

City of Philadelphia



(Bill No. 120211)

AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 269 by striking from the City Plan and vacating the southwesterly footway area of East Service Drive from a point approximately eighteen feet northwest of Health Sciences Drive to a point approximately two-hundred twenty-seven feet further northwestwardly therefrom, striking from the City Plan and vacating the northwesterly footway area of Health Sciences Drive from a point approximately one-hundred sixty-six feet southwest of East Service Drive to a point approximately three-hundred thirteen feet further southwestwardly therefrom, reserving and placing on the City Plan rights-of-way for public pedestrian use within the areas of East Service Drive and Health Sciences Drive being stricken, reserving and placing on the City Plan rights-of-way for drainage purposes, water main purposes, and public utility purposes within portions of the areas of East Service Drive and Health Sciences Drive being stricken, and relocating the southwesterly curbline of East Service Drive, from a point approximately two-hundred forty-five feet northwest of Health Sciences Drive to a point approximately one-hundred sixty-one feet further northwestwardly therefrom, thereby establishing a curb lay-by along the southwesterly side of said East Service Drive, 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. 269 by:

- (a) Striking from the City Plan and vacating the southwesterly thirteen feet wide footway area of East Service Drive from a point approximately eighteen feet northwest of Health Sciences Drive to a point approximately two-hundred twenty-seven feet further northwestwardly therefrom.
- (b) Striking from the City Plan and vacating the northwesterly five feet wide footway area of Health Sciences Drive from a point approximately one-hundred sixty-six feet southwest of East Service Drive to a point approximately three-hundred thirteen feet further southwestwardly therefrom.
- (c) Reserving and placing on the City Plan rights-of-way for public pedestrian use within the areas of East Service Drive and Health Sciences Drive being stricken.

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- (d) Reserving and placing on the City Plan rights-of-way for drainage purposes, water main purposes, and public utility purposes within portions of the areas of East Service Drive and Health Sciences Drive being stricken.
- (e) Relocating the southwesterly curbline of East Service Drive, from a point approximately two-hundred forty-five feet northwest of Health Sciences Drive to a point approximately one-hundred sixty-one feet further northwestwardly therefrom, approximately six feet southwestwardly, thereby increasing the cartway width from twenty-four feet to thirty feet and establishing a curb lay-by along the southwesterly side of said East Service Drive within this area.

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 City Solicitor, 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, 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 indemnify 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 owner or owners of property affected thereby, granting to the City the aforesaid rights-of-way for pedestrian use authorized in Section 1(c) of this Ordinance. The agreement shall provide that the party in interest shall maintain adequate pedestrian access through the said rights-of-way at all times and shall be responsible for maintaining the sidewalk paving within the said rights-of-way in good repair. The agreement shall also provide that no structure, fixture, excavation, obstruction, projection, or other encroachment shall be erected or maintained over, on, in, or under the said rights-of-way, unless the plans for such encroachments shall first be submitted to and approved by the Department of Streets.
- (d) The filing of an agreement, satisfactory to the City Solicitor, by the owner or owners of property affected thereby, granting to the City the aforesaid rights-of-way for drainage purposes, water main purposes, and public utility purposes authorized in Section 1(d) of this Ordinance. 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 any other public utility which maintains facilities within the said rights-of-way. The agreement shall also

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grant the right-of-access and occupation at any and all times to the officers, agents, employees, and contractors of the City and any other public utility which maintains facilities within the said rights-of-way for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.

- (e) Pursuant to Section 11-301(6) of The Philadelphia Code, confirmation or approval by the Board of Surveyors of the curb lay-by authorized in Section 1(e) herein shall require the filing of an agreement, satisfactory to the City Solicitor, by the party in interest to provide that the party in interest shall be responsible, at his or her sole cost and expense, for maintaining the roadway and sidewalk paving within the affected area in good repair and shall indemnify the City from and against all damages or claims for damages which may arise directly or indirectly as a result of the requested curblines and roadway width changes.
- (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 public pedestrian use authorized in Section 1(c) herein and the aforesaid rights-of-way for drainage purposes, water main purposes, and public utility purposes authorized in Section 1(d) herein.

SECTION 4. The provisions of The Philadelphia Code, Sections 11-407(2) and 14-2104(5), relating to the widths of streets, shall not apply to East Service Drive and Health Sciences Drive as affected by this Ordinance.

SECTION 5. 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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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on May 24, 2012. The Bill was Signed by the Mayor on June 6, 2012.



Michael A. Decker
Chief Clerk of the City Council