

City of Philadelphia



(Bill No. 080131)

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan Nos. 305 and 306 by placing on the City Plan Delaware Avenue from Lewis Street to Buckius Street; authorizing the opening of said Delaware Avenue from Lewis Street to Buckius Street, the opening of the unopened portions of Delaware Avenue (currently on the City Plan, partially opened) from the northeasterly side of Lewis Street to a point approximately two-hundred five feet southwestwardly therefrom, and the opening of the unopened portions of Buckius Street (currently on the City Plan, partially opened) from Delaware Avenue to Bath Street; and authorizing the acquisition of certain slope easements adjacent to the right-of-way lines of Delaware Avenue as proposed to be placed on the City Plan and opened by authority of this Ordinance.

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 Nos. 305 and 306 by placing on the City Plan Delaware Avenue from Lewis Street to Buckius Street.

SECTION 2. By virtue of and in pursuance of the authority vested in it by the Acts of Assembly, Council hereby authorizes the opening of Delaware Avenue from Lewis Street to Buckius Street, the opening of the unopened portions of Delaware Avenue (currently on the City Plan, partially opened) from the northeasterly side of Lewis Street to a point approximately two-hundred five feet southwestwardly therefrom, and the opening of the unopened portions of Buckius Street (currently on the City Plan, partially opened) from Delaware Avenue to Bath Street.

SECTION 3. The Commissioner of Public Property, on behalf of the City of Philadelphia, is hereby further authorized to acquire by purchase, dedication, donation, condemnation, or agreement in lieu of condemnation certain slope easements adjacent to the right-of-way lines of Delaware Avenue to be opened pursuant to this Ordinance for the purpose of supporting and protecting the area within the right-of-way lines, including the placement and maintenance of drainage facilities to protect the highway. Acquisition by the City of property as a slope easement shall not prevent the property owner from making any use of the area covered by the slope easement so long as that use is not detrimental to the support of the highway or the safety of the traveling public. The said slope easements to be acquired are more fully described in Exhibit "A" attached hereto.

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SECTION 4. The portions of the said proposed Delaware Avenue extending through property owned by the City of Philadelphia are hereby declared legally open and are to be so entered upon the records of the Department of Streets effective upon confirmation by the Board of Surveyors of the City Plan changes authorized by this Ordinance.

SECTION 5. The City Solicitor is hereby authorized to review and to approve all instruments and documents necessary to effectuate this Ordinance, which instruments and documents shall contain such terms and conditions as the City Solicitor shall deem necessary or appropriate to protect the interests of the City.

SECTION 6. Exhibit “A” to this Ordinance shall be kept on file by the Chief Clerk and shall be available for public inspection.

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

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 13, 2008. The Bill was Signed by the Mayor on March 26, 2008.

A handwritten signature in black ink that reads "Patricia Rafferty". The signature is written in a cursive, flowing style.

Patricia Rafferty
Chief Clerk of the City Council