



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 220735

Introduced September 22, 2022

**Councilmember Jones
for
Council President Clarke**

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 120 by striking from the City Plan and vacating Sharswood Street and Harlan Street, each from Twenty-Second Street to Twenty-Third Street; and reserving and placing on the City Plan rights-of-way for sewer and drainage purposes and gas main purposes, such as may be necessary, within the lines of the said streets being stricken, and authorizing acceptance of the grant to the City of the said rights-of-way, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Sections 11-403 and 11-405 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. 120 by:

- a) Striking from the City Plan and vacating Sharswood Street from Twenty-Second Street to Twenty-Third Street.
- b) Striking from the City Plan and vacating Harlan Street from Twenty-Second Street to Twenty-Third Street.
- c) Reserving and placing on the City Plan rights-of-way for sewer and drainage purposes and gas main purposes, such as may be necessary, within the lines of Sharswood Street and Harlan 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:

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- 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;
- 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 filing of an agreement, satisfactory to the City Solicitor, by the party in interest, to make any and all changes and adjustments to water pipe, fire hydrants, sewers, inlets and manholes, and to other City structures either overhead, underground, or upon the surface, including the relocation, abandonment, repairing, reconstruction, cutting, and sealing of such structures and facilities which may be necessary in the judgment of the Water Department by reason of the City Plan changes authorized herein. The agreement shall provide for the removal of salvageable hydrants, valves, manhole covers, frames, and connections, as determined by the Water Department, and for their delivery to the storage yard of the Water Department located at Twenty-Ninth Street and Cambria Street at no cost to the City. The agreement shall also provide for the removal of salvageable cast iron manholes and covers, street inlet grates, frames and hoods, and inlet castings, as determined by the Water Department, and for their delivery to the storage yard of the Water Department located at 3201 Fox Street at no cost to the City. The agreement shall provide that this work be completed within one year from the date of approval by the Board of Surveyors of the City Plan changes authorized by this Ordinance;
- d) The party in interest shall file a bond, with corporate surety, satisfactory to the City Solicitor or an irrevocable letter of credit satisfactory to the City Solicitor, in an amount satisfactory to the Water Department, to cover the cost of the work required under Section 2(c) herein;
- e) The filing of an agreement, satisfactory to the City Solicitor, by the owner(s) of property affected thereby, granting to the City the aforesaid rights-of-way for sewer and drainage purposes and gas main purposes authorized in Section 1(c) of this Ordinance, if such rights-of-way are determined to be necessary. 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 rights-of-way or abutting thereon, unless the plans for such structures shall first be submitted to and approved by the Water Department and 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 City and the Gas Works for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures; and

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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. The Streets Commissioner, on behalf of the City of Philadelphia, is hereby authorized to accept the grant to the City of the aforesaid rights-of-way for sewer and drainage purposes and gas main purposes authorized in Section 1(c) herein, if such rights-of-way are determined to be necessary.

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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