

City of Philadelphia



(Bill No. 060337)

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan No. 299 by placing on the City Plan Epiphany Place and a right-of-way for gas main purposes, and including the dedication to the City, free and clear of all encumbrances, of the bed of Epiphany Place, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Section 11-402 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is authorized and directed to revise the lines and grades on a portion of City Plan No. 299 by:

- (a) Placing Epiphany Place on the northwesterly side of Livezey Street at a distance of approximately 396' northeast of Ridge Avenue, extending northwestwardly approximately 240' to a dead-end turnaround.
- (b) Placing a right-of-way for gas main purposes.

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 Law Department, 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, provided that, only after the party in interest has demonstrated best efforts to obtain such agreement and such efforts are unsuccessful, in lieu thereof, the party in interest shall file an agreement and bond with corporate surety, satisfactory to the Law Department, to indemnify the City as aforesaid.
- (b) The filing of an agreement, satisfactory to the Law Department, by the party in interest, to release, indemnify and defend the City from all damages or claims for damages, which may arise by reason of the City Plan changes authorized herein.

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- (c) The filing of an agreement by the owner or owners of property affected thereby, granting to the Philadelphia Gas Works the aforesaid right-of-way for gas main purposes in Sections 1(b) 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 Philadelphia Gas Works. 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 Philadelphia Gas Works for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future facilities and structures.
- (d) The dedication to the City, without cost and free and clear of all encumbrances, of the bed of Epiphany Place as proposed to be placed on the City Plan by the authority of this Ordinance.
- (e) The payment by the party in interest of the cost of advertising the public hearing by the Board of Surveyors on the City Plan changes authorized by this Ordinance.

SECTION 3. The provisions of The Philadelphia Code, Section 14-2104(5)(a)(.2), relating to the width of streets, shall not apply to Epiphany Place.

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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 1, 2006. The Bill was Signed by the Mayor on June 15, 2006.



Patricia Rafferty
Chief Clerk of the City Council