



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 080083

Introduced January 31, 2008

Councilmember DiCicco

**Referred to the
Committee on Streets and Services**

AN ORDINANCE

Authorizing and directing the revision of lines and grades on a portion of City Plan Nos. 12-S, 19-S, 71, 238, and 308 by revising the curblines and grades of Christopher Columbus Boulevard from a point approximately nine-hundred feet south of Spruce Street to a point approximately one-thousand two-hundred feet south of Tasker Street, by revising the curblines and grades of Tasker Street from Christopher Columbus Boulevard to a point approximately two-hundred fifty feet westwardly therefrom, by striking from the City Plan and vacating Tasker Street from Christopher Columbus Boulevard to a dead end approximately seven-hundred ten feet eastwardly therefrom, by reserving and placing on City Plan a right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes within the lines of Tasker Street being stricken from the City Plan by authority of this Ordinance, by striking from the City Plan and abandoning a certain right-of-way for water main purposes within the lines of former Dickinson Street from Christopher Columbus Boulevard to the Pierhead Line of the Delaware River, and by placing on City Plan a right-of-way for drainage purposes in a location to be determined by the Water Department, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Pursuant to Sections 11-404 and 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 Nos. 12-S, 19-S, 71, 238, and 308 by:

- (a) Revising the curblines and grades of Christopher Columbus Boulevard from a point approximately nine-hundred feet south of Spruce Street to a point approximately one-thousand two-hundred feet south of Tasker Street.
- (b) Revising the curblines and grades of Tasker Street from Christopher Columbus Boulevard to a point approximately two-hundred fifty feet westwardly therefrom.

City of Philadelphia

BILL NO. 080083 continued

- (c) Striking from the City Plan and vacating Tasker Street from Christopher Columbus Boulevard to a dead end approximately seven-hundred ten feet eastwardly therefrom.
- (d) Reserving and placing on the City Plan a fifty feet wide right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes within the lines of Tasker Street being stricken from the City Plan by authority of this Ordinance.
- (e) Striking from the City Plan and abandoning a certain fifty feet wide right-of-way for water main purposes within the lines of former Dickinson Street from Christopher Columbus Boulevard to the Pierhead Line of the Delaware River.
- (f) Subject to the determination of the Water Department as to necessity,
 - (1) Placing on the City Plan a twenty feet wide right-of-way for drainage purposes extending from Christopher Columbus Boulevard to the Pierhead Line of the Delaware River and adjacent to the southerly side of a certain right-of-way for drainage purposes, water main purposes, and gas main purposes within the lines of former Reed Street,
 - or
 - (2) Placing on the City Plan a twenty feet wide right-of-way for drainage purposes extending from Christopher Columbus Boulevard to the Pierhead Line of the Delaware River and adjacent to the northerly side of Tasker Street (proposed to be stricken from the City Plan and reserved as a right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes by authority of this Ordinance) and the northerly side of a certain right-of-way for drainage purposes and water main purposes extending from the easterly dead end of Tasker Street to the Pierhead Line of the Delaware River.

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.

City of Philadelphia

BILL NO. 080083 continued

- (c) The filing of an agreement, satisfactory to the City Solicitor, 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 of such structures and facilities which may be necessary in the judgment of the Department of Streets and the 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 of the City Plan changes authorized by this Ordinance.
- (d) The filing of an agreement, satisfactory to the City Solicitor, by the party in interest, to make any and all changes and adjustments to any public utility facilities which may be necessary in the judgment of PECO, Verizon, or any other public utility which maintains facilities within the affected area. The agreement shall provide that this work be completed within one year from the date of confirmation by the Board of Surveyors of the City Plan changes authorized by this Ordinance.
- (e) The party in interest shall file a bond, with corporate surety, satisfactory to the City Solicitor or an irrevocable letter of credit satisfactory to the City Solicitor, in an amount satisfactory to the Department of Streets and the Water Department, to cover the cost of the work required under Section 2(c).
- (f) 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 right-of-way for drainage purposes, water main purposes, gas main purposes, and public utility purposes authorized in Section 1(d) of this Ordinance and the aforesaid right-of-way for drainage purposes authorized in Section 1(f) 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 right-of-way or abutting thereon, unless the plans for such structures shall first be submitted to and approved by the Water Department, the Philadelphia Gas Works, and any other public utility which maintains facilities within the said rights-of-way. The agreement shall also grant

City of Philadelphia

BILL NO. 080083 continued

the right of access and occupation at any and all times to the officers, agents, employees, and contractors of the City, the Gas Works, 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.

- (g) 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. 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.