

City of Philadelphia



(Bill No. 060899)

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan No. 359 by Placing on the City Plan St. Thomas Drive, on the northeasterly side of Tomlinson Road, at a distance of approximately 158' northwest of Hoff Street and two 25' rights-of-way for Water Main purposes and emergency access purposes at the cul-de-sac of proposed St. Thomas Drive, the first leading in a generally southeasterly direction and the second leading in a generally northwesterly direction, under certain terms and conditions, including the dedication to the City, free and clear of all encumbrances, of the bed of St. Thomas Drive.

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. 359 by:

- (a) Placing St. Thomas Drive, on the northeasterly side of Tomlinson Road, at a distance of approximately 158' northwest of Hoff Street, extending northwestwardly approximately 1285' to a dead-end turnaround.
- (b) Placing at the cul-de-sac of proposed St. Thomas Drive and leading in a generally southeasterly direction a 25' wide right-of-way for Water Main purposes and emergency access purposes.
- (c) Placing at the cul-de-sac of proposed St. Thomas Drive and leading in a generally northwesterly direction a 25' wide right-of-way for Water Main purposes and emergency access 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; in lieu thereof, only after the party in interest has demonstrated best efforts to locate any owner or owners of property affected and has been unable to do so, 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 dedication to the City, without cost and free and clear of all encumbrances, of the bed of St. Thomas Drive, as proposed to be placed on the City Plan by the authority of this Ordinance.
- (d) Section 14-2104(4) of The Philadelphia Code regarding cul-de-sac streets shall not apply to this bill.
- (e) The filing of an agreement by the owner or owners of property affected thereby, granting to the City the aforesaid 25' right-of-way for Water Main purposes and emergency access purposes in Section 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 Water Department. 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 for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future facilities and structures.
- (f) 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 March 8, 2007. The Bill was Signed by the Mayor on March 21, 2007.

A handwritten signature in cursive script that reads "Patricia Rafferty".

Patricia Rafferty
Chief Clerk of the City Council