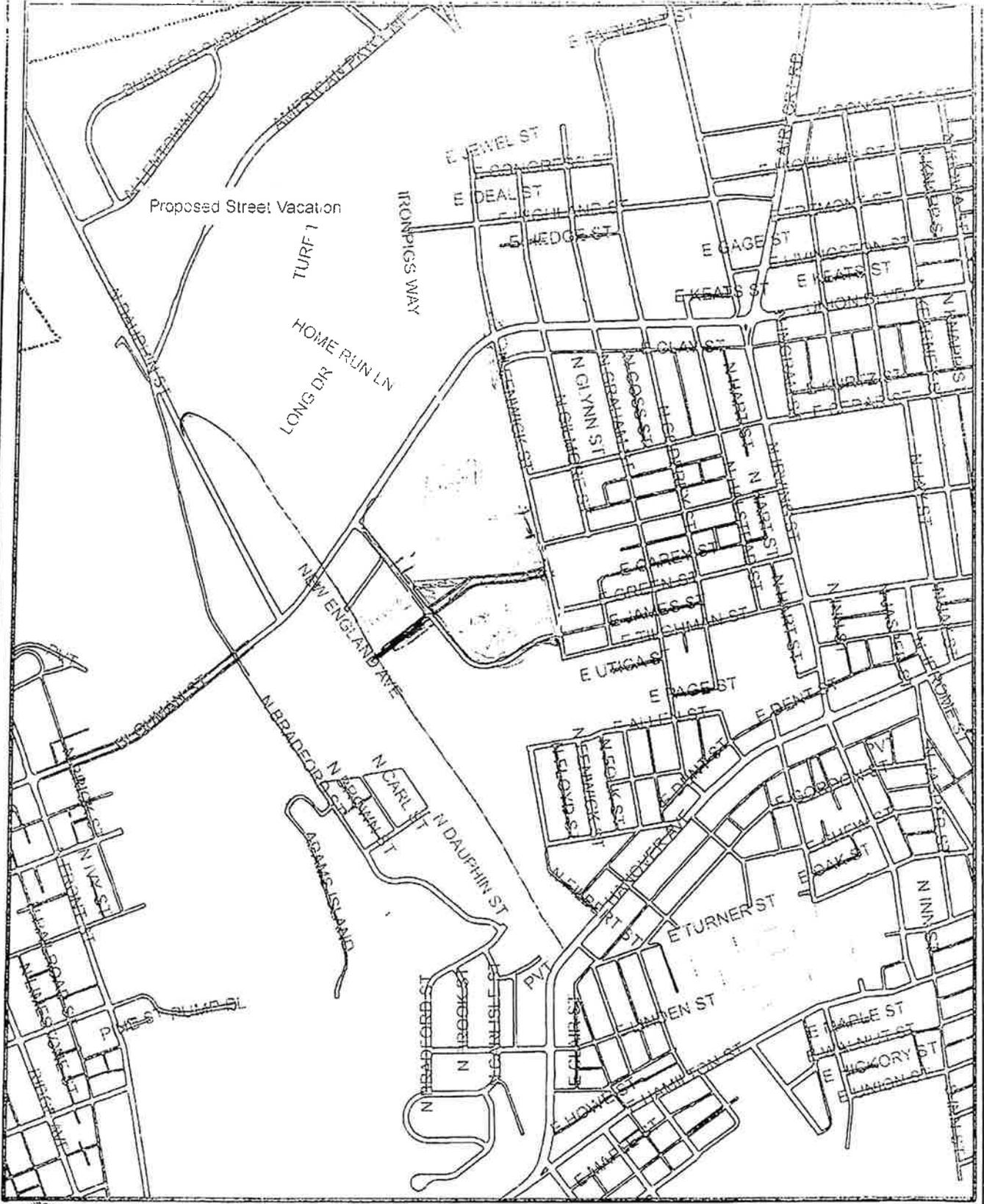
	Yea	Nay
W. Michael Donovan	X	
Jeanette Eichenwald	X	
Julio A. Guridy	X	
Ray O'Connell	X	
Michael Schlossberg	X	
Peter G. Schweyer	X	
Michael D'Amore, President	X	
TOTAL	7	0

I hereby certify that the foregoing Ordinance was passed by City Council on December 15th and signed by the Mayor on December 16th, 2010.

Michael P. Harker

CITY CLERK

CITY OF ALLENTOWN

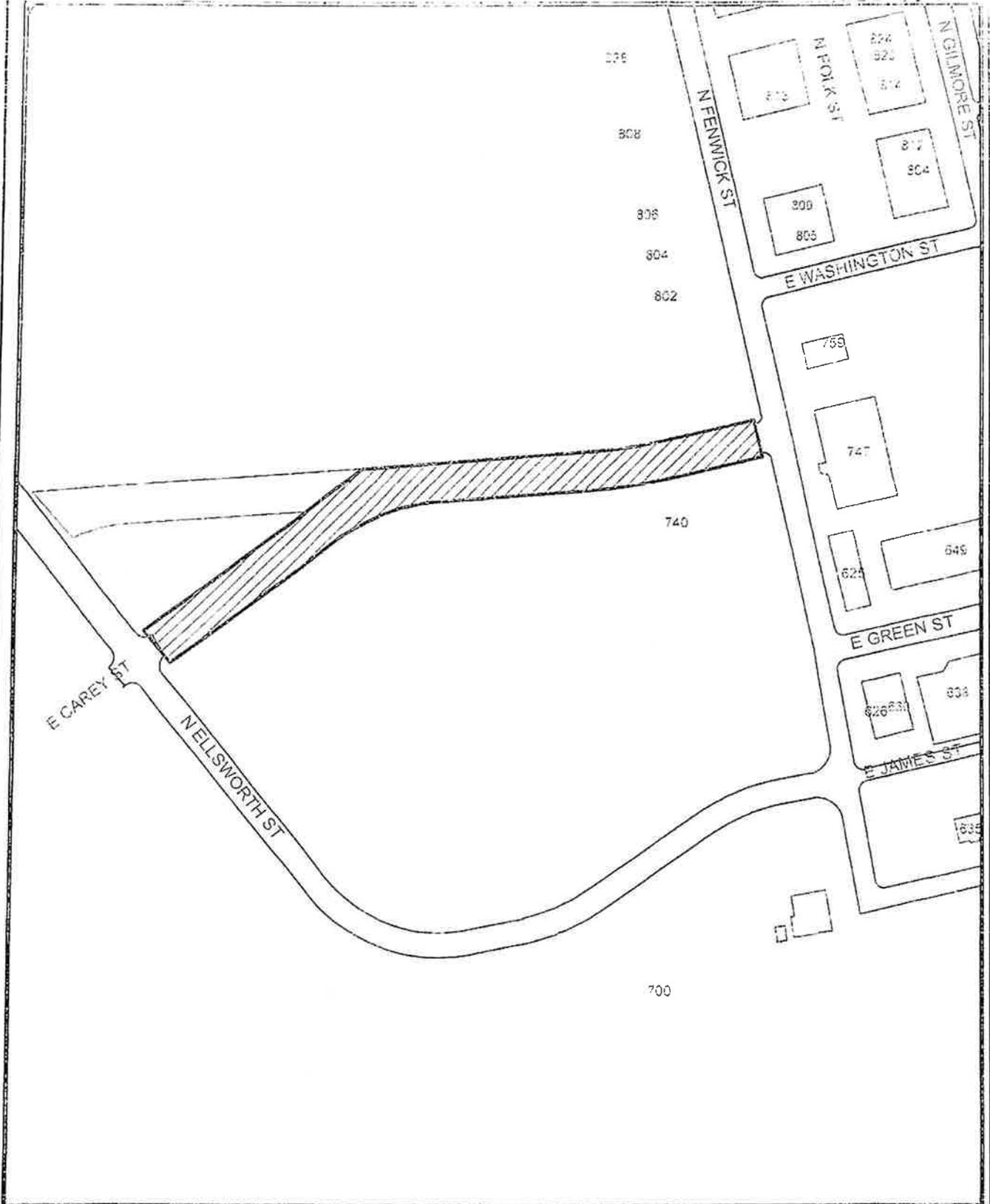


Proposed Street Vacation:
E Carey St.
N. Ellsworth St. to N Fenwick St.

SCALE:
1" = 800'



CITY OF ALLENTOWN



Proposed Street Vacation:
E. Carey St.
N. Ellsworth St to N. Fenwick St.

SCALE:
1" = 150'



June 28th, 2010

REPORT TO THE CITY CLERK

AND THE

ALLENTOWN CITY PLANNING COMMISSION

REQUEST FOR STREET VACATION

RE: Request for the Vacation of a portion of East Carey Street from North Ellsworth Street to North Fenwick Street.

Requested by:
John W. Troxell Jr.
809 North Fenwick St
Allentown Pa 18109
&
Kirk Flickinger
808 N Fenwick St
Allentown Pa 18109

Prepared by Brian L Borzak, PLS
Chief Designer/Chief Surveyor City of Allentown

CONTENTS:

Report and Recommendations
Mailing List and Responses -- Utility Companies and City
Mailing List and Responses -- Property Owners
Location Map -- Portions of City Block Plan No. 15-094

HISTORY OF THE PORTION OF EAST CAREY STREET THAT IS PROPOSED TO BE VACATED:

The portion of East Carey Street proposed to be vacated in the 15th Ward, was dedicated by City Subdivision #264, Plan of Property of Blue Ridge Real Estate Company dated 11/29/60, filed in Lehigh County MB 6 Pg 64. The established width of the right-of-way is 46 feet. Should the subject street vacation be granted, it appears that the affected rights-of-way would revert to the petitioning adjoining property owners. It is the responsibility of the affected adjoining properties to assimilate vacated property into fee simple ownership by deed.

LOCATION AND CONDITION:

The portion of East Carey Street proposed to be vacated is not improved. There is an existing sewer lateral within the R/W that has an existing easement from a Property Plan, Job#680 prepared by the City of Allentown.

POLLS -- CITY OF ALLENTOWN:

Mr. Richard H. Rasch, the City Utility Engineer, has no objection to the street vacation. Provided drainage & utility easements are secured. SEE Attachment # 1

Report to the City Clerk and Allentown City Planning Commission
June 28th, 2010
SUBJECT: East Carey Street Vacation Request

Ronald D. Penrose of the City's Traffic Engineering Bureau, has not responded.

Mr. Robert Scheirer, the Fire Chief, has no objection to the street vacation.

Mr. Michael Hilbert of the City's Communications Bureau, has no objection to the street vacation.

Mr. Roger MacLean, the Chief of Police, has no objection to the street vacation.

POLLS -- UTILITY COMPANIES:

The Pennsylvania Power and Light Company (PPL), has not responded.

Verizon Communications (Verizon) has no objection to the subject street vacation.

The UGI Utilities, Inc. (U.G.I.) has no objection to the subject street vacation.

POLLS -- PROPERTY OWNERS:

ARYA Development Corp., the owner of 540 Union Blvd, has not responded.

RECOMMENDATIONS:

The Bureau of Engineering favorably recommends the subject street vacation.

Very truly yours.

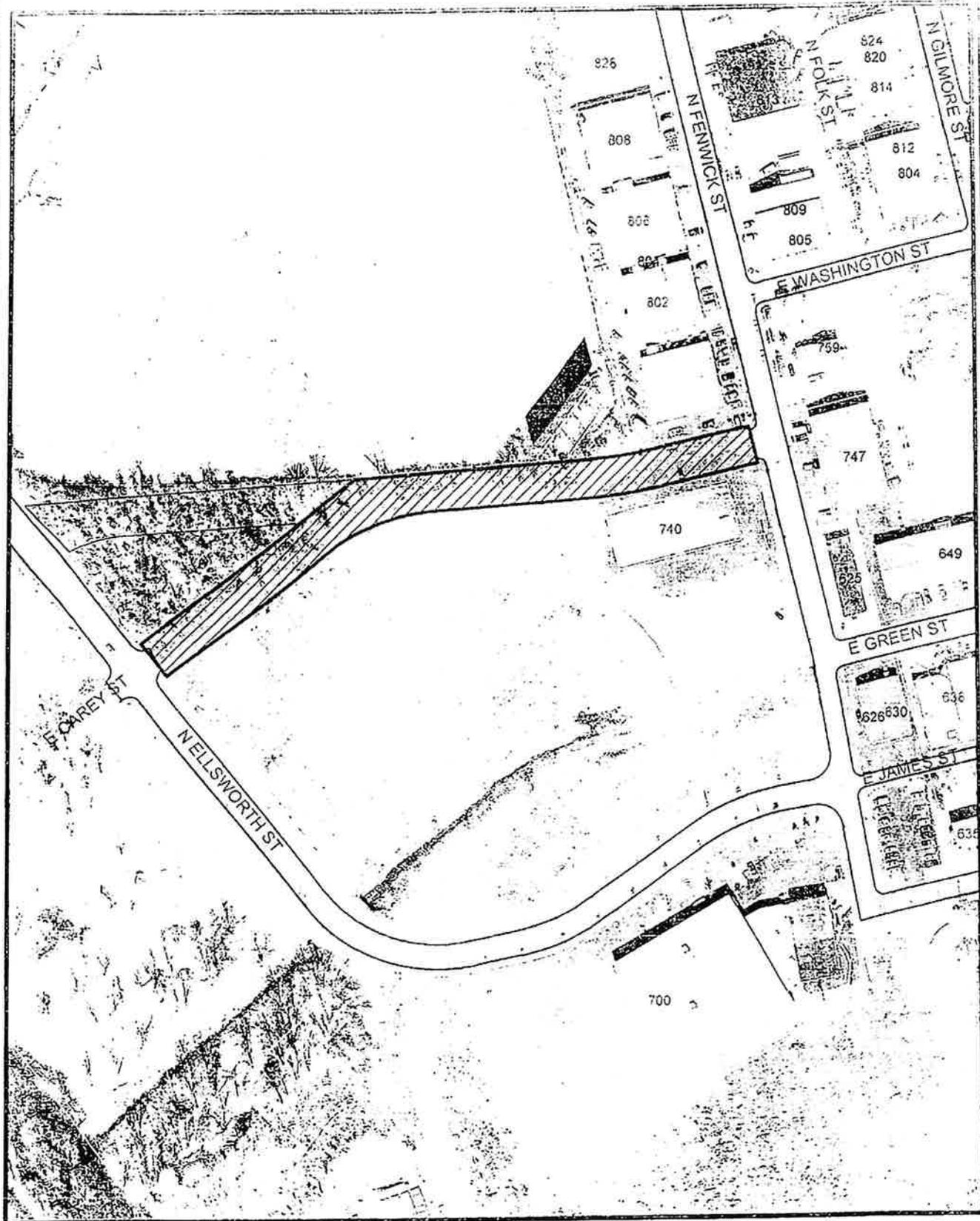


Richard A. Young, P.E.
Public Works Director

Attachments

xc: Michael C. Hefele, Director of Planning
Jerry Snyder, City Solicitor
Michael P. Hanlon, City Clerk
Richard A. Young, P.E., Public Works Director

CITY OF ALLENTOWN



Proposed Street Vacation:
E Carey St.
N Ellsworth St to N Fenwick St

SCALE:
1" = 150'



OWNER VACATION CHECKLIST FOR:

Vacation of East Carey St. from N Ellsworth St. to N Fenwick St.

Letters mailed: June 18, 2010

	Owner	Reply Date	No Objection	Object
(Kris Kapoor) ARYA Development Corporation Owner 540 Union Blvd 795 West Macada Road Bethlehem, PA 18017		has	not	replied

UTILITY VACATION CHECKLIST FOR:

Vacation of E. Carey St. from N Ellsworth St. to N Fenwick St.

Letters mailed: June 18th, 2010

Utility Company	Reply Date	No Objection	Object
Mr. David Bobb Area Engineering Supervisor PPL Electric Utilities Corp. 827 Hausman Road Allentown, PA 18104	has	not	replied
Mr. Mike Ciamacco Verizon Communications 1800 East Race St. Allentown, Pa 18109	06/28/10	X	
Mr. Taylor Bet UGI Utilities, Inc. 2121 Cityline Road P.O. Box 25148 Bethlehem, PA 18002-5148	06/21/10	X	
Mr. Richard Rasch Utility Engineer	6/17/2010	X	
	provided utility & drainage easements are secured		
Mr. Ron Penrose Traffic Technician	has	not	replied
Mr. Robert Scheirer Fire Chief	06/23/10	X	
Michael Hilbert Communications	6/21/2010	X	
Mr. Roger MacLean Chief of Police	06/21/10	X	



MICHAEL C. HEFELE, AICP
Director of Planning
Bureau of Planning and Zoning
Community and Economic Development
610.437.7611 Fax 610.437-8781
hefele@allentowncity.org

August 12, 2010

The Honorable Michael D'Amore, Ph.D.
President, City Council
435 Hamilton Street
Allentown, PA 18101

Re: East Carey Street from North Fenwick Street
to North Ellsworth Street

Dear Dr. D'Amore:

Please be advised that at the monthly meeting of the Allentown City Planning Commission held on Tuesday, August 10, 2010, the above referenced street vacation requested by John W. Troxell, Jr., Allentown Classic Motor Cars, Inc. and Keith Flickinger was recommended to City Council for APPROVAL.

If you have any questions concerning this action, please contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Michael C. Hefele".

Michael C. Hefele, AICP
Director of Planning

MCH:jf
Enclosure

xc: Mayor Ed Pawlowski
Kenneth Bennington, Managing Director
Michael Hanlon, City Clerk
Sara Hailstone, Community & Economic Development Director
Richard Young, P.E., Public Works Director/City Engineer
Ronald Penrose, Traffic Control Superintendent
John Troxell, Jr.
Allentown Classic Motor Cars, Inc.
Keith Flickinger

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City Hall • 435 Hamilton Street • Allentown, PA 18101-1699

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MICHAEL C. HEFELE, AICP
Director of Planning
Bureau of Planning and Zoning
Community and Economic Development
610.437.7611 Fax 610.437.8781
hefele@allentowncity.org

**STAFF REPORT TO THE
ALLENTOWN CITY PLANNING COMMISSION**

August 6, 2010

SUBJECT: 10-11(V): The proposed vacation of EAST CAREY STREET from North Ellsworth Street to North Fenwick Street

FINDINGS:

The proposed street vacation has been requested by Allentown Classic Motor Cars Inc., John W. Troxell and Keith Flickinger who own 3 of the 4 abutting properties. ARYA Development Corp., the owner of the 4th abutting parcel, is not a party to the petition and has not responded to the polling conducted by the Bureau of Engineering.

The subject street is a 46 foot wide right-of-way and is mostly unimproved (the street has been opened at its intersection with N. Fenwick Street and extends west for a distance of about 200 feet). The opened portion of the street provides secondary access to two abutting properties.

E. Carey Street between N. Ellsworth and New England Avenue will be opened as part of the construction of New England Avenue. Original plans called for the further extension of Carey Street from Ellsworth eastward to N. Fenwick using the subject right-of-way where it would dead end, however those plans have since been abandoned.

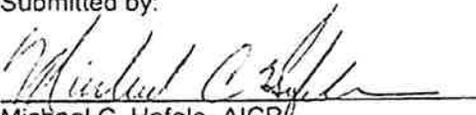
The ability to open Carey Street within these limits is constrained by steep grades and the lack of a dedicated right-of-way in certain portions.

Since it is unopened and would serve as only as secondary access to the abutting properties, East Carey Street does not add to the general traffic circulation of the area.

RECOMMENDATION:

Based upon the above findings, this office favorably recommends the vacation as presented, provided all conditions of the City Engineer are satisfied.

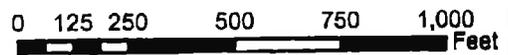
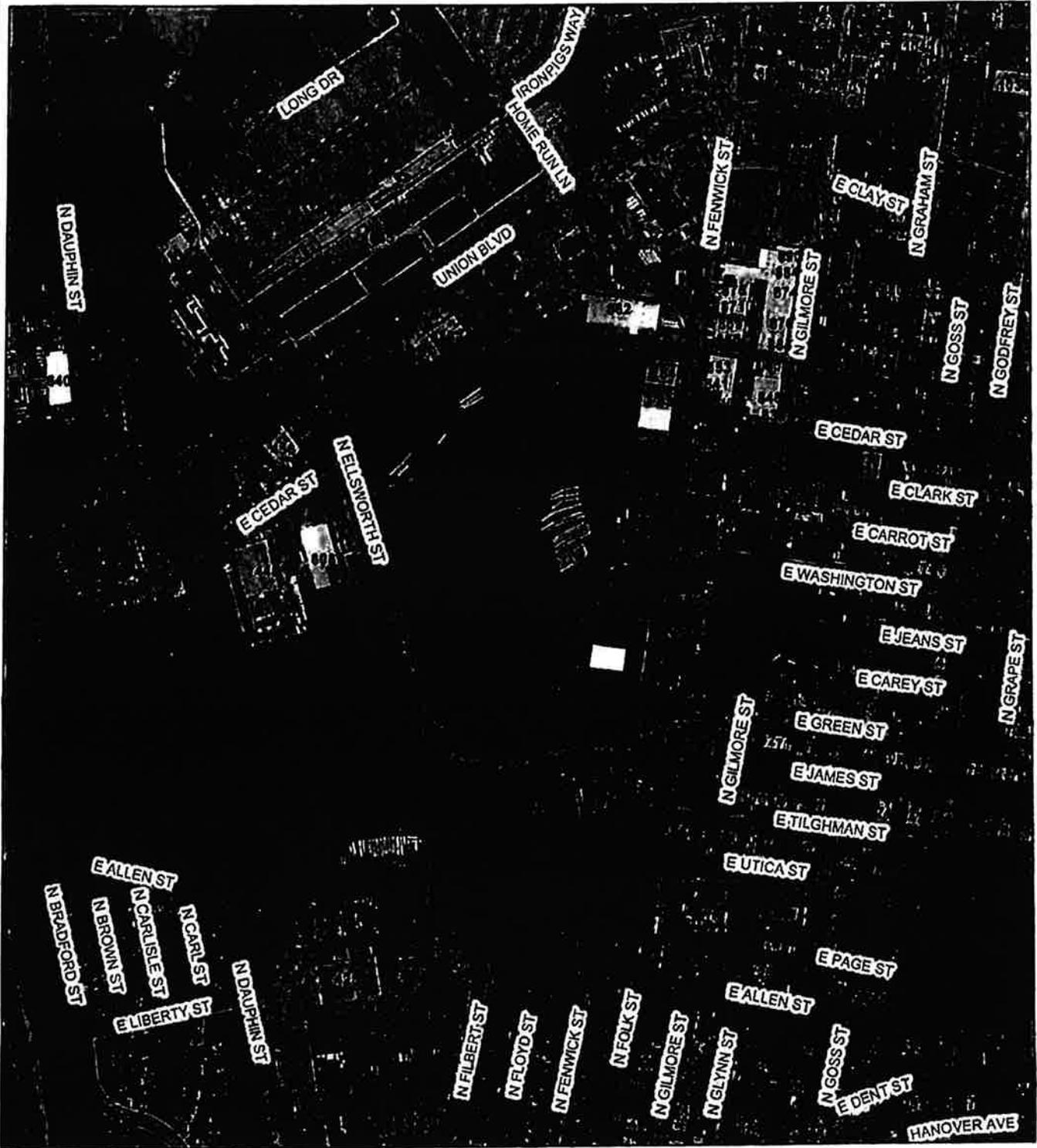
Submitted by:


Michael C. Hefele, AICP
Director of Planning





E. Carey Street Vaction Request N Fenwick St. to N. Ellsworth St..



1:4,800
1 inch = 400 feet



LEHIGH VALLEY PLANNING COMMISSION

961 MARCON BOULEVARD, SUITE 310, ALLENTOWN, PENNSYLVANIA 18109
610-264-4544 FAX 610-264-2616
TOLL FREE 888-627-8808

STEVEN L. GLICKMAN
Chair

ROBERTA LAMMI
Vice Chair

KENT H. HERMAN
Treasurer

MICHAEL N. KAISER
Executive Director

July 27, 2010

Mr. Michael P. Hanlon, City Clerk
City of Allentown
435 Hamilton Street, Room 510
Allentown, Pennsylvania 18101-1699

Dear Mr. Hanlon:

The Lehigh Valley Planning Commission has reviewed the following proposed street vacation:

East Carey Street from North Ellsworth Street to North Fenwick Street

This proposal does not conflict with any transportation improvement plans. The city should ensure that adjoining property owners are made aware of this street vacation request.

Thank you for forwarding the proposal for review. Please feel free to contact me if you have any questions.

Sincerely,

Michael S. Donchez
Senior Transportation Planner

MSD:kms

MICHAEL P. HANLON



CITY CLERK

hanlon@allentowncity.org
435 West Hamilton Street
Allentown, PA 18101
Phone: (610) 437-7539
Fax: (610) 437-7554

June 15, 2010

Richard Young
Director, Public Works
City Hall, Allentown, PA 18101

Michael C. Hefele
Director of Planning
City Hall, Allentown, PA 18101

Lehigh Valley Planning Commission
961 Marcon Boulevard
Suite 310
Allentown, PA 18103-9397

Gentlemen:

The attached street vacation petition was received from John W. Troxell Jr., Allentown Classic Motor Cars, Inc., and Keith Flickinger to vacate the following street:

E. Carey Street from N. Fenwick Street to N. Ellsworth 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

xc: Council
John W. Troxell, Jr.
Allentown Classic Motor Cars, Inc.
Keith Flickinger
Mayor Ed Pawlowski
Sara Hailstone, Director, Community and Economic Development
Oldrich Foucek, Chairman of the Planning Commission
Brian Borzak, Engineering
Jerry Snyder, Solicitor

*Council meetings are held on the first and third Wednesday of each month beginning at 7:30 pm in Council Chambers.
For copies of the agenda or meeting announcements, please visit our website at www.allentownpa.gov.*

STREET VACATION PETITION

Date June 10, 2010

City Council
City Hall
435 Hamilton Street
Allentown, PA 18101

Gentlemen:

We, the undersigned and interested parties hereby request your honorable body to vacate
E. Carey Street

from N. Fenwick Street to N. Ellsworth Street

~~with~~ without* utility easements.

Reason for Vacation of Street (give details)

Construction of E. Carey Street would have no purpose inasmuch as James Street runs
parallel with it, also to the best of our knowledge the city removed E. Carey Street
from the construction plans for the American Parkway, it presently is an unopened
strip of land.

NAME

ADDRESS

John W. Troxell Jr. 809 N. Fenwick Street, Allentown, PA 18109-1808

Allentown Classic Motor Cars Inc. 808 N. Fenwick Street, Allentown, PA 18109-1809

Keith Flickinger 808 N. Fenwick Street, Allentown, PA 18109-1809

NOTE: Send or deliver this petition to: City Clerk's Office
City Hall
435 Hamilton Street
Allentown, PA 18101

A \$500.00 fee is required to cover the administrative costs.

*Strike inapplicable word.

City of Allentown

Treasurer's Office
435 Hamilton Street Room 110
Allentown, PA 18101

Reg# #/Rcpt#: 003-00128539 [LMK]
Accounting Date: Mon, Jun 14, 2010
Date/Time: Mon, Jun 14, 2010 11:48 AM

PERMITS & LICENSES - OTHER

Ref #: CONSTRUCTION OF E. CAREY STREET
Fee Amount: \$500.00

RECEIPT TOTAL = \$500.00

Payment Data:

Pmt# :1

Payer: CHECK
Method: CK
Ref#: 6366

AMOUNT = \$500.00

RECEIPT SUMMARY

TOTAL TENDERED = \$500.00
RECEIPT TOTAL = \$500.00

CHANGE DUE = \$0.00

Have a Nice Day!

MICHAEL P. HANLON



CITY CLERK

hanlon@allentowncity.org
435 West Hamilton Street
Allentown, PA 18101
Phone: 610.437-7539
Fax: 610.437.7554

December 23, 2010

John W. Troxell, Jr.
809 N. Fenwick Street
Allentown, PA 18109

Kirk Flickinger
808 N. Fenwick Street
Allentown, PA 18109

Gentlemen:

Pursuant to your Petition, Allentown City Council has passed the enclosed Ordinance #14867 vacating E. Carey Street from N. Ellsworth Street to N. Fenwick Street in the Fifteenth Ward at its December 15, 2010 Council meeting.

If you have any questions, feel free to contact this office.

Very truly yours,

Michael P. Hanlon
City Clerk

CC: Michael D'Amore, City Council President
Jerry Snyder, Solicitor
Richard Young, Director of Public Works
Michael Hefele, Director of Planning