

# City of Philadelphia



(Bill No. 030162)

## AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 107 within an area bounded by Fairmount avenue, Forty-seventh street, Brown street and Forty-fourth street, by striking from the City Plan and vacating Meredith and Folsom streets from Forty-sixth street to Forty-seventh street and Markoe street from Folsom street to Brown street; by placing on the City Plan Markoe street, Aspen street, Forty-fifth street and a portion of Forty-seventh street; by widening Forty-seventh street from Fairmount avenue to Meredith street; by widening the cartway of a portion of Aspen street; by striking from the City Plan and abandoning a certain right-of-way for drainage purposes and certain rights-of-way for drainage and public utility purposes, all 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 and directed to revise the lines and grades on a portion of City Plan No. 107 by:

- (a) Striking from the City Plan and vacating Meredith street from Forty-sixth street to Forty-seventh street.
- (b) Striking from the City Plan and vacating Folsom street from Forty-sixth street to Forty-seventh street.
- (c) Striking from the City Plan and vacating Markoe street from Folsom street to Brown street.
- (d) Placing on the City Plan Markoe street from Fairmount avenue to Brown street.
- (e) Placing on the City Plan Aspen street from a point approximately one hundred forty-seven (147) feet west of Forty-fourth street to Forty-seventh street.
- (f) Placing on the City Plan Forty-fifth street from Fairmount avenue to Brown street.
- (g) Placing on the City Plan a portion of Forty-seventh street from former Meredith street to former Folsom street.

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(h) Widening Forty-seventh street five (5) feet on the easterly side from Fairmount avenue to Meredith street.

(i) Widening the cartway of Aspen street to thirty-six (36) feet from Forty-fourth street to a point approximately one hundred forty-seven (147) feet westwardly therefrom.

(j) Striking from the City Plan and abandoning a certain forty (40) foot wide right-of-way for drainage purposes, which lies between Forty-fourth street and Forty-sixth street and extends northwardly from Fairmount avenue.

(k) Striking from the City Plan and vacating rights-of-way for drainage and public utility purposes that lie within the beds of new streets established in Section 1(d), 1(e) and 1(g) above.

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 that may arise by reason of the City Plan changes authorized herein.

(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.

(c) The dedication to the City, without cost and free and clear of all encumbrances, of the beds of Markoe street, Aspen street, Forty-fifth street and Forty-seventh street, as set forth in Section 1 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. The provisions of The Philadelphia Code, Section 14-2104(5) related to widths of streets and Section 14-2104(8)(c) related to intersections shall not apply.

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 sixty (60) 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 May 15, 2003. The Bill was Signed by the Mayor on May 29, 2003.



Patricia Rafferty  
Chief Clerk of the City Council