

BILL NO. 54-2010

**AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA VACATING BENNER'S COURT BETWEEN MAPLE STREET AND AN UNNAMED TEN (10') FOOT WIDE ALLEY ADJACENT TO BENNER'S COURT AND VACATING MAPLE STREET BETWEEN SPRUCE STREET AND MUHLENBERG STREET AS PARTICULARLY SURVEYED AND DESCRIBED HEREIN.**

**WHEREAS**, pursuant to the Third Class City Code, 53 Pa. C.S. §37918, the Council of the City of Reading ("Council"), upon Petition by owners of property abutting the proposed street to be vacated, may, by Ordinance, vacate the street described in said Petition; and

**WHEREAS**, a Petition to vacate Benner's Court has been presented to Council on February 1, 2010; and

**WHEREAS**, Benner's Court is located within the City of Reading; and

**WHEREAS**, a Petition to vacate Maple Street between Spruce Street and Muhlenberg Street has been presented to Council in July 2010; and

**WHEREAS**, Maple Street is located within the City of Reading; and

**WHEREAS**, upon review of said Petition, Council believes that the vacation of Benner's Court and Maple Street between Spruce Street and Muhlenberg Street is in the best interest of the residents of the City of Reading.

**BE IT ENACTED AND ORDAINED**, by the Council of the City of Reading, Berks County, Pennsylvania ("City") as follows,

**Section 1.** Pursuant to 53 Pa. C.S. §37918 of the Third Class City Code, Council hereby vacates the public road known as Benner's Court and the public road known as

Maple Street between Spruce Street and Muhlenberg Street within the City of Reading as particularly surveyed and described herein. Copies of the legal descriptions of Benner's Court and Maple Street between Spruce Street and Muhlenberg Street are attached to this Ordinance as Exhibit "A" and incorporated herein by reference.

**Section 2.** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

**Section 3.** The provisions of this Ordinance are severable and if any provisions, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or entity, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, section or parts of this Ordinance.

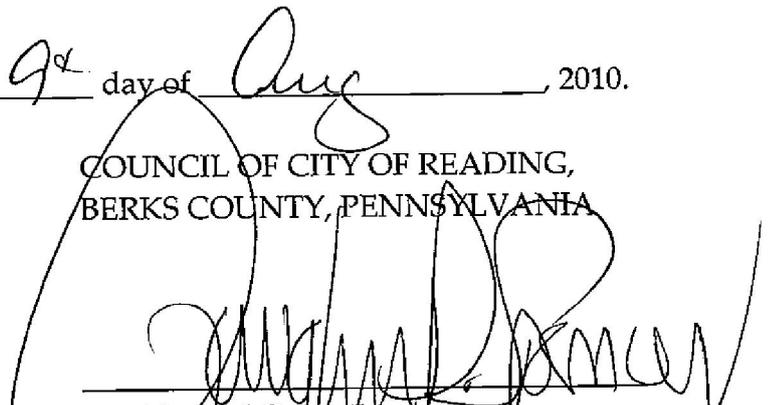
**Section 4.** This Ordinance shall become effective in accordance with applicable law.

ENACTED AND ORDAINED this 9<sup>th</sup> day of Aug, 2010.

COUNCIL OF CITY OF READING,  
BERKS COUNTY, PENNSYLVANIA

ATTEST:

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

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

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original ~~Ordinance~~ passed by the Council of the City of Reading, on the 9<sup>th</sup> day of Aug, A. D. 20 10. Witness my hand and seal of the said City this 9<sup>th</sup> day of Aug, A. D. 20 10.

  
\_\_\_\_\_  
CITY CLERK

Submitted to Mayor: [Signature]

Date: 8/10/10

Received by the Mayor's Office: [Signature]

Date: 8/10/10

Approved by Mayor: [Signature]

Date: 8/10/10

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_



CITY OF READING, PENNSYLVANIA

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## MEMORANDUM

**TO:** Carl Geffken, Interim Managing Director  
Daniel Robinson, CD Director  
**FROM:** Linda A. Kelleher, City Clerk  
**DATE:** June 30, 2010  
**SUBJECT:** Benner's Court Vacation Request

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Attached is a memorandum to Andrew Miller and Charles Jones, dated February 3, 2010 requesting a recommendation regarding the Reading School District's request to vacate Benner's Court. A copy of the petition the Reading School District sent is also attached. Petitions to vacate must be approved by City Council, after a recommendation is obtained from the City's Planning Office and Public Works Department. The Council Office has not yet received a recommendation from Planning or Public Works. The Reading School District has been unable to move the Amanda Stout project forward due to this delay. City Council would like to take action on this request no later than July 26<sup>th</sup>. We ask that you forward a recommendation as quickly as possible.

C: Members of Council  
John Bradley, Esq.





CITY OF READING, PENNSYLVANIA

MEMORANDUM

**TO:** Charles Jones, Public Works Director  
Andrew Miller, City Planner  
**FROM:** Linda A. Kelleher, City Clerk  
**DATE:** February 3, 2010  
**SUBJECT:** Benner's Court Vacation Petition

Please review the Reading School District's attached request seeking the vacation of Benner's Court and provide the Council office with your recommendation and comment as soon as possible.

Thanks!

C: Members of Council  
Managing Director  
John Bradley, Esq.

*Linda A. Kelleher*

610 655 6697



**MASANO • BRADLEY**  
ATTORNEYS AT LAW

John C. Bradley, Jr.  
Fieldi D. Masano  
Karen H. Cook  
James E. Gavin  
E. Michael Zubey, Jr.  
Richard L. Guida  
Michael J. Gombor, Jr.  
Alexa S. Antanavage\*

Suite 201  
1100 Berkshire Boulevard  
Wyomissing, Pennsylvania 19610

610.372.7700 • Fax 610.372.4865  
Email: lawyers@masanobradley.com  
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Birdsboro Office  
351 West Main Street  
Birdsboro, Pennsylvania 19508  
610.582.4307

February 1, 2010

\*Member of PA and NJ Bars

Linda A. Kelleher, City Clerk  
City of Reading  
815 Washington Street  
Reading, PA 19601

RE: Vacation of Benner's Court

Dear Linda:

Enclosed herewith find the Petition of the Reading School District requesting the vacation of Benner's Court. Would you kindly place this on City Council's agenda.

Thanking you for your cooperation in this matter, I remain,

Very truly yours,

MASANO • BRADLEY

*John C. Bradley, Jr.*  
John C. Bradley, Jr. (sks)

JCB/skc

VIA EMAIL AND FIRST CLASS MAIL

To the Council of the City of Reading  
In Re: Vacation of Benner's Court

LADIES AND GENTLEMEN:

The Reading School District, being the only owner of Lots 1034 through 1061, all abutting on Benner's Court between Maple Street and a ten foot (10') wide alley, respectfully petition your honorable body for the passage of an ordinance vacating Benner's Court between the above-mentioned points, as shown on a legal description and plan which is marked Exhibit "A" hereof.

In the event of the City of Reading causes the said Benner's Court to be vacated, the Reading School District hereby agrees to be bound by the terms of the ordinance passed by the Council of the City of Reading authorizing the same.

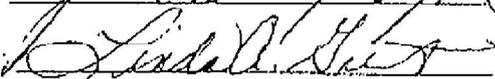
And the Reading School District, its successors and assigns, hereby request that said street be vacated between Maple Street and a ten foot (10') wide alley as shown on Exhibit "A".

And the Reading School District, its successors and assigns, hereby remise, release, quit claim and forever discharge the said City of Reading, its successors and assigns, of and from all and all manner and kind of damages that may be accrued to it by reason of the vacation of Benner's Court, in the City of Reading, by your Council.

IN WITNESS WHEREOF and intending to be legally bound hereby, we have set our hand and seal this 27<sup>th</sup> day of January, 2010.

READING SCHOOL DISTRICT

By: 

Attest: 

COMMONWEALTH OF PENNSYLVANIA:

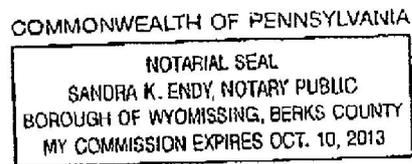
: ss.

COUNTY OF BERKS

On this, the 27<sup>th</sup> day of January, 2010, before me, the undersigned officer, personally appeared Linda A. Huth, who acknowledged ~~himself~~/herself to be the Secretary, of the Board of School Directors of the Reading School District and that ~~he~~/she as such Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the School District by ~~himself~~/herself as Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Sandra K. Endy  
 Notary Public



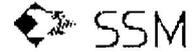
FROM : MAGANO BRADLEY

FAX NO. : 6103724865

Jun. 30 2010 09:29AM P6/8

**EXHIBIT "A"**

SPOTTS | STEVENS | MCCOY  
1047 N. PARK ROAD • P.O. BOX 6307 • READING PA 19613-0307  
TEL: 610.271.1700 • FAX: 610.621.2001 • SSMGROUP.COM



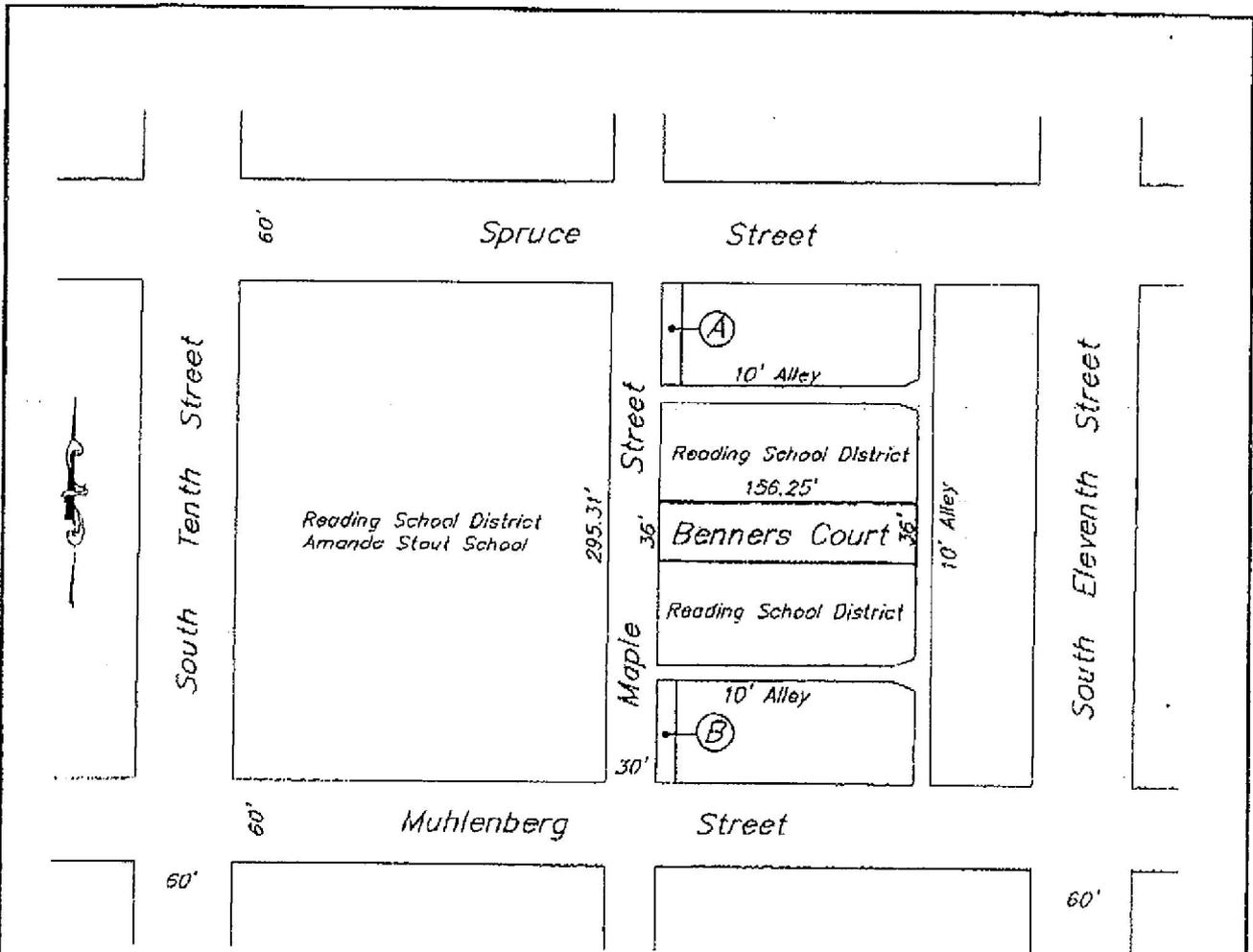
January 7, 2010

Description of Benners Court to be Vacated  
in the Tenth Ward of the City of Reading  
for the Reading School District.

ALL THAT CERTAIN street known as Benners Court to be vacated in the Tenth Ward of the City of Reading, County of Berks, and Commonwealth of Pennsylvania, as laid out and shown on the Topographical Plan of the City of Reading and shown on the attached Exhibit, Drawing No. 109362.0003-V.1-02, prepared by Spotts, Stevens and McCoy, Inc., Consulting Engineers of Reading, Pennsylvania, and being more fully bounded and described, as follows, to wit:

**Benners Court**

ALL OF BENNERS COURT (36' wide) containing 5,625 Sq. Ft. more or less extending from the eastern line of Maple Street (now or about to be vacated) in an easterly direction one hundred fifty-six and twenty-five hundredths feet (156.25') more or less to the western line of a Ten Feet Wide Alley.



Ⓐ Francisco P. and Germania Franco  
R.B.V. 3801, Pg. 875

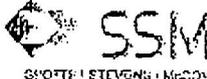
Ⓑ Ana A. Burgos R.B.V. 3883, Pg. 1476

Benners Court Vacation Area = 5,625 Sq. Ft. ±

GRAPHIC SCALE



Scale 1"=100'

RELEASED FOR <b>FINAL</b> NOT FOR CONSTRUCTION	<b>READING SCHOOL DISTRICT</b> 800 Washington Street, Reading, PA 19610	01/07/10 TOWNSHIPS V.1-02
	<b>BENNERS COURT STREET VACATION PLAN</b> TENTH WARD, CITY OF READING BERKS COUNTY, PENNSYLVANIA	109362.0003 www.berks.net
PROJECT MANAGER: _____ DATE: _____ DRAWN BY: _____ DESIGNED BY: _____ CHECKED BY: _____	 SSM SPOTTS, STEVENS & MCCOY	<b>V.1-02</b> <small>TRAFFIC MAP</small>
COPYRIGHT 2010 SPOTTS, STEVENS AND MCCOY, INC.		

JOHN C. BRADLEY, JR.  
HEIDI B. MASANO  
KAREN H. COOK  
JAMES E. GAVIN  
E. MICHAEL ZUBEY, JR.  
RICHARD L. GUIDA  
MICHAEL J. GOMBAR, JR.  
ALEXA S. ANTANAVAGE

**MASANO BRADLEY**  
ATTORNEYS AT LAW  
SUITE 201  
1100 BERKSHIRE BOULEVARD  
WYOMISSING, PA 19610  
---  
(610) 372-7700  
TELECOPIER (610) 372-4865  
SENDER'S E-MAIL:

---

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**FACSIMILE TRANSMITTAL SHEET**

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TO: LINDA KELLERHER

FROM: JOHN C. BRADLEY, JR.

FAX NUMBER: 610/655-6697

DATE: 06/30/10

COMPANY: CITY OF READING

TOTAL NO. OF PAGES INCLUDING  
COVER: 8

ORIGINAL TO FOLLOW IN MAIL: No

COMMENTS:

IF YOU HAVE A COMMUNICATION ERROR, PLEASE NOTIFY:

Miriam Borkert

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To the Council of the City of Reading  
In Re: Vacation of Benner's Court

LADIES AND GENTLEMEN:

The Reading School District, being the only owner of Lots 1034 through 1061, all abutting on Benner's Court between Maple Street and a ten foot (10') wide alley, respectfully petition your honorable body for the passage of an ordinance vacating Benner's Court between the above-mentioned points, as shown on a legal description and plan which is marked Exhibit "A" hereof.

In the event of the City of Reading causes the said Benner's Court to be vacated, the Reading School District hereby agrees to be bound by the terms of the ordinance passed by the Council of the City of Reading authorizing the same.

And the Reading School District, its successors and assigns, hereby request that said street be vacated between Maple Street and a ten foot (10') wide alley as shown on Exhibit "A".

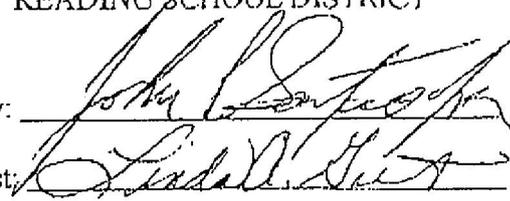
And the Reading School District, its successors and assigns, hereby remise, release, quit claim and forever discharge the said City of Reading, its successors and assigns, of and from all and all manner and kind of damages that may be accrued to it by reason of the vacation of Benner's Court, in the City of Reading, by your Council.

IN WITNESS WHEREOF and intending to be legally bound hereby, we have set our hand and seal this 27<sup>th</sup> day of January, 2010.

READING SCHOOL DISTRICT

By: \_\_\_\_\_

Attest: \_\_\_\_\_



COMMONWEALTH OF PENNSYLVANIA:

: ss.

COUNTY OF BERKS :

On this, the 27<sup>th</sup> day of January, 2010, before me, the undersigned officer, personally appeared Linda A. Bretz, who acknowledged ~~himself~~/herself to be the Secretary, of the Board of School Directors of the Reading School District and that ~~he~~/she as such Officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the School District by ~~himself~~/herself as Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Sandra K. Endy  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL  
SANDRA K. ENDY, NOTARY PUBLIC  
BOROUGH OF WYOMISSING, BERKS COUNTY  
MY COMMISSION EXPIRES OCT. 10, 2013

FROM : MASANO BRADLEY

FAX NO. : 6103724865

Jun. 30 2010 09:29AM PG 8

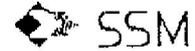
EXHIBIT "A"

FROM : MASANO BRADLEY

FAX NO. : 6103724865

Jun. 30 2010 09:29AM P7/B

SPOTTS | STEVENS | MCCOY  
1047 N. PARK ROAD | P.O. BOX 6307 | READING PA 19610-0307  
TEL: 610.372.1111 FAX: 610.621.2001 | SSMGROUP.COM



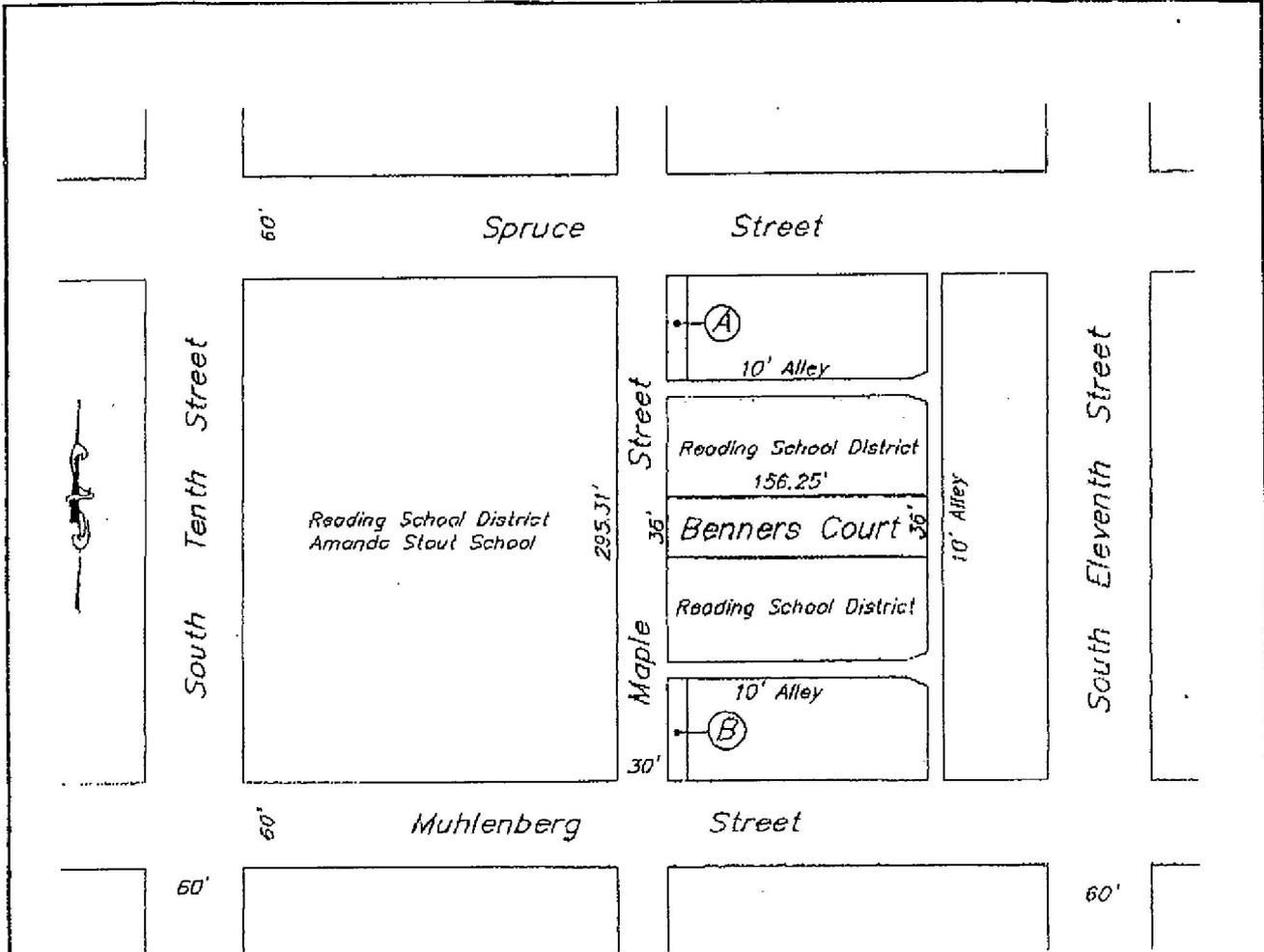
January 7, 2010

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in the Tenth Ward of the City of Reading  
for the Reading School District.

ALL THAT CERTAIN street known as Benners Court to be vacated in the Tenth Ward of the City of Reading, County of Berks, and Commonwealth of Pennsylvania, as laid out and shown on the Topographical Plan of the City of Reading and shown on the attached Exhibit, Drawing No. 109362.0003-V.1-02, prepared by Spotts, Stevens and McCoy, Inc., Consulting Engineers of Reading, Pennsylvania, and being more fully bounded and described, as follows, to wit:

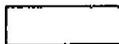
### Benners Court

ALL OF BENNERS COURT (36' wide) containing 5,625 Sq. Ft. more or less extending from the eastern line of Maple Street (now or about to be vacated) in an easterly direction one hundred fifty-six and twenty-five hundredths feet (156.25') more or less to the western line of a Ten Feet Wide Alley.

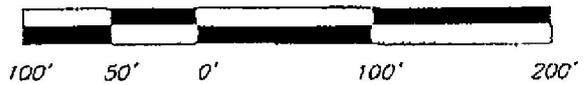


(A) Francisco P. and Germanio Franco  
R.B.V. 3801, Pg. 875

(B) Ana A. Burgos R.B.V. 3883, Pg. 1476

 Benners Court Vacation Area = 5,625 Sq. Ft. ±

GRAPHIC SCALE



Scale 1"=100'

<p>RELEASED FOR: <b>FINAL</b> NOT FOR CONSTRUCTION</p>		<p><b>READING SCHOOL DISTRICT</b> 800 Washington Street, Reading, PA 19610</p>		<p>01/07/10 DATE</p>	<p>TOWN/ZIP V.1-02</p>
<p>PROJECT MANAGER: _____ DATE: _____</p>		<p><b>BENNERS COURT STREET VACATION PLAN</b></p>		<p><b>109362.0003</b></p>	
<p>DESIGNED BY: _____ CHECKED BY: _____</p>		<p>TENTH WARD, CITY OF READING</p>		<p>DATE: 06/07/2010</p>	
<p>GENERAL NOTES: 1. SEE PLAN 2. SEE SPECIFICATIONS</p>		<p>BERKS COUNTY, PENNSYLVANIA</p>		<p><b>V.1-02</b></p>	
<p> <b>SSM</b> SPOTTE, STEVENS &amp; MCCOY</p>		<p>COPYRIGHT 2010 SPOTTE, STEVENS AND MCCOY, INC.</p>		<p>PROJECT NO. _____</p>	

**To the Council of the City of Reading**  
**In Re: Vacation of Maple Street between Spruce Street and Muhlenberg Street**

LADIES AND GENTLEMEN:

The Reading School District, and Francisco P. Franco and Germania Franco, his wife, and Ana A. Burgos, being the only owners of all property on Maple Street between Spruce Street and Muhlenberg Street, respectfully petition your honorable body for the passage of an ordinance vacating Maple Street between the above-mentioned points, as shown on a legal description and plan which is marked Exhibit "A" hereof.

In the event of the City of Reading causes the said Maple Street to be vacated, the Reading School District, and Francisco P. Franco and Germania Franco, and Ana A. Burgos hereby agree to be bound by the terms of the ordinance passed by the Council of the City of Reading authorizing the same.

And the Reading School District, its successors and assigns, Francisco P. Franco and Germania Franco, and Ana A. Burgos, their heirs, executors, successors and assigns, hereby request that said street be vacated between Spruce Street and Muhlenberg Street as shown on Exhibit "A".

And the Reading School District, its successors and assigns, Francisco P. Franco and Germania Franco, his wife, and Ana A. Burgos, their heirs, executors, successors and assigns, hereby remise, release, quit claim and forever discharge the said City of Reading, its successors and assigns, of and from all and all manner and kind of damages that may be accrued to it by reason of the vacation of Maple Street between Spruce Street and Muhlenberg Street, in the City of Reading, by your Council.

IN WITNESS WHEREOF and intending to be legally bound hereby, we have set our hand and seal this 26<sup>th</sup> day of May, 2010.

READING SCHOOL DISTRICT

By: \_\_\_\_\_

Attest: \_\_\_\_\_

Francisco P. Franco (SEAL)  
Francisco P. Franco

Germania Franco (SEAL)  
Germania Franco

\_\_\_\_\_ (SEAL)  
Ana A. Burgos

COMMONWEALTH OF PENNSYLVANIA:

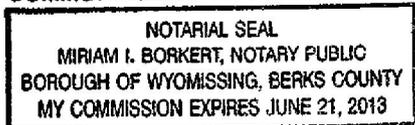
: ss.

COUNTY OF BERKS

On this, the 27<sup>th</sup> day of May, 2010, before me, the undersigned officer, personally appeared Linda A. Greth, who acknowledged himself/herself to be the Secretary, of the Board of School Directors of the Reading School District and that he/she as such Secretary, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the School District by himself/herself as Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

COMMONWEALTH OF PENNSYLVANIA



Miriam I. Borkert  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

:

: ss.

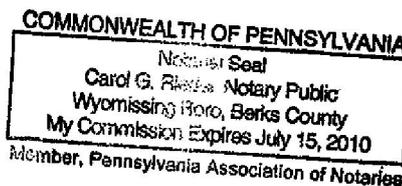
COUNTY OF BERKS

:

On this the 10<sup>th</sup> day of June, 2010, before me, the undersigned officer, personally appeared FRANCISCO P. FRANCO and GERMANIA FRANCO, his wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and acknowledge that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Carol G. Reed  
Notary Public





**AFFIDAVIT**

**IN RE:        PETITION FOR THE VACATION OF MAPLE STREET, BETWEEN  
                 SPRUCE STREET AND MUHLENBERG STREET**

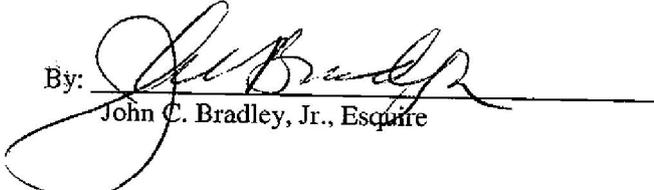
John C. Bradley, Jr., being duly sworn according to law deposes and says that he is Solicitor for the Reading School District and that he is working on the Amanda Stoudt Elementary School Addition Project with representatives of Spotts, Stevens & McCoy, engineers for the Project and Mike Kautter of Kautter & Kelley Architects for the Project. As part of the Project, the Reading School District is petitioning Reading City Council to abandon Maple Street between Spruce Street and Muhlenberg Street and that he has prepared a Petition for the Abandonment, which needs not only the signatures of the representatives of the Reading School District, but other property owners who are Francesco P. and Germania Franco and Ana A. Burgos. Larry Grybosky of Spotts, Stevens & McCoy has attempted to contact Ana A. Burgos and secure her joinder in the Petition. Larry Grybosky and John C. Bradley, Jr., Esquire, have determined that the property owned by Ana A. Burgos at 1035 Muhlenberg Street is occupied by Marcel Orozco and Alicia Orozco, his wife. Larry Grybosky visited the premises on June 29, 2010 and spoke to Mr. Orozco and determined that Ana A. Burgos resides in New York. John C. Bradley, Jr.'s office then used the Whitepages.com and telephone information from Marcel Orozco to determine that Ana A. Burgos has an address of 509 187<sup>th</sup> Street, Apt. 43, New York, New York 10033. John C. Bradley, Jr., Esquire then retained the services of Adriana Kautter, medical interpreter for the Reading Hospital and Medical Center, West Reading, Pennsylvania, who then in the presence of John C. Bradley, Jr., contacted Marcel Orozco, occupant and tenant of 1035 Muhlenberg Street, and determined that the last known address and telephone number of Ana A. Burgos was 509 187<sup>th</sup> Street, Apt. 43, New York, New York, 10033; telephone number

1-212-781-0107. In the presence of John C. Bradley, Jr., Esquire, Adriana Kautter, contacted the aforementioned phone number and spoke to a resident who informed her that Ana A. Burgos had moved to the Dominican Republic. In the opinion of John C. Bradley, Jr., Esquire, every effort has been made to contact Ana A. Burgos and request her to join in vacation of Maple Street.

I, John C. Bradley, Jr., Esquire hereby verify that the statements in this Affidavit are true and correct. I understand that false statements made by me are subject to the penalties of 18 Pa. C.S.A. relating to unsworn falsification to authorities.

Respectfully submitted,

**MASANO ♦ BRADLEY**

By:   
John C. Bradley, Jr., Esquire

Sworn to and subscribed before me this

13<sup>th</sup> day of July, 2010.



Notary Public

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL  
MIRIAM I. BORKERT, NOTARY PUBLIC  
BOROUGH OF WYOMISSING, BERKS COUNTY  
MY COMMISSION EXPIRES JUNE 21, 2013

EXHIBIT "A"



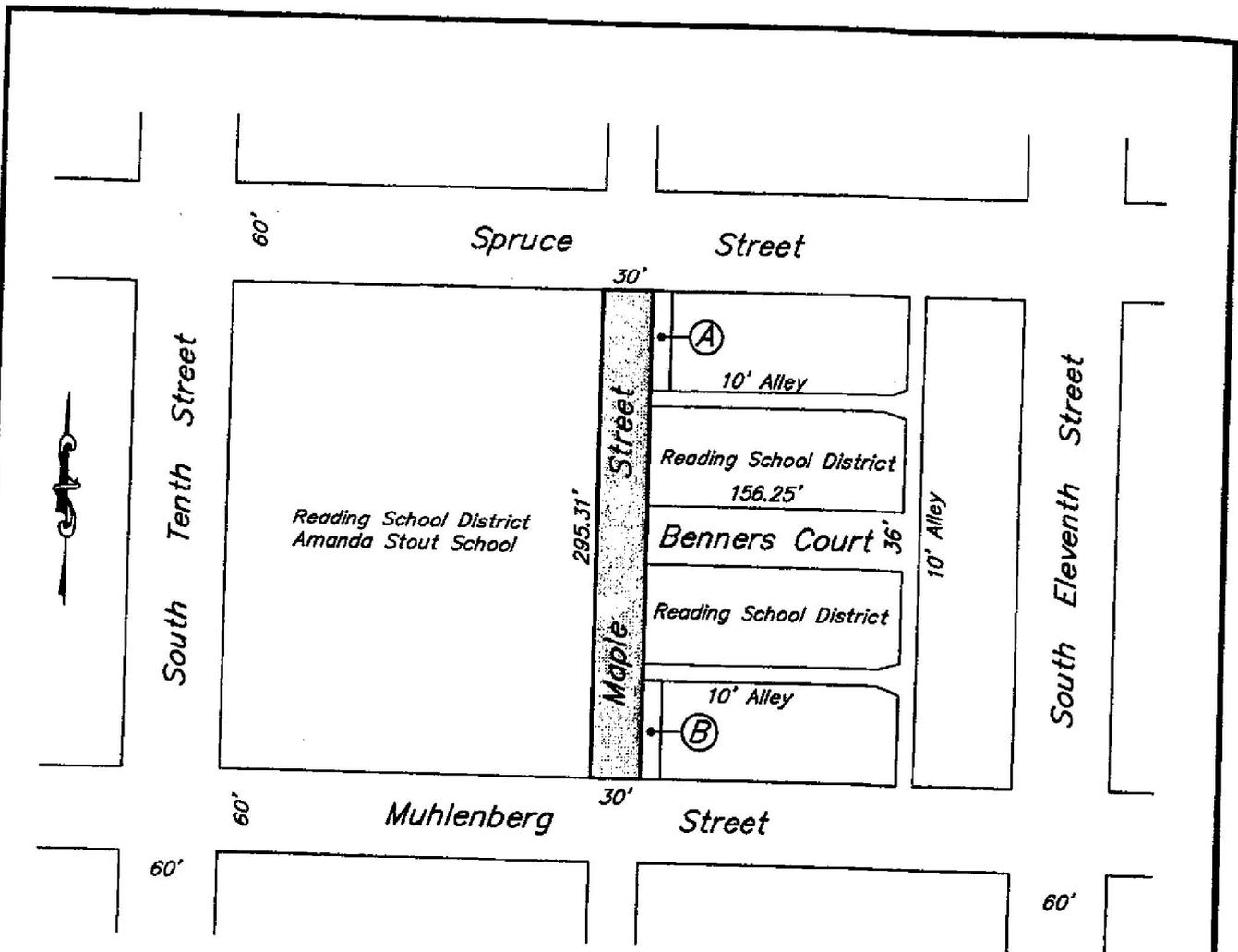
January 7, 2010

Description of a Portion of Maple Street  
to be Vacated in the Tenth Ward of the  
City of Reading for the Reading School District.

ALL THAT CERTAIN portion of Maple Street to be vacated in the Tenth Ward of the City of Reading, County of Berks, and Commonwealth of Pennsylvania, as laid out and shown on the Topographical Plan of the City of Reading and shown on the attached Exhibit, Drawing No. 109362.0003-V.1-03, prepared by Spotts, Stevens and McCoy, Inc., Consulting Engineers of Reading, Pennsylvania, and being more fully bounded and described, as follows, to wit:

### **Maple Street**

ALL THAT CERTAIN portion of Maple Street (30' wide) containing 8,858 Sq. Ft. more or less extending from the northern line of Muhlenberg Street (60' wide), in a northerly direction two hundred ninety-five and thirty-one hundredths feet (295.31') more or less to the southern line of Spruce Street (60' wide).

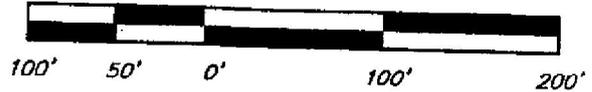


(A) Francisco P. and Germania Franco  
R.B.V. 3801, Pg. 875

(B) Ana A. Burgos R.B.V. 3883, Pg. 1476

 Maple Street Vacation Area = 8,858 Sq. Ft. ±

GRAPHIC SCALE



Scale 1"=100'

RELEASED FOR:

**FINAL**

NOT FOR CONSTRUCTION

**READING SCHOOL DISTRICT**

800 Washington Street, Reading, PA 19610

MAPLE STREET VACATION PLAN

TENTH WARD, CITY OF READING

BERKS COUNTY, PENNSYLVANIA

COPYRIGHT 2010 SPOTTS, STEVENS AND MCCOY, INC.

01/07/10

1093620003

DATE

V.1-03

**109362.0003**

WORK GROUP NUMBER

**V.1-03**

DRAWING NUMBER

PROJECT MANAGER: \_\_\_\_\_ DATE: \_\_\_\_\_  
 BASE BY: WMS N.B.: \_\_\_\_\_  
 DRAWN BY: WMS DESIGNED BY: \_\_\_\_\_ CHKD: DAF  
 LEHIGH VALLEY  
 610.849.8700  
 F. 610.846.8701  
 READING  
 610.821.2000  
 F. 610.821.2001

