

# City of Philadelphia



(Bill No. 040264)

## AN ORDINANCE

Authorizing the revision of lines and grades on City Plan No. 42 by striking from the City Plan and abandoning a certain right-of-way for municipal and public utility purposes extending from Market Street southwestwardly to Thirty-third Street and reserving and placing on the City Plan a right-of-way for drainage purposes, water main purposes and public utility purposes, under certain terms and conditions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Pursuant to Section 11-403 of The Philadelphia Code, the Board of Surveyors of the Department of Streets is authorized to revise the lines and grades on City Plan No. 42 by:

- (a) Striking from the City Plan and abandoning a certain right-of-way for municipal and public utilities extending from Market Street southwestwardly to Thirty-third Street.
- (b) Reserving and placing on the City Plan a right-of-way for drainage purposes, water main purposes and public utility purposes located on the southerly side of Market Street east of Thirty-third Street and extending southwestwardly to Thirty-third Street, more fully described as follows:

Beginning at a point on the southerly side of Market Street (120' wide) at the distance of two hundred seventy-two and six hundred seventy-six thousandths feet (272.676') eastwardly from a point of tangency of a curve having a radius of fifteen and three hundred forty-one thousandths feet (15.341') which connects the said southerly side of Market Street with the easterly side of Thirty-third Street (width varies); THENCE extending south seventy-eight degrees fifty-nine minutes east (S 78° 59' E), along the said southerly side of Market Street, the distance of thirty-nine feet (39.000') to a point; THENCE extending south eleven degrees one minute west (S 11° 01' W), the distance of one hundred twenty-six and eight hundred eighteen thousandths feet (126.818') to a point; THENCE extending north seventy-eight degrees fifty-nine minutes west (N 78° 59' W), the distance of one hundred seventy-two and eight hundred ninety-nine feet (172.899') to a point THENCE extending south sixty-one degrees thirty-four minutes fifty-two seconds west (S 61° 34' 52" W), the distance of one hundred eighty-seven and seven hundred seventy-two thousandths feet (187.772') to a point on the said easterly side of Thirty-third street; THENCE extending north eight degrees forty-five minutes twenty-five seconds east (N 8° 45' 25" E) along the said easterly side of Thirty-third Street, the distance of fifty and twenty-two thousandths feet (50.022') to a point; THENCE extending north sixty-one degrees thirty-four minutes fifty-two seconds east (N

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61° 34' 52" E), the distance of one hundred sixty-seven and fifty thousandths feet (167.050') to a point; THENCE extending south seventy-eight degrees fifty-nine minutes east (S 78° 59' E), the distance of one hundred fifty-one and eight hundred eighty-three thousandths feet (151.883') to a point; THENCE extending north eleven degrees one minute east (N 11° 01' E), the distance of eighty-nine and eight hundred eighteen thousandths feet (89.818') to the said southerly side of Market Street, the first mentioned point and place of beginning.

BEING a right-of-way reserved for drainage purposes, water main purposes and public utility purposes.

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 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 April 22, 2004. The Bill was Signed by the Mayor on May 6, 2004.

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