

# City of Philadelphia



(Bill No. 100760)

## AN ORDINANCE

Authorizing the revision of lines and grades on a portion of City Plan No. 307 by striking from the City Plan and vacating the legally open portions of Fifth Street from Race Street to Vine Street, reserving and placing on the City Plan a right-of-way for drainage and water main purposes within the lines of Fifth Street being stricken, relocating the lines and reducing the width of Florist Street from Third Street to Fourth Street, placing on the City Plan Seventh Street from Race Street to Franklin Street, and striking from the City Plan the northerly twenty-seven feet wide portion of Race Street from Franklin Street to Eighth Street, authorizing the conveyance of the City-owned portion of the bed of Fifth Street being stricken to the Delaware River Port Authority, and authorizing the opening of the northerly forty-seven feet wide portion of Race Street from Sixth Street to Franklin Street and the opening of Seventh Street from Race Street to Franklin Street.

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

SECTION 1. Pursuant to Section 11-405 of The Philadelphia Code, in order to conform more closely to existing conditions, 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. 307 by:

- (a) Striking from the City Plan and vacating the legally open portions of Fifth Street from Race Street to Vine Street.
- (b) Reserving and placing on the City Plan a right-of-way for drainage purposes and water main purposes within the lines of Fifth Street being stricken.
- (c) Relocating the lines and reducing the width of Florist Street from Third Street to Fourth Street to conform to the lines of said Florist Street as currently improved.
- (d) Placing on the City Plan Seventh Street from Race Street to Franklin Street, conforming to the lines of Seventh Street as currently improved.
- (e) Striking from the City Plan the northerly twenty-seven feet wide portion of Race Street from Franklin Street to Eighth Street, thereby reducing the width of Race Street within this area from one-hundred twenty-two feet to ninety-five feet.

SECTION 2. Effective upon confirmation of the striking and vacating of Fifth Street from Race Street to Vine Street as authorized in Section 1(a) herein, the Commissioner of Public Property, on behalf of the City of Philadelphia, is hereby authorized to convey to the Delaware River Port Authority, by a quit-claim deed and for nominal consideration, the portion of the bed of said Fifth Street owned by the City.

# City of Philadelphia

BILL NO. 100760 continued

Certified Copy

SECTION 3. The striking and vacating of Fifth Street, as authorized in Section 1(a) herein, and the conveyance of a portion thereof, as authorized in Section 2 herein, shall be subject to the following terms and conditions:

- (a) The execution of an agreement between the City and the Delaware River Port Authority wherein the Delaware River Port Authority shall agree to own, maintain, and keep open to public traffic the existing underground traffic tunnel which carries Fifth Street under the Benjamin Franklin Bridge approach.
- (b) The execution of an agreement between the City and the Delaware River Port Authority, granting to the City the aforesaid right-of-way for drainage purposes and water main purposes authorized in Section 1(b) 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 agreement shall also grant the right-of-access and occupation at any and all times to the officers, agents, employees, and contractors of the City for the purpose of construction, reconstruction, maintenance, alterations, repairs, and inspection of present and future facilities and structures.

SECTION 4. The Board of Surveyors is hereby authorized to adopt a resolution declaring the northerly forty-seven feet wide portion of Race Street, from Sixth Street to Franklin Street, extending through property owned by the City of Philadelphia, to be legally open.

SECTION 5. Effective upon confirmation of the placing on the City Plan of Seventh Street, as authorized in Section 1(d) herein, the Board of Surveyors is hereby authorized to adopt a resolution declaring the bed of said Seventh Street, extending through property owned by the City of Philadelphia, to be legally open.

SECTION 6. The City Solicitor is hereby authorized to review and to approve all instruments and documents necessary to effectuate this Ordinance, which instruments and documents shall contain such terms and conditions as the City Solicitor shall deem necessary or appropriate to protect the interests of the City.

# City of Philadelphia

BILL NO. 100760 continued

Certified Copy

# City of Philadelphia

BILL NO. 100760 continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on December 9, 2010. The Bill was Signed by the Mayor on January 5, 2011.



Michael A. Decker  
Chief Clerk of the City Council