

# City of Philadelphia



(Bill No. 010344)

## AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 308 by striking from the City Plan and vacating Latimer street from Darien street to Schell street, by striking from the City Plan and vacating Schell street from Latimer street to a point approximately thirty-nine (39) feet southwardly therefrom, and by placing on the City Plan a relocated Latimer street from Darien street to Schell street, under certain terms and conditions including the dedication to the City, free and clear of any encumbrances of the bed of relocated Latimer street.

### *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. 308 by:

(a) Striking from the City Plan and vacating:

(1) Latimer street from Darien street to Schell street.

(2) Schell street from Latimer street to a point approximately thirty-nine (39) feet southwardly therefrom.

(b) Placing on the City Plan relocated Latimer street from Darien street to Schell street at a point approximately two hundred thirteen (213) feet southwardly from Locust 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 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, provided that, only after the party in interest has demonstrated best efforts to obtain such agreement and such efforts are unsuccessful, in lieu thereof, the party in interest shall file an agreement and bond with corporate surety, satisfactory to the Law Department, to indemnify the City as aforesaid.

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- (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 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 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 year from the date of confirmation by the Board of Surveyors on the City Plan changes authorized by this Ordinance.
- (d) The filing of a bond, with corporate surety, satisfactory to the Law Department, to cover the cost of work required under Section 2(c).
- (e) The dedication to the City, without cost and free and clear of all encumbrances, of the bed of relocated Latimer street as proposed to be placed on the City Plan under authority of this Ordinance.
- (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 provisions of The Philadelphia Code, Section 14-2104 relating to the minimum widths of streets shall not apply to Latimer street.

SECTION 4. 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.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 14, 2001. The Bill was Signed by the Mayor on August 31, 2001.



Marie B. Hauser  
Chief Clerk of the City Council