

# City of Philadelphia



(Bill No. 160145)

## AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 44 by placing on the City Plan Thirty-Seventh Street from Market Street to Filbert Street and from Filbert Street to Warren Street, Cuthbert Street from Thirty-Seventh Street to Thirty-Eighth Street, north of Filbert Street, and Warren Street from Thirty-Seventh Street to Thirty-Eighth Street, all under certain terms and conditions, including the dedication to the City of the said beds of Thirty-Seventh Street, Cuthbert Street, and Warren Street.

### *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 hereby authorized to revise the lines and grades on a portion of City Plan No. 44 by:

- a) Placing on the City Plan Thirty-Seventh Street from Market Street to Filbert Street and from Filbert Street to Warren Street.
- b) Placing on the City Plan Cuthbert Street from Thirty-Seventh Street to Thirty-Eighth Street, north of Filbert Street.
- c) Placing on the City Plan Warren Street from Thirty-Seventh Street to Thirty-Eighth Street.

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(s) 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 obtain such agreements and such efforts are unsuccessful, the party 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 release the City as aforesaid.

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b) The filing of an agreement, satisfactory to the City Solicitor, by the party 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 dedication to the City by the owner or owners of property affected thereby, without cost and free and clear of all encumbrances, of the beds of Thirty-Seventh Street, Cuthbert Street, and Warren Street as proposed to be placed on the City Plan by authority of this Ordinance.

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 April 7, 2016. The Bill was Signed by the Mayor on April 19, 2016.



Michael A. Decker  
Chief Clerk of the City Council