

# City of Philadelphia



(Bill No. 040338)

## AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 119 by striking from the City Plan and vacating Perth Street and widening Franklin Street, both from Jefferson Street to Oxford Street, 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. 119 by:

(a) Striking from the City Plan and vacating Perth Street from Jefferson Street to Oxford Street.

(b) Widening Franklin Street by forty-four feet (44') on the westernmost side from Jefferson Street to Oxford Street.

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 party requesting changes to the City Plan hereunder shall file an agreement or agreements, satisfactory to the Law Department, executed by all owners of property affected by this Ordinance, to release the City from all damages and claims for damages that may arise by reason of such City Plan changes. If such requesting party has demonstrated to the satisfaction of the City that it has diligently pursued, but was unsuccessful in obtaining the execution of any such agreements, such party shall file agreements and bond with corporate surety, satisfactory to the Law Department, to release and indemnify the City for all such damages and claims for damages.

(b) The party requesting changes to the City Plan hereunder shall file an agreement, satisfactory to the Law Department, to release, indemnify and defend the City from all damages or claims for damages, which may arise by reason of such City Plan changes.

(c) The party requesting changes to the City Plan hereunder shall file an agreement, satisfactory to the Law Department, 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,

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repairing, reconstruction, cutting and sealing of 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 for their 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 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 confirmation by the Board of Surveyors on the City Plan changes authorized by this Ordinance.

(d) The party requesting changes to the City Plan hereunder shall file a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of work required under Section 2(c).

(e) The party requesting changes to the City Plan hereunder shall dedicate to the City, free and clear of encumbrances, the westernmost forty-four foot (44') widened portion of Franklin Street mentioned in Section 1(b) of this Ordinance.

(f) The party requesting changes to the City Plan hereunder shall pay 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 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 June 3, 2004. The Bill was Signed by the Mayor on June 21, 2004.



Patricia Rafferty  
Chief Clerk of the City Council