

# City of Philadelphia



(Bill No. 020429)

## AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 258 by striking from the City Plan and vacating Brill street from Torresdale avenue to Harbison avenue, by striking from the City Plan and vacating a certain triangular section of Harbison avenue and by reserving and placing on the City Plan a right-of-way for drainage purposes, water main purposes and gas main purposes, 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 to revise the lines and grades on a portion of City Plan No. 258 by:

- (a) Striking from the City Plan and vacating Brill street from Torresdale avenue to Harbison avenue.
- (b) Striking from the City Plan and vacating a certain triangular portion of Harbison avenue located between Torresdale avenue, Brill street and the one hundred feet wide Harbison avenue, legally open by bond.
- (c) Reserving and placing on the City Plan a variable width right-of-way for drainage purposes, water main purposes and gas main purposes within the area bounded by the southeasterly side of Torresdale avenue, the easterly side of Brill street and the northwesterly side of the one hundred feet wide Harbison avenue.

SECTION 2. This authorization is conditional upon compliance with the following requirements within one (1) year 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, provided that 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 bond with corporate surety, satisfactory to the Law Department, to indemnify the City as aforesaid.

# City of Philadelphia

BILL NO. 020429 continued

Certified Copy

- (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 filing of an agreement, satisfactory to the Law Department, by the party in interest, to make any and all changes and adjustments to curbing, sidewalk paving, cartway paving, water pipe, fire hydrants, sewers, inlets and manholes, street light poles and equipment and to other City structures either overhead, underground or upon the surface, including the relocation, abandonment, repairing, reconstruction, cutting and sealing such structures and facilities which may be necessary in the judgment of the Department of Streets and Water Department by reason of the City Plan changes authorized herein. The agreement shall provide for the removal of all existing City owned street lighting poles and equipment and delivery to the storage yard of the Street Lighting Division at 701 Ramona avenue at no cost to the City. The agreement shall provide for the removal of salvageable hydrants, valves, manhole covers, frames and connections as determined by the Water Department and delivery to the storage yard of the Water Department located at Twenty-ninth street and Cambria street at no cost to the City and 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 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 (1) year from the date of confirmation by the Board of Surveyors on the City Plan changes authorized by this Ordinance.
  
- (d) The filing of agreements, satisfactory to the Law Department, by the party in interest and/or the owner or owners of property affected thereby, as the case may be, granting to the City and the Philadelphia Gas Works the right-of-way for drainage purposes, water main purposes and gas main purposes described in Section 1(c) of this Ordinance. The agreements shall provide that no changes in grades shall be made and that no buildings, fences 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 and the Philadelphia Gas Works. The agreements 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 Philadelphia Gas Works for the purpose of construction, reconstruction, maintenance, alterations, repairs and inspection of present and future drainage, water or gas main structures.
  
- (e) The filing of a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of work required under Section 2(c).
  
- (f) The payment by the party in interest into the City Treasury as reimbursement to the City of a sum of money equal to the appraised valuation of the bed of the certain

# City of Philadelphia

BILL NO. 020429 continued

Certified Copy

triangular portion of Harbison avenue located between Torresdale avenue, Brill street and the one hundred feet wide Harbison avenue.

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 sixty (60) days after this Ordinance becomes law.

# City of Philadelphia

BILL NO. 020429 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 24, 2002. The Bill was Signed by the Mayor on November 13, 2002.



Marie B. Hauser  
Chief Clerk of the City Council