

# City of Philadelphia



(Bill No. 060319)

## AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 307 by striking from the City Plan and vacating Orianna Street from Chestnut Street northwardly approximately 175' to a dead-end, and by reserving and placing on the City Plan a certain right-of-way for drainage purposes and water main purposes within the bed of Orianna Street, under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1.** Pursuant to Section 11-405 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is authorized to revise the lines and grades on a portion of City Plan No. 307 by:

- (a) Striking from the City Plan and vacating Orianna Street from Chestnut Street northwardly approximately 175' to a dead-end.
- (b) Reserving and placing on the City Plan a certain right-of-way for drainage purposes and water main purposes within the bed of Orianna Street being stricken from the City Plan under authority of this Ordinance.

**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; in lieu thereof, provided that the party in interest has demonstrated, to the satisfaction of the City, best efforts to obtain such agreements, and that such efforts are unsuccessful, the party in interest shall file an agreement and bond with corporate surety, satisfactory to the Law Department, to indemnify the City for all such damages or claims for damages.
- (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 owners of property affected by this Ordinance shall file agreements, satisfactory to the Law Department, to grant to the City the right-of-way described in Section 1(b) of this Ordinance. Such agreements shall provide that no changes in grades shall be made and that no buildings, fences 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 Water Department. The agreements shall also grant to the officers, agents, employees and contractors of the City and the Philadelphia Water Department, the right-of-access to and occupation of the right-of-way at any and all times for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future structures.
- (d) 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.** 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 September 14, 2006. The Bill was Signed by the Mayor on September 28, 2006.



Patricia Rafferty  
Chief Clerk of the City Council