

City of Philadelphia



(Bill No. 080487)

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan No. 269 by placing on the City Plan Health Sciences Drive from Civic Center Boulevard to Convention Avenue, placing on the City Plan East Service Drive and West Service Drive each from Civic Center Boulevard to Health Sciences Drive, placing on the City Plan a right-of-way for various purposes adjacent to Health Sciences Drive, placing on the City Plan a right-of-way for drainage purposes at the intersection of Civic Center Boulevard and Convention Avenue, and revising the curblines and grades of Civic Center Boulevard, all under certain terms and conditions, including the dedication to the City, free and clear of all encumbrances, of the beds of Health Sciences Drive, East Service Drive, and West Service Drive.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Sections 11-402 and 11-404 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is hereby authorized to revise the lines and grades on a portion of City Plan No. 269 by:

- (a) Placing on the City Plan Health Sciences Drive from Civic Center Boulevard to Convention Avenue;
- (b) Placing on the City Plan East Service Drive from Civic Center Boulevard to Health Sciences Drive;
- (c) Placing on the City Plan West Service Drive from Civic Center Boulevard to Health Sciences Drive;
- (d) Placing on the City Plan a right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes adjacent to the southwesterly side of Health Sciences Drive approximately two-hundred eighty-four feet southeast of Civic Center Boulevard;
- (e) Placing on the City Plan a right-of-way for drainage purposes at the intersection of the southeasterly side of Civic Center Boulevard and the southwesterly side of Convention Avenue; and
- (f) Revising the curblines and grades of Civic Center Boulevard from University Avenue to Convention Avenue.

All substantially in conformance with a study plan attached hereto as Exhibit "A."

City of Philadelphia

BILL NO. 080487 continued

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SECTION 2. This authorization is conditional upon compliance with the following requirements within two (2) years from the date this Ordinance becomes law:

- (a) The filing of an agreement, satisfactory to the City Solicitor, by the owner or owners of property affected thereby, to release the City from all damages or claims for damages which may arise by reason of the City Plan changes authorized herein; in lieu thereof, only after the Trustees of the University of Pennsylvania and the Children’s Hospital of Philadelphia (the “Parties in Interest”) have demonstrated best efforts to obtain such agreements and such efforts are unsuccessful, the Parties in Interest shall file an agreement and a bond, with corporate surety, satisfactory to the City Solicitor or an irrevocable letter of credit satisfactory to the City Solicitor, to indemnify the City as aforesaid.
- (b) The filing of an agreement, satisfactory to the City Solicitor, by the Parties in Interest, to release, indemnify, and defend the City from all damages or claims for damages that may arise by reason of the City Plan changes authorized herein.
- (c) The filing of an agreement, satisfactory to the City Solicitor, by the owner or owners of property affected thereby, granting to the City the aforesaid right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes authorized in Section 1(d) of this Ordinance and the aforesaid right-of-way for drainage purposes authorized in Section 1 (e) of this Ordinance. The agreement shall provide that no changes in grades shall be made and that no fences, buildings, or other structures, either overhead, underground, or upon the surface, shall be constructed within the lines of the right-of-way or abutting thereon, unless the plans for such structures shall first be submitted to and approved by the Water Department, the Philadelphia Gas Works, and any other public utility which maintains facilities within the said rights-of-way. The agreement shall also grant the right-of-access and occupation at any and all times to the officers, agents, employees, and contractors of the City, the Gas Works, and any other public utility which maintains facilities within the said rights-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.
- (d) The filing of an agreement, satisfactory to the City Solicitor, by the Parties in Interest, to construct and maintain, at their sole cost and expense and in accordance with the specifications and requirements of the Department of Streets, a masonry block retaining wall located along the southeasterly side of Health Sciences Drive as proposed to be placed on the City Plan by authority of this Ordinance and supporting the roadway of said Health Sciences Drive.
- (e) The dedication to the City, without cost and free and clear of all encumbrances, of the beds of Health Sciences Drive, East Service Drive, and West Service Drive as proposed to be placed on the City Plan by authority of this Ordinance.
- (f) The payment by the Parties in Interest of the cost of advertising the public hearing by the Board of Surveyors on the City Plan changes authorized by this Ordinance.

City of Philadelphia

BILL NO. 080487 continued

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SECTION 3. The provisions of The Philadelphia Code, Section 14-2104(5), relating to the widths of streets, shall not apply to the streets being placed on the City Plan by authority of this Ordinance.

SECTION 4. This Ordinance shall not become effective unless the sum of two hundred dollars (\$200.00), toward costs thereof, is paid into the City Treasury within one hundred and twenty (120) days after this Ordinance becomes law.

SECTION 5. The Chief Clerk of City Council shall keep on file the document referred to as Exhibit “A” and shall make it available for inspection by the public during regular office hours.

[Note: Exhibits to this Bill are on file in the Office of the Chief Clerk.]

City of Philadelphia

BILL NO. 080487 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 19, 2008. The Bill was Signed by the Mayor on July 2, 2008.



Patricia Rafferty
Chief Clerk of the City Council